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— LLC —

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REGINALD J. RABAN (Retired)

JAMES S. RABAN* ▲

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January 10, 2024

Via Hand Delivery and Email Lubsecretary@beachhaven-nj.gov

LUB Secretary

Beach Haven Land Use Board

300 Engleside Ave.

Beach Haven, NJ 08008

Re: Little Egg Harbor Yacht Club Amended Major Site Plan and Bulk Variance
401 Berkely Ave. Beach Haven, NJ 08008
Block 98 Lots 7 & 8 and Block 113 Lots 2 & 2.01

Dear Gina:

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 James Brzozowski of Horn Tyson & Yoder, Inc.
- (x) Public Notice
- (x) W-9
- (x) Affidavit of Ownership
- (x) Check No.: 3239 Amount \$200.00 Administrative Fee
- (x) Check No.: 3240 Amount \$3,000.00 Escrow Account Deposit
- (x) Please consent and/or approve for public hearing on February 5, 2024 at 6:00 p.m.

Very truly yours,


JAMES S. RABAN

JSR/dh

cc: LEH Yacht Club (via email)
James Brzozowski (via email)
Frank J. Little, Jr., P.E., P.P., C.M.E. (via email and regular mail)
Matthew Wieliczko, Esq. (via email and regular mail)

LAND USE DEVELOPMENT APPLICATION

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

TO BE COMPLETED BY BOROUGH STAFF ONLY

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

1. SUBJECT PROPERTY - TO BE COMPLETED BY APPLICANT

Location: 401 Berkeley Avenue
Tax Map Pages 4 & 6 Block 98 Lots 7 & 8 Block 113 Lots 2 & 2.01
Dimensions Frontage: 150 ft. Depth: 563.61 ft. (irregular) Total Area: 115,659 sq. ft. (upland)

Zoning District: MC Marine Commercial District

2. APPLICANT

Name: Little Egg Harbor Yacht Club, a Non-Profit Corporation of the State of New Jersey

Address: P.O. Box 1284, Beach Haven, NJ 08008

Telephone Number: 609-492-2529

Work _____ Fax: _____
Applicant is a Corporation ☒ (Non-Profit) Partnership _____ Individual _____
Other (Please Specify): Limited Liability Company
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: _____ 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: 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 X 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:

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 X No .

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

The most recent prior resolution for the site is the attached Resolution of Memorialization under Docket Number BHLUB 2007-20, which permitted removal and replacement of the deck on the easterly side of the clubhouse.

Is the subject property located on:

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

Present use of the premises: Little Egg Harbor Yacht Club

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: Horn, Tyson & Yoder, Inc.

Address: 8510 Long Beach Blvd., Long Beach Township, NJ 08008

Telephone Number: 609-492-5050

Fax Number: 609-492-4163

8. Applicant's Planning Consultant: Same as Engineer

Address

Telephone Number

Fax Number

9. Applicant's Architect: N/A

Address:

Telephone Number:

Fax Number:

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

Name

Field of Expertise

Address

Telephone Number

Fax Number

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION:

Minor Subdivision Approval

Subdivision Approval (Preliminary)

Subdivision Approval (Final)

Number of Lots to be created

Number of proposed Dwelling
(if applicable)

Area and Dimensions of each Proposed Lot:

SITE PLAN:

Minor Site Plan Approval

Preliminary Site Plan Approval [Phases (if applicable)]

Final Site Plan Approval [Phases (if applicable)]

- X Amendment or Revision to an Approved Site Plan

Area to be disturbed (square feet) :

Total number of proposed dwelling units: 0 (4 rooms for staff housing proposed)

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]

VARIANCE RELIEF (HARDSHIP) [N.J.S.40:55D70C(1)]

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

VARIANCE RELIEF (CONDITIONAL 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:

Section 212-27(B)(3): Maximum permitted impervious coverage is 60%. The existing impervious coverage is 92.6%; 92.6% is proposed.

13. Waivers Requested of development Standards and/or Submission Requirements: (attach additional pages as needed)

A wavier from normal site plan detail is requested because the site is fully developed.

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.

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 subject property is currently developed with the clubhouse of the Little Egg Harbor Yacht Club. Due to safety concerns at the property, the Applicant is seeking to remove a portion of the existing impervious surface at the site, consisting of concrete and brick pavers, and replacing these areas with new concrete and pavers. The affected areas are depicted on the Site Plan prepared by Horn, Tyson & Yoder, Inc. The overall impervious coverage at the site will remain the same as it is currently.

17. Is public Sanitary Sewer available? Yes

18. Does the application propose any lighting? No new lighting is proposed.

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? Cash or letter of credit

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	Site Plan prepared by Horn, Tyson & Yoder, Inc.

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.

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

DATE

1/9/24



SIGNATURE OF OWNER OR APPLICANT

JAMES S. RABAN, Attorney for Owner/Applicant

BOROUGH OF BEACH HAVEN PROFESSIONAL CONSULTANTS

LAND USE BOARD ATTORNEY

Matthew B. Wieliczko, Esq.
Zeller & Wieliczko, LLP
120 Haddontowne Court
Cherry Hill, New Jersey 08034

(856) 428-6600
FAX: (856) 428-6314

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

201

**RESOLUTION OF MEMORIALIZATION
BEACH HAVEN LAND USE BOARD
BHLUB 2007-20**

WHEREAS, the Little Egg Harbor Yacht Club has made application to the Land Use Board of the Borough of Beach Haven for preliminary and final major site plan approval for premises on Berkeley Avenue commonly known as the Little Egg Harbor Yacht Club and designated on the Beach Haven Borough Tax Map as Block 98, Lot 8, and

WHEREAS, certain exhibits were entered into evidence, those exhibits being as follows:

A-1, the Land Use Development Application for Block 98, Lot 8, dated March 20, 2007;

A-2, the site plan prepared by Horn, Tyson & Yoder signed by James Brzozowski dated 4/6/05, last revised 5/23/07;

A-3, architectural drawings (9 sheets) prepared by Wells Associates signed by Jeffrey F. Wells, last revised 7/13/06;

B-1, review letter of Frank J. Little, Jr., Board Engineer; and

WHEREAS, the applicant presented two witnesses, James Brzozowski, a Professional Engineer, whose credentials were accepted and testified as an expert and Jeffrey F. Wells, Architect, whose credentials were accepted and he testified as an expert, and

WHEREAS, the application does not request any variances but does request a waiver from strict compliance with the site plan detail as the site is already developed, and

WHEREAS, during the course of the hearing there was a dialogue about compliance with Section 177-10 of the Beach Haven Code concerning storm water control with a mitigation being appropriate in lieu of alterations to the existing facilities, and

WHEREAS, Mr. Brzozowski testified as to the proposed changes which involved the removal and replacement of deck on the easterly side of the clubhouse with a net expansion to include an elevator tower and some alterations to the ingress and egress, and

WHEREAS, Mr. Brzozowski, after due consideration, agreed to comply with the Stormwater Management Ordinance by way of a mitigation to be accomplished by

upgrading the stormwater facilities at the end of Norwood Avenue consisting of the installation of new inlets and piping at the street end as directed and supervised by the Borough Engineer, and

WHEREAS, Jeffrey F. Wells offered testimony as to the improvements making the building handicapped accessible and to permit the installation of the elevator. The tower will be consistent with the existing roof line and the existing decking will create a wraparound porch. The construction will be compatible with the existing facilities and it is anticipated that the new shingles will match the existing after sufficient exposure in a couple of years, and

WHEREAS, there was no public testimony, and

WHEREAS, the Land Use Board considered the testimony and exhibits and found the proposed additions and improvements to be technically compliant and an improvement to the premises and further having considered that the full site plan detail as normally required is not necessary due to the existing facility with the proposed changes having been adequately described and set forth in the exhibits and

WHEREAS, the Land Use Board further considered the proposed mitigation to be a fair and reasonable alternative to strict compliance with Section 177-10 given the impact that compliance would have on the existing facility.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Beach Haven that the application of the Little Egg Harbor Yacht Club to add additions to its clubhouse at Block 98, Lot 8, be approved subject to the following terms and conditions:

1. The preamble is incorporated herein and constitutes the factual and legal findings and conclusions of the Board.
2. The waiver of site plan detail is granted.
3. The applicant agrees, in lieu of compliance with Section 177-10, to upgrade stormwater facilities at the end of Norwood Avenue by installing new inlets and piping at the street end under the direct supervision of the Borough Engineer.
4. The approval is subject to the jurisdiction of any other regulatory agency whose approval is required as a condition of going forward.

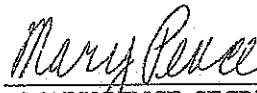
5. The applicant will provide such performance guarantees as may be required by Ordinance.

6. The applicant agrees to replace such curb and sidewalk along the frontage of the property as may be determined to be deteriorated or below existing design standards at the direction of the Borough Engineer.

BE IT FURTHER RESOLVED THAT a copy of the within Resolution be forwarded to the applicant with notice of the action being published as required by law.

NOTICE

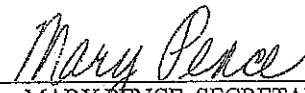
Reimbursement of all land development fees pursuant to Chapter 102, Section 102-5, et. seq. of the Code of the Borough of Beach Haven, are the responsibility of the applicant whether or not the Resolution was granted or denied. If the Applicant fails to comply within 60 days of Notice of the Amount Due, legal recourse may be brought against the Applicant by the Municipality. This shall occur without further notice to the Applicant.



MARY PENCE, SECRETARY
TO THE LAND USE BOARD OF
THE BOROUGH OF BEACH
HAVEN

CERTIFICATION

This will certify that the above is a true copy of the Resolution adopted by the Land Use Board of the Borough of Beach Haven at a meeting held on August 6, 2007.



MARY PENCE, SECRETARY
TO THE LAND USE BOARD OF
THE BOROUGH OF BEACH
HAVEN

PUBLIC NOTICE

BOROUGH OF BEACH HAVEN

Public notice is hereby given that the Little Egg Harbor Yacht Club (the "Applicant") has applied to the Land Use Board of the Borough of Beach Haven (the "Board"), Ocean County, New Jersey for amended site plan approval and a variance relative to proposed development at the property designated as Lots 7 and 8 in Block 98 and Lots 2 and 2.01 in Block 113 on the Tax Map of the Borough of Beach Haven, located at 401 Berkeley Avenue. The subject property is currently developed with the clubhouse of the Little Egg Harbor Yacht Club. Due to safety concerns at the property, the Applicant is seeking to remove a portion of the existing impervious surface at the site, consisting of concrete and brick pavers, and replacing these areas with new concrete and pavers. The affected areas are depicted on the Site Plan prepared by Horn, Tyson & Yoder, Inc submitted with the application. The overall impervious coverage at the site will remain the same as it is currently.

Under Section 212-27(B)(3)(a) of the Beach Haven Zoning Ordinance, the maximum permitted impervious coverage at the site is 60%. The existing and proposed impervious coverage is 92.6%. If the Board determines that any additional variances, waivers or exceptions are necessary or appropriate, then such variances, waivers, or exceptions will be requested at the hearing.

An in-person public hearing has been scheduled for February 5, 2024 at 6:00 p.m. in the Meeting Room at 300 Engleside Avenue, Beach Haven, New Jersey, at which time any interested persons may appear and have an opportunity to be heard on this application.

As a result of the COVID-19 pandemic, participation in the meeting will also be permitted remotely via Zoom. To access the virtual hearing, you must join the Zoom meeting.

To access the Zoom meeting, you will need access to a computer with internet access and/or dial in through a mobile or land line phone to log into the meeting. The following is the information required to access the meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/84291698629>

Meeting ID: 842 9169 8629

You will join the meeting and be able to listen and view the evidence shared on the screen at the meeting. Additionally, you will be able to access all documents pertaining to this application and all files for the meeting on the Borough of Beach Haven Website found here <https://beachhaven-nj.gov/government/land-use-board/>

You will be able to participate when the Board Chairwoman opens the meeting to the public for the public participation portion of the meeting at the end of the Applicant's presentation for you to ask questions and or cross examine witnesses and make statements. If you have information or exhibits that you wish to be considered and entered into the record, please email them to the Land Use Board Secretary, at Lubsecretary@beachhaven-nj.gov in advance of the meeting to enable them to be marked for identification. Please note that in order for any exhibits to be considered at the meeting, the individual(s) who prepared the exhibits must be present at the meeting.

If you are unable to access the information for the application(s) via computer, or need assistance in logging on or using this technology, you may contact the Land Use Board Secretary, Gina Sauchelli, at 609-492-0111 extension 213 or via email at Lubsecretary@beachhaven-nj.gov. If you wish a particular file to be emailed or mailed to you, you must request that with 72 hours advanced notice. Please also visit the Borough of Beach Haven webpage at <https://beachhaven-nj.gov/government/land-use-board/> for the latest updates

regarding future Land Use Board Meetings and any updates regarding this meeting since the publication of this notice.

James S. Raban
Attorney for the Applicant

File # 3600



AFFIDAVIT OF OWNERSHIP BY AN INDIVIDUAL

STATE OF NEW JERSEY :

COUNTY OF OCEAN : SS

Little Egg Harbor Yacht Club of full age, being duly sworn according to law, on oath deposes and says that ~~he or she~~ owns 401 Berkeley Ave. in the Municipality of Beach Haven, County of Ocean and the State of New Jersey that he or she is the owner in fee simple, of all that certain lot, tract, or parcel of land, situated, lying and being in the Borough of Beach Haven, Ocean County, State of New Jersey, and known and designated as LOT: 1 & 2, BLOCK: 94 and that he or she hereby authorizes and appoints James Raban as his or her attorney, in fact, to make the within Application on his or her behalf to the Land Use Board of the Borough of Beach Haven, Ocean County, State of New Jersey.

Richard W. Wells
SIGNATURE OF OWNER/APPLICANT
Richard W. Wells Secretary LEHYC

9/12/23
DATE

SIGNATURE OF OWNER/APPLICANT

DATE

Sworn to and subscribed
Before me this 12th day
of September
2023.

Karen R. Ettelman
NOTARY PUBLIC

KAREN R. ETTELMAN
Notary Public, State of New Jersey
Comm. # 50041653
My Commission Expires 7/11/2026