

**REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY,
DECEMBER 19, 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

B36, L9, 903 Center St (2 Letters); B42, L8, 816 Eighth St; B54, L11, 915 Florence Ave; B40, L7&8, 327 Prospect Ave; B191, L11, 1005 Union Ave; B184, L9, 822 Jersey Ave; B29, L6, 735 Front St; B15, L1.02, 502 Dock St; B37, L13, 917 Fifth St (FSCD); B242, L11, 1213 Highway 36; B15, L1.02, 502 Dock St; B225, L2.02, 406 Beachview Ave; B150, L21, 353 Lorillard Ave; B37, L13, 917 Fifth St; B194, L13, 561 Sydney Ave; B49, L4.01, 403 Florence Ave

PUBLIC HEARING

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:

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:

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:

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 \pm 103 feet, where 150 feet is required. *pre-existing

Motion to:

Moved by:

Seconded by:

Voting:

RESOLUTIONS

Resolution approving the application of Becikoglu Real Estate, LLC, 203 Atlantic Street, Keyport, NJ 07735 who applied for 'D1' and additional bulk variances 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

Motion to:

Moved by:

Seconded by:

Voting:

Resolution denying the application of 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:

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.

ADJOURNMENT

TIME: