

**BRANT BEACH, NEW JERSEY
FEBRUARY 16, 2010**

A Special 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 special regular meeting of the Long Beach Township Land Use Board, notice of which was duly 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, 2010 as required by the Open Public Meeting Act.”

Members of the Board present: **Commissioner R. H. Bayard, J. A. Leonetti, R. R. Monaco as Mayor’s Designee, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

Members of the Board absent: **Mrs. V. E. Applegate, Mrs. M. P. Cleary, J. C. Konnor and D.A. Southwick.**

Alternate members of the Board present: **P. M. Moran, J. J. Ternyila and R. L. Jones.**

Alternate member of the Board absent: **Mrs. G. M. Harle.**

Also present were the following: **Mrs. C.K. Sicheri, Esq., Board Attorney, Mr. F. J. Little, Jr., P.E., Board Engineer and Mrs. L. C. Krueger, Board Secretary.**

(Tape #464 - Side 1)

* * * * *

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

(1) #LUB-2-10: FRANLIN (Block 20.62, Lot 22) 79 Bayview Avenue, Loveladies: Mrs. Sicheri stated that the applicants proposed additions and renovations to the existing single family dwelling. Mrs. Sicheri noted that the applicants had received prior approval from the Board to connect the garage to the house and were now asking for less relief than the Board had previously granted. Mrs. Sicheri stated that bulk variances for combined side yard setback and lot coverage were required.

Mr. Leonetti joined the Board.

(2) #LUB-54-04-PFA: MOELLER (Block 13.05, Lots 1.01& 1.03) 8611 Long Beach

paid. Mr. Raban noted that the applicants had received approval for a variance in October but since there had been a change in the design, the Building Department required the applicants to come back before the Board. Mr. Raban stated that the most significant change in the plans was an increase in the height of the addition but that it did not require a height variance.

Mr. Jay Madden, Architect was sworn and described the proposed architectural plans to the Board. Mr. Madden stated that the lot coverage would be less than originally proposed because the link that connected the house to the garage required less square footage. Mr. Madden stated that the ceilings had been too low in the original plan which was the reason for the redesign.

The Public Session was closed.

The Board did not see any problem with the proposed addition.

Moran moved, seconded by VanBuren to approve the application with the condition that the taxes be brought up to date. The following roll call vote was recorded: Bayard, Leonetti, Monaco, Schnell, VanBuren, Moran, TERNYLA and Jones all voted **YES**.

* * * * *

(2) **#LUB-54-04-PFA** **BRIGHTON BEACH**

PATRICK S. MOELLER
Owner and Applicant
Block 13.05, Lots 1.01 & 1.03

Mr. Reginald J. Raban, Esquire represented the applicant and evidence was marked as follows: Application and attachments, **#A-1**, Resolution of Memorialization approved by the Long Beach Township Land Use Board on August 4, 2005, **#A-2**, and, Deed between Patrick S. Moeller and Patrick S. Moeller dated July 22, 2005, **#A-3**. Mr. Raban stated that the applicant was requesting to lift the restriction against residential development on the two lots facing the Boulevard. Mr. Raban stated that the northerly lot had been proposed to be a restaurant and the property to the south had been approved for a retail store on the first floor and an apartment on the second floor. Mr. Raban noted that both proposals required variances and because of that, the Board proposed restrictions insuring that the lots remain commercial in the future. Mr. Raban stated that due to the economic climate the applicant's prospective tenants were no longer interested in the property.

Mr. Raban stated that due to the economy the demand for commercial land was down and that it was unfair to treat the property differently from other commercial property where residential development is permitted.

Ms. Phyllis Harper of 15 East 87th Street was sworn and asked what the applicant was requesting. The Board replied that the applicant was asking that one residence be permitted

on each of the two lots.

The Public Session was closed.

Mr. Raban requested that the restriction be removed so that the property may be treated like any other property in the commercial zone.

The majority of the Board felt that the property should remain commercial as it was the reason for granting the original subdivision and noted that a single family home had been built on the third lot of the subdivision.

Leonetti moved, seconded by Ternyila to DENY the request. The following roll call vote was recorded: Bayard, Leonetti, Monaco, Schnell, VanBuren, Moran and Ternyila all voted **YES**. Jones voted **NO**.

* * * * *

Commissioner Bayard and Mr. Monaco stepped down from the Board for the following application:

(Tape #464 – Side 2)

(3) #LUB-8-06-PFA2 HAVEN BEACH

JOHN BRENNAN
Owner & Applicant
Block 10.10, Lots 1, 11 and 12

Mr. Howard Butensky, Esquire represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Amended Major Site Plan by Horn, Tyson and Yoder, Inc., dated November 14, 2005, bearing the latest revision date of September 10, 2009, **#A-2**, As-built survey by Horn, Tyson and Yoder, Inc., dated November 14, 2005 and bearing the latest revision date of May 14, 2009, **#A-3**, one page architectural drawing by Joseph A. Courter, Jr., AIA dated December 1, 2009, **#A-4**, and, review letter to Board prepared by Frank J. Little, Jr., P.E., dated February 2, 2010, **#B-1**. Mr. Butensky stated that the purpose of the application was to revisit the condition concerning the garage and in the alternative, for an addition to the existing facility for storage.

Mr. John Brennan, Owner and Operator of Nardi's Tavern was sworn and described the reasons for retaining the present site condition of the garage with the refrigerated storage. Mr. Brennan stated that he proposed to use just the rear of the garage for storage and that the garage construction prohibited parking at the rear of the garage. Mr. Brennan stated that he had miscalculated the need for the storage. Mr. Brennan noted that he had not added any new refrigeration in the garage, that it was pre-existing and did not generate any noise. Mr. Brennan submitted three photographs of the property marked, **#A-5**. Mr. Brennan described

the photographs of the fence, garage and trees. Mr. Brennan stated that the garage also acted as a sound barrier.

Mr. Robert Reid, Licensed Professional Planner in the State of New Jersey and certified by A.I.C.P. was sworn and qualified. Mr. Reid testified that a hardship existed in that there was pre-existing nonconforming use and site coverage and that it was proposed to keep the lot coverage the same. Mr. Reid noted that if it was allowed to utilize the portion of the garage for storage there would be less frequent deliveries to the site. Mr. Reid stated that leaving the garage acted as a sound buffer for the residential neighborhood and provided a better traffic circulation than the alternative plan.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and testified that he agreed with Mr. Reid's testimony.

Ms. Claire A. Gott, owner of adjacent lot 10 was sworn.

(Tape #465 – Side 3)

Ms. Gott testified that she would hate to see the garage torn down as it acted as a sound barrier.

Mr. Reginald J. Raban, Esquire represented the owners of adjacent lot 2, the Goldman, Griffin and Beluzzi families. Mr. Raban read a letter from the adjacent owners stating that they had no objection to Mr. Brennan's request that the garage at the rear of the premises be used for storage. Mr. Raban stated that his clients would like to see the garage buffer remain.

Mr. Preston R. Godshall, resident of Long Beach Township was sworn and testified that he hoped that the Board would approve Mr. Brennan's requested.

The Public Session was closed.

Mr. Butensky requested that proposal "A" be approved noting that the neighbors were in support of the request and asked that the condition of the Resolution regarding the garage be removed.

The Board felt that the garage was a natural barrier noting that the adjacent neighbors who were the most affected were in support of the application.

Leonetti moved, seconded by Ternyila to approve the application to allow the storage use in the garage (proposal A). The following roll call vote was recorded: Leonetti, Schnell, VanBuren, Moran, Ternyila and Jones all voted **YES**.

* * * * *

Mr. Monaco rejoined the Board.

Under **New Business**, the Board addressed Ordinance recommendations supplied by Ron

Pingaro, Director of Construction. The Board discussed the list of recommendations and directed the Secretary to send a letter to Mayor Mancini and Director Pingaro regarding the Board's comments.

* * * * *

Under **Discussion**, the Board discussed the Year End Report and noted that Mrs. Schnell, Mr. Konnor and Mr. Jones would serve on the committee.

(Tape #465 – Side 4)

* * * * *

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

* * * * *

The Board went into **Closed Session** to discuss pending litigation.

* * * * *

The meeting was adjourned at 9:25 P.M.

LYNNE J. SCHNELL
CHAIRMAN