

RABAN & RABAN

— LLC —

Attorneys at Law

REGINALD J. RABAN (Retired)

JAMES S. RABAN*▲

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

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February 7, 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: Gammal-Levy, LLC Preliminary and Final Major Site Plan and Bulk Variance
Block 152, Lots 4 & 5
210 North Bay Ave., Borough of Beach Haven

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 Floor Plans prepared by Sarah Jennings, A.I.A of CWB Architecture;
- (x) 5 copies of a Site Plans prepared by James Brzozowski, P.E., P.P. of Horn, Tyson & Yoder, Inc.;
- (x) Affidavit of Ownership
- (x) Public Notice
- (x) W-9
- (x) Check No. 3269 Amount \$800.00 Administrative Fee
- (x) Check No. 3270 Amount \$5,000.00 Escrow Account Deposit
- (x) Please consent and/or approve for public hearing March 4, 2024 at 6:00 p.m.

Very truly yours,


JAMES S. RABAN

JSR/dh

Encl.

Cc: Gammal-Levy, LLC (via email)
James Brzozowski (via email)

Sarah Jennings, AIA (via email and regular mail)
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: 210 N. Bay Ave.
Tax Map Page 8 Block 152 Lot: new lot 5.06; part of prior Lot 4
Dimensions Frontage: 93 ft. Depth: 87 ft. Total Area: 8,091 sq. ft.

Zoning District: BD - Business District

2. APPLICANT

Name: Gammal-Levy, LLC

Address: P.O. Box 1132, Oakhurst, NJ 07755

Telephone Number: 732-859-9953 Fax:

Applicant is a Corporation 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: Robert Levy Interest: 100%

Address: P.O. Box 1132, Oakhurst, NJ 07755

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:

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:

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).

The subject property represents a portion of prior Lot 4, which was the subject of a major subdivision application that was approved by the Board under attached Resolution 2023-12 adopted on December 4, 2023.

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: Commercial (Silver Sun Mall)

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: 609-492-0533 Fax Number: 609-492-4163
8. Applicant's Planning Consultant: Same as Engineer
 Address
 Telephone Number Fax Number
9. Applicant's Architect: CWB Architecture
 Address: 799 Route 72 East, Manahawkin, NJ 08050
 Telephone Number: 609-597-8880 Fax Number: 609-597-5289
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)

SITE PLAN:

- Minor Site Plan Approval
- X Preliminary Site Plan Approval [Phases (if applicable)]
- X 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: 5 single-family dwellings

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. 40:55D-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:

Section 212-27(B)(3)(a): The maximum permitted impervious coverage is 60%. The proposed impervious coverage is 83.6%.

Section 212-14(G)(1): Each activity shall provide for off-street loading and unloading with adequate ingress to and egress from streets and shall provide such area(s) at the side or rear of the building. Each space shall be at least 15 feet by 30 feet, and one space shall be provided for every 4,000 square feet of gross floor area or fraction thereof in each building. The Applicant is not proposing a loading zone.

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

The Applicant reserves the right to request any appropriate waivers deemed necessary by the Board at the hearing.

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 lot represents a portion of the property upon which the Silver Sun Mall is currently situated, and was created pursuant to a major subdivision application approved by the Board and memorialized in Resolution 2023-12 adopted on December 4, 2023. The property is 93 feet by 87 feet and is located at the southwest corner of N. Bay Avenue and Third Street. The Applicant is seeking approval to construct a two-story mixed-use building on the property, with the first floor being utilized as commercial retail space, and the second story containing two two-bedroom residential units and retail storage space. The proposed building fronts on N. Bay Avenue, with the proposed parking to the rear of the building.

17. Is public Sanitary Sewer available? Yes
18. Does the application propose any lighting? Yes
19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate Lot and Block number? Yes
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	Land Use Development Application
5 copies	Site Plan prepared by Horn, Tyson & Yoder, Inc.
5 copies	Architectural Drawings prepared by CWB Architecture

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	SCHEDULE A	X	YES	NO
		SCHEDULE B	X	YES	NO
		SCHEDULE C	X	YES	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.

 2/7/24
DATE



SIGNATURE OF OWNER OR APPLICANT

JAMES S. RABAN, Attorney for 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

PUBLIC NOTICE

BOROUGH OF BEACH HAVEN

Public notice is hereby given that Gammal-Levy, LLC (the "Applicant") has applied to the Land Use Board of the Borough of Beach Haven (the "Board"), Ocean County, New Jersey for preliminary and final major site plan approval and bulk variances relative to proposed development at the property designated as new Lot 5.06 (part of prior Lot 4) in Block 152 on the Tax Map of the Borough of Beach Haven, located at 210 N. Bay Avenue. The subject lot represents a portion of the property upon which the Silver Sun Mall is currently situated, and was created pursuant to a major subdivision application approved by the Board and memorialized in Resolution 2023-12 adopted on December 4, 2023. The property is 93 feet by 87 feet and is located at the southwest corner of N. Bay Avenue and Third Street. The Applicant is seeking approval to construct a two-story mixed-use building on the property, with the first floor being utilized as commercial retail space, and the second story containing two two-bedroom residential units and retail storage space. The proposed building fronts on N. Bay Avenue, with the proposed parking to the rear of the building. The following variances from the Beach Haven Zoning Ordinance are requested:

1. Section 212-27(B)(3)(a): The maximum permitted impervious coverage is 60%. The proposed impervious coverage is 83.6%.
2. Section 212-14(G)(1): Each activity shall provide for off-street loading and unloading with adequate ingress to and egress from streets and shall provide such area(s) at the side or rear of the building. Each space shall be at least 15 feet by 30 feet, and one space shall be provided for every 4,000 square feet of gross floor area or fraction thereof in each building. The Applicant is not proposing a loading zone.

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 March 4, 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 # 3591



AFFIDAVIT OF OWNERSHIP BY AN INDIVIDUAL

STATE OF NEW JERSEY :

COUNTY OF OCEAN : SS

Gammal-Levy, LLC of full age, being duly sworn according to law, on oath deposes and says that he or she resides at owns 210 North Bay 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: 4 & 5, BLOCK: 152 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.

[Signature]
SIGNATURE OF OWNER/APPLICANT

DATE

7/13/23

SIGNATURE OF OWNER/APPLICANT

DATE

Sworn to and subscribed
Before me this 13th day
of July
2023.

[Signature]
NOTARY PUBLIC

