

RABAN & RABAN

— LLC —

Attorneys at Law

REGINALD J. RABAN (1945-2024)

JAMES S. RABAN* ▲

11710 Long Beach Blvd.

Haven Beach, NJ 08008

MEMBER OF NJ BAR *

MEMBER OF PA BAR ▲

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Email: jraban@regraban.com

December 18, 2024

Via Hand Delivery and Jfife@longbeachtownship.com

Jackie Fife

Long Beach Township Land Use Board

6805 Long Beach Boulevard

Brant Beach, NJ 08008

Re: Brant Beach Yacht Club Major Preliminary and Final Site Plan and Bulk Variance
Block 15.28 Lot 1
6106 Bayview Ave., Long Beach Blvd., Long Beach Township, NJ 08008

Dear Jackie:

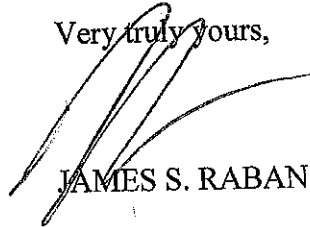
Enclosed please find the following with regard to the above referenced matter:

- (x) Original and 14 copies of Land Use Development Application;
- (x) 14 copies of Floor Plans prepared by Robert Musgnug, of Musgnug & Associates;
- (x) 14 copies of Site Plans prepared by James Brzozowski, of Horn, Tyson & Yoder, Inc.;
- (x) 14 copies of Boundary and Topographic Survey prepared by James Brzozowski, of Horn, Tyson & Yoder, Inc.;
- (x) 14 copies of Tax Map with Property Lot and Block highlighted;
- (x) 14 color copies of 12 Property Photos;
- (x) 1 W-9;
- (x) 1 Affidavit of Ownership
- (x) 1 Signed Checklist;
- (x) 1 Technical Checklist;
- (x) 1 Proposed Public Notice;
- (x) Application Fee Variance check # 3541 Amount \$3,150.00;
- (x) Attorney Escrow check # 3542 Amount \$4,500.00;
- (x) Please consent and/or approve for public hearing on January 8, 2024 at 6:30 p.m.

Jackie Fife
December 18, 2024
Page 2

If you have any questions, please do not hesitate to contact me. Thank you for your courtesies and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JAMES S. RABAN', written over a horizontal line.

JAMES S. RABAN

JSR/dh

Encl.

Cc: Brant Beach Yacht Club (via email)
Robert Musgnug (via email)
James Brzozowski, (via email)
Frank Little, Jr., P.E., P.P. (via email and regular mail)
Kevin Quinlan, Esq. (via email and regular mail)

**APPLICATION TO THE LONG BEACH
TOWNSHIP LAND USE BOARD**

Do not write below - for official use only

Project Name: Brant Beach Yacht Club Site Plan
Block: 15.28 Lot(s): 1 & 1.01
Property Address: 6106 Bayview Avenue

Date Received: _____
Application Fee: \$ _____
Escrow Fee: \$ _____
Docket Number: _____

CHECK ALL THAT APPLY:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Bulk Variance | <input type="checkbox"/> Minor Subdivision (Exempt) |
| <input checked="" type="checkbox"/> Use Variance | <input type="checkbox"/> Major Subdivision/Preliminary |
| <input type="checkbox"/> Interpretation | <input type="checkbox"/> Major Subdivision Final Major |
| <input type="checkbox"/> Informal | <input checked="" type="checkbox"/> Site Plan/Preliminary Major |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Site Plan/Final |

**ANSWER ALL QUESTIONS. IF NOT APPLICABLE INDICATE WITH 'N/A' OR 'None'
DO NOT LEAVE BLANKS. INCOMPLETE APPLICATIONS WILL NOT BE
ACCEPTED OR WILL BE DEEMED INCOMPLETE**

1. Applicant Name: Brant Beach Yacht Club
Address: Street: 6106 Bayview Avenue City: Long Beach Twp Zip: 08008
Phone: (609) 494-4485 e-mail: douglasmackinney@gmail.com

Applicant is: Owner Agent Corporation Partnership LLC

If applicant and/or owner is a corporation, LLC or partnership set forth the names addresses of all stockholders, partners or members having 10% or more interest on a separate paper. Corporations must be represented by a New Jersey licensed attorney and include a Resolution authorizing the Application.

2. Owner's Name: Same as Applicant
Address: Street: _____ City: _____ Zip: _____
Phone: _____ e-mail: _____

All owners must be identified and sign application. (Use additional pages if necessary)

3. Attorney: James S. Raban, Esq.
Address: Street: 11710 Long Beach Blvd. City: Haven Beach Zip: 08008
Phone: (609) 492-0533 e-mail: jraban@regraban.com

4. Planner/Surveyor: Horn, Tyson & Yoder, Inc.
Address: Street: 8510 Long Beach Blvd. City: Long Beach Twp Zip: 08008
Phone: (609) 492-5050 e-mail: jimb.hty@gmail.com

5. Architect: Robert P. Musgnug - Musgnug & Associates
 Address: Street: 1907 Bayveiw Ave. City: Barnegat Light Zip: 08006
 Phone: (609) 361-3456 e-mail: maarch@musgnugarchitects.com

Attache additional sheets if necessary.

6. Location of property:
 Zone: R-50 Lot Area: 176,800 sq. ft. Lot Dimensions: Irregular

7. Is the property located on a county road? No

8. Current Use: Yacht Club
 No. of Dwelling Units: 0 No. of Commercial Units: 2

9. Proposed Use: Yacht Club

10. When was the property purchased? 1955 and 1962

11. Date of Last Certificate of Occupancy: _____ Attach Copy

12. Date of last construction, alteration or addition: _____ Attach copies of permits

13. Existing conditions (Clubhouse)	Pre-Existing non-conformity	Proposed conditions (Clubhouse)	Variance Needed
Building Height: <u>19.30</u>	<input type="checkbox"/>	Building Height: <u>34.00</u>	<input type="checkbox"/>
Front Yard Set Back <u>30.30</u>	<input type="checkbox"/>	Front Yard Set Back <u>23.00</u>	<input type="checkbox"/>
Side Yard Set Back <u>91.40</u>	<input type="checkbox"/>	Side Yard Set Back <u>85.20</u>	<input type="checkbox"/>
Side Yard Set Back <u>N/A</u>	<input type="checkbox"/>	Side Yard Set Back <u>N/A</u>	<input type="checkbox"/>
Rear Yard Set Back <u>0.00</u>	<input checked="" type="checkbox"/>	Rear Yard Set Back <u>0.00</u>	<input checked="" type="checkbox"/>
Dist. to Adj. Struct. <u>>15ft.</u>	<input type="checkbox"/>	Dist. to Adj. Struct. <u>>15ft.</u>	<input type="checkbox"/>
Lot Coverage (sq.ft.) <u>13,436.80</u>	<input type="checkbox"/>	Lot Coverage (sq.ft.) <u>13,083.20</u>	<input type="checkbox"/>
% Lot Coverage <u>7.60</u>	<input type="checkbox"/>	% Lot Coverage <u>7.40</u>	<input type="checkbox"/>
% Impervious Coverage <u>23.40</u>	<input type="checkbox"/>	% Impervious Coverage <u>23.20</u>	<input type="checkbox"/>
No. Principal Structures <u>2.00</u>	<input type="checkbox"/>	No. Principal Structures <u>2.00</u>	<input type="checkbox"/>
No. Accessory Structures <u>4.00</u>	<input type="checkbox"/>	No. Accessory Structures <u>4.00</u>	<input type="checkbox"/>
Lot Width <u>1,522.00</u>	<input type="checkbox"/>		

14. Existing Restrictions:
 (A) Deed Restrictions: _____ (Attach Copies) None
 (B) Easements: See attached Easement (Attach Copies) None
 (C) Condominium: _____ (Attach Copies) None

15. Proposed Restriction: _____ None

16. Variances and Waivers:

(A) List Required Variances: (Include Ordinance Number)

None

See attached Application Supplement

On a separate paper provide legal theory supporting variance relief.

(B) List of Requested Waivers:

None

The Applicant reserves the right to request any waivers that may be required by the Board at the time of the hearing.

17. Briefly describe any prior or currently pending proceedings before the Land Use Board or any other Federal, State, County or local Board or Agency involving this property which is the subject of this application and attach copies of any application, supporting documentation, pleadings, decisions and/or orders from the relevant entity including any denials. None

See attached Resolutions dated June 14, 2017, and July 12, 2017 (which amended the June 14, 2017 Resolution), which granted preliminary and final major site plan approval, bulk variances, and a special reasons variance to permit the construction of an addition to the South Harbor Sailing Center and other site improvements.

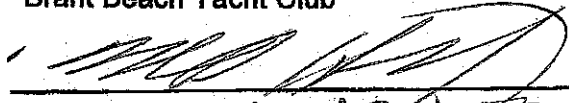
18. List all material submitted with this application i.e. plans, surveys, drawings, photos, reports etc.

- Site Plan prepared by Horn, Tyson & Yoder, Inc.
- Architectural drawings prepared by Musgnug & Associates
- Boundary and Topographic Survey prepared by Horn, Tyson & Yoder, Inc.
- 12 photographs of the subject property

ALL OWNERS OF RECORD AND APPLICANT MUST SIGN APPLICATION. (ATTACH ADDITIONAL PAGES IF NECESSARY.)

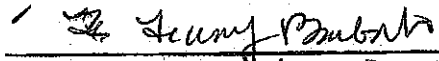
Brant Beach Yacht Club

Dates: 12/18/24



Mark Horowitz, Bd. of Trustees, Owner
(Print name under signature)

Dates: 12/18/24



Frank J. Barbato, President, Owner
(Print name under signature)

Applicant Signature (if different from owner):

Dates: _____

_____, Applicant
(Print name under signature)

Dates: _____

_____, Applicant
(Print name under signature)

MUST BE SIGNED BY OWNER(S) AND/OR APPLICANT NOT ATTORNEY

APPLICATION SUPPLEMENT

The Brant Beach Yacht Club (the "Applicant"), a New Jersey non-profit corporation, has made application to the Long Beach Township Land Use Board (the "Board") for amended preliminary and final major site plan approval, bulk variances, and a special reasons variance relative to proposed development at the property designated as Lots 1 and 1.01 in Block 15.28 on the Tax Map of the Township of Long Beach, located at 6106 Bayview Avenue in the Brant Beach Section of Long Beach Township. The property, which is located in the R-50 General Residential Zone, is currently developed with a one-story Clubhouse and a separate building known as the South Harbor Sailing Center. The bayfront property currently has boat slips, areas used for dry storage for boats, tennis courts, and a bay beach. Both the Clubhouse and South Harbor Sailing Center are utilized for meetings of the members of the Yacht Club and community events, and are also available for rent for weddings, banquets, and other occasions.

The Applicant is seeking to demolish the existing Clubhouse and to construct a new two-story Clubhouse within the same footprint as the existing Clubhouse. The proposed new Clubhouse would have a 200-seat banquet hall on the first floor, with a commodore's room and areas for storage on the second floor. Other than the reconstruction of the Clubhouse, there are no proposed changes to the site. The following variances are requested:

1. The existing yacht club use is not a permitted use in the R-50 General Residential Zone. The reconstruction of the proposed two-story Clubhouse in place of the existing one-story Clubhouse constitutes an expansion of a non-conforming use, which requires a special reasons variance.
2. Under the Zoning Ordinance, the minimum required rear yard setback is 15 feet. Additionally, Section 205-11(C)(1) of the Zoning Ordinance requires a minimum

setback of 10 feet to the waterline. The existing and proposed rear yard setback, and setback to the waterline, is 0 feet.

3. The Zoning Ordinance requires 98 total parking spaces at the site. The existing and proposed number of parking spaces at the site is 87.
4. Design waivers were previously approved as to the size of 30 parking spaces that exist on Bay Avenue, as they encroach 2.4 feet into the right of way.
5. A variance for the front yard setback to the South Harbor Sailing Center was previously approved by the Board where a 20-foot front yard setback is required and the existing front yard setback is 18.6 feet.

The proposed reconstruction of the Clubhouse promotes the general welfare in that it promotes waterfront use and activities that draw visitors to Long Beach Township and, therefore, benefits the community. The construction of the new clubhouse will be an aesthetic improvement over the existing Clubhouse and will not have any determinantal impact on the public good.

LONG BEACH TOWNSHIP LAND USE BOARD
RESOLUTION OF MEMORIALIZATION

Date June 14, 2017

WHEREAS, application has been made to the Long Beach Township Land Use Board by **BRANT BEACH YACHT CLUB**, the owner of the lands and premises known and designated as Lot 1 in Block 15.28 on the Official Tax Map of Long Beach Township, and located at 6106 Bayview Avenue, Brant Beach, New Jersey, for Preliminary and Final Major Site Plan approval, Special Reasons Variances, Bulk Variances and design waivers to permit the construction of an addition to the South Harbor Sailing Center and other site improvements to the existing one-story frame building; and

WHEREAS, the jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

WHEREAS, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicants, as well as the representations of the applicants' attorney, Richard M. Hluchan, Esquire, at the hearing conducted on May 10, 2017, as well as the testimony and objections of, has made the following findings of fact:

- (1) The applicant, a Non-profit New Jersey Corporation, is the owner of the above described premises, having the dimensions of 635 feet (irregular) by 483 feet, for a total area of 8.63 acres;
- (2) The premises are located on the westerly side of Long Beach Boulevard, between 22nd and 24th Streets in Brant Beach, New Jersey, and is located in the R50 General Residential Zone.
- (3) The Yacht Club has been located on this site since the 1940's. The premises are currently improved by a one (1) story existing structure consisting of a primary clubhouse and another smaller building identified as the South Harbor Sailing Center. The property also includes boat slips, area used for dry storage for boats, tennis courts and a beach. Both buildings are used for meetings for Club members, community events and are available for weddings, banquets and other occasions.
- (4) The Board incorporates herein by reference the plans prepared by Horn, Tyson & Yoder, Inc., Consulting Engineers, entitled "Site Plan - Cover Sheet Lot 1, Block 15.28, Tax Map Sheet #18, Long Beach Township, Ocean County, New Jersey, dated 12/3/2015 bearing the latest revision date of 2/6/2017; and the plans entitled Site Plan - Area of Proposed Development, Lot 1, Block 15.28, Tax Map Sheet #18, Long Beach Township, Ocean County, New Jersey" dated 12/3/2015, bearing the latest revision date of 12/12/2016.

(5) The Board further incorporates herein by reference the plans prepared by Rob Roth Architects, Inc., entitled "Additions and Renovations to an Existing Building Brant Beach Yacht Club, Lot 1, Block 15.28, Township of Long Beach, Ocean County, New Jersey" dated May 25, 2015.

(6) The Board accepts the report of its Engineer, Frank J. Little, Jr., P.E., dated April 4, 2017, and hereby incorporates same herein by reference; The applicant proposes to construct an addition to the existing South Harbor Sailing Center. The addition will include rest rooms, showers, elevator, additional storage space, an enlarged kitchen area, additional office space, expanded meeting room, an enlarged outdoor deck and observation deck.

(7) The applicant requires a special reasons variance because a yacht club is a conditional use in the R-50 zone under Ordinance § 205 - 38 (A)(12) and the yacht club does not comply with the conditions for the issuance of a conditional use permit; consequently a "special reasons" variance is required.

(8) Since the buildings on site are used for meetings and events where food is served, it can be considered a catering hall which is not permitted in the R-50 zone. A "special reasons" variance is required as the enlargement of the South Harbor Sailing Center is an expansion of a nonconforming use.

(9) The applicants further require the following bulk variances:

- a) Front yard variance (South Harbor Sailing Center) from Bayview Avenue 20 feet is required, 19 feet currently exists and 18.6 feet is proposed.
- b) 98 parking spaces are required, 70 spaces currently exist and 87 spaces are proposed.

(10) Design waivers are required as to the size of 30 parking spaces that exist on Bayview Avenue as they encroach 2.4 feet into the right of way, the board noting that these spaces are pre-existing.

(11) The proposed development promotes the general welfare as it promotes waterfront use and activities that draw visitors to Long Beach Township and therefore benefits the community.

(12) The proposed development enhances water related activities as required by the New Jersey Department of Environmental Protection.

(13) The Board finds that the encroachment into the required 20 foot front yard setback from Bayview Avenue of 1.4 feet is a minimal deviation from the Zoning Ordinance of Long Beach Township under the facts of this application.

(14) The Board finds that the parking at the site is adequate for the use as proposed and notes that there is sufficient additional parking along the railroad cutouts on Long Beach Boulevard for the times when the Yacht Club hosts regattas in the spring and fall and therefore a bulk variance for the different parking requirements can be granted without any detriment to the public good or general welfare.

(15) The 30 parking spaces that encroach into the right of way of Bayview Avenue are adequate and the applicants are entitled to the design waivers for those spaces.

(16) The Board specifically notes that the 30 parking spaces that encroach into the Bayview Avenue right of way by 2.4 feet are a pre-existing condition which is not being changed by the proposed construction.

(17) The Board is mindful that several adjoining property owners voiced their objections to the proposed expansion of the non-conforming use, but the Board notes that the use is pre-existing the construction of the adjoining homes and is a minimal expansion in that it is not intensifying the use but merely permits the site to more adequately accommodate its visitors.

(18) The Board notes that the construction of the addition as proposed is an appropriate use of land in a seashore resort community.

(19) The proposed addition will not adversely affect the free flow of light and air in the neighborhood.

NOW THEREFORE, BE IT RESOLVED, this 14th day of June, 2017 by the Long Beach Township Land Use Board that the application of **THE BRANT BEACH YACHT CLUB**, for Preliminary and Final Major Site Plan Approval, Special Reasons Variances, Bulk Variances, and design waivers is hereby granted in accordance with the executed site plan - cover sheet Lot 1 Block 15.28, Tax map sheet # 18, Long Beach Township, Ocean County, N.J. dated 12/3/15 and bearing the latest revision date of 2/6/17 and the executed site plan area of proposed development, Lot 1, Block 15.28 Tax map sheet # 18 Long Beach Township, Ocean County, New Jersey, dated 12/3/15 and bearing the latest revision date 12/12/2016, which plans were proposed by Horn, Tyson, & Yoder, Inc.

The relief granted, however, is subject to the following conditions:

- a) That the applicant comply with all codes and ordinances except as otherwise varied herein;
- b) That the applicant comply with all requirements imposed by the Long Beach Township Construction Office.

- c) That the applicant comply with the requirements of the Long Beach Township Engineer as set forth in the Engineer's report dated April 4, 2017;
- d) That the applicant obtain any other outside agency approval(s) that may be required, including but not limited to the Ocean County Planning Board;
- e) That the applicant post any and all required performance bonds, as well as any and all inspection fees required by the Township Engineer, the Construction Code Official, Building Officer and/or as required by the Land Use Ordinances of the Township of Long Beach; the amount of the said bonds and inspection fees shall be determined by the Township Engineer and shall be in the forms approved by the Township Attorney;
- f) That, if another governmental agency grants a waiver or variance of a regulation affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify same.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of May 10, 2017.

Moved by: JONES

Seconded by: PINGARO

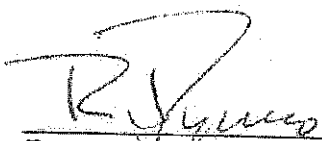
ROLL CALL VOTE:

Ayes: APPELEGATE, KONNOR, LEONETTI, PINGARO, MORAN AND JONES

Nays: NONE

Certified to be a true copy of a Resolution adopted at a regularly scheduled meeting of the Land Use Board held on June 14, 2017.

Dated: June 14, 2017



Ronald Pingaro, Secretary

PUBLICATION DATE: JUNE 22, 2017

Amended
APPROVED
LAND USE BOARD

APPLICATION NO. LUB 19-17PF

LONG BEACH TOWNSHIP LAND USE BOARD
AMENDED RESOLUTION OF MEMORIALIZATION

Date July 12, 2017

WHEREAS, application has been made to the Long Beach Township Land Use Board by **BRANT BEACH YACHT CLUB**, the owner of the lands and premises known and designated as Lot 1 in Block 15.28 on the Official Tax Map of Long Beach Township, and located at 6106 Bayview Avenue, Brant Beach, New Jersey, for Preliminary and Final Major Site Plan approval, Special Reasons Variances, Bulk Variances and design waivers to permit the construction of an addition to the South Harbor Sailing Center and other site improvements to the existing one-story frame building; and

WHEREAS, the jurisdictional requirements of N.J.S.A. 40:55D-12 have been satisfied in that notice of this application has been given to all property owners within two hundred (200') feet of the property in question and notice of this application has been duly published in the Beach Haven Times, the official newspaper of the Township, all as required by law; and

WHEREAS, the Long Beach Township Land Use Board, after carefully considering the application, plans, exhibits and testimony presented by the applicants, as well as the representations of the applicants' attorney, Richard M. Hluchan, Esquire, at the hearing conducted on May 10, 2017, as well as the testimony and objections of, has made the following findings of fact:

- (1) The applicant, a Non-profit New Jersey Corporation, is the owner of the above described premises, having the dimensions of 635 feet (irregular) by 483 feet, for a total area of 8.63 acres;
- (2) The premises are located on the westerly side of Long Beach Boulevard, between 59th and 65th Streets in Brant Beach, New Jersey, and is located in the R50 General Residential Zone.
- (3) The Yacht Club has been located on this site since the 1940's. The premises are currently improved by a one (1) story existing structure consisting of a primary clubhouse and another smaller building identified as the South Harbor Sailing Center. The property also includes boat slips, area used for dry storage for boats, tennis courts and a beach. Both buildings are used for meetings for Club members, community events and are available for weddings, banquets and other occasions.
- (4) The Board incorporates herein by reference the plans prepared by Horn, Tyson & Yoder, Inc., Consulting Engineers, entitled "Site Plan - Cover Sheet Lot 1, Block 15.28, Tax Map Sheet #18, Long Beach Township, Ocean County, New Jersey, dated 12/3/2015 bearing the latest revision date of 2/6/2017; and the plans entitled Site Plan - Area of Proposed Development, Lot 1, Block 15.28, Tax Map Sheet #18, Long Beach Township, Ocean County, New Jersey" dated 12/3/2015, bearing the latest revision date of 12/12/2016.

(5) The Board further incorporates herein by reference the plans prepared by Rob Roth Architects, Inc., entitled "Additions and Renovations to an Existing Building Brant Beach Yacht Club, Lot 1, Block 15.28, Township of Long Beach, Ocean County, New Jersey" dated May 25, 2015.

(6) The Board accepts the report of its Engineer, Frank J. Little, Jr., P.E., dated April 4, 2017, and hereby incorporates same herein by reference; The applicant proposes to construct an addition to the existing South Harbor Sailing Center. The addition will include rest rooms, showers, elevator, additional storage space, an enlarged kitchen area, additional office space, expanded meeting room, an enlarged outdoor deck and observation deck.

(7) The applicant requires a special reasons variance because a yacht club is a conditional use in the R-50 zone under Ordinance § 205 - 38 (A)(12) and the yacht club does not comply with the conditions for the issuance of a conditional use permit; consequently a "special reasons" variance is required.

(8) Since the buildings on site are used for meetings and events where food is served, it can be considered a catering hall which is not permitted in the R-50 zone. A "special reasons" variance is required as the enlargement of the South Harbor Sailing Center is an expansion of a nonconforming use.

(9) The applicants further require the following bulk variances:

- a) Front yard variance (South Harbor Sailing Center) from Bayview Avenue 20 feet is required, 19 feet currently exists and 18.6 feet is proposed.
- b) 98 parking spaces are required, 70 spaces currently exist and 87 spaces are proposed.

(10) Design waivers are required as to the size of 30 parking spaces that exist on Bayview Avenue as they encroach 2.4 feet into the right of way, the board noting that these spaces are pre-existing.

(11) The proposed development promotes the general welfare as it promotes waterfront use and activities that draw visitors to Long Beach Township and therefore benefits the community.

(12) The proposed development enhances water related activities as required by the New Jersey Department of Environmental Protection.

(13) The Board finds that the encroachment into the required 20 foot front yard setback from Bayview Avenue of 1.4 feet is a minimal deviation from the Zoning Ordinance of Long Beach Township under the facts of this application.

(14) The Board finds that the parking at the site is adequate for the use as proposed and notes that there is sufficient additional parking along the railroad cutouts on Long Beach Boulevard for the times when the Yacht Club hosts regattas in the spring and fall and therefor a bulk variance for the different parking requirements can be granted without any detriment to the public good or general welfare.

(15) The 30 parking spaces that encroach into the right of way of Bayview Avenue are adequate and the applicants are entitled to the design waivers for those spaces.

(16) The Board specifically notes that the 30 parking spaces that encroach into the Bayview Avenue right of way by 2.4 feet are a pre-existing condition which is not being changed by the proposed construction.

(17) The Board is mindful that several adjoining property owners voiced their objections to the proposed expansion of the non-conforming use, but the Board notes that the use is pre-existing the construction of the adjoining homes and is a minimal expansion in that it is not intensifying the use but merely permits the site to more adequately accommodate its visitors.

(18) The Board notes that the construction of the addition as proposed is an appropriate use of land in a seashore resort community.

(19) The proposed addition will not adversely affect the free flow of light and air in the neighborhood.

NOW THEREFORE, BE IT RESOLVED, this 12th day of July, 2017 by the Long Beach Township Land Use Board that the application of **THE BRANT BEACH YACHT CLUB**, for Preliminary and Final Major Site Plan Approval, Special Reasons Variances, Bulk Variances, and design waivers is hereby granted in accordance with the executed site plan - cover sheet Lot 1 Block 15.28, Tax map sheet # 18, Long Beach Township, Ocean County, N.J. dated 12/3/15 and bearing the latest revision date of 2/6/17 and the executed site plan area of proposed development, Lot 1, Block 15.28 Tax map sheet # 18 Long Beach Township, Ocean County, New Jersey, dated 12/3/15 and bearing the latest revision date 12/12/2016, which plans were proposed by Horn, Tyson, & Yoder, Inc.

The relief granted, however, is subject to the following conditions:

- a) That the applicant comply with all codes and ordinances except as otherwise varied herein;
- b) That the applicant comply with all requirements imposed by the Long Beach Township Construction Office.

c) That the applicant comply with the requirements of the Long Beach Township Engineer as set forth in the Engineer's report dated April 4, 2017;

* d) That the applicant submit a lighting plan to the Township Engineer's approval to insure that the exterior lighting not be pointed towards the adjoining residential properties.

e) That the applicant obtain any other outside agency approval(s) that may be required, including but not limited to the Ocean County Planning Board;

f) That the applicant post any and all required performance bonds, as well as any and all inspection fees required by the Township Engineer, the Construction Code Official, Building Officer and/or as required by the Land Use Ordinances of the Township of Long Beach; the amount of the said bonds and inspection fees shall be determined by the Township Engineer and shall be in the forms approved by the Township Attorney;

g) That, if another governmental agency grants a waiver or variance of a regulation affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify same.

This Resolution is intended to memorialize the action taken by the Long Beach Township Land Use Board of May 10, 2017.

Moved by: PINGARO

Seconded by: LEONETTI

ROLL CALL VOTE:

Ayes: APPELEGATE, KONNOR, LEONETTI, PINGARO AND JONES

Nays: NONE

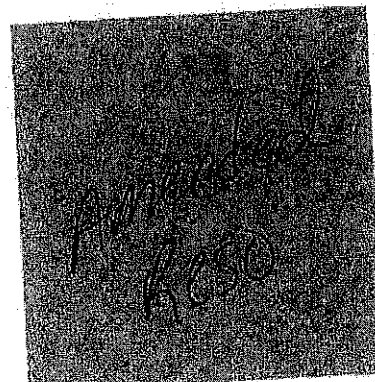
Certified to be a true copy of a Resolution adopted at a regularly scheduled meeting of the Land Use Board held on July 12, 2017.

Dated: July 12, 2017



Ronald Pingaro, Secretary

PUBLICATION DATE: JULY 20, 2017



THIS INDENTURE, made this 7th day of April in the year of our Lord One Thousand Nine Hundred and Sixty-six, between BRANT BEACH YACHT CLUB, a corporation of the State of New Jersey, party of the first part, and TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN, New Jersey, a municipal corporation of New Jersey, party of the second part.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America, paid by the party of the second part to the said party of the first part, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell, grant and convey unto the party of the second party, its successors and assigns forever:

A permanent easement and right of way to construct and maintain an underground pipeline with necessary appurtenances on lands of the party of the first part including the right to extend said pipeline to and through any bulkhead erected or area filled in at any future time on or across the said lands consisting of all that certain 20 foot wide strip of land, situate in the Township of Long Beach, County of Ocean and State of New Jersey, being more particularly described as follows:

ALL THAT CERTAIN tract or parcel of land being situate in the Brant Beach Section of the Township of Long Beach, County of Ocean, and State of New Jersey, as shown on a Plan of Easement prepared by Thomas J. Taylor Associates, dated January, 1964, and being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Bayview

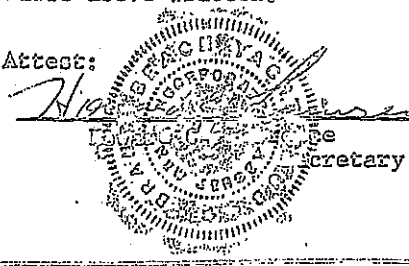
Avenue at the intersection of said line of Bayview Avenue with the prolongation of the southwesterly line of Farragut Avenue and running thence (1) Northwesterly at right angles to Bayview Avenue 58 feet, more or less, to the mean low water line of Little Egg Harbor Bay; thence (2) Northeasterly along said mean low water line of Little Egg Harbor Bay 20 feet, more or less, to a point; thence (3) Southeasterly parallel to the first course 60 feet, more or less, to the Northwesterly line of Bayview Avenue; thence (4) Southwesterly along said line of said Avenue 20 feet to the point and place of BEGINNING.

Said underground pipeline is to be a line for the purpose of conveying surface drainage from Bayview Avenue to the waters of Little Egg Harbor Bay.

TO HAVE AND TO HOLD the same perpetually to the Township of Long Beach, its successors and assigns, together with the right and privilege at any and all times to enter said premises for the purpose of inspecting, maintaining and repairing said pipeline and appurtenances; all upon the condition that said party of the second part will at all times, after doing any work in connection with the inspection, maintenance or repair of said pipeline and appurtenances, restore said premises to the condition in which the same were found before such work was undertaken.

IN WITNESS WHEREOF, the party of the first part has hereunto caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed, the day and year first above written.

Attest:



BRANT BEACH YACHT CLUB,

By Thompson W. Coe
Thompson W. Coe
President

STATE OF NEW JERSEY)
)
COUNTY OF Mercer) SS.

BE IT REMEMBERED, That on this 7th day of April, in the year of our Lord One Thousand Nine Hundred and Sixty-six, before me the subscriber, a Notary Public of the State of New Jersey, personally appeared Howard C. Lawrence, who being by me duly sworn on his oath, says that he is the Secretary of Brant Beach Yacht Club, the corporation named in the foregoing instrument; that he well knows the corporate seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that the said seal was so affixed and the said instrument signed and delivered by Thompson W. Coe, who was at the date thereof the President of said corporation, in the presence of this deponent, and said President at the same time acknowledged that he signed, sealed and delivered the same as his voluntary act and deed, and as the voluntary act and deed of said corporation, by virtue of authority from its Board of Trustees, and that deponent, at the same time, subscribed his name to said instrument as an attesting witness to the execution thereof.

Sworn and subscribed before me)
at Trenton N.J.)
the date aforesaid.

Howard C. Lawrence
Howard C. Lawrence



Jennie M. Lloyd
Jennie M. Lloyd
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 22, 1967

ORIGINAL DOCUMENT

RECORDED
OCEAN COUNTY CLERK'S
OFFICE

1966 Jul 6 PM 2 19

2592 349
OCEAN COUNTY CLERK
OF *Microfilm*
Edward N. Baring

EASEMENT 13593	BRANT BEACH YACHT CLUB, -To- TOWNSHIP OF LONG BEACH, IN THE COUNTY OF OCEAN.	Dated: April 7, 1966	<p style="text-align: center;">BACKES AND BACKES COUNSELLORS AT LAW 805 TRENTON TRUST BUILDING TRENTON 2, NEW JERSEY</p> <p><i>This is Microfilm</i></p> <p><i>Atty: B. W. D. Baring</i> <i>Sam Levin, Sr.</i> <i>Rec'd</i></p>
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Photostated
Micro-filmed

TOWNSHIP OF LONG BEACH
 LAND USE BOARD
 TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
MAN-MADE FEATURES									
Show existing structures and setbacks from existing and proposed property lines, indicating those to be modified or removed or to remain. Show setback of structures on adjacent properties.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Location of proposed buildings, finished grade, first floor and basement elevations, setbacks of all buildings from nearest lot lines, building height and other pertinent improvements.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Building coverage and lot coverage calculations.	X	X	X		X	X			(P) (W) (N/R)
Existing and proposed easements, rights-of-way and their purposes.	X	X	X	X	X	X	X	X	(P) (W) (N/R)
Existing and proposed manholes, sewer lines, stormwater management facilities, waterlines, fire hydrants and utility poles within 200 FT.			X	X	X	X	X	X	(P) (W) (N/R)
Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems as well as channel section details, pipe sizes, types and inverts, road crowns and slopes.					X	X	X	X	(P) (W) (N/R)
All monumentation as required as per the "Map Filing Law" including all monuments found, set or to be set.				X			X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
 LAND USE BOARD
 TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Offstreet parking and loading spaces required and proposed, and location and dimensions of access drives, aisles and parking stalls		X	X		X	X			(P) (W) (N/R)
STREET									
Location, names and widths of all existing and proposed streets, sidewalks and street widening within 200 FT of the site.			X	X	X	X	X	X	(P) (W) (N/R)
Plans, profiles and cross-sections of paved areas, curbs and sidewalks.			X	X	X	X	X	X	(P) (W) (N/R)
MISCELLANEOUS									
Exterior Lighting Plan, including the location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures.			X		X	X	X	X	(P) (W) (N/R)
Landscaping and Screening Plan showing the location, type of tree or shrub and the location, type and amount of each type of ground cover.			X	X	X	X	X	X	(P) (W) (N/R)
Storm drainage calculations.					X		X		(P) (W) (N/R)
Stormwater management facilities shown on the grading plan showing all aspects of the stormwater system.			X		X	X	X	X	(P) (W) (N/R)

TOWNSHIP OF LONG BEACH
 LAND USE BOARD
 TECHNICAL CHECKLIST

KEY: X= REQUIRED P= PROVIDED W= WAIVER N/R= NOT REQUIRED or APPLICABLE

DESCRIPTION	VARIANCE APPLICATION		MINOR APPLICATION		MAJOR SITE PLAN		MAJOR SUBDIVISION		CIRCLE ONE
	BULK	USE	SITE PLAN	SUBDIVISION	PRELIMINARY	FINAL	PRELIMINARY	FINAL	MUST BE COMPLETED
Applications for new construction or additions to buildings: See Initial Checklist for number of copies to distribute of building plans showing elevations and floor areas (including dimensions) for all floors. "Multi-family units and commercial uses require sealed Architectural Plans;" Building elevation to be provided for the full height of the building from grade to roof peak. Plan scale shall be a minimum of 1/4" per foot. Building elevations shall be provided for all sides and shall be labeled North, South, East and West.	X	X							(P)(W)(N/R)
Location of all signs and drawn details showing the size, construction type, height and content of all signs.			X		X	X			(P)(W)(N/R)
Drawn details of the type of screening to be used for the refuse storage areas, outdoor equipment and bulk storage.			X		X	X			(P)(W)(N/R)

PUBLIC NOTICE

LONG BEACH TOWNSHIP

PLEASE TAKE NOTICE that the Brant Beach Yacht Club (the "Applicant") has made application to the Long Beach Township Land Use Board (the "Board") for amended preliminary and final major site plan approval, bulk variances, and a special reasons variance relative to proposed development at the property designated as Lots 1 and 1.01 in Block 15.28 on the Tax Map of the Township of Long Beach, located at 6106 Bayview Avenue in the Brant Beach Section of Long Beach Township. The property, which is located in the R-50 General Residential Zone, is currently developed with a one-story Clubhouse and a separate building known as the South Harbor Sailing Center. The bayfront property currently has boat slips, areas used for dry storage for boats, tennis courts, and a bay beach. Both the Clubhouse and South Harbor Sailing Center are utilized for meetings of the members of the Yacht Club and community events, and are also available for rent for weddings, banquets, and other occasions.

The Applicant is seeking to demolish the existing Clubhouse and to construct a new two-story Clubhouse within the same footprint as the existing Clubhouse. The proposed new Clubhouse would have a 200-seat banquet hall on the first floor, with a commodore's room and areas for storage on the second floor. Other than the reconstruction of the Clubhouse, there are no proposed changes to the site. The following variances are requested:

1. The existing yacht club use is not a permitted use in the R-50 General Residential Zone. The reconstruction of the proposed two-story Clubhouse in place of the existing one-story Clubhouse constitutes an expansion of a non-conforming use, which requires a special reasons variance.

2. Under the Zoning Ordinance, the minimum required rear yard setback is 15 feet. Additionally, Section 205-11(C)(1) of the Zoning Ordinance requires a minimum setback of 10 feet to the waterline. The existing and proposed rear yard setback, and setback to the waterline, is 0 feet.
3. The Zoning Ordinance requires 98 total parking spaces at the site. The existing and proposed number of parking spaces at the site is 87.
4. Design waivers were previously approved as to the size of 30 parking spaces that exist on Bay Avenue, as they encroach 2.4 feet into the right of way.
5. A variance for the front yard setback to the South Harbor Sailing Center was previously approved by the Board where a 20-foot front yard setback is required and the existing front yard setback is 18.6 feet.

Although the Applicant believes that no additional variances, waivers or exceptions are required, any additional variances, waivers or exceptions deemed necessary or appropriate by the Board will be requested at the public hearing.

This matter is on the Clerk's Docket and a hearing has been ordered for January 8, 2025 at 6:30 PM in the Administration Building, First Floor Court Room, 6805 Long Beach Boulevard, Brant Beach, NJ, at which time persons interested may appear personally or by agent or attorney with a properly authorized power of attorney. Please note that this is an in-person meeting only. There will be no virtual component. Notice was previously provided for this meeting, but due to scheduling conflicts of the Applicant, the application has not yet been heard by the Board.

Should the meeting format change, the Township website will be updated with necessary information up to and including the date of the meeting. You will not receive notice of a

meeting format change. It is up to you to check the Township website or call the Township (609-361-6637) during normal business hours on the day of the hearing for any change from in person to virtual meeting.

Documents are available for inspection at the Land Use Board Office, 6805 Long Beach Boulevard, Brant Beach, New Jersey during normal business hours Monday through Thursday 9:00 a.m. to 3:00 p.m.

File #3649

James S. Raban
Attorney for the Applicant