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November 29, 2005

Long Branch Planning Board
344 Broadway
Long Branch, New Jersey, 07740

Re: Zoning Board of Adjustment
2004 Annual Report

Dear Board Members:

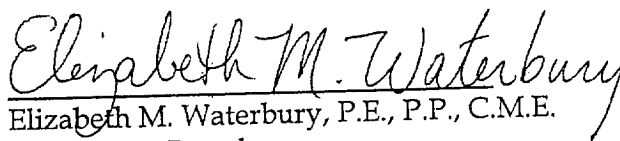
I am pleased to provide the Long Branch Zoning Board of Adjustment with the 2004 LBZB Annual Report. The report was adopted by resolution at the Zoning Board's Regular meeting on November 28, 2005. Included in the 2004 Annual Report are the following items:

- 1) Suggested definitions to be amended to eliminate ambiguities in the ordinance (see attached Exhibit A)
- 2) Summary of all applications received by the Zoning Office and heard by the Board throughout 2004, sorted by zone (4 pages, previously approved at the January 10, 2005 hearing);

As you are aware, the Zoning Board had forwarded to the Planning Board earlier in the year a recommended Development Checklist for consideration. I note that the form forwarded did not address the City's 19-04 ordinance. The Zoning Board has directed me to request that the final adopted form of the Development Checklist include a section requesting the appropriate disclosures as outlined by that ordinance be provided.

If you should have any questions or require additional information, kindly advise.

Very truly yours,


Elizabeth M. Waterbury, P.E., P.P., C.M.E.
City of Long Branch
Zoning Board Engineer and Planner

cc. Zoning Board of Adjustment w/ enclosures
via Kelly Kaufman, Secretary
Mike Irene, Esq. w/ enclosures
City Council w/ enclosures
Via Howard Wooley, Administrator

Re: 2004 Annual Report
City of Long Branch Zoning Board of Adjustment

**Long Branch Zoning Board of Adjustment
2004 Annual Report
Definition Clarifications**

The following is a summary of definitions from which clarifications have been requested from the applicants to the Board over the year, and from which the Board requests clarification upon.

- 1) Structure - The definition is very broad. It is requested the definition be narrowed to clarify if the definition is to include all items such above and below ground as the wording suggests. Since the definition includes all items above and below the ground, this could be interpreted to include such items as drainage structures, drywells, underground detention or retention facilities, etc. We offer the following as it relates to the 'structure' definition and its application to the following:

A. Lot Coverage- This definition defines Lot Coverage to include all structures. As noted above, the definition of structures includes all materials above and below ground. Typically we have interpreted that all items such as drives, pool, walks, drives, and buildings patios, decks etc. have been included in the coverage whether they were impervious or not. Underground structures have generally not been included. Clarification as to if the definition is to measure intensity and/or aesthetics of development on a site by including all above and below ground, or if the definition is to address storm water impacts where impermeable surfaces are more the concern. If it is more for stormwater impacts, then we request a definition of impermeable surfaces be provided as the NJDEP definition of impervious surfaces has been revised to include gravel and pavers area. Gravel and paver areas would fall under the definition of a structure be the ordinance, but may not be considered impervious.

B. Setbacks- The setback definition indicates that the setback is to any building or structure. As noted above, the definition of Structure encompasses much more than buildings. Clarification is requested as to the types of structures to be permitted with the setbacks. For example are items such as sidewalks, drives, pools, drainage facilities, utility structures, etc. required to be outside the setbacks set for the zone?

C. Patio / Decks- The description of a deck or a patio would fall within the definition of a structure and would fall into the definition of coverage and setbacks by inclusion of the word structure in their definition. The Board requests a clarification as to whether the deck and patio requirements found under section of the ordinance defining "Additional Provisions" (section 345-11V) governs or if the zone's setback requirements as implied by the setback definition's use of the word 'structure' govern. These two sections appear to provide conflicting requirements at times.

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- 2) Building Area (as related to ground cover) - Some buildings have an overhang that extends over the ground, but does not touch the ground. The Board requests a confirmation as to if the Planning Board and Council wish these overhangs to be counted in the definition.
- 3) Building Height (as related to measuring technique)- The Board has had to interpret where to begin measuring a height variance where a height variance is combined with fill on the site. The definition of 'Grade, Finished' limits the amount of fill to 1.5' before review is required by the Planning Board. This does not address how to handle if more than 1.5' of fill is required on the site in addition to a height variance above the fill. The Board recommends that the building height be measured perpendicular to the finished ground, except in instances where fill is proposed, raising the building. In that instance the height of a building should be measured from the proposed finish ground or if an average of more than 1.5' of fill is proposed, than from a point measured from the elevation of the maximum 1.5' of fill at the four corners of the building, to the height at the point of the roof or roof peak, whichever is higher.

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**Long Branch Zoning Board of Adjustment
2004 Annual Report
Application Summary by Zone**

ZB #	NAME & ADDRESS	TYPE	VARIANCE REQUESTS	APPROVAL STATUS	BLK	LOT	ZONE	DESCRIPTION
BG ZONE								
04-08	Cooper Townhomes 75 Cooper Avenue (@ Witmer Place)	Townhouse (9 units)	Zoning Appeal	Denial Letter dated 03/23/04; Withdrawn 7/7/04	307	18	BG	Appeal of the first and second items outlined in the March 23, 2004 denial letter from the Zoning Officer; Nine townhomes proposed on vacant land
C-2 & I ZONE								
02-08	E&L Paving 63 Community Place	Commercial	Use & Site Plan	Need revised plans; Received extension until Seashore Day Camp Submitted	237	Many	C-2 & I	Use Variance & Site Plan Approval for the operation of an asphalt paving company with ancillary activities including temporary storage
C-3 ZONE								
04-10	Giddio 585 Second Avenue	Apartments	Height, Use & Bulk	2 nd Tech. review 10/22/04; Testimony to continue in 2005	129	2 & 3	C-3	Height, use and bulk variances to add an apartment building on a vacant lot
I ZONE								
04-01	Carey 25 Community Place	1 family	Use & Bulk	Use approved 01/26/04; Bulk approved 03/22/04	237	25	I	Use and setback variances to construct a 2-story 1-family home on vacant land
R-1 ZONE								
01-03	Konvitz 47 Lincoln Avenue	1-family	Bulk	Approved 9/13/04	18	1	R-1	Extension of time for front yard setback
04-13	Ohel Yaacob Synagogue 1284 Ocean Av	Synagogue	Use & Bulk	2 nd incompleteness letter 10/22/04	2	9.01	R-1	Use & Bulk variances for proposed trailer for temporary storage and classrooms; on vacant lot; maximum period of 2 years
02-10	Sutton 3 Plaza Court	1-family	Extension requested	Withdrawn 06/03/04	60	3	R-1	Previously Horowitz Application; Extension of time for construction; Received building permit
03-28	Tawil, Elliott 2 Private Drive	1-family	Bulk & Height (for tower)	Approved 06/14/04	16	8, 9 & 10	R-1	Height and setback variances to construct a single family home with a tower to replace existing home
04-03	Tawil, Ralph 1100 Elberon Drive	1-family	Height	Withdrawn	19	2	R-1	Height variance to construct a single family home with a pool & tennis court to replace existing home
R-2 ZONE								
03-04	Fallas/Erani Norwood Avenue	1-family	Use & possible height	Zoning Permit issued 8/1/03 for cabana use without kitchen; Withdrawn 01/12/04	8	26	R-2	Recent renovations of Single family dwelling with pool; Seeking setbacks and cabana use & location; new survey and design to be submitted
04-15	Fallas/Erani Norwood Avenue	1-family	Bulk	Zoning Violation dated May 20, 2004; Incomplete letter July	8	26	R-2	As per Application ZB 03-04, new application for variance for location of pool equipment and bulk variances as

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				12, 2004				required; no plans submitted - Zoning Violation issued May 20, 2004
04-16	Harari 191 Cummings Avenue	1-family	Bulk	Incompleteness letter 11/24/04	57	4	R-2	Setback and coverage variances to construct a pool
03-05	Hirsch Norgrove Avenue	1-family	Bulk	Withdrawn 03/11/04	46	12	R-2	Variances required for lot area, setback, use for a proposed single home on vacant, undersized lot
04-05	Ilan High School 250 Park Avenue	School	Use, Height & Bulk	Withdrawn 09/21/04	22.01	31	R-2	Use, bulk & height variances to install a portable double trailer for temporary classrooms
04-11	Illion 215 Hollywood Avenue	1-family	Bulk	Completeness letter 10/27/04; Testimony to be heard in 2005	97	12	R-2	Setback variances requested to construct a pool
03-20	LaCorte - Carriage Houses at Brighton 237 Brighton Avenue	Townhouse (8 Units)	Bulk & Use Bifurcated	Approved Use Variance for townhouses on 7/12/04; Requires Site Plan Approval	117	28	R-2	Requesting Bifurcation of use. Bulk & Use variances requested for 8 town homes in R-2 Zone. Previously Hoffman file (Proposed nursery school/day care).

R-3 ZONE

03-29	Columbia Villas (Katsifis) 15 Riverdale Avenue	Townhouse (6 units)	Use & Bulk; possible height	Technical review letter 03/17/04; Testimony to continue in 2005	474	1	R-3	Use, coverage, setback & possible height variances requested to remove existing dilapidated house and garage and replace with 6 townhouses
03-22	Gorman 1 Beach Avenue	1 family	Bulk & Height	Approved with conditions 01/26/04; Resolution 02/23/04	477	3, 4	R-3	Bulk and Height variances for a 2-story addition to 1-family home; Applicant received NJDEP approvals since adjacent to tidelands and Manhasset Creek
04-09	Newwirth & Smith Catherine St.	1-family	Bulk	Review letter Review letter 11/03/04; Testimony to continue in 2005	465	10	R-3	Proposed 2 story home on vacant lot; Previous application (Aim Construction, 1988) denied; CAFRA & NJDEP approvals being sought

R-4 ZONE

04-18	Benevides 76 Third Avenue	Commercial	Use & Bulk	Completeness due 01/25/05	277	2	R-4	Use variance to convert unoccupied existing building in R-4 Zone to a beauty salon; has pre-existing bulk variance conditions
04-04	Bundac 14 Dale Street	1-family	Bulk	Approved 11/22/04	171	1.03	R-4	Setback and coverage variances requested for a proposed sunroom addition
03-13	Cioffi Stokes Place	2-family	Use & Bulk	Approved with conditions 02/23/04	278	6.02	R-4	Use and setback variances to construct a two-family home on a vacant lot; Major site plan
04-12	Coyle 240 Liberty Street	1-family	Bulk	Approved 6/14/04	315	3	R-4	Bulk variances to add a 10'x24.07' addition
04-02	Gil 393 Morris Avenue	2-family	Use & Bulk	Incomplete letter dated 5/28/04	237	17	R-4	Use variance to convert 1-family home into 2-family dwelling by utilizing basement as a 3-bedroom apartment
04-07	Leff 55 Passey Gardens	1-family	Bulk	Approved with conditions 04/26/04	135	17	R-4	Seeking Bulk Variances to demolish existing dwelling and construct 3-bedroom home & pool
03-21	MacConnell 596 Vernon Street	1-family	Bulk & Height for accessory structure	Incomplete letter dated 09/17/03	250	11	R-4	13'x20' detached garage for storage & woodshop exists; adding 11'x20' garage & 1-story loft (20'x24') above for storage & workspace

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04-06	Oceanview-KB LLC (Kelly Townhouses) Morris & Second Avenue	Townhouse (35 units)	Use, Height & Bulk	Technical review dated 06/23/04; Testimony to continue in 2005	229	37	R-4	Use, height and bulk variances requested to remove existing structures and replace with six 3-story townhouses
03-30	RRR Assoc. LLC (Sickler, Manners & Fell) @ 150-152 Chelsea Ave.	Townhouse (16 units)	Use, bulk, height, density	2 nd Technical Review letter 12/10/04; Testimony to continue in 2005	217	6, 7, & 9	R-4	Variances requested to raze existing treatment/drug rehabilitation facility ("Chelsea House") with a 16-unit townhouse complex
99-10	Rymer-Bell 264 Branchport Avenue	L.B. Poultry Farm	Commercial Use & Site Plan	Preliminary & Final Approval granted 5/13/02; Final Site Plan Approval needed	355	23, 24 & 25	R-4	Final Site Plan Approval being sought. The proposed Deed of Agreement Restrictions on Use binds the applicant to comply with all conditions set forth in the 12/12/00 resolution.
03-25	Sairs Avenue @ Hulick Street	Townhouse (15 units)	Use, Bulk & Density	2 nd Technical review 9/8/04; Testimony to continue in 2005	133	1	R-4	Variances to construct a 15-unit townhouse complex on vacant land
03-26	Scarpino 170 Grand Avenue	2-family	Use & Bulk	Denied 6/14/04	242	15	R-4	Use and bulk variances to construct a two family home on vacant land
03-17	Sciarapa 5 Lane Street	1-family	Bulk	Approved 01/26/04	254	24	R-4	Bulk variances to enclose existing deck and convert to a sun room
03-23	Silva 81-83 Branchport Avenue	2-family	Use & Bulk	Approved 01/12/04 with conditions	253	19	R-4	Use and setback variances to expand a pre-existing non-conforming use to add a second floor to the existing 2-1/2 story 2-family structure
03-24	Spanish Assembly of God Church 14 4 th Avenue	Church	Use & Bulk; possible height	Incompleteness letter 11/14/03	231	4	R-4	Expansion of existing non-conforming use; existing side yard variances
03-31	The Shores -01 Bath Avenue	Townhouse (37 units)	Use & Bulk	Denied 03/29/04	153	2.03, 3.01, 3.02, 4	R-4	Use & bulk variances to construct a 37-Unit Townhouse Development with a connecting private road between Bath Ave. and Cottage Place
03-31	The Shores -02 Bath Avenue	Townhouse (30 units)	Use & Bulk	Approved 6/07/04	153	2.03, 3.01, 3.02, 4	R-4	Use & bulk variances to construct a 30-Unit Age-restricted Townhouse Development with a cul-de-sac private road off Bath Avenue
98-24	Westwood Hall Assoc.	Extension only		Approved 01/26/04	186	2, 3, 4 & 5.02	R-4	Extension of time to perform construction of nursing home/assisted living facility (existing building demolished)
03-16	Zambrano 33 Washington Street	2-family	Bulk	Review letter 11/03/04; Testimony to continue in 2005	257	25	R-4	Bulk variances for setbacks to proposed parking area and driveway.
R-5 ZONE								
04-19	Hughes 379 Joline Ave.	1-family	Bulk, Height	Completeness due 01/06/05	329	2	R-5	Bulk and height variances to convert existing 1-family home to a garage and construct a new 1-family dwelling on same lot
R-7 ZONE								
03-18	Martelli (Patten Woods)	Zoning Appeal	N/A	Motion to overturn zoning denial approved 2/23/04	455	6.71-6.80	R-7	Appealed Zoning Officer decision that was denied August 2002.
R-8 ZONE								
03-27	Meyer 12 Nesto Terrace	1-family	Bulk	Approved 8/9/04	227	20	R-8	Bulk variance to construct a 2-story single family home in place of existing single family home

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RC-1 ZONE								
04-17	Cram 42 Marion Place	1-family	Area & Bulk; possible height	Incompleteness letter 11/22/04	425	20	RC-1	Area & Bulk variances to expand an existing 2-story home to 3-stories and add a 3-story addition to increase living space
00-39	DeLuca 266 Ocean Avenue	1-family	Bulk (Height variance eliminated)	Revised Application Approved with conditions 03/08/04	418	7	RC-1	Revised application from 3/10/03 denial; Bulk variances (setbacks) to construct a single-family home on an undersized lot Reduced size and height

**RESOLUTION ADOPTING
THE 2004 ANNUAL REPORT OF
THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF LONG BRANCH**

WHEREAS, the Municipal Land Use Law requires that the Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revisions, if any; and

WHEREAS, the Board has prepared its Annual Report in this regard for the calendar year 2004 and said report reviews the decisions of the Board on applications and appeals as required by the Municipal Land Use Law, and further sets forth findings of the Board on zoning ordinance provisions which were the subject of variance requests as well as the recommendations of the Board, if any, as may be set forth in said report, regarding zoning ordinance amendments and/or revisions;

NOW, THEREFORE, the Board hereby adopts said Annual Report, and the Board hereby further respectfully submits said Annual Report along with this Resolution adopting same, to the governing body and Planning Board of the City of Long Branch.

ROLL CALL VOTE

The above resolution was moved by Janeczek, seconded by

Levin, and on a roll call, the following vote was recorded:

THOSE IN FAVOR: 6

THOSE OPPOSED: 0

CERTIFICATION

I, KELLY KAUFMAN, Secretary of the Zoning Board of Adjustment of the City of Long Branch, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Zoning Board of Adjustment at its regular meeting held on November 28, 2005.

DATED: 11/28/05

Kelly Kaufman
KELLY KAUFMAN, Secretary