

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 they 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

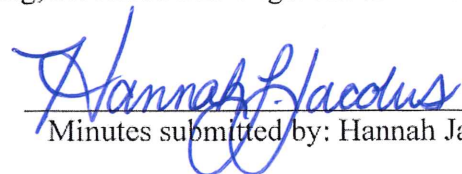
Mr. Higham makes a motion to pay vouchers for the total sum of \$557.50, pending funds available, seconded by Mrs. Wnek, all are in favor.

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