

MINUTES OF THE REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, JANUARY 25, 2023 IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH HELD AT 7 PM.

The regular meeting was called to order by Vice Chairman Shannon Hoadley 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. Llyod Coffey, Ms. Bruna Devino, Mr. Shannon Hoadley, Ms. Elizabeth Sweeney, Councilman Louis Andreuzzi, Councilman Anthony Cavallo, Mr. Michael Murray and Mr. Russell Nalick. Patrick McNamara, Board Attorney, Laurette Wade, Board Secretary, Dennis Dayback, Zoning Official, Caroline Reiter, Board Planner and Mr. Andrew Denbigh, Board Engineer were also present. Councilman Cavallo is Mayor Cocuzza's representative. Mr. Ken Connors, Mr. Frank Wells and Ms. Laura Hallam were unable to attend.

The following correspondence was received from Mr. Dayback, the Zoning Officer: 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; 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
Correspondences were also received from Monmouth County Planning Board (MCPB) and Freehold Soil Conservation District (FSCD): 7th Street Improvements (FSCD) – 2 letters; B210, L25 & 26 Prospect on Union (MCPB), (FSCD [2]); B15, L1.02, 502 Dock St (FSCD); Union Beach Phase I (FSCD)

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

Mr. McNamara stated that the board does not have enough eligible members for voting on Mr. Hoff's application. It was agreed that Mr. Hoff could be heard and the missing board members would listen to the tape to be able to vote next month.

Harry Hoff, 342 Front Street (continued from December) 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

Councilman Andreuzzi and Councilman Cavallo excused themselves because it is a 'D' variance.

Mr. Paul Mirabelli, attorney and Mark Leber, PE & PP of Eastpoint Engineering, LLC appeared for the applicant.

Mr. Mirabelli recapped the application. 3 story building with office on first floor and one single family apartment on the second (living space) and third (bedrooms) floors. The issue that arose at the last meeting was the parking. There was a plan presented to the board.

Dennis Dayback, Caroline Reiter and Andrew Denbigh were sworn in. Mr. McNamara reminded Mr. Hoff and Mr. Leber that they were sworn in last meeting.

Mr. Denbigh stated that at the last meeting the board was concerned with parking and they were a space deficient. We agreed to work with the applicant on parking suitable for the site. The applicant submitted a layout and 2 alternates to the board secretary and asked that we not review these since Mr. Lieber would not be at the meeting. Today we found out that Mr. Leber would be at the meeting so I printed them out and took a quick look and do have comments and concerns but we do not have a letter.

Mr. Mirabelli stated that there was a plan submitted by EastPoint Engineering with a revision dated of 01-11-23.

Exhibit 'A8' – Site Improvement Plan sheet 3 of 3 original date 08-03-22 Revision date 01-11-23 Rev #3.

Mark Leber stated that the plan shows 5 parking spaces. Residents would park on left side and it would be an exit only. Right side would be in/out for business. Provide buffer with pencil holly (6ft height) in front of the existing fence in back. Lot coverage: 87.7%. I have reservations about the residential parking – 2 way in/out its ok but I have alternate plan that provide 5 parking spots. Going back to 2 drives, one in and one out.

Mr. Hoff handed out:

Exhibit 'A9' – Site Improvement Plan – Alt 2 sheet 3 of 3 original date 08-03-22 Revision date 01-11-23 Rev #3.

Exhibit 'A10' – Site Improvement Plan – Alt 2 sheet 3 of 3 original date 08-03-22 Revision date 01-11-23 Rev #3. Includes turning radius

Mr. Leber stated that the new plan moved the ADA spot up to the back of the house. Lot coverage 92.8%. If the board likes Exhibit 'A8' best that is fine but I think Exhibit 'A9' is better with in and out driveways.

Mr. Denbigh state that there is a difference in the dimensions between Exhibit 'A9' & 'A10'. The curb is closer to the rear of the property. Ms. Reiter stated that Exhibit 'A10' has handwritten changes to the dimensions. Mr. Leber stated that they were not his marks. The intent is a 20' aisle with 18' parking spots which would leave 3' in the rear.

Mr. Denbigh stated that the applicant needs to provide (4) spaces and they include (5) 9'x18' spaces with 9'-0" wide access which should be 18'-0" and parking should be 10'x20' per town ordinance. Design waivers will be required for these. With a smaller buffer maybe add a 6' high fence. I believe this plan is better than last but still wish to provide review letter.

Mr. Murray asked if the utilities would be located under the exterior stairs and could pillars be added at the corners of the building. Mr. Hoff stated yes utilities under the stairs and we will add pillars.

Mr. Coffey commented that he liked Exhibit 'A9' but no grassy area. Either way you lose something. If we agree you would include a 6' fence. Mr. Hoff agreed.

Mr. Mirabelli stated that the applicant presented (2) plans for the board to decide. Mr. Hoff is good with both.

Mr. Hoadley opened comment to the public. No one responded.

Mr. Mirabelli stated that it is his understanding the board is asking for a new alternate #2 showing turning radius with fence and buffer shown. Mr. Denbigh stated that he requests that the applicant make a complete submission with all previous letter comments addressed also. Mr. Leber stated that is not a problem and he will add a landscape plan too. Mr. McNamara stated that if the new plans trigger new variance relief required you may have to re-notice.

Mr. Coffey moved to carry the application to the February meeting and Mr. Murray seconded. Voting yes: Coffey, Devino, Hoadley, Sweeney, Murray, Nalick

Cherlanne 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 proposed 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.

Councilman Andreuzzi, Councilman Cavallo and Mr. Coffey recused themselves from this application.

Mr. Roche and his professionals Mr. Richard Hauser, PE, 307 Main Street, Matawan and John Taikina, PP appeared before the board.

Mr. Hauser stated this is a minor subdivision on the corner of Shore and Sydney. House and carport fronts Shore Road. The application is to subdivide into (2) lots both 75'x100' lots. Lot

6.01 would front on Shore Road. Lot 8.01 would front on Sydney Avenue and would fully conforming. Six (6) variances would required for 6.01 because corner lot: Lot area, lot width, lot frontage, front yard setback (existing) side yard setback (existing), impervious area of lot 6.01 is 30%. The existing house is on 6.01.

Mr. McNamara swore in Mr. Dayback, Ms. Reiter and Mr. Denbigh again.

Mr. McNamara asked if you reviewed the report from T&M dated 6-20-22. Mr. Hauser stated that he did and we addressed it in October. Mr. Denbigh stated that in the letter 3.1 recommended a grading plan for the proposed lot. Mr. Hauser stated it is on the plan but can add a separate plan if required. Mr. Denbigh asked about landscaping. Mr. Hauser stated (2) proposed trees – one on each lot and seeded lawn.

Mr. McNamara asked if there was any conditions in the report that can't be satisfied or you disagree if it was a condition of any approval. Mr. Hauser stated no.

Ms. Reiter stated that our report didn't include the coverage variance is needed but you showed on your plans.

Mr. Hoadley asked if there were any questions/comments from the public for Mr. Hauser. No response from the audience.

Mr. John Taikina, PP, All Things Planning & Development (principal and owner), South Brunswick, NJ.

Mr. McNamara swore him in. Mr. Taikina stated his credentials and Mr. Hoadley accepted him as an expert witness.

Mr. Taikina stated that the variances needed: lot width 75' where 100' required, lot dept 75' where 100' required and lot area 7,500 sf where 10,000 sf required. Existing conditions setbacks – house is not changing. Subdivision won't change that. The new lot is conforming, the variances needed because it's a corner lot. Sydney is a dead end street and there won't be any more development past this. Creating a conforming lot where none exists. 'C' variance relates to a specific piece of property and your findings would be only for this property.

Mr. Taikina handed out to board members good earth photocopy showing the surrounding area.

Photocopy was marked as Exhibit 'A1'

Subject property is in red. Across the street corner lot is 75'x75' – same frontage as we do. Sydney 801 across the street from this property is 50' wide. In this area not all corner lots are 100'x100' and not all interiors are 75'. Introducing a corner lot that doesn't comply doesn't

impair the intent purpose of zoning. Morningside/Shore corner 75'. I kept the comparisons in the immediate area - this block or the next block.

Ms. Reiter stated that Mr. Taikina's testimony was thorough and that the exhibit shows no impact to the neighborhood as well as advancing the master plan goals that you cited. The borough's master plan documents historically had goals of preserving and protection the residential character and that infill development be compatible with the neighborhood. Ms. Reiter stated that she saw other lots that Mr. Taikina could have shown as non-conforming also that he didn't. This subdivision is in context with the neighborhood. C2 variance typically we like to see it as an opportunity for creativity, flexibility in design and something that would be an improvement to the neighborhood. Mr. Taikina stated that with a single family home that creativity can be difficult to reach sometimes. I think that here getting the setbacks right, making sure the home fits well and works with the neighbors, good parking especially since we are next to the open space.

Mr. Denbigh asked if the property subject to any easements, covenants or deed restrictions? Mr. Taikina stated none that show on the survey.

Mr. Hoadley asked for any public comments? No one responded.

Mr. Murray made a motion to approve, Ms. Devino seconded. Voting yes: Devino, Hoadley, Sweeney, Murray. Abstain: Nalick

Applications for the following will be carried to the February 21, 2023 meeting with no new notice required:

1. 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.
2. 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.
3. Mackus LLC, 18 Tall Woods Drive, Manalpan, NJ ia applying for a certificate of prior non-conformance for the preoprty located at 531-533 Morningside Ave, also known as Block 193, Lot 13.

Mr. Murray made the motion to carry, Councilman Andreuzzi seconded. Voting yes: Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Murray, Nalick

Mr. McNamara stated that we would be doing (2) Whispering Woods Hearings at the next meeting for Mr. Medina and Mr. Dubleski. Only difference between that and hearing I put the terms of the settlement agreement on the record, they do a brief presentation and the hearing is noticed and you vote at the end and we are done.

Executive session was not necessary.

There being no further business Councilman Andreuzzi moved to close the meeting at 8:54 pm and Councilman Cavallo seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Laurette Wade