

BOROUGH OF PINE BEACH
LAND USE BOARD
REGULAR MEETING MINUTES
May 16, 2023

The Pine Beach Land Use Board held a meeting on May 16, 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.

Oaths of Office:

Mr. Brady swears in:

Class IV - Scott Slickers (1/1/2023 - 12/31/2026)

Class IV - Al Vega (1/1/2023 - 12/31/2025) (remainder of previous term)

Attendance/Roll Call:

Mayor Cuneo (present)

Mr. Higham (present)

Mrs. McDonnell (absent)

Mrs. Saxton (present)

Mr. Slickers (present)

Mr. Vega (present)

Mr. Wieck (present)

Mrs. Wnek (present)

Mrs. Lill (present)

Approval of Minutes:

Mr. Higham makes a motion to approve the April 18, 2023 meeting minutes as submitted, seconded by Mayor Cuneo. 4 Ayes; 0 Opposed; Abstain: Mrs. Saxton, Mr. Slickers, Mr. Vega, Mr. Wieck, Mrs. McDonnell (absent).

New Business:

Hearing of appeal of administrative officer decision on zoning application for 817 Lincoln Ave, Block 21 Lot 17, zoning case Z-2023-14.

Mr. Reid, attorney for applicant reads his credentials on the record.

Cafarelli & Reid, LLC

203 Cedar Lake Point

Forked River, NJ 08731

Mr. Reid begins that tonight’s hearing is to appeal a zoning denial. In his professional opinion a non-conforming structure may be renovated or restored in the current foot print. The determination of the board tonight is if the structure is substantially damaged by acts of the owner.

Mr. Higham asks Mr. Reid if the property has the proper UCC building permits.

Mr. Reid claims there is no destruction and claims the interior work that has been completed does not require permits.

Mrs. Saxton asks the board attorney, Mr. Brady, if the removal of the chimney is exterior demo.

Mr. Brady responds that since the owner has removed the chimney it can no longer be built in the non-conforming footprint.

Mr. Rohmeyer reads his review letter on the record for the board. The subject property is located mid-block, on the south side of Lincoln Avenue between Henley Avenue and Cedar Avenue, and lies within the R-75 (Single Family Dwellings - Medium Density Residential) Zone. The lot is currently developed as a 1-1/2 Story SFD, with a block patio, shed, and an asphalt driveway. The applicant is appealing the Zoning Officer's decision to deny the applicant's zoning permit. Specially the applicant has submitted a zoning permit on 02/09/2023 to renovate the existing house with electrical and siding, where the Zoning Officer denied the zoning permit on 03/9/2023 with the following noted, "As per 175-38 & 175-40, Nonconforming Uses, the structure has been substantially destroyed by acts of the owner and thereafter no such structure shall be rebuilt except in conformance with Chapter 175 of the Borough Code."

Mr. Rohmeyer continues with the following section for the Board Members to consider: #175-8c "Duties of Zoning Officer: Should the Zoning Officer be in doubt as to the meaning or intent of any provision of this chapter or as to the location of a zone boundary line on the Zoning Map or as to the propriety of issuing a zoning permit or occupancy permit in a particular case, he shall require the applicant to appeal the matter to the Planning Board for interpretation and decision."

Mr. Rohmeyer indicates that the photos taken by the zoning officer are to show the condition of the home.

Mr. Brady states that the board must focus on what the applicant is appealing and making a determination of the correction of the ruling by the zoning officer.

Mr. Luis Franceschi
Franceschi Properties LLC
1201 Mermaid Ave.
Beachwood, NJ 08722

Mr. Franceschi is sworn in on the record by Mr. Brady. Mr. Reid asks Mr. Franceschi if the goal is to renovate the home, Mr. Franceschi responds yes. Mr. Reid asks if the applicant consulted an architect. Mr. Franceschi responds yes, and the architect states the home was structurally sound. Mr. Franceschi continues that he is planning on submitting UCC permits after his zoning is approved and to continue with his renovations and eventually obtain a CO. Mrs. Lill asks Mr. Franceschi if these plans that the board is reviewing tonight are the plans he intends to submit with his building permits. Mr. Franceschi responds yes. Mrs. Wnek asks Mr. Franceschi if he plans on submitting additional zoning applications if he is intending on having a fence, shed, or any additional structures. Mr. Franceschi responds, yes.

Mrs. Wnek makes a motion to open the meeting to public comments, Mayor Cuneo seconds the motion. Hearing no comments Mrs. Wnek makes a motion to close public comments, seconded by Mr. Higham.

Mr. Slickers makes a motion to appeal the zoning officer's denial thus granting zoning application Z-2023-14.

Roll Call Vote:

Mayor Cuneo votes yes. He continues that this has been a long road for all involved. Applicant must now follow the applicable construction (UCC) rules.

Mr. Higham votes yes.

Mrs. Saxton votes yes for the betterment of the neighborhood and Pine Beach. All permits must be obtained properly and follow the same rules all owners must follow.

Mr. Slickers votes yes. The renovations are not considered a zoning impact, lesson has hopefully been learned.

Mr. Vega vote yes. He adds that with the proper documentation that has been presented tonight, there is no negative impact to the zoning plan. Applicant must follow the proper building (UCC) procedures.

Mr. Wieck votes yes. He continues that he is voting yes so the owner can renovate, he does not want the home vacant. Hopefully a lesson was learned tonight and proper permits (UCC) will be obtained.

Mrs. Wnek votes yes, move forward and make progress in restoring the building in the same footprint.

Mrs. Lill votes no. Mrs. Lill explains that she is upholding the Zoning Officer's decision and feels the applicant should have stopped when noticed and come to the board for relief.

Old Business:

Resolution 2023-05 - Bulk variances approval for JCM Electric LLC, Block 70 Lots 1 & 2, 301 Merion Ave.

Mayor Cuneo makes a motion to accept Resolution 2023-05 as it reads, motion is seconded by Mrs. Wnek.

Roll Call Vote:

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

Vouchers for Payment: \$1,729.50

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. Hearing no comments, Mayor Cuneo makes a motion to close public portion, seconded by Mr. Higham.

Any other business to come before the Board:

Mrs. Saxton asks for clarification on the board's involvement on the Zoning Department denial process. Mayor Cuneo states that if the Zoning Officer ever has a question he should deny and send the decision to the board.

Adjournment:

A motion was made to adjourn meeting by Mr. Higham and is seconded by Mrs. Saxton.

Hannah Jacobus
Recording Secretary