

**RESOLUTION**  
**Borough of Union Beach**  
**Planning Board**  
**In the Matter of Sabor Investments, LLC**  
**Zoning Permit No. 2223**  
**Decided on May 29, 2019**  
**Memorialized on June 26, 2019**  
**Approval for Bulk Variance Relief**

**WHEREAS**, Sabor Investments, LLC (hereinafter the “Applicant”) has made an application to the Borough of Union Beach Planning Board for bulk variance relief tied to the renovation and remodeling of an existing building dwelling at 906 Second Street, also known as Block 24, Lot 1 on the Tax Map of the Borough, in the R-8 Residential Zone; and

**WHEREAS**, a public hearing was conducted on May 29, 2019; and

**WHEREAS**, Stan Yolz, Esq., appeared on behalf of the Applicant;

**NOW THEREFORE**, the Planning Board makes the following findings of fact, based upon evidence presented at its public hearing, at which a record was made. The application before the Board is seeking approval to remodel and renovate an existing structure located at 906 Second Street in the R-8 Residential Zone. There is an existing non-conforming structure on the property that had been abandoned for approximately ten years. Given that the property has been abandoned for more than ten years, the applicant will require variance relief as part of the process to reoccupy the building. The variance relief needed by the applicant is for the following:

1. Section 13-10.4f.5. Minimum front setback of 9.9 feet on Second Street, where 20 feet is required.
2. Section 13-10.4f.7. Minimum side yard setback of 4 feet, where 8 feet, with two combined side yards of not less than 20 feet, is required.

The relief sought was reflected in the August 28, 2018 letter from Dennis Dayback, Zoning Official, that is part of the administrator record before the Board.

Jerry Lamagna, licensed professional architect, and Boris Radchenko, managing member of the applicant, were sworn in, qualified and testified. Mr. Lamagna presented a colored rendering (A-1) of the proposed single-family residence that will be created by the remodeling of the existing dwelling. He noted that the proposed building will have one bedroom on the first floor and three bedrooms on the second floor. Mr. Radchenko provided correspondence saying that the structure is sound in nature. There were no objections raised in the report from Mr. Dayback or from the Board's professionals.

No members of the public spoke concerning the application.

Several members of the Board spoke in favor of the application, noting that the proposed development is consistent with the new Master Plan, and is seen as a positive development for the neighborhood since the property has been vacant for approximately 10 years.

**NOW THEREFORE**, the Planning Board makes the following conclusions of law, based upon the findings of fact. The Applicant before the Board seeks approval for bulk variance relief to remodel and renovate an existing structure at 906 Second Street in the R-8 Residential Zone. The use is permitted in the zone. There is the need for the bulk variance relief for the minimum front setback and side yard setbacks.

With respect to the bulk variances, the Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from bulk and other non-use related Ordinance requirements when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that

exceptional topographic conditions; physical features, or other extraordinary circumstances exist which uniquely affect the specific piece of property and limit its development potential in conformance with Ordinance requirements, such that the strict application of a regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Alternatively, under the (c) (2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purposes of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and that the benefits of any deviation will substantially outweigh any detriment. These tests specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an Applicant for these variances must also show that the proposed relief sought will not cause a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. The burden of proof is upon the Applicant to establish that these criteria have been met.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the Applicant has met the requirements of the Municipal Land Use Law, case law and City ordinances so as to grant the relief requested. Pursuant to these criteria, the purposes of the Municipal Land Use Law will be advanced and the benefits of granting the relief requested clearly outweigh any detriments. The use is one that is permitted in the R-8 Residential Zone. As noted, the bulk variance relief sought will facilitate the renovation of the building. Based on the record before the Board, the benefits of the redevelopment of the property and the re-occupation of this dwelling clearly outweigh they very minimal detriments from granting this relief. Furthermore, the evidence before this Board indicates there will be no detriment to the

public good and no substantial impairment to the intent and purpose of the zoning ordinance or Master Plan by granting this particular bulk variance relief.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Union Beach that the application of Sabor Investments, LLC for property located at 906 Second Street in the R-8 Residential Zone, requesting six bulk variances as listed above is determined as follows:

1. The bulk variances for the minimum front setback and side yard setback, as recited herein, is approved pursuant to N.J.S.A. 40:55D-70(c) (1) and (2).

**IT IS FURTHER RESOLVED** that the above approval is subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications.
3. Payment of all fees, costs and escrow due or to become due. Any monies are to be paid within 20 days of said request by the Board Secretary.
4. Certification of taxes have been paid to the date of approval.
5. Municipal Board of Health approval, if required.
6. Monmouth County Soil Conservation District approval.
7. Municipal sub-code and Board of Health approvals.
8. The development of this parcel shall be implemented strictly in accordance with the plans submitted to the Planning Board and its professionals and approved by the Borough Engineer.

9. Prior to the issuance of any construction permit, the Applicant shall file with the Borough construction official an affidavit verifying the applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply copy of any approvals received.

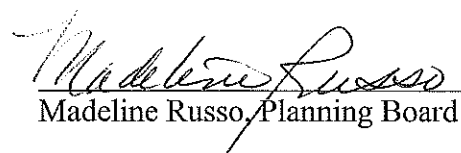
10. At least seven days before any construction, a pre-construction meeting shall be held including municipal representatives, the Applicant, their architect and contractors. The meeting shall be held only after the engineer's opinion of probable cost has been submitted to the municipality for computation of engineering and inspection fees, the form of which is to be approved by the Borough Engineer.

11. The Applicant shall comply with all directives of the Borough Fire Official.

12. The Applicant must post performance guarantees and inspection fees with the Borough, as requested, prior to the beginning of any on site-construction activities.

13. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Union Beach, County of Monmouth, State of New Jersey or any other jurisdiction.

The undersigned secretary certifies the within decision was adopted by this Board on May 29, 2019 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on June 26, 2019.

  
Madeline Russo, Planning Board

FOR: 8

AGAINST: 0

ABSTAIN: 0

Board Member(s) Eligible to Vote:

*Steiner, Wells, Coffey, Moriz  
Derino, Corners Andruzzi, Wade*