

RESOLUTION
Borough of Union Beach
Planning Board
In the Matter of Harry Hoff
Application No. 2216
Decided on September 26, 2018
Memorialized on October 31, 2018
Approval for Bulk Variance Relief

WHEREAS, Harry Hoff (hereinafter the “Applicant”) has made an application to the Borough of Union Beach Planning Board for bulk variance relief to construct a new single-family dwelling at 826 Center Street, also known as Block 46, Lot 9 on the Tax Map of the Borough, in the R-8 Zone; and

WHEREAS, a public hearing was conducted on September 26, 2018; and

WHEREAS, the Applicant appeared pro se;

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. There has been a single-family residence with a garage (illegally rented out as an apartment) on the property. The porch on the proposed structure is covered. All of the pre-existing structures on the property will be demolished and a single-family residence will be built. The Applicant is requesting bulk variance relief which is as follows:

1. Section 13-10.4(f)1.(a) – Minimum lot area of 4,000 square feet where 7,500 square feet is required **this is a pre-existing condition*
2. Section 13-10.4(f)2.(a) – Minimum lot width of 40 where 75 feet is required **this is a pre-existing condition*
3. Section 13-10.4(f)3.(a) – Minimum lot frontage of 40 feet where 75 is required **this is a pre-existing condition*

4. Section 13-10.4 f.7 – Minimum side yard setback of 6/8 feet where 8 feet, with two combined side yards of not less than 20 feet are required
5. Section 13-5.5 d – The total lot coverage of the square footage of the ground floor of all buildings located on a lot in any residential zone shall not exceed 25% of the total square footage of the lot as shown on the survey provided. The proposed lot coverage is +/- 27.95%

The Applicant was sworn in and proceeded to describe the variance relief as listed herein. He also testified there was no additional land that could be acquired to reduce or eliminate any of the bulk variances needed. The Applicant testified that the driveway, walkway and garage are to be removed and the new home will have four bedrooms. 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 application before the Board seeks Preliminary and Final Minor Site Plan approval. 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 five bulk variances that are being sought are pre-existing conditions in nature, and which are not being significantly exacerbated. The benefits of the redevelopment of the property and the construction of a new single-family home outweigh any minimal detriments from granting this relief. Furthermore, the uncontroverted 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.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Harry Hoff for property located 826 Center Street in the R-8 Zone, also known as Block 46, Lot 9 on the Tax Map of the Borough, is determined as follows:

1. The five bulk variances as recited herein are approved pursuant to N.J.S.A. 40:55D-70(c).

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

1. The plan shall be implemented strictly in accordance with the plans submitted and approved by the Board.
2. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications from the Board's professionals.
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. 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.
6. A pre-construction meeting shall be held by the Applicant and the Borough officials at least one week prior to the start of construction to ensure all permits, approvals and documents are in order.
7. The Applicant shall take all appropriate measures to control any dust, dirt and any vermin during demolition work and construction of the new residential building.

8. 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 September 26, 2018 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on October 31, 2018.

Madeline Russo, Planning Board

FOR: 8
AGAINST: 0
ABSTAIN: 0

Board Member(s) Eligible to Vote:

Steiner Wells Devino Andreuzzi Cavallo
 Wade Connors Hoadley