

RESOLUTION
Borough of Union Beach
Planning Board
In the Matter of Deputy Ventures, LLC
Application No.
Decided on January 30, 2019
Memorialized on February 27, 2019
Approval for Bulk Variance Relief

WHEREAS, Deputy Ventures, LLC (hereinafter the “Applicant”) has made an application to the Borough of Union Beach Planning Board for bulk variance relief to raise and remodel an existing single family dwelling at 910 Sixth Street, also known as Block 39, Lot 15 on the Tax Map of the Borough, in the R-8 Zone; and

WHEREAS, a public hearing was conducted on January 30, 2019 after the Board determined it had jurisdiction to hear the application; and

WHEREAS, the Applicant was represented by Jeffrey Gale, Esq.;

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 applicant is the owner of the subject property. The existing home was destroyed by Superstorm Sandy. The applicant is seeking to build a new single family residence. The applicant is requesting bulk variance relief as follows:

1. Section 13-10.4(f). 1. (a) – Minimum lot area of 2,500 square feet were 7,500 square feet is required **this is a pre-existing condition*
2. Section 13-10.4(f). 2. (a) – Minimum lot width of 25 feet where 75 feet is required **this is a pre-existing condition*
3. Section 13-10.4(f). 3. (a) – Minimum lot frontage of 25 feet where 75 feet is required **this is a pre-existing condition*

4. Section 13-5.5(d) total Lot coverage is 25% maximum, application is proposing 33.56%

5. Section 13-10.4(f)7 – Minimum side yard setback of 2.5 feet where 8 feet, with two combined side yard of not less than 20 feet for the principal building are required.

Counsel for the applicant indicated there was no reply to letters asking members if there was any adjacent property available for purchase and did not get a response. Mark Blumencrantz of Colts Neck, for the applicant, Curtis Reilly of Highlands and architect Dominic Macaluso of Hazlet were sworn in, and qualified as necessary as experts.

Mr. Reilly (a construction contractor) proceeded to testify that the prior residential dwelling had been demolished. He stated that the proposed four foot setback should be sufficient to allow access to the rear of the proposed residence. He noted the house would be elevated and only storage would be permitted on the ground floor.

Mr. Macaluso testified as to the design of the proposed residence and the need for bulk variance relief. He stated that the ground floor would be flood vented. There needs to be reconciliation due to conflicting information as to whether the house will be built on pilings or block – a resubmittal must be made to the Board Engineer to resolve this inconsistency.

There were no members of the public who wanted to speak or ask any questions 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, it would bring a new tax ratable back online with the community; it is overall seen as a positive development for the neighborhood.

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 build a single family home on 910 Sixth Street in the R-8 Zone. The use is permitted in the zone. There is the need for the bulk variance relief as described above.

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 Zone. As noted in the report of the acting zoning official, three of the six bulk variances that are being sought are pre-existing conditions in nature. The Board finds that five of the bulk variances requested are for conditions which are not being significantly exacerbated. The benefits of the redevelopment of the property and the re-occupation of this single family home outweigh any minimal detriments from granting this relief. Furthermore, the evidence before this Board indicates there will be no substantial detriment to the public good, and no substantial impairment to the intent and purpose of the zoning ordinance or Master Plan, by approving this application.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Deputy Ventures, LLC for property located at 910 Sixth Street in the R-8 Zone, requesting five bulk variances as listed above is determined as follows:

1. The five bulk variances as recited herein are 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. This approval is granted strictly in accordance with the survey prepared by Edward M. Weinert, PLS dated February 8, 2017, and architectural plans from Dominick Macaluso dated September 20, 2018.

3. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications.

4. 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.

5. Certification of taxes have been paid to the date of approval.

6. Monmouth County Soil Conservation District approval.

7. Municipal Board of Health approval, if required.

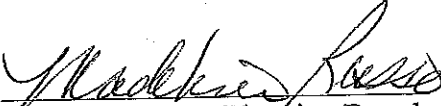
8. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official, an affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

9. At least one week prior to the start of construction the Applicant shall meet with Borough code officials to insure all necessary permits and approvals have been secured.

10. The Applicant shall take all necessary dust and vermin controls during construction work on the property.

11. 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 January 30, 2019 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on February 27, 2019.


Madeline Russo, Planning Board