

BOROUGH OF PINE BEACH
LAND USE BOARD
REGULAR MEETING MINUTES
October 18, 2022

The Pine Beach Land Use Board held a meeting on October 18, 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.

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 (P)	Mr. Higham (A)	Mr. Keesling (P-late)	Mrs. McDonnell (A)
Mrs. Saxton (P)	Mr. Slickers (P)	Mrs. Wnek (P)	Mrs. Lill (P)

Also present is board attorney Mr. Brady and board engineer Mr. Rohmeyer.

New Business:

Hearing of application for Block 107 Lot 7- Daniel Gregory & Karen Potaski, 301 Lincoln Ct.

Applicant Daniel Gregory calls his first witness Jason Marciano forward.

Engineer for the applicant Jason Marciano of East Coast Engineering introduces himself and reads his credentials on the record. Mr. Brady swears Mr. Marciano in.

Mr. Keesling is now present in the meeting.

Mr. Marciano explains the parcel as located on a small cul-de-saq on the North West portion of town. The lot is currently vacant and one of the four homes that will be on this court. The property has come before the board in 1966 for a subdivision. Mr. Marciano introduces the plot plan submitted to the board under his signature. Rear property line comes to a point, an extra deep lot. Property is in the Borough's R75 zone of single family dwellings. The proposed home will be a basement foundation, two stories, 3 car garage, 4 bedrooms, 3 bathrooms and a covered front porch. Lot is 18,438 square feet. The home is proposed to be positioned 39ft from the front lot line where 25ft is required, side set-backs are 10.6ft and 10.66ft, both exceeding the minimum required. Large backyard with large mature oak tree that applicant is trying to save. Lot coverage proposed is 16% with 25% maximum.

The variances applicant is seeking, lot frontage 67.98ft where 75ft is the minimum required. Existing nature of the lot and the neighboring home's driveways make it so the applicant cannot increase the lot frontage. The other variance is for height. Proposed structure is 27.4ft at mid rafter of the highest peak. Measurement was taken from the center line of the road at front door. Proposed home has many different roof lines, the highest peak over the bedrooms is 27.4ft to mid rafter. Left portion of the house is 30% and the majority of the home is complaint. Mr. Marciano shows plot plan with highlighted sections showing the portion of the home with conforming lot lines, this article present is labeled as A1. The architectural plans, A3, showing different elevations is presented. A3 shows roof lines of left and right side. In Mr. Marciano's professional opinion, he believes the variance the applicant seeks is to be considered a C2 variance. The new home is proposed to be built to the current codes and should promote public health, safety, and general welfare. Safety from fire and flood, home not in flood zone and will follow current fire safety codes. In regards to item C in MLUL, air

light and open space, Mr. Marciano indicates all setbacks exceed the minimum and provide separation between neighboring structures. Mr. Marciano references the architectural design to show what he believes to be a desirable visual environment. The plans feature the proposed multiple rooflines and the siding proposed. Photos are passed around to the board labeled A2, A3, A4. These photos were taken by Mr. Marciano on the date of the hearing on Springfield Ave. The photos are of the applicant's current home which is similar to the proposed home, substantiating the desirable visual environment. Mr. Marciano states that these are the criteria the application promotes. He believes the variances can be granted with no significant debt to the public good, the height variances the applicant seeks would not impact the neighbors, proposed home will not have any substantially impact the zoning plan and the home is compatible with other homes. Mr. Marciano asks the board members if they have any comments or questions.

Mr. Rohmeyer read his review letter on the record.

Pursuant to your request, we have reviewed the above referenced application for completeness in accordance with the provisions of the Borough's Municipal Land Use & Development Regulations.

A. Completeness

The applicant has submitted the following information:

1. Borough of Pine Beach Land Use Application & Checklist;
2. 200 ft Property Owners List;
3. Proof of Taxes Paid by Borough Tax Collector, dated 08/30/2022;
4. **Topographic Survey** entitled, "Survey Map Prepared for Daniel Gregory & Karen Potaski, Block 107, Lot 7, Borough of Pine Beach, Ocean County, New Jersey" signed by Jay F. Pierson, PLS of East Coast Engineering, Inc, dated 08/30/2022;
5. **Plot Plan** entitled, "Plot Plan Prepared for Daniel Gregory & Karen Potaski, Block 107 Lot 7, Borough of Pine Beach, Ocean County, New Jersey" signed by Jason M. Marciano, P.E., P.P. of East Coast Engineering, Inc, dated 08/30/2022;
6. **Architectural Plans** entitled, "New Construction for the: Gregory Residence, Block 107, Lot 7, 391 Lincoln Avenue, Pine Beach, New Jersey" prepared by Dario L. Pasquareillo, RA, A.I.A. of Dario Architecture and Design, consisting of (4) sheets dated 08/16/2022;

I have reviewed the submitted information and deem this application **complete** subject to the applicants complying with payment of fees and all applicable notification requirements. As such, this application may be placed on the next available meeting of the Pine Beach Borough Land Use Board. Notice to property owners and the newspaper (published) must be provided no later than (10) days prior to the meeting date, with copies provided to the Land Use Board secretary no later than (5) days before the meeting. **Applicant to contact Land Use Board secretary to be placed on a meeting.**

B. General Comments

The subject property is located on Lincoln Court approximately 180 ft west of Avon Road, and lies within the R-75 (Single Family Dwellings - Medium Density Residential) Zone. The lot is currently vacant, with some trees and a small portion of an asphalt driveway.

The applicant is proposing to construct a two story single family dwelling with covered porch, sunroom, concrete patio, and concrete driveway.

C. Variances, Waivers and Items of Discussion

R-75 (Single Family Dwellings - Medium Density Residential)		
	REQUIRED	SUBJECT PROPERTY
LOT REQUIREMENTS		
Minimum Lot Area	9,375 sf	18,438 sf
Minimum Lot Frontage	75 ft	67.98 ft V
Minimum Lot Depth	125 ft	134.51 ft
Minimum Lot Width	75 ft	79.42 ft
PRINCIPAL BUILDING REQUIREMENTS		
Front Setback	25 ft	38.94 ft
Rear Setback	25 ft	56.65 ft
Side Setback	10 ft	10.60 ft (Northern Lot Line) 10.66 ft (Eastern Lot Line)
Side Setback (Combined)	20 ft	21.26 ft
Maximum Building Height	25 ft (Note ord.definitions)	27.4 ft V
ACCESSORY BUILDING REQUIREMENTS		
Front Setback	25 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	10 ft	N/A
Maximum Accessory Building Height	15 ft	N/A
LOT COVERAGE REQUIREMENTS		
Maximum Lot (Building) Coverage	25 %	16 %
Maximum Impervious Coverage	N/A	N/A
e = Existing Non-Conformance V = Proposed Variance TBD = Applicant to Provide		

1. Variances required for this application:
 - a. Minimum Lot Frontage - where 75 feet is required, and 67.98 feet is proposed. (#175-57 Schedule)
 - b. Maximum Building Height - where 25 ft is permitted, and 27.4 ft is proposed.

We note that the applicant is required to follow the ordinance for building height at the time the application was submitted. Note ordinance revisions have occurred after submittal of application.

2. Waivers required:
 - a. None

D. Engineering Comments

1. Site Grading -

Applicant shall provide testimony on the existing drainage patterns and any stormwater runoff or flooding issue on the subject property or surrounding areas. Applicant shall indicate whether any runoff is direct towards neighboring properties or towards the roadway.

We note existing drainage patterns are gently sloping to the front and rear of the lot. We also note the proposed grading maintains existing patterns.
2. Site Specific Questions/Comments:
 - a. Any curb damaged during construction should be repaired along the lot frontage
 - b. Where a lot or tract is proposed to be developed for use as a single-family residence and the property is not part of an approved plan, the owner must submit a tree removal plan for removal. A plan to clear no more than 30% of the existing trees and shrubs in the side, rear, and front yard setbacks for the zone shall be submitted to the Code Enforcement Officer.
 - c. We note the footprint for the SFD matches on the Engineering Plot Plan and Architectural Plans
3. Engineering Plan comments:
 - a. None.

E. Planning Comments

1. The proposed development use (Single Family Residential) is a permitted use within the R-75 Medium-Density Residential District.
2. The architectural plans show a building height of 27.08 ft, requiring a variance.
3. The following planning testimony must be provided by the Applicant:

Bulk Variance Testimony

- a. New Jersey Municipal Land Use Law requires the Applicant to provide evidence (aka proofs) of entitlement to variance relief.
The Applicant shall demonstrate the type of proof being sought.
- b. We note the following from NJ MLUL for "C" Variance aka "Bulk Variance":

N.J.S.A. 40:55d-70(c)

c(1) Where:

(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or

(b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or

(c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

c(2) *where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in subsection d. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use, in conjunction with which the planning board*

- c. Negative Criteria must also be met:

*No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted **without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.***

1. Applicant must provide testimony acceptable to the Board.
2. Applicant to provide testimony on the reason/need for the variances being requested.
3. Applicant to provide testimony on the effects of the proposed application on neighboring properties.
4. Applicant to provide testimony on how the proposed improvements fit in with the character of the neighborhood.

F. Fees and Escrows

Fees for this application as presently submitted are:

Application Fee 175-11G2	\$ 375.00
(\$200 + \$100/1st variance + \$75/each additional variance)	
Escrow Fee, 108-12B(7)- Bulk variances	\$1,500.00

These fees could be amended based upon additional information submitted. Separate Checks are required.

G. Conditions and Recommendations

Should the Board determine that the relief requested should be granted, we recommend that the approval be conditioned on the following;

1. The Applicant shall obtain any and all applicable outside agency approvals, including but not limited to NJDOT, NJDEP, Ocean County Engineering Department, Municipal Building Department, Fire Department, etc.
2. The Applicant shall submit payment of any and all outstanding professional review fees of the Board and the Township.
3. The Applicant shall provide all required plans necessary to show compliance with all required building codes and ordinances to the Building Department at the time of the permit application.

Mr. Rohmeyer asks Mr. Marciano if ceiling height impacted the height variance. Mr. Marciano directs attention to the A2 second floor plan where he shows the design proposed is an 8/12 pitch with front to back gable. There is pull down stairs for an attic space that is no habitable.

Mr. Marciano notes for the record that the house on the left of subject is a ranch and the right neighbor is 49.7ft at highest peak.

Mr. Brady asks Mr. Marciano if there is ample space off street parking provided. Mr. Marciano explains that there is a proposed 3 car garage and a 3 car across driveway for off street parking.

Mr. Slickers asks applicant’s engineer what the ceiling height is proposed to be. Mr. Marciano responds the first floor ceiling heights are drawn for 9.1ft and the second story is 8ft. The dimension above grade is 3’3” from first floor to grade, 14” for lumber, and 2ft of concrete foundation.

Mr. Keesling asks the applicants engineer what architectural features the home would lose if it was conforming. Mr. Marciano replies that if the ridge was lowered the front window would be lost and architectural elements of the multiple peaks.

Mrs. Lill asks if there is unfinished attic on the side where the variance is being requested and its interior dimensions. Mr. Marciano states 5ft to 6ft, no intended headroom with exposed insulation and have 2nd zone utilities is proposed in the attic.

Dan Gregory of 524 Springfield Ave., the applicant, is sworn in by Mr. Brady.

Mr. Gregory testifies that he loves his current home but the location being directly behind the firehouse is not an ideal location in their eyes. The proposed home is very similar to what he lives in now, with a few small additions for convenience.

Mr. Rohmeyer asks Mr. Gregory if he sees any detriment to the neighbors. Mr. Gregory states that his proposed home will not be a detriment and will add visual interest to neighborhood and keeping the large oak tree will keep natural shade in the yard.

Mrs. Lill asks if any more questions from the board.

Hearing none a motion was made by Mayor Cuneo to open to the public, motion seconded by Mrs. Wnek.

Mr. Ruddy Rinderer of 117 Harbor Court, Bayville is sworn in on the record by Mr. Brady.

Mr. Rinderer has built the applicant’s current home and states that the pitch of the roof is needed from a builder’s standpoint so you do not see the ends of the shingles and has curb appeal. The home location on the cul-de-saq will visually fit in with neighborhood.

Mrs. Marcy Vanzile of 109 Avon Rd. expresses her concerns of the application not following the Master Plan adopted by the board. The Master Plan speaks on preserving public land and scarce land to

minimize the concentrated development. She feels the guidelines set forth in the master plan should be followed and within the borough there are not many vacant lots left. Her concern is for the large tree on the property that is 18ft in circumference and its health. The basement pour may impact this tree's roots. The lot has great native plants that may not survive the construction. She also mentions the concern for the narrow entrance to the neighborhood.

Mr. Keesling responds to the concerns by stating the variance is for the height and the frontage, the lot is privately owned and can be cleared if desired.

Mr. Gregory state that it is only the two of them in the home, Karen works from home so just one car coming and going. He intends to keep the tree in healthy condition and the home is set far enough away.

Mr. Rohmeyer thanks Mrs. VanZile's for expressing her concerns and that the board does take these comments into consideration. The traffic for a proposed single family home in the R75 is normal.

Mr. Larry Perlberg of 829 Riverside Dr. is sworn in on the record by Mr. Brady. Mr. Perlberg continues that he is in support of the application and the proposed application is conforming to what he sees in Pine Beach. Mr. Perlberg sold the lot to the applicants and had offers for homes that were not as appealing in his opinion.

Mr. Bob VanZile of 109 Avon Rd. was sworn in on the record by Mr. Brady. His concern is for the run-off and impervious surfaces with the new structure. Mr. Marciano states that runoff from the roof is still landing on the lot, the 2,468sqft will concentrate the run-off but the gutters will run front to back and go into the grass for absorption. Ocean County soils will approve the compact of the soil. There is a positive discharge in the cul-de-saq and the proposed 16% lot coverage is under the allowed 25%.

Mr. Rohmeyer states that after his grading review he feels the plan is appropriately designed.

Hearing no further public comment, Mayor Cuneo makes a motion to close to public comment, all were in favor.

Mrs. Wnek asks if the board can recommend a restriction for the attic to never be converted into habitable space.

Mr. Brady states that this is what has been reflected by the applicant and will be in resolution.

Mrs. Saxton asks the applicant if the sunroom has a basement foundation or on a crawl space. Mr. Gregory states they do not have a foundation plan for that yet and will be willing to not have the basement extend under the sunroom to preserve the roots of the large oak tree in the back yard.

Mayor Cuneo made a motion to approve the lot frontage variance and the height variance, seconded by Mr. Slickers.

Roll Call Vote for approval of the application for variances for Block 107 Lot 7- Daniel Gregory & Karen Potaski, 301 Lincoln Ct.

Mayor Cuneo (Yes)	Mr. Higham (A)	Mr. Keesling (yes)	Mrs. McDonnell (A)
Mrs. Saxton (yes)	Mr. Slickers (yes)	Mrs. Wnek (yes)	Mrs. Lill (P)

Mayor Cuneo votes yes. After his further evaluation of the roof line and trying to envision the roof without the gables on the higher pitch side, the flat roof would look less appealing for the neighborhood.

Mr. Keesling votes yes. He feels the applicant has demonstrated in the design plans that the need for the height variance is needed.

Mrs. Saxton votes yet for the frontage and the height. The house will not be out of character for the neighborhood. She would like the applicant to agree to a crawl space verse a full basement under the sunroom for the added protection of the oak tree.

Mr. Slickers votes yes. He feels the proposed development is within the character of the neighborhood and does not feel it will not be a detriment to the town.

Mrs. Wnek votes yes for both. The desirable design will contribute to the neighborhood and the character in the neighborhood does vary.

Mrs. Lill votes yes for both. Being that the structure is taking up 16% of the lot coverage. The house is not maxing out the potential of the lot.

Mrs. Lill makes a motion for a five minute break between hearings, seconded by Mayor Cuneo.

Hearing of application for Block 23 Lot 10 – Robert Caemmerer, 717 Riverside Dr.

Mrs. Saxton recuses herself from the hearing based on personal relation to the applicant.

Mr. Bob Caemmerer is sworn in on the record by Mr. Brady.

Mr. Caemmerer introduced himself and his wife to the board and gave the background of why they purchased this home. They look to preserve and modernized the current home, the home needs extensive repairs. The two story part of the home is currently under construction to replace the plumbing and electric of the older home. The 29.6% overall height will be less than the current structure. The detached garage is in disrepair and will be torn down and built to match the existing structure. The garage front set back is non-conforming. The only utility to be installed in the garage is electric, it will be non-habitable, the height of the garage is 14ft and the apron of the garage will be replaced. The tree on the current lot will remain and has been deemed healthy.

Mr. Rohmeyer states he has reviewed the application and deemed it complete prior to the hearing. He asks Mr. Caemmerer if the 7 photos submitted were taken by the applicant and if they are of the subject property. Mr. Caemmerer states he did take the photos and they are of 717 Riverside Dr., all board members were supplied these photos.

Mr. Rohmeyer adds that the uniquely shaped lot, proposing to renovate the rear portion of the existing dwelling. Maintain the same footprint for the most part, Mr. Caemmerer states that apart from the 2” side setback of the principle building to make flush with the rest of the structure they will maintain the same foot print.

Mr. Rohmeyer puts on the record the four variances the applicant is seeking.

1. Variances required for this application:

- a. Side Yard Setback (Principal Building) – where 10 feet is required, and 5.5 feet is proposed to the addition. (#175-57 Schedule)

We note the replacement addition further encroaches into the side yard setback where 6.2 ft exists and 5.5 ft is proposed.

- b. Front Yard Setback (Accessory Building) – where 25 ft is required, and 5.5 ft is proposed to the detached garage.

Note: Accessory buildings on lots situated on and fronting two parallel streets shall be subject to the front yard requirements (#175-23B) We note a replacement structure must comply with the setback requirements.

- c. Side Yard Setback Accessory Structure – where 10 feet is required, and 2 feet is proposed to the detached garage (#175-57 Schedule)

- d. Building Lot Coverage – where up to 25% is permitted, the Applicant is proposing 29.8% with existing buildings and proposed additions (#175-57 Schedule)

2. Waivers required:

- a. None

D. Engineering Comments

1. Site Grading - (#117-71)
The applicant is proposing no change to the existing drainage patterns.

Applicant shall provide testimony on the existing drainage patterns and any stormwater runoff or flooding issue on the subject property or surrounding areas. Applicant shall indicate whether any runoff is direct towards neighboring properties or towards the roadway and ultimately downhill towards the river.
2. Applicant to provide testimony on the Architectural Plans proposed, how the proposed improvements fit relative to the existing structures, within the existing footprints or not, the overall height of the addition, etc. *Will proposed additions match the existing structures in terms of style and materials?*
3. Applicant to provide testimony on the of the detached garage.
 - a. What utilities will be installed?
 - b. What is the height of the proposed garage? *Note: The maximum permitted height of an accessory structure is 15 ft.*
 - c. What improvements, if any, will be made to the driveway and concrete walkway areas around the garage?
 - d. Confirm the footprint of the proposed garage.
 - e. Provide testimony regarding the architecture of the garage. *Will proposed match the existing structures in terms of style and materials?*
 - f. Recommend a condition of approval be no habitable space be permitted within the detached garage.
4. The Applicant must provide testimony regarding the proposed number of bedrooms and compliance with NJ RSIS off-street parking requirements. The NJ RSIS requirement for off street parking is the following:

2 Bedroom: 1.5 spaces, 3 Bedroom: 2.0 spaces, 4 Bedroom: 2.5 spaces, 5 Bedroom: 3 spaces
5. Engineering Plan comments:
 - a. Engineering plot plan should provide a dimension for the side yard setback of the garage.

Mr. Rohmeyer asks Mr. Caemmerer a series of questions, the questions are as follows.

Mr. Rohmeyer- What is the intended use of the detached garage?

Applicant- For parking and storage.

Mr. Rohmeyer- As a conditional requirement, does the applicant agree that the detached garage will not be habitable space.

Applicant-Yes.

Mr. Rohmeyer- Is it the applicant's intention to match the principal structure siding and exterior details?

Applicant- Yes.

Mr. Rohmeyer- The location of the detached structure will be similar to the existing location and is similar to other garages in the area of Lincoln Ave?

Applicant- Yes, lines up with the adjacent neighbors.

Mr. Rohmeyer- The lot coverage provided is existing and will remain so the applicant can fully use and live at the property?

Applicant- Yes.

Mr. Rohmeyer- Do you feel the variances that are being sought are a detriment to the neighbors?

Applicant- No, we are not changing the footprint of the home and the addition will actually shorten the existing height.

Mr. Rohmeyer- What is the utilities being installed in the detached garage?

Applicant- Only electric will be installed.

Mr. Rohmeyer- What is the proposed detached building height?

Applicant- It will be built less than 14ft.

Mr. Rohmeyer- You are providing off street parking in the detached garage and driveways.

Applicant- Yes apron can have a car fit sideways across and two spots in the garage.

Mr. Rohmeyer reflects on the following for planning comments;

E. Planning Comments

1. The proposed development use (Single Family Residential) is a permitted use within the R-75 Medium-Density Residential District.
2. The following planning testimony must be provided by the Applicant:

Bulk Variance Testimony

- a. New Jersey Municipal Land Use Law requires the Applicant to provide evidence (aka proofs) of entitlement to variance relief.

The Applicant shall demonstrate the type of proof being sought.

- b. We note the following from NJ MLUL for "C" Variance aka "Bulk Variance":

N.J.S.A. 40:55d-70(c)

c(1) Where:

(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or

(b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or

(c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

c(2) where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in

- c. Negative Criteria must also be met:

*No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted **without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.***

1. Applicant must provide testimony acceptable to the Board.
2. Applicant to provide testimony on the reason/need for the variances being requested.
3. Applicant to provide testimony on the effects of the proposed application on neighboring properties.
4. Applicant to provide testimony on how the proposed improvements fit in with the character of the neighborhood.

Mrs. Lill asks the board for comments or questions for the applicant.

Mayor Cuneo comments that on the photos provided from applicant, the labeled photo west side, the portion of the existing home is not flush with the front of the home. He questions to the applicant if this is the area that the side variance, if approved, will be bumped out to meet the existing portion.

Mr. Caemmerer indicates yes.

Mayor Cuneo then asks if the new garage will be built in the same footprint of existing structure.

Mr. Caemmerer indicates his intention is to build in the same footprint, the existing needs to be taken down due to extensive termite damage.

Mrs. Susan Caemmerer of 707 Riverside Dr. is sworn in by Mr. Brady.

Mrs. Lill asks applicant what the function of the rear portion or enclosed deck is. Mrs. Caemmerer states existing is a laundry room, pantry area, and a half bath. There is a foundation under a portion of it and concrete piers on the remainder.

Mayor Cuneo comments that a new foundation and footings will be poured.

Mr. Brady states it appears from the plans the enclosed deck does not encroach further into the setback.

Mayor Cuneo opens the hearing to the public portion, seconded by Mrs. Wnek. Hearing no public comments Mayor Cuneo closes public comment, seconded by Mr. Slickers.

Mayor Cuneo adds that this will be an improvement of what is existing and he sees no negative impact on the neighborhood.

Mr. Slickers states the existing non-conformities are not greatly impacted, he looks forward to seeing the improvements.

Mayor Cuneo makes a motion to approve application for Block 23 Lot 10 – Robert Caemmerer, 717 Riverside Dr. for variance as submitted, motion was seconded by Mr. Slickers.

Roll Call Vote:

Mayor Cuneo (Y)	Mr. Higham (A)	Mr. Keesling (Y)	Mrs. McDonnell (A)
Mrs. Saxton (Recused)	Mr. Slickers (Y)	Mrs. Wnek (Y)	Mrs. Lill (Y)

Mayor Cuneo votes yes for the reasons stated previously.

Mr. Keesling votes yes.

Mr. Slickers votes yes.

Mrs. Wnek votes yes.

Mrs. Lill votes yes because it is an existing non-conforming lot and the applicant has clearly proven a hardship.

Mrs. Saxton returns to the meeting.

A motion was made by Mayor Cuneo to approve the September 20, 2022 as presented; motion was seconded by Mrs. Wnek.

Roll Call Vote:

Mayor Cuneo (Y)	Mr. Higham (A)	Mr. Keesling (absent 9/20)	Mrs. McDonnell (A)
Mrs. Saxton (Y)	Mr. Slickers (Y)	Mrs. Wnek (Y)	Mrs. Lill (Y)

Consider recommending to Council amending fees for 108-22:1 Land Use Board Education Fee – make education fee for all categories of application a uniform fee of \$50. See Ordinance 2022-13-803 introduced at 10/12/22 Council mtg.; to take effect if passed Jan. 1, 2023.

Mrs. Wnek explains that this fee is being raised due to the training fees for new members have significantly increased. \$50 will be an across the board no matter what the application is.

Mr. Rohmeyer states that the majority of the applications are the C1 variances and only collecting \$15.

Mrs. Saxton asks what happens if there are no new members for training, does the collected fees stay in a specific account until it is needed?

Mrs. Lill says that the training is not only for new members but can also be used for existing members training.

Mrs. Wnek will confirm with CFO where the money is held and the balance. This will offset the cost.

Review of Zoning Officer’s suggested amendments to Application Fees 175-11 Application Fees. See Ordinance 2022-121-802 introduced at 10/12/22 Council mtg.; to take effect if passed Jan. 1, 2023.

Mrs. Wnek states that the first reading of the zoning fees change has been done, if we would like to change any other fees we can take a look.

Mr. Stocco the zoning officer states he worked with Mr. Saxton his council liaison to add the additional fees for as-built reviews and field visits.

Mr. Rohmeyer states that if the applicant does not pay the fee it is on the tax payers to pay.

Mr. Stocco did research for other towns in similar size to compare the fees, we are still in the median range of the towns.

Mrs. Wnek states that the major site plan fees and larger projects should be reevaluated.

Mrs. Saxton says subdivisions should be coming through the board.

Mrs. Lill states that more research should be done with adjacent town’s fees and compare to the existing.

A motion was made by Mr. Keesling to approve the two pending Ordinance, motion seconded by Mrs. Wnek.

Roll Call Vote:

Mayor Cuneo (abstain)	Mr. Higham (A)	Mr. Keesling (Y)	Mrs. McDonnell (A)
Mrs. Saxton (Y)	Mr. Slickers (Y)	Mrs. Wnek (Y)	Mrs. Lill (Y)

Confirm the final reading and passage of Ordinance 2022-09-799 on building height at Council mtg. 10/12/22

Mayor Cuneo confirms the Ordinance is approved and complete by the Council.

Vouchers for payment: \$ 2,850.50

Motion was made by Mayor Cuneo to approve vouchers for payment pending funds, seconded by Mrs. Saxton.

Any Other Business to come before the Board

Mrs. Saxton states there has been comments of a previous application has violated their resolution set forth by the board.

Mr. Brady adds that the board is not an enforcement agency but if the board feels there is a topic that needs to be looked into it needs to go to the mayor and Council for enforcement.

Adjournment

A motion was made to adjourn meeting by Mayor Cuneo, seconded by Mrs. Saxton. The meeting is adjourned.

Submitted By: Hannah Jacobus