

BRANT BEACH, NEW JERSEY
DECEMBER 12, 2012

A Regular Public Meeting of the Land Use Board of the Township of Long Beach was held in the Court 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, 2012 as required by the Open Public Meeting Act.”

Members of the Board present: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, J. A. Leonetti, R. Pingaro, R. S. VanBuren and J. C. Konnor** presiding.

Members of the Board absent: **Mayor J. H. Mancini, R. R. Monaco as Mayor’s Designee, Mrs. L. J. Schnell and D. A. Southwick.**

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

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

Also present were the following: **Mrs. C.K. Sicheri, Esq., Board Attorney, Mrs. L. C. Krueger, Secretary for the Board/Commission and Mrs. M. P. Cleary, Senior Clerk.**

(Tape #526 - Side 1)

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

(1) #LUB-28-12: ALTOMARI (Block 12.15, Lot 6) 117 East Cape Cod Lane, Beach Haven Park: Mrs. Sicheri noted that the applicants proposed to demolish the existing single family home and construct a new single family home. Mrs. Sicheri stated that a bulk variance was required for distance between structures.

(2) #LUB-25-12: PETROSKI (Block 8.11, Lot 5) 12502 Beach Avenue, Dunes: Mrs. Sicheri noted that the applicant proposed to construct additions on the existing single family home which required bulk variances for combined side yard setback and lot coverage.

(3) #LUB-27-12: SLM PARTNERS, L.L.C. (Block 10.38, Lot 7.01) 118 East Virginia Avenue, Haven Beach: Mrs. Sichiery stated that the applicant proposed an addition to square off the existing single family home which required a bulk variance for side yard setback.

(4) #LUB-26-12: WILKINSON (Block 15.39, Lot 15) 6101 Long Beach Boulevard, Brant Beach: Mrs. Sichiery noted that the applicant proposed to demolish the existing single family home and construct a new single family home which required bulk variances for distance between homes and setback from the street.

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Minutes of the meetings held August 8, 2012 and September 12, 2012 were presented for approval. **Pingaro** moved, seconded by **Applegate** for adoption. The following roll call vote was recorded: **Applegate, Bayard, Konnor, Leonetti, VanBuren and Jones all voted YES.**

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Mr. Konnor listed the following **Resolutions of Memorialization:**

1. **#LUB-20-12: DUFFY** – Resolution of Approval moved by **VanBuren**, seconded by **Bayard**. The following roll call vote was recorded: **Bayard, Konnor, Leonetti and VanBuren all voted YES.**
2. **#LUB-24-12: LINDOERFER** – Resolution of Approval moved by **VanBuren**, seconded by **Bayard**. The following roll call vote was recorded: **Bayard, Konnor, Leonetti, and VanBuren all voted YES.**
3. **#LUB-12-11-PF(A): HOWARD** – Resolution of Denial moved by **Konnor**, seconded by **Bayard**. The following roll call vote was recorded: **Bayard and Konnor both voted YES.**
4. **#LUB-17-11(REVISED): LEE** – Resolution of Approval moved by **VanBuren**, seconded by **Bayard**. The following roll call vote was recorded: **Bayard, Konnor, Leonetti, and VanBuren all voted YES.**

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Mr. Konnor noted that there were four applications to be considered, as follows:

(1) **#LUB-28-12** BEACH HAVEN PARK

ALFRED & CHRISTINE ALTOMARI

Owners and Applicants

Block 12.15, Lot 6

Mr. Stuart D. Snyder, Esquire represented the applicans and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Nelke/Tyszka dated July 19, 2012, #A-2, and, four page architectural plan prepared by Michael Pagnotta, Architect, P.C., dated October 6, 2012, #A-3. Mr. Snyder stated that it was planned to demolish the existing single family home and construct a new single family home. Mr. Snyder stated that the applicants were requesting a variance for distance between structures. He noted that the structure to the west had a three foot side yard setback and that the property to the east maintained a five foot setback to a garage. Mr. Snyder stated that the applicant was requesting relief on the east side, adjacent to the garage. He noted that even though the lot was undersized that the building coverage would not exceed the permitted limit. He stated that the nonconforming rear yard setback would be brought into conformity.

Mr. Michael Pagnotta, Architect and Professional Planner was sworn and described the proposed architectural plans to the Board. Mr. Pagnotta noted that the proposed home would fit well on the lot and would comply with all current FEMA and construction codes. He submitted a computer generated rendering of the structure, marked as #A-4 and stated that the home would be an aesthetic improvement.

Mr. Alfred Altomari, owner of the property was sworn and testified that he would fire rating the easterly exterior wall.

Mr. Bill Musselman, a member of the family that owns the home directly to the east of the subject property, was sworn and testified that his family was not in favor of the application and requested that the variance not be approved.

Ms. Patricia Deibler, adjoining property owner to the east, was sworn and stated her concerns with the application.

The Public Session was closed.

Mr. Snyder stated that the proposal would be an aesthetic upgrade and noted that the structure was limited by the existing setbacks of the adjoining properties.

The Board noted that the property was encumbered by the adjoining nonconforming setbacks but felt that the wall to the east should be fire rated.

Pingaro moved, seconded by Jones to approve the application as amended with the addition of a fire rated wall on the easterly side of the structure. The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Pingaro, VanBuren and Jones all voted **YES**.

(Tape # 526 – Side 2)

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PATRICIA G. PETROSKI

Owner & Applicant

Block 8.11, Lot 5

Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder Inc., dated June 19, 2012, revised July 19, 2012, #A-2, and, five page Architectural drawing prepared by Jay Madden, Architect, dated September 18, 2012, #A-3. Mr. Raban stated that the applicant proposed to improve two existing nonconformities on the property by removing excessive impervious coverage and improving the setback from the side street. Mr. Raban stated that the proposal would increase the lot coverage by less than one percent.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and the changes proposed. Mr. Brzozowski stated that it was proposed to construct additions to the west side and remove a deck from the northerly side of the existing building. Mr. Brzozowski stated that the proposed addition was tucked back in a corner so there would not be a visible impact to the community.

Mr. Jay Madden, Architect was sworn and described the proposed plans to the Board. Mr. Madden stated the applicant's desire to have a bedroom and bath on the first floor of the structure. Mr. Madden stated that that the proposed additions were modest and the applicant proposed to raise the structure above the base flood elevation.

Mrs. Patricia G. Petroski, owner of the property was sworn and testified that she planned to renovate her home to suit her needs because she enjoyed living in this neighborhood.

The Public Session was closed.

Mr. Raban stated that the minimal increase in lot coverage would not be noticeable and requested that the application be approved as submitted.

The Board noted that since the existing lot coverage was already nonconforming that modifying the existing deck would reduce the proposed lot coverage and would make the application more palatable.

The Board took a five-minute recess.

Mr. Raban stated that he would like to amend the application to eliminate the deck on Beach Avenue and replace it with a patio, which would reduce the lot coverage and eliminate the need for a combined side yard setback variance. Mr. Brzozowski stated that the lot coverage would be at thirty-five percent with the elimination of the deck.

The Board noted that they approved of the amendment to the application but would like to have revised plans submitted to the Board.

Bayard moved, seconded by Leonetti to approve the application as amended requiring the submittal of revised architectural plans. The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Pingaro, VanBuren and Jones all voted **YES**.

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(3) #LUB-26-12 BRANT BEACH

G. GARRETT & CARYL L. WILKINSON

Owners and Applicants

Block 15.39, Lot 15

Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, #A-1, Variance Map prepared by Horn, Tyson and Yoder Inc., dated September 17, 2012, #A-2, and, three page Architectural drawing prepared by Craig W. Brearley, Architect, dated August 14, 2012, #A-3. Mr. Raban stated that it was planned to demolish the existing dwelling and construct a new single family home which required a variance for setback from Farragut Avenue.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described the existing property and the changes proposed. Mr. Brzozowski stated that the proposed setback from the street was required to a maintain fifteen foot separation from the structure to the south.

Mr. Sean McGovern, Licensed Architect in the State of New Jersey and employed by Craig W. Brearley, Architect in Manahawkin, New Jersey was sworn.

(Tape #527 – Side 3)

Mr. McGovern described the proposed plans to the Board. Mr. McGovern stated that the home would fit in with the neighborhood. Mr. McGovern described the proposed outdoor showers. The Board discussed the showers and Mr. Raban amended the application to eliminate the second outdoor shower.

The Public Session was closed.

Mr. Raban requested that the application be approved as amended with one outdoor shower.

The Board felt that the proposed setback from Farragut Avenue would result in a substantial improvement as it would eliminate the existing nonconformity from the commercial structure to the south.

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

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(4) #LUB-27-12 HAVEN BEACH

SLM PARTNERS, L.L.C.

Owner & Applicant
Block 10.38, Lot 7.01

Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map prepared by Horn, Tyson and Yoder Inc., dated July 11, 2012, **#A-2**, and, three page Architectural drawing prepared by Craig Brearley, Architect, dated October 16, 2012, **#A-3**. Mr. Raban stated that the applicants proposed to square off the southeasterly corner of the existing deck.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and submitted photographs of the property, marked **#A-4**. Mr. Brzozowski described the photographs and the property as it existed. Mr. Brzozowski stated that the nonconforming setback would be extended and required a variance. Mr. Brzozowski noted that the existing distance between structures would remain the same.

Mr. Sean McGovern, Licensed Architect in the State of New Jersey and employed by Craig W. Brearley, Architect in Manahawkin, New Jersey was sworn and testified that by squaring off the deck, it would enable a full regular staircase to replace the existing spiral staircase to the upper deck.

The Public Session was closed.

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

The Board felt that application was straightforward and approved of replacing the spiral staircase for safety reasons.

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

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Under **Old Business**, the Board heard the request from Reginald J. Raban, Esquire, regarding: **Patrick S. Moeller (Fish Outta Water (LUB-4-11-PFA))** and the removal of a deed restriction on the property. Evidence was marked as follows: letter to Board from Reginald J. Raban, Esquire dated October 22, 2012, **#A-12**. The Board discussed the request and the settlement. **Bayard moved, seconded by Applegate to accept the settlement regarding the deed restriction.** The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Pingaro, VanBuren and Jones all voted **YES**.

Bayard moved, seconded by Applegate to accept the resolution regarding the Stipulation of Settlement. The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Pingaro, VanBuren and Jones all voted **YES**.

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The Board discussed the **2013 Meeting Dates** and decided to convene meetings on the second Wednesday of each month. The motion carried 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 9:15 P.M.

JEFFREY C. KONNOR
VICE CHAIRMAN