

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
July 12, 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: Walter Schacht 700 Halliard Avenue – Block 3.08 Lot 6

The Land Use Board's Engineer, John Hess, and the office of CME Associates has reviewed an application for Minor Subdivision approval for 700 Halliard Avenue. The application was accompanied by the following information:

- A print of a Minor Subdivision Map (1 sheet) prepared by Jay F. Pierson, PLS, PP with East Coast Engineering, Inc. of Toms River, NJ dated April 19, 2021.
- A print of a Survey Map (1 sheet) prepared by Jay F. Pierson, PLS, PP dated February 19, 2021.
- A completed Land Use & Development Application
- A completed Affidavit of Ownership dated April 22, 2021.
- A completed Affidavit of Non-Collusion dated April 20, 2021.
- A copy of a Zoning Authorization dated April 22, 2021.

The property in question is a rectangular lot which is bounded by Halliard Avenue to the east, Oak Street to the north, and Ensign Avenue to the west. 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 2 story dwelling with a stone driveway, a detached 1 story garage, a concrete patio, and concrete walks. The Applicant proposes to subdivide the property into two (2) new lots each having an area of 8,000 sf. The existing dwelling and garage will remain on new lot 6.02 while new lot 6.01 will be vacant. It states on the Minor Subdivision Plan that a future single family dwelling is proposed on new lot 6.01. We note that single-family detached dwellings are a permitted use in the R-B Residential Zone.

The Land Use Board's Engineer and his office 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 6.01</u> | <u>Prop Lot 6.02</u> |
|---|-----------------|----------------------|----------------------|
| Minimum Lot Area | 8,000 sf | 8,000 ft | 8,000 ft |
| Minimum Lot Width | 80 ft | 80 ft | 80 ft |
| Minimum Lot Depth | 100 ft | 100 ft | 100 ft |
| Min. Front Yard Setback (Halliard Ave.) | 20 ft | | 23.9 |
| Min. Front Yard Setback (Oak St.) | 20 ft | | 19.7 ft * |
| Min. Front Yard Setback (Ensign Ave.) | 20 ft | All New | - |
| Min. Side Yard Setback | 10 ft | Construction | 19.9 ft |
| Min. Side Yard Setback (Combined) | 20 ft | to comply | - |
| Min. Rear Yard Setback | 30 ft | with | 35.1 ft |
| Maximum Lot Coverage | 30% | minimum | 19.97% |
| Maximum Building Height | 35 ft | Ordinance | 19.2 ft |
| Maximum Number of Stories | 2 ½ | standards | 2 |
| Minimum Number of Parking Spaces | 2 | | 4 |
| Min. Distance Between Buildings | 20 ft | | 31.1 ft |
| Accessory Use – Side Yard Setback | 5 ft | | 2.1 ft * |
| Accessory Use – Rear Yard Setback | 5 ft | | 2.4 ft * |

* = Variance Required

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 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. 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 a monument is to be set at the intersection of the new lot line with the right-of-way of Oak Street. 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.
2. The proposed block and lot numbers and street addresses must be approved in writing by the Tax Assessor.

E. RECOMMENDATIONS

Based on the review of the submitted information, the Engineer recommends 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 – None

8. RESOLUTIONS

a. Resolution #2021-12

RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, MEMORIALIZING THE BOARD'S PRELIMINARY AND FINAL MAJOR SITE PLAN USE VARIANCE, BULK VARIANCE AND DESIGN WAIVER APPROVALS AS IT RELATES TO THE APPLICATION OF THOMAS ABRAMSKI FOR PROPERTY KNOWN AS BLOCK 5.56, LOTS 3 THROUGH 6 AND 8, BOROUGH OF BEACHWOOD, NEW JERSEY

RESOLUTION #2021-12

WHEREAS, an application has been submitted on behalf of Thomas Abramski, Lessee of property located at Block 5.56, Lots 3, 4, 5, 6 & 8, Borough of Beachwood, New Jersey; and

WHEREAS, the property in question consists of two (2) separate parcels which front on the westerly side of Halliard Avenue and are located in the B3a Business Zone. The first parcel, consisting of lots 3, 4, 5 & 6, block 5.56, is an irregularly shaped tract located on the southwest corner of the intersection of Halliard Avenue and Pinewald Road and having an area of 29,720 sf or approximately 0.682 acres. The second parcel, consisting of lot 8, block 5.56, is a rectangular tract located on the northwest corner of the intersection of Halliard Avenue and Walnut Street and having an area of 8,000 sf or approximately 0.184 acres. Lot 3, block 5.56 is currently occupied by a 1 story structure while the remaining lots are vacant. In addition, lots 3 & 4 are totally cleared while lots 5, 6 & 8 are vacant and wooded. We note that Halliard Avenue is improved in front of lot 3 and is a gravel surface in front of lot 4. The balance of Halliard Avenue and Walnut Street are unimproved paper streets; and

WHEREAS, the applicant is now seeking Preliminary & Final Major Site Plan approval to construct a contractors' warehouse on lots 3, 4, 5 & 6, block 5.56 and a storm water recharge basin on lot 8, block 5.56. The applicant also proposes a 5 ft wide right of way dedication to Ocean County along the Pinewald Road site frontage. The contractors' warehouse has a floor area of 10,216.9 sf and will be divided into 8 units consisting of 7 units having a floor area of 1,125 sf and 1 unit having a floor area of 2,341.9 sf. In addition, 11 parking spaces, including 1 handicap accessible parking space, are proposed at the site. In addition, a storm water recharge basin is proposed on lot 8, block 5.56. We note that a contractors' warehouse is a permitted use in the B-3a Zone. However, a storm water recharge basin is not a permitted principal use in the B-3a Zone. As a result, the applicant requires a Use Variance from the Board; and

WHEREAS, the subject property is located in the B-3a Business Zone and the applicant has requested the following bulk variances:

1. Minimum Lot Area for lot 8, 16,000 sf required, 8,000 sf proposed.
2. Minimum Lot Width for lots 3, 4, 5 & 6 (Pinewald Road), 160 ft required, 108 ft proposed.
3. Minimum Lot Width for lot 8, 160 ft required, 80 ft proposed.

WHEREAS, the applicant has requested a waiver from the design standards of the Borough ordinances as a fire lane is not provided; and

WHEREAS, the application is complete and the Board has jurisdiction; and

WHEREAS, a public hearing was conducted on the application on June 28, 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 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 Lessee of the subject property.

3. In support of its application the applicant submitted the Preliminary and Final Major Site Plan, lots 3, 4, 5, 6 & 8, block 5.56, Borough of Beachwood, Ocean County, New Jersey prepared by Millis J. Looney, PE and John R. Berens, PE of O'Donnell, Stanton & Associates dated November 11, 2020 along with a Survey and Stormwater Management Report and other documents itemized in the review letter of CME Associates dated June 28, 2021.

4. At the June 28, 2021 hearing the following exhibit was submitted:

A-1 Color rendering of the site plan superimposed over an aerial photograph of the site.

5. The applicant's engineer, Mark Zelina, PE, PP, CME of O'Donnell, Stanton & Associates testified with regard to the site plan and requested variances and design waiver. The bulk variances are required due to the lot shape and configuration. In addition, the proposed 19 parking spaces, 11 exterior and 8 inside the building bays are sufficient for the proposed contractors' warehouse as there would be no customers or other members of the public utilizing the site. Mr. Zelina also testified with regard to the special reasons justifying the granting of the use variance allowing the stormwater recharge basin on lot 8, as the site is specifically well suited for the use, in a good location with good soil for drainage. If there were to be constructed another structure on lot 8, a use variance would not be required. In addition, there would be no adverse impact on the surrounding properties. Mr. Zelina also testified that fire lane is not required as there is sufficient and adequate access to the building.

6. The Board opened the meeting to the public and no public comment was received.

7. Based upon the testimony and the evidence received during the public hearing, a Motion to approve the applicant's request for Preliminary and Final Major Site Plan approval, along with the requested use variance, bulk variances and design waiver was made and the Board voted to approve the applicant's request. In approving the bulk variances and design waiver the Board finds that the purposes of zoning would be advanced by deviation from the zoning requirements and the benefits will outweigh any detriment to the public good. The Board finds that the design waiver is required due to the lot configuration and unique location of the proposed contractors' warehouse. The Board is satisfied that special reasons have been given justifying the granting of the use variance permitting the stormwater recharge basin as a principal structure on lot 8.

8. The approvals granted herein are subject to the conditions that the applicant comply with all representations placed on the record and subject to the applicant complying with all provisions of the review letter of CME Associates dated April 28, 2021. In addition, the applicant agreed to the following conditions:

- A. Nothing shall be constructed in the rear area of the building that would obstruct emergency vehicles.
- B. Blacktop will be extended to the end of the curb return of the first driveway.

9. This approval is also conditioned on the applicant paying all application and escrow fees associated with the application and that the applicant comply with all outside agency approvals, including but not limited to those set forth in the review letter of the Board's engineer, CME Associates dated April 28, 2021.

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.

b. Resolution #2021-13

**RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF
BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY,
MEMORIALIZING THE ADOPTION OF THE REVISED STORMWATER
MANAGEMENT PLAN AND STORMWATER POLLUTION PLAN AS
AMENDMENTS TO THE MASTER PLAN OF THE BOROUGH OF
BEACHWOOD, COUNTY OF OCEAN, NEW JERSEY**

RESOLUTION #2021-13

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 an extensive reexamination of its Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan; and

WHEREAS, the Municipal Stormwater Management Plan, Beachwood Borough, Ocean County, New Jersey updated March 9, 2021 prepared by Alan B. Dittenhofer, PE, PP, CME has been reviewed by the Land Use Board of the Borough of Beachwood; and

WHEREAS, the Stormwater Pollution Prevention Plan, Borough of Beachwood, Ocean County, New Jersey dated March 9, 2021 prepared by Alan B. Dittenhofer, PE, PP, CME has been reviewed by the Land Use Board of the Borough of Beachwood; and

WHEREAS, at a public hearing held on June 28, 2021, the Borough of Beachwood Land Use Board reviewed the Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan; and

WHEREAS, the public hearing was conducted and no public comment was received; and

WHEREAS, in accordance with the Municipal Land Use Law, the Land Use Board has jurisdiction to make amendments to the Master Plan.

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 adopts the Municipal Stormwater Management Plan updated March 9, 2021 and the Stormwater Pollution Prevention Plan dated March 9, 2021 as amendments to the Master Plan of the Borough of Beachwood, County of Ocean, New Jersey.

Borough of Beachwood Land Use Board
July 12, 2021

BE IT FURTHER RESOLVED that a copy of this resolution along with a copy of the Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan, Beachwood Borough, Ocean County, New Jersey be forwarded to the Mayor and Council of the Borough of Beachwood along with all other parties required to receive notice pursuant to the Municipal Land Use Law.

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 – \$2,890.00

10. APPROVAL OF MINUTES: June 28, 2021

Motion:
Second:
Roll Call

11. OLD BUSINESS

12. OPEN MEETING FOR GENERAL PUBLIC FORUM

13. ADJOURN

Next Meeting Scheduled for August 9, 2021