

RESOLUTION OF FINDINGS AND CONCLUSIONS

Application No. PB-20-07

WHEREAS, by Application No. **PB-20-07**, **Midstate Credit Union**, the tenant of the property located at 237 Roosevelt Avenue, and designated as Lots 3,4 and 5 in Block 301 of the Borough of Carteret Tax Map, requests Preliminary and Final Site Plan Approval to demolish the existing site improvements for the proposed construction of a one-story bank facility with associated site improvements, including paved parking, storm water improvements, sidewalks, and landscaping on the site, and to obtain relief from the Roosevelt Avenue Redevelopment District 2 (RARD2) Redevelopment Plan and the Borough Land Use Code and approval of site improvements; and

WHEREAS, the dimensions of the property are 24,115 square feet, or 0.5536± acres; and

WHEREAS, a remote Open Public meeting of the Planning Board was conducted on July 22, 2020; and

WHEREAS, the following members of the Borough of Carteret Planning Board heard the testimony and reviewed the documents submitted:

Chairman Joseph Agliata
Ms. Rhoda Weissman
Mr. Jeffrey VanWoeart, Sr.
Mr. Robert Brown
Councilman Jorge Diaz
Mr. John DuPont
Ms. Deborah Bialowarczuk (Mayor's Alternate)
Ms. Barbara Guiliano

and

WHEREAS, at said meeting all those who desired to be heard were heard, and the testimony was recorded by the Planning Board of the Borough of Carteret; and

WHEREAS, the testimony was carefully considered, and the following findings of fact were made:

FINDINGS OF FACT

1. The Applicant is the tenant of the property located at 237 Roosevelt Avenue, and designated as Lots 3,4 and 5 in Block 301, on the Tax Map of the Borough of Carteret.

2. The site has 167.99 linear feet of frontage along Roosevelt Avenue as well as 104.15 linear feet of frontage along Washington Avenue. The site has been previously developed and recently contained two (2) dwellings. Both buildings were recently demolished and previously accessed from Roosevelt Avenue. The existing parcels do not contain any significant physical features with the limited remainder of the property consisting of various lawn/shrubs.

3. William Obara, a professional engineer and professional planner, was qualified as such and gave a general overview of the application.

4. Mr. Obara testified that the property is located at the intersection of Roosevelt and Washington Avenues. The property includes lots 3, 4 and 5 in Block 301 in the RARD2 Redevelopment Zone. The Applicant's proposal is to build a one-story banking facility with a drive thru.

5. There is one waiver from the RARD2 Redevelopment Plan. The Plan requires a 10-foot parking buffer, and the Applicant is seeking a waiver of that requirement in order to construct a buffer of 8.53 feet rather than 10 feet. From Mr. Obara's perspective, this waiver is de minimis, can be granted without any detriment to the public good, and results from the irregular and unique condition of the property.

6. Mr. Obara further opined that a C(1) variance is justified when there is a hardship confronting the applicant because of the exceptional narrowness, shallowness, shape, or exceptional topographic conditions of the property. The developer must be facing an extraordinary and exceptional situation arising from the nature or conditions of the property or any structure already lawfully existing on it. Additionally, the applicant must prove the negative criteria, meaning first that the variance can be granted without causing substantial detriment to the public good and second, that the granting of a variance will not substantially impair the intent and purpose of the municipal zoning plan and ordinance.

7. He testified that all those requirements are met here and gave the justification that he believes proves each element to justify the granting of the deviation.

8. Mr. Obara addressed each of the comments and requirements set forth in the CME Associates' letter dated July 15, 2020, updated July 21, 2020, and the Applicant agreed to comply with each of the requirements therein, as conditions of approval.

9. The Board also briefly heard the testimony of Architect, David Fuller, a professional architect, who described the building that would be constructed on the site, which would be a 3,900 square feet building with a lobby, open office space, back of facility work rooms, storage, etc. He indicated that the building would be compatible with other development in the area from a visual perspective, and compliant with the requirements of the RARD2 Plan.

10. Members of the public were given the opportunity to speak on the Application, but no comments were provided.

Based upon the above findings of fact, the Board concludes as follows:

CONCLUSIONS

1. The Board credits the testimony of the Applicant's professionals with regard to the justification for the granting the one deviation from the RARD2 Redevelopment Plan. In particular, the Board concurs that the overall benefits that will accrue to the Borough by the

granting of the approval of the Application substantially outweigh any detriments from the deviation. Moreover, it is the Board's opinion that Approval of this project will improve the RARD2 Redevelopment Area.

2. The Board further concludes that the Applicant has met its burden of proof on each of the two prongs of the negative criteria, namely that the deviation can be granted without substantial impairment to the RARD2 Redevelopment Plan, and without substantial detriment to the public good. In so concluding, the Board credits the opinions of the Applicant's professionals, as well as their own substantial familiarity with the site.

NOW, THEREFORE, be it resolved that the application of **Midstate Credit Union** for preliminary and final site plan approval with one deviation is approved, subject to the conditions set forth in the CME Associates' Engineer's Review Letter dated July 15, 2020, updated July 21, 2020, and the following additional conditions:

1. Applicant will post all required bonds and pay all inspection fees;
2. Applicant will pay the fees of the Board's professionals;
3. Applicant will pay all real estate taxes and assessments due to the Borough of Carteret through and including the third quarter of 2020.

The above is a memorialization of a motion duly made and seconded on August 26, 2020, on the following vote.

ROLL CALL VOTE

Those in Favor:

Chairman Joseph Agliata
Ms. Rhoda Weissman
Mr. Jeffrey VanWoeart, Sr.
Mr. Robert Brown
Councilman Jorge Diaz

Mr. John DuPont
Ms. Deborah Bialowarczuk (Mayor's Alternate)
Ms. Barbara Guiliano

Opposed: None.

Abstained: None.



JOSEPH AGLIATA, Chairman



RHODA WEISSMAN, Secretary

Dated:

Aug. 26, 2020