

BRANT BEACH, NEW JERSEY
December 9, 2015

A Regular Public Meeting of the Land Use Board of the Township of Long Beach was held in the Multi-Purpose Room in the Administration Building, 6805 Long Beach Boulevard, Brant Beach, New Jersey on the above date.

The meeting was called to order at 7:00 P.M.

Mrs. C. K. Sicheri, Board Attorney, made the following announcement: "This is a regular meeting of the Long Beach Township Land Use Board, notice of which was posted on the Bulletin Board in the Municipal Clerk's office and advertised in the Beach Haven Times and Asbury Park Press and filed with the Municipal Clerk on or before January 1, 2015 as required by the Open Public Meeting Act."

Members of the Board present: **V. E. Applegate, J. C. Konnor, J. A. Leonetti, E. J. Hummel as Mayor's Designee, D. A. Southwick, P. M. Moran, R. L. Jones and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Commissioner R.H. Bayard, R. Pingaro, R. S. VanBuren and Mayor J. H. Mancini.**

Alternate member of the Board absent: **R. Andreotta.**

Also present were the following: **Mrs. C. K. Sicheri, Esq., Board Attorney, Mr. Frank J. Little, Jr, P.E., Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. Sharon L. Bongiovani, Clerk.**

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(Tape #611 - Side 1)

Mrs. Sicheri gave a brief overview of the applications to be considered:

1. #LUB-49-15: DEMATO (Block 8.03, Lots 2 & 3) 49 West Ohio Avenue and West Ohio Avenue, Dunes: Mrs. Sicheri stated that the applicant proposed a minor subdivision to permit the demolition of the existing single family home and the shifting of the lot line so as to create two new conforming single family building lots. Mrs. Sicheri stated that a design waiver was required for the installation of sidewalks.

2. #LUB-51-15: STACY (Block 18.11, Lot 4) 1011D Long Beach Boulevard, North Beach: Mrs. Sicheri stated that the applicant proposed to demolish the existing single family home and construct a new single family home which would require bulk variances for side and rear yard setbacks.

3. #LUB-48-15: CACCIA/BAUMANN (Block 13.05, Lot 7) 8600 Beach Avenue, Brighton Beach: Mrs. Sicheri stated that the applicants proposed to install a fire escape on the northeast side of the existing nonconforming triplex unit. She noted that bulk variances for setback to the street and front yard setback as well as a special reasons variance were required.

waiver as there were not sidewalks in the area.

The Public Session was closed.

It was requested that the application be approved.

The Board noted that both lots were being brought into conformity and that the existing structure that had been damaged in Super Storm Sandy would be removed.

Southwick moved, seconded by Moran to approve the application as submitted. The following roll call vote was recorded: **Applegate, Konnor, Hummel, Schnell, Southwick, Moran and Jones** all voted **YES**.

Mr. Little left the Board for the evening.

Mr. Leonetti joined the Board.

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(2) #LUB-50-15 BRANT BEACH

CAROLEE WOLFCAMP

Owner and Applicant

Block 15.41, Lot 15

Mrs. Wolfcamp representing herself was sworn and evidence was marked as follows: Application and Attachments, **#A-1**, Variance map prepared by Horn, Tyson & Yoder, Inc. dated September 8, 2015, with the latest revision dated November 16, 2015, **#A-2**, One page architectural drawing prepared by Daniel Emery, AIA Architect, dated March 5, 2015, **#A-3** and Zoning Permit and Location Survey for building permit, supplied by JoAnne Tallon, Zoning Officer, **#B-1**. Mrs. Wolfcamp stated that the damage to her home from Super Storm Sandy required her to elevate the structure and to reconfigure the front entrance to accommodate the extra height. Mrs. Wolfcamp stated that the plans which had been submitted to the Building Office were approved and given final inspection but at the time of the zoning inspection it was discovered that the Zoning Officer had not approved the plans. She stated that the zoning inspection was not approved noting that the setbacks did not comply. She requested that the landing and stairs be allowed to remain as built.

Mr. James Brzowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the existing property. Mr. Brzowski stated that the deck was 108 square feet and would be in keeping with the other homes in the neighborhood. Mrs. Wolfcamp submitted a packet of photographs, marked **#A-4**.

Mr. Tom Letizio, Registered Builder in the State of New Jersey was sworn and stated that he had submitted new construction drawings to the building office. Mr. Brzowski stated that the steps on the original plan would have projected out further and that the landing and steps built according to the second plan were more attractive while leaving the front yard more open.

The Public Session was closed.

Mrs. Wolfcamp requested that the application be approved as submitted.

The Board noted that the extension of the landing was aesthetically pleasing and more attractive than what was originally proposed.

Southwick moved, seconded by Moran to approve the application with the condition that the deck never be enclosed or covered. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Schnell, Southwick, Moran and Jones** all voted **YES**.

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Mr. Hummel stepped down from the Board for the following two applications:

(3) #LUB-46-15 BEACH HAVEN TERRACE

MARY F. EMERY
Owner and Applicant
Block 7.12, Lot 3

Mr. Patrick Emery, son of the applicant, Mary Emery, was sworn and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Plan prepared by Horn, Tyson & Yoder dated April 30, 2015 with the latest revision dated September 15, 2015, **#A-2**, Seven page Architectural Drawings prepared by SPE Designs, LLC dated October 9, 2015, **#A-3**, and Letter dated September 11, 2015 Re: Robert Emery from Koroush Khalighi, M.D., F.A.C.P., F.A.C.C., **#A-4**. Mr. Emery stated that it was proposed to construct an elevator approximately 5.44 feet by 5.9 feet on the left side of the existing garage door or the northwest corner of the duplex structure. Mr. Emery stated that the elevator would be used by the owners to access the second floor unit. He noted that currently, the only access to the second floor was by a deck and stairs on the ocean side of the residence.

(Tape #611 – Side 2)

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and submitted photographs of the property, marked **#A-5**. Mr. Brzozowski described the photographs. He noted that there would be over fifteen feet between the proposed elevator and the adjacent structure so building distance would be maintained. Mr. Brzozowski noted that the variance requested for lot coverage was minimal and would provide an alternate way of entering and leaving the second floor.

Steven Emery of SPE Designs and licensed Engineer in the State of New Jersey was sworn and testified that he had prepared the drawings for the elevator.

The Public Session was closed.

The Board noted that the request was straight-forward and would not have any effect on parking or the surrounding properties.

Applegate moved, seconded by Moran to approve the application as submitted. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Schnell, Southwick, Moran**

and Jones all voted YES.

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(4) #LUB-48-15 BRIGHTON BEACH

HECTOR CACCIA AND ELAINE BAUMANN

Owners and Applicants

Block 13.05, Lot 7

Mr. Richard Toscani, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Plan prepared by Horn, Tyson & Yoder dated September 25, 2015, #A-2, and, two page architectural drawings prepared by Adamson Riva & Lepley Architects, AIA dated September 15, 2015, #A-3. Mr. Toscani stated that the pre-existing triplex structure was located on a corner lot and that the applicant was before the Board to request an additional means of egress from the third floor. Mr. Toscani stated that the applicant had received a citation from the State of New Jersey for not having a second means of egress. Mr. Toscani noted that the most logical location for the fire escape would be on the north side of the structure. Mr. Toscani stated that the structure itself would not be expanded and that the fire escape would be used for an emergency exit only. He noted that a special reasons variance was required for the expansion of a nonconforming use.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and submitted two pages of photographs, marked #A-4. Mr. Brzozowski described the existing property and noted that the proposed spiral stair required a bulk variance for front yard setback. He noted that it was an emergency exit which would not have any access to the second floor and that access from the third floor would be from an egress window located at the top of the spiral stair. He stated that a spiral stairway would have the least amount of impact to the property.

The Public Session was closed.

Mr. Toscani noted that this was not a self-created hardship and requested that the application be approved.

The Board felt that the spiral stairway was important for safety reasons allowing for egress from the third floor. The Board noted that the applicant should have the option to install access doors from the second and third floors.

Southwick moved, seconded by Moran to approve the application giving the applicant the option to install access doors at the second and third floor landing in lieu of egress windows. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Schnell, Southwick, Moran and Jones** all voted YES.

(Tape #612 – Side 3)

The Board took a five-minute recess.

Mr. Hummel rejoined the Board.

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KEITH D. STACY
Owner and Applicant
Block 18.11, Lot 4

Mr. Reginald Raban, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance plan prepared by Nelke/Tyszka Land Surveyors, LLC dated November 12, 2015, #A-2, and, two page architectural drawings prepared by Studio Tagland Designs, LLC dated November 18, 2015, #A-3. Mr. Raban stated that the applicant had recently purchased the property and obtained a CAFRA permit. Mr. Raban stated that CAFRA allowed the applicant to go only one foot further to the east side of the property and therefore the applicant was seeking variance relief on the west side in order to accommodate a garage wide enough for two cars. He noted that the proposed setback to the south was preexisting and that the applicant would prefer to build a new structure rather than rehab the existing structure.

Mr. Leon Tyszka, Surveyor was sworn and described the existing property to the Board. Mr. Tyszka discussed the boundaries that the CAFRA permit allowed.

Mr. David Gaffin, Architect with the firm of Studio Tagland, LLC was sworn and testified that a conforming home could be built on the property. Mr. Gaffin described the proposed plans to the Board and noted that a variance for height was not requested.

Roger Cooper of 1011C Long Beach Boulevard was sworn and testified that he felt that there was not a hardship, noting that the property which had recently been purchased, was an unusually small lot for the area. He stated that the home that currently existed was an appropriate size for the property and that the proposed home was out of character for the size of the lot. Mr. Cooper submitted a packet of written objection, marked #O-1. Mr. Cooper stated his concerns with parking, drainage and the proposed side yard setback.

Carolyn Mack of 1011A Long Beach Boulevard was sworn and stated her concerns with the parking and the drainage on the property.

Rosemarie B. Greco of 1013C Long Beach Boulevard was sworn and testified that she was concerned with parking on the easement.

Keith Stacy, Owner of the property was sworn and testified as to the orientation of the home and the proposed setbacks.

(Tape #612 – Side 4)

Mr. Stacy stated that it was requested that the structure be twenty-four feet in width because it would allow for a two car garage with two nine and a half foot wide garage doors. The Board noted that the garage doors could be eight feet wide, which would be adequate. Mr. Stacy stated that he was concerned with the aesthetics of the structure. Mr. Raban pointed out that the applicant could remodel the existing structure and remain within the same footprint and that the building area was compromised by CAFRA.

The Public Session was closed.

Mr. Raban stated that the request for the one foot variation on the west side of the property would be a benefit because it would allow the applicant to have the garage he desired and that the aesthetic appearance of the proposed home would be better with the width proposed.

The Board noted that the appearance of the proposed new structure and the ability to have a two car garage would not be impacted by maintaining the proper side yard setback. The Board noted that the proposed rear yard setback was existing and that if the home was to be renovated then the rear yard setback would remain as existed.

Moran moved, seconded by Leonetti to deny the request for side (west side) yard setback variance and to approve the request for the rear (south side) yard setback. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Hummel, Schnell, Southwick, Moran and Jones** all voted **YES**.

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Under **New Business**, the Board discussed proposed Ordinance **#15-52C**. The Board was in support of the Ordinances as written and approved same, by voice vote.

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The Board approved the payment of the Board Attorneys' and Board Engineer's bills.

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The meeting was adjourned at 9:20 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN