

MINUTES OF THE MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, JUNE 30, 2021 IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH HELD REMOTELY AND IN PERSON DUE TO SOCIAL DISTANCING RESTRICTIONS CAUSED BY COVID19.

The regular meeting which was held remotely and in person called to order by Chairman Ken Connors who announced that the meeting had been duly advertised in the Asbury Park Press and the Independent in accordance with the New Jersey Open Public Meetings Act, more commonly known as the Sunshine Law.

Roll Call shows the following members were present virtually: Mr. Lloyd Coffey, Ms. Bruna Devino, Ms. Elizabeth Sweeney, Ms. Laura Hallam, Mr. Michael Murray and Andrew Denbigh, Board engineer. Chairman Ken Connors, Mr. Frank Wells, Mrs. Laurette Wade, Councilman Louis Andreuzzi, Councilman Anthony Cavallo, Patrick McNamara Board attorney, Dennis Dayback, Board engineer and Madeline Russo, Board secretary were present in person in the Senior Room at Borough Hall. and Mr. Shannon Hoadley was unable to attend.

Ms. Hallam moved to approve the minutes of the previous meeting and Councilman Andreuzzi seconded the motion. The Chairman asked if there were any additions or deletions. There were none. The motion was carried by a unanimous voice vote of approval.

The Chairman advised that Keystone Building & Development c/o Gary Klein, Tennent for the property located at 300-206 Union Ave. has been carried. Attorney McNamara advised the concerned residents that they will receive a new notice when the applicant plans to appear. They will be appearing before the Mayor and Council to apply for redevelopment. Councilman Andreuzzi moved to carry the application and Ms. Wade seconded the motion. The motion was carried by a unanimous voice vote of approval.

The Board received copies of zoning permits for the following from the Zoning Officer, Dennis Dayback: 719 Fourth Street, 1209 Patterson Avenue, 910 Union Avenue, 919 Eighth Street, 54 Scholer Drive, 1400 Florence Avenue, Fourth Street, 229 State Street, 423 Prospect Avenue, 634 Morningside Avenue, 219 Union Avenue, 122 Campbell Street, 213 Herbert Street, 402 Union Avenue.

Tony Medina, Kissimmee, Florida was represented by Paul Mirabelli both appeared virtually to appeal the decision of the zoning officer. The appeal is for the denial of the zoning permit application #2960 and zoning permit #3061 issued to the property located at 732 Second St Block 7 lot 11. There are two structures on this property.

Mr. Medina was sworn in Mr. Marc Leber, East Point, 11 S. Main, Marlboro was sworn in and accepted as an expert. Mr. Dayback and Mr. Denbigh were also sworn in.

As per Mr. Mirabelli, on both applications his client was looking to lift the homes and then reconstruct them and rent them out. One unit is vacant at this time. Mr. Medina clarified that one of the units in the two family is vacant. Mr. Mirabelli stated that neither application calls for a subdivision. They want to raise the one structure on one application and then raise the slightly smaller structure on the other application. Does not want to demolish. On the one application he wants to go from a three family to a two family. The other structure they want to

prove its existence. There is no reconstruction. Mr. Mirabelli feels that there is nothing in case law that says this Sandy law does not apply to reconstruction or new buildings. Starting with appeal of Application #3061.

As per Mr. McNamara the Board is in receipt of a letter March 12, 2021. Mr. Mirabelli there are a series of exhibits A-1 through A-8 we will keep it a one package. Mr. Mirabelli attested that these are true and accurate copies.

This is an application to raise up a pre-existing non-conforming structure – raising up what is there already – as per the Sandy law. Mr. Mirabelli doesn't feel there is any reason for an application before the Board for a use variance. A-2 tax map it shows two structures – some question about the utility room between the two buildings. A-4 is a substantial damage letter. A-5 repaired by Ralph Treadway – repairs made. A-6 listing hot water heaters, etc. A-7

Marc Leber, 11 S. Main St. Matawan, accepted as an expert stated that there are two primary structures, three residential units on a 50 x 100 lot, 5,00 sq. ft. in the residential zone lot coverage is about 46%. The tax file has this listed as multi-family dwelling with a garage and three units total. From the 1970's it has been listed as a multi-family. It existed since before the Board existed. There was a substantial damage letter. The Board inquired as to how they would raise all the buildings?

Mr. Connors inquired about the small garage like structure between the structures. He Asked if that was ever a connecting building or foyer. As per the owner it was not. The 1930 tax map shows completely different structures. They both face Florence Ave. The Board held a discussion about the buildings. The description does not identify the property as "two family dwelling" but two-story dwelling. There is one door going from second street into the "utility room".

Mr. Mirabelli requested an idea of how the Board feels about the project before going on the with second appeal.

Mr. Dayback stated that both denials were for use and for multiple family structures on a single lot. His interpretation of the sandy law differs from your professionals 'For existing structures raising the structure to meet one of the following elevation standards may in certain cases violate local land use restrictions such as the maximum height restrictions and or setback restrictions- which still provides partial exemption from such land use restriction as to allow property owners to raise an existing structure to the highest applicable elevation standard without violating local land use regulations. The exemption would apply only to the minimum extent of the degree necessary to meet the higher of the two standards.

Discussion about why and how the permits and C's of O were issued to these buildings? Our issue here is use and zoning and planning issues – not Code. When was the garage converted to a utility room? Board reviews permits and paperwork. The argument of whether it is one structure or two structures. Mr. Mirabelli stated that because the two Buildings were connected by the garage/utility room it is one structure. Mr. Medina stated that he wants to raise the entire building as one structure. The substantial damage letter describe the property as two primary structures.

Recess from 8:45-9:00 Roll call taken; Mr. Connors, Mr. Wells, Mr. Coffey, Mrs. Wade, Ms. Devino, Ms. Sweeney, Councilman Andreuzzi, Councilman Cavallo, Ms. Hallam and Mr. Murray

Mr. Coffey moved to uphold the Zoning Officer's decision of application #3061 ( Lift everything preexisting, non-conforming structures 16ft as one structure). Mrs. Wade seconded the motion. Voting yes: Mr. Connors, Mr. Wells, Mr. Coffey, Mrs. Ms. Devino, Ms. Sweeney, councilman Andreuzzi, Councilman Cavallo, Ms. Hallam and Mr. Murray.

Mr. Mirabelli advised the Board The difference is this is a three family non-conforming structure This would eliminate all the variances the only variances would be preexisting variances lot area, minimum lot width, minimum lot frontage and minimum lot dept the only other variance would be the square footage on the ground floor 26.4% where 25% is allowed The other application is 46%.

Mr. McNamara advised that whatever the vote on either, the applicant can return to the board without prejudice. He can still return and apply for a Use variance.

Mr. McNamara inquired if there was anyone either for or against the applicant either in person or on zoom – there was no one. Mr. Leber stated that in 1930 it clearly shows two structures. The discussion might be a two-unit structure.

Councilman Andreuzzi moved to affirm the Zoning Officer's decision of application #2960 and Councilman Cavallo seconded the motion. Voting yes: Mr. Connors, Mr. Wells, Mr. Coffey, Mrs. Wade, Ms. Devino, Ms. Sweeney, Councilman Andreuzzi, Councilman Cavallo, Ms Hallam and Mr. Murray

John Brennan appeared before the Board representing Anthony, Zinni Ultimate Properties, 58 Rte. 35 Keyport applying for variances for the property located at 704 Clark Ave, Lot 6 f Block 177. The following variances are requested: undersized lot. Lots 5 and 6 are owned by the same owner with separate tax bills – according to tax records the lots are not considered merged. Lot area of 5,000 where 7,500 sq ft are required, lot width and lot frontage of 50 ft where 75 ft are required.

Mr. Kee, Mr. Zinni and Mr. Dayback all appeared in person and were sworn in. The following pieces of evidence were presented:

A-1 application A-2 Kee plot plan A-3 Roy 3 page plan

Kay Hetherington, 1307 Shore Rd appeared in person against the application. Dawn Poyner, 1305 Shore Road appeared online against the application. Terry Eidson, 704 Clark – owner of the property spoke about the property.

Robert Kee, Lic. Professional engineer accepted as an expert sworn in and advised that there are multiple undersized developed lots in the area. This is an existing 50 x 100 lot – never part

of adjacent property 37.75 from the structure, 27 ft to rear property from the deck, 10.25 side yards. The applicant will have the plans changed to reflect 30' to the Collar tie.

After some discussion, Mrs. Wade moved to approve and Mr. Wells seconded the motion.

Mr. Connors, Mr. Wells, Mr. Coffey, Mrs. Wade, Ms. Sweeney, Councilman Andreuzzi, Councilman Cavallo and Ms. Hallam

Voting no: Mr. Murray

Under New Business, Mr. Dayback introduced the new Flood Plain Hazzard Ordinance, Chapter 10-5 replacing Chapter 10. Substantial Damage- maintain a cumulative numbers 50% or more upgrade. Will improve our CRS rating by approving this. Mandated by FEMA.

After reading and discussion the ordinance,

Mr. Wells moved to approve the Ordinance and Councilman Andreuzzi seconded the motion.

Voting yes: Mr. Connors, Mr. Wells, Mr. Coffey, Mrs. Wade, Ms. Sweeney, Councilman Andreuzzi, Councilman Cavallo, Ms. Hallam and Mr. Murray

There being no further business Mr. Wells moved to close the meeting at 10:40 and Councilman Cavallo seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Madeline Russo