

**November 23, 2020**

Land Use Board Minutes  
Beachwood Municipal Complex  
1600 Pinewald Road

7:00PM



**CALL TO ORDER**

The interim Planning and Zoning Board Secretary, Kathryn Hutchinson called the meeting to order at 7:07 pm.

**FLAG SALUTE:**

The Flag Salute was led by the Chairman of the Planning and Zoning Board, Tom Prince.

**SUNSHINE LAW:**

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 Beachwood Land Use Board is listed in the annual notice of meetings, posted on the bulletin board located in the Municipal Complex, transmitted to the Asbury Park Press and the Municipal Website on December 27, 2019.

The Chairman, Mr. 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, Ray DiBernardo, Randy Martin, Tom Prince, Paul Swindell, TJ Wrocklage

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

Absent: Councilman Cairns, Randy Martin, David Raimann, Mayor Roma

**Alternates:** Vacant

**BUSINESS OF THE BOARD**

**Dave Addison – Zoning Board Appeal**

The engineer and borough attorney discussed the zoning denial application submitted for 708 Beachwood Blvd. by Mr. David Addison. The board directed Mr. Addison to either apply for an appeal or to submit a land use application to the joint land use board. It was also suggested that Mr. Addison speak to the zoning officer.

**Application**

Jeffrey R. Jerman Block 9.08 Lot 16

The property in question is a rectangular lot located on the westerly side of Longboat Avenue approximately 160 feet north of the intersection with Pine Street. It is located in the R-B Residential Zone and has an area of 4,000 sf. The property is currently vacant and wooded. The Applicant proposes to construct a 1-1/2 story single-family residential dwelling on the subject site. We note that detached single-family dwellings are a permitted use in the R-B Residential Zone.

Proposed changes to the submitted plans as listed below.

1. The Applicant agreed to construct the proposed home on a crawl space, rather than the applied for basement.
2. 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.
3. 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.
4. 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.
5. 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.
6. The public portion of the hearing was lawfully conducted, but no one appeared.
7. 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.
8. 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.
9. 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.

The applicant advised that adjoining properties were not interested in selling their land to help with compliance issues. Applicant is required to submit revised plans for review by the engineer.

**On a motion to open to the public by Mr. Wrocklage, seconded by Mr. DiBernardo, with all present in favor the above application was reviewed and discussed.**

**Hearing no one wishing to be heard a motion to close to the public was entertained.**

**On a motion to close to the public by Mr. DiBernardo, seconded by Mr. Wrocklage, with all present in favor the above application was reviewed and discussed.**

**Motion: Mr. Wrocklage  
Second: Mr. DiBernardo**



**ROLL CALL VOTE ON REVISED APPLICATION:**

**AYES:** Abramski, DiBernardo, Prince, Swindell and Wrocklage

**NAYS:**

**ABSTAIN:**

**BILL LIST:**

On a motion by Mr. Wrocklage, seconded by Mr. Abramski, with everyone present in favor the Bill's List in the amount of \$3,814.70 was approved.

**APPROVAL OF MINUTES**

On a motion by Mr. Wrocklage, seconded by Mr. DiBernardo, with everyone present in favor the Minutes of the September 28, 2020 meeting were approved.

**OPEN TO PUBLIC:**

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

Mike Glogoza (201 Mizzen Avenue) - Mr. Glogoza expressed his want for approval of a six foot, privacy fence for his three front property. The applicant was directed to submit a zoning application as well as a survey.

**CLOSE TO PUBLIC:**

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

On a motion by Mr. Wrocklage, seconded by Mr. Abramski, with everyone present in favor the meeting was adjourned at 8:42 pm.

Respectfully Submitted

  
Gabrielle Napolitano, Board Secretary

  
Tom Prince, Chairman