

May 9, 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 7:05 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 Prince, Tom Abramski, Councilman Cairns, Michael Mandica, Randy Martin, David Raimann, 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: Mayor Roma and Paul Swindell

Alternates: Vacant

Business of the Board: Zoning Appeal – 400 Atlantic City Blvd – Mason's Bar and Grill

Scarlett Dell of 707 Monument Road in Pine Beach addressed the Board with her husband, Jesse, and their son. Her and her attorney, Mr. John Brennan, spoke in hopes of appealing the zoning denial for their restaurant with a liquor license at 400 Atlantic City Blvd. The zoning review for a change of use was originally approved on January 20, 2022. Jamison Zimmerman of Remington and Vernick Engineers, rescinded her approval on April 28, 2022. She claimed a bar establishment was not a permitted use in that zone, and the existing parking was lacking what was required. Mr. Brennan presented a number of exhibits to support their case. Exhibit 1 was the certificate of formation for Boro Hospitality LLC – Scarlett's company. Exhibit 2 was Resolution 2022-76A from the Borough's Council meeting approving the person-to-person and place-to-place transfer of a liquor license. Exhibit 3 (Amore menu) and Exhibit 7 (photos of Amore's seating arrangement) gave the Board an opportunity to see what the prior use of the building consisted of. The lease contract was given in Exhibit 6. Exhibit 9 proved the construction permit paperwork and inspection approval stickers received from the Borough's building department. Exhibit 4 emphasized the grand sum of money this family has already put into the bar and grill. This included invoices, bills, food orders, Craig's List ads for employees, and licensing fees. The last exhibit shown, 8, showed the Board members the inside of Mason's Bar and Grill, including seating arrangements and bar/kitchen locations. Mr. Prince noted the usefulness of a drawing showing the amount of parking available, since Ms.

Zimmerman's rescind letter noted the amount to be insufficient per code. However, the attorney and applicant noted the B1 Zone requirements require one parking space per every 300 square feet of the building. Mr. Brennan said that 400 Atlantic City Blvd contains about fourteen parking spots, which is more than the code requires. Scarlett's husband took the stand and explained how much this project means to him. The Chairman of the Land Use Board, Mr. Tom Prince, emphasized the lack of time the members of the board had to review all of this information submitted. Mr. Tom Abramski noted the frustration he has personally experienced through this process. He was very unhappy with the broken procedure, and shamed a road block this far down the road of their construction. Mr. Prince and Mr. Raimann motioned to carry the information to the next meeting, but the motion was withdrawn.

On a motion by Mr. Prince, seconded by Mr. Wrocklage, with everyone present in favor the meeting held a ten minute recess.

On a motion by Mr. Prince to restart the meeting, seconded by Mr. Wrocklage, with everyone present in favor the meeting continued.

On a motion by Mr. Wrocklage, seconded by Mr. Raimann, with everyone present in favor the zoning appeal was approved and granted.

RESOLUTIONS:

Resolution #2022-11

**RESOLUTION OF THE LAND USE BOARD OF THE
BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE
OF NEW JERSEY, MEMORIALIZING THE GRANT OF A
VARIANCE APPLICATION TO ERIC AND ANN CICERELLO
FOR PROPERTY KNOWN AS BLOCK 2.42, LOT 1, A/K/A 38
LOCKER STREET, BOROUGH OF BEACHWOOD, NEW
JERSEY**

On a motion by Mr. Abramski, seconded by Mr. Martin, with everyone present in favor Resolution #2022-11 was approved.

Resolution #2022-12

**RESOLUTION OF THE LAND USE BOARD OF THE BOROUGH OF
BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY,
MEMORIALIZING THE GRANT OF A VARIANCE APPLICATION TO
GREGORY VISCOMI FOR PROPERTY KNOWN AS BLOCK 9.03,
LOT 9, A/K/A 1400 NEPTUNE AVENUE, BOROUGH OF
BEACHWOOD, NEW JERSEY**

On a motion by Mr. Wrocklage, seconded by Mr. Raimann, with everyone present in favor Resolution #2022-12 was approved.

BILL LIST:

On a motion by Councilman Cairns seconded by Mr. Abramski, with everyone present in favor the Bill's List in the amount of \$768.42 was approved.

APPROVAL OF MINUTES:

On a motion by Mr. Wrocklage, seconded by Mr. Martin, with everyone present in favor the Minutes from the April 11, 2022 meeting were approved.

Abstain: David Raimann

OPEN TO PUBLIC:

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

Residents of the Borough of Beachwood who reside around/on Railroad Avenue, Spar Avenue, and Seaman Avenue attended the meeting. Gloria Garibaldi of 244 Spar Avenue spoke on behalf of her and her neighbors' concerns regarding the recent sale of the vacant lot that is 59 Railroad Avenue. The lot would require a variance as it is non-conforming. She asked the Board to visit the location if/when a variance application is received. The owner of 55 Railroad Avenue, Mr. William Stockham, emphasized the importance of safety measures. Mr. Ulaky stressed the Board being unable to speak on the matter without an application in hand. Mr. Prince, the Chairman of the Land Use Board, assured the residents that the members will examine the property at the time of application and will do their best to come to a favorable decision when the application is heard.

CLOSE TO PUBLIC:

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

On a motion by Mr. Wrocklage, seconded by Mr. Raimann, with everyone present in favor the meeting was adjourned at 8:50 pm.

Respectfully Submitted



Gabrielle Napolitano, Board Secretary

Tom Prince, Chairman