

RESOLUTION NO. 99-22

RESOLUTION APPROVING MINOR SUBDIVISION
WITH VARIANCE FOR ELEVENTH AVENUE
HOLDINGS L.L.C., BLOCK 158, LOT 41.

WHEREAS, the Applicant, Eleventh Avenue Holdings L.L.C. has applied to the Neptune Township Planning Board for a Minor Subdivision for Lot 41, Block 158 creating two (2) lots: Lot 41.01, Block and Lot 41.02, Block 158 with variances; and

WHEREAS, the creating of said subdivision will create bulk variances and side yards, setback variances for the two (2) buildings which are already located on said property; and

WHEREAS, a Public Hearing was held on November 10, 1999 and testimony has been taken on behalf of the Applicant; and

WHEREAS, such Proof of Service as may be required by New Jersey Statute and Municipal Ordinance had been furnished, and publication and affidavit thereof has been supplied to the Planning Board; and

WHEREAS, accordingly the Board had jurisdiction to hear the matter, the Board makes the following findings:

1. The property is located in the Light Industrial (IL) Zone district. It contains two (2) existing buildings. The property fronts on Eleventh Avenue to the south and Vanderbilt Place to the north.

2. The applicant is proposing to subdivide the property to create two (2) new lots, each containing one (1) building.

3. The two (2) proposed buildings are a permitted use.

4. Applicant seeks to subdivide the existing property to create two (2) new lots. There are currently two (2) structures and two (2) uses on this one (1) lot. The proposed application will subdivide the existing two (2) structures and existing two (2) uses so that each new proposed lot will have one (1) structure containing one (1) permitted use.

5. There currently exists on proposed New Lot 41.02, a light industrial facility used by Bell Atlantic for the storage and deployment of Bell Atlantic repair operations.

6. There currently exists on proposed New Lot 41.01, a one-story building which was previously used for the production of dairy products. There is currently a new tenant moving into the building with a facility for the distribution of frozen pizza known as "Upper Kut Pizza".

7. The two (2) buildings on the lot are existing buildings and no new construction is proposed.

8. The subdivision will result in the following variances: New Lot 41.01 will require variances for side yard setback of 25 feet as there exists 6.5 feet and 18.5 feet; rear yard setback of 25 feet as 7.4 feet is provided and maximum building coverage of 40% as 43% exists. New Lot 41.02 will require variances for front yard setback of 40 feet as 25.2 feet exists and side yard setback of 25 feet as 21 feet and 18.8 feet are provided.

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9. The front setback for new Lot 40.01 is 28 feet, where 40 feet is required. This is an existing condition, for which a variance is required.

10. The side yard setback required by the Ordinance is 25 feet. The variances required are as follows:

a. Lot 41.01 has 21 feet (existing) and 18.8 feet (new) side yard setback.

b. Lot 41.02 has 18.5 feet (existing) and 6.5 feet (new) side yard setback.

11. Two (2) new variances are requested for new Lot 41.01 for (a) rear yard setback of 7.4 feet where 25 feet is required, and (b) maximum building coverage of 43 percent where 40 percent is required.

12. The Ordinance required a minimum of 10 feet separation between parking areas and any street or property line (34-21.5a). This subdivision will create new variances for 7 spaces on Lot 41.01 and 28 spaces on Lot 41.02.

13. There was no one in the public who spoke out against the proposed subdivision with variances.

WHEREAS, as previously stated, there are presently two (2) buildings located on one (1) piece of property. Both have been there for approximately twenty (20) years. One is occupied by Bell Atlantic and they use proposed Lot 41.02. Bell Atlantic uses all of the existing space and testimony has been taken that the

owner of the property which is not Bell Atlantic would not be able to obtain additional property for Lot 41.01 eliminating the need for additional variances on Lot 41.01 because of said use by Bell Atlantic; and

WHEREAS, the Planning Board Engineer and the Planner both indicated that it is preferable to have single ownership for single buildings; and

WHEREAS, the Board finds that the neighborhood will benefit from the subdivision with the variance; and

WHEREAS, the Board finds that the Subdivision will not have a negative affect on the neighborhood and community. The Board finds that the neighborhood and the community will generally benefit from the two (2) structures being on two (2) individual pieces of property; and

WHEREAS, the Board finds that the Subdivision with the proposed variances is in keeping with the Master Plan and surrounding neighborhood and would be a benefit and the benefits of the proposed application outweigh any detriment, and the Applicant having proven the negative criteria to the Board's satisfaction

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF NEPTUNE TOWNSHIP that the Subdivision with variances submitted by Eleventh Avenue Holdings L.L.C. is granted subject to the following conditions:

1. The Applicant will landscape the property with final approval of said landscaping to be approved by the Planning Board Engineer.

2. Applicant will provide new sidewalks in front of both buildings.

3. Chain-link fence presently proposing new lot line shall be deemed on Lot 41.01 and shall be maintained by said lessee or owner.

4. Applicant will perfect said subdivision by deed or map filing law.

5. Payment of any and all taxes and any and all assessments and fees and costs and escrows to date and will post any bonds that are required by Ordinance.

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VOTE TO ADOPT:

AYES: BATTLE, ^{BROWN} MONROE, KRIMKO, LEE, MOWCZAN, NEALON, GIOATTA

NAYS: NONE

ABSTAIN: NONE

ABSENT: 3

DISQUALIFIED: NONE

VOTE TO MEMORIALIZE:

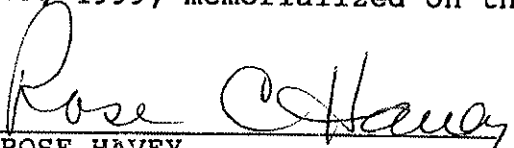
AYES: BATTLE, KRIMKO, MONROE, MOWCZAN, KRIMKO, NEALON, LEE, GIOTT

NAYS: NONE

ABSENT: NONE

CERTIFICATION

I hereby certify that the within is a true copy of the Resolution adopted by the Neptune Township Planning Board at its meeting on the 10th day of October, 1999, memorialized on the 15th day of DECEMBER, 1999.


ROSE HAVEY
Administrative Officer
Neptune Township Planning Board

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