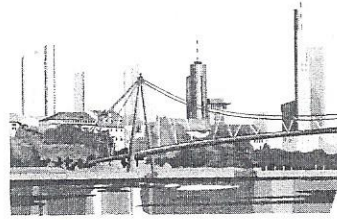


APPROVED

August 12, 2013

Land Use Board Minutes
Beachwood Municipal Complex
1600 Pinewald Road

7:00PM



FLAG SALUTE:

CALL TO ORDER:

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 Municipal Complex Building and delivered to the Asbury Park Press on January 15, 2013.

ROLL CALL MEMBERS PRESENT:

Patricia Barndt, Chris knoll, Councilman LaCrosse, Tom Prince, Cliff Schiel

Alternates:

Number 1 David Raimann ____ Number 2 Paul Swindell ____ Mayor's Designee Ron Ross ____

Absent: Merola, Morrison, Oldham, Mayor Roma

(We went out of order of the Agenda due to the probable length of the application to be heard tonight)

RESOLUTION 2013-31 Approve Land Use Board Minutes from May 13, 2013

Motion: LaCrosse

Second: Barndt

Approve: Barndt, LaCrosse, Ross, Scheil, Raimann, Swindell (these were the only members eligible to vote)

Oppose:

Abstain:

RESOLUTION 2013-32 Approve Land Use Board Bill's List in the amount of \$2563.00

Motion: Barndt

Second: LaCrosse

Approve: All In Favor

Oppose:

Abstain:

Correspondence:

Ocean County Planning Board Minutes -May 1, 2013 No Beachwood properties listed, May 15, 2013 1 Beachwood property listed and June 5, 2013 No Beachwood property listed.

NJPO PLANNER

(Correspondence reviewed by the Chairman)

Councilman LaCrosse and (Mayor's designee) Ron Ross recused themselves from the following application as they are not able to vote on a Use Variance.

APPLICATION:

CFP International LLC (Frank Seitz)

1126 Ship Ave Block 6.49 Lot 7

Use Variance

Mr. Truhan's testimony came primarily from his conditionally complete letter dated July 18, 2013 and addressed to the board; therefore, I included the letter as reference:

- A completed Borough of Beachwood Land Use and Development Application for CFP International/Frank Seitz (Owner);
- An Affidavit of Ownership dated February 8, 2013;
- An Affidavit of Non-Collusion, dated February 8, 2013;
- A copy of a letter addressed to the Borough of Beachwood Board Members prepared by Frank G. Seitz, dated may 6, 2013;
- A copy of Exhibit A-I depicting the zoning map for the Borough of Beachwood;
- A colored copy of Exhibit A-II depicting a larger scan portion of the Zoning map for the Borough of Beachwood;
- A colored copy of Exhibit III depicting a street map and subject site;
- A copy of Exhibit B-I of an aerial photograph depicting the area surrounding the subject property. The subject property was not developed at the time of the photograph;

- A copy of Exhibit C-I which is a map of survey for Block 6.49, Lot 7 prepared by Bernard M. Collins, Licensed Land Surveyor, dated March 19, 2013. The plan also contains a hand drawn front walk;
- A copy of Exhibit C-II, which is an unknown hand drawn plan, dated January 30, 2013 of the proposed office layout.
- A copy of Exhibit C-III which is a map of survey for Block 6.49, Lot 7 prepared by Bernard M. Collins, Licensed Land Surveyor, dated March 19, 2013(without the hand drawn front walk);
- A copy of Exhibit D-I which is an unknown hand drawn "Landscape" Plan depicting adjacent Lots 8 & 9, Block 6.49. The plan depicts the proposed gravel walkways and mulched areas;
- A copy of Exhibit D-II which is a map of survey for Block 6.49, Lots 8 & 9 prepared by Bernard M. Collin's, Licensed Land Surveyor dated March 19, 2013;
- A copy of two (2) checks submitted to the Borough of Beachwood in the amount of \$175.00 and \$2,000.00 required for the application and escrow fees;

The following items were not provided:

- A copy of a certified list of property owners within 200 feet of Block 6.49, Lot 7.
- A copy of a letter from the Borough Tax Assessor confirming that property taxes are current.

A. General Information:

The property submitted for Land Use review is a 14,000 SF rectangular lot (140' x 100') approximately 238 LF from the intersection of Pinewald Road. The referenced lot is located at 1136 Ship Avenue on the westerly side of the street adjacent to an existing commercial business named "The Candle Factory". The subject site is located in the B-3 Business Zone and is currently occupied by a one-story single-family residential dwelling. It is reported in the application package provided to this office that the present use of the premises is a second residence and law office, which is a permitted accessory use. It is unknown if the accessory home occupation use was formally approved by the Land Use Board.

The applicant proposes to eliminate the residential use in its entirety and convert the remaining space to an additional office for a landscape contractor, which is a permitted use. The applicant is also seeking a variance to permit the bulk storage of materials and landscape construction equipment in the northern portion of the lot behind a six (6') foot high stockade fence.

B. Zoning Requirements (B-3 Business Zone)

Requirement/Zone	Required	Existing/Proposed
Min. Lot Area	8,000 SF	14,000 SF
Min. Lot Width	80 LF	140 SF
Min. Lot Depth	100 LF	100 LF
Min. Front Setback	20 LF	51.91 LF
Min. One Side Yard Setback	5 LF	22.6 LF
Min. Total Side Yards	10 LF	60 LF
Min. Rear Setback	20 LF	20 LF ^(A)
Max. Height	35 LF	16 LF ^(A)
Max. Height in Stories	2	1
Max. Lot Coverage	35%	78.±% ^(B)
Min. Off-Street Parking	5 Spaces	12 Spaces – N/A
Min. Distance Between Buildings	15 LF	N/A
Min. Site Landscaping	5 FT ^(C)	0 FT ^(C)
Min. Side Yard Offset (accessory)	5 LF	50 LF
Rear Offsets (accessory)	5 LF	4 LF ^(A)

FOOTNOTES:

- (A) Approximate distances (applicant shall provide).
(B) Approximate coverage (applicant shall provide)
(C) Minimum five (5') foot buffered and screened area surrounding the periphery of project at any zone boundary area shall be landscaped.

C. Bulk Schedule of Minimum Requirements:

- 1. Accessory Uses:** The existing shed on the referenced property appears to have a rear setback of four (4) feet, whereas a minimum side/rear yard accessory building setback of five (5) feet is required.

The applicant should provide documentation to the Board regarding their plans to either relocate the shed to eliminate the existing variance or seek a waiver for the variances.

2. **Rear Setback Structure:** The applicant shall confirm if the existing residential structure is located within the twenty (20) foot rear setback. The survey shall be revised to demonstrate compliance with the setback requirements or the applicant shall seek a waiver from the variance as a result of an existing condition.

3. **Ordinance Section 17.11 - Maximum Lot Coverage** shall mean the area of a lot expressed as a percentage of the total lot area occupied by building, structure or use.

The word "Use" is defined as:

1. Any purpose for which buildings, other structures, or land may be arranged, designed, intended, maintained or occupied; and
2. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land; or
3. A name of a building, other structure or tract of land, which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

The submitted map of survey does not provide a bulk schedule table. However, it appears that the structure, paved driveway, shed, wooden deck, gravel parking lot and gravel equipment storage yard use comprises 78% of the lot. The applicant shall submit the necessary documentation to confirm the lot coverage and provide testimony regarding the required variance.

4. A minimum of a five (5') foot buffered screen area surrounding the periphery of a project at any boundary zone area shall be landscaped. It was noted that construction material is being stored along the common property line with the Borough property.

D. Surrounding Uses:

The existing surrounding properties, located to the west and south of the subject site are generally commercial or municipal. Residential single-family homes are located toward the east and north. The Candle Factory, which is not part of the application, is located adjacent to the subject property toward the south.

E. Variances and Waivers:

1. **Ordinance Section 17.23.992** – Offices and warehouses of contractors in the building trades or allied thereto are permitted in the B-3 Business Zone provided that no open bulk storage of material or equipment shall be permitted.

The applicant has already installed a 65' x 80' gravel storage area that currently is storing a backhoe, grading equipment, landscape plant material, irrigation supplies, trailer, etc. The magnitude of the required use variance shall be determined by the applicant.

2. Ordinance Section 17.23.963 – Signage.

The applicant shall address if there will be any proposed signs for the two (2) uses on site. Any proposed signage must comply with the requirements set forth in Chapter XIII of the Land Use Ordinance.

- 3. Ordinance Section 17-23.982 –** The parking requirements for permitted business and service establishments are one (1) parking space for each three hundred (300) square foot of gross floor area of the establishment. The existing map of survey depicts what appears to be a 1,430± SF structure that will be used as office space, which in turn will require five (5) parking spaces. It appears that twelve (12) spaces are provided. The applicant shall provide testimony as to the reason why there is a need for seven (7) additional gravel parking spaces located across the frontage of the lot. The applicant shall also confirm the size of the spaces and if a portion of the parking space is located within the public right-of-way a design waiver may be required.

- 4. Ordinance 17-21.2.2d1 and 2 –** Buffer areas shall require site plan approval and are required along all lot lines and street lines, which separate a non-residential use, from either an existing residential use or residential zoning district. The applicant shall provide additional documentation in order to address compliance with respect to the adjacent residential uses within the area.

It appears that within the gravel storage yard, landscape equipment and supplies are located within the required ten (10') foot wide buffer area along Lot #6. Existing uses on Lots 1 & 2 toward the west are commercial and do not require a ten (10') wide buffer. However, a five (5') foot wide buffer is required along all property lines.

- 5. Ordinance – Chapter 10-0 –** The stockade fence appears to be located one (1) or two (2) feet into Lot 6. The applicant shall clarify this discrepancy.
- 6. Ordinance – Chapter 10-5.2 –** A permit shall be applied for and obtained from the Borough of Beachwood's Zoning office. The fence erected and or replaced shall comply with the requirements set fourth in Subsection 10-5.4 or a variance shall be obtained by the Land Use Board. Confirmation should be provided by the Applicant, if they applied for a permit for the existing stockade fence.
- 7. Ordinance – Chapter 10.5.4i –** In commercial zones, fences in all front yard areas shall not exceed four (4) feet in height and must be open. Fences not located in front yard areas may be solid, but shall not exceed six (6) feet in height.

Pursuant to Ordinance 17.11, the front "building line" or "setback line" of the subject structure is 51.91 Feet. The existing six (6') foot solid stockade fence appears to be located 22 – 23 feet from the property line or within the front

yard of the lot. Therefore, only a four (4') foot open fence is allowed. A variance is required for the existing fence.

8. **Ordinance 17.21.2J2** – Fences and walls running parallel to the front property line may not be erected, altered or reconstructed except that fences, walls and hedges located parallel to the front property line and on or behind the front building line (which is 51.91') may be erected to a height not to exceed six (6') feet above ground level. The applicant's fence is located in front of the building line of 51.91'.

F. Design Comments:

The applicant should be prepared to discuss the following:

1. The reasons why a six (6') foot solid gate and or screening is not provided across the open portion of the storage yard in order to mitigate the views into the site.
2. Additional landscaping in front of the six (6') foot high fence in order to mitigate the view of a solid fence from the street is recommended.
3. Provision of a designated handicap parking space in order to address the Americans with Disabilities Act.
4. It is noted that there are several steps required to gain access into the office areas. Handicap signage, striping and an access ramp should be provided.
5. A trash and recycling dumpster location will be required.
6. Number of employees.
7. Type of operation.
8. Type and amount of bulk storage located on site and how it will be maintained.
9. Proposed lighting (if any) for the gravel parking lot and storage yard.
10. Material storage is exceeding the height of the six (6') foot fence.
11. The proposed gravel surfaces associated with the parking areas and storage yard do not exceed the NJDEP Best Management Practices threshold. However, the applicant should address the increase in run-off generated by the recent improvements. All development should incorporate on-site stormwater facilities that will encourage infiltration and slowing down the rate storm water leaving the site. It is the recommendation of this office that roof drain dry wells be installed to mitigate the stormwater being generated from this site.
12. The need for street trees which shall be planted every forty (40) to sixty (60) feet apart, not to exceed twenty (2) feet from streetline or curbline.

13. The details of the proposed screening and landscaping as discussed in applicant's letter to the Board. A landscaping plan should be provided.
14. The need for any improvements along the frontage of the street.
15. The need to obtain any outside governmental permits and/or approvals.

G Recommendations:

Based upon our review of the submitted information and a field inspection performed on July 15, 2013, this office recommends that this application be deemed "conditionally complete" for consideration by the Land Use Board subject to the applicant complying with all notification requirements set forth in the General Ordinances of the Borough of Beachwood and the Municipal Land Use Law. At least ten (10) days prior to the public hearing, the Applicant must submit any necessary documentation to the Board to clarify the setback issues and the additional variances that he may be seeking.

It is also our recommendation that the Board should require the submission of a minor site plan and variance plan that would address some of the concerns raised above and to reflect any Board directed changes. Therefore, all required landscaping and buffering, handicap parking and lighting, signage, etc. can be presented on a minor site plan that can be approved and become part of the record for the application.

This office reserves the right to present additional comments pending receipt of additional plans, documents and/or the testimony of the Applicant before the Board.

Ulaky	Sietz, sworn in; 1126 Ship Ave Beachwood
Sietz	Passing out response letter marked as A1 exhibit. Passing out Ocean County soils A2 exhibit. Showing zoning approval for fence and landscaping on the property.
Prince	He needs a variance for the shed, exceeds lot coverage will need variance for that.
Prince	Will need a detailed sketch of handicap ramp
Prince	5 ft buffer? Storage of materials, store bulk behind fence. Short term storage,
Prince	do you have operating hours
Seitz	law office hours 9-5 no secretary
Prince	what is your client how many, 1 handicap, 11 parking spaces,
Truhan	no detail submitted
	requirement is 5 we said there may be as many as 12 total
Prince	yes, 11 spaces
Prince	Trash, and recycling, will that be kept behind the gate? Are we talking dumpsters? 1 or 2 yards? And what about the fence?
Seitz	that fence belongs to the neighbors
Prince	What about the concrete pad?
Seitz	things will be put on that and then removed

Seitz	The engineer had questions about the sign. we will comply
Seitz	I may need the parking but I don't need that many, I would like to have them in case though
Prince	will anything be stored outside the fence?
Seitz	the site will look very nice
Prince	What about lightening?
Seitz	I don't need lightening
	permit was received for fence
Seitz	There was a request for the street trees, I prefer not to put anymore, I don't see a need.
Prince	If you put the fence back a foot you could have done nice landscaping in front of it
Sietz	I think the property will look nice when done.
Prince	we have had other proposed landscaping
Seitz	Can't put landscaping in front of gate.
Ulaky	Can you describe the neighborhood around you?
Sietz	Across is public works and on the other side is Mrs. Clancy and other commercial locations. It's not a residential street.
Prince	there is residential around you and when they moved in it was residential
Sietz	I'm going to make this better than most properties
Ulaky	So you think this property is good for this
Schiel	What do you plan to do in the winter?
Schiel	What about salt?
Mathew Vogel	844 beach Ave Beachwood (sworn in)
Vogel	the vehicles will not be stored there and no salt
Prince	Materials you would store? Fertilizes?
Vogel	No, we usually sub that out, maybe some will be kept we sub out all our chemicals.
Raiamn	Maintenance of equipment?
Vogel	yes on site
Ulaky	what type of equipment
Vogel	trailers, box trailers, two small dump trucks, van, etc
Prince	To Truhan; what about run off?

Seitz	Since matt dug around the street the runoff is better but not a good street. Ms Clancy could tell you that
Vogel	OC is satisfied with the runoff and when we dug up the street we found another drain of the county's that was covered up
Prince	no reference to drain on property,
Brandt	that is why we ask about the trees in street, helps with runoff
Seitz/Vogel	We have 3 trees, we would end up encroaching with another tree
Shiel	what is on the right of house
Vogel	yes that is shrubs
Brandt	The gravel helps with runoff
Vogel	yes we pitched the property and put gravel and is better for the runoff
Prince	where is the roof runoff
Vogel	We will have two roof runoffs
Prince	Any more questions?

Hearing no more questions; we opened to the public for this application only:

Motion To Open To Public - CFP International Only

Motion: Barndt Second: Knoll

Approve: All In Favor

Oppose:

Abstain:

Margaret Clancy/Brian Applegate	1129 ship Ave. sworn in. No problem with law office but the landscaping is another story! Very loud business! Have been doing it for a couple of years now. They come and go all hours, 2 back hoes, a dump truck, all kinds of equipment! They start at 7am!
Clancy/ Applegate	Offering pictures for exhibits and all being marked. We have complained to the town several times, the Mayor, the Code Enforcer, etc. Ms Clancy is reading a letter into record regarding her complaints! (Letter; Spring of 2012 Landscaping Eq. began accumulating on the side lawn of 1126 Ship. 3 tractors, flatbed, backhoe, bobcat, van, box truck with trailer. Pallets stacked 20 ft high Debris piles of dirt, mulch, rocks and bricks litter the property. We were told this was all for the landscaping at 1126 Ship. This was not a valid statement. A year has passed and Carefree Landscaping continues to illegally use this property for their business, office and meeting point. Every morning my day begins at 7am with the fumes of their idling trucks and the beep beep beep of the reverse machine indicators. We moved to Beachwood 15 years ago, a once quiet residential St. We did not see a dump across from our home. We want peace and quiet restored.) I approached Mr. Seitz with my concerns and he said he couldn't help

	me and that is when I went to the Borough Officials for help.
Prince	Let's take a moment while everyone reviews the pictures. Is there anyone else with questions?
Brandt	When trees were taken down; do you see better drainage?
Clancy	No, I went to the Mayor years ago and he said nothing can be done about the drainage problem! The Candle Factory was a quaint place set amongst the Jersey Pines, but not now!

Motion To Close To Public - CFP International Only

Correspondence:

Ocean County Planning Board Minutes -May 1, 2013 No Beachwood properties listed, May 15, 2013 1 Beachwood property listed and June 5, 2013 No Beachwood property listed.
NJPO PLANNER

Ulaky	Asked Seitz to comment on photos submitted by Mrs. Clancy
Seitz	There were 2 pine trees within 5 ft house that was on the lot now cleared, I think Ms Clancy is upset about the pine trees on Candle Factory property Those trees came down (15 pine trees)
Seitz	Ms Clancy is upset about things that aren't going to be there
Prince	I can understand what Ms Clancy is talking about; I would not want to look at that.
Prince	How long has the business been operating?
Seitz	Since April 2012
Prince	If I was to say the fence needs to be moved to have scrubs on outside. Mr. Truhen; does he have to line that stone for parking?
Truhan	That would be difficult, concrete guards would be better
Prince	Who owns lot 6? What if one of your machines hits the fence. What if he doesn't want to replace it?
Vogel/Seitz	We would replace it.
Prince	We have to cover all the bases.
Seitz	I want to correct the way it looks now
Brandt	What would be the earliest time that they would start?
Vogel	7am. We would not start before that
Seitz	It is commercial zoned and others will start at 7 as well. There is noise there.
Prince	Shed is not on plot plan and the fencing doesn't match, I would like to see detailed drawing for handicap, sidewalk, and signage. Not sure what the

	ordinance is for idling vehicles? Put the fence back
Raimann	Shift it back
Prince	There is things you can do, shift the fence back make it look pretty. I don't have a construction business in front of me but I do have noise so I know what Ms Clancy is talking about. Signage will be a problem too for the neighbors. I like what was done on the corner. Why has this been operating so long and just now coming before the board.
Ulaky	vote now or motion to carry
knoll	You said you have phone calls to make so we should hold off till the 9 th ; will it cause a hardship?
Seitz	I guess it would be difficult to invest in improvements.
Prince	We are not asking you to invest. If you can get everything done for the 9 th ; table this to the 9th of Sept. Questions; why this has been going on for so long? Sign, roof run off, better site plans, operating hours? Would be a help to know the idling time. Brandt; be more prepared for water runoff. Still concerned about noise that early in the morning.

RESOLUTION 2013-30 Approve/Deny Application at 1126 Ship Ave - Use Variance

The decision/vote regarding 1126 Ship Ave was tabled until the next meeting on September 9, 2013

Motion: Knoll Second: Raimann

Approve: Barndt, Knoll, Prince, Schiel, Raimann, Swindell

Oppose:

Abstain:

Motion carries; Application carried over to the September 9, 2013 meeting - without notice

Councilman LaCrosse and Mayor's Designee Ron Ross returned to the dais

Motion - Open to General Public

Motion: LaCrosse Second: Koll

Approve: All In Favor

Oppose:

Abstain:

Motion - Close to the General Public

Motion: LaCrosse Second: Barndt

Approve: All In Favor

Oppose:

Abstain:

Adjourn Meeting

Motion: LaCrosse

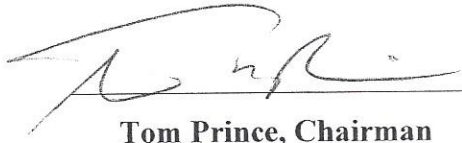
Second: Raimann

Approve: All In Favor

Oppose:

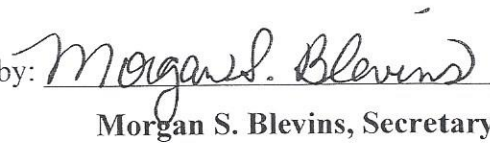
Abstain:

Prepared by: M.S. Blevins

A handwritten signature in dark ink, appearing to read 'Tom Prince', written over a horizontal line.

Tom Prince, Chairman

Attested to you by:

A handwritten signature in dark ink, appearing to read 'Morgan S. Blevins', written over a horizontal line.

Morgan S. Blevins, Secretary

August 12, 2013

TOTAL \$	2,563.00
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