

**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**

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***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

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MR. FRANK WELLS

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MR. LLOYD COFFEY

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MS. BRUNA DEVINO

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MR. SHANNON HOADLEY

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MS. ELIZABETH SWEENEY

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COUNCILMAN LOUIS ANDREUZZI

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MAYOR CHARLES COCUZZA \*\*\*\*

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COUNCILMAN ANTHONY CAVALLO

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MS. LAURA HALLAM

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MR. MICHAEL MURRAY

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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**

7<sup>th</sup> 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



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 being 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 amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district for which it is located by reason of such adoption, revision or amendment" 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 applicant shall have the burden 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:  
Seconded by:

Moved 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

**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.

**ADJOURNMENT**

**TIME:**