

BOROUGH OF PINE BEACH  
LAND USE BOARD  
REGULAR MEETING MINUTES  
April 18, 2023

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The Pine Beach Land Use Board held a meeting on April 18, 2023 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 (present)	Mr. Higham (present)	Mrs. McDonnell (present)
Mrs. Saxton (absent)	Mr. Slickers (absent)	Mr. Wieck (absent)
Mrs. Wnek (present)	Mrs. Lill (present)	

Approval of Minutes:

Mr. Higham makes a motion to approve the January 17<sup>th</sup>, 2023 meeting minutes as submitted, second by Mrs. Wnek. All in are in favor.

New Business:

Mr. Brady gives an update to the agenda items and notice that the Hearing for block 77 lot 29.01, Motor Rd. & Wayne Ave. will not be heard at tonight’s meeting.

Mrs. Lill introduces the hearing for JCM Electric LLC., block 70 lots 1&2, Motor Rs. & Merion Ave. bulk variances application for undersized lot single family dwelling.

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

Mrs. La Bue was sworn in on the record by board Attorney, Terry Brady. Mrs. La Bue continues with a description of the proposed home. Mr. Brady adds that a September email describes the changes from prior hearing to today. Mrs. La Bue reads the changes to the board; lot area remains the same due to pre-existing conditions, footprint of the

home has been reduced, the changes to the configuration of the driveway help preserve the lot's trees except in the footprint of the home. The home is now proposed to be a one-story single family, modest structure as per Mrs. La Bue. She continues that the Motor Rd. setback has increased to 17ft and setback to Merion Ave. is 31ft, driveway provides off street parking but applicant has eliminated the garage. Lot coverage has also been reduced from 21.2% to 18.4%. Mrs. La Bue introduces:

Matt Wilder  
Morgan Engineering  
130 Central Ave.  
Island Heights, NJ 08732

Matt Wilder is sworn in on the record by Mr. Brady.

Mr. Wilder introduces himself and his credentials. He continues that the single family home being proposed is a single story with onsite parking and no garage. The two lots located in block 70 in the Borough of Pine Beach. This was a prior subdivision. Mr. Wilder continues to describe the lot as 6,250 sq ft on Motor Rd. An overview of the block is shown to the board. Mr. Wilder points out the similar development to what is being proposed. The proposed building height is 12.5ft to the mean and there is a walkway on the northern side of the home to the front of the home, an asphalt parking for 2 and complies with the residential requirements. Mr. Wilder describes the drainage for the property as flowing south to north, captured by off-site drainage basin. The proposed plans intend to maintain the drainage pattern currently at the site. Mr. Wilder introduces A1, six pages of architectural plans showing floor plan and elevations of each side. He details each page and describes the proposed layout. Mr. Wilder gives his positive and negative criteria for the variances. Mr. Wilder testifies it is his belief that the lot coverage of 18% where 25% is allowed is not overwhelming to the undersized lot. The home is located in the Borough's R75 zone which is residential and plans show site to be providing two off street parking spots meeting the Residential Site Improvement Standards. The owner has sent adjacent property owners letters for purchasing lot for fair market value, no interest was shown. The hardship of the lot is that the owner cannot make it any larger. The architectural plans demonstrate the home will be built to any applicable building codes. The variances the applicant seeks in Mr. Wilder's professional opinion will not violate any traditional roles of planning, air, light, and open space. Mr. Wilder also mentions that in the surrounding neighborhood there are similar undersized lots with homes built; the proposed design would be an improvement to the site.

Mrs. La Bue asks if Mr. Wilder believes that the variance can be granted without any substantial impairment to the neighborhood; Mr. Wilder replies he does.

Mrs. Lill asks if Mr. Wilder can repeat the square footage of the home. Mr. Wilder replies 1,150 sqft. Mrs. Lill continues with asking the board for any additional comments or questions for Mr. Wilder.

Mr. Higham asks Mr. Wilder about neighborhood conformity for size of home; Mr. Wilder replies that the lots for the larger two-story home in question is on a 75x125 lot and in his professional opinion the proposed home is consistent with the neighborhood.

Mr. Rohmeyer reads his engineer letter on the record. On page three of the review letter Mr. Rohmeyer addresses that the applicant has provided the undersize lot title binders, has verified with the water and sewer department for utility connection, a description of the landscaping and provided enough information to the board and the public on their grading plans. On page six of the review letter Mr. Rohmeyer verifies the building height is consistent with Mr. Wilder's testimony and the proposed plans for a corner lot propose no site triangle issues. Mr. Rohmeyer asks Mr. Wilder if the owner is proposing any fences or walls to be constructed, Mr. Wilder responds not at this time. Mr. Rohmeyer continues with asking about off street parking, where Mr. Wilder replies yes, two off street parking spots. Mr. Rohmeyer asks if the owner is willing to consolidate the lots as a requirement from the board; Mrs. La Bue responds yes. Mr. Rohmeyer asks if there is any negative impact if the variances are granted; Mr. Wilder replies no negative impact in his professional opinion. Mr. Rohmeyer continues asking if the proposed plans protect as many trees as possible and the replacement locations; Mr. Wilder responds that the tree replacements are on the survey.

Mayor Cuneo asks what the distance between the structure and the road itself is. Mr. Wilder responds the setback is 17ft to Merion Ave and to edge of pavement is 28ft minimum. Mr. Rohmeyer asks how this compares to other homes on this street. Mr. Wilder responds that the home across the street on Merion Ave. is comparable in size and the proposed home is set further back.

Mr. Brady comments that the requirements for the buy sell letters to adjacent owners have been confirmed, the proposed home is a reasonable use of the property. The hardship variance is the dimension of the lot, the 50ft lot cannot be made wider, 125ft cannot be made longer. If the home was made to be conforming on the setbacks it would be a 15ft wide home. Applicant has provided professional testimony that the proposed home is a better zoning alternative to a conforming structure.

Mrs. Wnek asks to describe the materials and finish of the proposed home. Mr. Wilder describes the siding as a neutral vinyl comparable to the area.

Mrs. McDonnell confirms there is no basement or open attic space. Mr. Wilder confirms that there is no basement and the attic is pull down for ventilation only.

Mrs. Wnek asks for the driveway location on Merion Ave. Mr. Wilder show A2 (tax map overhead satellite image) to the board and public and confirms the driveway is not directly in line with the neighbors.

Mr. Higham questions if the proposed home sits in front of the adjacent home on Merion Ave. Mr. Wilder states that the adjacent property has a 75x125ft lot so the home is set back further into the lot.

Mrs. McDonnell asks for details of the drainage plan. Mr. Wilder describes the drainage as swales directing runoff into the existing inlet.

Mayor Cuneo makes a motion to open for public questions; motion is seconded by Mrs. Wnek.

Robert Patrick  
805 Motor Rd.

Mr. Brady swears Mr. Patrick in on the record. Mr. Patrick adds that he is an adjacent property owner and would like to know the measurement from the home located behind the proposed structure. Mr. Wilder states that the proposed structure is 20.5ft away from the rear adjacent home with a 10ft conforming setback to the property line.

Clifford Gassior  
905 Motor Rd.

Mr. Brady swears Mr. Gassior in on the record. Mr. Gassior asks the borough engineer why they could not construct a conforming home on this undersized lot. Mr. Rohmeyer, the board's engineer expresses that with a corner lot the building envelope would be very small. Mr. Wilder expresses that a 15x70ft home would fit in that envelope, the proposed home is a better planning alternative. Mr. Gassior expresses that approving this variance would be a detriment to the value of the homes in the area.

John Mallon  
516 Linden Ave.

Mr. Brady swears Mr. Mallon in on the record. Mr. Mallon continues with asking the engineer professional if he can describe the methods of storm water drainage and runoff. Mr. Wilder answers that the use of drywells. Mr. Mallon asks if the applicant is willing to pay for the cost of the tax map and the consolidation of the lots. Mr. Wilder responds yes.

Nick Puleio  
305 Merion Ave.

Mr. Brady swears Mr. Puleio in on the record. Mr. Puleio asks where the mechanicals are being located on the proposed home. Mr. Wilder responds that they will be located on the

east corner of the home near the laundry room and all mechanicals are conforming to the set-backs.

Patricia Patrick  
805 Motor Rd.

Mr. Brady swears Mrs. Patrick in on the record. Mrs. Patrick asks the applicant why the need to remove the mature 50ft trees. Mr. Wilder responds that the three trees within the footprint of the foundation must be removed. Mrs. Patrick expresses that you cannot regrow a 50ft tree.

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

Mrs. Lill comments to the applicant that she appreciates shrinking the footprint and lessening the amount of trees to be removed: twelve total lessened to three for removal is a great improvement. Having a side yard also is appealing and the one story ranch is consistent with the neighborhood. Mrs. Lill would like it to be added as a deed restriction that no second story can be built as an addition to the non-conformity. Mr. Brady confirms this can be a condition on the resolution.

Mrs. Wnek inputs that air light and open space is important to discuss. The amount of traffic at this intersection is high from the elementary school and families waiting to pick up. Mr. Brady adds that the proposed home provides the absolute minimum off street parking. Mr. Rohmeyer states that the concerns are good to discuss and can be added as a condition to the resolution that no driveway permitted on Motor Ave.

Mr. Rohmeyer reiterates the conditions discussed by the board; a one-story structure, storm water drywell for roof runoff, applicant to consolidate lots, driveway on Merion Ave only.

Mayor Cuneo makes a motion to approve application for JCM Electric LLC., block 70 lots 1&2, Motor Rd. & Merion Ave. bulk variances application for undersized lot single family dwelling, based on the conditions set forth and agreed on by the board, motion seconded by Mrs. Lill.

Roll Call Vote:

Mayor Cuneo- This application before us tonight is much nicer looking and the setback from the street to the property will give the look of a proper setback. With the conditions set forth, the Mayor votes yes.

Mr. Higham- He expresses that with the small building envelope would make the home look like a 15ft trailer. The right-of-way adds to the sight of a proper set-back but home is still in front of the neighbor's on Merion Ave. With the listed conditions, Mr. Higham votes yes.

Mrs. McDonnell- With the purchase of the undersized lot, the owner knew the hardship. What is proposed with the application is better than having a trailer on a lot, Mrs. McDonnell votes yes.

Mrs. Wnek- The front setback off Merion Ave is better as proposed in this application. Weighing the positive and negative criteria, she states she is drawn to make the setback bigger. Mrs. Wnek votes yes.

Mrs. Lill- Appreciates the applicant coming back with a more conforming application and lot coverage of 18% of the land with an undersized lot, the conforming setbacks on the rear being 10ft. This is positive for the air, light, and open space of the lot. Mrs. Lill votes yes.

Mrs. Lill states that at the next meeting a Resolution will go before the board for a vote and thanked the applicant.

Borough Engineer:

Mr. Rohmeyer gives the board members a quick update on Borough projects.

- NJDOT updates on parking lot and repaving
- CDBG grant replacement of walkway on Pennsylvania Ave.
- Water Tower is back on track for late summer after the high demand of water usage. Repainting in the Fall.
- DCA Local Recreation Grant awarded for upgrades to parks
- OC walkway trail behind Walling Field Complex
- Save Barnegat Bay water quality testing throughout May, no reports

Vouchers for Payment:

Vouchers to be paid: \$1,502.50

Mayor Cuneo makes a motion to pay vouchers pending funds, motion seconded by Mr. Higham. All are in favor.

Public Portion:

Mayor Cuneo makes a motion to open to public portion, seconded by Mrs. Wnek.

Dave Locandro  
221 Merion Ave.

Expresses his opinion on the tough decisions made tonight, he also inquires about a survey that was conducted at the end of Merion Ave. Mayor Cuneo assures him not proposed development from the Borough.

Hearing no further public comments, Mayor Cuneo makes a motion to close the public portion, seconded by Mrs. Wnek.

Any other business to come before the Board:

Mrs. Wnek reminds the board that financial disclosures are due April 30<sup>th</sup>.

Adjournment:

A motion was made to adjourn meeting by Mayor Cuneo, seconded by Mr. Higham.

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Hannah Jacobus  
Recording Secretary