

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**  
**September 13, 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: **Eagles Point Holdings LLC 1241 Longboat Avenue – Block 9.28 Lot 3 – Variance 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 – Casa Nova Today LLC Resolution# 2019-53A – Applicant’s Attorney Letter to Mr. Ulaky

8. RESOLUTIONS:

**RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, MEMORIALIZING THE GRANT OF VARIANCE APPLICATION FOR PROPERTY KNOWN AS BLOCK 5.27, LOT 3, A/K/A 1041 HALLIARD AVENUE, BOROUGH OF BEACHWOOD, NEW JERSEY**

**RESOLUTION #2021-15**

**WHEREAS**, Kozek Enterprises, LLC is the contract purchaser of certain property identified as Block 5.27, Lot 3 a/k/a 1041 Halliard Avenue, Beachwood, New Jersey; and

**WHEREAS**, Kozek Enterprises, LLC 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 lot; 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 setbacks, 8 ft. proposed, 10 ft. required. Side setbacks (combined) 16 ft. proposed, 20 ft. required. These variances were previously approved by the Board pursuant to a Consent Order entered in Superior Court.
4. Minimum distance between buildings, 18 ft. proposed, 20 ft. required.

**WHEREAS**, a public hearing was conducted on the application on August 9, 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 are the documents listed in the review letter of CME Associates dated July 29, 2021 along with the following marked exhibits:

A-1 Buy-Sell Letters to adjoining property owners.

A-2 Aerial photograph of the property.

A-3 Oversized copy of Plot Plan.

A-4 Architectural Plans.

5. The applicant's attorney, Peter Loffredo, Esquire, stated that two of the Buy-Sell Letters received no response and the third letter received a response that the property owner had no interest.

6. Applicant's engineer, William A. Stevens, P.P., P.E., testified in support of the variances requested for the isolated undersized lot, testifying that the property would be zoned into inutility if the variances were denied; the proposed dwelling fits into the character of the neighborhood and the setback variances are required to construct a dwelling that is more conforming than a 20-foot-wide dwelling that would be permitted. The residential use is the best use for the property and the application meets the general purpose and intent of zoning.

7. The applicant agreed to comply with the terms and conditions of the CME Associates review letter dated July 29, 2021.

8. The applicant agreed to eliminate the basement and construct the dwelling on a crawlspace.

9. The applicant agreed to reduce the size of the second floor of the dwelling by two feet.

10. The applicant agreed to provide an additional gravel parking space in the front of the dwelling.

11. The applicant is restricted to what is shown on the plot plan and must come back before the Board if the footprint of the impervious coverage is to be expanded. The air conditioning condenser will be installed in the rear of the property.

12. The public portion of the hearing was lawfully conducted and neighboring property owners questioned whether the applicant has proved a hardship as the applicant knew that the lot was undersized and required variance approval.

13. Based upon the testimony of the applicant and their 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 contained in this resolution and with the submittal and subject to the applicant complying with all provisions of the Board engineer's review letter dated July 21, 2021.

14. The application is further approved subject to the condition that the applicant pay all taxes, application and escrow fees associated with the property and obtaining any and all outside agency approvals as may be required.

15. 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 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.

**RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF  
BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
MEMORIALIZING THE GRANT OF VARIANCE APPLICATION FOR  
PROPERTY KNOWN AS BLOCK 10.19, LOT 3, A/K/A 937 MIZZEN AVENUE,  
BOROUGH OF BEACHWOOD, NEW JERSEY**

**RESOLUTION #2021-16**

**WHEREAS**, Kozek Enterprises, LLC is the contract purchaser of certain property identified as Block 10.19, Lot 3 a/k/a 937 Mizzen Avenue, Beachwood, New Jersey; and

**WHEREAS**, Kozek Enterprises, LLC 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 lot; 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 setbacks, 8 ft. proposed, 10 ft. required. Side setbacks (combined) 16 ft. proposed, 20 ft. required. These variances were previously approved by the Board pursuant to a Consent Order entered in Superior Court.
4. Minimum distance between buildings, 18 ft. proposed, 20 ft. required.

**WHEREAS**, a public hearing was conducted on the application on August 9, 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 are the documents listed in the review letter of CME Associates dated July 29, 2021 along with the following marked exhibits:

- A-1 Buy-Sell Letters to adjoining property owners.

- A-2 Copies of three (3) Deeds of undersized lots with variance approvals, with sales prices of \$72,000.00, \$80,000.00 and \$70,000.00.
- A-3 Aerial photograph of the property.
- A-4 Oversized copy of Plot Plan.
- A-5 Architectural Plans.

5. The applicant's attorney, Peter Loffredo, Esquire, stated that one of the Buy-Sell Letters received no response, a second responded with no interest and the third letter received a response that William and Sandra Hoffman were willing to pay \$30,000.00 to purchase applicant's lot. Mr. Loffredo provided copies of the Deeds marked as "A-2" demonstrating that the fair market value of the property with variance approval would be between \$70,000.00 and \$80,000.00.

6. Applicant's engineer, William A. Stevens, P.P., P.E., testified in support of the variances requested for the isolated undersized lot, testifying that the property would be zoned into inutility if the variances were denied; the proposed dwelling fits into the character of the neighborhood and the setback variances are required to construct a dwelling that is more conforming than a 20-foot-wide dwelling that would be permitted. The residential use is the best use for the property and the application meets the general purpose and intent of zoning.

7. The applicant agreed to comply with the terms and conditions of the CME Associates review letter dated July 29, 2021.

8. The applicant agreed to eliminate the basement and construct the dwelling on a crawlspace.

9. The applicant agreed to reduce the size of the second floor of the dwelling by two feet.

10. The applicant agreed to provide an additional gravel parking space in the front of the dwelling.

11. The applicant is restricted to what is shown on the plot plan and must come back before the Board if the footprint of the impervious coverage is to be expanded. The air conditioning condenser will be installed in the rear of the property.

12. The property will be graded to direct more stormwater runoff toward the front yard rather than the rear yard.

13. The public portion of the hearing was lawfully conducted and neighboring property owner, Mr. Barry, expressed concern about stormwater runoff, the location of the air conditioner condenser and the two-story dwelling proposed to be constructed on the lot adjoining his property.

14. Based upon the testimony of the applicant and their 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 contained in this resolution and with the submittal and subject to the applicant complying with all provisions of the Board engineer's review letter dated July 21, 2021.

15. The application is further approved subject to the condition that the applicant pay all taxes, application and escrow fees associated with the property and obtaining any and all outside agency approvals as may be required.

16. 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 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 – \$2,153.15

10. APPROVAL OF MINUTES: August 9, 2021

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

11. OLD BUSINESS

12. OPEN MEETING FOR GENERAL PUBLIC FORUM

13. ADJOURN

**Next Meeting Scheduled for September 27, 2021**