

BOROUGH OF PINE BEACH  
LAND USE BOARD  
REGULAR MEETING  
JULY 2, 2020

The Pine Beach Land Use Board held a meeting on July 2, 2020 in the Municipal building, 599 Pennsylvania Ave. at 7:30 PM. Chairperson Patricia Wnek called the meeting to order and read the Opening Statement: In compliance with the Open Public Meeting Law, P. L. 1975 C231 notice of this meeting was sent to the 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. This statement shall become a part of the official minutes of this meeting.

Ms. Wnek led in the Flag Salute.

Roll Call: Present, Mr. J. Pierson, Mrs. C. Carney, Mrs. C. Lill Mrs. P. Wnek, Mr. S. Slickers, Mr. C. Higham, Mrs. J. Saxton, Mr. Keesling

Absent: Mayor L. Cuneo, Mr. R. Budesa

New Business:

Discussion of rules and bylaws:

Board Attorney Christopher Reid discussed some background of this subject, the administration of the Land Use Board. Particularly if there is a conflict with a board member when they live within 200 feet of the applicant and can't testify because of being on the Board. Mr. Reid mentioned that members must take caution to avoid litigation. Most times the court remands the matter back to the Board.

Mr. Reid provided copies from the N. J. Land Use and Administration book, commonly called the Cox book with a recommendation to adopt the Cox rules. The Borough ordinance, Chapter 108 entitled Land Use Procedures does not direct the board as bylaws.

Mr. Keesling commented that it is best to error on the side of caution.

Mr. Reid felt that the rules would provide guidance to the members.

Ms. Saxton feels the rules would violate your right as a property owner to protect your vested interest. The membership is a volunteer position.

Mrs. Lill commented that she has been a Land Use Board member for many years, and 3 or 4 times she has been recused from hearing the application but trusted the competency of the board members. By being a part of the community members have an opportunity to shape the town.

Mrs. Saxton added that all citizens have the opportunity to be on the Board.

Mr. Keesling suggested that by adopting the bylaws, any new appointees could read them and know what is expected.

Mrs. Saxton stated that board members can have lasting ramifications to decisions, and possibly have a negative impact on property.

Mr. Reid suggested that members read through the information and write notes in the margin, and he will review it.

Mrs. Saxton feels this silences your vote as a resident and tax payer and would like to have the right to speak. The Board is here to consider allowing an exception to an existing ordinance and she does not want to be silenced by being on the board.

Mr. Reid stated that board members have to leave the room during the application that there is a conflict with.

Mr. Reid suggested that the board members email him with their suggestions written on the margin. He will highlight the differences and send them out.

Mr. Reid directed the board members to section 210-2b which states that your attorney can appear and give testimony.

Mr. Higham suggested adopting the model but Mrs. Saxton would like to read through it.

There was discussion of various old cases.

Perhaps the board can meet next month to discuss this further.

Mr. Rohmeyer, Board engineer, was present to discuss the proposed storm water management ordinance. The DEP has updated the storm water requirements for the state and we need to update our storm water ordinance. We have until March of 2021 to be in compliance.

The major changes include utilizing green infrastructure and adds new definitions.

The Board must review the ordinance and agree that it does not conflict with our master plan. By adopting the ordinance we will delete the current section and insert the new ordinance. The only discussion concerns the last page penalty fees. The Borough Code Chapter 175-13 lists the penalty. Chapter 175-71F will be deleted in its entirety. There are some wording changes. The new applicant for major development must follow strict rules. Anything not built will be required to use these new rules

The major development model is on the third page and will be revised in the new ordinance.

Mr. Keesling asked if this will impact any existing conditions for the town, and Mr. Rohmeyer explained that we have a TIER A permit.

One change is that any proposed development is to have a method to clean the water.

Mr. Pierson suggested that the Board has to recommend adoption of this ordinance to the Council and they have to adopt it.

Mrs. Saxton would like to see a comparison of the two sections in the ordinances.

Mr. Pierson made a motion to forward a recommendation to Council to adopt the new storm water ordinance and Mrs. Lill seconded

Roll Call: Yes Mr. Pierson, Mrs. Carney, Mrs. Lill, Mrs. Wnek, Mr. Slickers, Mr. Higham, Mrs. Saxton

Abstain, Mr. Keesling

Absent, Mayor Cuneo and Mr. Budesa

There were no vouchers for payments

Mrs. Wnek called for public comments, and there were none.

Mrs. Wnek asked if there was any other business to come before the board and there was none.

Mr. Pierson made a motion to adjourn and Mr. Higham seconded.

All Ayes, meeting adjourned.

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