

RESOLUTION

OF

THE EAST BRUNSWICK ZONING BOARD OF ADJUSTMENT
EAST BRUNSWICK, NEW JERSEY 08816

APPLICATION NUMBER: Z—08- 54

WHEREAS, R & M Property Investment, LLC, hereinafter referred to as the applicant, has applied to the Zoning Board of the Township of East Brunswick for bulk variance relief for lot width and sideyard setback area as well construction of a new single family dwelling on an undersized lot (by way of relief from Chapter 228-30B, C, and E of the Zoning Ordinance of the Township of East Brunswick) for premises known as Block 625, Lot 18; and

WHEREAS, said applicant has complied with all jurisdictional requirements necessary to prosecute the within application and,

WHEREAS, a public hearing was held by the Zoning Board on December 4, 2008; and

WHEREAS, the Board considered testimony of the applicant and applicant's witnesses, heard no objections and received and examined various plans and exhibits offered by the applicant and from which has made the following findings of fact:

1. The premises are zoned R-3.
2. The property is located at 30 Victory Place. The lot is on the north side of Victory Place, two hundred eighty three and forty-four one hundredths (283.44) feet to the west of the intersection of Dean Lane and Victory Place. The lot contains an existing one story frame dwelling in a neighborhood of similarly sized lots.

3. Applicant has provided a plan of survey prepared by Thomas M. Ernst, PLS, Lic. #19000, of Thomas M. Ernst & Associates, dated March 7, 2008 among other submissions.
4. Applicant is proposing to demolish the existing dwelling on the lot and construct a new single family dwelling on an undersized lot. The existing dwelling is beyond repair and rehabilitation.
5. A report has been submitted by the Department of Planning and Engineering dated November 26, 2008 and the East Brunswick Water Utility dated November 24, 2008 in which certain recommendations have been made. The applicant has had the opportunity to review these recommendations and has both testified to the satisfaction of the Board and indicated a willingness to comply with those recommendations except as may be modified hereinafter.
6. Applicant has amended its application to provide for a thirty (30) foot front yard setback in order to meet Residential Site Improvements Standards for required parking of two and one-half (2.5) spaces.
7. Except as otherwise set forth herein, any factual determinations set forth in the reports stated above are incorporated in this resolution by reference.

Based on the foregoing findings of fact the Board has arrived at the following legal conclusions:

1. The granting of the requested variance(s), as modified, would permit the demolition of a dwelling which is in great disrepair and construction of a new dwelling on an undersized lot which is similar in size to those in the neighborhood. Accordingly, the Board concludes that the granting of the variance(s) requested by the applicant permits an appropriate use and

development of lands relating to this specific piece of property and the granting of the variance(s) would advance the purposes of the land development ordinance of the Township while the benefits derived from granting the variance(s) substantially outweigh any detriments resulting from the granting of the variance(s).

2. The bulk variance relief permitting lot width and sideyard setback similar to other dwellings in the neighborhood allows for a desirable visual environment in comparison to other dwellings in the neighborhood. When the actual bulk calculations of other similar uses in the zone are considered, the Board finds that the variance(s) may be granted without substantial detriment to the public good and the grant will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the Board has approved a bulk variance permitting construction of a detached garage within setbacks on December 4, 2008 by the following vote:

ROLL CALL VOTE

Those in Favor: Philips, Pedraza, Czarnecki, Goomer, Goldwasser and Klein

Those Opposed: None

Those Abstained: None

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of East Brunswick on this January 15, 2009, on the basis of the evidence presented, the recited findings of fact and conclusions, as reflected in the minutes of this Board's meeting of December 4, 2008, that this Resolution of Memorialization of the Resolution adopted by the Zoning Board at its meeting on December 4, 2008, granting bulk variances allow construction of a dwelling on an undersized lot with insufficient lot

width and side yard (2) setback area, be approved subject to applicant meeting the following conditions:

1. Applicant shall comply with recommendations one (1) through nine (9) (except as noted in paragraphs two (2) and three (3) below) of, and this approval is subject to, those comments of the Department of Planning and Engineering report dated November 25, 2008 and the manager of the East Brunswick Water Utility dated November 24, 2008 attached hereto, and which recommendations are hereby made a condition of this approval.
2. The revised plans to be submitted as required in recommendation four (4) of the report of the Department of Planning and Engineering shall also include the revised front setback of the dwelling to thirty (30) feet.
3. Recommendation three (3) of the report of the Department of Planning and Engineering shall be waived if applicant submits a letter from Public Service Electric and Gas Co. that it will not install underground utility service connections.
4. Applicant shall pay all real estate taxes due at the time of adoption of this resolution, issuance of a building permit or, if applicable, upon approval of final plans by the board chairman and board secretary, whichever shall occur later, as well as any mandatory development fees prior to issuance of a certificate of occupancy.

BE IT FURTHER RESOLVED, that all representations, commitments, and agreements made by the applicants or his representatives at any hearing(s), or contained in any document, plat, sketch, or submission delivered to the Zoning Board at any time prior to this approval, including those contained in any original or revised submission,

shall be considered as conditions of approval of this application for development and are hereby incorporated in this resolution of approval.

Failure of the applicant to comply with the provisions hereof, any applicable Township ordinance, provision of any required bonds or to secure any required building permit within the time limitations of the statute and ordinance in such case made and provided, as calculated from the date of approval, shall render this approval null and void.

ROLL CALL VOTE

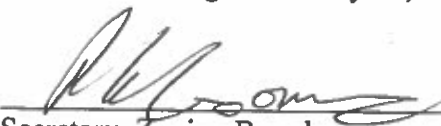
Those in Favor:

Those Opposed:

Those Abstained:

The foregoing is a true copy of a Resolution of Memorialization adopted by the Zoning Board of Adjustment of East Brunswick at its meeting on January 15, 2009.

Dated:


Secretary, Zoning Board