# REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, NOVEMBER 30, 2022 IN THE MUNICIPAL BUILDING AT 650 POOLE AVENUE, UNION BEACH NEW JERSEY HELD AT 7:00 PM

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#### **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

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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**

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; 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)

### **PUBLIC HEARING**

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:

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'  $\times$  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:

Juan Medina, 2358 Great Harbor Dr, Kissimmee, FI 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:

60 Creek Road LLC, 1009 Harris Ave, Union Beach is applying for a certificate of prior nonconformance 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 eleavted 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 oulined in Section 13-10.4 within R8 Residential Zone and there is no record of such use bing 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 amendement of a zoning ordinace, but which fails to confdorm to the requirement sof the zoning district for which it is located by reasons of such adoption, revision or amendement" The prospective purchaser, prospective mortgagee, or any person interested in any land upon which a nonconforming use or structure exists may apply in wriring 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 applicatant shall have the burder of proof. In addition, Chapter 27 of the Municpal Land Use Law states,

Motion to: Moved by: Seconded by: Voting:

design or accident, terminates the use."

**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:

"There is no question but that the total destruction of a nonconformance use, whether by

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: Moved by: Seconded by: Voting:

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. Variances required:

Minimum lot area of +4,120 SF, where 15,000 SF is required. \*pre-existing Minimum lot width of 40 feet where 100 feet is required. \*pre-existing Minimum lot frontage of 40 feet where 100 feet is required. \*pre-existing Minimum lot depth of ±103 feet, where 150 feet is required. \*pre-existing

Motion to: Moved by: Seconded by: Voting:

#### **RESOLUTIONS**

**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.

Motion to: Moved by: Seconded by: Voting:

**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).

Motion to: Moved by: Seconded by: Voting:

# **BILLS AND VOUCHERS**

#### **OLD BUSINESS**

## **NEW BUSINESS**

# **EXECUTIVE SESSION NECESSARY**

**Civil Action Summons:** Dubleski Custom Homes, LLC vs. Planning Board of the Borough of Union Beach

Civil Action Summons: Tony Medina vs. Borough of Union Beach Planning Board

Civil Action Summons: Harry Hoff vs. Borough of Union Beach Planning Board

Chairman Connors calls for a Motion to go into Closed Session at \_\_\_\_P.M. in accordance with the Open Public Meetings Act, permitting the exclusion of the public from a meeting in certain circumstances. This action will be taken to discuss matters falling within attorney-client privileges, specifically, pending or anticipated litigation, contract negotiations and matters of employment of public employees.

<u>ADJOURNMENT</u> TIME: