

**September 28, 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 7:00pm

**FLAG SALUTE:**

The Flag Salute was led by the Chairmen 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:**

Tom Abramski, Present: Ray DiBernardo, Randy Martin, Paul Swindell, TJ Wrocklage

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

Absent: Tom Abramski, Councilman Cairns, David Raimann, Mayor Roma

**Alternates:** Vacant

**BUSINESS OF THE BOARD**

**RESOLUTIONS:**

**WHEREAS**, Eagles Point Holdings LLC, applicant, is the contract purchaser of certain property identified as Block 1.05, Lot 12, a/k/a 648 Ship Avenue, Beachwood, New Jersey; and

**WHEREAS**, the applicant has applied to the Land Use Board of the Borough of Beachwood for variance relief to permit construction of a single-family residential dwelling on the above referenced isolated undersized lot; and

**WHEREAS**, the applicant was represented by Harvey L. York, Esq.; and

**WHEREAS**, the applicant seeks variance relief as follows:

1. Lot area of 4,000 square feet provided, 8,000 square feet required.
2. Lot width, 40 feet provided, 80 feet required.
3. Side yard setbacks, 8 foot proposed, 10 foot required and combined side yard setbacks, 16 foot proposed, 20 foot required.
4. Minimum distance between buildings, 14.4 foot proposed, to the adjoining property owner's house, 20 feet required.

**WHEREAS, a public hearing was conducted on the application on September 14, 2020; and**

**WHEREAS, the Board has jurisdiction.**

**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 makes the following findings of fact and conclusions of law:**

1. The application is complete and the Board has jurisdiction.  
2. The applicant is the contract purchaser of the property.  
3. The applicant seeks variance relief as set forth in the preamble of this resolution for the subject property which is an isolated undersized lot.

4. Included in the applicant's application was a Plot Plan for variance prepared by Matthew C. Hockenbury, PE with MCH Engineering, Inc., of Toms River, New Jersey bearing a latest revision date of September 1, 2020; along with a set of Architectural Plans prepared by Walter J. Hessberger, RA, of Brick, New Jersey, dated March 2, 2020. In addition, the applicant submitted a Title Certification prepared by Harvey L. York, Esq. and other supporting documents as noted in the review letter of CME Associates dated September 9, 2020.

5. The Applicant submitted the following Exhibits:

A-1: Buy/Sell letter to the adjoining owner, Adams.

A-2: Buy/Sell letter to the adjoining owner, Swenson.

6. The applicant agreed to comply with the terms and conditions of the CME Engineering review letter dated September 9, 2020.

7. The applicant agreed to provide soil borings to be submitted for the review and approval of the Board Engineer.

8. The applicant agreed that the homeowner of the dwelling will be responsible for maintenance of the drainage system as required in accordance with NJDAEP Best Practices Manual.

9. Applicant's engineer, Matthew Hockenbury, PE, testified in support of the requested variances, the lot area variance is required due to the fact that the applicant cannot acquire any additional property to make the lot conforming. The proposed 24-foot-wide house requires 8-foot setbacks on each side, which is typical of houses in the neighborhood. Many similar houses have been built on 40 foot by 100 foot lots in Beachwood. The requested variance for insufficient minimum distance between buildings is required due to the fact that the house on the adjoining lot 16 was built too close to the property line, setback only 6.4 feet to the property line. Mr. Hockenbury testified that the benefits outweigh any possible detriments and that the three-bedroom, two bath single-family dwelling with a basement fits in with the character of the neighborhood and the intent of the Zoning Ordinances. Mr. Hockenbury testified that there would be no negative impact and that the highest and best use of the vacant lot is to build a residential dwelling. Mr. Hockenbury further testified that drainage concerns of the neighboring property owner have been addressed with roof leaders connected to recharge trenches and also a recharge trench in the rear yard with a railroad tie retaining wall to maintain stormwater runoff on the property to drain onto Ship Avenue.

10. The public portion of the hearing was lawfully conducted and Shane Swenson, owner of adjoining property located at 640 Ship Avenue, testified that he objects to the proposed construction and he was concerned about drainage onto his property and maintenance of the recharge system. He objected to the close proximity of the proposed dwelling to his house. In addition, Thomas Adams, owner of adjoining property located at 652 Ship Avenue, Beachwood, New Jersey objects to the construction of the house on an undersized lot.

11. Based upon the testimony of the applicant and its engineer 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 Board Engineer's letter dated September 9, 2020.

12. The application was further approved subject to the applicant paying all taxes, application and escrow fees associated with the property.

13. In approving the variance application, the Board has made a finding of fact and conclusion of law that the applicant has met their burden of proof in demonstrating that the positive and negative criteria required for variance approval under the Municipal Land Use Law has been satisfied.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Applicant, the Applicant's attorney, the Building Department, the Zoning Officer and the Borough Clerk by the Land Use Board Secretary.

**BE IT FURTHER RESOLVED** that notification of this favorable Resolution be published in an official newspaper of Beachwood by the Land Use Board Secretary within ten (10) days of its passage.

**On a motion by Mr. Swindell, seconded by Mr. Wrocklage, with all present in favor the above resolution was memorialized.**

**ROLL CALL VOTE:**

**AYES: Debernardo, Martin, Swindell and Wrocklage**

**NAYS:**

**ABSTAIN: Prince**

**BILL LIST:**

**On a motion by Mr. Wrocklage, seconded by Mr. DiBernardo, with everyone present in favor the Bill's List in the amount of \$714.00 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 14, 2020 meeting were approved**

**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.**

**Shane Swenson(640 Ship Avenue)- Mr. Swenson questioned the Master Plan findings and the sewer buildout percentages.**

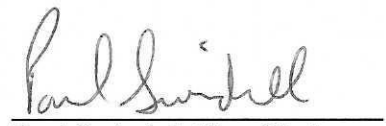
**CLOSE TO PUBLIC:**

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

**On a motion by Mr. Swindell, seconded by Mr. Wrocklage, with everyone present in favor the meeting was adjourned at 7:22pm.**

**Respectfully Submitted**

  
Kathryn Hutchinson, Board Secretary

  
Paul Swindell, Vice Chairman