

RESOLUTION
Borough of Union Beach
Planning Board
i/m/o Roberto and Jillian Lepore
Decided on April 28, 2021
Memorialized on May 26, 2021
Bulk Variance Relief

WHEREAS, Roberto and Jillian Lepore (hereinafter the “Applicants”) have made an application to the Borough of Union Beach Planning Board for bulk variances on property located at 331 Lorillard Avenue, also known as Block 150, Lot 26.02 on the Tax Map of the Borough, in the R-8 Residential Zone; and

WHEREAS, a public hearing was conducted on April 28, 2021;

WHEREAS, the Applicants represented themselves; and

WHEREAS, the Application was deemed complete and evidence of compliance with the notice requirements was presented establishing that the Board has jurisdiction over the Application.

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

1. The Applicants propose to construct a two-story addition to the existing home, for a family room and office.
2. The application requires the following variances:
 - a. Section 13-10.4(f)(1)(a), in that the Ordinance requires a minimum lot area of 7,500 square feet whereas the existing lot has an area of 5,750 square feet;
 - b. Section 13-10.4(f)(2)(a), in that the Ordinance requires a minimum lot area of 75 feet whereas the existing lot has a width of 57.5 feet;
 - c. Section 13-10.4(f)(3)(a), in that the Ordinance requires a minimum lot frontage of

75 feet whereas the existing frontage is 57.5 feet;

d. Section 13-10.4(f)(6)(a), in that the Ordinance requires a minimum rear yard setback of 30 feet whereas a setback of 20 feet is proposed for the proposed condition; and

e. Section 13-5.33, in that the Ordinance provides that driveways must be a minimum of 2 feet from adjacent property lines, whereas the existing driveway is less than 2 feet from the property line.

3. The Applicants testified they are proposing to construct an addition to the back of the home. They are presently working from home and the additional space would be helpful for them. They are proposing to remove an existing deck and add a deck to the addition with a dimension of 8 feet to the rear of the structure. The Applicants agreed that the upstairs office would be used for their work at home responsibilities and that there would be no commercial business conducted.

4. Under the Municipal Land Use Law, N.J.S.A. 40:55D-70(c), the Board has 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 limited 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.

5. Based upon the Application, plans, reports and testimony placed before the Board, the Board finds that the Applicants have met the requirements of the Municipal Land Use Law, case law and Borough 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 from granting the relief requested clearly outweigh the detriments.

6. The evidence before the Board indicates that in this particular instance, variance relief can be granted given that most of the variances requested for existing conditions that are not being exacerbated by the proposed addition. The only variance that arises from the addition is a 10 foot deviation from the requirement from the minimum setback in the rear. The Board hereby finds that granting this relief will enhance the efficiency and attractiveness of the use without any substantial detriment to the public good or interference with the intent and purpose of the Master Plan or Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Roberto and Jillian Lepore for property located at 331 Lorillard Avenue, also known as Block 150, Lot 26.02 on the Tax Map of the Borough, is determined as follows:

1. 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 implementation of 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 seek approval or letter of no interest from the Monmouth County Planning Board.

8. The Applicant shall take all appropriate measures to control any dust, dirt and any vermin during construction/renovation of the building and premises.

9. 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 April 28, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 26, 2021.


Madeline Russo, Planning Board

FOR: 6

AGAINST: 0

ABSTAIN: 0

Member(s) Eligible to Vote:

*Coxnos, Wilts, Wade, Sweeney,
Andreuzzi & Cavallo*