

BOROUGH OF PINE BEACH
LAND USE BOARD
REGULAR MEETING
August 5, 2021

The Land Use Board for the Borough of Pine Beach held a regularly scheduled meeting on August 5th, 2021 at 7:30pm in the Municipal Building, 599 Pennsylvania Ave. Chairperson, Mrs. Lill, called the meeting to order and led all in a flag salute. She then read the opening statement:

1. 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.

2. Flag Salute

3. Roll Call: Mayor Cuneo (absent) Mr. Budes a (Present) Mr. Higham(Present)
Mr. Keesling(Present) Mr. Pierson (absent) Mrs. Saxton(Present)
Mr. Slickers(Present) Mrs. Stone(Present) Mrs. Wnek(Present via Zoom) Mrs. Lill(Present)

4. Approval of Minutes

Approval of the June 3, 2021 meeting minutes;

Mrs. Lill would like the typo on page 1 corrected from “access” to “excess”.

Mr. Higham had a question on 6/3 minutes. In New Business, Mayor Cuneo stated that item 2 on resolution “...is mandatory to be installed...” This should be changed to “...is not mandatory to be installed...” to correctly reflect the Mayor’s previous (6/3) statement.

A motion was made by Mr. Keesling to approve the amended minutes and seconded by Mrs. Saxton.

All in favor; Mr. Keesling, Mrs. Saxton, Mr. Slickers, Mrs. Stone, Mrs. Wnek

Abstain; Mr. Budes a, Mr. Higham, Mrs. Lill

Not present; Mayor Cuneo, Mr. Pierson

5. Old Business

Ordinance amendment for the ambiguous wording for where to determine “grade from”.

Mr. Budes a stated that the council has come to an agreement that the Ordinance does need to be changed. The Ordinance has not yet been amended but will be brought to attention at the 8/9/21 Council work meeting.

Mr. Keesling asked Mr. Budes a if he will take accountability in pushing the Council to amend the Ordinance. Mr. Budes a agreed with Mr. Keesling.

Mr. Higham asked for the Council to come to the Land Use Board with a draft before amending it so the LUB can approve the wording.

Mr. Budes a agreed that the draft wording can come back for approval.

Mr. Keesling reminded the board that this has previously been a discussion and was not followed through on.

Mrs. Lill stated that this was the first corner lot to come before with this request. The variance was granted primarily, in her opinion, based on the measurement from Linden Ave. It is not conforming from the front door where normally the measurements have been taken from. The ambiguity in the Ordinance caused the need for the variance.

Mrs. Stone clarified that the granting of the variance is based on the negative criteria and not the ambiguous wording.

Mrs. Stone added that to grant a variance is based on those specific factors not on the ambiguity of the Ordinance.

Mrs. Lill stated that even with the changes proposed after the Lincoln Ave. case, this new variance would still have arisen based on the corner lot and the measurement being taken from the Linden St. side. The Board would like to define things more clearly and follow through with these changes to the Ordinance.

Mr. Budesá requested that a copy of the wording from the previous changes suggested to be given for the 8/9/21 Council Work meeting for discussion.

Mrs. Saxton stated that at the last meeting (6/3) Resolution 2021-07 was provided at the start of the meeting and not provided in advance via email for a sufficient review.

Mrs. Saxton would like to have the time frame set to five business days for review of Resolutions or other pertinent materials provided from our Land Use professionals. Also, she stated that a vote on a Resolution or other materials should not take place if this time frame is not met.

Mrs. Saxton stated that also Resolution 2021-07 and the minutes from 5/6 were not in sync. The concern for future research of these articles reflects an inconsistency on our Borough.

Mrs. Stone stated that these items that were amended on the Resolution 2021-07 are not material to the Resolution 2021-07.

Mrs. Saxton would like the meeting minutes and the Resolutions provided to align.

Mrs. Saxton further clarified that the meeting minutes and the recording align but the Resolution 2021-07 did not. For the future, the board should have these aligned.

Mrs. Saxton made a motion that when a resolution is being presented to the Land Use Board that the board has 5 days to review prior to voting and adopting a resolution.

The motion was seconded by Mr. Keesling.

Roll Call vote;

Mayor Cuneo (absent)	Mr. Budesá (Y)	Mr. Higham(Y)	
Mr. Keesling (Y)	Mr. Pierson (absent)	Mrs. Saxton(Y)	
Mr. Slickers(Y)	Mrs. Stone(Y)	Mrs. Wnek(Y)	Mrs. Lill(Y)

Mrs. Saxton made a motion for the Pine Beach Land Use Board that the documentation of the meeting minutes, recording, and resolution should align in content.

Mr. Budesá stated that the resolution should be an accurate reflection of the minutes, if there is an error than the Resolution should not be voted on. These amendments to resolution should be done before voting. This does not need to be voted on due to this being a current practice in LUB. The motion to have the resolution 5 days before the meeting should take care of this issue.

Mrs. Lill read the Board Engineer's final approval for the grading for 614 Hillside Ave.

Mrs. Lill also stated that the Engineer, Attorney, and Zoning officer all feel comfortable with this drainage plan and it does not create any hardships for the neighbors. This change is made as an administrative change.

Mrs. Saxton stated that we are not going forward with the second motion but would like it to be noted that going forward all minutes, recording, and resolutions should be aligned in content. The board should adhere to these standards.

Mr. Keesling questioned to the board what the Land Use attorney's role is.

Mr. Budesá stated that the role is to guide the board in legal issues regarding the standards needed to be met, as well as issues that arise during the applications. Attorney also answers the questions that arise during the testimony.

Mrs. Stone added that the board attorney assists with the proper procedures of the Land Use Board.

Mr. Keesling stated that the Attorney's role is to ensure we are compliant with the laws and ordinances that we have developed as a board, but not to give his opinions.

Mr. Budesá replied he is here to give us his opinion on legal matters as well.

6. New Business

Berkeley Twp. amended Ordinance “21-23-OA” Redevelopment Plan of Rt. 9 area for a distribution warehouse. (Article 1)

Mrs. Lill introduced article 1 package and asked the board for their opinions.

Mr. Keesling questioned the relevance to the Pine Beach Land Use Board.

Mrs. Lill stated that the entrance and exit for the warehouse can have an impact on our community. She reminded the board of a previous case where the board had a role in impacting a LUB Variance request from a neighboring town. The potential for this large development can create an impact on our local infrastructure in town. This was brought to our attention because we are a neighboring town.

Mr. Slickers stated that in the review of this packet (article 1) it seems the concern is with the notice given for the change of Ordinance (Berkeley Twp.), he questioned if we knew if there was a formal application for this site that has been submitted before their boards?

Mrs. Lill directed him to the detailed diagram of the plan. (Ordinance 21-OAB)

Mr. Budesá stated that he had reviewed a letter and he agrees with Mr. Slickers that Berkeley has added another use into the existing Ordinance. We do not know yet if they have an actual application and also he is not sure what obligation Berkeley has to notify us of an ordinance change. He continued with that he agrees that this would have an impact on Pine Beach and route 9, eventually, something will get developed there. He suggested we wait until an actual application has been submitted to review.

Mrs. Stone stated that she doesn't know how Pine Beach could prevent these changes to their redevelopment plan. She also added that the package (article 1) was unprofessional in the wording.

Mr. Slickers agreed that a change in Berkeley's redevelopment plan is out of our jurisdiction.

Mr. Budesá stated that if an applicant came before the town they would now not need a variance, but they would need to provide their development plans.

Mr. Keesling stated that he recently has been to an area with a “last-minute” warehouse site and the surrounding site is actually beautiful. Berkeley would need to include a new traffic plan.

Mr. Budesá added that there is or was a plan to extend Gladney Ave (Berk.) down into Western Blvd., this may be a contingency to this development plan. Amazon is a smart company and they will choose a site that is conducive to their capacity.

Mr. Higham had no comments.

Mrs. Stone had nothing further.

Mrs. Saxton asked if this package was presented to us to bring Pine Beach aware of what is potentially taking place.

Mrs. Lill responded that it was submitted to make us aware and to give us the option to take action within the 45 day notice period.

Mrs. Stone stated that she doesn't feel we have the standing to question or litigate against. She views the change in the redevelopment plan to attract developers to, in her opinion, what is an eyesore in the community.

Mrs. Lill stated that a large concern is the number of environmental issues at this site.

Mrs. Saxton proposed that someone on the council reach out to Berkeley council to remove the question of if there is an actual plan here. This would alert our community to what is to come.

7. Public Portion

A motion was made by Mr. Slickers and seconded by Mrs. Saxton to open the public portion of the meeting.

Mrs. Judith Corby - 401 Buhler Ave.

Mrs. Corby asked if the board would consider reaching out to the council for them to approach these neighboring towns with our concerns (in regards to the Berkeley redevelopment plan).

Mr. Budesa answered that he is willing to speak with the council and reach out to the appropriate representatives from the impacted towns.

Mrs. Corby expressed that her concern was about the vans and the trucks coming into the center. The roadways would be impacted due to traffic on Rt. 9.

Mr. Budesa stated he will reach out to get the overall project from the Mayor of Berkeley.

Mr. Keesling stated that there is no way this will get approved without traffic studies and environmental studies.

Mrs. Corby mentioned that another concern is that Berkeley now owns that area; do they now bypass this process? Other companies who tried to purchase this site couldn't get these permits.

Mrs. Stone added that with a large zoning application, there is a lengthy process to receive approval from her experience. This change to the ordinance does not allow them to circumnavigate this process.

Mr. Budesa agreed to Mrs. Stone's comment and added that the Borough owned Admiral Farragut and had to submit these steps to obtain approval for redevelopment.

Mr. Rich Lill - 707 Hillside Ave.

Mr. Lill began with his concerns over the amount of traffic already on Linden Ave and how this will now affect his family and home. This is why he is against the redevelopment of the Berkley Twp. warehouse. The lives and safety of the children in the community are his greatest concern. He added that it is an eyesore on Route 9 and something needs to be done, there has to be a good compromise from the neighboring towns and Berkeley for this site.

Mr. Keesling replied that the traffic issue in Pine Beach needs to be addressed.

Mr. Lill responded that the issue is more of a council matter. The cut-through for Ocean Gate and Beachwood are County Roads and this redevelopment is a compound to this already existing issue.

Mr. Christian Corby – 432 Prospect Ave.

Mr. Corby stated that the cops are pulling people over on prospect by his house.

Mrs. Lill re-stated that if you have an example of a traffic issue in town, please notify the Pine Beach Police department.

Ms. Pamela Peterson – 401 New Jersey Ave.

Ms. Petersen has been a resident for many years and expressed that the Borough of Pine Beach is a great place to raise a family. Her concern for this site is the environmental issues that arise with 250 vans and trucks coming and unloading, as well as the workers coming and going. She continued that Route 9 cannot handle this volume and the safety concerns that come along with the traffic. Our property values could be affected by this. She sees Pine Beach as "the pearl of Ocean County" and is very concerned. The redevelopment plan (Berkeley) will have a large impact on our Borough's safety and environmental issue in the future.

Hearing no further public comments, a motion was made by Mr. Slickers to close the public portion of the meeting and seconded. All were in favor.

8. Any Other Business to Come Before the Board

Mr. Budesa will be a liaison to the council and forward any other findings/status from Berkeley Twp. to the board.

Mr. Keesling stated that on Riverside Dr. it is unsafe to walk. He would like it considered for ways to make it safer.

9. Vouchers for payment

Vouchers for payment:
August 5, 2021

T & M Associates

4/9/2021 - completeness and finalizing and distribute letter for engineer review	5/6	\$ 412.50
5/6/2021 - prepare for and attend the Pine Beach planning board meeting	6/8	\$425.00
6/30/2021 - Resolution compliance review and finalized	6/30	\$150.00
		Total \$987.50

Cafarelli & Reid, LLC

Total -

Roll Call vote for payment on vouchers;

Mayor Cuneo (absent)	Mr. Budesca (Y)	Mr. Higham(Y)	
Mr. Keesling (Y)	Mr. Pierson (absent)	Mrs. Saxton(Y)	
Mr. Slickers(Y)	Mrs. Stone(Y)	Mrs. Wnek(Y)	Mrs. Lill(Y)

2. Adjournment

A motion was made by Mr. Budesca and seconded by Mrs. Stone to adjourn meeting, all were in favor. Meeting was adjourned at 9:05pm.