

MINUTES OF THE REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, JULY 27, 2022 IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH HELD AT 7 PM.

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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 and Mr. Michael Murray. Pat McNamara, Board Attorney, Mr. Dennis Dayback, Zoning Official, Mr. Andrew Denbigh, Engineer, Ms. Kendra Lelie, Planner and Laurette Wade, Board Secretary were also present. Councilman Cavallo is Mayor Cocuzza's representative. Ms. Laura Hallam was unable to attend.

The following correspondence was received from Mr. Dayback, the Zoning Officer: B82, L3, 1242 Florence Ave; B225, L6&7, 916 Bayview Ave; B209, L7&7.01, 717 Prospect Ave; B127, L7, 14 Dibling St; B45, L15, 809 Sixth St; B82, L3, 1242 Florence Ave; B53, L14, 813 Florence Ave; B199, L10, 615 Central Ave; B60, L3, 142 Campbell St; B45, L15, 809 Sixth St; B119, L15, 312 Harrison Ave; B240, L4.01, 1114 High St; B169, L11, 1403 Union Ave; B216, L8, 815 Park Ave (5 Applications); B247, L22, 2 Rose Ln; B174, L23, 1217 Union Ave; B218, L4, 810 Prospect Ave; B131, L8, 153 Morningside Ave; B212, L9, 725 Park Ave; vB219, L11, 705 Prospect Ave; B219, L20, 714 Brook Ave; B247, L9, 1232 Wesley Ave; B215, L2, 902 Lorillard Ave; B45, L6, 806 Fifth St; B25, L6, 921 Fourth St; B47, L 39, 910 Florence Ave; B210, L14,15,16, 721 Bayview Ave (2 Applications); B81, L6, 112 Poole Ave; B124, L11, 611 Poole Ave; B44, L10, 820 Sixth St; B112.01, L1, 101 Stone Rd; B164, L3, 437 Aumack Ave; B18, L8, 307 Florence Ave; B47, L39, 910 Florence Ave; B40, L 5 &9, 934 Seventh St; B182, L12, 720 Sydney Ave; B209, L7 & 7.01, 717 Prospect Ave. Correspondence also received for B105, L2.01 204 State St (FSCD) and JCP&L (FSCD)

Mr. Wells moved to approve the minutes of the June meeting and Councilman Andreuzzi seconded the motion. The motion was approved by a unanimous voice vote of approval.

Applications for Laura and John Piccinich, 684 Holmdel Road, Hazlet, NJ seeking Preliminary Site Plan approval with use variances for the property located on the corner of Front/Florence, also known as Block 6, Lots 11 & 12 and Becikoglu Real Estate, LLC, 203 Atlantic St., Keyport seeking to renovate existing structure for a storefront deli/grille at 717-719 Union Ave, also known as Block 198, Lots 2 & 3 were asked to be carried by each applicant with no new notice required. Mr. Coffey moved to carry both applications and Mr. Wells seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Murray

Mr. Michael Laffey, attorney appeared representing the applicant, Santopadre Enterprises, LLC, 3 American Way, Holmdel, NJ applying for a Minor Subdivision of 137 Henry Street, also known as Block 63, Lot 14. Testify will be Mr. Alex Santopadre, Mr. Patrick Lesbriel, architect and Mr. James Higgings, Planner. Kendra Lelie, Dennis Dayback are sworn in. Mr. Lesbriel, architect and Mr. Higgings, planner are sworn in and each state their credentials. Mr. Lesbriel states that plans

are to (2) 2100 SF homes, raised with parking below; 4 bedrooms. There will be 2 decks, one above the other, no roof on top deck. Houses will be mirrors of each other.

No questions from the Board or the Board professionals for Mr. Lesbriel.

Mr. Higgins testified that he looked at applications and plans, looked at site and tax maps of the immediate area. Subdividing 12,500 SF to (2) 6,250 SF lots, where the ordinance requires 7,500 SF lots, 75' lot width and frontage, we are proposing 6,250 SF and 62.5' width/frontage. Other than that the application meets or exceeds all other requirements. The variances requested are 'C' variances.

Instead of one oversized residence, there would be 2 homes of similar characteristics of neighborhood. Many conforming lots in area, and many more that don't conform. Many 50' and 45' lot widths.

Councilman Andreuzzi asked if there are any 45' lots on Henry Street. Mr. Higgins responded there are two lots at the end of the street – on 45' wide and one 37.5' wide. Councilman Andreuzzi asked how many homes were on the lot prior. Mr. Higgins stated one.

Ms. Lelie asked the percentage of conforming lots on Henry Street. Percentage of conforming lots in the neighborhood. Mr. Higgins responded most are conforming; 50-70% of the neighborhood is conforming.

Ms. Lelie asked if this would meet the objectives of the Master Plan. Mr. Higgins stated he feels that it does. This is less intense than if one large home was built.

Councilman Andreuzzi asked if one house could be built that would fit into the neighborhood without building an 8-10 bedroom home. Mr. Higgins answered Of course.

Mr. Alex Santepadre was sworn in. Mr. Laffey asked if he approached the neighbors to buy the small 25x100 lot next door to make 2 conforming lots. Mr. Santepadre stated that he did and they said no.

Ms. Lelie asked the architectural plans show (2) 4 bedroom homes. If you can building an 8-9 bedroom home what's the difference. Mr. Higgins responded I am being conservative, could be 10-11 bedrooms based on one very large house. Ms. Lelie asked if Mr. Higgins had looked at recent listings or sales of homes in Union Beach? Would you be shocking to you that there aren't any that are more than 5 bedrooms. Mr. Higgins responded, no, but there is not many lots large enough.

Ms. Lelie asked if it would be likely to build a house that is out of character of the neighborhood just because they could? Mr. Higgins stated he has seen it many times. Ms. Lelie asked have you seen it in Union Beach? Mr. Higgins stated no.

Mr. Connors opened up to the public for questions/comments.

Mr. Russell Nalick, 111 Henry Street. He stated flooding, including tidal flooding is a problem, there's only one non-conforming lot on the street, there was only one house on this lot prior. Wanted to mention the Multi Jurisdictional Hazard Mitigation Plan. We submitted to Monmouth County and FEMA so we can get flood insurance money from FEMA as a town. We need to adhere to that document. That documents states that Union Beach is in a poorly drained flood plain. Mr. Laffey asked since he is testifying, he should be sworn in. Mr. McNamara swore Mr. Nalick in. Greenfield development would be more likely to have a potential substantial increase to a jurisdiction's vulnerability. Mr. Nalick returned to remind about traffic and where do the extra cars go when flooding makes us move our car.

Gus Young, 120 Henry Street is sworn in. He stated property is vacant, its permeable, won't be with 2 houses on it. Additional homes will make flooding worse.

Josh Intermesoli, 138 Henry Street is sworn in. He stated he is concerned. He has children and it's a quiet dead end street. 2 houses would increase more people/traffic.

Mr. Joe Savi, 117 Henry Street is sworn in. Parking and traffic is a concern.

Kerry Swartz, 120 Henry Street is sworn in. She has a collage of photos showing flooding of the street and houses. It is marked **Exhibit A-1**. Previous owner of this property was denied mother/daughter. This is one of the few streets people not on top of each other. Mr. Laffey asked if all the photos were taken during storms. Ms. Swartz stated no some are with full moon and no rain. Ms. Swartz came up a second time - You have water coming from the creek and from Ninth Street. It is multi-directional.

Ann Maria Fitzgerald, 701 Edmunds is sworn in. Her concerns are flooding, tidal and snow, the creek flooding and traffic.

Francis Fitzgerald, 701 Edmunds is sworn in. His also was concerned with traffic.

Mr. McNamara asked if there was anyone else. No one responded. Close comments to the public – Mr. Wells motioned, Mr. Coffey seconded.

Ms. Leslie stated criteria for C2 variance two pieces of information that needs to be looked at: (1) is there any purpose of the land use law that will be advance. In my opinion the applicant's planner hypothetical as what could be and not necessarily what a 1-family home would be built there. I did a quick check of the vicinity, about one block of the area and there are at least 3 oversized lots with one house on them. Do the benefits outweigh the detriments. The applicant's planner thinks so. When we talk about the zoning benefits not necessarily to that particular property owner but to the community.

Mr. Laffey asked for a short recess to speak to his client. Mr. McNamara stated a 5-minute recess.

Mr. Laffey made a closing statement: Mr. Santopadre has built homes in Union Beach and will continue to build homes in UB. He has a connection to this community. His grandfather, Morris Tetro was a builder in this community. He stated that building on this property will not change tidal flooding. Whatever is built on this property will not change the flooding. Something will be built on this lot. These homes would be more scaled to the neighborhood. The lots would be undersized but we are talking about 12'. Appropriate development for Union Beach. My client does nice work. I urge the board to grant this application.

Mr. Wells stated that we change from 50' to 75' in 1963 to reduce the density.

Mr. Coffey stated that he is listened to the professionals and the concerns of the citizens. I still rely on 2005/2015 revised Master Plan – stopping the lots from getting smaller, this goes against the Master Plan.

Ms. Sweeney asked the applicant's planner about the size of the lots on Henry Street. Mr. Higgins stated most are 75' with the 2 lots on the end being smaller than 75'.

Councilman Andreuzzi asked when you purchased property did you know the zoning laws; zoning requirements? Mr. Santopadre stated I knew it was residential but not the requirements specifically, I knew I could build a house.

Councilman Andreuzzi stated unique area – small street, dead end, flooding. Lots of negative criteria for me.

Mr. Wells make a motion to deny the application, Mr. Hoadley seconded. Voting yes: Connors, Wells, Coffey, Hoadley, Councilman Andreuzzi, Councilman Cavallo, Murray. Voting no: Devino, Sweeney

Mr. Lawrence Cantor, attorney for the applicant, Doug Brown, 40 Skimmer Lane, Port Monmouth, NJ applying to build a new two-story single family dwelling at 716 Second Street, also known as Block 74, Lot 4. Minimum lot width and frontage of 37.5' where 75' is required; minimum side yard setback of 6.25' on both sides where minimum 8' with a total of 20' is required. The proposed structure is larger than the previous structure that has been demolished, therefore increasing the nonconformity.

Mr. Brown and Mr. Higgins are sworn in.

Mr. Cantor stated that Mr. Brown is here to answer any questions if the board would like to hear from the owner. Mr. McNamara asked if the board had any questions of the owner. Ms. Sweeney asked if Mr. Brown will be living in the house. Mr. Brown stated that he would not.

Mr. McNamara asked Mr. Brown to describe what he wanted to build on the property. Mr. Brown stated 2100 SF 2-story home that will have 1 parking space underneath.

Mr. Dayback is sworn in. The proposed house is larger than pre-existing structure, which has been demolished. This lot is unique in that it is 37.5' wide but 200' deep. It runs from Second to Third Street. The existing house was set back from Second Street. The new house is moved forward toward Second Street. It fronts on 2 streets. I assume there won't be an application become before this board to subdivide the property and get another structure on Third Street. What happens to the 200' lot?

Mr. Cantor stated that the applicant would agree that any approval granted could be conditioned on that the lot could not be subdivided. Mr. McNamara stated that we would require a deed restriction. Mr. Cantor and Mr. Brown agreed.

Mr. Higgins testified that this is a C1 hardship variance. One of the plans stated 24.9% coverage but my calculations show it is 18%. There is a small shed in the back that will be coming down. New variances needed for side yard setback 4.75' on each side, which leaves you a 28 foot wide house. Similar size lots in the area. In character of the area. I don't believe there's a substantial detriment. Density of the development meets the ordinance. To comply with the code setbacks the house could only be 17' wide.

Mr. Connors asked if anyone in the public is there for or against the applicant. There were none.

Mr. Murray asked if they could reduce the width of the house by one foot. Make side setbacks equal at 5.25'. Mr. Brown stated he would if that was a requirement. But would like to make a foot longer to make up for it.

Mr. Wells motioned to approve with deed restriction and 27' width. Mr. Coffey seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Councilman Andreuzzi, Councilman Cavallo, Murray

Mr. Harry Hoff, 342 Front Street applying to construct a new two-story single-family dwelling at 340 Park Avenue, also known as Block 148, Lot 10.

Mr. Hoff stated that there is now a single story single family with Sandy damage. Wish to demolish existing and build a new more conforming home elevated home; 4 bedroom/4 bath. New structure will have a 20' front setback, rear setback of 30', right side 4' (8' required), left side 4' (12' required), combined side setback of 8' (20' required) and 2 off street parking spaces. Total lot coverage 33.2% (25% allowed). Variance not needed for front steps – we moved back to be in compliance.

4 bedroom/4 bath. The bedroom on the bottom/office on the first floor. Three bedrooms/2 baths upstairs.

Mr. McNamara asked if the picture shown is a house that is 50' long? Mr. Hoff responded that the house in the photo is 44'. But the actual elevations were submitted. The photo is just to show design.

Mr. Dayback stated it is significantly larger than existing house. Coverage far exceeds allowed. But Harry does build a nice house. I just think its large for a 25' lot.

Mr. Hoff stated the fence will not come further up.

Concerns were raised about a firefighter could get thru 4'. Mr. Hoff offered 5' and 3' and when asked about changing a width of house to 16', Mr. Hoff felt it was too tight in the house but would consider it. We have done multiple house with 5' and 3' and also 4' and 4'. Could cantilever one side over to allow 5' on one side and 4' on the other.

Mr. McNamara asked if there was anyone in the audience.

Robin Lowrey, 317 Central Ave is sworn in. Concerned about the deck because it is close to my property. The size is much longer and I am behind it. Mr. Hoff stated the back of the house is 30' from the setback but the deck is 16.4' from the rear property line and the steps are 12' from the property line. That can be redesigned so that the steps are 16.4' from the property line.

Ms. Lelie 26% existing building 33% for new house. Is there a reason? Mr. Hoff stated that the existing house is in good condition but because of the FEMA requirements and its location (1.5' off property line) doesn't seem practical. I feel it's a great design for the property. It's similar to what we have built before that was 3 bedrooms without the back office. The extra bedroom on the first floor is nice for seniors.

Ms. Sweeney asked about the size of the surrounding area houses. Mr. Hoff stated that there are only 3 lots this size (including this one and are within 100' of this lot) and all the houses are in the area are 2 stories high (raised ranches) some raised 2-stories.

Mr. Dayback asked again why so big on a 25' lot. Mr. Hoff stated he liked the extra bedroom on the first floor. Mr. Hoff then stated he has with him a set of plan showing a 17' wide x 44' long house and that he has no issue using this one instead if that's what the board wants. But I wouldn't want to make it narrower. Plans are marked:

Exhibit A-1: Dwg. A100 Proposed Floor Plans

Exhibit A-2: Dwg. A101 Proposed Elevations

Exhibit A-3: Site Plan

Same house as the first one but shorter. 3 bedroom/3 bath. 28' front setback. Ms. Lelie voiced concerned since the neighbor behind was worried about space between houses. Mr. Hoff agreed to move house to 20' front setback. Leaving a single car driveway with one car garage.

That would increase the rear yard to 38' with the steps 20' from the rear line; with 4' side setback on each side.

Board members remarked they like the second set of plans over the first set.

Mr. Murray asked if side setbacks could be 5' and 3' with the 5' on the bedroom side. Mr. Hoff responded that would make the utility deck on the property line. It was decided to keep 4' on each side.

Mr. Hoadley made a motion to approve the second set of plans 16'x42' house with 4' side setbacks and 20' front setback. Mr. Murray seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Murray.

Mr. Wells made a motion to go into closed session at 10:09 pm. Councilman Andreuzzi seconded. The motion was approved by a unanimous voice vote of approval.

Mr. Hoadley made a motion to come out of closed session at 10:48 pm. Mr. Murray seconded it. The motion was approved by a unanimous voice vote of approval.

There being no further business Mr. Murray moved to close the meeting at 10:50 pm and Mr. Hoadley seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Laurette Wade