

MINUTES OF THE REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, NOVEMBER 30, 2022 IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH HELD AT 7 PM.

The regular meeting was 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: Mr. Ken Connors, Mr. Llyod Coffey, Ms. Bruna Devino, Mr. Shannon Hoadley, Ms. Elizabeth Sweeney, Councilman Louis Andreuzzi, Councilman Anthony Cavallo, Ms. Laura Hallam and Mr. Michael Murray. Patrick McNamara, Board Attorney, Laurette Wade, Board Secretary, Dennis Dayback, Zoning Official, Caroline Reiter, Board Planner and Mr. Andrew Denbigh, Board Engineer were also present. Councilman Cavallo is Mayor Cocuzza's representative. Mr. Frank Wells was unable to attend.

The following correspondence was received from Mr. Dayback, the Zoning Officer: B14, L7, 1712 Florence Ave; B43, L5, 802 Seventh St; B148, L10, 340 Park Ave; B121, L11, 304 Arlington Ave; B242, L120,120 Isabelle Ave; bB43, L5, 802 Seventh St; Block 60, L9, 124 Campbell St (2 apps); B17, L3.01, 21 Johnson Ave; B42, L8, 816 Eighth St; B15, L1.01, 603 Florence Ave - Performance Guarantee Estimate; B164, L3, 437 Aumack Ave; B44, L16, 817 Seventh St; B36, L9, 903 Center St; B184, L10, 826 Jersey Ave; B153, L17, 425 Bayview Ave; B61, L6, 136 Herbert St; B159, L5 & 5.01, 908 Spruce Street (2 apps); B209, L7, 717 Prospect Ave; B148, L10, 340 Park Ave; B196, L7.01, 524 Columbia Ave; B201, L14, 536 Lorillard Ave; B159, L4.01, 910 Spruce St; B40, L7&8, 327 Prospect Ave; B15, L1.02, 502 Dock St; B150, L21, 353 Lorillard Ave (2 Apps); B48, L4.01, 703 Florence Ave; B204, L2, 535 Lorillard Ave; B46, L3, 500 Florence Ave; B203, L1, 632 Bayview Ave; B37, L13, 917 Fifth St. Other Correspondences received: B190, L11,915 Union Ave (FSCD); B36, L6.01, 907 Center St (FSCD); B 187, L1,2,&16, 710 Union Ave (MCDRC); B7, L4, 716 Second St (MCPB)

Mr. Hoadley moved to approve the minutes of the October meeting and Mr. Coffey seconded the motion. The motion was approved by a unanimous voice vote of approval.

Applications for the following will be carried to the December 19, 2022 meeting with no new notice required for Mr. Medina and 60 Creek Road, LLC. New notice will be required for Mr. & Mrs. Roche and Mr. Hoff:

Cheri and John Roche, 1104 Shore Road, is applying to subdivide the property located at 1104 Shore Drive, also known as Block 180, Lots 6, 7, 8 & 9.

Juan Medina, 2358 Great Harbor Dr, Kissimmee, Fl is applying for a certificate of prior non-conformance for the property located at 734 Second Street/203 Florence Ave, also known as Block 7, Lot 4.

60 Creek Road LLC, 1009 Harris Ave, Union Beach is applying for a certificate of prior non-conformance for the property located at 354 Lorillard Ave/401 Spruce Street, also known as Block 149, Lot 16.

Mr. Harry Hoff, 342 Front Street is applying to construct a new mixed use structure at the property located at 915 Union Ave, also known as Block 190 Lot 11.

Councilman Andreuzzi made a motion to carry all listed above, Mr. Coffey seconded. Voting yes: Connors, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Murray

Becikoglu Real Estate, LLC, 203 Atlantic Street, Keyport, NJ 07735 is applying to renovate existing structure for a storefront deli/grille at 717-719 Union Ave, also known as Block 198, Lot 2 & 3. The subject property is located in the B-1, Neighborhood Commercial Zone. The existing structure consists of a 2-story residential unit and attached vacant 1-story unit previously used as a business office. The proposed use does not meet the list of permitted or conditional uses for B-1 and requires a 'D1' variance and additional bulk variances:

Minimum lot area of 12,480 sf where 25,000 is required *pre-existing

Minimum lot width of 80.41 on Union where 100' is required *pre-existing

Minimum lot frontage of 80.41 on Union where 100' is required *pre-existing

Minimum lot depth of 149.84 on Union where 150' is required *pre-existing

Minimum lot depth of 100' on Columbia where 150' is required *pre-existing

Minimum front yard setback for principal structure on Union of 10.3' where 20' is required *pre-existing

Minimum front yard setback for accessory structure on Columbia of 15'+/- (scaled) where 20' is required *pre-existing

Councilman Andreuzzi and Councilman Cavallo excused themselves because it is a 'D' variance.

Catherine Kim, attorney from Cleary, Jacobbe, Alfieri & Jacobs, LLC and Mark Leber, PE & PP of Eastpoint Engineering, LLC appeared for the applicant.

Mr. McNamara swore in Mr. Leber, Ms. Reiter, Mr. Dayback and Mr. Denbigh.

Mr. Leber handed out a color rendering of the Landscape Plan (sheet 4 of the plan set). It was marked as Exhibit 2. Exhibit 1 shall be the application package.

Mr. Leber described the property. Block 198, Lots 2 & 3. It's a corner lot. It is an unusual property since it has 2 uses on the property – one is a residential use – 2 story house #717 Union Ave; it's a 3 bedroom dwelling. It shares a wall with a non-residential use. A building that has a history of housing commercial uses including other food businesses. Behind is a garage that seems to have staircase up to the garage that has an area that is currently used for storage. Total lot area is 12,480 SF in zone B-1. Square foot is short for B-1. Zone also requires 100' frontage, 80.4' is this property. 150' depth required, we have 142' along Columbia. We don't meet front yard requirements on either street or side yard requirements. The other non-conformity is building height. B-1 20' limit and this building is about 25.5'. These non-conformities are to remain. There is no proposal to expand the structure, no additional buildings and nothing is being demolished. In the code of the borough allows restaurants and

single family dwellings in the zone, but not both on same lot. This is the relief we are requesting.

Proposed improvements: Architectural plans show a small 730 SF deli. The type of place you stop and get coffee and a sandwich. There will be (2) 4 person tables and (1) 2 person table inside for a total seating of 10. Want a couple tables outside. (Probably April 1 – September 30). Hours 6am – 9pm. Evening hours may be earlier depending on the business. 2 Employees. No loading zone or deliveries needed. Owner will pick up what he needs at Restaurant Depot. A small local type of place.

Parking: There are currently 2 parking spots which are used by the tenants. We propose to add 3 parking spaces to the left of the current spots, 3 spots on Union Avenue, 3 spots on Columbia Avenue and the other alternative is the municipal lot across the street. I don't believe parking will be an issue.

Mr. McNamara asked how many parking spaces are in the municipal lot? Mr. Leber responded with 9 – 8 regular and 1 handicap spot.

Mr. Denbigh asked if the parking impeded the sidewalk and how many parking spots are required. Mr. Leber said probably but there is no sidewalk there. The sidewalk ends at the fence. 15 spots for commercial plus 2 spots for residential. If I include the 2 spots in the garage that would give us 11 spaces including on street parking.

Mr. Connors asked about Employee parking. Mr. Leber stated we don't have specified employee parking. Mr. Coffey state the spots next to the handicap spot should be used for employee parking.

Mr. Denbigh asked about the loft above the garage. That will not be used for living in? Mr. Leber stated that the owner stated that it is not for living and will be used only for storage.

Mr. Leber stated that the letter from T&M makes it look like a lot of waivers are required. Most are existing. This is a nice low key thing for the neighborhood. This is a very difficult lot. Any business would need most of these waivers.

Mr. Murray stated that there will probably be traffic from the bike trail. A bike rack would be good. Mr. Leber said that was a good idea and will add.

Mr. Coffey asked about the outside tables and fitting there. Mr. Leber said they will probably change to 2 person tables. The county has strict rules governing outdoor seating.

T&M Letter dated June 27, 2022 is marked as Exhibit 3.

Mr. Leber the points in the letter that there are no objections we will not go over. But the ones we need to provide additional information we will.

1.4 Will add existing utilities.

1.5 Can I add an aerial photo showing all the buildings on the property? Mr. Denbigh stated that is acceptable.

1.7 There are no easements and none proposed.

Numbering skips here but talks about adding grading contours. Will comply.

Storm water management. We can write a letter stating it is exempt from any state stormwater management requirements. The only change in lot coverage is the 3 parking spaces. Mr. Denbigh asked that Mr. Leber review the borough's storm water management ordinance and write a response to that. Mr. Leber agreed.

1.8 Number of passenger vehicles and trucks. Not sure – new operation.

1.9 No loading docks. We will be happy to replace curb and sidewalks. Lighting: 1 New lighting fixture on the side of the garage at 16'. Mr. Denbigh asked for him to confirm existing or proposed lighting will not spill on neighbors. Mr. Leber: yes. And if we add lighting on the deli it will face the street. Ms. Sweeney reminded Mr. Leber that there are residents across the street.

Ms. Hallam stated that the door sill elevation is 16.6 – how will handicap access. Mr. Leber stated the front door would be the ADA access.

Ms. Sweeney asked about the garage. The owner stated to Mr. Leber that it will only be used for storage. Mr. McNamara asked if your client would object to a deed restriction prohibiting living space. Ms. Kim stated it would not be a problem.

Mr. Hoadley asked about garbage for the commercial use. Mr. Leber stated 2 cans for garbage, 2 cans for recycling – all kept behind the fence.

Page 4 of the T&M letter – all existing non conformities.

Page 5 Parking spaces – need waiver ordinance 10x20 we propose 9x18, which is industry standard size.

3.4 & 6.3 We weren't proposing any curbing at the new spaces. We could curb the left and front sides. Mr. Denbigh stated move the parking to the right to add a buffer and add sidewalk from ADA space to existing sidewalk. Curb at the buffer and Curb stops in front of parking. Mr. Leber said we can move about 2' and add some trees. We can add sidewalk.

4. Grading comments: we don't object to any other them.

5.1, 5.2, 5.3 & 6.6 Requirement to require 20' wide buffer areas side and rear property lines.

What is shown on the plans is existing. The only thing will we can do is install a 4'-0" solid vinyl fence.

Fencing: Agree to 6'-0" high vinyl fence between garage and building and fix any broken pieces of wood fence. Need waiver for buffers.

Mr. Murray stated that the banister for the residential stairs should be replace. Mr. Leber agreed.

5.5 & 5.9 Irrigation: We were not planning on irrigation. Mr. Denbigh was concerned without irrigation plants would die and not be replaced. Mr. Leber stated that the landscape needs to be guaranteed for at least 2 years and will add drip system and move the tree.

6.4 HVAC behind fence.

6.8 Signs. Need design waiver to have signs facing each street. 12' on Union, 6' on Columbia. Agree to rest of the comments.

Ms. Devino asked about adding a bench on Columbia. Mr. Leber stated they could do that.

Ms. Reiter stated that the applicant needs a D1 use variance for mixed use and the way that its configure. The zone allows mixed use but the commercial use would be on the first floor with residential above and D6 for height. Could this be built within the 20 foot height. Mr. Leber: If the residence was in the R-8 zone it could go much higher. This structure has always been like this.

Ms. Reiter: mixed use is already there. A restaurant like this would compliment this.

Mr. Connors asked any more questions from the board or from the public. There was none.

Mr. Murray moved to approve the application with deed restriction for no living space above the garage. Ms. Devino seconded. Voting yes: Connors, Coffey, Devino, Hoadley, Sweeney, Hallam, Murray.

Mr. Murray made a motion for a 5 minute recess at 9:01pm and Mr. Coffey seconded.

We returned to the record at 9:10pm.

Shawn Spanier, 411 Bayview Ave, is applying for a variance to erect a pool deck at the property located at 411 Bayview Ave, also known as Block 153, Lot 19.01. Variances required:

Minimum lot area of 5,000 SF where 7,500 SF is required. *pre-existing

Minimum lot width of 50 feet where 75 feet is required. * pre-existing

Minimum lot frontage of 50 feet where 75 feet is required. * pre-existing

Minimum side yard setback of 0 feet where 5 feet is required.

Minimum rear yard setback of 0 feet where 5 feet is required.

Mr. Spanier was sworn in.

Mr. Spanier explained that he is seeking a variance for a 180SF pool deck 36" high. I thought this had been done already. I hired a contractor in 2016 and thought he got all the permits. My home was under contract and couldn't get a CO so I lost the sale. The contractor said everything was good. He stated the deck was put up in 2016.

Numerous board members questioned Mr. Spanier about not seeing the permits or receiving the zoning letter in 2018. Mr. Spanier stated that he did receive the letter but asked the contractor about it and the contractor stated that everything was taking care of and it was all good. Mr. Spanier stated that he didn't understand the process of getting permits and

inspections at the time, but he does now. He has received approval for the pool and all other permits required except for the deck which requires a variance.

Mr. Murray inquired about the distance from the fence. The pictures look like the deck is against the fence. Mr. Spanier stated there's approximately 5"

Mr. Connors asked about the height of the deck vs. the height of the fence. Mr. Spanier stated the deck is 40" high and that the fence is 2'-8" above that. Mr. Connors stated that someone could fall over the fence. It also doesn't allow privacy for the neighbors. Mr. Spanier stated that there is a shed in one corner and a tree on the other corner. The neighbor to the right is new construction and was only last year.

Mr. Connors stated that he doesn't feel he can vote yes for this application. It poses a hazard and was put up haphazardly without permits and I won't take the responsibility of that being there.

Mr. Murray asked when it was built. Mr. Spanier stated 2017. Mr. Murray questioned that it was built in fall 2017 but you applied for and was denied in 2018. Stated that the contractor brought a document by in the spring of 2018 for me to sign. Again the contractor stated everything was fine after I received the letter of denial.

Mr. Dayback stated that you submitted zoning application for pool and a deck and signed it. It was denied. You came back with a zoning application in April 2018 for just the pool and spa and that was approved. Now I am hearing that this was all built before you put in any applications. In all our conversations this is the first time I am hearing this – that all of this was built before even the first zoning application was filed. Mr. Spanier said absolutely.

Mr. Murray questioned that Mr. Spanier applied for a zoning application with deck and pool. It was denied and then applied for a zoning application for just the pool. Mr. Spanier stated that his contractor had him sign paperwork and said that everything was good.

Numerous board members stated that it is a safety issue.

Ms. Reiter stated that if this was done in the order it should have been done there would be certain proofs that would be required for a 'C' variance. The proofs and the testimony would be difficult with respect to purpose of zoning and the positives outweighing the negatives. The positives would be a rough explanation, but the negatives impact on the surrounding area and I think you heard several board members discuss their concerns with the neighbors and the safety issues.

Mr. Connors asked if any public comments. There was none.

Mr. Murray made a motion to deny the application, Mr. Hoadley seconded. Voting yes (to deny): Connors, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Murray.

The resolution approving the application of Cristina Debellas, 122 Dock Street, who applied for a variance for a 6' high fence for the property located at 122 Dock St, also known as Block 5, Lot 21. The location of the proposed fence does not meet the requirements of the ordinance. Although the sketch provided shows the location of the proposed 6' vinyl fence 31' east of the existing curb line, the proposed fence is located within the front yard. Mr. Coffey moved to approve the resolution, Councilman Andreuzzi seconded. Voting yes: Connors, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Murray

The resolution approving the application of Cheryl Mara, 611 Poole Ave who applied for variances to renovate an existing detached garage at the property located at 611 Poole Ave, also known as Block 124, Lot 11. The subject property is a non-conforming lot. Variances required:

Accessory building shall not exceed 16' in height to the peak of the roof, where 20'-2" is proposed.

Minimum lot width of 50.06' where 75' is required (pre-existing)

Minimum lot frontage of 50.06' where 75' is required (pre-existing).

Minimum side yard setback of 5.7' and 7.4' where 8' with (2) combined yards of not less than 20' is required (pre-existing).

Minimum side yard setback of 1.7' where 5' is required for accessory building (pre-existing).

Mr. Murray moved to approve the resolution, Ms. Devino seconded. Voting yes: Connors, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Murray

Councilman Andreuzzi made a motion to go into closed session at 9:46pm and Mr. Coffey seconded. Voting yes: Connors, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Murray

Councilman Andreuzzi made a motion to come out of closed session at 10:41pm and Mr. Coffey seconded. Voting yes: Connors, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Murray

There being no further business Mr. Hoadley moved to close the meeting at 10:42 pm and Ms. Devino seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Laurette Wade