

October 24, 2022

Land Use Board Minutes
Beachwood Municipal Complex
1600 Pinewald Road

7:00PM



CALL TO ORDER

The Land Use Board Secretary, Gabrielle Napolitano called the meeting to order at 7:02 pm.

FLAG SALUTE:

The Flag Salute was led by the Chairman of the Land Use Board, Tom Prince.

SUNSHINE LAW:

Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this Meeting of the Borough of Beachwood's Land Use Board posted on the Bulletin Board located in the Municipal Complex and transmitted to the Asbury Park Press January 16, 2022.

The Chairman, Tom Prince, read the Chairman's Statement as follows:

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.

ROLL CALL MEMBERS PRESENT:

Present: Tom Abramski, Randy Martin, Tom Prince, David Raimann, Paul Swindell, and TJ Wrocklage

Professionals Present for the Municipality: John Hess from CME Associates and Mr. Robert Ulaky, ESQ from the firm of Dasti, Murphy, Connors and Ulaky

Absent: Councilman Cairns, Michael Mandica, and Mayor Roma

Alternates: Vacant

BILL LIST:

On a motion by Mr. Abramski seconded by Mr. Martin, with everyone present in favor the Bill's List in the amount of \$1,363.92 was approved.

APPROVAL OF MINUTES:

On a motion by Mr. Martin, seconded by Mr. Prince, with everyone present in favor the Minutes from the September 12, 2022 meeting were approved.

BUSINESS OF THE BOARD:

On a motion by Mr. Wrocklage, seconded by Mr. Martin, the cancelled bulk variance application for 516 Spar Avenue by Janette Weisneck was approved for the release of remaining escrow.

APPLICATION: Shaul (Moshe) Sugar – Minor Subdivision Application – 744 Ocean Avenue – Block 10.33 Lot 13

The applicant's attorney, Benjamin White, presented the minor subdivision application for block 10.33 lot 13, also known as 744 Ocean Avenue. The applicant is requesting a minor subdivision of a 160x100 size lot, along with two bulk variances. The variances would require relief for the size of the lot as well as the setback between the houses. The attorney stated the current vacant lot has been used for additional vehicle

storage. Upon approval of the minor subdivision, a fully conforming house can be placed on the proposed lot which would be in context with the rest of the neighborhood. Matthew Flynn was introduced as the applicant's professional planner. He has experience in dozens of Land Use Boards throughout the state, including Ocean County (Toms River). Exhibit A-1 was introduced to the board as the minor subdivision plan. Mr. Flynn then went to explain all five pages of Exhibit A-2, which shows drone photos of the property and surrounding area. He emphasized the Borough's zoning ordinance encourages two dwellings on a property this size which makes the proposed layout able to be accommodated. He noted that two other properties are the same size, but have dwellings situated in the center of the property. The property requesting the minor subdivision application contains a dwelling on the left most side of the lot. The Land Use Board Chairman, Mr. Tom Prince asked Mr. Sugar how long he has been the owner of this property, and if it has been renovated since. He emphasized the growing concern of parking and drainage in regards to undersized lots. Mr. Swindell questioned if the new fence constructed would be taken down if an approval is granted. Mr. Tom Abramski mentioned the property in the neighboring area with the same lot size containing only one dwelling. Mr. Prince noted that two conforming 80x100 size lots would be more practical for the Borough. Mr. White suggested an encroachment agreement and relief of the side-yard setback if they were to do so.

On a motion to open to the public by Mr. Wrocklage, seconded by Mr. Raimann, with all present in favor the above application was open for discussion.

Patricia Finn of 737 Ocean Avenue has been a resident of the Borough of Beachwood for 51 years, and objected the minor subdivision application. She believes the 80x100 lots were created with purpose and should not be overlooked, especially with the lack of parking available to begin with. The owner of 720 Ocean Avenue, Sharon Steimle, emphasized the overcrowding on their street and agreed that limits are needed. Jamie Sebastian of 721 Ocean Avenue was very concerned of the safety of her children. She stressed the current conditions of the rental while noting another house would terminate any existing parking they had.

On a motion to close to the public by Mr. Wrocklage, seconded by Mr. Martin, with all present in favor the above application was dismissed.

Mr. Tom Prince asked Mr. Sugar if he had future plans to put the house on the market. The applicant's attorney noted that two 80x100 lots would require substantial demolition to the existing house, while an encroachment agreement would maintain the 20foot distance between buildings. Mr. Abramski noted the visible use of the vacant lot by the current tenants, and was concerned the trailer currently housed there would end up in the street. Mr. Prince noted the current parking situation at the property, which entails cars parked on the grass, is against the Borough's Ordinance. Mr. Swindell questioned why leaving the lot vacant would be a detriment to the property owner. Mr. White emphasized the applicant's wishes to have two dwellings on the land available.

On a motion by Mr. Raimann, seconded by Mr. Abramski, with all present in favor, the meeting was paused for a five-minute recess.

On a motion by Mr. Wrocklage, seconded by Mr. Abramski, with all present in favor, the meeting was re-opened.

Mr. John Hess of CME Associates noted that he had never heard of said boundary line agreement with new applications. The applicant's attorney reiterated that he does not want to demolish any part of the existing dwelling as there would be no guarantee that new construction would fit with the recent renovations done. Mr. Wrocklage commented that undersized lots are not favorable in the Borough. Mr. White asked for a poll to be taken between option one, the original application, or option 2, two 80x100 size lots with an encroachment agreement. Mr. Abramski stated he would prefer the two conforming sized lots, without the encroachment agreement. Mr. Raimann, Mr. Martin, and Mr. Wrocklage agreed two 80x100's would best fit.

On a motion by Mr. Martin, seconded by Mr. Abramski, with all present in favor, the meeting was paused for a five-minute recess.

On a motion by Mr. Wrocklage, seconded by Mr. Raimann, with all present in favor, the meeting was re-opened.

Mr. Prince emphasized the hardship was only created per the minor subdivision application. Mr. Swindell commented his dislike towards undersized lots.

On a motion to carry this application to the next meeting on Monday, November 28th with no further notice by Mr. Raimann, seconded by Mr. Abramski, the application was adjourned.

Ayes: Tom Prince, Tom Abramski, Randy Martin, David Raimann, Paul Swindell

Nays: TJ Wrocklage

OPEN TO PUBLIC:

On a motion by Mr. Wrocklage, seconded by Mr. Swindell, with everyone present in favor the meeting was opened for public comment.

One of the neighboring residents of the minor subdivision application apologized for disrupting the meeting as he was explaining to his neighbor that no denial was granted, and the application was adjourned until the next meeting.


CLOSE TO PUBLIC:

On a motion by Mr. Raimann, seconded by Mr. Martin, with everyone present in favor the public comment portion of the meeting was closed.

On a motion by Mr. Abramski, seconded by Mr. Raimann, with everyone present in favor the meeting was adjourned at 8:45 pm.

Respectfully Submitted


Gabrielle Napolitano, Board/Secretary


Tom Prince, Chairman