

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 220
AGENDA
December 14, 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-

6A. Amador Block 5.08, Lot 3.02

The Land Use Board Engineer has reviewed and approved all certified letters and notices as to their validity. A letter received by CME Associates dated October 23, 2020 was received by the Land Use Secretary. The letter states as follows:

- A print of a Pool Plot Plan (1 sheet) prepared by Stuart Challoner, PE with Challoner & Associates LLC of Toms River, New Jersey dated April 13, 2020 which has been marked up to show the location of the proposed sunroom.
- A print of a Survey of Lot 3.02, Block 5.08 prepared by Edwin J. Hale, PLS with Challoner & Associates LLC dated April 13, 2020 which has been marked up to show the location of the proposed sunroom.
- A set of unsigned and undated sunroom drawings (5 sheets) prepared by James A. Clancy, PE of National Park, New Jersey for Card Associates LLC of Point Pleasant, New Jersey.
- A completed Land Use & Development Application.
- A completed Affidavit of Non-Collusion dated September 4, 2020.

- A completed Affidavit of Ownership dated September 4, 2020.
- A copy of a July 2, 2020 certification from Armindo Amador which states that the property survey shows all existing structures and is a true copy of how the property exists today.
- A copy of Resolution #2020-15 which was adopted by the Beachwood Land Use Board on June 22 2020. This resolution granted the Applicant variance relief to permit the construction of an inground swimming pool in the front yard.

The property in question is an irregularly shaped lot which fronts on the westerly side of Cranberry Road, the easterly side of Locust Road and the southerly side of Evergreen Way. We note that Evergreen Way is a 20 ft wide unimproved paper street. It is located in the R-B Residential Zone and has an area of approximately 30,194 sf. The property is currently occupied by a 2-story residential dwelling with an attached deck. The Applicant proposes to construct a 10 by 15.5 ft sunroom on a portion of the existing deck at the rear of the dwelling.

GENERAL COMMENTS:

- 1 As required by Section 17-12.5 of the Beachwood General Ordinances, the Applicant must submit a Plot Plan which shows the proposed improvements at the site.
2. It shows on the marked up Pool Plot plan that a rear yard setback of 7 ft is proposed to the sunroom whereas a minimum rear yard setback of 20 ft is required and 15.5 ft currently exists. Therefore, the Applicant requires a variance to permit a rear yard setback of 7 ft whereas 20 ft is required.
3. The Applicant should clarify how they calculated that the proposed rear yard setback will be 7 ft as the existing rear yard setback to the deck is not shown on the Survey.
4. It states on the marked up Pool Plot Plan and in the Land Use & Development Application that the sunroom will be constructed on a portion of the existing deck at the rear of the dwelling. The Applicant should clarify if a portion of the deck will be removed to accommodate the sunroom or if the sunroom will be constructed on top of the existing deck. If it will be constructed on top of the existing deck, then the Applicant must demonstrate that existing deck is adequate to accommodate the additional loads that will be imposed.

RECOMMENDATIONS

Based on our review of the submitted information, we recommend that this application be deemed conditionally complete for consideration by the Land Use Board subject to the applicant complying with all applicable notification requirements as set forth in the Borough of Beachwood Ordinances and the Municipal Land Use Law. In addition, at least 10 days prior to the public hearing, the Applicant must submit to the Board the information requested in comments #1 above. Failure to submit this information will result in the application being deemed incomplete and carried to a future meeting.

Should the Board reach a favorable decision on this application, any approval should be conditioned upon the following:

1. Submission of a plan that have been revised to reflect any Board directed changes.
2. Application to and approval from the Borough Building Department prior to any clearing, demolition or construction.
3. Payment of all required fees.
4. Verification of real estate tax payment.
5. Receipt of approvals and compliance with all permit conditions from any Federal, State, County or local regulatory agency having jurisdiction over this application.

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: Re-Organization Meeting
Board Appointment Terms

8. RESOLUTIONS: Jerman Block 9.08, Lot 16

WHEREAS, Jeffrey Jerman, applicant, is the owner of certain property identified as Block 9.08, Lot 16, a/k/a/ 1340 Longboat Avenue, Beachwood, New Jersey; and

WHEREAS, Mr. Jerman 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 seeks variance relief as follows:

1. Lot area of 4000 square feet provided, 8,000 square feet required,
2. Lot width, 40 feet provided, 80 feet required,
3. Side yard setbacks, 8 feet proposed, 10 feet required and combined site setbacks, 16 feet proposed, 20 feet required. This variance was previously approved by the Board pursuant to a Consent Order entered into in the Superior Court of New Jersey;
4. Distance between buildings, 16.93 feet and 17.93 feet proposed, 20 feet required.

WHEREAS, a public hearing was conduct on the application on November 23, 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 owner 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. The applicants application included a plan entitled Variance Plan prepared by William A. Stevens, PE, PP with Professional Design Services, LLC of Lakewood, New Jersey dated August 18, 2020; a Soil Erosion and Sediment Control Plan prepared by William A. Stevens, PE, PP dated August 18, 2020; A Boundary & Topographic Survey prepared by Steven Metelski, Jr., PLS with Professional Design Services, LLC dated June 19, 2020; an unsigned Architectural plan prepared by Dario L. Pasquariello, RA of Beachwood, New Jersey dated July 31, 2019; a completed Land Use & Development Application; an Affidavit of Non-Collusion dated September 3, 2020; an Affidavit of Ownership dated September 3, 2020.
5. The applicant submit the following Exhibits:
 - A: Buy/Sell Letters to the Owners of Lot 4; Lot 17; and Lot 15;
 - B: An affidavit confirming there has been no common ownership with adjoining property owners.
 - C: Enlarged copy of Variance Plan prepared by William A. Stevens, P.E., P.P.
 - D: Architectural Plan prepared by Dario L. Pasquariello, R.A.
 - E: Photo board of the subject property and neighboring houses.
6. The applicant agreed to comply with the terms and conditions of the CME Associates review letter dated October 23, 2020.
7. The Applicant agreed to construct the proposed home on a crawl space, rather than the applied for basement.
8. The Applicant agreed to widen the driveway to twenty (20) feet wide, providing a setback of at least two (2) feet from the property line.
9. The applicant agreed to direct storm water runoff from the roof into the drywell, and the applicant agreed that the owner of the property is responsible for the maintenance of the drywell system.
10. The applicant's Engineer, William A. Stevens testified in support of the requested variances, as the variances are required due to the fact that the applicant cannot acquire any additional property to make the lot conforming. The Proposed home requires eight (8) foot setbacks on each side, which is typical of houses in the neighborhood and other single family dwellings that have been built on undersized lots. Many similar houses have been built on 40

feet by 100 feet lots in Beachwood. The requested minimum distance between the neighboring homes is a by-product of the neighboring homes being situated at a much closer distance to the subject property. Mr. Stevens testified that to permit the requested relief and permit the shorter distance between neighboring buildings will have a de minimis effect on the Zoning Ordinance. Mr. Stevens testified that the benefits of the requested variances outweigh any detriments, and that the three-bedroom, 2 and half bath, one-car garage fits with the character of the neighborhood and the intent of the Zoning Ordinances will be met. Mr. Stevens testified that there will be no negative impact and the highest and best use of the vacant lot is to build a residential dwelling. Mr. Stevens further testified that the height of the single-family dwelling, 23.33 feet is substantially less than the permitted height of 35 feet.

11. The applicant testified in support of the application, testifying that he has built similar houses on undersized lots in Beachwood. The applicant has further agreed to reduce the length of the home on the second level, by eliminating two (2) feet from the front and two (2) feet from the rear of the home. Additionally, the applicant agreed to install approximately six (6) feet of decorative gravel running adjacent from the driveway towards Lot 17.
12. The public portion of the hearing was lawfully conducted, but no one appeared.
13. Based upon the testimony of the applicant and his Engineer, and the evidence received during the public hearing, a motion to approve the application was made, subject to the conditions that the applicant 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 October 23, 2020.
14. The application was further approved subject to the applicant paying all taxes, application and escrow fees associated with the property, and obtaining all required approvals and compliance with all permit conditions with any Federal, State, County or local regulatory agency having jurisdiction over this application.
15. In approving the variance application, the Board has made a finding of fact and conclusion of law that the applicant has met his burden of proof in demonstrating that the positive and negative criteria 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 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- \$1,358.00
10. APPROVAL OF MINUTES: November 23, 2020

Borough of Beachwood Joint Land Use Board
December 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