

MINUTES OF THE REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, APRIL 27, 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. Kenneth Connors, Mr. Frank Wells, Mr. Lloyd Coffey, Ms. Bruna Devino, Mr. Shannon Hoadley, Ms. Elizabeth Sweeney, Councilman Louis Andreuzzi, Councilman Anthony Cavallo. Pat McNamara, Board Attorney, Mr. Dennis Dayback, Zoning Officer, Mr. Andrew Denbigh, Board Engineer and Laurette Wade, Board Secretary were also present. Councilman Cavallo is Mayor Cocuzza's representative. Ms. Laura Hallam and Mr. Michael Murray were unable to attend. Stan Slachetka, Board Planner, was available by telephone if needed.

The following correspondence was received from Mr. Dayback, the zoning Officer: B18, L8, 307 Florence Ave; B132, L21, 7 Heckleman St; B21, L9.03, 534 Front St; B67, L3, 510 Edmunds Ave; B165 Lots 3 & 11, 424 Aumack Ave; B174, L2, 620 Morningside Ave; B127 L21, 628 Poole Ave; B212, L14, 715 Park Ave; B171, L11, 1315 Union Ave; B80, L4, 124 Floyd Ave; B133, L12, 5 Haug St; B159, L2, 914 Spruce St; B212, L14, 715 Park Ave; B141, L1, 175 Sydney Ave; B129, L2, 12 Scholer Dr; B40, L10, 915 Eighth St; B132, L21, 7 Heckleman St, B109, L6, 218 Broadway; B39, L27, 337 Prospect Ave; B53, L19.01, 717 Eighth St; B53, L15, 729 Eighth St; B186, L7, 717 Beachview Ave; B67, L3, 510 Edmunds Ave; B168, L13, 931 Route 36; B76, L6, 820 Ninth St; B225, Lot 2.02 & 3, 406 Beachview Ave, B8, L3, 606 Second St; NJDEP Atlantic Shores Offshore Wind; Notice W. Keansburg Force Main Replacement Phase II; B112.01, L1, 101 Stone Rd; B131, L1, 135 Morningside Ave; B213, L11, 702-706 Park Avenue; B248, L8, 800 Rose Ln; B18, L8, 307 Florence Ave; B243, L1, 1202 High Ave.; B131, L13.01, 172 Sydney Ave; B193, L3.01, 512 Sydney Ave; B212, L20, 500 Union Ave; B112, L4, 11 Stone Rd; B145, L1, 202 Lorillard Ave; B214, L6.01, 801 Central Ave

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

Mr. Harry Hoff appeared before the board with his attorney Mr. Paul Mirabelli to continue his application for **430 Aumack Ave, Block 165, Lot 4.01**. Mr. McNamara reminded Mr. Hoff he was still under oath and summarized what is known already. Mr. Mirabelli stated there was no more testimony, just a closing statement. Mr. Mirabelli stated that it has been a long, strange trip for this property. Judge Lawsons opinion doesn't even mention the chair of ownership. The 1962 tax assessor merged the properties but there was different owners always. He stated that the board may grant new hearing if new evidence, good cause. The borough saw fit to issue tax sale for this property which shows the borough knew this was a separate piece of property.

Councilman Andreuzzi asked why a quiet title was needed? All the records existed at the time in the 1990s. Mr. Mirabelli responded, I think the answer, they needed it because of the convoluted history. Good practice to get a judgement.

Council Andreuzzi also questioned that if this evidence existed why not show it to the court. Normal process is to go to court for appeal. Legal people found in favor of the defendant, Union Beach Zoning Board. You are asking us to go back and reverse the decision of two judges. I don't believe we have the expertise or the authorization to do that. Best place to take it back to the courts.

Mr. Mirabelli stated that he couldn't even get a copy of Judge O'Hagan's opinion and Judge Lawson's brief does not even mention the chain of title. He feels that if Judge Lawson had these documents he would have mentioned them. They are not asking the board to overturn the Judges' decision but to consider the clear and simple facts. Mr. Mirabelli state that OPRA did not exist until 2002. Mr. Hoff found these documents thru OPRA which may explain why the judges did not have them.

Mr. Wells questioned if there was a possibility for Mr. Hoff to go before the Mayor and Council. Mr. McNamara stated he doesn't believe there is a role for the Mayor and Council in this matter.

Mr. McNamara state the judges can only see what was presented to the Planning Board.

Mr. Coffey stated that he read through all the documents probably twice. He believes that we can't make a decision and we shouldn't overturn a judge's decision.

Mr. Connors stated he concurred with Councilman Andreuzzi and asked if anyone would from the public wished to speak. There was no one. Mr. Connors then asked if someone would like to make a motion. Councilman Andreuzzi made a motion to continue to deny to take jurisdiction on this case in adherence to the decisions of Judges' O'Hagan and Lawson. Mr. Coffey seconded the motion. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo

Deputy Ventures, LLC continued their application applying for Preliminary and Final Major Site Plan Approval for **710 Union Ave, also known as Block 187, Lots 1, 2 & 16** per the requirements outlined in the Redevelopment Plan. The zoning application has been approved by the zoning official. The property is a conforming vacant corner lot located on the south side of Central Avenue at the intersection of Union Ave. The Redevelopment Plans meet the bulk and area requirements outlined in the Commercial Corridors Redevelopment Plan. Represented by Mr. Jeffrey Gale.

Mr. Hoadley excused himself from the hearing due to a conflict of interest.

Mr. Gale stated that Mr. Carr had finished his testimony last month but was available tonight for any additional questions.

Mr. Dayback state that Mr. Carr submitted the drainage report asked for last month and that he has a few questions, but overall he agrees with Mr. Carr's assessment.

Mr. McNamara swore in Mr. Andrew Trocchia, Architect from Sonnenfeld and Trocchia Architects, 53 Main Street, Holmdel. He stated his credentials and Mr. Connors excepted him as an expert witness.

Mr. Trocchia stated that the project consists of three buildings located at the corner of Union and Central Avenues. Buildings 1 & 2 are on the westerly side of the lot and face Union Avenue and are mixed used residential and retail. Building 3 is located on the easterly side of the property and shall be residential only.

They presented exhibit A2 again (color plan of the buildings).

Presented dwg. A1.0 showing the First Floors of all 3 buildings, retail for buildings 1 & 2, garages for building 3

Presented dwg. A1.1 showing the Second Floor of all the buildings. Each unit contains a kitchen/dining area, 2 bedrooms and 2 full baths. All units have balconies. Units range in size from 1135 – 1612 SF. Building #3 has the larger units and they include a mezzanine. The mezzanines have been revised to address the Board Engineer's concerns regarding the mezzanines to meet Union Beach ordinance definition of a mezzanine. Sketch SK-1.0 was handed out to the board members indicating this change and marked as Exhibit A4.

A color rendering of the buildings was marked as Exhibit A5. Mr. Trocchia stated the exterior finish shall be masonry brick with vinyl shaker look and horizontal clapboard above. Shingle roof with a 6/12 pitch.

Mr. McNamara asked about roof mounted solar. Mr. Trocchia stated it could be an option.

Mr. Trocchia stated that buildings 1 & 2 will be 30'-0" to the collar ties and building 3 will be 29' to the collar ties. All 3 buildings meet the height requirement of the borough's ordinance.

SK-2.0 Sign drawings (Exhibit A6) shows a brick with applied letters. Height 3'-8", Length 4'-8" which is within the requirements of the ordinance. Sign will be located outside the site triangle.

Mr. Andreuzzi asked if the county is ok with a lit sign. Mr. Gale responded that the county will need to decide that.

Mr. Trocchia stated that the garages are large enough with extra space for each resident to keep their garage cans and that each unit has sidewalk space to allow for residents to put their own trash out.

There was a misunderstanding about needing a variance. The applicant thought an variance was required because the building is 2.2' from the property line where 15 feet is required. The ordinance actually states maximum 15 feet. They do not require a variance.

One handicapped parking space is required and shown with a total of 26 parking spaces. And one space will be set up for EV.

Ms. Sweeney asked about numbering of the units. Mr. Gale stated that the individual units will each have their own number. Mr. McNamara asked that the numbers be large enough for emergency personnel can read them.

Mr. Connors asked if there is anyone in the audience with comments/questions.

Ms. Terry Tomasko, 705 Central Ave came forward. Mr. McNamara reminded her she was still under oath from last meeting. Ms. Tomasko asked if they didn't receive a variance for parking size would they still meet the requirements. Mr. Carr responded that yes they would, parking was changed to smaller size due to column placement. UB ordinance is 10x20, we propose 9x20 and RSIS is 9x18. We are asking for a waiver not a variance. Ms. Tomasko stated that she is still concerned about parking. She asked the distance from driveway to corner. Mr. Carr stated approximately 56'. Mr. Carr stated that they were not planning on adding additional storm grates in the street. We will not be making the storm problem worse. There will be no runoff to adjacent properties, however we cannot be responsible what happens in the street.

Ms. Tomasko stated her opinion is that a little smaller, more green area would be better.

Ms. Michele Chabala, 716 Union Ave came forward and was also reminded that she was still under oath from last meeting.

Ms. Chabala stated that her basement already gets water. Mr. Carr stated that they will be regrading away from her house.

Mr. Carlos Irizarry, 706 Union Ave was shown in. He stated that he wishes to reiterate what the last two witness mentioned. Parking is an issue, lots of ice in the winter and he believes that the complex will be an eyesore. There will be a lot of traffic in and out and its already tight when cars are parked on both sides.

Ms. Karen Murphy, 704 Columbia was sworn in. She was concerned with traffic and storm water which is already a problem.

Mr. Connors asked if there was anyone else from the public which wished to speak. There was no one.

Councilman Andreuzzi stated that he and Councilman Cavallo could look into the drainage problems with Mr. Dayback. Mr. Dayback stated they could look into drainage and if applicant is agreeable maybe add additional drainage in the street.

Mr. Connors asked for a motion. Mr. Wells made a motion to approve the application, Mr. Coffey seconded. Voting yes: Connors, Wells, Coffey, Devino, Sweeney, Andreuzzi, Cavallo

Eric Wokas, 53 Leroy Place, Red Bank is applying to construct a 2 story house at **924 Sixth St, also known as Block 20.01 Lot 39**. Variances required:

Minimum lot area 2,500 SF where 7,500 SF is required (pre-existing), Minimum lot width of 25 feet where 75 is required (pre-existing), Minimum lot frontage of 25 feet where 75 is required (pre-existing), Minimum side yard setback of 5 feet and 3 feet where 8 feet with two combined yards of not less than 20 feet is required. (pre-existing setback of 2.4 feet and 6.3 feet). All buildings on residential lot shall not exceed 25 percent of the total lot square footage of the lot, 850 SF proposed where 625 SF required. (pre-existing building 559 SF).

Ms. Catherine Franco, Architect, 150 Monmouth Ave, Atlantic Highlands was sworn in, stated her credentials and was accepted as an expert.

Mr. Wokas stated that the existing home is a one family home and is 90 years old. He hasn't raised it. Would prefer to build a new one.

Ms. Franco stated there is no parking now. New layout will allow parking for 3 cars. House will be masonry and wood construction, 3 bedrooms, 2 baths. Will be 4.3' from neighbor's home, 3.3' from property line on the right, 5.0' to property line on the left and the neighbor has his driveway on that side. Interior stairs up to living/dining room, kitchen with bathroom, 13'-6"X12' deck off the kitchen. Second floor: 3 bedrooms, shared bathroom and washer/dryer.

Mr. Dayback stated that #4 of his letter no longer applies. The home will be setback 20'.

Mr. McNamara recommended an EV station and Mr. Wokas agreed since he owns 2 electric vehicles.

Councilman Andreuzzi asked it is a 2 family home now and you are planning on going to 1 family home. Mr. Wokas stated yes it will be a 1 family home. Councilman Andreuzzi asked how many sewer hookups are there now. Mr. Wokas stated 1.

Councilman Andreuzzi asked why the side setback are 5' and 3'. Ms. Franco stated for construction purposes. On the 5 foot side there can be windows. On the 3 foot side there cannot.

Mr. Connors asked if there was anyone in the public for or against this application. No one came forward.

Mr. Dayback stated that all the variances are pre-existing except for the size of the building which is larger. If they footprint was the same as previous building they would not need to come before the planning board.

Mr. Connors asked for a motion. Mr. Wells made a motion of approve, Mr. Coffey seconded.

Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo

Resolution to approved the application for Frank Servidio, 23 Field Avenue, Red Bank applying for a certificate of prior non-conforming use per NJSA 40:55D-68 for the property located on the corner of Sixth and Pine (901 & 903 Sixth St) 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.

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. Wells made the motion to approve the resolution, Ms. Devino seconded. Voting yes: Connors, Wells, Coffey, Devino Abstained: Hoadley, Sweeney.

Chairman Connors called for a motion to go into closed session at 9:55 PM in accordance with the Open Public Meetings Act. Mr. Coffey made a motion and Councilman Andreuzzi second. The motion was approved by a unanimous voice vote of approval.

Mr. Coffey made a motion to go out of closed session at 10:33 and Mr. Wells second. The motion was approved by a unanimous voice vote of approval.

There being no further business Mr. Coffey moved to close the meeting at 10:36 and Mr. Wells seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Laurette Wade