

BOROUGH OF PINE BEACH
LAND USE BOARD
REGULAR MEETING AGENDA
May 21, 2024

1. Opening statement: In compliance with the Open Meeting Law, P.L. 1975 C231, the notice of this meeting was sent to our official newspapers, the Asbury Park Press and the Star Ledger, and also posted on the bulletin board at the Pine Beach Municipal Building and the Pine Beach Post Office. The statement shall become a part of the official minutes of this meeting.

This meeting is a judicial proceeding. Any comments or questions 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.

2. Flag salute

3. Roll call:

Mayor Cuneo	Mr. Higham	Mrs. McDonnell	Mrs. Saxton	Mr. Slickers
Mr. Wieck	Mrs. Wnek	Mrs. Lill	Mr. Vega (Alt.)	Mr. Zisa (Alt.)

4. Minutes approval

Approval of March 19, 2024 Minutes

5. New business

Hearing: Steve Ciccariello - 201 Radnor Ave. Block 96 Lots 1&1.02 application for shed bulk variances

Resolution 2024-06 LOMBOK LLC - 412 New Jersey Ave. Block 43 Lots 5-10 application for minor subdivision with variances

Resolution 2024-07 Brian & Kelly Murphy - 916 Lincoln Ave. Block 10 Lots 16&18 application for attached garage addition with bulk variances

6. Old business

Committee update on accessory structures/buildings

7. Vouchers for payment

8. Public portion

9. Any other business to come before the board

10. Adjournment

Vouchers for payment:
May 21, 2024

Morgan Municipal, LLC

Total to pay out of escrow \$ ---

Brady & Kunz, P.C.

Total to pay out of escrow \$ ---

General LUB

Total from general LUB account \$ ---

RESOLUTION 2024-06

***RESOLUTION OF PINE BEACH BOROUGH LAND USE BOARD
APPROVING THE APPLICATION FOR MINOR SUBDIVISION***

***LOMBOK LLC, APPLICANT
BLOCK 43, LOTS 5-10
412 New Jersey Avenue
R-75 Single Family – Medium Density Residential Zone***

WHEREAS, the applicant, LOMBOK LLC, applied to the Pine Beach Borough Land Use Board for minor subdivision approval for property known as Block 43, Lots 5-10 on the Pine Beach Borough Tax Map, and being located at 412 New Jersey Avenue in the R-75 Single Family – Medium Density Residential Zone; and

WHEREAS, the minor subdivision map was prepared by East Coast Engineering, latest revision dated February 28, 2024; and

WHEREAS, public hearings on the application were held on February 20, 2024 & March 19, 2024, at which time the applicant was represented by Jill Thiemann Esq. & Joseph Michelini Esq.; and

WHEREAS, the Pine Beach Borough Land Use Board, after carefully considering the evidence presented by the applicant, and the report from its professional staff, hereby makes the following findings of fact:

1. The applicant has a proprietary interest in the property.
2. The applicant has requested approval in accordance with the Land Use Ordinances of the Borough of Pine Beach.
3. The property is located at 412 New Jersey Avenue in the R-75 Single Family – Medium Density Residential Zone.
4. The applicant is requesting approval of a minor subdivision for the purpose of dividing the existing single family dwelling tract into 2 lots – one with the existing house and the other as a vacant buildable lot.

The following nonconforming conditions exist:

Rear setback (garage): 10ft required; 1.9ft exists (being removed)
Front setback (New Jersey Ave): 25ft required; 15.6ft exists
(pre-existing nonconforming structure)

The following variances are required:

Side setback (new lot 5.01): 10ft required; 9.2ft proposed
Side setback (garage): 10ft required; 2.6ft proposed (eliminated/removed)

5. Raymond Savacool, P.E., P.P., of T&M Associates, the Board's previous engineer, prepared a report to the Board dated November 28, 2023.

The Board hereby adopts the findings in the reports of its professionals and incorporates them in this Resolution by reference.

6. Robert Harrington, PE, PP, the applicant's expert, testified to the existing conditions on the tract, and the proposed subdivision lines. Both new lots will be completely conforming with the bulk zoning requirements. Due to the location of the existing dwelling on new lot 5.01, a slight side yard setback is required (10inch nonconformity) which will be accommodated by extending the side setback on new lot 8.01 from 10ft to 11ft in order to provide a full 20ft distance between dwellings as required by ordinance. Ocean County approval has been granted for driveway access off of New Jersey Ave. The Ocean County approval also requested a 5ft front road widening easement along Prospect Avenue for the potential of road widening sometime in the future (although the likelihood of the same is somewhat remote), and the sight triangle at the intersection of Prospect Ave and New Jersey Ave has been adjusted accordingly. Even with the reduction of the building envelope by the adjusted sight triangle and the increased 11ft side setback, new lot 8.01 will have sufficient buildable space for an appropriate dwelling to be built. The pool extending over the proposed new lot line will be removed. The existing garage and deck will be removed. The existing dwelling was built in 1937 and represents a grandfathered pre-existing nonconforming structure. The applicant agreed that, should the existing dwelling be totally destroyed, any new house will be located at a conforming location (including a full 10ft from the proposed new side lot line and 25ft from the front property line). The variance for the side setback (new lot 5.01), is sought not as a matter of

hardship (C-1 variance) but rather as a C-2 variance as a better zoning alternative. The application would serve several of the purposes of zoning, such as providing adequate light, air & open space (NJSA 40:55D-2(c)), encouraging appropriate population densities (NJSA 40:55D-2(e)), and promoting a desirable visual environment (NJSA 40:55D-2(i)).

The testimony reflected that the applicant's proposal is in keeping with the area, and the granting of the variance would not be detrimental to the public good.

The Board concurs with these representations and so finds.

WHEREAS, the Land Use Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The new lot line will create 2 fully conforming lots.
2. The side setback encroachment of the existing house on new lot 5.01 will be accommodated by an increase in the side setback of new lot 8.01 to 11ft, to assure that a full 20ft between houses is accommodated.
3. The front setback encroachment of the existing house is grandfathered as a pre-existing nonconforming structure, and the applicant agreed to comply with the full 10ft side setback should the existing structure be totally destroyed.
4. The variance for the side setback (new lot 5.01), is not a hardship (C-1 variance) but rather as a C-2 variance as a better zoning alternative; the application would serve several of the purposes of zoning, such as providing adequate light, air & open space (NJSA 40:55D-2(c)), encouraging appropriate population densities (NJSA 40:55D-2(e)), and promoting a desirable visual environment (NJSA 40:55D-2(i)).
5. The benefits of the variances will substantially outweigh the detriments, if any
6. The granting of the minor subdivision will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, the Master Plan and the Zoning Ordinances of the Borough of Pine Beach.
7. There was no testimony from any members of the public present at the hearing.
8. The safety and well-being of the immediate area will not be adversely affected by the granting of the relief requested.

NOW THEREFORE BE IT RESOLVED by the Pine Beach Borough Land Use Board that the Land Use Board hereby grants and approves the application as submitted, subject, however, to the following *specific* conditions being satisfied, prior to the signing of the plan by the Board Chair or the issuance of a Zoning Permit by the Zoning Officer or the issuance of a Certificate of Occupancy by the Building Inspector, as may be applicable:

- 1. The side setback on new lot 8.01 shall be extended from 10ft to 11ft in order to provide a full 20ft distance between dwellings, and the additional setback requirement shall be noted on the filed plan and shall be further noted in a recorded deed to be provided by the applicant and to be approved by the board attorney prior to filing.**
- 2. Should the existing dwelling on new lot 5.01 be totally destroyed, any new house will be located at a conforming location (including a full 10ft from the proposed new lot line).**
- 3. The existing pool extending over the proposed new lot line will be removed.**
- 4. The existing garage will be removed.**
- 5. The existing deck will be removed.**
- 6. The front setback encroachment of the existing house on new lot 5.01 is grandfathered as a pre-existing nonconforming structure, and the applicant agreed to comply with the full 25ft front setback should the existing structure be totally destroyed.**
- 7. The applicant shall comply with any and all terms and conditions of the Board Engineer's aforementioned report.**
- 8. These specific conditions noted herein are an integral part of the basis for which the approval is being granted and are intended to be inseparable from the right of enjoyment of this approval.**
- 9. No other variances are requested, and no other variances are approved or are implied.**

In addition to the aforementioned specific conditions, the following *general* conditions of approval must be satisfied by the applicant prior to the signing of the plan by the Board Chair or the issuance of a Zoning Permit by the Zoning Officer or the issuance of a Certificate of Occupancy by the Building Inspector, as may be applicable:

1. Submission of an affidavit signed by the Pine Beach Tax Collector certifying payment of outstanding real estate taxes.
2. No building or other permit or certificate or approval will be issued until the Land Use Board Secretary has confirmed that all professional fees have been paid in full. In the event a permit or certificate or approval is issued and there are outstanding Land Use Board professional fees, a stop work/cease and desist order will be filed against the applicant and shall remain in effect until the fees have been paid.
3. Within fourteen days of receipt of the approved resolution, the applicant must submit for publication a Notice of Decision to an approved newspaper of Pine Beach Borough. Once the Notice is published, the applicant must submit the Affidavit of Publication issued by the newspaper, along with all other resolution compliance items, to the Board office.
4. Approval of the following agencies and any other municipal, county, state, and/or federal agency having jurisdiction over said application, if not already obtained, and if required:
 - a. Ocean County Planning Board;
 - b. Ocean County Engineering Department;
 - c. Ocean County Soil Conservation District;
 - d. NJ Department of Environmental Protection;
 - e. NJ Department of Transportation;
 - f. any and all outside agencies noted in the Board Engineer's review letter.
5. Applicant must assemble all executed conditions in a COMPLETE package and submit them along with the reproducible original to the Board Office so the map can be signed by the Board Chair or the Zoning Permit can be signed by the Zoning Officer or the Certificate of Occupancy can be signed by the Building Inspector, as may be applicable;

no approved operations may be conducted prior to the applicant receiving resolution compliance certification from the Borough.

6. The applicant must obtain signed certifications from the Borough Code Enforcement Officer certifying that the applicant has complied with all conditions of this Resolution of Approval.
7. Signing of the plan by the Board Chair and/or issuance of a Zoning Permit by the Zoning Officer will not take place until compliance with all conditions have been certified.
8. The applicant shall strictly adhere to the testimony and representations placed on the record as well as all plans and exhibits submitted.
9. All representations and statements made by the applicant, as well as applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review of this Board's own motion. In the event the Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that event any approvals previously given may be rescinded and any improvements permitted by this resolution shall be deemed to be unauthorized by this resolution and in violation of the Borough's ordinances.
10. The applicant shall submit a final "as built" plan at the conclusion of all construction.
11. In accordance with NJSA 40:55D-46.1, approval of a minor site plan shall be protected for a two-year period; an extension on such approval may be granted by the Land Use Board not exceeding an additional one year. In accordance with NJSA 40:55D-47, approval of a minor subdivision shall expire 190 days from the date of this resolution unless a plat or subdivision deed is endorsed by the Board Chair and filed with the County Clerk within said 190-day period; an extension of said 190-day period may be granted by the Land Use Board not exceeding an additional one year. Minor subdivision approval shall thereafter be protected for a two-year period; an extension on such approval may be granted by the Land Use Board not exceeding an additional one year. In accordance with NJSA 40:55D-49, preliminary approval of a major subdivision or site plan shall be protected for a three-year period; extensions on such preliminary approval may be granted by the Land Use Board for an additional one year not exceeding a total

extension of two years. In accordance with NJSA 40:55D-52, final approval of a major subdivision or site plan shall be protected for a two-year period; extensions on such final approval may be granted by the Land Use Board for an additional one year not exceeding a total extension of three years. All other approvals will expire one year after the date of resolution approval if a building permit is required or, if a building permit is not required, a certificate of occupancy has not been obtained; thereafter the applicant may apply to the Land Use Board for an extension if the conditions and ordinances existing at the time of approval have not changed.

BE IT FURTHER RESOLVED that the applicant shall cause notification of this Resolution to be published in an official newspaper of the Borough of Pine Beach within 14 days of the adoption of this resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant, the Building Department, the Zoning Department and the Borough Clerk by the Land Use Board secretary.

CERTIFICATION

I, Patricia Wnek, Secretary of the Pine Beach Borough Land Use Board, certify that the foregoing Resolution was duly adopted at a meeting held on May 21, 2024, memorializing the vote of the Pine Beach Borough Land Use Board at a meeting held on March 19, 2024, a quorum being present and voting in the majority.

Patricia Wnek, Board Secretary
Pine Beach Borough Land Use Board

RECORD OF LAND USE BOARD VOTE - 3/19/24 HEARING						
	Yes	No	Abstain	Absent	Moved	Second
Mayor Cuneo	X				X	
Mr. Higham	X					
Mrs. McDonnell				X		
Mrs. Saxton				absent at 2/20 hearing		
Mr. Slickers				X		
Mr. Wieck				X		
Mrs. Wnek	X					X
Mrs. Lill	X					
Mr. Vega (Alt.)	X					
Mr. Zisa (Alt.)				X		

RECORD OF LAND USE BOARD VOTE ON RESOLUTION						
	Yes	No	Abstain	Absent	Moved	Second
Mayor Cuneo						
Mr. Higham						
Mrs. McDonnell						
Mrs. Saxton						
Mr. Slickers						
Mr. Wieck						
Mrs. Wnek						
Mrs. Lill						
Mr. Vega (Alt.)						
Mr. Zisa (Alt.)						

RESOLUTION 2024-07

***RESOLUTION OF PINE BEACH BOROUGH LAND USE BOARD
APPROVING THE APPLICATION FOR BULK VARIANCES***

***BRIAN & KELLY MURPHY, APPLICANTS
BLOCK 10, LOTS 16 & 18
916 Lincoln Avenue
R-75 Single Family Dwelling – Medium Density Residential Zone***

WHEREAS, the applicants, Brian & Kelly Murphy, applied to the Pine Beach Borough Land Use Board for bulk variance approval to permit the construction of a house addition upon property known as Block 10, Lots 16 & 18 on the Pine Beach Borough Tax Map, and being located at 916 Lincoln Avenue in the R-75 Single Family Dwelling – Medium Density Residential Zone; and

WHEREAS, the plot plan was prepared by FWH Associates, dated December 18, 2023; the architectural plans were prepared by FWH Associates, dated July 22, 2023; and

WHEREAS, the Pine Beach Borough Land Use Board, after carefully considering the evidence presented by the applicant, and the report from its professional staff, hereby makes the following findings of fact:

1. The applicant has a proprietary interest in the property.
2. The applicant has requested approval in accordance with the Land Use Ordinances of the Borough of Pine Beach, and all record property owners located within 200 feet of the subject property were duly notified of the public hearing, and a notice summarizing the application was duly published, as required by law, in an official periodical of the Land Use Board.
3. The property is located at 916 Lincoln Avenue in the R-75 Single Family Dwelling – Medium Density Residential Zone.
4. The applicant is requesting approval of a bulk variances from the Zoning Ordinance of the Borough of Pine Beach for the purpose of constructing an addition to the existing single family dwelling, consisting of a breezeway and garage, with a second story office space, upon the subject property.

The following pre-existing nonconformities are present on the property:

Lot depth:	125ft required;92.6ft exists
Lot area:	9,375sf required; 7,412sf exists
Front setback:	25ft required; 18.6ft exists
Side setback:	10ft required; 7.8ft exists

The following additional bulk variances are required:

Side setback (combined):	20ft required; 18ft proposed
Lot (building) coverage:	25% permitted; 28.9% proposed (reduced at hearing)

5. Mark Rohmeyer, P.E., P.P., C.M.E., of Morgan Engineering, the Board's engineer, prepared a report to the Board dated February 28, 2024.

The Board hereby adopts the findings in the reports of its professionals and incorporates them in this Resolution by reference.

6. The applicant testified to the existing conditions of the property and the location of the proposed garage addition. The subject property is undersized in its depth, which accounts for some of the lot coverage issues. The proposed garage will provide additional storage space, and for this reason the existing sheds on the property (in nonconforming locations) will be removed. The addition will have no plumbing, no bathrooms and no bedrooms. The breezeway will provide a distance between the garage and main house structure on the west side in order to allow sufficient light into the existing house. Underground stormwater drainage recharge facilities will be accommodated by roof drain drywells for the runoff from the back half of the garage addition. The garage will meet all applicable height restrictions.

The testimony reflected that the applicant's proposal is in keeping with the area, and the granting of the variance would not be detrimental to the public good.

The Board concurs with these representations and so finds.

WHEREAS, the Land Use Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The granting of the bulk variances will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, the Master Plan and the Zoning Ordinances of the Borough of Pine Beach.
2. The benefits of the variances will substantially outweigh the detriments, if any.
3. There was no testimony of members of the public at the hearing.
4. The safety and well-being of the immediate area will not be adversely affected by the granting of the relief requested.
5. No other variances have been requested, and no other variances have been granted or are implied.

NOW THEREFORE BE IT RESOLVED by the Pine Beach Borough Land Use Board that the Land Use Board hereby grants and approves the application as submitted, subject, however, to the following *specific* conditions being satisfied, prior to the signing of the plan by the Board Chair or the issuance of a Zoning Permit by the Zoning Officer or the issuance of a Certificate of Occupancy by the Building Inspector, as may be applicable:

- 1. The applicant shall comply with any and all terms and conditions of the Board Engineer's aforementioned report.**
- 2. The existing sheds on the property shall be removed.**
- 3. There will be no plumbing nor bedrooms in the proposed addition.**
- 4. Stormwater drainage shall be accommodated by roof drain drywells.**
- 5. No other variances have been requested, and no other variance have been granted or are implied.**
- 6. These specific conditions noted herein are an integral part of the basis for which the approval is being granted and are intended to be inseparable from the right of enjoyment of this approval.**

In addition to the aforementioned specific conditions, the following *general* conditions of approval must be satisfied by the applicant prior to the signing of the plan by the Board Chair or the issuance of a Zoning Permit by the Zoning Officer or the issuance of a Certificate of Occupancy by the Building Inspector, as may be applicable:

1. Submission of an affidavit signed by the Pine Beach Tax Collector certifying payment of outstanding real estate taxes.
2. No building or other permit or certificate or approval will be issued until the Land Use Board Secretary has confirmed that all professional fees have been paid in full. In the event a permit or certificate or approval is issued and there are outstanding Land Use Board professional fees, a stop work/cease and desist order will be filed against the applicant and shall remain in effect until the fees have been paid.
3. In the event there is an *existing* violation, the applicant shall have thirty (30) days from the date the Notice of Decision is published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.
4. Within fourteen days of receipt of the approved resolution, the applicant must submit for publication a Notice of Decision to an approved newspaper of Pine Beach Borough. Once the Notice is published, the applicant must submit the Affidavit of Publication issued by the newspaper, along with all other resolution compliance items, to the Board office.
5. Approval of the following agencies and any other municipal, county, state, and/or federal agency having jurisdiction over said application, if not already obtained, and if required:
 - a. Ocean County Planning Board;
 - b. Pine Beach Municipal Water and Sewer Department;
 - c. Ocean County Soil Conservation District;
 - d. NJ Department of Environmental Protection;
 - e. NJ Department of Transportation;
 - f. any and all outside agencies noted in the Board Engineer's review letter.
6. Applicant must assemble all executed conditions in a COMPLETE package and submit them along with the reproducible original to the Board Office so the map can be signed by the Board Chair or the Zoning Permit can be signed by the Zoning Officer or the Certificate of Occupancy can be signed by the Building Inspector, as may be applicable; no approved operations may be conducted prior to the applicant receiving resolution compliance certification from the Borough. No work may be conducted on site unless and until resolution compliance has been certified by the Borough, and all appropriate escrows have been posted and all required permits have been issued.

7. The applicant shall file all required performance guarantees, maintenance guarantees, executed developer's agreement, if applicable, and post all application engineering and inspection fees, if any
8. The applicant must obtain signed certifications from the Borough Code Enforcement Officer certifying that the applicant has complied with all conditions of this Resolution of Approval.
9. Signing of the plan by the Board Chair and/or issuance of a Zoning Permit by the Zoning Officer will not take place until compliance with all conditions have been certified.
10. It is incumbent upon the applicant/owner to prominently display the address number on the premises so that it is clearly identifiable and visible from the street.
11. The applicant shall strictly adhere to the testimony and representations placed on the record as well as all plans and exhibits submitted.
12. All representations and statements made by the applicant, as well as applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review of this Board's own motion. In the event the Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that event any approvals previously given may be rescinded and any improvements permitted by this resolution shall be deemed to be unauthorized by this resolution and in violation of the Borough's ordinances.
13. The applicant shall submit a final "as built" plan at the conclusion of all construction.
14. In accordance with NJSA 40:55D-46.1, approval of a minor site plan shall be protected for a two-year period; an extension on such approval may be granted by the Land Use Board not exceeding an additional one year. In accordance with NJSA 40:55D-47, approval of a minor subdivision shall expire 190 days from the date of this resolution unless a plat or subdivision deed is endorsed by the Board Chair and filed with the County Clerk within said 190-day period; an extension of said 190-day period may be granted by the Land Use Board not exceeding an additional one year. Minor subdivision approval shall thereafter be protected for a two-year period; an extension on such approval may be granted by the Land Use Board not exceeding an additional one year. In

accordance with NJSA 40:55D-49, preliminary approval of a major subdivision or site plan shall be protected for a three-year period; extensions on such preliminary approval may be granted by the Land Use Board for an additional one year not exceeding a total extension of two years. In accordance with NJSA 40:55D-52, final approval of a major subdivision or site plan shall be protected for a two-year period; extensions on such final approval may be granted by the Land Use Board for an additional one year not exceeding a total extension of three years. All other approvals will expire one year after the date of resolution approval if a building permit is required or, if a building permit is not required, a certificate of occupancy has not been obtained; thereafter the applicant may apply to the Land Use Board for an extension if the conditions and ordinances existing at the time of approval have not changed.

BE IT FURTHER RESOLVED that the applicant shall cause notification of this Resolution to be published in an official newspaper of the Borough of Pine Beach within 14 days of the adoption of this resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant, the Building Department, the Zoning Department and the Borough Clerk by the Land Use Board secretary.

CERTIFICATION

I, Patricia Wnek, Secretary of the Pine Beach Borough Land Use Board, certify that the foregoing Resolution was duly adopted at a meeting held on May 21, 2024, memorializing the vote of the Pine Beach Borough Land Use Board at a meeting held on March 19, 2024, a quorum being present and voting in the majority.

Patricia Wnek, Board Secretary
Pine Beach Borough Land Use Board

RECORD OF LAND USE BOARD VOTE AT HEARING						
	Yes	No	Abstain	Absent	Moved	Second
Mayor Cuneo	X				X	
Mr. Higham	x					
Mrs. McDonnell				X		
Mrs. Saxton	X					
Mr. Slickers				X		
Mr. Wieck				X		
Mrs. Wnek	X					
Mrs. Lill			X			
Mr. Vega (Alt.)	X					X
Mr. Zisa (Alt.)				X		

RECORD OF LAND USE BOARD VOTE ON RESOLUTION						
	Yes	No	Abstain	Absent	Moved	Second
Mayor Cuneo						
Mr. Higham						
Mrs. McDonnell						
Mrs. Saxton						
Mr. Slickers						
Mr. Wieck						
Mrs. Wnek						
Mrs. Lill						
Mr. Vega (Alt.)						
Mr. Zisa (Alt.)						

Chapter 175 Zoning and Subdivision
Article I General Provisions

(draft for review at 5/21/24 LUB mtg.)

§ 175-6 Definitions and word usage.

B. The following words and terms shall have the meanings indicated herein, unless otherwise expressly stated in the sections in which these terms are utilized:

ACCESSORY STRUCTURE

A building or structure the use of which is incidental to that of the main building and which is located on the same lot. **An accessory building or structure, whether attached to a principal building by a breezeway or walkway or detached from the principal building, must meet all of the zoning regulations of § 175-23.**

The materials used for the structure and façade of an accessory structure must match that of the principal structure.

BUILDING, PRINCIPAL

A structure in which is conducted the principal use of the site on which it is situated. In any district, any dwelling shall be deemed to be a "principal building" on the lot on which it is located. **The attachment of an accessory building or structure or garage by the way of a breezeway or walkway to a principal building or structure does not transfer the zoning requirements relative to a principal building to the accessory building, but rather the more restrictive of the zoning regulations applicable to principal buildings and accessory structures shall apply to such accessory structure.**

GARAGE

A building or structure intended or suitable for the storage of motor-driven vehicles. **Garage doors in residential zones shall be limited to a maximum of three standard size door bays of 9 feet wide by 9 feet high; a double door, which does not exceed 18 feet in width, may be substituted for two of the garage doors. A garage may accommodate storage and similar needs, but shall not have any habitable space or habitable use.**

GARAGE, PRIVATE

A garage used as an accessory to the main **residential** building, which provides for the storage of motor vehicles, and in which no occupation, business ~~or service for profit is carried on~~ **or non-residential storage of any kind is permitted.** **Garage doors in residential zones shall be limited to a maximum of three standard size door bays of 9 feet wide by 9 feet high; a double door, which does not exceed 18 feet in width, may be substituted for two of the garage doors. A garage may accommodate storage and similar needs, but shall not have any habitable space or habitable use.**

Garage structures shall be constructed in such a manner so as to avoid any commercial appearance.

USE, ACCESSORY

A use incidental to **and dependent upon** the principal use of a building as defined or limited by the provisions of this Chapter.

Article IV General Regulations

§ 175-23 Accessory buildings.

A. An accessory building, whether attached to a principal building or not, shall comply in all respects with the yard requirements of this chapter for the principal building or for accessory structures, whichever is more restrictive.

- (1) One ~~detached~~ accessory building limited to 15 feet in height or 1 ½ stories tall or the height of the principal building (whichever is lower), measured to the peak of the roof of such accessory building, (located to the rear of the front building line of the principal building and, if located in a side yard area, conforming to the side yard requirements of the zone district in which it is located) shall be permitted.
- (2) With the exception of the street sides of a corner property, a ~~additional~~ second accessory structure of 120 square feet or less and of 12 feet or less in height shall be permitted on each lot within the setback area, but not closer than two feet from any lot line. A shed may qualify as an ~~the detached~~ accessory building, thus two sheds on a lot is permitted in lieu of a ~~detached~~ an accessory building and a shed.
- (3) The footprint of garages and/or other accessory structures are limited 750 square feet or the square footage of the footprint of the principal building, whichever is more restrictive.
- (4) Accessory structures shall accommodate storage and similar needs, but shall not have any habitable space or habitable use.

B. For the purpose of regulating the locations of accessory buildings on corner lots and on lots situated on and fronting two parallel streets, all portions of a corner lot or through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located.

C. An accessory building may not be used as a dwelling or residence and may not contain any kitchen facilities. No water or sewer utilities shall be permitted ~~above the ground floor level~~.

D. Accessory structures on undersized lots are permitted as long as the other portions of the section are adhered to, i.e. setbacks, lot coverage, height, without requiring a variance.

E. Breezeways or other covered passageways shall be permitted to connect a principal building with an accessory building, but the fact that an accessory building is connected to a principal building by the breezeway or passageway shall not relieve the accessory building from complying with the terms and provisions of this chapter.

BOROUGH OF PINE BEACH
 LAND USE BOARD
 REGULAR MEETING MINUTES
 March 19, 2024

The Pine Beach Land Use Board held a meeting on March 19, 2024 in the Municipal Building, 599 Pennsylvania Ave., at 7:30pm. Mrs. Lill called the meeting to order and read the Opening Statement: In compliance with the Open Meeting Law, P.L. 1975 C231, the notice of this meeting was sent to our official newspapers, the Asbury Park Press and the Star Ledger, and also posted on the bulletin board at the Pine Beach Municipal Building and the Pine Beach Post Office. The statement shall become a part of the official minutes of this meeting.

This meeting is a judicial proceeding. Any comments or questions 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.

Mrs. Lill led the Flag Salute.

Attendance/Roll Call:

Mayor Cuneo	Mr. Higham	Mrs. McDonnell	Mrs. Saxton	Mr. Slickers
Present	Present	Absent	Present	Absent
Mr. Wieck	Mrs. Wnek	Mrs. Lill	Mr. Vega (Alt.)	Mr. Zisa (Alt.)
Absent	Present	Present	Present	Absent

Approval of Minutes

Mr. Higham makes a motion to approve the minutes from the February 20, 2024 meeting as submitted, seconded by Mr. Vega. No comments from the board or public. Mrs. Saxton abstains.

Mayor Cuneo	Mr. Higham	Mrs. McDonnell	Mrs. Saxton	Mr. Slickers
Yes	Yes(motion)	Absent	Abstain	Absent
Mr. Wieck	Mrs. Wnek	Mrs. Lill	Mr. Vega (Alt.)	Mr. Zisa (Alt.)
Absent	Yes	Yes	Yes(second)	Absent

New Business

Continuation of LOMBOK LLC - 412 New Jersey Ave. Block 43 Lots 5-10 application for minor subdivision with variances

Joseph Michelini- O'Malley, Surman, & Michelini
 17 Beaverson Blvd
 Brick Township, NJ 08723

Mr. Michelini introduces himself to the board and shares his credentials. Mr. Michelini states he has a conflict at the prior meeting where this matter was carried from, but, has listened to the tape provided. Mr. Michelini continues that he recognizes the numerous concerns the board voiced and has modified the plans. Application now reflects the eliminated garage structure, a change in the side yard setback, and the request to acknowledge the front setback as a pre-existing non-conformity. The request for the subdivision of two now conforming lots is a C2 variance not a hardship variance as per Mr. Michelini.

Robert Harrington- East Coast Engineering
508 Main St.
Toms River, NJ 08753

Mr. Harrington, still under oath from prior hearing, is brought forward as an expert witness.

Mr. Michelini asks Mr. Harrington a series of questions, in summary Mr. Harrington confirms that the applicant intends on removing the non-conforming garage structure, the corner lot side setback is requested at 11ft to increase to building envelope for the future home on the lot, and the distance between the original structure and the future structure will be no less than 20.2ft. The single variance requested is side yard setback for existing home of 9.2ft where 10ft is required.

Mr. Michelini continues that amended plans have a 13.8% impervious surface and the pool and rear deck are to be removed 190 days prior to map being filed. Mr. Michelini asks Mr. Harrington to provide testimony for the C2 variance.

Mr. Harrington continues with the Municipal Land Use Law C2 variance to advance the purposes in at least one category of air, light, and open space. This application addresses three of them. Providing 20ft between homes maintains the spirit for air, light, and open space. Item E promotes appropriate density in the R75 zone with a 75ft lot. Lastly the lots are appropriately sized and promote a desirable living space. Mr. Harrington testifies that no detriment would be taken should this variance be granted.

Mr. Michelini concludes his testimony explaining that the change to plans and the amendment to the corner setback on a County Road has provided the County with a waiver and provided an easement for future road widening. The site triangle has been shifted from 30ft to 35ft to respect the easement and it is highly unlikely for the County to widen the road to a two lane in each direction road. The variance the applicant is seeking is consistent with the Borough's Master Plan.

Mr. Rohmeyer confirms that the front yard setback is not a requested variance and if the structure were removed it would have to fit the current zoning requirements. Mr. Michelini agrees that this is to be memorialized for future owners. Mr. Rohmeyer continues that if the variance is granted for the side yard setback being 9.2ft the board agrees to any future homes on this lot being built would have to comply with the 11ft setback if granted by board. Mr. Brady suggests a deed restriction, so all owners are aware of this requirement.

Mr. Michelini submits the Ocean County Planning Board minutes as A2 for the board to review their decisions. He then submits the 1937 tax board as A3.

Mayor Cuneo opens for public comments seconded by Mrs. Wnek. Hearing no comments, Mayor Cuneo makes a motion to close for public comments, seconded by Mr. Vega. All in favor.

Mayor Cuneo makes a motion to approve variance with 9.2ft setback, if property removes structure, then the setback will revert to 10ft. The newly subdivided lot will have an 11ft side yard setback on the side closest to existing structure, and the board agrees to acknowledge the front yard setback as non-conforming. Motion is seconded by Mr. Higham.

Mayor Cuneo votes yes, the amendments are nicer than the original application.

Mr. Higham votes yes.

Mrs. Wnek votes yes with the stipulations in place and the improvements to the existing non-conformities.

Mrs. Lill appreciates the applicant coming back and amending the plans, she votes yes.

Mr. Vega votes yes

Mayor Cuneo	Mr. Higham	Mrs. McDonnell	Mrs. Saxton	Mr. Slickers
Yes	Yes	Absent	Absent 2/20	Absent
Mr. Wieck	Mrs. Wnek	Mrs. Lill	Mr. Vega (Alt.)	Mr. Zisa (Alt.)
Absent	Yes	Yes	Yes	Absent

Mr. Michelini thanks the board and states he appreciates the board being active and allowing the applicant to amend the plans.

Brian & Kelly Murphy - 916 Lincoln Ave. Block 10 Lots 16&18 application for attached garage addition with bulk variances.

Mrs. Lill requeues herself as she owns property within 200ft of the application.

Mr. Higham asks the applicant if there are aware they will need a simple majority 3/5 votes for variance approval and acknowledges the attendance of the board after Mrs. Lill's recusal, applicant agrees to continue.

Mr. Brady swears in Mr. Brian Murphy of 916 Lincoln Ave., Pine Beach

Mr. Murphy begins his testimony. He and his wife recently moved to Pine Beach and are eager to become a part of the community. They own block 16-18 lot 10. The original home was built in 1900s with a renovation in 2003. The applicant is seeking approval for a garage addition with a finished room above for storage and office space. The garage is proposed to be attached through a breezeway from the existing door. Addition is 606 square feet including the breezeway. The architectural plans are 4.5ft below the allowable height to match the look of the existing home. The ground floor plan of the new structure will be open for car and bike storage. An enclosed stairway will lead to an upstairs area with two functions. Storage for the existing lack of storage in the home and office with heat and an A/C split unit, no bathroom or plumbing is proposed. Applicant for minimum combined side yard setback where 18ft is proposed, 20 ft is required. And requesting lot coverage of 28.9% where 25% is the maximum lot coverage. Applicant testifies that the variance they seek has no negative visual impact to the community, no detriments to the neighbors or community. The applicant has offered lot to adjoining neighbors with no interest.

Mr. Rohmeyer confirms with the board that the building height is 20.61 ft and conforming. The applicant has testified that he will have the new structure meet the existing peak and look with similar siding and color. Mr. Rohmeyer asks the applicant if the property has any grading or drainage issues currently. Mr. Murphy states there is a low corner in the rear that will remain unchanged. Mr. Rohmeyer confirms with the applicant that the new structure will never be rented or lived in, and Mr. Murphy agrees.

Mr. Higham asks the applicant if adding a structure to the lot coverage and removing grass can impact the water runoff. The applicant agrees to installing an underground recharge system to alleviate this issue.

Mr. Rohmeyer states that there are two sheds on the property that also impact this lot coverage. Mr. Higham asks the applicant if these sheds can be removed with additional storage in the proposed garage. Mr. Murphy agrees to remove the shed to the east of the property as the rear shed has electric installed.

Mrs. Saxton asks if the garage will be a single car, Mr. Murphy agrees it is a proposed single car with storage and room to the side of the staircase. Mrs. Saxton asks if the applicant knew at the time of purchasing this home that storage would be an issue. The applicant stated that they always knew they wanted a garage addition.

Mr. Higham asks the applicant if they could make the garage addition narrower. Mr. Brady suggests that the proposed structure could be moved 2ft and the removal of the sheds. Mr. Murphy states that this wall allows light into the home through the existing windows.

Mr. Brady asks the applicant if the office space he is proposing is a private office, Mr. Murphy confirms no clients.

Mrs. Saxton would like to propose a deed restriction for the use of the space above the garage due to a growing issue in Pine beach.

Mr. Brady states that with no plumbing, deed restrictions, and zoning code there shall be no issue with renting they would be removed. They do not have any ownership rights.

Mayor Cuneo makes a motion to open to public comment, second by Mr. Vega. Hearing none, Mayor Cuneo closed the public comment portion seconded by Mr. Vega.

Mayor Cuneo makes a motion to approve variance subject to the removal of the non-conforming shed and no bedrooms or plumbing to be in the area above the garage. Motion is seconded by Mr. Vega.

Mayor Cuneo	Mr. Higham	Mrs. McDonnell	Mrs. Saxton	Mr. Slickers
yes(motion)	yes	absent	yes	absent
Mr. Wieck	Mrs. Wnek	Mrs. Lill	Mr. Vega (Alt.)	Mr. Zisa (Alt.)
absent	Yes	recused	yes(second)	absent

Mr. Murphy thanks the board for their time and leaves the meeting.

Old Business

Mrs. Wnek advises the board that the Borough received another request for 200ft notice from Berkeley Twp – Beachwood Mall applicant.

Notice to the board that the April meeting must be cancelled due to the TRBOE Special Election being held in the Borough Hall. The board agrees to move all matters to the May regularly scheduled meeting.

Mr. Higham asks if there has been any movement with the special committee and breezeway regulations. Mrs. Lill advises that she is still planning on meeting with the Zoning Officer but has not had time between meetings. Mr. Rohmeyer lets Mrs. Lill know he can be available for his professional service via Zoom.

Mrs. Saxton asks about a home on Monmouth Ave. Mrs. Wnek advises this is a two family in the Borough's tax records. Mayor Cuneo states all concerns should be given to the Zoning Officer/ Code Enforcement Officer, Gary Stocco.

Mrs. Lill brings a potential change in legislation and the use of secondary structures as residential opportunities and the board discussed the changes this would bring to our Zoning Code.

Vouchers for payment

Mr. Higham makes a motion to pay vouchers for the total sum of \$557.50, pending funds available, seconded by Mrs. Wnek, all are in favor.

Public Portion

Hearing none

Adjournment

Mayor Cuneo makes a motion to adjourn the meeting, seconded Mr. Vega. All are in favor, no opposition.

Minutes submitted by: Hannah Jacobus