

**RESOLUTION OF PLANNING BOARD
TOWNSHIP OF UNION
HUNTERDON COUNTY, NEW JERSEY**

**Robert and Jennifer Beylickjian
APPLICATION: PB 20-01**

Applicant: Robert and Jennifer Beylickjian

Location: 2 Stires Way

Tax Lot: Block 29.02, Lot 1

Hearing Date: February 27, 2020

Request: Permit a second residential structure on Block 29.02, Lot 1 (the "Property") to be used by the parents of any owner of the primary dwelling on the Property.

District: AP1, Agricultural Preservation 1 District

Relief requested:

Amendment of the conditions of a use variance for the Property granted by Planning Board decision memorialized August 13, 2009, to permit the second residential structure on the Property, a 1,636 square foot modular unit, to remain on the Property as long as the modular unit is occupied by a parent or parents of the owner of the Property.

Relief Granted:

Approval of amended conditions in the 2009 use variance to permit the second residential structure on the Property, a 1,636 square foot modular unit, to remain on the Property as long as the modular unit is occupied by a parent or parents of the owner of the Property who is also an occupant of the primary dwelling, as described in the conditions section of this Resolution.

Plans and Documents Submitted:

Entitled "Variance Application for Robert & Jennifer Beylickjian", prepared by Control Layouts, Inc., dated April 27, 2009, consisting of one sheet;

"Landscape Design", prepared by Glassman, dated May 13, 2009, consisting of one sheet.

WHEREAS, Applicant applied to the Union Township Planning Board in 2009 in application PB-09-04 for a use variance pursuant to the provisions of N.J.S.A. 40:55D-70d to permit a second principal structure, a 1,636 square foot residential modular unit, on a single lot; and

WHEREAS, on July 23, 2009 the Board approved the requested use variance, with conditions, which approval was memorialized in a resolution dated August 13, 2009; and

WHEREAS, among the conditions of the 2009 memorializing resolution were condition 4.e. "Applicant shall not allow the modular unit to be occupied by anyone other than the Applicant's parents" and condition 4.f. "Applicant shall remove the modular unit, the concrete slab, and the base material upon cessation of the Applicant's parents' occupancy of the modular unit"; and

WHEREAS, the applicant wishes to be able to convey the property, including the modular unit, to a successor owner who would occupy the property and permit the modular unit to be occupied by the successor owner's parent or parents and would otherwise comply with all of the conditions of the August 13, 2009 resolution; and

WHEREAS, a public hearing on the Application was held by the Board on the Hearing Date, at which time the Applicant, represented by attorney Guliet Hirsch, was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the application; and

WHEREAS, interested members of the public appeared but did not ask questions or present testimony on the application; and

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Applicant has shown sufficient proof to substantiate the modification of the 2009 approval pursuant to N.J.S.A. 40:55D-70d, subject to certain conditions.
2. The grant of the Relief Granted will not alter the general character of the neighborhood.
3. The granting of the Relief Granted, as conditioned in this Resolution, will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and

conclusions of law, that the Planning Board does hereby GRANT the Relief Granted by amending the conditions of the August 13, 2009 memorializing resolution, case PB-09-04, to read as follows:

1. The Applicant is required to comply with the following conditions:
 - a. All construction shall be substantially as shown on the Plans, except as noted in paragraph 4 below.
 - b. The Applicant, and every subsequent owner of the Property (hereinafter "Owner") shall continue compliance with the recommendations in the report of Kevin M. Smith, P.E., Planning Board Engineer, dated July 21, 2009, under "Technical Comments".
 - c. The Owner shall comply with all conditions applicable to ECHO units permitted by Township ordinance with the exception of unit size, placement of the unit on a concrete slab and crawl space foundation, and occupancy as permitted by this Resolution.
 - d. The Owner shall maintain restriction by deed of any further subdivision of the property.
 - e. The Owner shall not allow the modular unit to be occupied by anyone other than a parent or the parents of an owner and occupant of the principal residential structure on the Property.
 - f. The Owner shall remove the modular unit, the concrete slab, and the base material when a parent or the parents of an owner and occupant of the principal residential structure on the Property no longer resides in the modular unit.
 - g. The Owner shall obtain the zoning permit required for ECHO units permitted by Township ordinance for the modular unit annually.
 - h. The Owner shall maintain the additional trees planted as a requirement of the 2009 approval.
2. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Township of Union Land Use Ordinance, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.

3. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
4. Applicant is required to comply with Applicant's representations to and agreements with the Planning Board during the hearing on this application.
5. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1, et seq. If applicable, Applicant must comply with the requirements of the Highlands Water Protection and Planning Act prior to any construction.
6. All fees assessed by the Township of Union for this application and the hearing shall be paid prior to any construction.
7. The Township of Union Planning Board reserves the right to revoke or withdraw any approval granted herein, upon notice to the applicant and an opportunity to be heard at a public hearing, if there is any deviation from or alteration of the plan hereby approved, unless prior written approval for such deviation or alteration has been obtained from the Planning Board. So called "minor deviations" and "field changes" may be authorized solely by the Township Engineer in writing and only after consultation with the Chairman of the Planning Board to determine if the proposed minor deviations and field changes deviate from the intent of this Resolution. If it is determined by this consultation that the changes proposed are not minor, the matter must then be referred to the full Planning Board and no changes may be affected until the Board gives its approval.
8. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the submitted plan or the improvements to be installed, which are subject to third-party jurisdiction and which require approvals by any third-party agencies. This Resolution of approval is specifically conditioned upon the applicant securing the approval and permits of all other agencies having jurisdiction the proposed development. Further, the applicant shall provide copies of all correspondence relating to the application, reviews, approvals and permits between the applicant and third-party agencies from which approval and permits are required to the Union

Township Planning Board at the same time as such correspondence is sent or received by the applicant.

WHEREAS, A Motion was made by Mr. Kirkpatrick and seconded by Mr. Nace to grant approval of the Extension of the major subdivision and variance approval as set forth herein;

BE IT FURTHER RESOLVED, that this Resolution, adopted on _____, 2020, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Nace, Eschbach, Kastrud, Neary, Dix, Wardell, Kirkpatrick Abstain: None; Absent: Mazza, Stothoff, and Pettit; Not Eligible: Mazza, Stothoff, and Pettit

RESOLUTION DATE:

ATTEST:

Grace Kocher
Board Secretary

Alan Ford
Chairman

VOTE ON RESOLUTION					
Members	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
Alan Ford, Chairman					
Brian Kirkpatrick, Vice-Chairman					
James Eschbach					
Robert Nace					
Christian Kastrud					
Frank Mazza			X		
David Stothoff			X		
Charles Neary					
Daniel Petitt (Alt. 1)			X		
Justine Maglio (Alt. 2)					