

BOROUGH OF PINE BEACH
 LAND USE BOARD
 REGULAR MEETING MINUTES
 February 20, 2024

The Pine Beach Land Use Board held a meeting on February 20, 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.

Mrs. Lill led the Flag Salute.

Attendance/Roll Call:

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

Reorganization

- Mr. Brady swore in the following members
 - Class IV Alt. - Al Vega (1/1/2024-12/31/2025)
 - Class III - Barry Wieck (12/31/24)
 - Class II - Patricia Wnek (12/31/24)

Resolution 2024-01 Election of Officers

Mrs. Lill read Resolution 2024-01 in summary. Mrs. McDonnell makes a motion to elect Mrs. Lill as Land Use Board chair, Mr. Higham as Vice Chair, and Mrs. Wnek as Board Secretary. The motion is seconded by Mr. Vega.

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

Resolution 2024-02 Appointing of Professionals

- LUB Attorney: Terry Brady, Brady & Kunz
- LUB Engineer: Mark Rohmeyer, PE, PP, CME, Morgan Municipal

Mrs. Lill read Resolution 2024-02 in summary and introduced the solicitation of professionals. Mr. Higham makes a motion to appoint Mr. Rohmeyer of Morgan Municipal as the board's Engineer and Mr. Brady of Brady & Kunz as the board's Attorney, Mr. Wieck seconds the motion. No comments or questions from the board or public.

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

Mr. Brady and Mr. Rohmeyer thank the board and express they are looking forward to 2024.

Resolution 2024-03 Designation of 2024 Meeting Dates

A motion is made by Mr. Higham and seconded by Mr. Vega to approve Resolution 2024-03, Meeting Dates for 2024. No comments or questions from the board or public.

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

Resolution 2024-04 Designation of authorized Official Newspapers

A motion is made by Mrs. Wnek and seconded by Mr. Higham to approve Resolution 2024-04 for designation of LUB Official Newspaper. No comments or questions from the board or public.

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

Resolution 2024-05 Approval of 2023 Decisions & Adopted Resolutions

A motion is made by Mr. Vega and seconded by Mr. Higham to adopt Resolution 2024-05 Decisions and Resolutions 2023. No comments from the board or public.

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

Approval of Minutes

Mr. Vega makes a motion to approve the minutes from the December 19, 2023 meeting as submitted. No comments from the board or public. All in favor, Mayor Cuneo abstains.

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

Mrs. Lill introduces the hearing for LOMBOCK LLC.- 412 New Jersey Ave., Block 43 Lots 5-10 Application is for a minor subdivision with variances.

Mr. Rohmeyer introduces the application and states the application is complete and continues with the subject description; subject property is located on the northeast corner of New Jersey Ave and Prospect Ave and lies within the R75 (Single Family – Medium Density Residential) Zone. The property is 150 ft x 125 ft and is currently developed with a 2-story single family dwelling, a detached garage, and an inground pool. The applicant is proposing to subdivide the lot into two 75 ft x 125 ft lots, the northern lot (lot 5.01) containing the improvements and the southern corner lot (Lot 8.01) being vacant.

Mr. Rohmeyer describes the relief required by the applicant. The first variance is for the front setback line from Prospect Ave. on lot 8.01 the 25 ft setback minimum required, exists at 15.6 ft. Second is a side yard setback of 9.2 ft proposed, where 10 ft is the minimum required. The third variance applicant is seeking is for minimum Accessory Rear and Side Yard Setback (garage) is 10ft whereas the garage is located 1.9 ft from the proposed rear lot line and 2.6 ft from proposed

side yard setback. Fourth variance is for Side Yard Setback (swimming pool) minimum required is 10ft, whereas the pool is over the property line by 5.7ft, the board will need to verify this inground pool is to be removed. Mr. Rohmeyer asks the applicant's professionals to provide testimony for the variances they seek.

Jillian Thiemann of O'MALLEY, SURMAN AND MICHELINI
17 Beaverson Blvd.
Brick, NJ 08723

Ms. Thiemann introduces the Applicant as Mr. Clayton Sanford (LOMBOCK, LLC.). Mr. Sanford has lived in Pine Beach for 40 years and has owned this property since 2021. The house and garage that exist on the property has existed since 1937 and Mr. Sandford has no intention on moving them. Ms. Thiemann introduces Mr. Harrington and expert witness for the application.

Mr. Harrington is sworn in by Mr. Brady
Robert Harrington of East Coast Engineering
508 Main Street
Toms River, NJ 08753

Mr. Harrington shares his credentials with the board. He then introduces article 1 (A1) photos from an arial view of the property to the board. Continuing, the property is located at the corner of Prospect Ave. and New Jersey. Northeast corner, the properties address is 412 New Jersey Ave. This home has been on the property for 50 years and has a dormer style to it, not a full 2 story, per the witness. The applicant is proposing two 75 ft x 125 ft conforming to minimum lot size in area. The existing structures need variances for the subdivision. Mr. Harrington continues describing the variances the applicant seeks. Mr. Harrington confirms the applicant intends to remove the inground pool and the deck. The Ocean County Planning Board has accepted the applicant's easement in lieu of property dedication for setback requirements on Prospect Ave. The sight triangle will be moved back for dedication line 35 ft from corner. The County has also required no access from Prospect Avenue, the driveway access must be located on New Jersey Ave. This approval came at the County's October 18, 2023 meeting. Mr. Harrington then reviews the board Engineer's letter giving the following testimony. The applicant is not doing any new construction, OC Soils is not required at this time, applicant is willing to apply for utilities needed for service provided by Pine Beach Borough, no proposed grade change due to no new construction proposed. The driveway is currently stone/gravel that meets the RSI requirements for a three-bedroom home, two off street parking spots. Garage doors face south on Prospect Ave and will need to be reconfigured to not face lot 8.0. The inground pool will be removed to avoid the variance required. The expert witness states that if the front setback was to be measured from the right-of-way line the homes would not match up to the existing homes on the street, proposing the measurement be from the easement line.

Mr. Rohmeyer has no further comments and finds Mr. Harrington's testimony appropriate. Mr. Rohmeyer asks the applicant regarding the filing of the subdivision 190 days from the resolution adoption be added as a condition to approval before map gets filed. Applicant agrees.

Mr. Higham asks the applicant if the door facing the proposed lot will be removed. Applicant agrees that the door and deck will be removed.

Mrs. Lill asks the board attorney that currently the home existing meets the set back requirements, the application creates non-conformity for the existing dwelling. Mr. Brady explains that if the proposed lot had a smaller lot, setbacks could be met but it would be non-conforming on lot size. Mr. Harrington adds that the applicant considered this option but restricting the lot size and with the two front setbacks being adhered to the building envelope is constricted.

Mr. Higham makes a motion to open the hearing for public comments, a motion seconded by Mr. Vega.

Joseph Solda, 519 Huntington Ave., is sworn in by Mr. Brady. Mr. Solda asks the board engineer, Mr. Rohmeyer, for details on the impervious surface requirements. Mr. Rohmeyer explains that 25% lot coverage is allowed the applicant is currently at 9.1% and if applicant divides property as requested the lot coverage would be 18.2% conforming to the Borough's requirements. Mr. Solda adds that his residence lies to the North of the property seeking the variances.

Mayor Cuneo makes a motion, hearing no further public comments, to close the public portion, the motion is seconded by Mr. Wieck.

Mr. Brady swears in Mr. Clay Sanford of 412 New Jersey Ave, owner of LOMBOCK, LLC. Mr. Higham asks Mr. Sanford if the detached garage is currently used as living space, Mr. Sanford states the garage is used for storage of old vehicles. Mr. Higham adds that the garage should not be used as living space or be able to add story to the existing structure. Mr. Rohmeyer asks if the existing inground pool is proposed to be removed, Mr. Sanford confirms to be removed. Mr. Higham asks Mr. Sanford if the existing home is proposed to be removed. Mr. Sanford states currently that is not what they are proposing.

Mrs. Wnek asks Mr. Rohmeyer that if applicant adjusts the building envelope for the Southern Lot can it be adjusted for the existing garage to meet the required setback for garage and future building on new lot? Mr. Rohmeyer states that typically 10 ft from garage to shared lot line, total of 20 ft.

Mrs. McDonnell asks if a new home can be built at the 10 ft setback line on the new lot. Mr. Rohmeyer states that the footprint, if the board approves, could be 5ft to new subdivision line, this is common as per engineer.

Mayor Cuneo expresses that this subdivision being requested is creating a hardship on this property. Mrs. Lill adds that the existing structure has setbacks that precede current zoning laws.

Ms. Thiemann, the attorney for the applicant, suggests that the applicant carries the matter and revise the application. Mayor Cuneo makes a motion to carry the application for the next available meeting, motion is seconded by Mr. Vega. Mr. Brady adds that the applicant will not need further notice as the notice for the hearing is given at a public meeting.

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

Old Business

The board continues the discussion from prior meetings on the breezeway connection to detached garages, turning them into attached structures. Mrs. Wnek explains the board should look to define the use of the detached and attached garage space, then zoning can enforce the commercial and rental of these dwellings.

Vouchers for payment

Mr. Higham makes a motion to pay vouchers for the total sum of \$640, pending funds available, seconded by Mrs. Wnek, all are in favor.

Public Portion

Mr. Higham makes a motion to open the meeting to the public, seconded by Mrs. McDonnell. Hearing no comments Mr. Higham makes a motion to close the public portion, seconded by Mayor Cuneo. All in favor.

Adjournment

Mr. Higham makes a motion to adjourn the meeting, seconded Mrs. McDonnell. All are in favor, no opposition.


 Minutes submitted by: Hannah Jacobus