

Resolution prepared by:
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**RESOLUTION GRANTING MINOR SUBDIVISION
WITH BULK VARIANCE RELIEF SO AS TO CONSTRUCT
TWO SINGLE FAMILY HOMES**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 9, LOTS 35 & 36

**Application # 21-06
ROBERT DEVINO
5 THERESE AVENUE**

WHEREAS, Robert Devino has applied to the Unified Planning Board of the Borough of Keyport for a minor subdivision with bulk variance relief so as to be able to construct two (2) single family homes on property commonly known as 5 Therese Avenue which is officially designated as Block 9, Lots 35 & 36 on the tax map of the Borough of Keyport;

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 October 28, 2021 during which 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 applicant, Robert Devino, is seeking a minor subdivision with bulk variance relief so as to be able to construct two (2) single family homes on property commonly known as 5 Therese Avenue which is officially designated as Block 9, Lots 35 & 36 on the tax map of the Borough of Keyport.
2. The subject property, consisting of approximately 9,200 square feet, is located on the easterly side of Therese Avenue, near the northerly terminus of the roadway. The site is currently vacant, but was previously developed with a single family dwelling.
3. The applicant proposes to subdivide the subject property into a new Lot 35 and a new Lot 36. If the application were approved however, the actual new lot numbers would be determined by the Borough's tax assessor.
4. The property is located within the Borough's Residential A (RA) Zoning District in which the proposed single family residential dwellings are permitted uses.

5. The following bulk variance relief is required by this application:

Ordinance Provision	Required	Proposed Lot 35	Proposed Lot 36
Minimum Lot Area	5,000 sq. ft.	4,600 sq. ft.	4,600 sq. ft.
Minimum Lot Width	50 feet	40 feet	40 feet
Combined Side Yard Setback	16 feet	12 feet	12 feet
Parking Variance (RSIS Standards)	2.5 spaces	2 spaces	2 spaces

6. Throughout the public hearing, the applicant was represented by his legal counsel, Louis Granta, Esquire who has law offices located at 159 Main Street, Matawan, New Jersey.
7. In support of the application, the following was offered into evidence:
- Exhibit A-1:** Minor Subvision Plan & Survey dated June 21, 2021 as prepared by Richard Karl Heuser, P.E. & L.S. (consisting of 1 sheet)
- Exhibit A-2:** Plot Plan for Lot 35, Block 9 dated January 20, 2021, as prepared by Richard Karl Heuser, P.E. & L.S. (consisting of 1 sheet)
- Exhibit A-3:** Plot Plan for Lot 36, Block 9 dated January 20, 2021, as prepared by Richard Karl Heuser, P.E. & L.S. (consisting of 1 sheet)
- Exhibit A-4:** Architectural Plans dated September 14, 2015, as prepared by Chris J. Perrino, R.A. (consisting of 3 sheets)
- Exhibit A-5:** Tax Maps of neighborhood where subject property is located (2 sheets)
8. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
- Exhibit B-1:** T&M Planning and Engineering Review Letter of August 2, 2021.
9. The applicant, Robert Devino, testified in support of the application.
10. Mr. Devino indicated that the plans which had been submitted accurately depicted what he wished to accomplish.
11. He also agreed to install fences along the side yards with neighboring lots so as to better delineate lot lines.
12. With respect to utilities, Mr. Devino agreed to add all utility connections to the plans which had been submitted. Such would be subject to the review and approval of the Board's Engineer.
13. It was further agreed that the applicant would restore any disturbed pavement along Therese Avenue from side to side for the full width of the roadway, one trench limit to the other trench limit.
14. No one else testified on behalf of the applicant.
15. The following members of the public testified with respect to the application. All were in favor of the application and noted that what was being proposed was a vast improvement from the dilapidated structure which had previously been on the site:

- (a) Joe Wedick - 17 Therese Avenue
 - (b) Inga Westphal - 8 Therese Avenue
 - (c) Michael Lane - 51 First Street
16. The Board's Engineer, Francis W. Mullan, P.E., C.M.E. and its Planner, Kendra Lelie, P.P., AICP, LLA, both of T&M Associates, were placed under oath and testified that they had no objection to the application being granted from an engineering or planning perspective provided the comments contained in their review letter (**Exhibit B-1**) were adhered to. This would be a condition of approval.
 17. In considering this application the Board has reviewed the materials submitted into evidence and finds that granting the requested minor subdivision and bulk variances can be accomplished without causing any harm to anyone. The Board Members, who are all residents of the Borough are very much aware of the history of the site and the fact that it had long housed a dilapidated structure. As a result, bringing the property back into utility with new residential structures would be a definite benefit for the neighborhood. This sentiment was echoed by the members of the public who had spoken with respect to the application.
 18. The Board cannot envision why the proposed development would negatively impact anyone and no evidence has been presented which would demonstrate otherwise.
 19. The Board finds that all of the variance which are associated with the application can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since leaving the property in its present vacant form would benefit no one. Instead, the benefits of allowing the property to be developed with two new single family dwellings would most definitely lead to a better result for the neighborhood and the community as a whole than strict compliance with the zoning ordinances would otherwise allow.
 20. For the reasons stated, the Board finds that the sought after minor subdivision and variance relief can be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Robert Devino, seeking a minor subdivision with bulk variance relief, may be granted subject to the following conditions:

1. The minor subdivision and proposed single family dwellings must be completed in conformance with exhibits marked into evidence.
2. Subject to the applicant installing fences along the side yards with neighboring lots so as to better delineate lot lines.
3. Subject to all utility connections being added to the plans which were submitted. Such will be subject to the review and approval of the Board's Engineer.
4. Subject to any disturbed pavement along Therese Avenue being restored from side to side for the full width of the roadway, one trench limit to the other trench limit.

5. Subject to compliance with the comments raised within the Planning and Engineering Letter which was marked into evidence as **Exhibit B-1**.
6. Subject to the applicants' communicating with the Borough's Tax Assessor to obtain new lot numbers.
7. 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.
8. Subject to all representations made by the applicant during the application.
9. 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.
10. 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.
11. Subject to compliance with any affordable housing requirements.
12. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
13. 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.
14. 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, second by W. McDermott
and on Roll Call, the following vote was recorded:

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

Negative:

Abstentions: N, Vecchio, D. Pacheco

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board
of the Borough of Keyport during its meeting on December 2, 2021.


Denise Nellis, Secretary of the Board