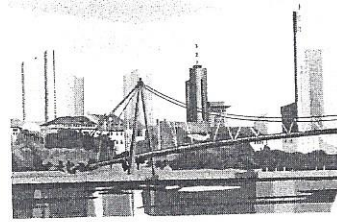


☒ APPROVED

October 28, 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**

Patricia Barndt, Chris Knoll, Councilman LaCrosse, Tom Prince, David Raimann, Cliff Schiel, Paul Swindell

**Alternates:**

Mayor's Designee Ron Ross, Alternate 1 Bill Cairns

**Absent:** Morrison, Mayor Roma

**APPLICATION:**

Thomas Ferraro  
1516 Windward Ave  
Block 8.55 Lot 11  
Bulk Variance

The subject property is a rectangular lot located on the southerly side of the Borough approximately 160 ft. from the vacated section of Poplar Street. It is located in the R-B Residential Zone and has a lot area of 8,000 SF.

The applicant is seeking a variance for an existing deck that is within the 30 Foot rear yard setback.

Mr. Thomas Ferraro was sworn in by the Board Attorney, Mr. Ulaky

Exhibits submitted: A1 survey of property - A2 photo of deck

Mr. Ulaky stated; you are here because of the set back requirements

Mr. Ferraro explained that he was unaware that a permit was needed for his deck, therefore making him unaware of the setbacks.

**Motion to Open to Public - Ferraro only**

Motion: LaCrosse Second: Barndt  
Approve: All in Favor  
Oppose:  
Abstain:

*No Public Comment*

**Motion to Close to Public - Ferraro only**

Motion: LaCrosse Second: Knoll

Approve: All in Favor

Oppose:

Abstain:

**RESOLUTION 2013-39 Approve Ferraro Deck /Bulk Variance @ 1516 Windward**

Motion: LaCrosse Second: Barndt

Approve: Barndt, Knoll, LaCrosse, Prince, Raimann, Schiel, Swindell, Cairns, Ross

Oppose:

Abstain:

**APPLICATION:**

Caroline Garguilo

1148 Cable Ave

Block 9.34 Lot 13

Bulk Variance

The subject property is a 40' x 100' rectangular lot located on the southerly side of the Borough approximately 80 ft. from Walnut Street. It is located in the R-B Residential Zone and has a lot area of 4,000 SF.

The applicant is seeking a variance for construction of an 8' x 12' shed to be located in the rear yard of the property.

Ms Caroline Garguilo and her Father, Neil Garguilo were sworn in by the Board Attorney; Mr. Ulaky.

Mr. Truhan (our board engineer) pointed out that according to the survey; the property has two (2) storm water pits in each corner of the rear property and that the shed should not be placed over top of them.

Mr. Neil Garguilo stated that they could see where the pits were and that they measured and there was still plenty of room for the shed. He also stated that where the pits are is solid ground.

Board Member Swindell suggested putting the Shed in the middle of the property between the two (2) pits.

Ms Garguilo stated that she really wanted to put the Shed to the right of the property.

It was decided to carry this application to the next meeting on November 25, 2013 (without further notice) pending more information regarding the exact location of the storm water pits.

**RESOLUTION 2013-40 To carry Garguilo Shed / Bulk Variance @ 1148 Cable Ave.**  
to the next meeting on November 25, 2013, pending more information on the location of the storm water pits.

Motion: Barndt

Second: Raimann

Approve: All in Favor

Oppose:

Abstain:

**APPLICATION:**

Rudolph Rinderer Jr.  
909 Tiller Ave & 900 Beach Ave  
Block 3.36 Lots 6 & 7.01  
Minor Subdivision

The property submitted for Land Use Board review contains two lots as follows: Lot 6 contains an existing 1 ½ story frame dwelling with a wood shed, fencing, garage, car port and a wood patio. Lot 7.01 contains an existing 1 story frame dwelling with access from Birch Street. Lot 7.01 also contains two (2) existing sight triangle easements to Beach Avenue and Tiller Avenue. In addition Lot 7.01 also contains an existing 13.5 ft road widening easement to the County of Ocean along Birch Street.

The Applicant proposes to subdivide existing lot 7.01 and Lot 6 into three (3) 80 x 100ft lots as follows: New lot 6.01 and 6.02, each 80 x 100ft with access on Tiller Avenue; 2. New Lot 6.03, 80 x 100 with access on Birch Street. It should be noted that a "gravel driveway turn around" (15ft x 20ft) is also proposed for Lot 6.03.

Mr. Rudolph Rinderer Jr. was sworn in by the Board Attorney; Mr. Ulaky

Rudolph Rinderer, Jr., applicant, is the owner of certain property identified as Block 3.36, Lots 6 and 7.01, located at 909 Tiller Avenue and 900 Beach Avenue; a

The applicant submitted a print of a Minor Subdivision and Lot Consolidation Map prepared by Jay F. Pierson, P.L.S., P.P. with East Coast Engineering, Inc. of Toms River, New Jersey dated July 24, 2013.

Mr. Rinderer testified that the existing dwelling garage, car port, wood patio, concrete driveway and shed would be removed as shown on the plans, would be demolished prior to the filing of the subdivision map.

Mr. Rinderer agreed to submit a revised plan for the Board Engineer's review and approval, depicting the concrete driveway and proposed gravel driveway turnaround on new lot 6.03. This is to be submitted before the next meeting of November 25, 2013

Mr. Rinderer also testified that he would comply with the terms and conditions of the Board's Engineer's review letter dated October 15, 2013.

**Motion to Open to Public - Rinderer only**

Motion: LaCrosse                      Second: Swindell  
Approve: All in Favor  
Oppose:  
Abstain:

*No Public Comment*



**Motion to Close to Public – Rinderer only**

Motion: Barndt                      Second: Swindell

Approve:

Oppose

Abstain:

**RESOLUTION 2013-41 Approve Rinderer Minor Subdivision / 909 Tiller Ave & 900 Beach Ave Block 3.36 Lots 6 & 7.01; conditioned upon Mr. Rinderer submitting a revised plan for the proposed gravel driveway turnaround on new lot 6.03 before the next board meeting of November 25, 2013 to the boards engineer for review.**

Motion: Barndt                      Second: LaCrosse

Approve: Barndt, Knoll, LaCrosse, Prince, Raimann, Schiel, Swindell, Cairns, Ross

Oppose:

Abstain

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:**

Quick Chek Convenience Store & Gasoline Station

533 Atlantic City Blvd (State Highway Route 9)

Block 4.15 Lots 1, 3, & 5

Use Variance

An application has been submitted on behalf of Quick Chek Corporation, contract purchasers of property located at Block 4.15, Lots 1, 3 and 5, a/k/a 533 Atlantic City Boulevard, Beachwood, New Jersey. The applicant is seeking a bifurcated approval pursuant to N.J.S.A. 40:55D-76(b) for an interpretation of permitted uses located within two (2) separate zones. Borough Ordinance 17-22.3(h) states the following:

a. Where a zoning lot is located in part in one zoning district and in part in another zoning district, the entire zoning lot or portion thereof located in the neighboring zone *may* be used for a purpose permitted in either zone upon application for a conditional use permit and upon determining by the planning Board that the following standards and conditions are met:

i. The use contemplated can best be established by utilizing the portion of the zoning lot in the neighboring zone district without materially affecting the adjoining areas.

ii. The site plan shall be appropriate to the adjoining area.

iii. A set of plan specification and plot plans shall be filed in triplicate with the Planning Board showing overall dimensions, topographical conditions, location, intended use of existing and proposed buildings and relationship to the proposed use to the streets of adjacent property and other physical features that might act as a deterrent to the general welfare.

The 2.25± acre property in question comprises almost the entire Block 4.15 between Route 9, Capstan Avenue, Lookout Street and Harpoon Street with the exception of Lots 6 and 7, which front on Lookout Street. The property is currently developed with residential homes accessed from Capstan Avenue, a commercial use fronting on Capstan Avenue, Harpoon Street and Route 9. Half of the subject property is located in the R-B residential zone fronting along Capstan Avenue and the B-1 business zone fronting along Route 9.

The applicant submitted the following exhibits in support of its application:

A-2 - A survey prepared by James C. Weed, P.L.S. of Control Point Associates, Inc. dated March 25, 2013.

A-4 - Revised site plan prepared by K.B. Cahill, P.E. of Bohler Engineering showing a revision date of September 25, 2013.

A-6 - An overlay of the proposed Quick Chek Convenience Store onto the photo of existing Lot 1 (A-5).

A-8 - An overlay of the proposed Quick Chek Convenience Store on the photo marked as A-7.

A-10 - An overlay of the proposed Quick Chek Convenience Store, superimposed over photo A-9 showing the proposed fencing and landscaping.

The applicant's engineer, Keith Cahill, P.E. testified in support of the application, testifying that the proposed Quick Chek Convenience Store and Gasoline Station is appropriate for the location and there would no detriment to the general welfare.

**Motion to Open to Public - Quick Chek only**

## Abstain

5



Richard Murray, Esquire, representing adjoining property owners, Greg Miele and Dominick Marto, who own the property on Lot 6 at the corner of Lookout and Route 9. Mr. Murray expressed concern about traffic into the site, the lighting impact of the fueling stations and concerns about storm water runoff and flooding problems in the area.

**Motion to Close to Public - Quick Chek only**

Motion: Knoll Second: Barndt  
Approve: All in Favor  
Oppose:  
Abstain

**RESOLUTION 2013-42 Approve** the applicant's request that the B-1 zoning standards will be applicable to the entirety of the property, as it relates to Quick Chek Corporation's development application for the subject property. (533 Atlantic City Blvd (State Highway Route 9) Block 4.15 Lots 1, 3, & 5)

Motion: Barndt Second: Knoll  
Approve: Barndt, Knoll, Prince, Schiel, Swindell Cairns  
Oppose:  
Abstain Raimann

Quick Chek continued with their presentation but at approximately 9:05 we took a five minute recess.

Motion for a five minute recess

Motion: Barndt Second: Raimann  
Approve: All in Favor  
Oppose: Abstain:

At approximately 9:15 we re-opened the meeting.

Motion to re-open the meeting

Motion: Barndt Second: Knoll  
Approve: Barndt, Knoll, Prince, Raimann, Schiel  
Oppose:  
Abstain:

Quick Chek announced that at this late hour they would like to continue at the next meeting.

**RESOLUTION 2013-43** Due to time and length of the Quick Chek application; this application will be carried over to the next meeting of November 25, 2013, without notice.

Motion: Barndt Second: Raimann  
Approve: All in Favor  
Oppose:  
Abstain: Cairns

**RESOLUTION 2013-44 Adopt Resolution 2013-35 Approving Maxim Bulk (fence) Variance at 752 Leeward Ave Block 3.11 Lot 11; as read**

Motion: Knoll Second: Barndt  
Approve: Barndt, Knoll, Prince, Raimann, Schiel, Swindell, Ross  
Oppose:  
Abstain

(Mayor's designee) Ron Ross returned to the dais. It appears as though Councilman LaCrosse has left the meeting.

**RESOLUTION 2013-45 Adopt Resolution 2013-36 Approving CFP International LLC 1126 Ship Ave Block 6.49 Lot 7 - Use Variance with conditions; no retail sales, no storage of salt or fertilizer, no bulk storage, move fence back, gates, shrubs/trees planted by November 15, 2013; as read**

Motion: Barndt Second: Knoll  
Approve: Barndt, Knoll, Prince, Raimann, Schiel  
Oppose:  
Abstain:

**RESOLUTION 2013-46 Approve Land Use Board Minutes from September 23, 2013**

Motion: Barndt Second: Raimann  
Approve: All in Favor  
Oppose:  
Abstain: Cairns

**RESOLUTION 2013-47 Approve Land Use Board Bills in the amount of \$3,560.00**

Motion: Knoll Second: Barndt  
Approve: All in Favor  
Oppose:  
Abstain

**Correspondence:**

Letter to Mayor and Council regarding committee for Master Plan  
Letter from Mrs. Clancy dated Oct. 16, 2013 regarding 1126 Ship Ave  
Ocean County Planning Board Minutes:  
September 18, 2013 No Beachwood Properties Listed  
October 2, 2013 No Beachwood Properties Listed  
*All correspondence was reviewed by the Chairman*

**Motion - Open to General Public**

Motion: Ross Second: Swindell  
Approve: All in Favor  
Oppose:  
Abstain:

**No Public Comment**

**Motion - Close to the General Public**

Motion: Barndt Second: Ross  
Approve: All in Favor  
Oppose:  
Abstain:

**Chairman:** Before we close the meeting, we have a matter we need to discuss. We recently have received a bill from a previous Land Use Board Attorney we had in 2011; the Montenegro, Montenegro & Genz firm. The total bill is \$754.00 with four (4) references to an escrow account which has long since been closed out. There is reference to preparation and attendance regarding two (2) meetings, and one reference concerning applicability of OPRA and Rice notice.

The board discussed this matter and it was decided to send a letter asking for an explanation as to why we are getting this bill almost two (2) years later. The board would also like more detail in the description of charges. It was also suggested to read over their contract (from 2011) and see what reference, if any is made to the billing process.

**Motion - Adjourn Meeting**

Motion: Barndt

Second: Raimann

Approve: All in Favor

Oppose:

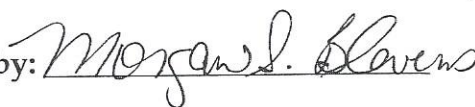
Abstain:

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



**Thomas Prince, Chairman**

Attested to you by:



**Morgan S. Blevins, Secretary**



October 28, 2013

| Applicant             | Block | Lot   | Account | Payee  | Date     | Amount      | P.O. #   |
|-----------------------|-------|-------|---------|--------|----------|-------------|----------|
| PROFESSIONAL SERVICES |       |       |         | TRUHAN | 10/23/13 | \$ 220.00   | 13-01863 |
| CFP INTERNAIONAL      | 6.49  | 7     | ESCROW  | TRUHAN | 10/23/13 | \$ 310.00   | 13-01864 |
| QUICK CHEK            | 4.15  | 1,3,5 | ESCROW  | TRUHAN | 10/23/13 | \$ 3,030.00 | 13-01865 |
|                       |       |       |         |        |          | \$          |          |
|                       |       |       |         |        |          | \$          |          |
|                       |       |       |         |        |          | \$          |          |
|                       |       |       |         |        |          | \$          |          |
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|                       |       |       |         |        |          | \$          |          |
|                       |       |       |         |        |          | \$          |          |
| TOTAL                 |       |       |         |        |          | \$ 3,560.00 |          |