

**BOROUGH OF PINE BEACH
LAND USE BOARD
REGULAR MEETING MINUTES**
August 16, 2022

The Pine Beach Land Use Board held a meeting on August 16, 2022 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.

Mrs. Lill read the following statement: 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 (present)	Mr. Keesling (absent)	Mr. Higham (present)	Mrs. McDonnell (present)
Mrs. Saxton (present)	Mr. Slickers (present)	Mrs. Wnek (present)	Mrs. Lill (present)

Also in attendance are Board Attorney Mr. Brady and Board Engineer Mr. Rohmeyer.

New Business

Mrs. Lill introduced the application for a hearing. BL: 70x1,2 JCM Electric LLC. Motor Rd. and Merion Ave.

Robin La Bue
Rothstein, Mandell, Strohm, Halm, Cipriani, P.C.
98 East Water St.
Toms River, NJ 08753

Ms. La Bue introduced herself as representing the applicant and that she had spoken with the neighbor's counsel and they are requesting an adjournment on the hearing for today.

Marc S. Galella
R.C. Shea & Associates
244 Main St.
Toms River, NJ 08754

Mr. Galella stated that he is representing:
Mr. Clifford Gasior of 906 Motor Rd.
& Mr. Stephen Thieme of 902 Motor Rd.

Mr. Galella explained that they have requested an adjournment so that his clients can have more time to review materials provided and provide testimony if necessary. They will work together with Ms. La Bue and work out what is needed between the parties.

Mr. Brady asked Ms. La Bue if her applicant will waive the potential time limitations on the board imposed by the Municipal Land Use Law.

Ms. La Bue agreed to the waiver.

Mr. Brady informed the public present at the hearing that notice of the change in hearing date was presented at the meeting and new hearing date is set for September 20th, 2022 at 7:30pm.

Mr. Brady asked for the board to approve the motion set forth by Ms. La Bue to adjourn this hearing until the 9/20 meeting date.

Mrs. Lill opened the discussion for adjournment to the Board members.

Mrs. Saxton stated in regards to the adjournment, part of the application that was provided has items that were required to be provided at time of the hearing and these two items had not been provided to the Board.

Ms. La Bue stated that one item was submitted today and the other item she is working on getting over to the Board Secretary.

Mrs. Wnek confirmed that the office received the affidavit of publication and copies of by-sell letters issued to neighbors.

Mrs. Saxton stated that she is looking for the contract of sale and the information of the structure being proposed.

Ms. La Bue stated the contract of sale has been emailed and the plans will be provided.

Mrs. Lill stated that on one of the plot plans provided, the adjacent building on Lot 3 is not shown on the plans. Historically the Board has required seeing the adjacent properties on these plot plans. Ms. La Bue confirmed they will add these to the plot plan.

Mrs. Saxton brought to applicant's attention an inconsistency with the distance from setbacks proposed changes from one plot plan to the other.

Ms. La Bue explained after the review from Borough Engineer it was changed to 8.3' from setback and confirmed that will all be changed.

Mr. Slickers questioned about the submittal of the setback from Merion and what this distance is. Mayor Cuneo briefly confirmed with Mr. Brady if these questions should be asked or is this considered giving testimony.

Mr. Brady stated that the housekeeping items may be discussed but certainly not the merit of the case. One clarification item Mr. Brady asked for is that the names on the buy sell letters were the owners of Lots 3 and 11.

Ms. La Bue stated she will submit a letter clarifying these certified letters have been sent correctly to adjacent property owners.

Mr. Slickers stated that the setback on Merion and Motor is 25 feet and the proposed is 18 feet on Merion based on the plot plan.

Ms. LaBue stated that they have adequate setback from Motor Rd. and are seeking a variance on the Merion Ave. front setback.

Mr. Higham asked Ms. La Bue to clarify where it is stated on their advertisement that they are asking for this front setback variance.

Mrs. Lill stated that the advertisement and plot plan reflect different variances being sought.

Ms. La Bue expressed that there was a change in plans and will submit an amended application reflecting these changes.

Mrs. Saxton expressed that her concern is all of the discrepancies.

Ms. La Bue confirmed they will amend the application.

Mrs. Lill asked to council for a consideration of re-notice because the advertisement discrepancy.

Mr. Brady read the advertisement as sent by applicant.

Mr. Higham brought to the board's attention that the 1.3ft that is advertised when the proposed change is to 8.3ft and the 18ft setback of Merion Ave. variance is not mentioned in the advertisement.

Ms. La Bue confirmed they will add the 18ft front setback variance as well as correct the side setback to 8.3ft.

Mayor Cuneo responded to the Board members that this is technically an incomplete application and cannot be heard tonight.

Mr. Brady confirmed Mayor Cuneo's statement and added the MLUL requires that advertisement must represent the basis of the variance requested, but since there was no mention of the 18ft setback variance it would be appropriate to require re-notice of the hearing.

Ms. La Bue confirmed the September 20th date and the request to send correct notice.

Mr. Higham made a motion to adjourn the hearing to the September 20th date or later, based on receiving a complete application for hearing; motion seconded by Mrs. Saxton.

Mayor Cuneo (yes)
Mrs. Saxton (yes)

Mr. Keesling (absent)
Mr. Slickers (yes)

Mr. Higham (yes)
Mrs. Wnek (yes)

Mrs. McDonnell (yes)
Mrs. Lill (yes)

Mrs. Lill made a reminder to the applicant that the specific location of adjacent properties is important for reviewing the application.

Mayor Cuneo made a motion to approve the July 19, 2022 minutes as presented; motion seconded by Mrs. Saxton.

Mayor Cuneo (aye)
Mrs. Saxton (aye)

Mr. Keesling (absent)
Mr. Slickers (aye)

Mr. Higham (aye)
Mrs. Wnek (aye)

Mrs. McDonnell (aye)
Mrs. Lill (aye)

Old Business:

Building height ordinance recommendation to the Council:

Mr. Rohmeyer stated that under the current definition for building height the maximum building height reads 25ft; he would like to add in the definition clarification that unless otherwise noted in the schedule of uses 175-57. In other zones you are permitted to build above 25ft. This was not previously discussed by the Board.

Mr. Higham asked if this was the only addition and Mr. Rohmeyer confirmed that the only change was to clearly define the building height.

A motion was made by Mr. Higham to accept the clarification in the recommendation to council for building height as changes, seconded by Mrs. Wnek.

Mayor Cuneo (abstain)
Mrs. Saxton (yes)

Mr. Keesling (absent)
Mr. Slickers (no)

Mr. Higham (yes)
Mrs. Wnek (yes)

Mrs. McDonnell (yes)
Mrs. Lill (yes)

Mayor Cuneo confirmed that this will be sent by board secretary to approve at Council mtg. Mrs. Lill confirmed.

Public Portion:

Mayor Cuneo made a motion to open to the public, seconded by Mr. Higham. All were in favor.

Dorothy Kulina - 901 Motor Rd.

Dorothy stated a question if the height ordinance change is reflecting the proposed commercial development near the Motor home lot?

Mayor Cuneo responded that this reflects a change recommended from the Land Use Board. A previous application came before the board on a corner lot and this will clear up where the elevation is taken from.

Nick Puleio - 305 Merion

Nick questioned if an applicant coming before the board is supposed to send a letter of intent to purchase or sell the land to the adjacent property owners.

Mr. Brady questioned if Mr. Puleio has ever received such notice previously. Mr. Puleio stated he has not received such notice.

Mr. Brady stated he can email an applicant to get confirmation of such letter. Any application should prove hardship for the property and application; this is considered evidence of hardship. Mrs. Lill added that historically the board does look for these letters.

Matt Joblonski - 521 Merion Ave.

Matt asked a question on a specific undersized lot and the purchase of said lot. Mr. Brady quickly responded that based on the merit of the question it cannot be answered or discussed, as the applicant is no longer present, and the hearing was adjourned by the Board. Mr. Brady added that the condition of property runs with the land and not the property owner.

Dorothy Kulina - 901 Motor Rd.

Dorothy asked what meeting is appropriate for the public to come before the Board and ask what the use of empty lots in town will be.

Mrs. Lill stated that these lots are individually owned, and the use is dependent on the property owners.

Dorothy questioned the lots owned by the Borough near the school and the intent of the property. Mayor Cuneo discussed that some lots will be offered up to the contiguous property owners to get on the tax books. The lots near the school have an Ocean County utility pipe under them diagonally, so it will be maintained as is unless the intent changes. Dorothy Kulina thanked the board for the information given.

Hearing no further public comments, Mrs. Lill asked for a motion to close the public portion. Mayor Cuneo made a motion to close seconded by Mr. Slickers, and all in favor.

Vouchers for payment:

Mayor Cuneo made a motion to approve vouchers for payment pending funds, seconded by Mr. Higham, and all in favor.

Vouchers to be paid: \$757.75

No Other Business to come before the Board. Mr. Higham makes a motion to adjourn the meeting, seconded by Mrs. Wnek, all in favor.