

**RABAN & RABAN**

— LLC —

*Attorneys at Law*

**11710 Long Beach Blvd.  
Haven Beach, NJ 08008**

REGINALD J. RABAN (Retired)  
JAMES S. RABAN\*▲

MEMBER OF NJ BAR \*  
MEMBER OF PA BAR ▲

TEL (609) 492-0533  
FAX (609) 492-0464  
Email: [jraban@regraban.com](mailto:jraban@regraban.com)

April 16, 2020

Via Hand Delivery & Email [cmcnally@beachhaven-nj.gov](mailto:cmcnally@beachhaven-nj.gov)

Colleen McNally, Secretary  
Beach Haven Land Use Board  
300 Engleside Ave.  
Beach Haven, NJ 08008

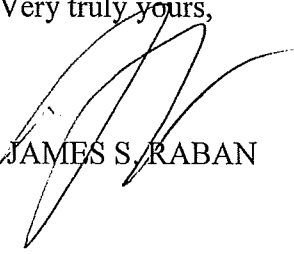
Re: Kane Variance  
Block 53, Lot 17  
434 Iroquois Ave., Beach Haven, NJ 08008

Dear Ms. Mason:

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

- (x) 5 copies of Land Use Development Application
- (x) 5 copies of Variance Plan prepared by William E.S. Kaufman, RA  
(Elevations to be provided electronically only)
- (x) 5 copies of Survey Plans, prepared by Charles E. Saladin, Jr., PLS
- (x) Public Notice
- (x) Check No. 1919 Amount \$100.00 Administrative Fee
- (x) Check No. 1920 Amount \$1,500.00 Escrow Account Deposit
- (x) Please consent and/or approve for public hearing on June 1, 2020 at 6:00 p.m.

Very truly yours,

  
JAMES S. RABAN

JSR/dh  
Encl.

Colleen McNally, Secretary

April 16, 2020

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Cc: Mr. Henry Kane, Jr. (via email) (w/ encls.)  
William E. S. Kaufman, RA (via email) (w/ encls.)  
Charles E. Saladin, Jr., PLS (via email) (w/ encls.)  
Frank J. Little, Jr., P.E., P.P., C.M.E. (via email & regular mail) (w/ encls.)  
Stuart D. Snyder, Esq. (via email & regular mail) (w/ encls.)

**LAND USE DEVELOPMENT APPLICATION**

**BOROUGH OF BEACH HAVEN**  
BAY AVENUE AND ENGLSIDE AVENUE  
BEACH HAVEN, NEW JERSEY 08008  
(609) 492-0111

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**TO BE COMPLETED BY BOROUGH STAFF ONLY**

Date Filed \_\_\_\_\_ Docket No. \_\_\_\_\_  
Application Fees \_\_\_\_\_ Escrow Deposit \_\_\_\_\_  
Scheduled for: Review of Completeness \_\_\_\_\_ Hearing \_\_\_\_\_

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**1. SUBJECT PROPERTY - TO BE COMPLETED BY APPLICANT**

Location: 434 Iroquois Ave.  
Tax Map Page 3 Block 53 Lot 17  
Dimensions Frontage: 50ft. Depth: 90.41 ft. (irregular) Total Area: 3,311 sq. ft. (upland)

Zoning District: MC Marine Commercial District

**2. APPLICANT**

Name: Henry S. Kane, Jr. and Carey G. Kane  
Address: 51 Pickle Brook Road, Bernardsville, NJ 07924  
Telephone Number: Home: 908-526-3904 Local:  
Work : Fax:  
Applicant is a Corporation Partnership Individual  X  
Other (Please Specify):  
Social Security Number / Federal ID Number

**3. DISCLOSURE STATEMENT**

Pursuant to N.J.S. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate application or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed (attach pages as necessary to fully comply.)

Name: N/A Interest:

Address:

Name Interest

Address

APPLICANT IS RESPONSIBLE FOR PAYMENT OF ALL PROFESSIONAL REVIEW FEES, INCLUDING THE ENGINEERING AND ATTORNEY. ALL ENGINEERING AND LEGAL FEES MUST BE PAID BEFORE CONSTRUCTION OR ZONING PERMITS CAN BE ISSUED.

4. If owner (s) is other than the applicant, provide the following information on the Owner (s):

Owner's Name: Owner is same as Applicant

Address:

Telephone Number: Home: Work: Local:

Relationship of the applicant to the property in question:

Owner  Lessee Purchaser Under Contract : Other

5. PROPERTY INFORMATION:

Deed restrictions, covenants, easements, rights of way, association by-laws, or other dedication existing or proposed on the property:

Yes No  Proposed

Note: All Deed Restrictions, Covenants, Easements, Rights of Ways, Association By-Laws, or other dedications existing and proposed must be submitted for review.

Site Plan and / or conditional use applicants: N/A

Proposed for: Expanded Area Alteration

Expansion of Structure Change of Use Sign

Other (please specify):

Has this property been the subject of any prior application (s) to the Planning Board or Zoning Board of Adjustment? Yes No

If so, please attach the date (s), the relief sought, the disposition of the case and a copy of the resolution (s).

Is the subject property located on:

A County Road: Yes No  ; A State Road: Yes No  ; within 200 feet of a municipal boundary: Yes No

Present use of the premises: A single-family dwelling currently exists and is also proposed.

6. Applicant's Attorney JAMES S. RABAN

Address 11710 Long Beach Blvd., Haven Beach, NJ 08008

Telephone Number (609) 492 - 0533 Fax Number (609) 492 - 0464

7. Applicant's Engineer/Surveyor: Charles E. Saladin, Jr., PLS

Address: P.O. Box 8508, Somerville, NJ 08876

Telephone Number: 908-722-1270 Fax Number: 908-722-1393

8. Applicant's Planning Consultant: N/A

Address

Telephone Number

Fax Number

9. Applicant's Architect: William E. S. Kaufman, RA

Address: 1932 Long Hill Road, Millington, NJ 07946

Telephone Number: 908-647-8200

Fax Number: 908-626-9197

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary):

Name: N/A

Field of Expertise:

Address:

Telephone Number:

Fax Number

**11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:**

**SUBDIVISION: N/A**

- Minor Subdivision Approval
- Subdivision Approval (Preliminary)
- Subdivision Approval (Final)

Number of Lots to be created:

Number of proposed Dwelling:

Area and Dimensions of each Proposed Lot:

**SITE PLAN: N/A**

- Minor Site Plan Approval
- Preliminary Site Plan Approval [Phases (if applicable)]
- Final Site Plan Approval [Phases (if applicable)]
- Amendment or Revision to an Approved Site Plan
- Area to be disturbed (square feet)

Total number of proposed dwelling units:

**INFORMAL REVIEW**

APPEAL DECISION OF AN ADMINISTRATIVE OFFICER [N.J.S. 40:55d-70A]

MAP OR ORDINANCE INTERPRETATION OR SPECIAL QUESTION [N.J.S. 40:55D-70B]

X VARIANCE RELIEF (HARDSHIP) [N.J.S. 40:55D-70C(1)]

X VARIANCE RELIEF (SUBSTANTIAL BENEFIT) [N.J.S. 40:55D-70C (2)]

VARIANCE RELIEF (USE) [N.J.S. 40:55D-70D]

CONDITIONAL USE APPROVAL [N.J.S. 40:55D-67]

DIRECT ISSUANCE OF A PERMIT FOR A STRUCTURE IN BED OF A MAPPED STREET, PUBLIC DRAINAGE WAY, OR FLOOD CONTROL BASIN [N.J.S. 40:55D-34]  
DIRECT ISSUANCE OF A PERMIT FOR A LOT LACKING STREET FRONTAGE [N.J.S. 40:55D-35]

12. Section (s) of Ordinance from which a variance is requested:

The property is located in the Marine Commercial Zone. Based upon the fact that the lot is currently developed with a single-family dwelling, the provisions of the RA Single-Family Residential District apply.

Section 212-9(E)(3): Minimum front yard setback of 15 feet required; 6.6 feet is existing; 2.6 feet is proposed.

Section 212-9(E)(4): Minimum rear yard setback of 8 feet required; 4.8 feet is existing; 4.8 feet is proposed.

Section 212-9(E)(5): Two side yards, one not less than five feet, with a combined side yard total of 16 feet, are required. The existing westerly side yard setback is 2.6 feet; 2.6 feet is proposed to the expanded deck.

Section 212-9(F): Percentage of lot coverage. All buildings, including accessory buildings, shall not cover more than 35% of the lot. 37% is existing; 41% is proposed.

Section 212-20(L): Yards adjacent to bay, lagoons, coves and other bodies of water. There shall be an open, unoccupied space between the bulkhead or shoreline at mean high water and a line drawn parallel thereto of not less than 15 feet with the exception of any structure or portion of a structure less than 12 inches above the general ground elevation.

- The existing and proposed setbacks to the bulkhead are 2.6 feet.

13. Waivers Requested of development Standards and/or Submission Requirements: (attach additional pages as needed): The Applicant reserves the right to request waivers if necessary.

14. ATTACH A COPY OF THE PROPOSED NOTICE TO APPEAR IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY AND TO BE MAILED TO THE OWNERS OF ALL REAL PROPERTY, AS SHOWN ON THE CURRENT TAX DUPLICATE, LOCATED WITHIN THE STATE AND WITHIN 200 FEET IN ALL DIRECTIONS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION. THE NOTICE MUST SPECIFY THE SECTIONS OF THE ORDINANCE FROM WHICH RELIEF IS SOUGHT, IF APPLICABLE.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the administrative officer for the hearing. A copy of the proposed notice is attached.

15. An Affidavit of Service on all property owners and a Proof of Publications must be filed before the Application will be complete and the hearing can proceed.

Explain in detail the exact nature of the Application and the changes to be made at the premises, including the proposed use of the premises: (Attach pages as needed)

The Applicant seeks to renovate and expand the existing rear decks on the existing single-family dwelling. The proposed expanded first-story deck will wrap around to the northerly side of the home, with a staircase to a new entrance door to the home being located on the north side. The expanded first and second story decks will be connected by way of a spiral staircase on the southerly side of the proposed expanded decks. Extensive exterior renovations are also proposed to improve the overall aesthetics of the existing home.

16. Is a public water line available? Yes
17. Is public Sanitary Sewer available? Yes
18. Does the application propose any lighting? Normal residential lighting
19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate Lot and Block number? N/A
20. Are any Off-Tract Improvements required or proposed? No
21. Is the Subdivision to be filed by Deed or Plat? N/A
22. What form of security does the applicant propose to provide as performance and maintenance guarantees?  
N/A
23. OTHER APPROVALS WHICH MAY BE REQUIRED AND DATE PLANS SUBMITTED:

	YES	NO	DATE PLANS SUBMITTED
LOCAL FIRE PREVENTION		X	
BEACH HAVEN WATER & SEWER DEPT.		X	
BEACH HAVEN PUBLIC WORKS DEPT.		X	
LONG BEACH ISLAND HEALTH DEPT.		X	
OCEAN COUNTY PLANNING BOARD		X	
OCEAN COUNTY SOIL CONSERVATION DEPT.		X	
N.J. DEPT. ENVIRONMENTAL PROTECTION		X	
SANITARY SEWER CONNECTION PERMIT		X	
SEWER EXTENSION PERMIT		X	
WATERFRONT DEVELOPMENT PERMIT		X	
WETLANDS PERMIT		X	
TIDAL WETLANDS PERMIT		X	
F.E.M.A.		X	
N.J. DEPT. OF TRANSPORTATION		X	
ATLANTIC ELECTRIC		X	
N.J. NATURAL GAS		X	
OTHER			

24. CERTIFICATION FROM THE TAX COLLECTOR THAT ALL TAXES DUE ON THE SUBJECT PROPERTY HAVE BEEN PAID.
25. LIST OF MAPS, REPORTS AND OTHER MATERIALS ACCOMPANYING THE APPLICATION (attach additional pages as required for complete listing)

THE DOCUMENTATION MUST BE RECEIVED BY THE BOARD SECRETARY AT LEAST TWENTY-ONE (21) DAYS PRIOR TO THE MEETING AT WHICH THE APPLICATION IS TO BE CONSIDERED. A LIST OF THE PROFESSIONAL CONSULTANTS IS ATTACHED TO THE APPLICATION FORM.

<u>Quantity</u>	<u>Description of Item</u>
5 copies	Land Use Development Application
5 copies	Variance Plan and Elevations prepared by William E. S. Kaufman, RA
5 copies	Survey prepared by Charles E. Saladin, Jr., PLS

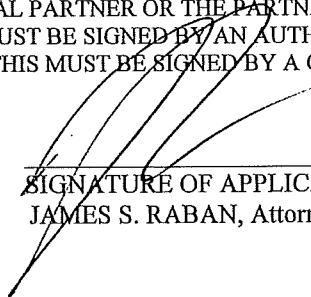
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

SPECIFY WHICH REPORTS ARE REQUESTED FOR EACH OF THE APPLICANT'S PROFESSIONALS OR WHETHER ALL REPORTS SHOULD BE SUBMITTED TO THE PROFESSIONAL LISTED.

	<u>Applicant's Professional</u>	<u>Reports Requested</u>									
<u>  x  </u>	Attorney	<u>All Reports</u>									
<u>      </u>	Engineer	<u>All Reports</u>									
<u>  x  </u>	Architect	<u>All Reports</u>									
27.	CHECK LISTS USED	<table border="0"> <tr> <td>SCHEDULE A</td> <td>YES X</td> <td>NO</td> </tr> <tr> <td>SCHEDULE B</td> <td>YES</td> <td>NO X</td> </tr> <tr> <td>SCHEDULE C</td> <td>YES X</td> <td>NO</td> </tr> </table>	SCHEDULE A	YES X	NO	SCHEDULE B	YES	NO X	SCHEDULE C	YES X	NO
SCHEDULE A	YES X	NO									
SCHEDULE B	YES	NO X									
SCHEDULE C	YES X	NO									

**CERTIFICATIONS**

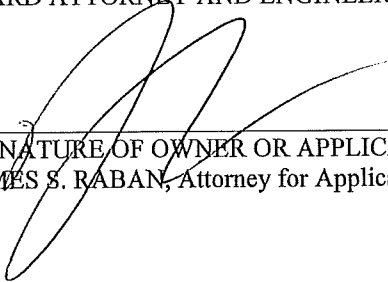
28. I CERTIFY THAT THE FOREGOING STATEMENTS AND THE MATERIALS SUBMITTED ARE TRUE, AND WAIVE ALL APPLICABLE TIME LIMITS UNTIL THE FIRST PUBLIC HEARING OF THIS APPLICATION. I FURTHER CERTIFY THAT I AM THE INDIVIDUAL APPLICANT OR THAT I AM AN OFFICER OF THE CORPORATE APPLICANT AND THAT I AM AUTHORIZED TO SIGN THE APPLICATION FOR THE CORPORATION OR THAT I AM A GENERAL PARTNER OR THE PARTNERSHIP APPLICANT. (IF THE APPLICANT IS A CORPORATION, THIS MUST BE SIGNED BY AN AUTHORIZED CORPORATE OFFICER, IF THE APPLICANT IS A PARTNERSHIP, THIS MUST BE SIGNED BY A GENERAL PARTNER)

  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT  
 JAMES S. RABAN, Attorney for Applicant



29. I UNDERSTAND THAT A SUM, TO BE DETERMINED, WILL BE DEPOSITED IN AN ESCROW ACCOUNT, IN ACCORDANCE WITH THE ORDINANCES OF THE BOROUGH OF BEACH HAVEN. I FURTHER UNDERSTAND THAT THE ESCROW ACCOUNT IS ESTABLISHED TO COVER THE COST OF PROFESSIONAL SERVICES INCLUDING ENGINEERING, PLANNING, LEGAL AND/OR OTHER EXPENSES ASSOCIATED WITH THE REVIEW OF SUBMITTED MATERIALS. SUMS NOT UTILIZED IN THE REVIEW PROCESS SHALL BE RETURNED. IF ADDITIONAL SUMS ARE DEEMED NECESSARY, I UNDERSTAND THAT I WILL BE NOTIFIED OF THE REQUIRED ADDITIONAL AMOUNT AND SHALL ADD THAT SUM TO THE ESCROW ACCOUNT WITHIN FIFTEEN (15) DAYS. I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR PAYING FEES DUE TO THE LAND USE BOARD ATTORNEY AND ENGINEER.

4/16/20  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
SIGNATURE OF OWNER OR APPLICANT  
JAMES S. RABAN, Attorney for Applicant

**BOROUGH OF BEACH HAVEN PROFESSIONAL CONSULTANTS**

**LAND USE BOARD ATTORNEY**

Stuart D. Snyder, Esquire  
2100 Long Beach Blvd.  
Surf City, NJ 08008

(609) 494-7676  
FAX: (609) 494-8499

**ENGINEER**

Frank J. Little, Jr. P.E., P.P.  
Owen, Little & Associates, Inc.  
443 Atlantic City Boulevard  
Beachwood, NJ 08722

(732) 244-1090  
FAX: (732) 341-3412

**BOROUGH ATTORNEY**

Bruce W. Padula, Esquire  
5 Ravine Drive P.O. Box 533  
Matawan, New Jersey 07747

(732) 583-7474  
FAX: (973) 845-6700