

**BRANT BEACH, NEW JERSEY
DECEMBER 10, 2014**

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, 2014 as required by the Open Public Meeting Act.”

Members of the Board present: **Mrs. V.E. Applegate, J. C. Konnor, J. A. Leonetti, R. Pingaro, and Mrs. L. J. Schnell** presiding.

Members of the Board absent: **Commissioner R. H. Bayard, Mayor J. H. Mancini, R. R. Monaco as Mayor’s Designee, D.S. Southwick and R. S. VanBuren.**

Alternate members of the Board present: **R. L. Jones and E. J. Hummel.**

Alternate member of the Board absent: **P.M. Moran and R. Andreotta.**

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

(Tape #580 - Side 1)

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

- 1. #LUB-45-14: ZIMAN (Block 18.23, Lot 4) 1023D Long Beach Boulevard, North Beach:**
Mrs. Sicheri stated that applicant proposed to demolish the existing single family home and construct a new single home which required a bulk variance for lot coverage.

- 2. #LUB-46-14: NOLAN (Block 6.17, Lot 8) 129 East 29th Street, Beach Haven Gardens:**
Mrs. Sicheri stated that applicants proposed to demolish the existing duplex structure and construct a new single family home which required bulk variances for setback from the street, distance from adjacent structures and rear yard setback.

- 3. #LUB-47-14: GOZDIESKI (Block 1.48, Lots 1 & 2) 29 West Tebco Terrace, Holgate:**
Mrs. Sicheri stated that applicants proposed to subdivide the property into two single family residential lots with the existing home to remain on proposed lot 1.01 which required front and side yard setback and lot coverage variances. Mrs. Sicheri noted that the existing detached garage would be demolished.

4. #LUB-48-14: O'MEARA (Block 7.25, Lot 6) 6 East Ohio Avenue, Beach Haven Terrace: Mrs. Sicheri stated that applicants proposed to raise the existing structure and construct an access stair and deck which required bulk variances for front yard setback and lot coverage.

5. #LUB-49-14: DILLON (Block 14.05, Lot 17) 18 East Winifred Avenue, Beach Haven Crest: Mrs. Sicheri stated that applicants proposed to demolish the existing home and construct a new single family home on the existing undersized lot. Mrs. Sicheri noted that bulk variances were required for lot area and width as well as combined side yard setbacks and distance between structures.

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Minutes of the meeting held November 12, 2014 were presented for approval. **Jones** moved, seconded by **Hummel** for adoption. **Konnor, Leonetti, Pingaro, Jones and Hummel all voted YES.**

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Mrs. Schnell listed the following **Resolution of Memorialization:**

- 1. #LUB-44-14: ZAKRZESKI – Resolution of Approval moved by Konnor, seconded by Hummel. The following roll call vote was recorded: Konnor, Leonetti, Pingaro, Jones and Hummel all voted YES.**

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Mrs. Schnell noted that there were five applications to be considered, as follows:

(1) **#LUB-45-14 NORTH BEACH**

ZIMAN DEVELOPMENT, INC.

Owner and Applicant

Block 18.23, Lot 4

Mr. Howard Butensky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated October 23, 2014, **#A-2**, and, six page architectural drawings prepared by Robert Stack, Architect dated November 5, 2014, **#A-3**. Mr. Butensky stated that the applicant proposed to construct a home which required a lot coverage variance due to exceptional situations having to do with the lot.

Mr. James Brzowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property to the Board. Mr. Brzowski stated that the area of the existing lot was less than the minimum in the zone. He stated that typically in North Beach, the lots were one hundred by one hundred feet with a twenty foot access easement. Mr. Brzowski stated that in North Beach the access easement may be used in lot coverage calculations. He noted that this

particular tract was unique to North Beach in that it had a separate access easement that was not included in the lot area. Mr. Brzozowski stated that if the easement was part of the property, the proposed home would conform to the lot coverage requirements.

Mr. Moran joined the Board for the remainder of the meeting.

Mr. Brzozowski stated that the access easement (lot 7) was owned by North Beach Estates. Mrs. Sicheri stated that the difference was that this easement was not owned by the subject property owner. Mr. Brzozowski noted that the owner was a member of North Beach Estates Association and therefore a partial owner of the easement. Mr. Butensky stated that within the deed is the right of access to the property and submitted a copy of Deed to Lot 7, marked **#A-4**. Mr. Brzozowski stated that the back portion of the driveway was being removed from the application. He stated that the relief could be granted without negative impact as the proposed home met all bulk setback requirements.

Mr. Michael Ziman, Applicant was sworn and testified that the heated space of the proposed home was roughly twenty-seven hundred square feet.

Mr. David Hasbrouck, Esquire, with the firm of Ford, Flower, Hasbrouck and King in Linwood, New Jersey represented Chris Cooper and Tamar Sherer of 1023C Long Beach Boulevard, adjacent property owners.

Ms. Cooper and Ms. Sherer were sworn in. Mr. Hasbrouck submitted a packet of information to the Board, marked **#O-1**.

(Tape #580 – Side 2)

Ms. Sherer stated that she had developed the same sized lot without the need for any variances. Ms. Sherer described photographs that were included in the packet of information. Ms. Sherer stated that she felt that the increased lot coverage would increase the runoff and was not in favor of the application.

Mr. James Keeler of 13 Bayshore Road, President of North Beach Estates Association was sworn and testified that based upon his discussions with the Trustees that the Association was not in favor of the application.

Ms. Cooper stated her concern about the existing dunes.

Mr. James A. Clancy, P.E., P.L.S. in the State of New Jersey was sworn and qualified. Mr. Clancy stated that the actual lane is a right-of-way and not an easement and should not be used to try to substantiate the lot coverage variance. He noted that the criteria for a standard house could be met on a lot of this size.

(Tape #581 – Side 3)

Mr. Alfonso Carrino of 1023B Long Beach Boulevard was sworn and testified that he was not in favor of the application.

Mr. Robert Brazill of 9 Windward Road was sworn and testified that he was not in favor of the application.

Mr. Carl Mendell of 6 Starboard Lane was sworn and testified that he was not in favor of the application.

Mr. Hunter Ficke of 1025 Long Beach Boulevard was sworn and testified that he was not in favor of the application.

Ms. Nacima Boukenna of 6 Starboard Lane was sworn and testified that she was not in favor of the application.

Mr. Brian Magliaro of 1021A Long Beach Boulevard was sworn and stated his concerns with the application.

Mrs. Mary DeRegotis of 15 Windward Road was sworn and stated her concerns with impervious coverage.

The Public Session was closed.

Mr. Butensky stated that the property had unique characteristics which warranted relief from the strict application of the ordinances.

The Board discussed the application. They felt that the proposed coverage was excessive for the lot and did not feel that there was a hardship. The Board noted that the home was a reasonable size but that the deck size was excessive.

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

The Board took a five-minute recess.

(Tape #581 – Side 4)

Mr. Jones stepped down from the Board for the following application:

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(2) #LUB-47-14 HOLGATE

JEFFREY F. AND MAUREEN E. GOZDIESKI
Owners and Applicants
Block 1.48, Lots 1 & 2

Mr. Reginald Raban, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Minor Subdivision Map prepared by Horn, Tyson & Yoder, Inc. dated August 13, 2014 with the latest revision date October 22, 2014, **#A-2**, and review letter to the Board from Frank J. Little, Jr., P.E. dated December 2, 2014, **#B-1**. Mr. Raban stated that the lot sizes conform to those along the street but that variances were required for lot coverage and side yard setback as the applicant was proposing to retain the existing structure.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property to the Board. Mr. Brzozowski stated that it was proposed to subdivide the property into two single family residential lots and remove the garage that was located on the westerly portion of the property and retain the home on the easterly portion of the lot. Mr. Brzozowski stated that the existing home on the easterly lot would require variances for lot coverage and setbacks but that any structure built on the westerly lot would conform to the bulk requirements. Mr. Brzozowski addressed Mr. Little's review letter. He requested a waiver from the curb and sidewalk requirements. Mr. Little stated that the plan had to be corrected to reflect fifteen feet between structures.

Mr. Mark Davies of Tebco Terrace was sworn and testified that he was in favor of the application.

The Public Session was closed.

Mr. Raban requested that the application be approved as submitted.

The Board was in favor of the application as submitted as the variances requested were minor and felt that curbs and sidewalks were not necessary as there were none along the street. They noted that fifteen feet between structures should be maintained.

Pingaro moved, seconded by Konnor to approve the application as submitted with the waiver of curbs and sidewalks and maintaining fifteen feet between structures. The following roll call vote was recorded: **Applegate, Konnor, Leonetti, Pingaro, Schnell, Moran and Hummel.**

Mr. Little stepped down from the Board for the evening.

Mr. Jones rejoined the Board.

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(3) **#LUB-46-14** BEACH HAVEN GARDENS

WILLIAM P. AND MARY D. NOLAN
Owners and Applicants
Block 6.17, Lot 8

Mr. Reginald Raban, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Gravatt Consulting Group dated October 24, 2013 with the latest revision date November 4, 2014, **#A-2**, Two page architectural drawings prepared by Lomer & Meggitt, Architects dated October 22, 2014 with the latest revision date November 6, 2014, **#A-3**, and, letter to the Board from Reginald J. Raban, Esq. dated December 2, 2014 correcting address on application, **#A-4**. Mr. Raban stated that 29th Street is considered the front of the property.

Mr. Bruce Jacobs, P.E., with the firm of Gravatt Consulting Group, was sworn and described the existing property. Mr. Jacobs stated that the applicant proposed to demolish the existing nonconforming duplex use and detached garage and construct a new single family home. He noted that parking and density would be reduced. He stated that variances were requested for front and rear yard setback and distance between structures but that existing nonconformities would be improved. Mr. Jacobs submitted a packet of photographs of the property, marked **#A-5**.

Ms. Laura Lomer, Licensed Architect in the State of New Jersey, was sworn and described the proposed plans. Ms. Lomer stated that the current home was closer to the structure to the rear than that which was proposed and that the plan would be better for the neighborhood. She noted that a lot coverage variance was not requested.

Mr. William P. Nolan, Owner was sworn and testified that the existing structure was a duplex with an interior stairway that he felt to be a safety hazard. He stated that the new single family home would be a safer structure.

Mr. Tom Friend, adjacent property owner was sworn and stated his concerns with the proposed setbacks.

(Tape #582 – Side 5)

Ms. Kye Briesath of 2904 Atlantic Avenue was sworn and testified that she was concerned with the proposed distance between structures.

The Public Session was closed.

Mr. Raban stated that the existing structure could be renovated and raised in place. He noted that the new structure would eliminate a nonconforming use and that the allowable lot coverage would not be exceeded.

The Board noted that the existing duplex would be removed, lot coverage was not being exceeded and that the setbacks would be improved with the new structure.

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

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(4) #LUB-48-14

BEACH HAVEN TERRACE

RICHARD M. AND MARY J. O'MEARA

Owners and Applicants

Block 7.25, Lot 6

Mr. Reginald Raban, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated April 29, 2014 with the latest revision date November 11, 2014, #A-2, and, four page architectural map prepared by Jay Madden, Architect dated November 17, 2014, #A-3. Mr. Raban stated that the property had sustained substantial damage from Super Storm Sandy and that the structure needed to be raised. Mr. Raban stated that the deck in the rear of the property would be raised and therefore would now be considered as lot coverage.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property to the Board. Mr. Brzozowski stated that a deck in the front of the home would be made a ground level deck to eliminate some lot of the coverage but that a lot coverage variance was still required.

Mr. Jay Madden, Architect was sworn and testified that the applicants were raising the house and would like to have a deck in the rear of the home which would not be covered or enclosed.

The Public Session was closed.

Mr. Raban requested that the open deck be approved as submitted.

The Board discussed the application and felt that since the front deck was being eliminated to reduce lot coverage and that the applicants would never enclose the deck, they would be in favor of the application.

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

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(5) #LUB-49-14

BEACH HAVEN CREST

WALTER F. AND GRACE K. DILLON

Owners and Applicants

Block 14.05, Lot 17

Mr. Reginald Raban, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson & Yoder, Inc. dated September 23, 2014 with the latest revision date November 4, 2014, #A-2, and, three page architectural map prepared by Oram H. Tonge, AIA dated October 10, 2014, #A-3. Mr. Raban stated that applicants proposed to remove the existing structure on the undersized lot and construct a new single family home.

Mr. James Brzowski, P.E., P.P. with the firm of Horn, Tyson & Yoder, Inc. was sworn and described the property to the Board. Mr. Brzowski stated that the existing lot required variances for lot area and frontage and that the properties on either side were improved. Mr. Brzowski stated that bulk variances were requested for distance between structures and combined side yard setbacks but that the applicant was not requesting a lot coverage variance. Mr. Brzowski noted that one side yard would be brought into conformance. Mr. Brzowski stated that the proposed home would be below the allowable height and that the twenty foot front yard setback would allow for parking.

The Public Session was closed.

Mr. Raban requested that the application be approved as submitted.

The Board noted that even though the lot was undersized, the applicants had complied with the lot coverage requirements and thought that the application was reasonable.

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

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The Board discussed roof top decks.

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The Board approved the payment of the Board Attorney's bill and Board Engineer's bill.

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The meeting was adjourned at 10:15 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN