KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Re-Organization Meeting on January 26, 2023, which was called to order by Mark Sessa at 7:00 PM, the Sunshine Law Notice was read followed by the Flag Salute.

SWEARING IN PLANNING BOARD MEMBERS BY THE PLANNING BOARD SECRETARY.

Present: Mayor Araneo, Councilmember Davidson, Mark Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, G. Kotzas, J. Kovacs-Olsen

Absent: J. Oviedo

Professionals: Marc Leckstein, Planning Board Attorney, Fran Mullan, Engineer, Caroline Reiter, Planner

REORGANIZATION FOR 2023:

ELECTION OF OFFICERS:

CHAIRMAN: Mark Sessa

Motion made by N. Vecchio, second by J. Royster

Ayes: Mayor Araneo, Councilmember Davidson, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

VICE CHAIRMAN: Harry Aumack

Motion made by Councilmember Davidson, second by N. Vecchio

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

APPOINTMENT OF PLANNING BOARD SECRETARY: Denise Nellis

Motion made by Chairman Sessa, second by D. Pacheco

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

APPOINTMENT OF ATTORNEY: Leckstein & Leckstein – Marc Leckstein

Motion made by Chairman Sessa, second by D. Pacheco

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

APPOINTMENT OF ENGINEER: T&M Associates – Francis Mullan

Motion made by Chairman Sessa, second by J. Royster

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

APPOINTMENT OF PLANNER: T&M associates – Caroline Reiter

Motion made by Chairman Sessa, second by J. Royster

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

Meeting Dates for 2023:

February 23, 2023
March 23, 2023
April 27, 2023
May 25, 2023
May 30, 2023
June 22, 2023
July 27, 2023
August 24, 2023
August 29, 2023
September 28, 2023
October 26, 2023
November 2, 2023
December 7, 2023
January 25, 2024

***All meetings are held on the 4th Thursday of the month at 7:00 PM in Council Chambers.

Additional meetings have been added on the fifth Tuesday of the following months May, and August at 7:00P.M. in Council Chambers.

Exceptions:
The November and December meeting will be held the First Thursday of the month because of the holiday.

Motion to approve meeting dates were made by Councilmember Davidson, second by N. Vecchio with ayes by all present.

MINUTES: November 29, 2022

Motion to approve was made by Councilmember Davidson, second by N. Vecchio

Ayes: Councilmember Davidson, Chairman Sessa, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas
Abstain: Mayor Araneo, H. Aumack

MINUTES: December 1, 2022

Motion to approve was made by N. Vecchio, D. Pacheco

Ayes: W. McDermott, Chairman Sessa, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

Abstain: Mayor Araneo, Councilmember Davidson, H. Aumack

RESOLUTION: Compensate Planning Board Secretary for additional Meetings in 2023

Motion to approve made by M. McDermott, second by D. Pacheco

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

COMMUNICATION: Request for extension
KUPB 21-11
30 SOUTH STREET, 23 BROOK AVENUE

Motion to approve a one-year extension was made by Councilmember Davidson, second by J. Royster

Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas

RESOLUTION: KUPB #22-02
ANITA MAKSIMON
57 MAIN STREET
BLK 60, LOT 1
BULK VARIANCE & SKETCH PLAN APPROVAL

Motion to approve was made by J. Royster, second by D. Pacheco

Ayes: Chairman Sessa, W. McDermott, D. Pacheco, J. Royster, G. Kotzas

RESOLUTION: KUPB 22-08
LINDSAY KASSOF & JASON P. YOUNG
99 OSBORNE
VARIANCE RELIEF HARDSHIP

Motion to approve was made by N. Vecchio, second by W. McDermott

Ayes: Councilmember Davidson, Chairman Sessa, N. Vecchio, W. McDermott, D. Pacheco, J. Royster, G. Kotzas

RESOLUTION: KUPB # 21-10
KEYPORT PROFESSIONAL PLAZA, LLC
25 EAST FRONT STREET
BLK 80, LOT 1.02

Motion to approve was made by N. Vecchio, second by D. Pacheco

Ayes: Chairman Sessa, N. Vecchio, W. McDermott, D. Pacheco, J. Royster, G. Kotzas

APPLICATION: USE VARIANCE
KUPB 22-07
KATHERIN CHANDUIV
117 BROADWAY, BLK 23 LOT 14
VARIANCE RELIEF HARDSHIP/USE VARIANCE

Mr. Leckstein explained that the Mayor and Councilmember could not participate in this application because it was a use variance. The fact that they are stepping down is not because they are not interested in the application it is because legally they are not allowed to participate in a use variance application.

Exhibit A1 – Application
Exhibit A2 – Survey
Exhibit A3 – Sketch
Exhibit A4 – List of two Family Dwelling list
Exhibit A5 – Board consisting of survey, record cards, two family, sketch, entrance of house and kitchen
Exhibit B1 – T&M Letter dated 10/7/2022
Exhibit L1 – Picture of side of house dated august 2018

Ms. Catherin Chanduiv and Mr. Christian Morris was sworn in. Mr. Morris explained he is Ms. Chanduiv fiancé and is not owner of the property. He asked if he would be able to translate for Ms. Chanduiv; yes.

Mr. Leckstein stated that this is a use variance application. The applicants are looking to legalize the current two family dwelling with two kitchens. Mr. Leckstein asked if they were making any modifications to the house; no.

Mr. Leckstein asked the applicant to explain to the Board how she came into ownership of the property and discovered that it was not a legal two-family. Mr. Morris stated when Ms. Chanduiv purchased the house in 2007 she was under the impression the house was a legal two family. The realtor sold the house stating it was a two family.

Mr. Morris referred to exhibit A5 and explained to the Board what that exhibit consisted of.

Mr. Leckstein asked that when she purchased the house was there two different families living there. Mr. Leckstein asked when she purchased the house was there a tenant that lived upstairs; no. Mr. Leckstein confirmed that only members of Ms. Chanduiv family or friends lived upstairs; yes.

Mr. Leckstein asked if Ms. Chanduiv received a CO when she closed; Mr. Morris stated that when she closed she did receive a CO. Mr. Leckstein asked if the CO was for both units, she was not sure. Ms. Reiter stated she did not recall seeing a CO, she did see the tax record.

There was discussion regarding whether the Board received a CO. Mr. Leckstein suggested that the Board would want to see the CO to see if it was issued as a two family.

Mr. Leckstein asked what happened that made them come before the Board regarding the second unit; Mr. Morris explained that they went to the building department and they explained that the property was not a two family home. Mr. Morris explained that he would have to make application to the Planning Board.

Mr. Leckstein asked why they went to the building department to make a two family home if they believed it was a two family home. Mr. Morris explained that Ms. Chanduiv received a document from Mr. Anthony Vecchio after he came to the home. Mr. Leckstein confirmed that the document was a violation; yes. There was discussion regarding the reasons why Mr. Vecchio would go to inspect a house and what be written on the CO.

Mr. Leckstein asked the Chairman how he wanted to proceed; Mr. Leckstein feels that the Board needs to see what the CO states. Chairman Sessa mentions if the CO states it is a single family that would bring up other questions regarding if permits were issued for the changes in the apartment and if those conversions were inspected.

Mr. Leckstein suggested that the Board carry this application to the next meeting so the Board can see the other information.

There was discussion regarding the possibility of the house at one time being a mother daughter house. Mr. Pacheco stated that the CO will have it is a single family home or two family home. Mr. Leckstein stated that a mother/daughter house is still single family and that there is nothing illegal in having two kitchens. Mr. Leckstein continued to explain that even if the CO stated the home is two family that still not be conclusive with zoning, so the applicant would still have to go before zoning. Mr. Leckstein feels that the Board needs to understand how they purchased it and what the CO states.

Mr. Vecchio stated that a problem that the borough has is when they reassess the houses the company goes out and they make changes and then do not communicate it to anyone. The tax assessor will see changes and he doesn’t say anything, and then they pull the property records card and they go from single family to two and three

family homes. Mr. Vecchio stated that this problem to be resolved.

Mr. Mullan mentioned that they have spoken to the applicant, they asked for a sketch of the floor plan. Mr. Mullan explained that they wanted to understand the dwelling layouts and the number of bedrooms. Mr. Mullan stated that they did look at the bulk requirements, the lot size, the impervious coverage and parking requirements. He explained that there are no physical improvements to the building or property. They had questions regarding the same issues that the Board has raised at the meeting. Mr. Mullan stated that there are a number of waivers. Mr. Mullan stated that they have no objections for the waivers they are requesting.

Mr. Leckstein explained that this application would be carried to the February 23 meeting so if anyone from the public has questions they may want to wait until that meeting so some of the questions that the Board brought up could be addressed.

Mr. Mullan stated that this was the first time they had seen the list for the two family homes that were submitted. He explained they might want to instruct the applicant to come back with support for that justification. Mr. Leckstein asked where they received the list of two family homes; Mr. Morris stated he received it from the zoning department. Mr. Leckstein asked the Board secretary to see what information she can find regarding the list that was submitted as well as the CO for 117 Broadway.

Motion to open to the public at 7:35 PM was made by H. Aumack, second by N. Vecchio with ayes by all present.

Michael Lane, 51 First Street, stated that the applicant did not submit the exhibit for the sketch 10 days prior to the meeting. Mr. Leckstein explained that the materials exhibits of the application have to be submitted ten day prior any supplemental exhibits did not have to be handed in ten days prior.

Mr. Lane stated based on real estate postings it says there is a basement apartment and one of the key things would be the windows in the basement. Mr. Lane handed exhibit L1, which is a picture he took of the basement windows. Mr. Leckstein asked the applicant if there was a basement apartment; no. There was further discussion regarding where the second apartment was located.

John Merla, 34 Broad Street, the applicant stated that in 2007 they believed they purchased a two family home. Mr. Merla asked if there was two electric and two gas meters and if they are there currently. He feels they would not place two electric meters on a single family home. Mr. Morris stated that there are two meters. Mr. Vecchio stated in that some of the old homes there was two electric meters. Mr. Leckstein asked Mr. Morris if one meter was for upstairs and one for downstairs; yes. Mr. Mullan asked if there are two addresses; no, just one.

Mr. Lane asked if the second unit was ever rented other than family member what is the record for landlord registration. He checked with the borough and there wasn't any registered there was further discussion regarding landlord registrations. Mr. Lane stated he will give D. Nellis a copy of the OPRA stating there was no landlord registration for this site.

Mr. Leckstein asked how many water meters were at the home; one.

Motion to close to the public at 7:44PM was made by N. Vecchio, second by J. Royster with ayes by all present.

Mr. Leckstein explained that this application will be carried without further notice to the February 23rd meeting.

Motion to open to the public at 7:46PM was made by N. Vecchio, second by J. Royster with ayes by all present.

Mr. Merla, mention that he served on the Board for 12 years and 21 years of government. He explained that application and resolutions are being approved and some items in the resolution. Mr. Merla stated that he had concerns over two applications that were approved by the Board those applications are now being built and advertised. The projects are being advertised is buy now because there is a five-year tax abatement. Mr. Merla stated that the Board could not approve a tax abatement; only Mayor and Council can approve tax abatements, as well as pilot plans. There was further discussion regarding tax abatements that are advertised for some of the projects being built. Mr. Leckstein suggested that Mr. Merla bring this information to the Mayor and Council.

There was discussion regarding the inconsistencies with the ordinance and the land use requirements. Mr. Leckstein asked Mr. Lane to email D. Nellis the information and she would distribute to the Board. There was further discussion regarding the inconsistencies.

Motion to close to the public at 8:01PM was made by N. Vecchio, second by D. Pacheco with ayes by all present.

Motion to adjourn at 8:01PM was moved and carried.

The next scheduled Planning Board Meeting will be Thursday, February 23, 2023.