

BOROUGH OF UNION BEACH UNIFIED PLANNING BOARD

RESOLUTION OF MEMORIALIZATION OF THE
APPROVAL OF THE APPLICATION OF
ANTONIO AMATO FOR
MINOR SUBDIVISION APPROVAL
AND AN ANCILLARY BULK VARIANCES
109 CAMPBELL STREET
BLOCK 61, LOT 2 AND BLOCK 59, LOT 14.01
APPROVED OCTOBER 28, 2015
ADOPTED DECEMBER 9, 2015

WHEREAS, the Applicant, Antonio Amato (hereinafter referred to as the "Applicant") is the owner of property located at 109 Campbell Street and further known as Block 61, Lot 2 as and Block 59, Lot 14.01 as shown on the Official Tax Map of the Borough of Union Beach; and

WHEREAS, an application has been filed for minor subdivision approval with bulk variance relief before Union Beach Unified Planning Board (hereinafter referred to as the "Board"); and

WHEREAS, the subject property is located in the R-8 zone district in the Borough of Union Beach; and

WHEREAS, the Applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

WHEREAS, the following submissions were presented to the Board at time of application for consideration of the Board:

a) Minor Subdivision Plan prepared by Leo A. Kalieta, P.L.S. dated June 16, 2015 revised through September 11, 2015 consisting of one (1) sheet.

b) Architectural floor Plan and Elevation Drawing for Proposed Dwelling on Lot 14.01 prepared by Kevin C. Roy, AIA dated July 15, 2015 consisting of one (1) sheet; and

WHEREAS, after proper public notice having been given according to law, the Unified Planning Board of the Borough of Union Beach held a public meeting on October 28, 2015 and after having given due consideration to the testimony and exhibits presented by the applicant and its expert, and having given an opportunity for the public to be heard and after due consideration of the testimony and documents submitted, and having given careful consideration to all of the evidence, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction in this matter.
2. The subject property is located on Campbell Street approximately 100 feet southwest of Ninth Street and is further known as Block 61, Lot 14 and Block 59, Lot 14.01 as shown on the Official Tax Map of the Borough of Union Beach.
3. The applicant proposes to subdivide an existing 14,836 sq. ft. tract into two (2) single family building lots. The proposed easterly lot consists of 7,336 square feet in lot area and has 73.36 of frontage on Campbell Street with an existing shed that is

proposed to be removed. The westerly lot is a conforming 7,500 square foot lot with 75 feet of frontage on Campbell Street.

4. The subject property consisting of Block 61, Lot 14 and Block 59, Lot 14.01 is located on Campbell Street approximately 100 feet southwest of Ninth Street and is the R-8 Residential Zone District which permits single family uses.

5. Based upon the application and presentation to the Board in addition to the minor subdivision approval the applicant requires the following bulk variances:

a) A variance is required from Section 13-10.4.f.1(a) of the Ordinance to permit the easterly lot to have lot area of only 7,336 square feet where a minimum of 7,500 is required.

b) Section 13-10.4.f.2 and Section 13-10.4.f.3 of the Ordinance requires a lot frontage and lot width of 75 feet for interior lots. Although the proposed westerly lot complies, variances are required for insufficient lot width and insufficient lot frontage for the easterly lot which has a lot width and lot frontage of only 73.36 feet where 75 feet is required

6. The application was presented to the Board by the applicant's attorney Salvatore Alfieri, Esq. of the firm of Cleary, Giacobbe Alfieri Jacobs, LLC with offices in Matawan New Jersey. Antonio Amato, the applicant and owner of the property testified in support of the application and the requested variances. He testified that the subject lot has 14,836 sq. ft. and he proposed to subdivide the tract into two (2) single family building lots of 7,500 square feet and 7,336 square feet in area. He testified that

he reviewed the tax maps for the lot area of lots in the surrounding area and testified that 11 lots in a immediate area were undersized for the zone. He testified that eight of the lots were 50 x 100, two lots were 25 x 100 and one lot was 64 x 100. He further testified that removal of the existing structure and constructing two new homes on the proposed lots would have a positive impact and benefit to the neighborhood and would not have a negative impact since the minimally undersized lot was substantially larger than the 11 lots in the immediate surrounding area. The applicant further testified that the adjoining lots were developed and there was no ability to acquire additional property to eliminate the proposed minor non-conformities.

7. Mr. Alfieri summarized the application and concluded to the Board that the proposed minor subdivision and related bulk variances were in furtherance of the Municipal Land Use Law and conducive to the orderly development of the site and the general area in which it is located and applicant has met the requisite proofs to be granted minor subdivision approval as well as the requested bulk variance relief pursuant to N.J.S.A. 40:55D-70 C1.

8. The Board noted that no residents appeared and voiced any concerns or objections to the proposed variances and although the Board was reluctant to create an lot that had deficient frontage and lot area for the zone that the proposed deficiencies were minor and the newly created undersized lot was still substantially larger in area than eleven of the properties in the immediate area and not inconsistent in lot area with the neighborhood.

9. After due deliberation, the Board finds that the applicant has satisfied all requirements of the Borough of Union Beach's Subdivision Ordinances and therefore minor subdivision approval pursuant to N.J.S.A. 40:55D-47 et seq. is therefore appropriate. The Board further finds that the purpose of the Municipal Land Use Law would be advanced by granting the requested variances and that the benefits substantially outweigh any detriments and the granting of the variances will not substantially impair the intent and purpose of the Union Beach Master Plan and Zoning Ordinance nor harm the public good.

NOW, THEREFORE, BE IT RESOLVED by the Unified Planning Board of the Borough of Union Beach that the application of Antonio Amato for minor subdivision approval and ancillary bulk variances be and is hereby granted in accordance with the plans filed herein and the presentation and representations of the Applicant and the Applicant's professionals and is granted subject to and conditioned upon the following:

1. The applicant shall prepare and provide a permanent Deed of Easement for the existing storm water sewer pipe twenty that shall be (20) feet in width and located five (5) feet to the west of the pipe and fifteen (15) feet to the east of the pipe in a form acceptable and approved by the Planning Board Engineer and Planning Board Attorney prior to its recordation at the expense of the applicant.

2. The applicant is granted minor subdivision approval with the bulk variances for lot width and lot frontage only for proposed Lot 14.02 and no additional variances will be granted based on the size or proposed location of any new dwelling to be constructed on said lot 14.02.

3. The applicant shall perfect the subdivision by either filing the map in accordance with the New Jersey Map Filing Law (New Jersey Lands: Land Approval and Filing: Sections 46-23.9 through 46-23.11) or if the plat is not filed per the Map Filing Law, a deed perfecting the subdivision must be prepared and a deed is required for each new lot. The proposed deeds must be submitted to the Planning Board Attorney and Board Engineer for their review and approval prior to receiving the signatures of the Chairperson and Secretary of the Planning Board on the prepared deeds and filing.

4. Amendments and modifications to the filed plans to include all requested information and details required by the T & M Associates Review letters and modifications requested by the Board during the hearing on this matter.

5. Subject to all the terms, conditions and requirements of all T & M Associates Review letters specifically the conditions found in the T & M review letter #2 dated September 22, 2015.

6. Contribution by applicant to Borough trust account for sidewalk construction and tree planting in accordance with Borough Ordinances in the amounts calculated by the Borough Engineer.

7. Applicant will comply with all representations made during the testimony and will address the comments and conditions of the Board professional reports.

8. The Applicant shall comply with the Planning Regulations of the Borough of Union Beach to the extent that they are consistent with this resolution and shall comply with all the requirements of the Construction Code and the Fire and Health Code Officials.

9. The Applicant shall procure all state, county and local government approvals required by law.

10. The Applicant shall pay of all taxes, fees, professional fees, and costs due to the Borough of Union Beach and the posting of all bonds required by law and by ordinance.

11. The Applicant shall obtain all necessary building permits and other construction permits required by any local, county or state law, rule or regulation.

12. The Application is granted only in conjunction with the conditions noted herein and but for the existence of same the application would not be approved.

13. The action of the Planning Board in approving this application shall not relieve the applicant of the responsibility of any damage caused by this project, nor does the Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage caused by the project.

14. All representations made by the Applicant or the Applicant's professionals at the time of the Planning Board Hearing

on this matter or in any documents submitted pursuant to this application are considered specific conditions of the approval. Any deviation or misrepresentation therefrom shall be considered a material breach of the facts upon which the conclusions of the Board were made and shall be considered a violation of this approval.

15. This Resolution reflects a summary of the conditions, facts, findings, determinations and conditions determined at the hearings in this matter and is not to be deemed all inclusive. The hearing minutes and transcripts are incorporated by reference in this Resolution and are made a part hereof and are deemed to be in augmentation or clarification of the within Resolution.

BE IT FURTHER RESOLVED, that nothing stated in the within approval shall be interpreted to excuse compliance by the Applicant with any and all other requirements of the Borough of Union Beach or any other governmental entity, agency or subdivision as set forth in any laws, ordinances, regulations or fee ordinances.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary of the Borough of Union Beach Planning Board be and are hereby authorized to sign any all documents necessary to effectuate the purpose of this resolution, provided that the Applicant has complied with all of the above stated conditions.

BE IT FURTHER RESOLVED, that a copy of this resolution, certified to be a true copy by the Secretary of the Planning Board be forwarded to the Borough Zoning Officer, Borough Construction Official, Borough Tax Assessor, Borough Tax Collector, and the Applicant within ten (10) days from the date hereof.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the Asbury Park Press at the Applicant's expense.

Dated: *December 9, 2015*

Moved By: *Mr. Kenneth Connors*

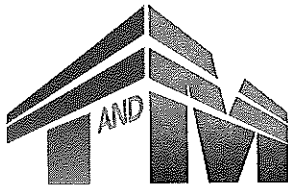
Seconded by: *Councilman Louis Andreuzzi*

Those in Favor: *Steiner, Connors, Casallo and Andreuzzi*
Abstaining: *Coffey and Schultz*

I hereby certify that on the *ninth* day of December, 2015 the Unified Planning Board of the Borough of Union Beach adopted the foregoing Resolution by the aforementioned vote which memorializes an action adopted by the Unified Planning Board of the Borough of Union Beach at its meeting of October 28, 2015.

Madeline Russo

**Madeline Russo, Secretary
Union Beach Unified Planning Board**



YOUR GOALS. OUR MISSION.

UBPB-R1430

March 30, 2016

Union Beach Planning Board
c/o Madeline Russo, Planning Board Secretary
Borough of Union Beach
650 Poole Avenue
Union Beach, NJ 07735

via Email and Mail

**Re: Antonio Amato Minor Subdivision
109 Campbell Street; Block 61 Lot 14 and Block 59, Lot 14.01
Resolution Compliance Review**

Dear Board Members:

As requested, I have reviewed the revised minor subdivision plan, build permit plot plan (soil erosion plan), stormwater report and deeds with metes and bounds descriptions submitted for the referenced project for Resolution Compliance. The subdivision plan was prepared by Leo A. Kalieta, P.L.S., dated June 16, 2015, revised through January 3, 2016 consisting of two (2) sheets. The build permit plot plan (soil erosion and grading plan) prepared by A.J. Carito, Jr., P.E. of Two River Engineering, dated March 1, 2016, consisting of one (1) sheet. Additionally, the applicant submitted a Stormwater Management Report prepared by A.J. Carito, Jr., P.E. of Two River Engineering, dated March 1, 2016.

Deed Review: The applicant has submitted the following metes and bounds descriptions and deeds:

- **The Metes and Bounds Description for Block 61, Lot 14.02 and Drainage Easement prepared by Leo A. Kalieta & Co., dated March 4, 2016, consisting of one (1) sheet** must be signed and sealed by a licensed surveyor. Additionally a separate Deed of Drainage Easement must be provided and submitted to the Borough Attorney and our office for review.
- **The Metes and Bounds Description for Block 61, Lot 14.03 and Drainage Easement prepared by Leo A. Kalieta & Co., dated March 4, 2016, consisting of one (1) sheet** are acceptable from an engineering standpoint and should be signed and sealed.
- **The Subdivision Deed prepared by Salvatore Alfieri, Esq., consisting of two (2) sheets** must be revised to reflect the newly proposed Block 61, Lot 14.02 and Block 61, Lot 14.03.

Conditions Precedent and Plan Revisions: Prior to signature of the final subdivision plans and deeds, the following items from our September 22, 2015 letter and the Resolution of Approval must be addressed:



Le: Union Beach Planning Board
c/o Madeline Russo, Planning Board Secretary

Re: Antonio Amato Minor Subdivision
109 Campbell Street; Block 61 Lot 14 and Block 59, Lot 14.01
Resolution Compliance Review

- a. All utility trench repairs must be backfilled and properly be compacted to prevent settlement due to the recent paving of the roadway and the plans revised to include a note indicating same.
- b. The shade trees must be planted prior to the perfecting of the subdivision. As an alternative, a bond could be posted in the amount of \$1,000.00 (\$250 per tree) to guarantee the future planting of the shade trees.
- c. The applicant must post a contribution to the trust account for sidewalk construction in the amount of \$1,600.00 (\$800.00 per lot) in accordance with Section 13-8.25 of the Ordinance.
- d. The applicant must provide a deed for a drainage easement for the existing stormwater sewer pipe. Prior to the easement being recorded in the Monmouth County Clerk's Office copies of the deed of easement with associated metes and bounds must be submitted for review and approval by the Borough Attorney and Engineer.
- e. The applicant must obtain all necessary approvals, including, but not limited to, Monmouth County Planning Board and Freehold Soil Conservation District. Copies of all permits or approvals should be submitted.
- f. The owner's concurrence signature block must be signed and notarized on the final plans.
- g. The applicant must submit a mylar and 10 paper prints of the final plans. By copy of this email, I am forwarding the extra plans to the Board for their use.

Continuing Conditions: The following conditions are continuing conditions which should be addressed prior to the issuance of any building permits:

1. Prior to the issuance of building permits, a grading plan (showing the actual building footprint of the proposed dwelling), in accordance with Section 13-5.31 of the Ordinance, should be submitted to demonstrate there will not be any impact on adjacent properties. Additionally, the applicant must obtain road opening permits for the proposed utility services and for the new driveway.
2. Prior to the issuance of a Certificate of Occupancy, the applicant must replace any curb or pavement that may be damaged as a result of the construction operation or driveway removal/construction, to the satisfaction of the Borough Engineer.



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Le: Union Beach Planning Board
c/o Madeline Russo, Planning Board Secretary

Re: Antonio Amato Minor Subdivision
109 Campbell Street; Block 61 Lot 14 and Block 59, Lot 14.01
Resolution Compliance Review

If you have any questions or require additional information, please call.

Very truly yours,

EDWARD G. BROBERG, P.E.
BOROUGH OF UNION BEACH
PLANNING BOARD ENGINEER

BONNIE L. HEARD, P.E., C.M.E.
SUPERVISING ENGINEER

EGB:DMD:BLH:EST:lkc

Enclosure (3 copies of plot plans and 4 copies of subdivision plans)

c: Anne Marie Friscia, Borough Clerk
Rick Denoia, Planning Board Attorney
Robert Burlew, Construction Official
Antonio Amato, 55 Chandler Avenue, Keyport, NJ 07735
Leo A. Kalieta, PLS, 20 Middlesex Road, Matawan, NJ 07747
Sal Alfieri, Esq., salfieri@cgajlaw.com

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