

**REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY,
SEPTEMBER 28, 2022 IN THE MUNICIPAL BUILDING AT
650 POOLE AVENUE, UNION BEACH NEW JERSEY HELD AT 7:00 PM**

CALL TO ORDER

THIS MEETING HAS 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. THE UNION BEACH PLANNING BOARD MEETINGS ARE BEING HELD IN PERSON.

SALUTE TO THE FLAG

ROLL CALL

MR KENNETH CONNORS

MR. FRANK WELLS

MR. LLOYD COFFEY

MS. BRUNA DEVINO

MR. SHANNON HOADLEY

MS. ELIZABETH SWEENEY

COUNCILMAN LOUIS ANDREUZZI

MAYOR CHARLES COCUZZA ****

COUNCILMAN ANTHONY CAVALLO

MS. LAURA HALLAM

MR. MICHAEL MURRAY

PATRICK MCNAMARA, Board Attorney

DENNIS DAYBACK, Zoning Official

ANDREW DENBIGH, Engineer

KENDRA LELIE, Planner

LAURETTE WADE, Secretary

MINUTES OF THE PREVIOUS MEETING

Motion to:

Moved by:

Seconded by:

Vote:

CORRESPONDENCE

B70, L4, 217 Campbell St; B43, L4, 802 Florence Ave; B156, L4, 414 Park Ave; B46, L12.01, 825 Fifth St; B244, L5.01, 1213 Patterson Ave; B149, L13, 344 Lorillard Ave; B149, L21, 339 Park Ave; B102, L17, 323 Poole Ave; B118, L6, 326 Broadway; B214, L14, 814 Park Ave; B196, L6.01, 522 Columbia Ave; B210, L14, 15 & 16, 721 Bayview Ave; B7, L4, 716 Second St; B70, L4, 217 Campbell St; B17, L3.01, 21 Johnson Ave; B14, L7, 1712 Florence Ave; B43, L5, 802 Seventh St; B187, L1, 2 & 16, 710 Union Ave - First Resolution Compliance

PUBLIC HEARING

To Be Carried

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 used 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

Motion to:

Moved by:

Seconded by:

Voting:

Cristina Debellas, 122 Dock Street, is applying 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.

Motion to:

Moved by:

Seconded by:

Voting:

To Be Carried

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**. The subject property is a pre-existing 75' x 170' irregular non-conforming corner lot. The applicant proposes to create (2) lots, consisting of a non-conforming 75'x100' corner lot and a 75'x100' conforming interior lot. Variance relief is required for proposed lot 6.01

Minimum lot area of 7,500 SF where 10,000 SF is required.

Minimum lot width of 75' where 100' is required.

Minimum lot frontage of 75' where 100' is required.

Motion to:

Moved by:

Seconded by:

Voting:

Cheryl Mara, 611 Poole Ave is applying for variances for renovation of 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).

Motion to:

Moved by:

Seconded by:

Voting:

To Be Carried

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**. The subject property is non-conforming corner lot. It is located in the R8 Residential Zone and consists of two (2) structures connected by a foyer with three (3) separate units. Multi-family dwellings are not a permitted use in the R8 zone. Pursuant to NJSA 40:55D-68 the applicant of land upon which a nonconforming use or structure exists may apply in writing to the administrative officer for an issuance of a certificate certifying that the use or structure *lawfully* existed before the adoption of the ordinance which rendered the use or structure nonconforming.

Motion to:

Moved by:

Seconded by:

Voting:

To Be Carried

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**. The subject property is a non-conforming corner lot. It is located in the R8 Residential Zone and consists of two (2) single family residences. The primary structure or principal structure located on the subject property was elevated and reconstructed as part of Zoning Application #1930. At that time, the applicant was advised that since two structures existed on the subject property, which is not permitted use as outlined in Section 13-10.4 within R8 Residential Zone and there is no record of such use being approved by the Land Use Board, a "D1" use variance must be obtained from the Land Use Board for a non-conforming use, to allow two (2) single family dwelling units to be constructed on a single lot.

The Municipal Land Use law defines "Nonconforming Use" as "a used or activity which was *lawful* prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirement of the zoning district for which it is located by reasons of such adoption, revision or amendment" The prospective purchaser, prospective mortgagee, or any

person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof. In addition, Chapter 27 of the Municipal Land Use Law states, "There is no question but that the total destruction of a nonconformance use, whether by design or accident, terminates the use."

Motion to:
Seconded by:

Moved by:
Voting:

To Be Carried

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.

Motion to:
Seconded by:

Moved by:
Voting:

RESOLUTIONS

BILLS AND VOUCHERS

OLD BUSINESS

NEW BUSINESS

EXECUTIVE SESSION NOT NECESSARY

ADJOURNMENT

TIME: