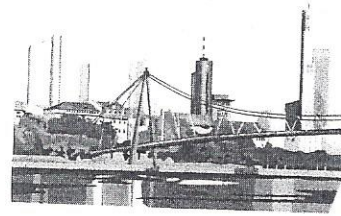


September 9, 2013

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, Tom Prince, Cliff Schiel,

**Alternates:**

Number 1 David Raimann

Absent: Councilman LaCrosse, Merola, Morrison, Oldham, Mayor Roma, Swindell,  
(Mayor's Designee) Ron Ross

This application was heard at the August 12, 2013 meeting but tabled until the next meeting on September 9, 2013 (pending more information)

**APPLICATION:**

CFP International LLC (Frank Seitz)  
1126 Ship Ave Block 6.49 Lot 7  
Use Variance

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.

The following letter dated September 9, 2013 and addressed to the board is the new letter from our engineer regarding the new information submitted by the applicant (as required) after the last meeting; Therefore I included it as reference.



John S. Truhan Consulting Engineers, Inc.

*A Professional Corporation*

September 9, 2013

Borough of Beachwood  
Land Use Board  
1600 Pinewald Road  
Beachwood, New Jersey 08722

Re: CFP International LLC/Frank Seitz (Owner)  
1126 Ship Ave.  
Block 6.49, Lot7  
BULK VARIANCE APPLICATION  
3<sup>rd</sup> Review

Dear Board Members:

Applicant shall provide testimony regarding the proposed use of a 10' x 48' concrete pad located within the 5' wide buffer.

The applicant has provided additional information for review, which was submitted ten (10) days prior to the deadline of the Board meeting. The revised submission addresses a number of concerns delineated in prior correspondence to the Board and/or discussed during the previous Board meeting. The following is a summary of our latest review of the referenced application and includes the remaining items to be addressed by the Board:

1. An unsigned and undated Landscape Plan was prepared for the site depicting an unknown number and size of various plant materials.

Additional information has been added to the Landscape plan and a Ramp detail sheet (unnamed and unsigned) has been provided for review. These two (2) plans should be signed and dated for ease of future reference.

2. The Landscape Plan also depicts a proposed handicapped parking space and a ramp. While it appears that a sloped ramp can be constructed from the front door to the parking space, in compliance with ADA specifications, additional details should be provided in order to determine the proper width of the ramp, size of the entrance landing at the front door, the maximum elevation rise, with proposed topographic spot shots, railing details, etc.

A second plan has been provided depicting a proposed ramp and a detail for an aluminum hand railing. It appears that the applicant has complied with the request for an ADA entrance to the proposed office building use.



John S. Truhan Consulting Engineers, Inc.  
*A Professional Corporation*

3. Property handicapped parking space striping and signage should also be noted on the plan.

The Landscape Plan now depicts a designated handicap parking space, signage and pavement markings. Construction Details shall be added to the plan for these items.

4. Dimensions to existing shed and dwelling should be provided in order to determine if setback variances are required.
5. This item is still outstanding . A note shall be added to the plan if the shed will be relocated.

This item is still outstanding

6. A proposed sign was added to the Landscape plan. The applicant shall provide testimony regarding size, type, lighting, etc. of the proposed sign.

A sign detail has been added to the Landscape Plan depicting a 24 SF area sign. The Sign Ordinance allows for a 25 SF area sign. The applicant shall provide testimony if lighting will be provided for the sign. In the event that lighting is proposed, a detail shall be added to the plan for review.

7. Details of the proposed twenty (20') wide gate shall be provided by the applicant.

The applicant has provided a photograph of what appears to be two five foot wide galvanized chain link fence gates containing brown vinyl slats for screening. The applicant proposes a twenty (20) foot wide gate. Testimony and additional details shall be provided for the proposed larger twenty (20) wide opening.

#### **ADDITIONAL COMMENTS**

The following comments arise from a review of the information submitted and/or from our previous comments. Numbering continues from previously mentioned comments.

8. Photographs have been provided of other commercial properties for discussion purposes with the Board. It is noted that a photograph of the proposed law and landscape office is provided. However, the referenced photograph does not depict a view of the landscape yard area from across the street and if material will be seen above the fenced area.
9. The hours of operation have been provided for review. Additional items, such as the number of employees, employee automobiles, the number and sizes of trucks to be stored on site, etc., need to be addressed.

Prince	Announced we will continue CFP International
Ulaky	Mr. Seitz, are you comfortable with the 5 we have here tonight?
Sietz	Yes I'll roll the dice, take my chances
Truhan	Reading from his new letter dated September 9, 2013 that was submitted today; reading into record (This letter is included in these minutes for reference)
Prince	Are we still looking for the # of employees, no detail for the electrical
Truhan	Applicant needs to provide light for the sign, if lighting is proposed then we would request details for that lighting
Prince	Do you remember the size of the shed
Truhan	Not off hand Mr. chairman
Ulaky	Mr. Seitz perhaps you could come forward and give an overview of your submission of Aug. 29, 2013 to the board and explain it
Seitz	We have a sketch prepared of what the property will look like. You also wanted to know where the sign is and the drywells, don't know why I didn't provide how many employees. They will have 6, I don't have any employees we share a secretary, Shed size 7 by 10 we will move it to comply with the 5 ft setback
Raimann	Where is your property line, is it the cement wall?
Seitz	Fairly certain within a couple of inches
Prince	Bumping fence back to fit trees in front?
Seitz	Well we have enough room in front of the fence now. Prince: put the trees to hide the stuff behind the fence
Prince	What's the minimum depth parking size? Truhan: 9 x 18 Prince: Fence has a minimum of a 20 foot setback.
Seitz	We will be moving the fence back 3 ft.
Vogel/Sietz	2 swing in gates, we will stain the fence dark brown
Truhan	Gates 20 ft.
Ulaky	I think the photo shows the gate
Prince	Plans for landscaping business; more retail or will you be selling Christmas trees, scrubs etc.
Seitz/Vogel	No, more landscaping service and office services
Ulaky	Can you go to your updated letter from September 9th
Ulaky	You also updated your previous letter
Truhan	Yes, we are still looking for distances, and to see if anymore variance's or waiver's are needed Prince: we are still looking or lot coverage?



Truhan	I can't do the calculations because I don't have the actual dimensions, if I scale things off we are looking at about 78%
Prince	Because there is no dimensions of the dwelling?
Truhan	I can't scale it, the dimensions off, that's not my roll and shouldn't be the roll of this board. The dimensions should be provided so we can perform that calculation
Prince	Plot plan doesn't have the dimensions I guess. Truhan: Not that I found Mr. Chairman. Prince: So that would be item #3 under the bulk storage minimum requirement C that you were asking for? Truhan: yes
Ulaky	It does appear they would exceed the 35%. Truhan: it appears that way but I can't make a definitive statement. So a variance would be required.
Truhan	We talked about buffers; I think the applicant provided testimony concerning his thoughts about a buffer requirement in that area whether or not that was satisfactory to the board. That is an item that could be continued for discussion, I don't believe a decision was made on that by the board
Prince	The buffer, I know we talked about the front, that was the main area we were discussing
Truhan	There are buffers required against residential property. I believe the applicant provided testimony regarding the surrounding properties in the area
Sietz	Don't forget the adjacent property has a large garden and lots of trees is already a substantial buffer in place
Seitz	Obviously that neighbor does not seem to be concerned about the application
Prince	You gave your home address as 1126 Ship. That's your business address, not you home address
Sietz	I consider 1126 as a second residence. Prince: Ya but it's not, were not talking residence, that's business. My home address is 910 ? (inaudible) Prince: part of the agreement is that you are going to remove that. Seitz: I won't be residing there. I have someplace to live if that is what you are concerned about. Prince: Ya, well you're saying that is not your residential property. Before were done with this, make sure we have your proper address because you don't reside there. Seitz: I don't, it's not my primary residence and I won't be residing there at all if approved.
Prince	Probably doing everything you can to make it work, I saw the pictures, I drove around there numerous times, like I said some of the properties are in different zones and if you notice, there is a few with some storage, no bulk storage I saw on any of the properties which is the main concern because this is a big part of the variance, the bulk storage. Seitz: Ya, I know what you're saying, I agree, all of the pictures taken are in the B3 zone. Prince: In driving around no one had bulk storing and no one has any bulk storage, I

	checked it out and any business we can have in town is good.
Seitz	In driving around honestly, The business's here do store things outside.
Prince	Will save you later if this is handled properly
Barndt	The number of trucks and the size of trucks
Vogel	4 vehicles and 4 trailers and a back hoe
Barndt	Concerned for the residence's of the noise, backing up etc.
Prince	Max 6 employees so Mr. Truhan, the spots required, you said he had plenty. Mr. Truhan: I don't believe parking will be an issue.
Prince	And the drywells were addressed? I believe they will be addressed by a licensed contractor. Did you review the drywells?
Truhan	I saw the details , I don't have a problem with the proposed drywells
Prince	It looks like it would handle the loop drains and... Truhan: were just talking the storm water from the roof there's no calculations that I reviewed or in this particular case would require.
prince	Ok.I will make a recommendation, if this is approved. Any bulk storage to be kept behind the fence and gates kept closed and bulk storage kept out of sight.
Seitz	I really think that by the time we have the trees there and the type of fence we are proposing; you're not going to be able to see through.
Truhan	Based on my field inspection a couple of weeks ago, the backhoe does protrude higher than the 6 ft. fence
Seitz	Yes, that is correct and ultimately the trees when they are planted Ms Clancy won't see anything. Ulaky: how big will the trees be when planted?
Vogel	They will be about 6 ft and grow to about 12 ft. Prince: about how long will that take? Vogel: about 24 months.
Schiel	When you plant that many, some may die, will you replace them?
Vogel	Yes
Prince	Looking at the plan, you will be planting more
Vogel	Yes after your recommendations we went back and decided to plant more
Prince	Are you willing to apply for the lot coverage variance?
Ulaky	He will have to get the variance for exceeding the lot coverage. Prince: we would have to have the exact numbers before we could pass the resolution.
Truhan	No, Mr. Chairman if you feel this board is comfortable approving the variance for the lot coverage, I think that could be done just based on the sketch provided. Just for the record though, I think it would be very simple to provide that calculation.
Prince	If you have the actual survey. Do you have a copy of your plot plan? Seitz: I



	do have a survey (handed one to chairman) Ulaky: yes, that's the survey but there is no actual site plan
Truhan	What is the date of the survey? Prince: 3-19-13
Prince	It's not showing your property lines
Seitz	The concrete wall is behind the property line. Prince: the property line is closer to the shed?
Truhan	There is some encroachments with the fence shown on the plans that were submitted
Seitz	That is not our fence, that is the neighbor's fence. That has always been there
Truhan	Stockade fence shown on lot 6 is not yours
Seitz	We will replace it if it comes down or anything happens to it
Prince	Does anyone on the board have any more questions
Barndt	Lighting?
Prince	No plans for lighting?
Seitz	In future if we plan to do that we will do the necessary permits.
Prince	If there are no plans for lighting, we are going to put it in that there is no lighting. Seitz: ok, that's fine. Does that mean no sign lighting forever? Prince: yes, we would put it in the resolution. You would have to come back before the board if you want a sign. Seitz: so I would have to get a variance for a sign.
Prince	What about back lot lighting?
Vogel	There is no outside lighting.
Prince	Is there a spotlight on the building now?
Seitz	There is a spotlight on the side facing the store. Prince: facing the store? Seitz: yea, nothing on the opposite side. Prince: I know in the winter time it gets darker earlier. Vogel: that's what we were just discussing; it can get dark at 4 o'clock. Prince: part of commercial property is the lighting, you have to have coverage. Seitz: I guess my confusion is; Is it a standard operating procedure to have to get a variance for lighting on a sign for any commercial property?
Truhan	The main concern for this area is the lights are shielded from the residents so we would have to know what lights your proposing, show documentation that the residents would not be affected
Seitz	I'm not looking for approval for lighting now, but I will have to go through the whole variance process again, the escrow, etc
Prince	That's why you have to know if you want lighting, a lot involved if you're

	not sure we could table this
Seitz	Right now I think the intelligent thing to do is to table it.
Ulaky	You will have to do a whole lighting plan how, long do you need Mr. Truhan?
Truhan	About a week
Seitz	You need the dimensions of the structure? Truhan: yes
Ulaky	Setback dimensions
Prince	It doesn't have them and it should
Ulaky	Do you think you can get that information to the Board & Mr. Truhan in a week so he has time to go over it before Sept. 23
Seitz	Rear setbacks, structure dimensions, lighting, anything else? Truhan: well you're going to provide the structural dimensions so that a calculation can be preformed for impervious coverage, lot coverage. That includes your structures, your shed, your paving. Once you have those dimensions you can do that calculation and you could submit that calculation. Anything impervious
Prince	That's usually on all applications to be supplied by the applicant
Barndt	Shed dimensions will be included?
Truhan	Any lighting will include any signage. Will lighting be on a timer?
Prince	Timer, hours light will be on? Anymore questions? Seeing the neighbor's in the audience, we will open to public.

**Motion to Open to Public - CFP International only**

Motion: Knoll

Second: Barndt

Approve: All in Favor

Oppose:

Abstain:

Brian Applegate/Margaret Clancy 729 Ship Ave	All the trucks are higher than the fence especially if they are on the flatbed. Unless he plants some serious evergreens there I'm going to see this out my window 8 months out of the year.
Prince	Did you see the drawings, the trees should cover that
Raimann	Aphrodite's stay green 12 months a year
Applegate	Last two seasons in the fall they had all kinds of mums, pumpkins, cornstalks. Prince: well that's part of the bulk. For sale? Applegate: yes and he said he didn't do that. Your can't believe anything he says.
Applegate	Last month he swore his residence was Ship Ave Beachwood, you heard that, he never lived there; he had not lived there, no one has lived there for 7 yrs, you can't live there, it's all



	offices. You can't believe anything.
Margaret Clancy 1129 Ship Ave Beachwood	<p>Reading another letter into record:</p> <p>Mr. Seitz and Carefree Landscaping have been operating businesses without any variances for several years. No building inspections no fire inspections and no licenses. Illegal construction to make separate offices in the residential home was done without permits or inspections. Carefree Landscaping wifi continues to show availability on my I phone.</p> <p>Contrary to what Mr. Seitz stated tonight, an outright lie, in 2011 Carefree Landscaping offered for sale pumpkins, and gourds and haystacks next to the fire lane of the Candle Factory. Not many sold, and the remainder was left for months to rot. In 2012 they had mums and haystacks in the same area. The dead mums that were pushed to the back fence were finally removed last week. Was the proper mercantile license obtained? I don't think so. The money was collected and I quote the Candle Factory, "For Matt"</p> <p>Mr. Seitz has made the Planning Board many promises, and yet his mailbox is still attached with a bungee cord now for over one year. What does that say about future plans as to the maintenance of said property?</p> <p>Mr. Seitz and Carefree Landscaping are indeed scofflaws, behaving badly for the past two years, maintaining and operating unlicensed and unapproved businesses. They went about this in the wrong order: They should have 1. Followed the law, 2. Apply for variances, 3. Follow the rules, 4. Then start your business. They went in the opposite order.</p> <p>We have endured the fumes, the beeps, and the banging of heavy equipment for more than two years. All done illegally and without permits, and we are tired of it. Would any of you want this across the street from your home? I don't think so.</p> <p>We want the residential status returned to our street, and the peace of quiet that we had when we bought our home 15 years ago.</p>
Prince	Unfortunately I cannot do anything about him operating illegally; you have to go to the town for that.
Applegate	We did that and no one stopped him. Why hasn't he been stopped?
Applegate	You see how dishonest he is.
Prince	We can't accuse him of lying.
Prince	Anyone else wishing to speak? Ok, motion to close to public?

**Motion - Close to Public - CFP International only**

Motion: Barndt Second: Raimann

Approve: All in Favor

Oppose:

Abstain:

**RESOLUTION 2013-33 Approve/Deny Application at 1126 Ship Ave - Use Variance**  
**Again, this application was tabled until the next meeting on September 23, 2013, pending more information to be submitted.**

Motion: Knoll Second: Barndt

Approve: Barndt, Knoll, Prince, Schiel, Raimann

Oppose:

Abstain:

**RESOLUTION 2013-34 Approve Land Use Board Minutes from August 12, 2013**

Motion: Raimann Second: Schiel

Approve: All in Favor

Oppose:

Abstain:

**Correspondence:**

Ocean County Planning Board Minutes -July 17, 2013, August 7, 2013 and August 21, 2013

No Beachwood properties listed.

(The Chairman reviewed the correspondence)

**Motion - Open to General Public**

Motion: Knoll Second: Barndt

Approve: All in Favor

Oppose:

Abstain:

**Motion - Close to the General Public**

Motion: Raimann Second: Knoll

Approve: All in Favor

Oppose:

Abstain:

**Motion - Adjourn Meeting**

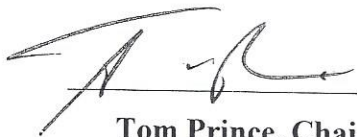
Motion: Raimann Second: Schiel

Approve: All in Favor

Oppose:

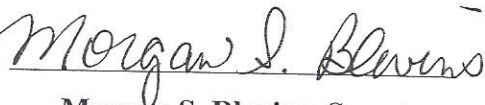
Abstain:

**Prepared by: M.S. Blevins**



**Tom Prince, Chairman**

Attested to you by:



**Morgan S. Blevins, Secretary**