

**BRANT BEACH, NEW JERSEY  
JULY 11, 2012**

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. Sichei, 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: **Commissioner R. H. Bayard, J. C. Konnor, J. A. Leonetti, R. R. Monaco as Mayor's Designee, R. Pingaro, D. A. Southwick, R. S. VanBuren and Mrs. L. J. Schnell presiding.**

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

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

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

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

**(Tape #519 - Side 1)**

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

**(1) #LUB-9-12: FLOOD (Block 8.08, Lot 18) 112 East Marine Lane, Dunes:** Mrs. Sichei stated that the application was carried from the June 13, 2012 meeting. Mrs. Sichei noted that the applicants had redesigned the front porch and no longer required a bulk variance for setback from the street but were requesting a bulk variance for lot coverage.

**(2) #LUB-14-12: DALEDDA (Block 12.18, Lot 14) 9001 Beach Avenue, Peahala Park:** Mrs. Sichei stated that the applicants proposed to demolish the existing duplex and construct a new single family home which required bulk variances for setback from the

street, distance between structures and lot coverage.

**(3) #LUB-15-12: BENEDICT (Block 13.18, Lot 8) 104 East Rhode Island Avenue, Brighton Avenue:** Mrs. Sicheri noted that the applicants proposed to construct an elevator tower which required a height variance and a variance for the proposed location of less than ten feet from the exterior wall.

**(4) #LUB-16-12: TRI BEE, L.L.C. (Block 15.65, Lot 3) 5503 Ocean Boulevard, Brant Beach:** Mrs. Sicheri noted 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 lot coverage.

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

- 1. #LUB-12-12: MANCINI CUSTOM HOMES, INC. – Resolution of Approval moved by VanBuren, seconded by Pingaro. The following roll call vote was recorded: Bayard, Konnor, Pingaro and VanBuren all voted YES.**
- 2. #LUB-13-12-PF: SPARKS 420, L.L.C. – Resolution of Approval moved by VanBuren, seconded by Konnor. The following roll call vote was recorded: Bayard, Konnor, Pingaro and VanBuren all voted YES.**

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

**(1) #LUB-14-12 PEAHALA PARK**

**KENNETH J. AND MARILYN DALEDDA**

Owners & Applicants

Block 12.18, Lot 14

**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 March 12, 2012, **#A-2**, and, four page Architectural drawing by Michael Pagnotta, Architect, dated December 9, 2011, **#A-3**. Mr. Raban stated that the applicants proposed to demolish the existing duplex and construct a new single family home on the undersized lot which required variances for lot coverage, setbacks from the street and distance between structures.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn, described the existing property and the variances required. He noted that the proposed steps would not interfere with the sight triangle. Mr. Brzozowski stated that there was a benefit to be derived from eliminating the nonconforming duplex.

**Mr. Michael Pagnotta, registered Architect and Professional Planner in the State of New Jersey**, was sworn and described the proposed structure. Mr. Pagnotta noted that a very efficient floor plan was proposed.

**The Public Session was closed.**

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

The Board noted that the proposed structure would not negatively impact the neighborhood and that no neighbors appeared in opposition of the application.

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

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(2) #LUB-15-12 BRIGHTON BEACH

**WILLIAM F. BENEDICT**

Owner & Applicant

Block 13.18, Lot 8

**Mr. Reginald J. Raban, Esquire represented the applicants and evidence was marked as follows:** Application and Attachments, **#A-1**, Variance Map prepared by Ronald W. Post, Surveying, Inc, dated April 9, 2012, **#A-2**, and, three page Architectural drawing by Michael Pagnotta, Architect, dated May 3, 2012, **#A-3**. Mr. Raban stated that the variance requested was for the location of the elevator which would exceed the permitted height and would be less than ten feet from the exterior wall. Mr. Raban noted that the home was existing and that it would be a hardship to redesign the interior of the home to accommodate the elevator.

**Mr. Michael Pagnotta, registered Architect and Professional Planner in the State of New Jersey**, was sworn and described the proposed renovations. He noted that the applicant wanted to renovate the property and at the same time address accessibility issues. Mr. Pagnotta stated that he proposed the elevator in the best location that would serve three stops. Mr. Pagnotta stated that the elevator tower was setback from the street with other decks to break it up visually. Mr. Pagnotta stated that there was not direct access from the elevator into the living space. It was noted that the elevator would access a roof top deck. Mr. Pingaro noted that the square footage of the elevator shaft exceeded what was allowed by ordinance.

**Mr. William Benedict, applicant and owner** was sworn and testified as to the need for the proposed elevator.

Mrs. Sicheri stated that due to the testimony given, a special reasons variance may be

required for height. The Board noted that an elevator could still be placed in the proposed location without variance relief but would not access the roof top deck.

**(Tape #519 – Side 2)**

**The Board took a five-minute recess.**

Mr. Pagnotta stated that the applicants had chosen to access the elevator by outdoor vestibule so as not to disturb wall space and that a variance would be requested for the size of the elevator.

**Ms. Ellen Martin of 108 E. Rhode Island Avenue** was sworn and testified that she was not in favor of the elevator tower as it would not blend with the neighborhood.

**Ms. Marilyn Hawryluk of 8200 Beach Avenue** was sworn and testified that she was not in favor of the proposal.

**Mr. Philip Rosenzweig of 8201 Beach Avenue** was sworn and questioned the notice and Mrs. Sichei stated the notice complied with the New Jersey Statute.

**The Public Session was closed.**

Mr. Raban stated that he felt that a special reasons variance was not required as per the language of the ordinance but that a bulk variance was required. He stated that that there was a hardship as the structure already existed and that the relief was requested to maintain the integrity of the interior of the existing home. He stated that the application was amended to provide that a variance would not be required for the size of the elevator shaft.

Mrs. Sichei stated that the elevator shaft was proposed to be more than ten percent above the allowable height and therefore required a special reasons variance.

The Board noted that the ordinance that the township had in place regarding elevators was generous and that the proposed height of the elevator was not necessary. The Board felt that a chair lift could access the roof top deck and noted that the elevator addition would not be an aesthetic improvement.

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

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**(3) #LUB-16-12**

**BRANT BEACH**

**TRI BEE, L.L.C.**  
Owner & Applicant  
Block 15.65, Lot 3

**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 April 4, 2012, #A-2, and, two page Architectural drawing by Albert Dattoli, Architect, dated May 10, 2012, #A-3. Mr. Raban stated that the applicant proposed to demolish the existing home and construct a new single family dwelling on the oceanfront lot.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the oceanfront property. Mr. Brzozowski stated that the lot did not extend to the ocean. He noted that existing structure had several nonconformities and that a side yard setback to the north property line would be improved but still required a variance. He stated that a rear yard setback and lot coverage variances were also requested. Mr. Brzozowski submitted a Google Earth photograph of the property, marked #A-4. Mr. Brzozowski stated that a conforming structure could be built on the lot. The Board discussed its concerns with the proposed lot coverage.

**Mr. Thomas Bertucci, applicant** was sworn and testified that the reason for the extra lot coverage was due to a proposed elevator. He noted that the lower level was proposed as a recreational room.

**(Tape #520 – Side 3)**

**The Public Session was closed.**

Mr. Raban stated that even though the percentage of lot coverage seemed large, the proposal on the oceanfront property would not have a negative impact and would also be a visual improvement to the neighborhood. Mr. Raban requested that the application be approved as submitted.

While the Board did not object to the request for setback variances, they did feel that the proposed structure was too large for the lot and that the request for 38.9% lot coverage was excessive.

Mr. Raban requested that the application be held over to redesign the proposed structure. The Board decided by voice vote to continue with the application.

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

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**Mr. Leonetti, Mr. Monaco and Mr. Jones stepped down from the Board for the following application:**

## **THOMAS AND VIRGINIA FLOOD**

Owners & Applicants

Block 8.08, Lot 18

**Mr. Reginald J. Raban, Esquire** represented the applicant and the additional evidence was marked as follows: Variance Map prepared by Horn, Tyson and Yoder, Inc., dated February 13, 2012, revised June 25, 2012, **#A-4**, five page architectural drawing prepared by Jay Madden, Architect, dated March 21, 2012, revised June 22, 2012, **#A-5**, and Certification from Mrs. Schnell that she listened to the tape of the June 2012 portion of the application, **#B-1**. Mrs. Sicheri noted that the application had been held over from the June 13, 2012 meeting. Mr. Raban stated that the only variance requested was for lot coverage.

**Mr. Jay Madden, registered Architect, licensed in the State of New Jersey** was sworn and described the changes to the proposed renovations. Mr. Madden stated that the proposed front porch had been greatly reduced to conform to the twenty foot setback. He stated that the second floor plan and the front elevation had not changed, just the depth of the porch. He noted that the proposed lot coverage was 1.7% over the permitted lot coverage.

**Mr. James Brzozowski, P.E., P.P. with the firm of Horn, Tyson and Yoder, Inc.,** was sworn and described the changes proposed. Mr. Brzozowski noted that he had sent his surveyors back to the property to verify the dimensions on the survey and determined that they were correct. Mr. Brzozowski noted that the rear shed would be removed and would therefore was not calculated in the lot coverage. He stated that the porch would be an aesthetic improvement to the building.

**Mr. Thomas Flood, owner** was sworn and testified that he had owned the home for twenty-five years and the proposed expansion would accommodate his growing family. He noted that the additions to the home had been done ten years ago with aesthetics in mind.

**Mrs. Mary Zimmerman Seferiadis of 108 East Marine Lane** was sworn and submitted photographs of the neighborhood, marked **#O-7**. Mrs. Seferiadis stated that the prior improvements had resulted in a fifty-three foot long wall, four feet from their property line. She was not in favor of the application as that wall would be extended further with the addition of the proposed porch.

**Mr. John Seferiadis of 108 East Marine Lane** was sworn and testified that he was not in favor of the application citing that there were inaccuracies in the documents submitted and the calculations of the proposed lot coverage. He stated that there was no basis for hardship.

**(Tape #520 – Side 4)**

**Dr. Donald Harrop of 124 East Dune Lane** was sworn and testified that he was not in favor of increasing the lot coverage and was not in favor of the application.

**Mr. Paul Buchanan of 131 East Marine Lane** was sworn and testified that he was not in favor of the application.

**The Public Session was closed.**

Mr. Raban stated that the benefits to be derived from the additional lot coverage outweighed the detriment of granting the variance and requested that the application be approved as submitted.

The Board discussed the application. While some members of the Board felt that the overage on the lot coverage was de minimus, others felt that the applicants could achieve the creation of additional space without the need for a lot coverage variance.

**Bayard moved to deny the application. There was no second.**

**Konnor moved, seconded by VanBuren to approve the application as submitted.** The following roll call vote was recorded: Bayard, Konnor and VanBuren all voted **YES**. Pingaro, Schnell and Southwick voted **NO**. **The application was denied.**

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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 9:45 P.M.

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**LYNNE J. SCHNELL**  
**CHAIRMAN**

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**JEFFREY C. KONNOR**  
**VICE CHAIRMAN**