

RESOLUTION
OF THE
LAND USE BOARD OF THE BOROUGH OF NEPTUNE CITY
GRANTING MINOR SUBDIVISION APPROVAL

APPLICANT: DONALD HAYNIE and SAMUEL FARRUGGIO, JR.
BLOCK 91, LOT 25
APPLICATION: 21-03

WHEREAS, Donald Haynie and Samuel Farruggio, Jr. (hereinafter referred to as “applicant”) are the owners of Block 91, Lot 25 on the Tax Map of Neptune City, in the State of New Jersey, County of Monmouth (hereinafter referred to as “premises”); and

WHEREAS, the premises are located in a Single-Family Residential Zone (R-1 Zone); and

WHEREAS, the applicant has applied to the Land Use Board of the Borough of Neptune City to subdivide the existing lot into two lots. As a result of the application, the applicant requires the following relief:

1. Front yard setback variance for proposed lot 25.01, which requires 30 ft. front setback, where only 19.9 ft. is proposed (existing condition).
2. Rear yard setback variance for shed on proposed lot 25.01, which requires a 5 ft. setback, where 1.8 ft. is proposed (existing condition).

WHEREAS, after review and notice of publication indicates that the Board has jurisdiction in reviewing this application; and

WHEREAS, a public hearing was held on May 11, 2021; and

WHEREAS, the applicant has produced the sworn testimony of Joseph Kociuba, P.E. and Donald Haynie and the following exhibits were submitted with the application, reviewed by the Board, and shall be considered marked as in evidence as follows:

A-1	Plans entitled "Final Minor Subdivision Plat" consisting of one (1) sheet prepared by Alan R. Boettger, P.L.S., of Clearpoint Services, LLC, dated March 5, 2021.
A-2	One sheet "Outbound & Topographic Plan of Survey" prepared by Alan R. Boettger, P.L.S., of Clearpoint Services, LLC, dated January 20, 2021.
A-3	Zoning Permit Application dated November 2, 2020, denied by Zoning Officer on November 20, 2020.

WHEREAS, the Board introduced the following exhibits into evidence:

LUB-1	Report by Leon S. Avakian, Inc. dated April 16, 2021
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WHEREAS, the Land Use Board of the Borough of Neptune City has considered all the evidence, exhibits and testimony presented and make the following findings of fact and conclusions of law:

1. The Board has jurisdiction to hear and decide this application.
2. The taxes on said premises are paid and current.
3. The said premise is in the R-1 Zone as established by the Land Use Ordinance of the Borough of Neptune City.
4. The Board finds that the applicant has satisfied its burden of proof pursuant to N.J.S.A. 40:55D-1 et seq., upon the meeting of certain conditions.
5. The applicant has requested the following design waivers:
 - a. Front yard setback variance for proposed lot 25.01, which requires 30 ft. front setback, where only 19.9 ft. are proposed (existing condition).

- b. Rear yard setback variance for shed on proposed lot 25.01, which requires a 5 ft. setback, where 1.8 ft. is proposed (existing condition).

The Board finds that the following purposes of the Municipal Land Use Law are promoted with this application:

- a. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey Citizens.
- b. To ensure that the development of individual municipalities do not conflict with development and general welfare of neighboring municipalities, the county and state.

The subject property is approximately 19,189 sq. ft. lot with 150 ft. of frontage on Fifth Avenue and a varying depth from 92 ft. to 122 ft. The subject property presently contains an existing one-story family home on the westside of the lot. The R-1 Zone requires a minimum lot area of 7500 sq. ft., minimum lot frontage is 75 ft., minimum lot width at front setback of 50 ft. and a minimum lot depth of 75 ft. The applicant proposes to construct proposed lots 25.01 and 25.02 which will meet all the lot area requirements of the R-1 Zone. Lot 25.01 will be 10,433 sq. ft. and proposed Lot 25.02 will be 8,756 ft. The lot frontage with depth for both lots are equal and exceed the Zone requirements.

The applicant only requires two variances, both of which are for existing conditions. The applicant requires a front yard setback variance for a proposed Lot 25.01 which presently

contains a 19.9 ft. front yard setback for the existing home and a rear yard setback for the shed which requires a 5 ft. setback where 1.8 ft. is proposed. The Subdivision Application will not exacerbate either of these conditions. If the Board denied the Subdivision Application, the front yard setback for the home and shed would remain. Further, it would be an undue hardship for the applicant to move the home or the shed from the existing setbacks.

With respect to the negative criteria for the two variances, the Board has reviewed the subject property and the surrounding properties and finds that the existing variances do not have a substantial negative impact to the master plan or zoning ordinances. Further, the shed in the rear abuts a garage on the adjoining lot which is approximately the same setback. With respect to the Front Setback, the deviation does not interfere with any adjoining property owners light, air or effect any traffic issues. Based on these findings, the Board can grant the two variances for the existing conditions.

The applicant does not require any variances for lot area or other requirements for the zone, as such, the Board hereby grants the Minor Subdivision Application subject to the conditions contained herein.

With respect to all of the requested variances, the Board finds that the applicant has met his burden with respect to the variances requested because they relate to this specific property, the purposes of the Municipal Land Use Law would be advanced by the deviation from the Zone requirements, the deviations can be granted without substantial detriment to the public good, the benefits of the deviations substantially outweigh any detriment; and the granting of the variances will not substantially impair the intent and purpose of the planning and zoning ordinances.

NOW, THEREFORE, BE IT RESOLVED that this resolution serves as a memorialization of the Board's decision to grant Minor Subdivision Approval on May 11, 2021, subject to the conditions as follows:

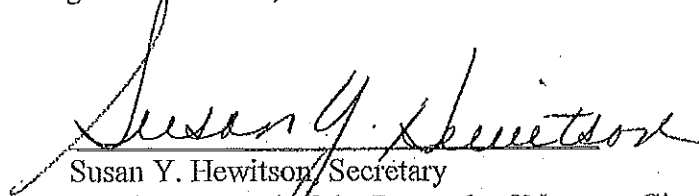
1. The Applicant shall obtain all state, county and local government approvals as required by law.
2. The Applicant shall pay all professional fees, including attorney, engineering and planning fees, incurred by the Land Use Board of the Borough of Neptune City in connection with the applicant and no further improvements shall be granted by the Zoning Board and no permits, including building permits and certificates of occupancy shall be issued to the applicant until such payment is made.
3. This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated by reference and specifically relied upon the Board in granting this approval. The condition which shall be deemed satisfied unless and until the Board determines (on Notice to the applicant) that a breach hereof has occurred.
4. No taxes or assessments for local improvements shall be due or delinquent on the subject property.
5. Applicant is required to obtain all outside agency approvals, including but not limited to, approval from the Freehold Soil Conservation District, Monmouth County Planning Board and Neptune Sewage Authority.
6. The subdivision deed shall be reviewed and approved by the Board Attorney and Board Engineer.

7. Applicant shall obtain confirmation that the proposed lot numbers are acceptable to the Borough Tax Assessor.
8. Applicant shall revise the plans to provide a signage block "Planning Board" to "Land Use Board".
9. Applicant shall revise the plans to provide the 200 ft. property owner list to include the properties located in the Neptune Township 200 list.
10. Applicant shall revise the title on the plans from "the Final Minor Subdivision Plot" to "Minor Subdivision".
11. Applicant shall revise the plans to correct the title block to include tax map, sheet #15.
12. Applicant shall obtain Monmouth County Planning Board approval.
13. Applicant shall obtain Freehold Soil Conservation District approval or exemption letter when the applicant files for building plans for proposed lot 25.02.
14. All roadway openings are subject to Borough Ordinance Chapter 113 requirements,

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to send a certified copy of this Resolution to the applicant, the Borough Clerk, Engineer and Assessor and shall make same available to all other interested parties; and that the Board Secretary and/or the Applicant is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the applicant's expense.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the resolution adopted by the Borough of Neptune City Land Use Board at a meeting held on June 8, 2021.


Susan Y. Hewitson / Secretary
Land Use Board of the Borough of Neptune City

The vote on the Motion
To approve this application:

YES: Patricia Gerand, Andrew Wardell
Glen Kocsis, Randy Reynolds, John
Amoscato, Michele McGuigan, Larry
Cross, Craig Morcom, Dana Farley

NEY: None

The Vote on the Resolution of
memorialization was as follows:

YES: Patricia Gerand, Andrew Wardell
Glen Kocsis, Randy Reynolds, John
Amoscato, Michele McGuigan, Larry
Cross, Craig Morcom, Dana Farley

NEY: None

ABSTAIN: Robert Reynolds, Jr.