

RESOLUTION
Borough of Union Beach
Planning Board
In the Matter of Anton Duke
Application No UBPB-R1500
Decided on August 29, 2018
Memorialized on September 26, 2018
Minor Subdivision

WHEREAS, Anton Duke (hereinafter the "Applicant") has made an application to the Borough of Union Beach Planning Board for a minor subdivision of the property located on the 717 and 725 Eight Street also known as Lots 16, 17, 18 and 19 of Block 53, on the Tax Map of the Borough, in the R-8 Residential Zone; and

WHEREAS, a public hearing was conducted on August 29, 2018; and

WHEREAS, the Applicant was represented by Mark Breitman, 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 property is 150 x 100 and the Applicant is requesting a minor subdivision of the one lot into two legal sized lots of 75 x 100 each with no variances required. He testified that he is seeking a two lot, fully conforming subdivision of the existing property.

Mr. Breitman introduced the following into evidence:

1. A-1 (2) Deeds to the property showing the Applicant as the owner,
2. A-2 Easements on property title search,
3. A-3, A-4 sketches of the proposed elevations for two homes to be built,
4. A-6 Floor plan for one house,
5. A-7 Floor plant for second house, and
6. A-8 BRSA letters.

The Applicant was sworn in and testified that he will have the survey redrawn to show the current property (as it exists). The Applicant will also supply a Grading Plan to the Building Department. There will not be any variances necessary when the buildings are built. The homes will have four bedrooms. The Applicant confirmed that he will post to the sidewalk fund. Applicant also confirmed that he will redo the signing block and will file by deed.

When the Chairman asked if there was anyone either for or against the application Mr. Joe McGrath, Code Enforcer, spoke to the Applicant about cleaning up the property. It was agreed that the Applicant, Mr. Duke, will meet with Mr. McGrath. Mr. Wells moved to approve the subdivision and Councilman Andreuzzi seconded the motion.

There were no members of the public who wanted to speak concerning the application.

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 a minor subdivision. The use is permitted in the zone. There is no need for bulk variance relief as described above.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the applicant has met the minimum requirements of the Municipal Land Use Law, case law and City ordinances so as to grant the relief requested.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Anton Duke for property located at the 717 and 725 Eight Street, also known as Lots 16, 17, 18 and 19 of Block 53 in the R-8 Residential Zone, requesting a minor subdivision as listed above is determined as follows:

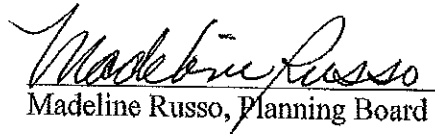
1. Minor subdivision is granted pursuant to N.J.S.A. 40:55D-47.

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

1. Applicant shall clean up the yard in consultation with the Code Official.
2. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
3. This approval is granted strictly in accordance with the subdivision prepared by Richard Karl Heuser, PE, PP, PLS, dated September 21, 2017.
4. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications.
5. 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.
6. Certification of taxes have been paid to the date of approval.
7. Monmouth County Planning Board and Soil Conservation District approval.
8. Municipal Board of Health approval, if required.
9. 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.
10. 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.
11. 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 August 29, 2018 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 26, 2018.


Madeline Russo, Planning Board

FOR: 8

AGAINST: 0

ABSTAIN: 0

Board Member(s) Eligible to Vote:

Charles Steiner, Frank Wells, John Moniz, Bruna Devino, Captain Farese, Councilman Louis Andreuzzi, Councilman Anthony Cavallo, Laurette Wade.

**AMENDED RESOLUTION OF APPROVAL FOR THE MINOR SUBDIVISION
BY THE PLANNING BOARD OF THE BOROUGH OF UNION BEACH
IN THE MATTER OF ANTON DUKE
APPLICATION NUMBER UBPB-R1500
DECIDED ON AUGUST 29, 2018
MEMORIALIZED ON SEPTEMBER 26, 2018
MINOR SUBDIVISION**

WHEREAS, Anton Duke (hereinafter the "Applicant") has made an application to the Borough of Union Beach Planning Board for a minor subdivision of the property located on the 717 and 725 Eight Street also known as Lots 16, 17, 18 and 19 of Block 53, on the Tax Map of the Borough, in the R-8 Residential Zone; and,

WHEREAS, a public hearing was conducted on August 29, 2018; and

WHEREAS, the Applicant was represented by Mark Breitman, Esq; and

WHEREAS, on September 26, 2018, the Planning Board memorialized the Minor Subdivision by Resolution issued by the Planning Board, a true copy of which is attached hereto a Exhibit "A"; and,

WHEREAS, due to circumstances beyond the control of the Applicant, including the 2020 COVID Pandemic and Executive Orders issued by the Governor of the State of New Jersey, the subdivision approved by the Planning Board was not perfected; and,

WHEREAS, the Applicant sold the subject property together with all right, title and inepst in the approvals for the subdivision on February 25, 2021 to 684 Investors, LLC; and,

WHEREAS, 684 Investors, LLC has become the Applicant for the purposes of this land use

application and is now the party which has and will complete the minor subdivision; and,

WHEREAS, the Applicant has requested additional time to complete the conditions of approval and the perfection of the subdivision pursuant to N.J.S.A. 40-55D-1 et. seq.

NOW THEREFORE, the Planning Board makes the following findings of fact, based upon evidence presented at its public hearing on April 28, 2021, at which a record was made.

1. The Applicant is the owner of the subject property.
2. The Applicant has provided current will serve letters from the water and sewer service providers.
3. The Zoning requirements have not changed since the filing and approval of the application for the minor subdivision.
4. The Applicant has provided an Exemption from Approval dated March 22, 2021 from the Monmouth County Planning Board as to this minor subdivision.
5. The Applicant has provided the approval – Certification Letter – dated April 7, 2021 from the Freehold Soil Conservation District.
6. The Applicant has provided a proposed deed of subdivision which has been approved by the Borough professionals.
7. The Board of Health has approved the minor subdivision.
8. The Borough Fire Official has approved the minor subdivision
9. All application fees have been paid and escrow accounts and taxes are paid current.
10. Under date of March 3, 2021, the said Anton Duke transferred all of its rights, title and interest in the subject Property to 684 Investors, LLC which entity shall now be deemed the applicant for this land use application and approval.

NOW THEREFORE, the Planning Board makes the following conclusions of law, based upon the findings of fact.

The Applicant before the Board seeks an extension of time to perfect the approval for a minor subdivision. The use is permitted in the zone. There is no need for bulk variance relief as described above.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the applicant has met the minimum requirements of the Municipal Land Use Law, case law and City ordinances so as to grant the relief requested.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of 684 Investors, LLC for property located at the 717 and 725 Eight Street, also known as Lots 16, 17, 18 and 19 of Block 53 in the R-8 Residential Zone, requesting an extension of time to perfect minor subdivision as listed above is determined as follows:

1. Minor subdivision is affirmed pursuant to N.J.S.A. 40:55D-47.
2. All terms and conditions of the Resolution dated September 26, 2018 shall remain in full force and effect.
3. The terms and conditions of the Resolution Compliance and 90 day extension letter of March 16, 2021 by T and M Associates (Exhibit "B") are incorporated herein as if set forth herein at length.
4. That the Applicant shall have ninety (90) days from the adoption of this Amended Resolution shall comply with any outstanding item of the Resolution as it relates to the minor subdivision and the March 16, 2021 letter ("Exhibit B") as it relates to the perfection of the subdivision by the filing of a deed of subdivision with the Monmouth County Clerk's Office.
5. Within fifteen (15) days of the adoption of this Amended Resolution, the Applicant shall publish in the office paper of the Borough of Union Beach a notice of approval of the minor subdivision as to the Property.
6. 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 that the within decision was adopted by this Board on April 28, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 28, 2021.


Madeline Russo, Planning Board

FOR: 8 *Cornoro, Wells, Coffey, Wade, Devino, Sweeney,*
AGAINST: 0 *Andreuzzi & Cavallo*
ABSTAIN: 0