

RESOLUTION OF APPROVAL
FOR MINOR SUBDIVISION WITH VARIANCES

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 82 LOTS 6 & 19
Application # 14-03
ROBERT CARLIN
65 OSBORN STREET

WHEREAS, Robert Carlin has applied to the Unified Planning Board of the Borough of Keyport for a minor subdivision approval along with variances for property located at 65 Osborn Street and which property is officially designated as Block 82, Lots 6 and 19 as shown on the Tax Map of the Borough of Keyport; and

WHEREAS, the applicants have provided notice to all property owners within two hundred feet and have 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 during a regularly scheduled meeting of the Unified Planning Board held on June 26, 2014 and;

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

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

1. The applicant, Robert Carlin, who was present at the meeting, was placed under oath and gave testimony in support of the application.
2. Mr. Carlin indicated he is the owner of certain property located at 65 Osborn Street which is officially designated as Block 82, Lots 6 and 19 as shown on the official Tax Map of the Borough of Keyport. The lot runs from Osborn Street to Church Street, between Warren Street and Third Street.
3. There is currently a single family home located on the property, fronting of Osborn Street, which is located in the Borough's RA Zone. Single family homes are permitted uses in the RA Zone.
4. The applicant proposes to subdivide his property into two new lots. The first, which would contain the existing single family home, and would continue to be fronted upon Osborn Street, would become known in its entirety as new lot 6. The remainder of the lot, which would front on Church Street, would become known as Lot 6.01. It is not known at this time what will be proposed for new Lot 6.01 if subdivision approval is granted.

5. In support of the application, the Mr. Carlin asked that the following exhibits be marked into evidence:
Exhibit A-1: Application package dated April 28, 2014.
Exhibit A-2: Minor Subdivision Plan For # 65 Osborn Street, consisting of two pages, dated March 15, 2014 as prepared by Robert T. Kee, Jr. Of Kee Engineering Enterprises.
Exhibit A-3: Completeness Review and Fee Determination letter, dated May 8, 2014, as prepared by Francis W. Mullan, P.E., C.M.E. of T&M Associates, on behalf of the Unified Planning Board.
Exhibit A-4: 2nd Completeness, Planning and Engineering Review letter, dated June 19, 2014, as prepared by Francis W. Mullan, P.E., C.M.E. of T&M Associates, on behalf of the Unified Planning Board.
6. The Board Engineer, Francis W. Mullan, P.E. was placed under oath, provided testimony during the application, and reiterated the accuracy of all information contained within his review letters. (**Exhibits A-3 and A-4**)
7. The Board Planner, Stan Slachetka, P.P., AICP, was also placed under oath and provided testimony during the application.
8. As recognized within the Board Engineer's review letter of June 19, 2014 (**Exhibit A-4**), the application is one seeking a subdivision for existing Block 82, Lots 6 & 19. The property consists of one 60-foot by 200-foot through lot with frontage on Osborn Street and Church Street (Block 82, Lot 6), and one 31.48-foot by 100-foot lot with frontage on Osborn Street (Block 82, Lot 19). The property is developed with a detached residential building on Lot 6 and a detached garage and driveway on Lot 19, each of which front on Osborn Street. All of this evidenced by the Minor Subdivision Plan marked into evidence as **Exhibit A-2**.
9. The applicant is seeking minor subdivision approval to create a new 6,000-square foot lot (60 ft. x 100 ft.) with frontage on Church Street, which would be known as Lot 6.01, and to consolidate the remaining 60-foot by 100-foot portion of Existing Lot 6 and all of Existing Lot 19, which would henceforth be known as Lot 6.
10. The following bulk variance relief is necessitated by this application:
 - A) 7,500 square feet in lot area is required, whereas only 6,000 square feet in lot area is being provided for new lot 6.01.
 - B) A minimum lot width of 75 feet is required, whereas only 60 feet will be provided for new lot 6.01.

11. Mr. Carlin testified as to his belief that if minor subdivision approval was granted, it would bring the site into greater conformance with other existing properties along Osborn Street and Church Street. It was noted that his property was the only lot in the neighborhood which ran the entire length between Warren Street and Third Street. (Exhibit A-2) It was therefore completely out of conformity with the other properties.
12. The applicant indicated he recognized that if anything was ever to be constructed on proposed lot 6.1, further approval from the Board would be necessary.
13. The Board's Engineer, Francis W. Mullen, P.E., testified that he agreed with Mr. Carlin that if the application were granted, the newly created lots would be in greater conformance with neighboring properties. He further noted that new Lot 6.01 would actually be wider than other existing lots located along Church Street.
14. Neither Mr. Mullen nor the Board's Planner, Stan Slachetka, P.P., had any opposition to granting the application, from an engineering or planning perspective, as long as the conditions in the engineering review letters (Exhibits A-3 and A-4) were complied with.
15. The applicant testified he would agree to comply with all conditions contained within the Engineering review letters. (Exhibits A-3 and A-4) This would be a condition of approval.
16. It was noted that if the application were granted, that a brick patio which currently exists on the site would overhang on to new lot 6.01. The applicant agreed, as a condition of approval, that this portion of the brick patio would be removed.
17. A member of the public, Chris Churney of 108 Church Street, testified as to his concerns with the granting of the application. Mr. Churney testified as to being worried about the possibility of a multi-family home being built on new lot 6.01. The Board Engineer explained however that the property was only zoned by a single family home. Mr. Churney also indicated his concern that a parking space along the length of Church Street would be lost if a new home was built at the location. It was noted by the Board however that the loss of an on-street parking space was not a legitimate basis for denying the subdivision request. Issues of parking for the new lot would have to be dealt with when and if someone came before the Board seeking to construct on the new lot.
18. No one else testified with respect to the application.
19. In reviewing this application, the Board finds the requested variances can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) as the proposed subdivision would bring both proposed lots into greater conformance with the zoning ordinance and neighboring properties. As noted by both the applicant and the Board's Engineer, and as demonstrated in the Plot Plan submitted into evidence (Exhibit A-2), the size of Mr. Carlin's existing property is extremely out of character with other properties in the neighborhood.

20. Approval of the subdivision application would act as a benefit to both the Borough and the surrounding neighborhood as it would result in the creation of two new lots which would be far more conforming with both the zoning ordinance and neighboring properties. None of this would be achieved if the Board were to deny the application and strictly adhere to the provisions of the zoning ordinance.
21. With regard to any detriments associated with the application, the Board can not envision any detriments associated with the subdivision request and does not believe the creation of the two new proposed lots will have any negative impact on the zone plan, ordinance or surrounding properties.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Robert Carlin, for premises known as Block 82, Lots 6 and 19, be granted subject to the following conditions:

1. Unless otherwise modified by this Resolution, the proposed subdivision shall be in accordance with the last plans received by the Board which were dated March 15, 2015, last revised on May 30, 2014, as drawn by Robert T. Kee, Jr. of Kee Engineering Enterprises, Inc. Said plan was marked into evidence as **Exhibit A-2**.
2. Subject to the specific condition that brick patio which extends on to proposed lot 6.01 will be removed from Lot 6.01.
3. Subject to compliance with all of the requirements of contained within the Board Engineer's review letters of May 8, 2014 and June 19, 2014 (**Exhibits A-2 & A-3**).
4. Absolutely nothing shall be constructed on new Lot 6.01 sites without further application to the Unified Planning Board.
5. The applicant shall be required to repair any pavement, sidewalk and/or curb damaged as part of construction.
6. The applicant shall be responsible for paying all sewer and/or water fees related to any proposed connections required by future development which may occur on new Lot 6.01.
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.
8. This approval shall be deemed void by abandonment if the appropriate maps or deeds are not filed within one year of the date hereof.
9. All representations made under oath by the applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

10. 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.
11. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
12. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
13. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the filing of a subdivision deed or signing of a subdivision map.
14. 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 of the Borough of Keyport 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.
15. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at his sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved by

Seconded by
recorded:

and on Roll Call, the following vote was

Affirmative:

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on July 24, 2014.

Denise Nellis, Secretary of the Board

The foregoing was moved by R. Burlew, Seconded by G. Sappah and on Roll Call, the following vote was recorded:

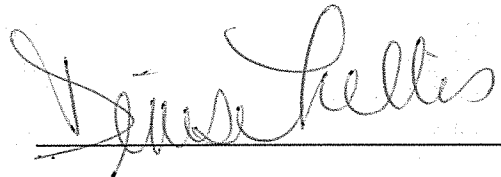
Affirmative: R. Burlew, M. Sessa, R. Benedict, G. Sappah

Negative: J. Kovacs-Olsen

Abstentions: T. Musson, D. Fotopoulos, J. Kovacs

Absent: Mayor Aumack, Councilwoman Lamberson

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on July 24, 2014.

A handwritten signature in cursive script, reading "Denise Nellis", written over a horizontal line.

Denise Nellis, Secretary of the Board