

MINUTES OF THE REGULAR MEETING OF THE UNION BEACH PLANNING BOARD HELD ON WEDNESDAY, FEBRUARY 21, 2023 IN THE MUNICIPAL BUILDING, 650 POOLE AVENUE, UNION BEACH HELD AT 7 PM.

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. Ken Connors, Mr. Frank Wells, Mr. Llyod Coffey, Ms. Bruna Devino, Mr. Shannon Hoadley, Ms. Elizabeth Sweeney, Councilman Louis Andreuzzi, Councilman Anthony Cavallo, Ms. Laura Hallam 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. Mike Murray was unable to attend.

The following correspondence was received from Mr. Dayback, the Zoning Officer: B150, L26.02, 331 Lorillard Ave; B150, L17.01 & 20, 335 Lorillard Ave; B18, L19, 502 Dock St; B237, L3.01, 1200 Patterson Ave; B170, L6, 554 Ocean Ave; B48, L5, 719 Seventh St; B200, L51, 519 Central Ave; B169, L2, 610 & 612 Aumack Ave; B167, L14, 825 Highway 36; B40, L5 & 9, 934 Seventh St; B37, L5, 914 Center St; B149, L12, 340 Lorillard Ave; B200, L51, 519 Central Ave; B18, L19, 302 Dock St; B195, L16, 527 Cambridge Ave; B125, L16.01, 633 Poole Ave; B36, L1, 900 Fourth St; B214, L14, 814 Park Ave; B170, L6, 554 Ocean Ave; B19, L21, 300 Florence Ave; 709 Beachview Ave

Mr. Hoadley moved to approve the minutes of the January meetings and Mr. Coffey seconded the motion. Voting yes: Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Nalick. Abstaining: Connors, Wells

Applications for the following will be carried to the March 29, 2023 meeting with no new notice required:

Deputy Ventures, Colts Neck applying to for site plan approval to construct 3 buildings with 2 units each on the property located at 300-306 Union Ave, also known as Block 39, Lots 25 & 26.

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

Dubleski Custom Homes, LLC, Hazlet appearing before the Board for a "Whispering Woods" hearing for minor subdivision with variances at 204 Morningside Ave, Block 139, Lot 19 & 20.

Motion to carry made by Mr. Hoadley, Seconded by Mr. Wells. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Hallam, Nalick

Harry Hoff, 342 Front Street (continued from December & January) 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

Mr. McNamara questioned board members who were not present for the January meeting (Connors, Wells, Hallam) if they had the opportunity to read the transcript of the previous meeting to be able to participate on this application. All stated yes they have. Councilman Andreuzzi and Councilman Cavallo were excused 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 stated that at the last meeting that the board members requested that provide more information, mainly turning radius. They also wanted some landscape and lighting information.

Mark Leber, Caroline Reiter and Andrew Denbigh were sworn in.

Mr. McNamara stated that we have an updated letter from T&M dated 2/21/23. Exhibit A-11.

Mr. Leber stated that plan revisions that have been made since last meeting. We have added a 6' high fence along the rear of the property and down both sides to the beginning of the parking area. Added some plants in front of the fence (pencil holly) in the back of the property. Landscape will have a drip system. Added a lighting plan to the set which include 0.5 foot candles in the parking lot surface by the building. Bollards were added per board and noted storage for garbage cans below second floor stairs. Lot coverage is now 92.78%, 3856 SF, still need a variance.

Turning template was discussed. Template uses 19' long sedan, 24' turning radius for all parking spaces. Mr. Denbigh asked if the bollards were taking into account when doing turning radius. Mr. Leber stated he felt they didn't impact the turning of the cars. These are conservative turning radius and I am not concerned. Mr. Denbigh is concerned for large pickup trucks, full sized SUVs, etc. The aisles are half the width (9') aisle that the town wants. Difficult to back up down the side. Mr. Leber stated that we discussed this last meeting, this is not going to be a high traffic area. Mr. Nalick questioned if any modern vehicles were used for turning template. Mr. Leber stated that the sedan has a larger turning radius (20') than the average car today (19'). Mr. Coffey asked if all cars will be able to pull into a spot. Mr. Leber stated that on the plan some of the turning radius are if backing in. The far right you would back in. May have to do a 'K' turn or double 'K' turn to get out if all spaces are full.

Ms. Reiter asked again about trucks. Mr. Leber said sign could be added to exclude trucks, no loading trucks, no panel trucks. Ms. Reiter asked that trucks won't be allowed on the property. Mr. Leber stated hi feels that is practical. It will be a small office. Ms. Reiter asked what type of

deliveries. Mr. Leber stated maybe Amazon. There is no tenant now. Ms. Reiter asked if it could be a retail or services. Mr. Leber stated that no it is not set up for that.

Ms. Sweeney stated that the resident could have 3 cars. Mr. Leber stated that we have accounted for 2 residential spaces and 2 office spaces. Ms. Reiter stated again that you expect offices. Mr. Hoff stated yes.

Ms. Sweeney asked if the buffer is 3'. Mr. Leber stated 3' is from the property line to the edge of curb so the buffer is a little less than 3'. She then inquired on where rain will go. Mr. Leber stated that the property drains from the back to the front of the property to the street.

Will be doing an EV ready spot. Mr. Denbigh asked if that space will be for the business or residential use. Mr. Leber stated that it would be make more sense for the residential. We can do 2 charging spots since the stanchion comes with 2. Mr. Denbigh asked how big that is. Mr. Leber stated not very large. It would be located within the buffer area, its about the size of a plant. Mr. Denbigh stated that in the EV state wide ordinance, once it is an EV space, no other vehicles can park in that space. It was questioned if that applies to private property. Mr. Denbigh said that would need to be investigated, he just wanted the board to know.

Lighting plan: Mr. Leber stated that adding (2) pole mounted fixtures to light the back to the parking spaces, but the poles would require digging outside the property lines. Can move to the corners where there's extra room and angle the lighting and include a 3rd light on the building to light up the handicap space. Mr. Denbigh stated you will make sure that there is no light spillage to the other properties. Mr. Leber stated yes. No lighting on the exterior of the front of the structure except for a single light near the door. Hours of operation for lighting: dusk to dawn. Mr. Coffey has a concerned that lighting all night may bother the neighbors since they are so close. Mr. Leber stated that LED we can dim to 50%.

Ms. Reiter expressed her concern with all the comments about turning radius, lighting, parking, coverage. There is a "a lot on the lot".

Mr. Hoff stated that there is an approved zoning application from 2014 to allow for the erection of the same exact (larger) building that was there before. But he didn't want to do that. He wanted to make it better - a smaller building, improved parking, access.

Mr. Hoadley stated his concern over lighting. Mr. Coffey also stated he has concerns over lighting too. Mr. Leber stated that they could do all bollard lighting which would eliminate the poles. Ms. Reiter asked if you have used bollard lighting before. Mr. Leber stated yes 2 projects and they are both under construction right now.

Mr. Dayback stated that he has a copy of the 2014 zoning application which was approved by the prior zoning official. There is a number of zoning letters since then that I have denied. Mr. Hoff mentioned the residential that was denied, but there a couple zoning beyond that. Things like uses have been denied. This property has history. As far as the abandonment and/or use being demolished, once the use is demolished, the use goes with it. Mr. Hoff and I disagree with

the language of the Sandy relief. Commercial corridor was put together after Sandy with 3 or 4 site specific redevelopment areas. The car wash, the old Hess station, Servino's – all of them are outlined in the commercial corridor. Turning radius: 3-4 maneuvers for any size vehicle is excessive.

Ms. Devino made a motion to approve the application, Mr. Wells seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Hallam. Voting no: Sweeney. Abstain: Nalick

Chairman Connor calls for a Motion to go into Closed Session at 9:32. Motion made by Mr. Coffey, Seconded by Mr. Wells. Voice vote.

Mr. Wells made a motion to come out of closed session and Mr. Coffey seconded.

Juan Medina, 2358 Great Harbor Dr, Kissimmee, FL appearing before the Board for a "Whispering Woods" hearing for the property located at **734 Second Street/203 Florence Ave, also known as Block 7, Lot 11**. The application is to demolish the existing 3-family home and construct a 2-family home more conforming to the lot. This is part of the settlement reached in pre-trial litigation.

Mr. Mirabelli and Mr. Marc Leber, Eastpoint Engineering LLC, 11 South Main Street, Marlboro is representing Mr. Medina.

Mr. McNamara stated that this is a "Whispering Woods" so named after the case that set forth the general parameters into entering a settlement agreement onto the record with public notice. Mr. Mirabelli confirmed it was published in the paper. Purpose is to advise the public of the general terms of the settlement and provide the applicant to provide a brief testimony regarding this matter. The original application was heard 2021 and denial resolution was adopted Jan. 26, 2022. Complaint was filed on March 4 and the board responded 30 days later. After discussion with the parties, it was agreed to settle the matter which triggers the "whispering woods". General terms and conditions are: Complaint will be dismissed with prejudice once this hearing is completed and the resolution memorialized. There is a settlement agreement in place. The court will maintain jurisdiction in case milestones are not met.

Councilman Andreuzzi and Councilman Cavallo excuse themselves.

Exhibits:

- A1 General Information
- A2 Topographic Survey dated 10-17-22
- A3 Floor Plans/Elevations 9-20-19 revised 9-22-22
- A4 Location Survey (Existing conditions) 8-18-96

Mr. McNamara stated that we will stipulate that as part of the administrative record the complaint answers that you filed as part of the pre-trial memo is part of the boards administrative record.

Mr. Leber gave a brief summary of the property. Block 7, Lot 11, 50x100 corner lot, 2 structures connected by a 3rd structure, 2 address: 734 Second Street & 203 Florence Ave, 3 units with 2 units currently occupied. I looked back on tax records back to the 1970's and this lot has always had multiple family use.

We submitted a plan October 15, 2020 which depicted elevated 2 family house with (1) driveway off Florence & (1) off Second Street. Setbacks: 20' front yard Florence, 20' front yard Second and 20' side yard to Lot 10 on second street and 8' rear setback to Lot 12 on Florence Ave. 60'x22' footprint, 38.3% lot coverage.

New Plan: October 17, 2022 A3 plan. Still a 2 family elevated structure. 39'-4"x30'. Single garage for each unit plus driveway for each unit. Both driveways are on Second Street. New front setback is 10'. It aligns with adjacent houses. Setback to Florence is 30-4' and 30'-4 to Lot on Second Street. Rear Setback is 10'. The air conditioning units and decks have been removed from the rear and placed on the side yards. Coverage 41.82%. Building coverage: 1180 SF, 23.6% building coverage, less than old building.

Same non-conformities exist from the existing to new.

Mr. Denbigh asked what the height of the building will be. Mr. Leber stated 32' to the collar tie so that's a variance.

Mr. McNamara asked if the applicant will agree to a deed restriction that the garages cannot be made into separate residences. Mr. Mirabelli stated yes.

Mr. Denbigh asked if the front setback is 10' from the property line to the garage. Mr. Leber stated yes. Mr. Denbigh asked if there enough room for a car to park in front of the garage. Mr. Leber stated that the driveways are on the side of the building. One on each side of the structure.

Mr. McNamara stated that one of the conditions would be that all the structures on the property must be demolished prior to new construction can begin. Mr. Mirabelli agreed.

Mr. Coffey stated that the plans says the rear setback says 0'. Mr. Mirabelli stated that should be 10'.

Mr. Denbigh stated that a corner lot has (2) side lots and (2) front lots. No rear yard.

Mr. Connors asked if there was anybody from the public that wanted to comment. None

Mr. McNamara requested a motion to approve the application to fulfillment of the terms of the settlement agreement.

Mr. Wells made a motion to approve, Mr. Coffey seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Hallam. Abstain: Nalick

Resolution approving the application of Cherlanne and John Roche, 1104 Shore Road, 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.

Ms. Bruna moved to approve the resolution, Mr. Hoadley seconded. Voting yes: Devino, Hoadley, Sweeney. Abstain: Connors, Wells, Coffey, Hallam, Nalick

Resolution approving the 2023-1 Chairman Ken Connors, 2023-2 Attorney Pat McNamara, 2023-3 Vice Chairman Shannon Hoadley, 2023-4 Secretary Laurette Wade, 2023-5 Engineer and Planner T&M Associates, 2023-6 Newspapers – Asbury Park Press and Star Ledger.

Mr. Coffey moved to approve, Ms. Devino seconded. Voting yes: Coffey, Devino, Hoadley, Sweeney, Andreuzzi, Cavallo, Nalick. Abstain: Connors, Wells, Hallam

Resolution to authorize the settlement agreement for Medina v. Union Beach Planning Board.

Mr. Coffey made the motion, Ms. Devino seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Sweeney, Hallam. Abstain: Andreuzzi, Cavallo, Nalick.

Resolution to authorize the settlement agreement for Dubleski vs. Union Beach Planning Board.

Ms. Devino made the motion, Mr. Coffey seconded. Voting yes: Connors, Wells, Coffey, Devino, Hoadley, Hallam. Voting no: Sweeney. Abstain: Andreuzzi, Cavallo, Nalick

Ms. Sweeney stated we need to do something/try to figure out the (certificate of occupancy) CO problem. Who is checking this? The borough needs to strengthen this process. Have check and balances. Mr. McNamara stated that it should be brought to the Borough administrator's attention. Ms. Sweeney feels there should be different forms for different types of buildings.

There being no further business Mr. Hoadley moved to close the meeting at 10:23 pm and Mr. Coffey seconded the motion. The motion was carried by a unanimous voice vote of approval.

Respectfully submitted,

Laurette Wade