REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, JANUARY 25, 2023 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.

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 CAROLINE REITER, Planner LAURETTE WADE, Secretary

MINUTES OF THE PREVIOUS MEETING

Motion to: Moved by: Seconded by: Vote:

CORRESPONDENCE

7th Street Improvements (FSCD) – 2 letters; B106, L16, & 16.01, 233 Broadway (2); B247, L22, 2 Rose Ln; B48, L2, 507 Dock St; B237, L1, 1200 Patterson Ave; B225, L2.02, 406 Beachview Ave; B215, L9 & 10, 512 Beachview Ave; B41, L11, 920 Pine St; B76, L11.02 840 Ninth St; B7, L4, 716 Second St; B37, L13, 917 Fifth St; B130, L29, 25 Scholer Dr; B48, L4.03; 713 Florence Ave; B48, L4.02, 707 Florence Ave; B213, L8, 703 Central Ave; B225, L6, 916 Bayview Ave; B40, L27, 337 Prospect Ave; B37, L13, 917 Fifth St; B210, L25 & 26 Prospect on Union (MCPB), (FSCD [2]); B15, L1.02, 502 Dock St (FSCD); Union Beach Phase I (FSCD); B25, L6, 921 Fourth St; B15, L1.01, 603 Florence Ave; B195, L14.01, 537 Cambridge Ave; B85, L9, 131 Central Ave; B209, L7 & 7.01, 717 Prospect Ave; B127 L4, 8 Dibling St

PUBLIC HEARING

Harry Hoff, 342 Front Street (continued from December meeting) 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:

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 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

UBPB Page 2

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 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 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 applicatant shall have the burder 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:

Mackus LLC, 18 Tall Woods Drive, Manalapan, NJ is applying for a certificate of prior non-conformance for the property located at 531-533 Morningside Ave, also known as Block 193, Lot 13. The subject property is a 75'x100' conforming interior lot in the R8 Residential Zone. The property has one primary principal structure and an accessory building (garage) with exterior stairs to second floor apartment. In accordance with Section 13-10.4, R8 Residential Zone, single family dwellings only are permitted use. Section 143-5.8(f) No accessory building shall be used for residential purposes by any person or persons, including members of the family or occupants of the principal building or others employed on the premises. Section 13-5.8 (g) Detached accessory buildings shall not have exterior staircases that provide access to any attic space.

RESOLUTIONS

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

UBPB Page 3

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:

UBPB Page 4