

**April 26, 2021**

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 7:01 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, The Star Ledger, and to the Borough website on Friday, December 18, 2020 and Tuesday, January 5, 2021.

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, Paul Swindell, TJ Wrocklage

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

Absent: Councilman Cairns, Michael Mandica, David Raimann, Mayor Roma

**Alternates:** Vacant

**APPLICATION: James Rinderer 301 Anchor Avenue – Block 11.34 Lot 8**

James Rinderer and his engineer, Jason M. Marciano from East Coast Engineering, presented a proposal for the minor subdivision of 301 Anchor Avenue, block 11.34 lot 8. The applicant asked for variance relief for the following proposed new Lot 8.02: minimum side yard setback 10 feet required, 3.9 feet proposed, minimum rear yard setback 30 feet required, 19.1 feet proposed, and accessory use – side yard setback 5 feet required, 4.3 feet proposed for the shed. The Board came to the following conclusions:

1. The applicant's engineer, Jason M. Marciano, P.E., P.P. testified that both new lots would meet the minimum lot area requirements of 8,000 square feet. Mr. Marciano testified in support of the

variances that are requested as they are required due to the configuration and location of the existing dwelling and shed.

2. Mr. Marciano testified that the applicant will comply with the terms and conditions of the review letter of CME Associates dated March 9, 2021.

3. Based upon the above testimony 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 with the submittal and subject to the applicant complying with all provisions of the review letter of CME Associates dated March 9, 2021. The application is further approved on condition that the French door leading to the adjoining new Lot 8.01 will be closed off and the steps removed and replaced with an egress window. Furthermore, at least a 20-foot minimum distance between buildings will be provided for the construction of the new dwelling on new Lot 8.01. In addition, the applicant shall remove the shed and the applicant shall remove all concrete on new Lot 8.01 to be removed prior to issuance of the Certificate of Occupancy for the new dwelling to be constructed on Lot 8.01.

4. The application is further approved subject to the condition that the applicant pay all taxes, application and escrow fees associated with the property and the applicant comply with all outside agency approvals, including Ocean County Planning Board, Ocean County Soil Conservation District, Borough of Beachwood Sewerage Authority, Borough of Beachwood Water Department and then the other local, county, state and federal agency approvals as may be required.

5. In approving this 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 required variances can be granted without substantial detriment to the public good and that the variances will not substantially impair the intent and purpose of the zone plan and zoning ordinances. The Board has found that the applicant has met his burden of proof in demonstrating that the positive and negative criteria required for variance approval under the Municipal Land Use Law has been satisfied.

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

**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. Martin, seconded by Mr. Wrocklage, with all present in favor the above application was dismissed.

On a motion to approve the minor subdivision application with the changes listed above by Mr. Wrocklage, seconded by Mr. Martin, with all in favor the application was approved.

**BUSINESS OF THE BOARD:**

The Manager of Capital Projects for Toms River Regional Schools, Mark Wagner, presented the solar plans for Intermediate South and Beachwood Elementary. Because of the referendum that passed some years ago, which included refurbished air conditioning systems, the electricity rates have increased. They are hopeful the ground mounted canopies and panels will help these costs. Intermediate South will implement solar canopies in the front parking lot where the teachers park as well as the side of the building. Beachwood Elementary will have them in the teacher's parking lot. Although this project will force the district to forego the ability to collect SRAX, the benefit of leasing the roofs to another entity will lower the electric rate greatly with extensive roof work completed. Tom Prince and the rest of the board had a few questions and concerns regarding this matter. Mr. Abramski questioned how many panels would be placed throughout. Mr. Prince was focused on the safety aspect of this type of project regarding the students, workers, and everyone else involved. He suggested and emphasized the importance of background checks on every worker that will be on school property. He also recommended that all work being done go through a project labor agreement.

On a motion by Mr. Prince, seconded by Mr. Martin, with everyone present in favor of the recommended adoption and consistency with the Borough's Master Plan, the new Cannabis Ordinance was approved.

**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 ORDINANCE PROHIBITING  
THE OPERATION OF ANY CLASS OF CANNABIS  
BUSINESSES WITHIN ITS GEOGRAPHICAL  
BOUNDARIES**

**RESOLUTION #2021-10**

**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 02021-6 of the Borough of Beachwood entitled "Ordinance of 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"; and

**WHEREAS**, a public hearing on the proposed Ordinance 02021-6 was conducted on April 26, 2021;  
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.

**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 02021-6 of the Borough of Beachwood, prohibiting the operation of any class of cannabis businesses within its geographical boundaries, 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.

**On a motion by Mr. Wrocklage, seconded by Mr. Abramski, with everyone present in favor Resolution #2021-10 was approved.**

**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.



**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.

**On a motion by Mr. Wrocklage, seconded by Mr. Martin, with everyone present in favor Resolution #2021-09 was approved.**

**ABSTAIN:** Tom Prince

**BILL LIST:**

**On a motion by Mr. Abramski, seconded by Mr. Wrocklage, with everyone present in favor the Bill's List in the amount of \$1,462.75 was approved.**

**APPROVAL OF MINUTES**

**On a motion by Mr. Wrocklage, seconded by Mr. Martin, with everyone present in favor the Minutes of the April 12, 2021 meeting were approved.**

**ABSTAIN:** Tom Prince

**OPEN TO PUBLIC:**

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

**CLOSE TO PUBLIC:**

**On a motion by Mr. Martin, 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. Martin, with everyone present in favor the meeting was adjourned at 8:00 pm.**

**Respectfully Submitted**

  
Gabrielle Napolitano, Board Secretary

  
Tom Prince, Chairman

