

RESOLUTION
Borough of Union Beach
Planning Board
Kenneth Ruby Jr. Enterprises
Washington Ave.
Decided on April 24, 2024
Memorialized on May 29, 2024
Major Subdivision

WHEREAS, Kenneth Ruby Jr. Enterprises (hereinafter the “Applicant”) have made an application to the Borough of Union Beach Planning Board for a 5 lot major subdivision with no bulk variance relief on property located at Washington Avenue, also known as Block 170, Lot 1 on the Tax Map of the Borough, in the R-8 Residential Zone; and

WHEREAS, a public hearing was conducted on April 24, 2024;

WHEREAS, Brad Batcha, Esq. appeared as counsel for the Applicant; and

WHEREAS, the Application was deemed complete and evidence of compliance with the notice requirements was presented establishing that the Board has jurisdiction over the Application, and will function as a Planning Board for the purposes of hearing this application;

NOW THEREFORE, the Board makes the following findings of fact, based upon evidence presented at its public hearing, at which a record was made.

The Application before the Board is seeking major subdivision approval to reconfigure the existing lot. The Applicant is proposing to create five new lots.

Brad Batcha addressed the Board as counsel on behalf of the Applicant. Mr. Batcha proceeded to describe the proposed 5 lots subdivision, which did not require any bulk variance relief for any of the 5 lots. Mr. Ruby was sworn in and testified in response to questions from Mr. Batcha about the application. He noted that the property is currently vacant and he wants to subdivide it into 5 lots and build on each lot a single family home approximately 2,500 square feet, 4 bedroom 3 bath and 2 car garage. He estimated construction would take approximately 6

to 7 months. The engineer's letter suggested the trees being planted along the border of each lot. Mr. Denbigh, Board Engineer, stated that the Easterly side of the lot would be acceptable.

The next witness to testify was Mr. Paul Lieber, Professional Engineer and Planner. He was sworn in and qualified in his fields. He proceeded to make his presentation describing the property and that 4 of the lots would be identical and the fifth slightly different in size. Mr. Batcha asked Mr. Lieber to testify as a Planner. He testified that the use is allowed in this zone and will get rid of the non-conforming vacant lot. Mr. Denbigh and Ms. Caroline Reiter, Board Planner, were sworn in. Mr. Lieber responded to Mr. Denbigh's question about disturbances and that they were trying to lessen an acre of disturbances or fencing and will contribute to the sidewalk fun. Questions from the Board were raised with regard to the two car garage/driveway configuration.

There were no members of the public who expressed any interest in questioning any witness or opinions for or against the subject Application.

NOW THEREFORE, the Board makes the following conclusions of law, based upon the findings of fact.

The application before the Board seeks approval for five lot major subdivision. No bulk variance relief is required or required of the Applicant.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the Applicants has met the requirements of the Municipal Land Use Law, case law and Borough ordinances so as to grant the relief requested. Pursuant to these criteria, the purposes of the Borough Master Plan and Land Use Ordinance will be advanced and the benefits of granting the relief requested outweigh any detriments. The uncontroverted evidence before the Board indicates that in this particular circumstance, approval of this major subdivision can be

granted given the historical use of the property and its configuration. The reports from the Board Engineer do not raise any objections to the proposed major subdivision sought by the Applicant. Based upon the previous and current inquiries made by the Board and its professionals, the Board is satisfied that in this particular case the proposed major subdivision is suitable for the property in question. Furthermore, the evidence before this Board indicates that granting the requested major subdivision relief will not cause any substantial detriment to the public good. The application is consistent with the intent and purpose of the zoning ordinance and the Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Kenneth Ruby Jr. Enterprises for property located at Washington Avenue, also known as Block 170, Lot 1 on the Tax Map of the Borough, is determined as follows:

1. The Application for major subdivision approval is approved pursuant to N.J.S.A. 40:55 D-50;

IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The implementation of the plan shall be implemented strictly in accordance with the subdivision plans submitted and approved by the Board, which are identical to the subdivision plan that was approved by the Board.
2. The Applicant shall comply with all requirements and any subsequent reports with respect to this application or subsequent applications from the Board's professionals.

3. Payment of all fees, costs and escrow due or to become due. Any monies are to be paid within 20 days of said request by the Board Secretary. All Escrow accounts must be kept current by the Applicant.

4. Certification of taxes have been paid to the date of approval. This is a continuing obligation.

5. In the event someone other than the Applicant file a construction permit, the Applicant shall file with the Board and Construction Official, an affidavit verifying that the Applicant are in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

6. The Applicant shall seek approval from or a letter of no interest from the Monmouth County Planning Board.

7. The Applicant shall take all appropriate measures to control any dust, dirt and any vermin during construction of each residence.

8. Once all permits have been obtained a preconstruction meeting shall be held at least one week prior to the start of any construction work on the property. No construction work can be done until updated final subdivision plans are submitted and approved.

9. Monmouth County Soil Conservation District approval.

10. Municipal Board of Health approval.

11. Any permits required by the NJDEP or Monmouth County pursuant to their authority.

12. The Applicant shall record a deed notice on each lot prohibiting the conversion of the garage space into a separate residential use.

The undersigned secretary certifies the within decision was adopted by this Board on April 24, 2024 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 29, 2024.

FOR: Connors, Wells, Coffey, Dering, Roche, Murray, Dwyer
 AGAINST: _____
 ABSTAIN: Sweeney
 Board Member(s) Eligible to Vote: