

**BRANT BEACH, NEW JERSEY
JUNE 8, 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.

Mr. A.P. 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: **Mrs. V. E. Applegate, Commissioner R. H. Bayard, J. C. Konnor, J. A. Leonetti, R. S. VanBuren and Mrs. L. J. Schnell** presiding.

Members of the Board absent: **Mrs. M. P. Cleary, Mayor J. H. Mancini, R. R. Monaco, Mayor’s Designee and D.A. Southwick.**

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

Also present were the following: **Mr. A.P. Sicheri, Esq., Board Attorney, Mr. F. J. Little, Jr., P.E., Board Engineer, Mrs. L. C. Krueger, Secretary Board/Commission and Mrs. B. M. Bielawne, Senior Clerk.**

(Tape #497 - Side 1)

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

(1) #LUB-11-11: RUDNICK (Block 15.44, Lot 15) 16 West Kimberly Avenue, Brant Beach: Mr. Sicheri noted that the application had been held over from the prior meeting. He stated that the applicant had submitted revised plans reducing the width of the deck to six feet which resulted in a proposed front yard setback of 13.9 feet and the elimination of the need for a lot coverage variance.

(2) #LUB-12-11-PF: HOWARD T/A ESCAPE HARBOR MARINA (Block 6.30, Lot 4) 7 W. South 32nd Street, Beach Haven Gardens: Mr. Sicheri noted that the applicant was applying for preliminary and final major site plan approval to reconstruct the marina facility that had been destroyed by fire. Mr. Sicheri noted that bulk variances were also required for

lot area, front yard setback, height of the building and parking.

(3) #LUB-13-11: RYAN (Block 18.120, Lot 3) 1120C Long Beach Boulevard, North Beach: Mr. Sicheri stated that the applicants were requesting bulk variance approval so as to permit the construction of a pool in the front yard.

(4) #LUB-14-11: WOOLLEY (Block 5.15, Lots 1 & 2) 208 East 24th Street, Spray Beach: Mr. Sicheri stated that the applicant proposed to construct a deck surrounding the pool at the Spray Beach Motel. Mr. Sicheri stated that variances were required for lot coverage and impervious coverage and that the applicant was requesting a waiver from the site plan requirement.

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Minutes of the meeting held May 11, 2011 were presented for approval. **Moran** moved, seconded by **Applegate** for adoption. The following roll call vote was recorded: **Applegate, Bayard, Konnor, Leonetti, Schnell, VanBuren, Moran and Ternyila all voted YES.**

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

1. **#LUB-9-11: CONOSCENTI - Resolution of Approval** moved by **Moran**, seconded by **Applegate**. The following roll call vote was recorded: **Applegate, Bayard, Konnor, Leonetti, Schnell, VanBuren and Moran all voted YES.**

2. **#LUB-10-11: LUPCO - Resolution of Approval** moved by **Moran**, seconded by **VanBuren**. The following roll call vote was recorded: **Applegate, Bayard, Konnor, Leonetti, Schnell, VanBuren and Moran all voted YES.**

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

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(1) #LUB-12-11-PF BEACH HAVEN GARDENS

TIMOTHY L. AND ROBIN C. HOWARD
t/a ESCAPE HARBOR MARINA
Owners and Applicants
Block 6.30, Lot 4

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 April 3, 2003 bearing the latest revision date of May 4, 2011, **#A-2**, two page architectural drawing prepared by Rob Roth Architect, Inc., dated March 2011, **#A-3**, and review letter to Board by Frank J. Little, Jr., P.E. dated June 1, 2011, **#B-1**. Mr.

Visotcky stated that the property was the site of the Escape Harbor Marina and that the existing marina building had been destroyed by fire. Mr. Visotcky noted that the plan was basically the same plan which the Board had approved in 2003 but that the Howards had never built the new building. Mr. Visotcky stated that the application was for preliminary and final major site plan approval together with associated bulk variances.

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 proposed site plan to the Board. Mr. Visotcky submitted photographs of the property, marked **#A-4, #A-5 and #A-6** Mr. Brzozowski noted that the zoning schedule was incorrect and that the front yard setback was proposed at 11.70 feet and that the handicapped parking space would be concrete. Mr. Brzozowski reviewed the points of Mr. Little's review letter.

Mr. Robert B. Roth, Jr., A.I.A. and Professional Planner in the State of New Jersey was sworn and described the proposed architectural plans to the Board noting that the office for the marina would be located on the second floor. Mr. Visotcky submitted a photograph of the interior of the building after the fire, marked **#A-7**. Mr. Roth stated that the proposed building would be an asset to the neighborhood and an aesthetic improvement.

Mr. Timothy Lee Howard, owner and applicant was sworn and testified that the marina operation was changing to slip rentals only but would still involve maintenance. He noted that the boat ramp was used for the launching the floating dock and that the lift had been sold. Mr. Sicheri stated that a note could be placed on the Site Plan that there would not be a forklift on site.

Mr. Visotcky stated that the trash corral would be placed no more than ten feet from the street.

The Public Session was closed.

The Board noted that the modern building and the water marine facilities would be an asset to the neighborhood.

Moran moved, seconded by Applegate to approve the application with the conditions that the proposed trash enclosure be placed within ten feet of the street and that a note be added to the Site Plan that there would not be a forklift on site. The following roll call vote was recorded: Applegate, Bayard, Konnor, Leonetti, Schnell, VanBuren, Moran, TERNYLA and Jones all voted **YES**.

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

JOHN R. AND LARAINÉ T. RYAN
Owners and Applicants
Block 18.120, Lot 3

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 March 22, 2011, #A-2, and, rendering of proposed pool, #A-3. Mr. Visotcky stated that the property had been owned by the Ryan's for thirteen years and fronted on a forty foot wide access easement. Mr. Visotcky stated that the existing home was skewed on the lot with a large front yard in which they proposed to place an in-ground pool. Mr. Visotcky stated that it was impractical to locate the pool anywhere else on the property.

Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc. was sworn and described the existing property to the Board. Mr. Brzozowski noted that a front yard setback variance would be required for the placement of the pool and that a portion of the deck in the front yard would be removed. Mr. Brzozowski described photographs, marked #A-4, #A-5 and #A-6.

(Tape #497 – Side 2)

Mr. Brzozowski described why the front yard was the best location for the pool and noted that the pool would be fenced in. The Board discussed the fence requirements for a pool.

Mr. Joshua J. Kline, Owner of Kline Brothers Landscaping, was sworn and testified that he would be installing the proposed pool and paver area. He noted that his clients would prefer a board on board fence rather than a chain link fence surrounding the proposed pool.

The Public Session was closed.

The majority of the Board felt that since none of the neighbors were objecting and that there was no other location for the pool, they would be in favor of the application. They noted that for safety reasons, a five foot high fence should surround the pool since the proposed location was in the front yard.

Leonetti moved, seconded by Moran to approve the application as submitted with the condition that the pool be enclosed by a five foot high fence of the type and materials permitted by the building department. The following roll call vote was recorded: Applegate, Bayard, Leonetti, VanBuren, Moran and TERNYLA all voted **YES**. Konnor, Schnell and Jones voted **NO**. **The motion carried.**

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(3) #LUB-11-11 BRANT BEACH

PETER AND MARY RUDNICK
Owners & Applicants
Block 15.44, Lot 15

Mrs. Schnell noted that the application had been held over from the May 11, 2011 meeting.

Mr. Stuart D. Snyder, Esquire represented the applicants and evidence was marked as follows: Revised Survey of property and Plot Plan for Variance prepared by Donald W. Post Surveying, Inc., dated February 22, 2011, bearing the latest revision date of May 18, 2011, #A-6, and, one page revised architectural drawing prepared by Janet Lynn Ford, Architect, L.L.C., dated April 1, 2011, bearing the latest revision date of May 25, 2011, #A-7. Mr. Snyder stated that the size of the proposed front porch had been reduced to six feet in depth which eliminated the need for a lot coverage variance. He noted that the front yard setback was now proposed to be 13.9 feet. Mr. Snyder addressed the proposed parking.

Mr. Jeffrey Lopez, Architectural Designer with the firm of Janet Lynn Ford, Architect, L.L.C. was sworn and described the changes in the proposed front porch plans to the Board. Mr. Lopez described photographs to the Board, marked #A-8. Mr. Lopez stated that there was no intention to enclose the proposed porch and that the proposal would aesthetically enhance the home.

(Tape #498 – Side 3)

Mr. Peter Rudnick, Applicant was sworn and testified that he had no objection to a restriction being placed on the property that the porch never be enclosed.

Mrs. Virginia Iverson of 13 W. 59th Street was sworn and testified that she felt that the proposal would enhance the home but was concerned with the parking.

The Public Session was closed.

Mr. Snyder stated that the proposal would enhance the property and the neighborhood and noted that the setback would be greater than the average along that portion of Kimberly Avenue.

The Board felt that the proposal would improve the look of the home and that the applicants had demonstrated that there was sufficient parking on the property.

Moran moved, seconded by Leonetti to approve the application with the condition that a deed be recorded imposing a restriction that the porch never be enclosed. The following roll call vote was recorded: Applegate, Bayard, Leonetti, VanBuren, Moran and TERNYLA all voted **YES**. Konnor and Schnell voted **NO**. **The motion carried.**

The Board took a five-minute recess.

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Commissioner Bayard stepped down from the Board for the evening.

(4) #LUB-14-11

SPRAY BEACH

JOHN WOOLLEY

Owner and Applicant

Block 5.15, Lots 1 & 2

Mr. Reginald J. Raban, Esquire, represented the applicant and evidence was marked as follows: Application and Attachments, **#A-1**, Variance Map by Horn, Tyson and Yoder, Inc., dated February 13, 2004, bearing the latest revision date of May 24, 2011, **#A-2**, one page drawing by Nirvana Pool and Spa “Creative Outdoor Living” dated September 15, 2010, revised September 28, 2010, **#A-3**, one page architectural drawing by Musgnug and Associates dated March 7, 2011, **#A-4**, and one page architectural drawing by Musgnug and Associates dated March 7, 2011, revised June 6, 2011, **#A-5**. Mr. Raban stated that the application was for a use variance to expand an elevated deck around the swimming pool at the Spray Beach Inn. Mr. Raban noted that the applicant was requesting a waiver from the site plan requirement because the deck was elevated and the parking would remain.

Mr. James Brzozowski, P.E., P.P., with Horn, Tyson and Yoder, Inc., was sworn and described the existing conditions of the property to the Board and noted that the Spray Beach Inn was a nonconforming use as it was located in a residential zone. Mr. Brzozowski noted that the proposal would increase building coverage to 41.2%. He submitted two sheets of photographs to the Board, marked **#A-6**. Mr. Brzozowski stated that the proposed decking would be an additional two feet higher than the existing deck creating an eight foot clear area for cars to park under.

Mr. Anthony Prizzi of Nirvana Pools was sworn and submitted conceptual drawings of the proposal, marked **#A-7**. Mr. Prizzi noted that after a conversation with the building office there would be a change in some of the types of materials used in the construction of the deck but would remain aesthetically the same.

Mr. John Woolley, owner of the Spray Beach Motel was sworn and testified that the outdoor seating would be increased and that the walkway around the pool would be increased.

Mr. Raban stated that a waiver of site plan approval had been requested. Mr. Brzozowski stated that he saw justification in granting a waiver because there would not be an increase in the number of units and parking and traffic circulation were not affected by the proposal.

Mr. Robert Kiss, Attorney, represented the Gibbs family at 2304 Atlantic Avenue and stated that he felt that a site plan waiver should not be granted due to parking concerns and the increase of lot coverage. Mr. Kiss also noted that he felt that the special reasons criteria have not been met in regard to this application.

Mr. Raban stated that a special reasons variance could be granted for a site that was particularly suited to the purpose that was being requested. He noted that it was a different standard for slightly expanding a pre-existing nonconforming use rather than starting from

scratch on a site. Mr. Raban stated that expansion would add more area of recreational use around the pool to be enjoyed by the general public who had access to the motel and that the layout would be aesthetically pleasing.

Mr. Raban noted that if the Board had a problem with the tiki bar in the corner of the deck he would withdraw that portion of the application

Mr. Sichei stated that the Board could make a decision on the special reasons variance request but if the Board found that the proposal interfered with the existing parking then a site plan review should be required.

(Tape #498 – Side 4)

The Board determined that a site plan depicting the parking as well as lighting should be submitted to the Board. Mr. Sichei stated that a new notice would be required.

Moran moved, seconded by Applegate to require the submission of a site plan with appropriate fees and to carry the application to the August 10, 2011 meeting. The following roll call vote was recorded: Applegate, Konnor, Leonetti, Schnell, VanBuren, Moran and TERNYLA all voted **YES**.

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The Board reviewed the proposed checklist. **Moran moved, seconded by Konnor to approve the Checklist.** The following roll call vote was recorded: Applegate, Konnor, Leonetti, Schnell, VanBuren, Moran, TERNYLA and Jones all voted **YES**.

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

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The Board went into closed session to discuss pending litigation.

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The meeting was adjourned at 9:35 P.M.

LYNNE J. SCHNELL
CHAIRMAN

JEFFREY C. KONNOR
VICE CHAIRMAN