

MINUTES OF THE MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY,
MAY 29, 2019 IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH

The regular meeting was called to order by Chairman Charles Steiner 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: Charles Steiner, Mr. Frank Wells, Mr. Lloyd Coffey, Mr. John Moniz, Ms. Bruna Devino, Mr. Kenneth Connors, Captain Gabriel Farese, Councilman Louis Andreuzzi, Mr. Shannon Hoadley and Mrs. Laurette Wade. Patrick McNamara, Board attorney, Martin Truscott, Board engineer, Ashley Brinn, Scarinci & Hollenbeck and Madeline Russo, Board secretary were also present. Councilman Anthony Cavallo was unable to attend. Councilman Cavallo is Mayor Smith's representative.

Correspondence usual From the Zoning Officer:

From the Zoning Officer 919 Fifth St; 142 Morningside Ave;
809 Florence Ave;215 Broadway;802 Prospect; 121 Central; 1309 Florence Ave; 617 Lorillard; 606
Second St; 204 State; 606 Cambridge; 803 Edmunds; 710 Morningside; 912 Lorillard Av;902 Tenth; 631
Sydney; 1104 Shore; 204 State;908 Fourth; 312 Union; 1315 Union Av; 325 Central; 902 Lorillard: 219
Broadway; 401 Spruce St; 518 Central; 205 Poole; 1014 Union; 705 Center; 402 Central;406 Central; 30
Scholer; 823 Tenth; 165 Morningside; 828 Eighth; 915 Sixth; 817 Ninth; 316 Lorillard; 309 Pine; 803
Prospect; 803 Second; 716 Second; 602 Second, 718 Bayview; 12 Haug; 15 Vista Shores; 735 Prospect;
706 Seventh;142 Morningside;802 Prospect;

Councilman Andreuzzi recused himself from this use variance application.

Richard Thompson representing John Thomson, 634 Sydney Ave. for the property located at 915 Union Ave. also known as lot 11 of Block 190, introduced Jason Graff, 700 Lorillard Av, Construction Foreman for Thomson Builders who was sworn in and gave testimony. Mr. Graff stated that he has built other residences in Union Beach and is presently requesting to construct a single-family dwelling in the B-1 zone located in the Commercial Corridor redevelopment area. He presented into evidence A-1 a rendering of the house prepared by Lou Tomisello. This is a four- bedroom home with a garage, kitchen, two and a half baths, living room, dining room with front and rear decks. Both and D and C variances are required.

Mr. Graff stated that he had someone who wanted to build a single-family home on this property. They are people who live in Union Beach and want to raise their grandchildren in Town. Mr. Paul Ricci, Ricci Planning, LLC was sworn in and accepted as an expert witness. Mr. Ricci advised that he was the principle author of the Union Beach Master Plan addendum in 2005.

Mr. Martin T. Truscott, T&M was sworn in and accepted as an expert. Mr. Truscott advised that the Master Plan was reexamined and the B-1 Commercial Corridor was strengthened and extended in 2015. The Commercial Corridor is part of the Redevelopment plan and is consistent with the Master Plan. This property could be an office but it would need some planning.

Mr. Ricci believes it should be a residential property there are three other properties which are residential on that block. He believes the only use for this property is residential. They are requesting a variance for a new residential use not an existing residential use in a B-1 zone. He stated Commercial

development should have modern standards like off street parking. It would be shoe horning a business between the residences. He stated that this does not impair the intent of the Master Plan. This has been a long-standing existing lot of record. He looked at 43 properties in the B-1 zone and 24 of them are residential. He stated that it is clear that a residence is the only development suitable and the least intrusive use for this property. It will feel out of place on that side of the street – the business should be encouraged across the street. Due to parking, noise etc.

Captain Farese reminded the Board that across the street from this property is a bar/restaurant and that there have already been complaints from the residential property owners about the establishment (noise, etc.) why would it be a good idea to add another residential property to an area that already has a problem with the businesses?

Mr. Ricci thinks this is the only functional use for this property. Especially because of the parking. Mr. Connors stated that a residential use is still going to need parking.

Mrs. Pat Klich, 353 Lorillard Avenue who wants to raise her grandchildren here. The house is being built by her son in-law and because rents are so high this will allow her to remain in Union Beach where she wants to raise her grandchildren. Susan Ellison, 909 Union Av is opposed to any kind of commercial building due to the parking issue and the area residences on both sides of the property.

Michael Ervin, 919 Union Avenue stated that there has been no commercial building there for 40 years. Al Hennesey's office was there 40 years ago and there is no parking for any type of business.

Mr. Wells moved in favor of the applicant and Ms. Devino seconded the motion. Voting yes: Wells, Coffey, Devino

Voting no: Steiner, Moniz, Connors, Farese, Hoadley and Wade

Councilman Andreuzzi, and Mr. Moniz recused themselves from the following hearing.

Mr. Paul Mirabelli, appeared before the Board representing Mr. Robert Burlew, 546 Jersey Ave. The applicant appeared before the Board with an application for the property located at 334 Front St. The applicant requested a use variance to permit the pre-existing non-conforming use of a two family house where a two family house is not permitted or in the alternative to permit a two family residential use where a two family residential is not permitted on a 50 x 100 sq. ft. lot where 75 x 100 lot is required; to permit a 50' lot frontage where 75' is required; a lot coverage of 56.4% where 25% is required (pre-existing); a minimum front yard setback of 13.1' where 20' is required side yard setbacks of 2.7 and 8' where a total of 20' is required.

Mr. Mirabelli advised that his client has not received any violations that were spoken about last month. Also there was a discussion about a hearing before the construction board of appeals which took place on 3/21/2019 and he requested that the copy of the decision be marked as **A-1 and entered as evidence. Mr. Robert Burlew, 546 Jersey Av was sworn in and testified that there is an ongoing court case between his wife and Mr. Davis and other negative issues involved in Mr. Davis' objections to this application.

A-1 is a copy of the motion to dismiss the order of penalty against the appellant.

A-2 Drawing of the interior of the residence

Two story, two family home two bedrooms on each floor with separate ingress and egress on both floors

A-3 Transfer of Title (R-8 two family home)

Property remained vacant for less than a year according to paperwork from the Borough.

Mr. McNamara inquired if the applicant had a copy of the letter from T& M dated June 5, 2018 and the letter from Mr. Lane dated January 11, 2019 questioning the history of the property. The letter from Mr. Dayback states that there is no proof that this was approved as a two family by the Board.

Mr. Marc Leber, Eastpoint Engineering, Marlboro was sworn in and accepted as an expert. He stated that he reviewed the Master Plan and went to the site, checked the history of the property. He presented the following: Block 5 lot 9; Street address is 334-334A Front St. 50 x 100' in the R-8 district. Based on his search it has been a two-family home since 1960; 1978 owned by Fred Hall; 1984- Alt and Faulkner; Zerkel and McMann 1990; 1998 –Daniel Florentine; 2003 Barbara Florentine 2009, 2011 and 2012. There is no access from one apartment to the other, separate entry doors, separate utilities. There is parking for four- six vehicles. There was no intention to abandon the use. It has been a two-family residence for forty years. Also received a letter from the Borough stating that there was not substantial damage after Sandy. There are also some bulk variances required Which are pre-existing. There is another two-family home directly next to this two family.

Mr. Steiner inquired as to the name of the person signing the Certificates of Occupancy. Mr. Mirabelli stated that there were signed by Mr. Crane, Mr. Bob Parsells and Mr. Bill Parsells

- A-4 April 14, 2009 Certificate of Occupancy – Florentine
- A-5 May 3, 2011 C of O
- A-6 March 22, 2012 C of O
- A-7 January 30, 2015 C of O for Unit B of Two-family dwelling
- A-8 Earlier tax records dating back to Fred Hall (to be provided)
- A-9 May 15, 2017 letter from Barbara Florentine 334B upstairs
- A-10 Application for C of O for 334B David and Silvia Gaurex
- A-11 C of O July 12, 2018 for 334B Gaurex signed by J. Crane
- A-12 Electrical Sub Code August 19, 2018-00207 for 334A
- A-13 C of O issued for 334A downstairs on September 27, 2018 by J. Crane
- A-14 Letter from Tim Davis revoking C of O – without an explanation dated September 28, 2018
- A-15 Letter from Borough dated April 4, 2013 issued by Bob Burlew stating that there was no Substantial damage

There was a discussion about an elevation certificate but there wasn't any produced at this time.

Mr. McNamara requested that Mr. Mirabelli send copies of all the above paperwork to the Secretary to be distributed to the Board members to assist in making a final decision about this property.

Chairman Steiner inquired if there was anyone for or against the applicant in the audience.

Mr. Joseph McGrath, Union Beach Code Enforcement stated that Mr. Davis could not appear tonight and had to recuse himself of all matters due to the ongoing court proceedings.

Mr. Harry Hoff, 342 Front has lived in the area of the house for at least fifty years. He stated that this has always been a two-family house.

Mrs. Wade moved to carry the application until next month – they will appear first on the agenda. Mr. Connors seconded the motion. Voting yes: Steiner, Wells, Coffey, Devino, Connors, Farese, Hoadley and Wade

Councilman Andreuzzi and Mr. Moniz returned to the meeting.

The following members are present for the meeting: Steiner, Wells, Coffey, Moniz, Devino, Connors, Andreuzzi, Hoadley and Wade 9:45 Captain Farese returned to the meeting 9:50. **

Representatives from Sabor Investments, appeared before the Board requesting a variance for the property located at 906 Second Street and known as lot 1 of Block 24. The applicants requested the following: Minimum front setback of 9.9 ft on the Second Street side where 20' is required and a minimum side yard setback of .4 where 8 feet with a combined side yard setback of no less than 20 ft. Jerry Lemega, Architect and Boris Radchenko, managing member were sworn in and testified. Mr. Lemega presented a colored rendering of the single-family residence. Pre-existing non-conforming single-family dwelling that the applicant requests a second floor and which will be raised. The first floor will have one bedroom on the first floor and three bedrooms on the second floor. Mr. Radchenko signed a letter stating that the structure is sound.

A-1 Color rendering of proposed structure. Chairman Steiner inquired if there was anyone in the audience either for or against the application. There was no one. Mr. Wells moved to approve and Mr. Hoadley seconded the motion. Voting yes: Steiner, Wells, Coffey, Moniz, Devino, Connors, Farese, Andreuzzi, Hoadley and Wade.

Mr. Robert Bergan, Keyport applied for a variance for the property located at 309 Pine St. It is a single-family residence on a non-conforming 50' width where 75' is required; 50' frontage where 75' is required 50' depth where 100' is required; 2,500 sq ft where 7,500 sq. ft is required; front yard setback of 11' where 20' is required; rear yard setback is 9' where 30' is required. The front deck on the left side both floors will be 5'. Mrs. Jennifer Schlemmer, 833 Fourth St. appeared to object to the application. Ms. Schlemmer objects to the decks extending on Pine St. Mrs. Wade moved to approve with the change on the front decks and Mr. Moniz seconded the motion. Voting yes: Steiner, Wells, Coffey, Moniz, Devino, Connors, Farese, Andreuzzi, Hoadley and Wade.

***We were unable to hear this application due to the time constraint Mr. Moniz moved to carry without prejudice and Councilman Andreuzzi seconded the motion. The motion was approved by a unanimous voice vote of approval. When asked, there was no one in the audience either for or against the application.

Russell Carhart for the property located at 307 Florence Ave. Lot 8 of Block 18 requesting the following variances: Lot area of 5,000 where 7,500 is required; minimum lot width of 50' where 75' is required lot frontage of 50' where 75' is required (all pre-existing). Access Stairs 4.5 where 5' is required and lot coverage of 30% where 25% is allowed.

A resolution approving a variance for Harry Hoff for the property located at 826 Center St and known as lot 9 of Block 46 was introduced to the Board. The pre-existing two structures will be demolished and the applicant is requesting the following variances: Minimum lot area 4,000 where 7,500 is required (pre-existing); Minimum lot width 40 ft where 75 ft required (pre-existing); Minimum lot frontage 40ft where 75 is required (pre-existing); Minimum side yard of 6ft where 12 ft is required with two combined side yards of 14 where not less than 20 ft required; Total lot coverage 29.9 where 25 % is allowed. Councilman Andreuzzi moved to approve the resolution and Mrs. Wade seconded the motion was approved by a unanimous voice vote of approval.

A resolution approving a minor field change from the resolution for IFF (Marina Energy) which was approved on June 28, 2017 and Memorialized on July 26, 2017. Applicant is requesting an update to include three electric car charging stations in the locations shown on the plan submitted to the zoning officer. Mr. Wells moved to Approve the resolution and Councilman Andreuzzi seconded the motion. Mr. Coffey abstained. The motion was approved by a unanimous voice vote of approval.

A resolution denying Dominick Mastrocola, 60 Creek Rd., LLC for the property located on the corner of Spruce and Lorillard Aves. (401 Spruce and 354 Lorillard Ave also known as Block 149 lot 16). Applicant requested a subdivision of the property. The property is a 75 x 100 lot on the corner with two residences on the lot. Corner lots require 100 x 100 for a single dwelling. Voting yes: Steiner, Moniz, Connors, Hoadley and Wade.

There being no further business before the Board, Councilman Andreuzzi moved to close the meeting at 10:45 and Mr. Coffey seconded the motion. The motion was approved by a unanimous voice vote of approval.

Respectfully submitted,

Madeline Russo