

**BRANT BEACH, NEW JERSEY
DECEMBER 11, 2013**

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, 2013 as required by the Open Public Meeting Act."

Members of the Board present: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, J. A. Leonetti, D. A. Southwick, and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **J. C. Konnor, Mayor J. H. Mancini, R. R. Monaco as Mayor's Designee, R. Pingaro and R. S. VanBuren.**

Alternate member of the Board present: **R. L. Jones and R. Andreotta.**

Alternate members of the Board absent: **P. M. Moran and E. J. Hummel.**

Also present were the following: **Mrs. C. K. Sicheri, Esq., Board Attorney, Mr. Frank J. Little, Jr., P.E., P.P., with the firm of Owen, Little and Associates, Inc. and Mrs. L. C. Krueger, Secretary for the Board/Commission.**

(Tape #550 - Side 1)

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

(1) #LUB-43-13: DALE (Block 23.04, Lots 15 and 16) 41 and 45 Albright Road, High Bar Harbor: Mrs. Sicheri stated that the applicant was seeking minor subdivision approval to relocate the common lot line to improve the existing side yard setback. Mrs. Sicheri stated that a bulk variance was required for the lot frontage on proposed lot 15.

(2) #LUB-44-13: LOALBO (Block 12.22, Lot 14) 16 West 88th Street, Peahala Park: Mrs. Sicheri stated that the applicants proposed to demolish the existing single family home and construct a new single family home which required bulk variances for distance between structures and combined yard setback.

(3) #LUB-45-13: VENNE (Block 15.34, Lots 4 and 5) 6301 Ocean Boulevard, Brant Beach: Mr. Sichei stated that the applicants proposed to demolish the existing single family home and construct a new single family dwelling which required a bulk variance for side yard setback.

(4) #LUB-46-13: SHERMAN AND PALUMBO (Block 11.23, Lot 37) 22 West Alabama Avenue, Beach Haven Park: Mrs. Sichei stated that the applicants proposed to demolish the existing single family home and construct a new single family home which required bulk variances for side yard setback and combined side yard setbacks.

(5) #LUB-47-13: DeTHY (Block 13.11, Lot 16) 8403 Long Beach Boulevard, Brighton Beach: Mrs. Sichei noted that the applicant proposed to convert part of an existing garage into retail space. Mrs. Sichei stated that minor site plan approval was required as well as bulk variances for existing nonconformities and onsite parking.

(6) #LUB-48-13: KING (Block 4.22, Lot 12 C1 (Unit A)) 102 West 17th Street, North Beach Haven: Mrs. Sichei noted that the applicants proposed to demolish the westerly unit on the lot containing two dwelling units and constructing a new unit. Mrs. Sichei stated that a special reasons variance was required as well as bulk variances for setback from the street, setback between structures, rear yard setback and lot coverage.

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Minutes of the meeting held October 9, 2013 were presented for approval. **Southwick** moved, seconded by **Bayard** for adoption. The following roll call vote was recorded: **Bayard, Leonetti, Schnell, Southwick and Andreotta all voted YES.**

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

1. **#LUB-39-13-PF: MILLER** – Resolution of Denial moved by **Leonetti** seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Leonetti and Schnell all voted YES.**
2. **#LUB-40-13: ZIMAN** – Resolution of Approval moved by **Applegate**, seconded by **Leonetti**. The following roll call vote was recorded: **Applegate, Leonetti and Schnell all voted YES.**
3. **#LUB-41-13: BLEAM** – Resolution of Approval moved by **Leonetti**, seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Leonetti, Schnell and Jones voted YES.**
4. **#LUB-36-13A: BROWNING** – Resolution of Approval moved by **Leonetti**, seconded by **Southwick**. The following roll call vote was recorded: **Bayard, Leonetti, Schnell, and Southwick all voted YES.**

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

(1) #LUB-43-13 HIGH BAR HARBOR

DAINA DALE

Owner and Applicant
Block 23.04, Lots 15 & 16

Mr. Reginald J. Raban, Esquire, represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Minor Subdivision Plan prepared by Nelke/Tyszka Land Surveyor, LLC, dated May 24, 2013, bearing the latest revision date of July 29, 2013 #A-2, and, review letter to the Board from Frank J. Little, Jr., P. E., Board Engineer dated October 29, 2013, #B-1. Mr. Raban stated that applicant was seeking a minor subdivision to move the common lot line. Mr. Raban stated that a lot frontage variance was not required and Mr. Little verbally amended his review letter to remove the requirement. Mr. Raban requested a waiver from the curb and sidewalk requirement and it was noted that there were not curbs and sidewalks in the area.

The Public Session was closed.

Mr. Raban requested that the application be approved as submitted and that the waiver for the curbs and sidewalks be granted.

The Board approved of the proposal noting that the request was minimal.

Southwick moved, seconded by Jones to approve the application as submitted including the waiver for curbs and sidewalks. The following roll call vote was recorded: Applegate, Bayard, Leonetti, Schnell, Southwick, Jones and Andreotta all voted **YES**.

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(2) #LUB-47-13 BRIGHTON BEACH

RAY & VIRGINIA DeTHY

Owners and Applicants
Block 13.11, Lot 16

Mr. Richard P. Visotcky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Site Plan prepared by Horn, Tyson and Yoder, Inc., dated June 6, 2013 #A-2, one page drawing “Lower Level Floor Plan for Verde Art & Antiques Gallery”, #A-3 and, review letter to the Board from Frank J. Little, Jr., P. E. Board Engineer dated December 4, 2013, #B-1. Mr. Visotcky stated that property was

located along the setback portion of Long Beach Boulevard. Mr. Visotcky stated that the applicants owned an antique shop in Manahawkin and propose to convert five hundred and ninety eight square feet of their existing garage into retail space for antiques. He noted that the property was located in the commercial zone and although a variance was required for onsite parking, the property was located in an area with ample street side parking.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property. Mr. Brzozowski submitted photographs of the property, marked **#A-4 and #A-5**. Mr. Brzozowski submitted photographs of the right-of-way area, marked **#A-6**.

Mr. Ray DeThy, owner and applicant, was sworn and testified that there would be a good market for a satellite shop on the Island. Mr. DeThy stated that the display cases would be on wheels for ease of relocation. Mr. DeThy noted that the signage would comply with the sign ordinance.

The Public Session was closed.

The Board noted that none of the neighbors had come out to object to the application and that they approved of location of the retail space in the commercial zone.

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

Mr. Little left the Board for the evening.

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(3) #LUB-45-13 BRANT BEACH

JOHNETTE VENNE
Owner and Applicant
Block 15.34, Lots 4 & 5

Mr. Reginald J. Raban, Esquire, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Plan prepared by Dante Guzzi Engineering Associates dated October 22, 2013, **#A-2** and, four page architectural plan prepared by Michael Pagnotta, Architect dated August 8, 2013, bearing the latest revision date of October 22, 2013, **#A-3**. Mr. Raban described the setbacks as proposed.

Mr. Michael Pagnotta, Architect and Professional Planner was sworn in.
(Tape #550 – Side 2)

Mr. Pagnotta submitted photographs of the existing property, marked **#A-4** and a rendering of the proposed structure, marked **#A-5**. Mr. Pagnotta stated that the setback to the south would be improved. Mr. Pagnotta noted that if a variance was required from the paper

street, then that variance was requested as well. He noted that the relief requested was due to CAFRA requirements.

Mr. Raban stated that the setbacks would be improved and noted that the lot coverage was very low.

The Public Session was closed.

Mr. Raban requested that the application be approved as submitted noting that the relief requested was necessary due to the restriction caused by CAFRA regulations.

The Board noted that the distance between both adjacent structures was substantial and that the proposed home was an aesthetic improvement.

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

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(4) #LUB-46-13 BEACH HAVEN PARK

**ALBERT C. & DOMINICA P. SHERMAN
SALVATORE M. PALUMBO**

Owners and Applicants
Block 11.23, Lot 37

Mr. Richard P. Visotcky, Esquire, represented the applicants and evidence was marked as follows: Application and Attachment, #A-1, Variance Map prepared by Horn, Tyson and Yoder, dated June 21, 2013, #A-2 and, three page architectural plan prepared by Craig Brearley, Architect dated September 19, 2013, #A-3. Mr. Visotcky stated that the home had been damaged by Super Storm Sandy and that the applicants proposed to demolish the existing home and construct a new single family home. Mr. Visotcky stated that the proposal required a side yard setback variance but that the existing nonconformities would be improved on both sides.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property. Mr. Brzozowski stated that the building was placed so as to maximize the distance between structures on each side but required a variance. Mr. Visotcky submitted photographs of the property, marked #A-4. Mr. Brzozowski stated that it was not unusual to find side yard setbacks, as proposed, in this area.

The Public Session was closed.

The Board discussed the proposed side yard setbacks and noted that they were in favor of the application as submitted.

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

The Board took a five-minute recess.

(Tape #551 – Side 3)

Commissioner Bayard stepped down from Board for the evening.

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(5) #LUB-44-13 PEAHALA PARK

RICHARD & ERIN LOALBO

Owners and Applicants

Block 12.22, Lot 14

Mr. Richard Loalbo, represented himself, was sworn and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Plan prepared by Horn, Tyson and Yoder, Inc. dated July 31, 2013, **#A-2** and, seven page modular home plans prepared by Premier Builders bearing the latest revision date of October 14, 2013, **#A-3**. Mr. Loalbo stated that they were requesting bulk variances to allow the demolition of the existing single family home and the construction of a new single family home.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property. Mr. Brzozowski stated that the current structure, which had been damaged by the storm, had existing nonconformities. Mr. Brzozowski stated that the side yard setbacks would be improved. He submitted photographs of the property, marked **#A-4**. Mr. Brzozowski stated that the print out from Google Earth, marked **#A-5**, showed that the proposed setbacks were similar to those in the neighborhood.

Mr. Loalbo stated that originally they had planned to restore the house and raise it in place but felt that a new structure would be more aesthetically pleasing. He noted that much of the existing structure had been compromised by the storm. Mr. Loalbo felt that the proposed home would fit into the neighborhood. He requested that the application be approved.

The Board discussed the proposed plans and the entrance from underneath the home. The Board noted that a definitive ground level floor plan and a piling plan would be necessary for the Board to make a decision. Mr. Loalbo stated that the stairway entrance underneath the home would provide a second means of egress. The Board discussed the parking and the impact of the proposed stairs on the parking. The Board noted that revised plans should be submitted and that the air conditioner platform should also be reflected on the plans. The Board suggested that a better second means of egress would be from the back deck.

The Public Session was closed.

Southwick moved, seconded by Applegate to carry the application to the January 8, 2014 meeting. The following roll call vote was recorded: Applegate, Leonetti, Schnell, Southwick, Jones and Andreotta all voted **YES**.

Mrs. Sicheri announce that the application would be carried to the January 8, 2014 meeting and that no further notice was required.

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(6) #LUB-48-13 NORTH BEACH HAVEN

GLENN & PHYLLIS KING, MARIO, JR. & KRISTINE M. VISCO

Owners

GLENN & PHYLLIS KING

Applicants

BLOCK 4.22, LOT 12 C1 (UNIT A)

Mr. Reginald J. Raban, Esquire, represented the applicants and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder, Inc. dated July 29, 2013, bearing the latest revision date of December 3, 2013 #A-2, and, three page architectural drawing by Bodnar Architect and Associates dated October 22, 2013, #A-3. Mr. Raban submitted a letter from the Kings, additional owners of the property, marked #A-4. Mr. Raban stated that it was proposed to demolish one of the homes, which had sustained damage from the storm and rebuild it in substantially the same footprint. He stated that the proposal required bulk variances as well as a special reasons variance for the detached two family use.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property. Mr. Brzozowski stated that the property contained two single family homes and that the home on the westerly side of the property was proposed to be demolished. Mr. Brzozowski noted that although the lot coverage would be increased, the existing nonconforming setbacks would be improved. Mr. Brzozowski submitted photographs of the property, marked #A-5. He also submitted a print out from Google Earth, marked #A-6 which showed the separation of the structures.

Mr. Russell Bodnar, Registered Architect in the State of New Jersey, was sworn and qualified. Mr. Bodnar described the proposed plans to the Board and noted that it did not make sense to raise the existing home.

(Tape #551 – Side 4)

It was noted that only a small portion of the two structures did not maintain the required fifteen feet between structures.

Mr. Glenn King, Applicant was sworn and testified that the portion of the house that did not maintain the distance between structures contained a stairwell.

The Public Session was closed.

Mr. Raban stated that the proposed home would be an improvement over the existing home that was damaged by the storm and noted that the proposed attractive structure would meet all code requirements.

The Board felt that the proposed home would be an attractive addition to the neighborhood and that the proposal was not excessive.

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

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Under **New Business**, the Board discussed proposed Ordinance **#13-44C**. The Board was in support of the Ordinance as written and approved same, by voice vote.

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

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

LYNNE J. SCHNELL
CHAIRMAN