

August 9, 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 7:00 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, Michael Mandica, Randy Martin, Tom Prince, Paul Swindell, TJ Wrocklage

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

Absent: Councilman Cairns, David Raimann, Mayor Roma

Alternates: Vacant

APPLICATION: Kozek Enterprises LLC 1041 Halliard Ave – Block 5.27 Lot 3 – Variance

Peter Loffredo represented the contract purchasers, Grzegorz and Arleta Kozek, subject to the approval of this variance application on block 5.27 lot 3, also known as 1041 Halliard Avenue. Mr. William Stevens was then sworn in as the applicants' professional engineer. Mr. Loffredo shared the history of this property, and explained its creation in 1914. Because of this, it is not a manmade hardship on the almost 2,000 square foot property. The attorney went on to show Exhibit A1: Buy/Sell Letters distributed to the adjacent neighbors. One neighbor said they were disinterested, while no response was received from the other two. Exhibits A2, A3, and A4 were also presented to the Land Use Board, showing the aerial photo of the property, plot plan location, and the elevations within the first floor plan. The applicant proposed a single-family residential home on this 40 by 100 square foot lot. The dwelling was to be a two-story, three bedroom, and two and a half bath, with a one car garage. The driveway was proposed as eighteen feet wide in order to comply with parking regulations. Mr. Stevens went on to explain the reasons why a variance was required, which included the side yard setback and distance between buildings. Mr. Stevens conducted a neighborhood analysis confirming that the creation of this dwelling would not be the smallest or largest home in the neighborhood, and would fit in with the existing characteristics of the community. The Chairman of the Land Use Board, Mr. Prince, noted that with the implementation of a full basement in this dwelling, there would be no room for off-street parking. He went on to recommend a single-story residential dwelling

which would require new plans with an updated rear setback and a half basement used for utilities only. Mr. Prince also suggested the removal of the entire basement with the addition of a full crawl space instead. He recommended coming back to the Land Use Board on a later date with adjustments to the original plans, if the applicants chose to agree on one of those new options. Mr. Paul Swindell, Vice Chairman of the Land Use Board, questioned the drainage, and also suggested pushing the kitchen back in order to keep the footprint the same. Mr. Prince emphasized the importance of adding an agreement to not add onto the house in the resolution of this variance.

On a motion to dismiss for a five-minute recess by Mr. Wrocklage, seconded by Mr. Martin, with all present in favor the application was dismissed for a brief recess.

On a motion to return to discussion of the variance application by Mr. Wrocklage, seconded by Mr. Abramski, with all present in favor the application was open for continued conversation.

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

The owner of 952 Berkeley Avenue, Debbie Selert, asked the Land Use Board how this could be considered as a hardship variance if they are willingly and knowingly buying the property. Mr. Ulaky, the Land Use Board's attorney, informed her that it is simply because of the Municipal Land Use Law. Additionally, Mr. Ross Paradise, the owner of 917 Mizzen Avenue, commented on the construction of egress size windows being an indicator for the future finishing of a basement.

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

On a motion to approve the variance application with the removal of the basement by Mr. Wrocklage, seconded by Mr. Martin, the variance was denied.

APPROVED: Randy Martin, Paul Swindell, TJ Wrocklage

OPPOSED: Tom Prince, Tom Abramski, Michael Mandica

On a motion to approve the variance application with the removal of the basement and the reduction of the second story by Mr. Wrocklage, seconded by Mr. Abramski, the variance application was approved.

APPLICATION: Kozek Enterprises LLC 937 Mizzen Ave – Block 10.19 Lot 3 – Variance

Peter Loffredo represented the contract purchasers, Grzegorz and Arleta Kozek members of Kozek Enterprises LLC. Mr. Peter Loffredo presented the almost identical application for block 10.19 lot 3, also known as 937 Mizzen Avenue. This property was created in 1914, and does not present a manmade hardship for reason of this variance. Buy/Sell Letters were distributed to the adjacent neighbors and returned with no interest in buying, no response, and one with feedback. Mr. Loffredo presented the Deeds as Exhibit A2 and noted that their interest to buy was provided with an insufficient amount regarding the current lot values. Mr. William Stevens, the applicants' professional engineer, presented Exhibit A3 (Aerial Photo), Exhibit A4 (Plot Plan), and A5 (Architectural Plans – Basement and First Floor). Mr. Stevens referenced each of the general comments marked in Mr. Hess', the Land Use Board's Engineer, review letter dated July 29, 2021. The applicant proposed another two-story dwelling with three bedrooms, two and a half bathrooms, a garage, and a basement. They would service the property via municipal water and sewer availabilities. The variance is required for the lot area, lot width, and additional side yard setbacks. The Title Report was also submitted to the Land Use Board, proving the isolated, undersized lot meets the front and rear yard setbacks. After conducting a neighborhood analysis of the twenty-seven surrounding homes, Mr. Stevens protested that the construction of this dwelling would be neither the smallest nor largest house in the vicinity. Mr. Tom Prince, the Land Use Board Chairman, recommended the implementation of gravel next to the driveway, eliminating the basement and making it a crawl space, positioning the HVAC unit in the rear of the property, and reducing the second story by a total of two feet. Additionally, the applicants agreed to assure the grading of the property showed the stormwater runoff is not onto the neighbor's property. The drain will be directed to the front of the property.

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

Mr. Richard David, the homeowner of 932 Berkeley Avenue, voiced his concerns regarding the construction on this undersized lot. He objected to the construction of a two-story dwelling directly behind his property, and disagreed with the height of the new structure. Mr. David preferred the HVAC system to be placed on the side of the new dwelling. He commented on the accessibility of the road when school is back in session and visitors are using the street for parking. He wished the applicants had bought bigger property elsewhere if they desired a house this size. Ms. Debbie Selert, the current owner of 952 Berkeley Avenue, commented that during school hours, there is no parking on Elm Street or Mizzen Avenue. Mr. Ross Paradise of 917 Mizzen Avenue, did not argue with the construction of this dwelling, but did critique the proposed height. While he said he would have preferred ranch style, he believed the neighbor's concerns will be addressed. AC units are no longer made with extreme noise, and the lot clearing should help alleviate drainage issues.

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

On a motion to approve the variance application with the restrictions discussed by Mr. Prince, seconded by Mr. Swindell, the variance was approved.

APPROVED: Tom Prince, Michael Mandica, Randy Martin, Paul Swindell

OPPOSED: Tom Abramski, TJ Wrocklage

RESOLUTION #2021-14:

**RESOLUTION OF THE LAND USE BOARD OF THE
BOROUGH OF BEACHWOOD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, MEMORIALIZING THE
APPROVAL OF A MINOR SUBDIVISION AND VARIANCE
APPLICATION TO WALTER SCHACHT FOR PROPERTY
KNOWN AS BLOCK 3.08, LOT 6, A/K/A 700 HALLIARD
AVENUE, BOROUGH OF BEACHWOOD, NEW JERSEY**

On a motion by Mr. Wrocklage, seconded by Mr. Martin, with everyone present in favor Resolution #2021-14 was approved.

ABSTAIN: Michael Mandica

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 \$585.30 was approved.

APPROVAL OF MINUTES:

On a motion by Mr. Wrocklage, seconded by Mr. Swindell, with everyone present in favor the Minutes from the July 12, 2021 meeting were approved.

ABSTAIN: Michael Mandica

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. Wrocklage, seconded by Mr. Swindell, with everyone present in favor the public comment portion of the meeting was closed.

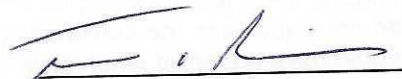
On a motion by Mr. Wrocklage, seconded by Mr. Abramski, with everyone present in favor the meeting was adjourned at 8:50 pm.

BUSINESS OF THE BOARD:

Tom Prince emphasized the importance of thoroughly reading the resolutions presented to each board member and assuring that all conditions discussed at the meeting are implemented, before memorializing any resolution presented.

Respectfully Submitted


Gabrielle Napolitano, Board Secretary


Tom Prince, Chairman