

**BRANT BEACH, NEW JERSEY
APRIL 13, 2011**

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, 2011 as required by the Open Public Meeting Act."

Members of the Board present: **Commissioner R. H. Bayard, Mrs. M. P. Cleary, J. A. Leonetti, R. R. Monaco, Mayor's Designee, D.A. Southwick, R. S. VanBuren and J. C. Konnor** presiding.

Members of the Board absent: **Mrs. V. E. Applegate, Mayor J. H. Mancini and Mrs. L. J. Schnell.**

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

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

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

(Tape #493 - Side 1)

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

(1) #LUB-8-11: DUPUIS (Block 8.12, Lot 6) 119 East Marine Lane, Dunes: Mrs. Sicheri noted that the applicants proposed to demolish the existing single family residence and construct a new single family home. She stated that a bulk variance was required for the apportionment of the combined side yard setback.

(2) #LUB-7-11: FISHER (Block 7.22, Lots 3 and 4) 148 East Indiana Avenue, Beach Haven Terrace: Mrs. Sicheri stated that the applicants proposed additions and renovations to the existing single family residence. She noted that a bulk variance was required for setback from the easement.

(3) #LUB-6-11: LIPPINCOTT (Block 7.20, Lots 10 and 11) 6 East Indiana Avenue, Unit G, Beach Haven Terrace: Mrs. Sicheri noted that the applicants proposed to construct a new deck, shed and shower on Unit G of the multi-family dwelling. She stated that a special reasons variance and a bulk variance for rear yard setback were required as well as a waiver from the site plan requirements.

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Minutes of the meeting held March 9, 2011 were presented for approval. **Ternyila** moved, seconded by **Bayard** for adoption. The following roll call vote was recorded: **Bayard, Cleary, Leonetti, VanBuren, Ternyila and Jones all voted YES.**

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

1. **#LUB-5-11: PEDINI - Resolution of Approval** moved by **Ternyila**, seconded by **Jones**. The following roll call vote was recorded: **Bayard, Cleary, Leonetti, VanBuren, Ternyila and Jones all voted YES.**

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

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(1) #LUB-7-11 BEACH HAVEN TERRACE

STEWART AND SUSAN FISHER
Applicants
DOROTHY M. MILLING AS TRUSTEE
OF DAVID L. MILLING TRUST
Owner
Block 7.22, Lots 3 & 4

Mr. Richard P. Visotcky, Esquire represented the applicants and evidence was marked as follows: Application and Attachments, **#A-1**, Map showing survey prepared by Horn, Tyson and Yoder, Inc., dated December 16, 2010 bearing the latest revision date of February 11, 2011, **#A-2**, one page architectural drawing prepared by Rob Roth Architect, Inc., dated February 14, 2011, **#A-3**, three page architectural drawing prepared by Rob Roth Architect, Inc., dated January 2011, **#A-4**, revised building permit plot plan prepared by Horn, Tyson and Yoder, Inc., dated December 16, 2010 bearing the latest revision date of March 11, 2011, **#A-5**, revised one page architectural drawing prepared by Rob Roth Architect, Inc., dated February 14, 2011 bearing the latest revision date of March 17, 2011, **#A-6**, Memo from Ron Pingaro dated March 9, 2011, **#B-1**, and, note from JoAnne Tallon dated April 1, 2011, **#B-2**. Mr. Visotcky stated that the applicants were the contract purchasers of the oceanfront property. Mr. Visotcky noted that there was an alleyway west of the property which was considered a street. He stated that technically, the property had three front yards. Mr. Visotcky stated that the proposed addition would square off the house.

Mr. Robert B. Roth, Jr. Registered Architect and Planner in the State of New Jersey, was sworn and testified that by squaring the house off it would require a bulk variance for front yard setback from the alleyway. Mr. Roth noted that the addition would be twenty-five feet away from the closest house to the west. Mr. Roth submitted photographs of the property marked, **#A-7, #A-8 & #A-9.**

The Board discussed the proposed plans with Mr. Roth.

The Public Session was closed.

The majority of the Board felt that since property was encumbered by the three front yard setbacks and the CAFRA regulations for an oceanfront property, they would be in favor of the application.

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

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

(2) **#LUB-6-11** **BEACH HAVEN TERRACE**

BRUCE E. AND CONSTANCE LIPPINCOTT

Owners & Applicants
Block 7.20, Lots 10 & 11

Mr. Richard P. Visotcky, 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 January 7, 2011, **#A-2,** and, one page architectural drawing prepared by Sibona Group Architecture and Consulting dated October 7, 2010, **#A-3.** Mr. Visotcky stated that the property contained a seven unit condominium and that the applicant's unit (Unit G) was the only unit without outdoor living space. He noted that it was proposed to construct a new deck, shed and outdoor shower and was seeking a waiver from the site plan requirements, a special reasons variance and a bulk variance for rear and side yard setback.

Mr. Bruce E. Lippincott, Applicant was sworn and testified that the shower and shed would be in line with the exterior of the existing structure but that the deck above would be set back further from the rear yard.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc., was sworn and described photographs that were marked into evidence as **#A-4 and #A-5.** Mr. Visotcky stated that the encroachment of the existing outdoor shower would be removed and that the proposed shower would be in line with the existing structure. Mr. Brzozowski

the front yard for parking as well as a garage beneath the proposed home. He felt the request for the variance to deviate from the eleven foot driveway requirement was reasonable.

The Board discussed whether the proposal may encumber the adjoining property owners in the future.

Mr. Dennis McKenna, owner of Home Mark Homes, a modular home company, was sworn and testified that the floor plans were designed by his company. Mr. McKenna stated that the box sections could be built to any dimension.

Mrs. Pamela Dupuis, applicant was sworn and testified that the home had been designed with her requests in mind.

The Public Session was closed.

The majority of the Board felt that an eleven foot side yard was important to access the rear of the lot and that the proposed home could be designed narrower and longer to fit the lot.

Leonetti moved, seconded by Cleary to deny the application as submitted. The following roll call vote was recorded: Bayard, Cleary, Konnor, Leonetti, Monaco and VanBuren all voted **YES**. Southwick and Jones voted **NO**. **The motion carried.**

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Mr. Ternyila rejoined the Board.

Under **New Business**, the Board discussed proposed **Ordinance #11-13C** regarding outdoor seating.

(Tape #494 – Side 3)

The Board noted that it was in support of Ordinance No. 11-13C but suggested that a written complaint be validated by the signature, name and address of the complainant. The Board approved of Ordinance No. 11-13C by voice vote.

The Board discussed proposed **Ordinance No. 11-15C** regarding small wind energy systems. While the Board was in agreement that an ordinance needed to be in place regarding wind turbines, some members of the Board felt that the ordinance as proposed was too restrictive. Mrs. Sicheri stated that she would send a memo to the Commissioners noting the Board members comments including the suggestion that a committee be formed to study Small Wind Energy Systems.

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Under **Discussion**, Mrs. Sicheri discussed the current checklist. A committee was

formed to review the checklist.

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

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The Year End Report committee was formed.

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

JEFFREY C. KONNOR
VICE CHAIRMAN