

BOROUGH OF PINE BEACH
LAND USE BOARD
REGULAR MEETING MINUTES
September 20, 2022

The Pine Beach Land Use Board held a meeting on September 20, 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 (Y)	Mr. Keesling (Absent)	Mr. Higham (Y)	Mrs. McDonnell (Y)
Mrs. Saxton (Y)	Mr. Slickers (Y)	Mrs. Wnek (Y)	Mrs. Lill (Y)

Approval of the August 16, 2022 minutes:

Mayor Cuneo made a motion to approve the August 16, 2022 minutes as they read, seconded by Mrs. Wnek.

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

Hearing of application for Block 70 Lots 1 & 2 - JCM Electric LLC, Motor Rd. and Merion Ave.:

Robin La Bue of Rothstein, Mandell, Strohm, Halm, Cipriani, P.C., on behalf of JCM Electric, explains they are revising the plans after meeting with neighbors and eliminating one of the previously requested variances. Ms. La Bue requests to carry hearing to the November 15th meeting.

Mrs. Saxton asks Mr. Brady if the applicants are required to re-notice for the upcoming hearing.

Mr. Brady states that those who are present tonight are now aware of the new hearing date.

Mrs. Saxton states she feels that not re-noticing the residents is doing them an injustice. Mrs. Saxton asks the applicant's attorney if they would consider re-noticing for the new hearing date of November 15th.

Ms. La Bue explains that the applicant did re-notice for the current meeting but due to time restrictions had to send the notice prior to the meeting with the neighbors. The applicant would prefer to not re-notice but would consent if this is what is required from the board.

Mrs. Lill asks Ms. La Bue if her client is aware that just because the neighbors are satisfied with the new plans doesn't mean they are guaranteed board approval.

Ms. La Bue comments her client is well aware but wanted to address the concerns of the neighbors.

Mrs. Lill mentions that there were a significantly higher number of public participants at the last hearing date.

Mr. Slickers confirms that the proposed changes eliminate one of the originally requested variances.

Ms. La Bue states they have eliminated one of the variances due to an adjustment to the driveway to remove side yard setback.

Mrs. Lill asks attorney if the board denies the application, would they need to re-notice.

Mr. Brady expresses that the notice is to represent the overall nature of the variance requested.

Mrs. Saxton brings up the discrepancies from the August application packet and lack of plans provided, now two months later; the neighbors should be re-noticed.

Ms. La Bue states her client will re-notice and the updated plans are complete and will be provided within the next two weeks.

Mrs. Wnek suggests the plans be submitted and reviewed by the board engineer.

Mrs. Saxton asks the board attorney the timeframe of submitting the new plans.

Mr. Brady confirms that the engineer will perform the review, then the notice will be sent, the plans must be in the Borough Hall 10 days prior to the hearing date so the public can review.

Mrs. Lill adds that the applicant has never provided the board with the accurate plans.

Mayor Cuneo comments that moving forward applicant will submit new plans, getting engineer to review and approve, then a new notice will be sent out.

Mrs. Wnek confirms plans will need to be submitted September 30, 2022 to have ample time for engineer review.

Mrs. Saxton makes a motion for the board accepting the applicants request to adjourn for the November 15th meeting with the understanding that the applicant will re-notice. Mr. Higham seconds the motion.

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

Ms. La Bue and her applicant thank the board and proceed to leave the meeting room.

Public Portion:

Mrs. Saxton makes a motion to open to public comments, seconded by Mayor Cuneo.

Mr. Ervin Oross
312 Merion Ave., Pine Beach

Mr. Oross asks a question about the application requiring a height variance.

Mr. Brady responds that based on the application being adjourned there should be no discussion of the application. As well he adds that the applicants for a variance do not need to advertise variances they do not seek.

Mr. Oross adds that he is seeking clarity with response from Mr. Brady to reach out to applicant's attorney.

Dorothy Kulina
Motor Rd., Pine Beach

Dorothy Kulina expresses that the lack of attendance is because the neighbors knew the plans had not been submitted and the application would not being heard tonight. More public would have attended.

Mrs. Wnek makes a motion to close public portion hearing no further comments, seconded by Mrs. McDonnell.

Old Business:

Ordinance 2022-09-799 introduction, first reading and initial approval at 9/14/22 Borough Council mtg. to modify the definition of building height and to remove the definition of Natural Grade following the recommendations from the Land Use Board and the Borough Engineer. Public Hearing, final Council reading, and approval to be held 10/12/22.

Mayor Cuneo explains this is notice for the public hearing.

Mr. Brady expresses that the council does need to bring the changes before the board; this is to guarantee nothing the board suggests has been changed by Council.

Mrs. Lill expresses that she did more research and agrees with Mr. Slicker's opinion on removing the natural grade.

Mrs. Saxton questioned if we can re-add it.

Mayor Cuneo stated that it can be pulled from the public hearing and re-advertised but timing is limited and it cannot be carried to the New Year.

Mrs. Lill commented that the majority of the board was for the removal of the natural grade.

Mr. Slickers added that the previous version had served the board well but the chance that this will become an issue for the board is very slim.

Mayor Cuneo suggested that the board watch the time and notify the Council if they are proposing changes; the public hearing is also available to express opinions before the council.

Mr. Brady added that he received an email from Councilman Saxton and read the email. In summary the email was to open discussion with the board on mechanical equipment being in the setbacks including AC units, generators, etc. Mr. Brady stated that board members are free to discuss, but it was his interpretation after reading the Borough's Ordinance that no permanent objects including mechanicals should be installed in the setback. Mr. Brady felt the current Ordinance is sufficient.

Mr. Slickers made a comment that anyone looking to install a permanent mechanical structure would need to seek approval from the land use board.

Vouchers for payment: Vouchers to be paid: \$777.00

Mrs. Wnek makes a motion to pay vouchers pending funds; motion seconded by Mrs. McDonnell. All were in favor.

Any Other Business to come before the Board:

Mr. Slickers noted that the Attorney for the applicant expressed tonight that the applicant has met with neighbors in an effort to hear their concerns and has amended their plans. The effort is significant and shouldn't be overlooked.

A motion is made by Mr. Slickers to adjourn meeting, seconded by Mayor Cuneo. All members were in favor. Meeting was adjourned.

Submitted by: Hannah Jacobus