

RESOLUTION
Borough of Union Beach
Planning Board
In the Matter of Vincent Camarada
Application No. _____
Decided on October 31, 2018
Memorialized on November 28, 2018
Approval for Bulk Variance Relief

WHEREAS, Vincent Camarada (hereinafter the “Applicant”) has made an application to the Borough of Union Beach Planning Board for bulk variance relief to construct a covered one story extension and an elevated rear wood deck on a house at 315 Dock Street, also known as Block 12, Lot 3, on the Tax Map of the Borough, in the R-8 Zone; and

WHEREAS, a public hearing was conducted on October 31, 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. The Applicant is seeking retroactive approval for the construction of a covered front deck, an elevated one story extension and elevated wood deck. The zoning permit issued for this site was for the elevation of the structure only. In a letter dated June 22, 2018, the zoning official issued a denial and referred the Applicant to the Board. The Applicant requires the following bulk variance relief:

1. Section 13-10.4 f.1.(a) – Minimum lot area of 5,500 sq. ft. were 7,500 sq. ft. is required. **pre-existing*
2. Section 13-10.4 f.2.(a) – Minimum lot width of 50 feet where 75 feet is required. **pre-existing*
3. Section 13-10.4 f.3.(a) – Minimum lot frontage of 50 where 75 feet is required **pre-existing*
4. Section 13-10.4 f.5 – Minimum front setback of 8.7 feet where 20 feet is required.
5. Section 13-10.4 f.6(b) – Minimum rear yard setback of 3 feet where 5 feet is required. **pre-existing*

6. Section 13-10.4 f.7 (a) – Minimum side yard setback of 11.95’ and 7’ where a minimum of 8 feet, with two (2) combined side yards not less than 20 feet is required.
7. Section 13-10.4 f.7 (b) – Minimum side yard setback of 3 feet where 5 feet is required. **pre-existing*
8. In accordance with Section 13-8.16h., no private driveway in any zone shall be located nearer to any side lot line than five (5) feet.
9. In accordance with Section 13-5.5(d), the total lot coverage of all buildings located on a lot shall not exceed 25 percent. The total lot coverage of the square footage of the ground level of all buildings and structures combined located on a lot in any residential zone shall not exceed 50 percent of the total square footage of the lot. Based on the final as-built provided, the total building coverage is approximately 29%, where the maximum is 25%. The total lot coverage is approximately 59%, where the maximum is 50%.

The Applicant was the sole witness appearing without benefit of counsel. He testified that the fund setback is triggered by the covered front porch. He said that the stair and utilities on the side of the house had to push it out two (2) feet on one side. The stair was there previously and was being enclosed with the renovations to the house. He testified the driveway is still in use. The idea of relocating the stairs to the front of the house was not considered practical. Questions from the Board focused on several variance items, including those where it was a pre-existing condition, which was not being exacerbated by the Applicant.

There were two members of the public who spoke in favor of the subject application; Joe Savi and Peter Zelinski.

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 as described above to retroactively approve the construction of a covered front deck, elevated one story extension and an elevated rear wood deck of his home at 315 Dock Street in the R-8 Zone. The use is permitted in the zone.

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 outweighs any detriments. The use is one that is permitted in the R-8 Zone. As noted in the report of the zoning official, 5 of the 9 bulk variances that are being sought are for pre-

existing conditions which are not being significantly exacerbated. Furthermore, the evidence before this Board indicates that these enhancements to the residence will not cause a 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 Vincent Camarada for property located at 315 Dock Street, known as Block 12, Lot 3 on the Tax Map of the Borough is determined as follows:

1. The requested bulk variances as recited herein for retroactive approval of a covered front deck, elevated one story extension and an elevated rear wood deck 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 Certificate of Occupancy or other 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 meeting shall be held by the Applicant and the Borough officials to ensure all permits, approvals and documents are in order.

7. 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 October 31, 2018 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on November 28, 2018.



Madeline Russo, Planning Board

FOR: *Mr Connors second. Wells*
AGAINST: 0
ABSTAIN: 0

Board Member(s) Eligible to Vote:

Steiner Wells Moniz Devino Farese Andreuzzi Cavallo
 Wade Coffey Connors Hoadely