

**BOROUGH OF ISLAND HEIGHTS**

**PLANNING BOARD**

**REGULAR MEETING MINUTES**

**MARCH 9, 2023 – 7:00 P.M.**

**CHAIRMAN NOBLE CALLED THE MEETING TO ORDER AT 7 P.M.**

**CHAIRMAN NOBLE LED ALL IN THE:**

SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA

**CHAIRMAN NOBLE READ THE FOLLOWING:**

**PUBLIC MEETING ANNOUNCEMENT:**

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT OF THE STATE OF NEW JERSEY, ADEQUATE NOTICE OF THIS MEETING WAS PUBLISHED IN THE ASBURY PARK PRESS AND THE NEWARK STAR LEDGER ON NOVEMBER 19, 2022 STATING THE TIME, DATE, PLACE OF THIS MEETING. NOTICE OF THIS MEETING WAS ALSO POSTED ON THE BOROUGH BULLETIN BOARD, ADVERTISED ON THE BOROUGH TELEVISION CHANNEL AND WEBSITE.

THIS MEETING IS A JUDICIAL PROCEEDING, ANY QUESTIONS OR COMMENTS 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.

**CHAIRMAN NOBLE REQUESTED THE:**

**ROLL CALL OF THE MEMBERS OF THE PLANNING BOARD:**

Mr. Baxter	<u>Present</u>	Absent
Ms. Bottomley	<u>Present</u>	Absent
Mr. Boyko	<u>Present</u>	Absent
Ms. Kier	<u>Present</u>	Absent
Mr. Noble	<u>Present</u>	Absent
Mr. MacNeal	<u>Present</u>	Absent
Mr. Parisi	<u>Present</u>	Absent
Ms. Pendleton	<u>Present</u>	Absent
Mr. Richert	<u>Present</u>	Absent
Mr. Slavick	Present	<u>Absent</u>
Mr. Wilber	<u>Present</u>	Absent

**CHAIRMAN NOBLE INTRODUCED THE:**

**APPROVAL OF PRIOR MEETING MINUTES:**

Adoption of the Proposed Minutes of the Board Meeting Conducted on February 9, 2023

Motion: Mr. Baxter

Second: Mr. Parisi

Board Comments/Discussion: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley <u>Yes/No</u> Abs.	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton <u>Yes/No</u> Abs.	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble Yes/No <u>Abs.</u>	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber Yes/No <u>Abs.</u>	

**CHAIRMAN NOBLE INTRODUCED:**

Block – 54 – Lots 10 and 12 – 12 and 16 Park Avenue – Petricko

Request for Minor Subdivision

Presentation of Proposed Resolution – Mr. Brady

Board Member Comments/Questions:

None

Motion to Adopt the Resolution as Presented:

Motion: Mr. Baxter

Second: Ms. Pendleton

Board Member Comments/Discussion: None

Voting Record:

Mr. Baxter <u>Yes/No</u> Abs.	Ms. Bottomley <u>Yes/No</u> Abs.	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton <u>Yes/No</u> Abs.	Mr. MacNeal Yes/No <u>Abs.</u>		
Mr. Noble Yes/No <u>Abs.</u>	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber Yes/No <u>Abs.</u>		

**CHAIRMAN NOBLE INTRODUCED:**

Block 26 – Lots 2 and 3 – 115 Ocean Avenue – United Methodist Church

Request for Variances

Presentation by Applicant:

Prior to the start of the applicant presentation, Mr. Baxter and Ms. Pendleton Confirmed with Mr. Brady that they will not be participating due to the type Of Variance being sought by the applicant.

Robert Shea was recognized as counsel for the applicant. Mr. Shea indicated The applicant had a sign in the same location that is the subject of this Application. The applicant replaced the sign but the new sign is not in Compliance with the code of the Borough and thus requires a variance to Remain at that location. Mr. Shea indicated that the old sign was Approximately sixty years old and in poor condition. He said that the Applicant is requesting a C-2 Variance due to the size of the sign.

Mr. Brady advised the Board that the applicant will need a D-2 Variance as The sign is an expansion of non-conforming use.

Mr. Shea said that he does not agree with Mr. Brady but that the Board could Decide the issue of the type of variance after he complete his presentation.

Mr. Shea said that the church is an inherently beneficial use of property.

Edward Listen was recognized as counsel for the property owner at; 110 Ocean Ave., Island Heights. Mr. Listen said that his clients do not support the Issuance of the requested variance. Mr. Listen said:

1. The person who filed for a sign permit for the applicant was not a legal representative of the applicant
2. The applicant should have applied for a certificate of non-conformity or a variance before replacing the sign
3. The applicant should have provided a list of persons or entities with a property interest in the property where the sign is located
4. It is not clear that the Board even has jurisdiction to rule on this application

Mr. Shea responded that he did not agree with the assertions made by Mr. Listen.

Mr. Shea introduced his first witness; Kenneth Smith, Licensed Professional Engineer. Mr. Smith was recognized as an expert by the Chair.

Under questioning from Mr. Shea, Mr. Smith testified as to the location of the sign at issue, the dimensions and setbacks, he compared these to the old sign that was removed. He testified as to the lighting of the old and new signs. Mr. Smith was questioned by Mr. Listen and they disagreed as to the size of the old and new signs.

Mr. Smith was questioned by members of the public; Chris Wightman, Katie Totman, Chery Nitale and Denise Somer as to the size, location and lighting of the applicant's sign and other signs in the Borough.

Mr. Shea introduced his second witness; Gordon Gemma, Licensed Professional Planner, he was recognized by the Chair as an expert.

Under questioning by Mr. Shea, Mr. Gemma testified that the applicant's sign is a pre-existing non-conforming use of their property. He said that the new sign is materially similar to the old sign and has fewer components.

Mr. Gemma was questioned by Mr., Listen; as to his knowledge of the Municipal Land Use Law and types of sign lighting.

Mr. Gemma was questioned by members of the public; Tom Hummel, Lynn Pendleton, Angela Whitehall, Chris Wightman, Denise Summer, Stephen Garofalini, Pattie Fusaro, Katie Totman and Eric Bornabush, as to the lighting of the applicant's sign.

Mr. Shea said this concluded his presentation on behalf of the applicant.

#### Board Members Comments/Questions:

Mr. Wilber questioned whether the applicant had spoken to surrounding Residents about the sign. He said that he thought that a negotiated solution to This situation would be the best outcome.

Public Comments:

The chair again recognized Mr. Listen; he introduced his client; Katie Totman. Under questioning by Mr. Listen, Ms. Totman talked about the installation of Sign by the applicant and provided photos to the Board. She said that the sign Initially displayed the time and temperature but now shows varied content. She Said that the sign is very disruptive and annoying to her as she lives across the Street on Ocean Avenue.

Fred Slack – this Board is made up of unpaid volunteers and they do a great job And should receive our gratitude.

The following members of the public spoke in opposition to the granting of the Variance requested by the applicant; Shireen Hatami, Chris Wightman, Patricia Caneda and John Pendleton.

Evalice Bishop - I am pastor of the church where the sign is located and as a Representative of the applicant since July 1, 2022, I want to say that we do not Wish to be divisive, we continue to do our important work for the community. This town is beautiful and we want to help all people who are in need. We Hoped that the sign would be a good way to communicate with the community.

Motion to Adjourn any Further Hearing on this Matter to the May meeting (May 11, 2023) at this Same Location (Elementary School) to Allow the Parties an Opportunity Discuss Possible Areas of Agreement on a Sign at The Applicant's Property, No Further Notice or Publication by the Applicant will be Required. During this Period the Sign at Issue is to Remain Off Unless it is Turned on for a Demonstration During a Meeting of the Parties

Motion: Mr. Wilber

Second: Ms. Kier

Comments:

Mr. Parisi - I am not sure that this adjournment will accomplish Anything.

Mr. MacNeal – This adjournment is a bad idea.

Mr. Wilber – This sign is a significant investment for a non-profit In the Borough and they need to find a solution that is financially Reasonable.

Voting Record:

Mr. Baxter Yes/No <u>Abs.</u>	Ms. Bottomley <u>Yes/No</u> Abs.	Mr. Boyko <u>Yes/No</u> Abs.	Mr. Richert <u>Yes/No</u> Abs.	Ms. Kier <u>Yes/No</u> Abs.
	Mr. Parisi <u>Yes/No</u> Abs.	Ms. Pendleton Yes/No <u>Abs.</u>	Mr. MacNeal <u>Yes/No</u> Abs.	
	Mr. Noble <u>Yes/No</u> Abs.	Mr. Slavick Yes/No <u>Abs.</u>	Mr. Wilber <u>Yes/No</u> Abs.	

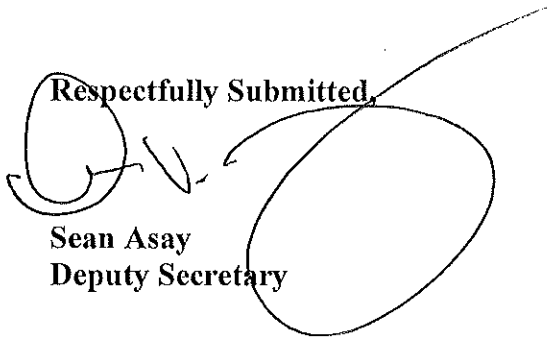
**Chairman Noble entertained a:**

Motion to Adjourn:

Motion: Mr. Parisi  
Second: Mr. MacNeal

Voice Vote                      Yes: Unanimous                      No: \_\_\_\_\_

The meeting was adjourned at 11:10 P.M.

**Respectfully Submitted,**  
  
**Sean Asay**  
**Deputy Secretary**