

MINUTES OF THE REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, FEBRUARY 23, 2022 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 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. Kenneth Connors, Mr. Frank Wells, Mr. Lloyd Coffey, Ms. Bruna Devino, appeared via Zoom, Mr. Shannon Hoadley, appeared via Zoom, Ms. Elizabeth Sweeney, Councilman Louis Andreuzzi, and Councilman Anthony Cavallo, Ms. Laura Hallam and Mr. Michael Murray. Don Pepe, Board attorney, Mr. Dennis Dayback, Zoning Officer, Stan Slachetka, Board Planner, Mr. Andrew Denbigh, Board Engineer and Laurette Wade, Board secretary were also present. Ms. Laura Hallam left the meeting at 7:45pm. Councilman Cavallo is Mayor Cocuzza's representative.

The following correspondence was received from Mr. Dayback, the zoning Officer: Block 18, Lot 14.01, 4th St.; Block 150, Lot 17, 348 Bayview Ave; Block 53, Lot 13, 811 Florence Ave; Block 190, Lot 11, 915 Union Ave; Block 12, Lot 2, 305 Dock St.; Block 39, Lot 20.01, 924 6th St, Block 131, Lot 7 187 Morningside Ave; Block 195, Lot 15 531 Cambridge Ave; Block 244, Lot 5 1213 Patterson Ave; Block 218 Lot 4 810 Prospect Ave; Block 7 Lot 6 724 Second Street; Block 45 Lot 6 806 Fifth Street; Block 164 Lot 3 437 Aumack Ave; Block 83, Lot 8, 310 Edmunds Ave; Block 106 Lots 11&12 219 Broadway; Block 67 Lot 1 508 Edmunds Ave; Block 20, Lots 14 & 6 821 Third Street.

Mr. Cavallo noted to change Mayor Smith to Mayor Cocuzza. Mr. Wells moved to approve the minutes of the January meeting with the revision and Mr. Coffey seconded the motion. The motion was approved by a unanimous voice vote of approval.

The Chairman advised that Laura and John Piccinich applying for D-1 Use Variance, D-5 for density and D-6 for Building Height for the property located on the corner of Front/Florence; 101 Florence Ave and 434 Front Street, also known as Block 6, Lots 11 & 12 has been carried to March.

Frank Servidio, 23 Field Ave, Red Bank, NJ applying for a certificate of prior non-conforming use for the property located on the corner of Sixth and Pine (901 & 903 Sixth Street) also known as Block 38, Lot 24. 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.

Councilman Andreuzzi and Councilman Cavallo excused themselves since this would be considered a Use Variance.

Pursuant to NJSA 40:55D-68 the prospective purchaser 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. Please note that the application for the issuance of a certificate of nonconformity shall be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the board. The application shall have the burden of proof.

Mr. Servidio and Ms. Ehrhardt were sworn in. Mr. John Jackson and Alexandra Ehrhardt appeared representing Mr. Servidio and presented a power point presentation with handout of the presentation given to board members (Exhibit A-1).

Mr. Jackson presented that the first dwelling was building in 1920 and 2nd dwelling in 1947. Tax records from 1975 and 1977 state the dates the houses were built. Each house has separate water, sewer and utilities bills. Each has its own address. Presented an aerial from 1957 showing footprint of two houses. The zoning laws changed in 1963.

There was a certificate of tax sale from 1997 that showed 2 houses on the property.

Mr. Servidio state he is unable to obtain a CO until this issue is resolved. Purchased the property March 3, 2021. Wants to live in one home and rent the other. Stated that neither house seemed in disrepair. Each house has its own bathroom, kitchen, bedrooms. He has done some cosmetic work to the houses, such as paint, cleaned up the garbage and removed old stuff left from previous owner. Sidewalk goes to both homes.

Mr. Connors asked about tax bills. One bill is received with 2 assessments, receive 1 sewer bill but for 2 connections. Mr. Connors had questions about the garage. Mr. Servidio agreed if the board requires, he would add a garage door and Mr. Jackson stated they would stipulate it is a garage and will not be an apartment.

Ms. Sweeney stated that Mr. Servidio stated he has been coming to Union Beach for years and that he should have checked with the town regarding the property.

Mr. Pepe stated that with Sandy damage there may be a problem later with construction. Mr. Jackson stated that there is no substantial damage letter. Mr. Dayback state that a lot of structures in town had repairs done without permits and that it is his job to decide if the houses had substantial damage.

Mr. Connors asked if there was anyone in the audience with questions or comments. There was none. Mr. Wells motioned to close for public comments, Mr. Murray seconded. The motion was carried by a unanimous voice vote of approval.

Mr. Wells stated that we can't just take away one of the houses without compensation. Mr. Coffey agreed.

Mr. Wells made a motion to approve to grant a certificate of prior non-conformance with conditions, including adding a garage door. Mr. Connors seconded. Voting yes: Connors, Wells, Coffey, Devino, Sweeney, Murray.

John and Nancy Curtis, 1129 Florence Ave, also known as Block 60, Lot 19 applying for the following variances to construct an enclosed breezeway, Second Floor Bathroom and Kitchen Remodel:

Section 13-10.4 f.5.(a) – Minimum front setback of 15 feet where 20 feet is required
*pre-existing

2. Section 13-10.4 f.6 – Minimum side yard setback of 2.8 feet and 18.7 where a minimum of 8 feet and a total of 20 feet is required *pre-existing

3. Section 13-4.1 – No nonconforming building shall be enlarged, extended or increased.

John Curtis, Nancy Curtis and their contractor Curtis Reilly were all sworn in.

Mr. Reilly stated that a dormer will be built to accommodate the 2nd floor bathroom. The breezeway will contain the washer and dryer and maybe some shelving. There will be no increase in size for the deck but they will be updating it.

Mr. Connors asked is the garage staying a garage. Mr. & Mrs. Curtis and Mr. Reilly all stated yes, it is staying a garage.

Councilman Andreuzzi asked if the garage will have heat. Mr. Reilly stated no. Any plans to make the garage a room. Mrs. Curtis stated no.

Mr. Connors opened up the discussion to the public. There was no comments. Mr. Wells motioned to close comment from the public and Mr. Coffey seconded. The motion was carried by a unanimous voice vote of approval.

Ms. Devino stated that she was unable to hear on zoom the testimony and would excuse herself from voting. Mr. Hoadley concurred.

Mr. Murray motioned to approve, Councilman Andreuzzi seconded with the stipulation that the garage will have no plumbing, no heating and no air conditioning. Voting yes: Connors, Wells, Coffey, Sweeney, Councilman Andreuzzi, Councilman Cavallo and Murray. Abstaining: Devino, and Hoadley.

The following Bills were paid: Asbury Park Press (Dubleski Denial \$52.60)

Executive session was not necessary.

There being no further business Mr. Coffey moved to close the meeting at 9:07 and Ms. Devino seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Laurette Wade