

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

**Borough of Beachwood Land Use Board**  
**1600 Pinewald Road**  
**Beachwood, NJ 08722**  
**732-286-6000 ext. 220**  
**AGENDA**  
**November 8, 2021**  
**7:00 PM**

1. CALL REGULAR MEETING TO ORDER
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 18, 2020 and The Star Ledger on January 5, 2021. 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:  
Tom Prince  
Tom Abramski  
Councilman Cairns  
Michael Mandica  
Randy Martin  
David Raimann  
Mayor Roma  
Paul Swindell  
TJ Wrocklage  
  
ALTERNATES:
6. APPLICATION: None
7. BUSINESS OF THE BOARD – Casa Nova Today LLC Resolution# 2019-53A – Letter to the Board
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 9.28, LOT 3, A/K/A 1241  
LONGBOAT AVENUE, BOROUGH OF BEACHWOOD,  
NEW JERSEY**

**RESOLUTION #2021-17**

**WHEREAS**, Eagles Point Holdings, LLC, applicant, is the contract purchaser of certain property identified as Block 9.28, Lot 3 a/k/a 1241 Longboat 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, Esquire; and

**WHEREAS**, the applicant seeks variance relief as follows:

1. Lot area of 4,000 sf provided, 8,000 sf required.
2. Lot width, 40 ft. provided, 80 ft. required.
3. Side yard setbacks, 8 ft. proposed, 10 ft. required and combined side yard setbacks, 16 ft. proposed, 20 ft. required.
4. Minimum distance between buildings, 17.9 and 19.0 ft. proposed to the adjoining property owners houses, 20 ft. required.

**WHEREAS**, a public hearing was conducted on the application on September 13, 2021; 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, P.E. with MCH Engineering, Inc. of Toms River, New Jersey bearing a date of June 17, 2021 along with a set of architectural plans prepared by Walter J. Hessberger, RA, of Brick, New Jersey dated May 19, 2021. 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 July 20, 2021.
5. The applicant submitted the following exhibits:

A-1 Buy-Sell Letters to the adjoining owners, Augustinowitz and Jerman, dated February 4, 2021, to which the applicant's attorney received no response.

A-2 Plot Plan for Variance prepared by Matthew C. Hockenbury, P.E. dated June 17, 2021.

A-3 Architectural Plans prepared by Walter J. Hessberger, RA dated May 19, 2021.

6. The applicant agreed to comply with the terms and conditions of the CME Engineering review letter dated July 20, 2021.

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

8. The applicant agreed to redesign the drainage to direct stormwater toward the rear of the property and not the front of the property to prevent stormwater flowing into Longboat Avenue.

9. The applicant agreed to comply with the lot coverage requirements for construction of any deck and/or shed on the property.

10. The applicant agreed to soften the appearance of the concrete foundation wall by bringing down the siding along the entire perimeter of the dwelling to permit only six inches of exposed concrete foundation.

11. 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 feet by 100 feet lots in Beachwood. The requested variance for insufficient minimum distance between buildings is required due to the size of the lot. 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.

12. The public portion of the hearing was lawfully conducted and no public comment was received.

13. 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 and conditions placed on the record and with the submittal and subject to the applicant complying with all provisions of the Board Engineer's letter dated July 20, 2021.

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

15. In approving the variance application, the Board has made a finding of fact and conclusion of law that the applicant has met its 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 – \$2,713.30

10. APPROVAL OF MINUTES: September 13, 2021

**Motion:**  
**Second:**  
**Roll Call**

11. OLD BUSINESS

12. OPEN MEETING FOR GENERAL PUBLIC FORUM

13. ADJOURN

**Next Meeting Scheduled for November 22, 2021**