

THE CHAIR RESERVES THE RIGHT TO REVISE
THE ORDER OF THE AGENDA AS NEEDED.

Borough of Beachwood Joint Land Use Board
1600 Pinewald Road
Beachwood, NJ 08722
732-286-6000 ext 213
AGENDA
September 28, 2020
7:00 p.m.

1. CALL REGULAR MEETING TO ORDER IMMEDIATELY FOLLOWING CAUCUS
2. FLAG SALUTE
3. CERTIFICATION OF COMPLIANCE - NJ Open Public Meetings Act: The time, date and location of this meeting was published in The Asbury Park Press on December 27, 2019. This meeting meets all the criteria of the Open Public Meetings Act.
4. CHAIRMAN'S STATEMENT: This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times. Your comments will be limited to 5 minutes per person and we ask that you do not repeat what a previous person/objector has already objected to or commented on other than to acknowledge agreement.
5. ROLL CALL OF MEMBERS AND CONSULTANTS:
Tom Prince
Tom Abramski
Councilman Cairns
Ray DiBernardo
Randy Martin
Tom Prince
David Raimann
Mayor Roma
Paul Swindell
TJ Wrocklage

ALTERNATES:

6.APPLICATION-None

Open to the Public –

Close to the Public –

Motion:

Second:

Roll Call:

Correspondence: None

BOARD MEMBERS:

ALTERNATE MEMBERS:

Tom Abramski
William Cairns
Ray DiBernardo

Randy Martin
Tom Prince
David Raimann
Ron Roma
TJ Wrocklage
Paul Swindell

PROFESSIONALS:

Robert Ulaky, Esq.
John Hess, PE, CME

7. BUSINESS OF THE BOARD: None

8. RESOLUTIONS:

RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF BEACHWOOD,
COUNTY OF OCEAN, STATE OF NEW JERSEY, MEMORIALIZING THE GRANT OF A
VARIANCE APPLICATION FOR PROPERTY KNOWN AS BLOCK 1.05, LOT 12, A/K/A
648 SHIP AVENUE, BOROUGH OF BEACHWOOD, NEW JERSEY

WHEREAS, Eagles Point Holdings LLC, applicant, is the contract purchaser of certain property identified as Block 1.05, Lot 12, a/k/a 648 Ship Avenue, Beachwood, New Jersey; and

WHEREAS, the applicant has applied to the Land Use Board of the Borough of Beachwood for variance relief to permit construction of a single-family residential dwelling on the above referenced isolated undersized lot; and

WHEREAS, the applicant was represented by Harvey L. York, Esq.; and

WHEREAS, the applicant seeks variance relief as follows:

1. Lot area of 4,000 square feet provided, 8,000 square feet required.
2. Lot width, 40 feet provided, 80 feet required.
3. Side yard setbacks, 8 foot proposed, 10 foot required and combined side yard setbacks, 16 foot proposed, 20 foot required.
4. Minimum distance between buildings, 14.4 foot proposed, to the adjoining property owner's house, 20 feet required.

WHEREAS, a public hearing was conducted on the application on September 14, 2020; and

WHEREAS, the Board has jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Beachwood, County of Ocean, State of New Jersey, that the Board makes the following findings of fact and conclusions of law:

1. The application is complete and the Board has jurisdiction.
2. The applicant is the contract purchaser of the property.
3. The applicant seeks variance relief as set forth in the preamble of this resolution for the subject property which is an isolated undersized lot.
4. Included in the applicant's application was a Plot Plan for variance prepared by Matthew C. Hockenbury, PE with MCH Engineering, Inc., of Toms River, New Jersey bearing a latest revision date of September 1, 2020; along with a set of Architectural Plans prepared by Walter J. Hessberger, RA, of Brick, New Jersey, dated March 2, 2020. In addition, the applicant submitted a Title Certification prepared by Harvey L. York, Esq. and other supporting documents as noted in the review letter of CME Associates dated September 9, 2020.

5. The Applicant submitted the following Exhibits:

A-1: Buy/Sell letter to the adjoining owner, Adams.

A-2: Buy/Sell letter to the adjoining owner, Swenson.

6. The applicant agreed to comply with the terms and conditions of the CME Engineering review letter dated September 9, 2020.

7. The applicant agreed to provide soil borings to be submitted for the review and approval of the Board Engineer.

8. The applicant agreed that the homeowner of the dwelling will be responsible for maintenance of the drainage system as required in accordance with NJDAEP Best Practices Manual.

9. Applicant's engineer, Matthew Hockenbury, PE, testified in support of the requested variances, the lot area variance is required due to the fact that the applicant cannot acquire any additional property to make the lot conforming. The proposed 24-foot-wide house requires 8-foot setbacks on each side, which is typical of houses in the neighborhood. Many similar houses have been built on 40 foot by 100 foot lots in Beachwood. The requested variance for insufficient minimum distance between buildings is required due to the fact that the house on the adjoining lot 16 was built too close to the property line, setback only 6.4 feet to the property line. Mr. Hockenbury testified that the benefits outweigh any possible detriments and that the three-bedroom, two bath single-family dwelling with a basement fits in with the character of the neighborhood and the intent of the Zoning Ordinances. Mr. Hockenbury testified that there would be no negative impact and that the highest and best use of the vacant lot is to build a residential dwelling. Mr. Hockenbury further testified that drainage concerns of the neighboring property owner have been addressed with roof leaders connected to recharge trenches and also a recharge trench in the rear yard with a railroad tie retaining wall to maintain stormwater runoff on the property to drain onto Ship Avenue.

10. The public portion of the hearing was lawfully conducted and Shane Swenson, owner of adjoining property located at 640 Ship Avenue, testified that he objects to the proposed construction and he was concerned about drainage onto his property and maintenance of the recharge system. He objected to the close proximity of the proposed dwelling to his house. In addition, Thomas Adams, owner of adjoining property located at 652 Ship Avenue, Beachwood, New Jersey objects to the construction of the house on an undersized lot.

11. Based upon the testimony of the applicant and its engineer and the evidence received during the public hearing, a Motion to approve the application was made subject to the conditions that the applicant agrees to comply with all representations placed on the record and with the submittal and subject to the applicant complying with all provisions of the Board Engineer's letter dated September 9, 2020.

12. The application was further approved subject to the applicant paying all taxes, application and escrow fees associated with the property.

13. In approving the variance application, the Board has made a finding of fact and conclusion of law that the applicant has met their burden of proof in demonstrating that the positive and negative criteria required for variance approval under the Municipal Land Use Law has been satisfied.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Applicant, the Applicant's attorney, the Building Department, the Zoning Officer and the Borough Clerk by the Land Use Board Secretary.

BE IT FURTHER RESOLVED that notification of this favorable Resolution be published in an official newspaper of Beachwood by the Land Use Board Secretary within ten (10) days of its passage.

9. BILL LIST APPROVAL-None
10. APPROVAL OF MINUTES: September 14, 2020
Motion:
Second:
Roll Call:
11. OLD BUSINESS:
12. NEW BUSINESS:
13. OPEN MEETING FOR GENERAL PUBLIC FORUM
14. LITIGATION / EXECUTIVE SESSION:
15. ADJOURN