

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**  
**April 26, 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  
Tom Prince  
David Raimann  
Mayor Roma  
Paul Swindell  
TJ Wrocklage

ALTERNATES:

**6. APPLICATION: James Rinderer 301 Anchor Avenue - Block 11.34 Lot 8**

The Land Use Board's Engineer's office has received for review an application for Minor Subdivision approval for 301 Anchor Avenue. The application was accompanied by the following information:

- A print of a Minor Subdivision Plan (1 sheet) prepared by Jay F. Pierson, PLS, PP with East Coast Engineering, Inc. of Toms River, New Jersey and bearing a latest revision date of February 5, 2021.
- A print of a Survey Map (1 sheet) prepared by Jay F. Pierson, PLS, PP dated November 26, 2019.
- A completed Land Use & Development Application.
- A completed Affidavit of Non-Collusion from James Rinderer dated January 24, 2021.
- A completed Affidavit of Non-Collusion from Rudolph Rinderer, Jr. dated January 24, 2021.
- A completed Affidavit of Ownership from James Rinderer dated January 24, 2021.
- A completed Affidavit of Ownership from Rudolph Rinderer, Jr. dated January 24, 2021.
- A copy of February 8, 2021 letter from the Tax Assessor, Raymond C. Hall, CTA, to Jason Marciano, PP, PE, CME which transmitted a certified list of the homeowners within 200 ft of block 11.34, lot 8.

The property in question is a rectangular lot located on the southeast corner of the intersection of Anchor Avenue and Wave Street. It is located in the R-B Residential Zone and has an area of 16,000 sf or approximately 0.367 acres. The property is currently occupied by a 1 story dwelling with a concrete driveway, concrete patios, paver patio areas, concrete walkway, wood fences and two (2) sheds. The Applicant proposes to subdivide the property into two (2) new lots each

having an area of 8,000 sf. The existing dwelling and one (1) shed will remain on new lot 8.02 while the second shed and some of the concrete patio area will be situated on new lot 8.01. It states on the Minor Subdivision Plan that a future single family dwelling is proposed on new lot 8.01. We note that single-family detached dwellings are a permitted use in the R-B Residential Zone.

We have reviewed this minor subdivision application and offer the following comments:

#### A. ZONING REQUIREMENTS (R-B Residential Zone)

<u>Zoning Item</u>	<u>Required</u>	<u>Prop Lot 8.01</u>	<u>Prop Lot 8.02</u>
Minimum Lot Area	8,000 sf	8,000 ft	8,000 ft
Minimum Lot Width	80 ft	80ft	80ft
Minimum Lot Depth	100 ft	100 ft	100 ft
Min. Front Yard Setback	20 ft	All New	29.7 ft/31.5 ft
Min. Side Yard Setback	10 ft	Construction	3.9 ft*
Min. Side Yard Setback (Combined)	20 ft	to comply	-
Min. Rear Yard Setback	30 ft	with	19.1 ft*
Maximum Lot Coverage	30%	minimum	26.6%
Maximum Building Height	35 ft	Ordinance	16.3 ft
Maximum Number of Stories	2 ½ ft	standards	1
Minimum Number of Parking Spaces	2		2
Min. Distance Between Buildings	20 ft		-
Accessory Use – Side Yard Setback	5 ft		4.3 ft*
Accessory Use – Rear Yard Setback	5 ft		7.3 ft

\*\* = Variance Required

? = Could not be determined from the information submitted.

#### B. GENERAL COMMENTS

1. As stipulated in Section 17-5.10 of the Beachwood General Ordinances, the Applicant must submit proof that no taxes or assessments for local improvements are due or delinquent on the property in question. If any taxes or assessments are delinquent, then any approval granted by the Board shall be conditioned upon the prompt payment of such taxes or assessments.
2. The Applicant must submit verification from the Beachwood Sewerage Authority and the Beachwood Water Department that water and sanitary sewer lines are available to service the property.
3. If approved by the Board, this application will result in the creation of two (2) new lots which will conform to the Ordinance.
4. The Applicant should address the Board regarding whether the minor subdivision will be perfected by the filing of the minor subdivision plan or by deed. We have performed our review based on the assumption that the subdivision will be perfected by filing of the map.
5. The Applicant should address the Board regarding his plans to remove the existing shed and other improvements from new lot 8.01. We note that if the existing shed is not removed, then new lot 8.01 will have an existing accessory use without an associated principal use which requires a Use Variance.
6. As stipulated in the Municipal Land Use Law, the approval of this Minor Subdivision will expire 190 days after the date on which the Resolution of Municipal Approval is adopted unless within such period a minor subdivision plat or deed has been filed with the Ocean County Clerk's office.

#### C. OUTSIDE AGENCY APPROVALS

1. Ocean County Planning Board.
2. All other outside agency approvals as required.

#### D. TECHNICAL REVISIONS AND/OR CORRECTIONS

1. It shows on the Minor Subdivision Map that new lot 8.012 will have 2 front yards and 2 side yards which is incorrect. The plan must be revised to show that 2 front yards, a side yard and a rear yard are required. We note that the Applicant requires a variance to permit a rear yard setback of 19.1 ft whereas a minimum rear yard setback of 30 ft is required.
2. The side yard setbacks to the existing dwelling and shed on new lot 8.02 are incorrectly dimensioned from the 10 ft side yard setback line instead of from the property line. This discrepancy must be resolved.
3. It shows on the Minor Subdivision Map that a monument is to be set at the intersection of the new lot line with the right-of-way of Anchor Avenue. The Applicant should provide testimony to the Board to confirm that the monument will be

set prior to filing of the Minor Subdivision Map. If the monument is not set until after the map is recorded in the Ocean County Clerk's office, then the Applicant must post bond in the amount of \$300.00 to guarantee the future setting of the monument and a Municipal Clerk's monument bond certification must be added to the map.

4. If the improvements on new lot 8.01 are to be removed, then a note to this effect must be added to the Minor Subdivision Plan. If the improvements are not to be removed, then the side yard and rear setbacks to the existing shed must be dimensioned on the plan and the required variances listed on the Zoning Schedule.
5. The proposed block and lot numbers and street addresses must be approved in writing by the Tax Assessor. In addition, the street address for new lot 8.01 must be shown on the plan.
6. The sewer lateral serving the existing dwelling on new lot 8.02 must be shown on the Minor Subdivision Plan.

#### **E. RECOMMENDATIONS**

Based on our review of the submitted information, we recommend that this application be deemed that this application be deemed **conditionally complete** for consideration by the Land Use Board subject to the applicant complying with all the applicable notification requirements as set forth in the General Ordinances of the Borough of Beachwood and 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 General Comment #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 drawings 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.

**Open to the Public –**

**Close to the Public –**

**Motion:**

**Second:**

**Roll Call:**

**Correspondence: None**

#### **BOARD MEMBERS:**

Tom Prince  
Tom Abramski  
Councilman Cairns  
Michael Mandica  
Randy Martin  
Tom Prince  
David Raimann  
Mayor Roma  
Paul Swindell  
TJ Wrocklage

#### **PROFESSIONALS:**

Robert Ulaky, Esq.  
John Hess, PE, CME

#### **7. BUSINESS OF THE BOARD**

- a. **Courtesy Review – Toms River Intermediate South**
- b. **Cannabis Ordinance Review**

**ORDINANCE BY THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE CODE OF THE BOROUGH OF BEACHWOOD, CHAPTER 17 (DEVELOPMENT REGULATIONS) TO INCLUDE SAID PROHIBITIONS WITHIN ALL ZONING DISTRICTS**

**Motion to Approve New Ordinance is in Compliance with the Master Plan:**

**Second to Approve New Ordinance is in Compliance with the Master Plan:**

**Roll Call:**

**Correspondence: None**

**BOARD MEMBERS:**

**ALTERNATE MEMBERS:**

Tom Prince  
Tom Abramski  
Councilman Cairns  
Michael Mandica  
Randy Martin  
David Raimann  
Mayor Roma  
TJ Wrocklage  
Paul Swindell

**PROFESSIONALS:**

Robert Ulaky, Esq.  
John Hess, PE, CME

**8. RESOLUTIONS – RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, MEMORIALIZING THE BOARD’S RECOMMENDATION TO THE BOROUGH COUNCIL TO ADOPT THE STORMWATER MANAGEMENT CONTROL ORDINANCE UPDATE**

**RESOLUTION #2021-09**

**WHEREAS**, In accordance with N.J.S.A. 40:55D-1 et. seq. the New Jersey Municipal Land Use Law, the Borough of Beachwood has conducted a review of proposed Ordinance 02021-5 of the Borough of Beachwood entitled “Ordinance of the Borough of Beachwood, Ocean County, New Jersey amending and supplementing Chapter 17 entitled “Development Regulations, Article VII (Stormwater Management Control) as it affects Section 17-32, “Non-Pinelands Areas” and providing for penalties for violation thereof; and

**WHEREAS**, at a public hearing held on April 12, 2021 James Oris, P.E., P.P., C.M.E., C.F.M., C.P.W.M. of Remington and Vernick Engineers, presented a review of the Stormwater Management Ordinance update to the Land Use Board; and

**WHEREAS**, a public hearing on the Stormwater Management Ordinance update was conducted; and

**WHEREAS**, in accordance with the Municipal Land Use Law, the Land Use Board has jurisdiction to review and recommend adoption of Land Use Ordinances of the Borough of Beachwood.

Borough of Beachwood Land Use Board  
April 26, 2021

**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 hereby recommends adoption of Ordinance 02021-5 of the Borough of Beachwood, updating the Stormwater Management Ordinance, making a finding of fact that the ordinance is substantially consistent with the Borough of Beachwood Master Plan.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Mayor and Council of the Borough of Beachwood.

9. BILL LIST APPROVAL – \$1,462.75

10. APPROVAL OF MINUTES: April 12, 2021

**Motion:**

**Second:**

**Roll Call**

11. OLD BUSINESS

12. NEW BUSINESS

13. OPEN MEETING FOR GENERAL PUBLIC FORUM

14. LITIGATION / EXECUTIVE SESSION

15. ADJOURN