

Resolution prepared by:
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RESOLUTION GRANTING MINOR SUBDIVISION

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 40, LOT 3 & 3.01

Application # 21-01
JAMES AND MARGOT LEBANSKY AND ANGELA JEANDRON
37 ½ KEARNY STREET & 80 MAIN STREET

WHEREAS, James and Margot Lebansky and Angela Jeandron have applied to the Unified Planning Board of the Borough of Keyport for approval for minor subdivision approval so as to move a lot line between Block 40, Lot 3.01 (37 ½ Kearny Street) owned by Mr. and Mrs. Lebansky and Block 40, Lot 3 (80 Main Street) owned by Ms. Jeandron;

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., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on February 25, 2021; and

WHEREAS, due to the ongoing covid-19 pandemic, the meeting was held utilizing an online virtual format which ensured all persons having an interest in said application were heard; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicants;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts and conclusions are made:

1. The applicants, James and Margot Lebansky reside at property located at 37 ½ Kearny Street, which is officially designated as Block 40, Lot 3.01. The applicant Angela Jeandron resides at property located at 80 Main Street, which is officially designated as Block 40, Lot 3. The applicants collectively seek minor subdivision approval so as to adjust a lot line between their properties, which back up upon one another. Once the lot line is adjusted, the portion of the property housing a 1 story shed, which is currently located on Lot 3, would become part of Lot 3.01.
2. Mr. and Mrs. Lebansky who appeared at the hearing and placed under oath, indicated that Angela Jeandron was Mrs. Lebansky's mother. Mr. Lebansky had inherited tools that are kept in the shed from his father-in-law. As Mrs. Jeandron had no need for the tools or the shed which houses them, the parties had agreed that it would make sense to just adjust lot lines thereby making the shed part of the Lebansky property.
3. Lot 3.01 is located within the Borough's RA Zoning District while Lot 3 is located within the Borough's RB Zoning District. The existing single family homes are permitted uses in both zones.

4. There are no new variances triggered by the applicants' subdivision request. For the record however, there are several pre-existing non-conformities, but none are impacted by the application as the conditions will remain the same post relief being granted. These existing non-conformities are as follows:

Ordinance Provision	Required	Existing Lot 3.01	Existing Lot 3
Front Yard Setback	20 feet	19.9 feet	44.3 feet
One Side Yard Setback	6 feet	1.7 feet	3.6 feet
Side Yard Combined	16 feet	26.9 feet	11.8 feet

5. In support of the application, the following was offered into evidence:
- Exhibit A-1:** Application to land Use Board
- Exhibit A-2:** Final/Preliminary Minor Subdivision plan dated June 27, 2020 as prepared by John T. Luts, P.L.S. of Yorkanis & White, Inc.
6. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
- Exhibit B-1:** CME Planning and Engineering Review Letter of February 5, 2021..
7. A member of the public, Michael Lane, who resides at 51 First Street, questioned whether the electric to the shed would be disconnected. It was acknowledged by the applicants that this would occur.
8. A neighboring property owner, Dwight Rogers of 39 Kearny Street, indicated that he had no objection to the application being granted.
9. No one else testified with respect to the application.
10. In considering this application the Board has reviewed the materials submitted into evidence and finds that granting the requested minor subdivision can be accomplished without causing any harm to anyone. There are no variances triggered by the application and no one other than the two property owners involved will be impacted if relief is granted.
11. The Board finds that all of the variances which are associated with the two properties are pre-existing non-conformities and that they can all be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of allowing the properties to continue in their present form would lead to a better result than strict compliance with the zoning ordinance would otherwise allow. Trying to force the applicants to eliminate their variances would be nothing but an arbitrary, capricious and unreasonable act by the Board which would have absolutely no relationship to the minor subdivision relief which is being sought.
12. The Board finds that the minor subdivision and variance relief can all be granted.
- NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of James and Margot Lebansky and Angela Jeandron, seeking minor subdivision approval may be granted subject to the following

conditions:

1. The minor subdivision must be in conformance with the plan marked into evidence as **Exhibit A-2**.
2. Subject to compliance with the comments raised within the Planning and Engineering Letter which was marked into evidence as **Exhibit B-1**.
3. Subject to the applicants' communicating with the Borough's Tax Assessor to obtain new lot numbers.
4. Subject to the filing of the appropriate maps in compliance with the current "New Jersey Map Filing Law". If the applicant proposes to file the subdivision by deed, deeds perfecting the subdivision must be prepared. Documents must be submitted to the Board Attorney and Engineer for review and approval prior to filing. Pursuant to the law, the applicants have 190 days from the date of adoption of this Resolution to perfect the subdivision. After 190 days, this approval shall expire.
5. Subject to all representations made by the applicant during the application.
6. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
7. Subject to any and all other approvals as may be required by the Borough or any other governmental entity, prior to the issuance of any permits.
8. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
9. The action of the Unified Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Unified Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
10. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved by K. Howe, Seconded by Mayor Kennedy
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Kennedy, Councilmember Davidson, K. Howe, J. Oviedo,
D. Pacheco, J. Royster, M. Sessa, W. McDermott

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board
of the Borough of Keyport during its meeting on March 25, 2021.


Denise Nellis, Secretary of the Board