

MINUTES OF THE MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, NOVEMBER 23, 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 Kenneth 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. Shannon Hoadley, Andrew Denbigh and Robert Dare, T&M Associates. Chairman Ken Connors, Mr. Frank Wells, Mr. Lloyd Coffey, Mrs. Laurette Wade, Ms. Elizabeth Sweeney, Councilman Louis Andreuzzi, Councilman Anthony Cavallo, Patrick McNamara Board attorney, Mr. Dennis Dayback, T&M Associates and Madeline Russo, Board secretary were present in person in the Council Chambers in the Municipal building. Ms. Bruna Devino, Ms. Laura Hallam and Mr. Michael Murray were unable to attend the meeting.

The Board received copies of zoning permits for the following from the Zoning Officer, Dennis Dayback: 805 Bay Avenue, 1020 High Avenue, 802 Lorillard Avenue, 415 Pine Street, 830 Third Street, 54 Scholer Drive, 335 Lorillard Avenue, 428 Morningside Avenue, 219 Broadway, 121 Herbert Street, 309 Broadway, 906 Second Street, 206 Newark Avenue, 405 Johnson Avenue, 1200 Paterson, 534 Front Street, 902 Lorillard, 1500 Union Avenue, 213 Herbert Street, 815 Ninth Street, 544 Sydney Avenue, 510 Park Avenue,

Mark Breitman appeared before the Board virtually representing Mr. Dubleski of Dubleski Custom Homes, LLC, Hazlet who also appeared virtually before the Board for a minor subdivision with variances. The property is located at 204 Morningside Avenue also known as Block 139, Lots 19 & 20. He requested the following variances:

140 Foot Frontage along Morningside Avenue. Proposed Lot 19 Minimum lot area of 7,500 sq ft where 10,000 sq. ft. is required; Minimum lot width of 75 feet where 100 feet is required; Minimum lot frontage of 75 feet where 100 feet is required. Proposed Lot 20: Minimum lot area of 6,500 sq ft were 7,500 sq ft is required; Minimum lot width of 65 feet where 75 feet is required; Minimum lot frontage of 65 feet where 75 feet is required.

Mr. Dubleski was sworn in and gave testimony of the previous homes he has built in Union Beach. Exhibit A-1 plans marked into evidence. Mr. John McDonough, Planner was sworn in and was accepted as an expert. Mr. McDonough presented Exhibit A-2 (Exhibits in packet) and proceeded to describe the property in question as a oversized lot and the neighborhood surrounding the property in question as 6500 sq ft or less properties with the smallest property being 5,000 sq ft. This is a two-lot subdivision consisting of a 7500 sq ft lot on the corner and the interior lot will be 6,5000 sq ft and each lot will have a new house on it. He advised that everything other than lot size will comply. He referenced a court case stating the court's ruling that two undersized lots with two ordinarily sized dwellings would represent better zoning

than one overly sized dwelling on an oversized lot. Mr. McDonough referred to the area surrounding the property.

Andrew Denbigh and Robert Dare both offered their credentials and were sworn in. Mr. Dare stated that the applicant's planner did state the positive and negative. Mr. Wells objected to an undersized subdivision across from the school. Councilman Andreuzzi objected due to the density and the traffic. He pointed out that there are no 75 ft lots on that corner. The lots behind the property is a part of Haven Park, old major subdivision that was created years ago. You are asking for a 25% reduction Ms. Wade stated all other lots on that corner are 100 x 100 which is the requirement.

Elizabeth Nigro, 44 Scholer Dr. against the application due to parking, appearance of the neighborhood. Stephen Wilson, 44 Scholer Dr. against the application zoned for a larger corner lot – due to traffic, parking. Tom Vorrius, 41 Scholer Dr., Andrzej Ropel, 43 Scholer Dr. against application citing traffic and safety of the children. Peter Rapisaldo, 212 Morningside Av. Very busy street – will not be a positive thing for the town and objects to the application. Mr. Stephen Wilson inquired about the height of the building – 30 ft to the collar tie.

Mr. Wells moved to close the hearing Councilman Cavallo seconded the motion. Voting yes: Connors, Wells, Coffey, Wade, Hoadley, Sweeney, Andreuzzi and Cavallo.

Mr. Dubleski was reminded that he is still under Oath and gave testimony. He stated that he met with his architect who recommended is building two houses and there will be four parking spaces with two more under the house on both houses. Mr. Ropel inquired if the houses will be on pilings? How will there be four parking spaces and two cars in the garage. He does not see plans of the two car garages. Mr. Vorrius would like to see the elevations of the proposed houses. Mr. Breitman advised that they were emailed – not dropped off for the Board to share.

Mr. Brietman stated that they are planning two new homes, providing parking and meeting all the other setbacks, they provided testimony by the planner and introduced the positive and negative criteria.

Mr. Wells moved to deny the application and Mrs. Wade seconded the motion. Mr. Wells stated that the Board is part of the government and the primary responsibility of the government is to protect the public. Mrs. Wade stated we do not normally subdivide non-conforming lots. Councilman Cavallo stated that these are very undersized. Ms. Sweeney stated it would be a disservice to the person who purchases that 65' lot to attempt to pull out of their driveway 10 months out of the year when school is in session. Also the problem it will cause with the school traffic. Mr. Connors stated that there is heavy traffic on the street due to traffic coming from Union Av. Mr. Coffey agrees with the other members and doesn't think we should go against the master plan. Voting yes: Connors, Wells, Coffey, Wade, Hoadley, Sweeney, Andreuzzi and Cavallo.

Recess from 8:35 Back at 8:48

Peter H. Wegener, Esq., Bathgate, Wegener & Wolf, P.C, Lakewood representing Ronko Developers, Inc. Manalapan for the property located on the 700blk of Fourth St. The following were sworn in previously: Ron Koenig, Applicant,

Mr. McNamara advised the Board of the documents which were provided by the applicant's attorney which show that they required the property through tax sale (from the Borough). The Borough subdivided the lots through the foreclosure / tax sale. Final judgement was written 2018 with no appeals. Tax sale certificate provided.

Applicant is requesting the following variances for a 25 x 100 lot:

Section 13-10.4 f.1.(a) – Minimum lot area of 2,500 sq. ft. were 7,500 sq ft is required.

2. Section 13-10.4 f.2.(a) – Minimum lot width of 25 feet on Fourth Street where 75 feet is required.

3. Section 13-10.4 f.3.(a) – Minimum lot frontage of 25 feet on Fourth Street where 75 feet is required.

4. Section 13-10.4 f.5.(a) – Minimum front setback of 14 feet and 18 Feet along Fourth Street where 20 feet is required.

5. Section 13-10.4 f.7.(a) – Minimum side yard setback of 3.5 feet on both sides where 8 feet, with a combined total of 20 feet is required.

6. Section 13-5.5 d – The total lot coverage of the square footage of the ground floors of all buildings located on a lot in any residential zone shall not exceed 25% of the total square footage of the lot as shown on the survey provided. The proposed building coverage is 31.68%. (changed to 30.8%).

Chairman inquired if there is anyone either for or against the application. There was no one. The Board discussed the problem of the side yards being so narrow. The side yards will be 3/5 and 4 ft.

Mrs. Wade moved to approve with a 17.6' width house and the fence has to be at the rear of the dwelling with gates on both sides. Mr. Coffey seconded the motion with the conditions stated. Voting yes: Connors, Wells, Coffey, Wade, Hoadley, Sweeney, Andreuzzi and Cavallo.

Mr. Lawrence Kantor appeared before the Board representing Florence Development, 603 Florence Ave. They are requesting A subdivision of an existing nonconforming corner lot. The lot is located on the west side of Florence Avenue at the intersection of Dock Street. The subject property is in the R8 Residential Zone. It shall be noted, the subject property received sub-division, site plan and a use variance approval from the Planning Board to permit mixed-use on January 31, 2017.

Dennis Dayback sworn in to testify about the re – application. Mr. Scott Nichol was accepted as an expert. The application is primarily the same. Only change is in the parking and signage – new awnings will replace existing. Prior use was a deli and residence on second floor. Commercial use will be on the first floor (realtor) hours will be 9-5; no need for trash enclosure – there will be one can for refuse and one for recycling. Sign will not be lit and site lighting will follow the ordinance – lights will face building and not neighboring properties.

Exhibit A-1 five photos of building.

Exhibit A-2 landscaping plan and canopy elevations.

Mr. Wayne Smalbach, 511 Dock, asking about the project. Mr. Nichol advised the building will be re-sided and property cleaned up and a single-family home will be built facing Dock St. Mr. Smalbach is much happier knowing what the project is.

Mr. Robert Kee was sworn in and accepted as an expert. The applicant agreed with a lot of the recommendations and corrected as many questions as possible. Utility mark-out has not yet been

acquired. Mr. Dayback inquired about 3.2 concerning residential drive – as per Mr. Kee the plan was hanged to be pavement and the lights will be down fixtures as required by ordinance.

John Rea, P.E. of McDonough and Rea was sworn in and excepted as a Traffic engineer expert. Mr. Kee advised that the curb cut on Florence will be removed. There are two+ spaces for the apartment and five for the real estate office. Barbara Ehlen, Beacon planning was sworn I and was accepted as an expert. Ms. Ehlen discussed the properties in the area and the Borough and the question of the mixed use building. Ms. Ehlen stated that abandonment is not how long the building is vacant but that there is intent to abandon. There was no intent to abandon this building. Ms. Sweeney inquired the sq footage of the interior of the property. Only one tenant in the commercial level of the building.

Mr. Wells moved to discuss the application and Mrs. Wade seconded.

Mr. Wells move to approve the application and Mr. Coffey seconded the motion. Voting yes: Connors, Wells, Coffey, Wade, Hoadley, Sweeney, Andreuzzi and Cavallo.

Alexander Ehart appeared to request that the Board hear a witness for the applicaton of Frank Servidio (901 & 903 Sixth St).

Robert Schiller appeared before the Board representing Frank Servidio 23 Field Avenue, Red Bank who is applying for a Use variance for the property located on the corner of Sixth and Pine (901 & 903 Sixth St) also known as Block 38, Lot 24. If approved, as per the Zoning Officer's letter the property will require site plan approval.

The subject property has two (2) principal structures. In accordance with Section 13-10.4, R8 Residential Zone, single-family dwellings only are permitted use. Section 13-5.9, Number of Principal Dwellings states any lot utilized for single-family or two-family dwelling purposes shall not contain more than one principal building. Therefore, the continued use for a multiple principal dwelling on the subject property will require 'D' variance relief, as well as site plan approval from the Planning Board.

Mr. Servidio was sworn in and gave testimony. He stated that he purchased the property as is and was told that the seller and two previous owners used both residences as living spaces. He stated that he cleaned up the property. When he applied for a C of O he was told that there was no pre-existing non-conforming use. Both residences were occupied. He removed garbage and painted and replaced cabinets and floors. Mr. Servidio stated that he purchased the property in March. He stated that the previous owner di not disclose the fact that this was not allowed. Mr. Servidio stated that he will be living in 901 Sixth and will be renting out 903 Sixth St.

Mr. Dayback stated that due to the non-conformity of the use of the property, the discussion of elevating the residences had not come into play. Also, there is on record a previous denial of use to a prospective buyer. There is no substantial damage letter which does not mean that there was no damage – just that there were no permits taken out.

Elizabeth Welch, 902 Fifth St. was sworn in and gave testimony. Ms. Welch stated that she has lived there approximately 40 years and Augie Acardi purchased the property a year after she moved there. She stated that one apartment was used as a family home and then the other apartment as the son got older he was living there.

The entire time they always had renters they went from one house to the other. It appears that was a garage that was transformed by the Acardi's but it was an apartment when they bought it there were people living in that house in the front which you call a garage was a bedroom of the first house. So, it never was a garage as long as she lived there. It was always like a second bedroom in the front garage room.

Mr. Wells moved to continue the hearing until December 13th without need for new notice Ms. Sweeney seconded the motion. Voting yes: Connors, Wells, Coffey, Wade, Hoadley, Sweeney, Andreuzzi and Cavallo.

Mr. Wells moved to carry Mr. Harry Hoff's application for 430 Aumack Ave to the December 13<sup>th</sup> meeting with no new notice necessary and Mrs. Wade seconded the motion. The motion was carried by a unanimous voice vote of approval.

There being no further business Mr. Coffey moved to close the meeting at 10:50 and Mrs. Wade seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Madeline Russo