KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Re-Organization Meeting on January 27, 2022 which was called to order by Mark Sessa at 7:02 PM, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor Kennedy, Councilmember Davidson, Mark Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, G. Kotzas, C. Dickerson

Marc Leckstein, Planning Board Attorney, Fran Mullan, Engineer, S. Slachetka, Planner

SWEARING IN PLANNING BOARD MEMBERS BY THE PLANNING BOARD ATTORNEY.

Chairman Sessa welcomed the new member Cheryl Dickerson to the Board. Mayor Kennedy explained that in 2009 the state of New Jersey implemented a citizen leadership form program that all municipalities were required to follow. She was happy to report that they are now they are now compliant with that. Throughout the year when citizens request forms of interest to the clerk the Borough keeps the forms on file so that if there is a vacancy they have a rotation instead of scrambling for every re-org. Mayor Kennedy thanked Ms. Dickerson for being part of that process.

EXECUTIVE SESSION – CLOSED TO THE PUBLIC

Mayor Kennedy asked what would be discussed in executive session. Chairman Sessa replied professional contracts and pay for Secretary for the additional meetings.

Motion made by M. Sessa, second by N. Vecchio with ayes by all present

Motion to go back into public session at 7:22pm was made by D. Pacheco, second by Councilmember Davidson with ayes by all present.

Chairman Sessa stated that everyone was present.

REORGANIZATION FOR 2022:

ELECTION OF OFFICERS:

CHAIRMAN: Mark Sessa

Motion made by N. Vecchio second by Councilmember Davidson

Ayes: Mayor Kennedy, Councilmember Davidson, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

Abstain: M. Sessa

VICE CHAIRMAN: Harry Aumack

Motion made by N. Vecchio second by Councilmember Davidson

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

Abstain: H. Aumack APPOINTMENT OF PLANNING BOARD SECRETARY: Denise Nellis

Motion made by N. Vecchio second by H. Aumack

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

APPOINTMENT OF ATTORNEY: Marc Leckstein

Motion made by H. Aumack second by N. Vecchio

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

Mr. Leckstein thanked the Board for being reappointed.

APPOINTMENT OF ENGINEER: T&M Associates – Fran Mullan

Motion made by N. Vecchio second by D. Pacheco

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

Mr. Mullan thanked the Board.

APPOINTMENT OF PLANNER: T&M Associates – Stan Slachetka

Motion made by D. Pacheco second by N. Vecchio

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

Mr. Slachetka thanked the Board.

Meeting Dates for 2022:

February 24, 2022
March 24, 2022
March 29, 2022
April 28, 2022
May 26, 2022
May 31, 2022
June 23, 2022
July 28, 2022
August 25, 2022
August 30, 2022
September 22, 2022
October 27, 2022
November 3, 2022
November 29, 2022
December 1, 2022
January 26, 2023

***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 March, May, August and November 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.

Mayor thanked the Chairman for being open about adding the meetings. Mayor mentioned that these meetings are reserve in case something has to be carries over. She asked the Boardmembers to pay attention to the emails from the Planning Board Secretary, Denise. What has happened in the past if there was something that needed to be carried over sometimes applicants were waiting six months to be heard so they added a few extra meetings into the calendar this year so if this happened the applicant would be carried over to one of the four meetings that was added. If that didn't happen the Board would not use the additional meetings. Mayor stated that the meetings are being used as reserve for the Board and not booking them out as additional meetings; Chairman Sessa stated that was correct. The other item is that they are changing the curfew time to 10pm.

Mr. Leckstein stated the meetings are reserve dates but should be published with the paper. If the meeting is not needed, we can cancel the date. D. Nellis asked for confirmation that if there was a new application that application would be placed on the regular scheduled meeting; correct.

Mayor Kennedy explained that to schedule a special meeting the applicant would have to notice a 200-foot list, so anyone within 200 feet of the property have to be noticed within ten days of the hearing date. They can't just add meetings for the planning board because there is a lot of back log work that goes along with it. Mayor feels having this set as flexibility option for everyone can help.

In Executive Session it was stated by the Chairman that the Board Secretary would get paid for any of the additional meetings after the meeting occurred.

Motion to approve meetings with a curfew of 10pm made by W. McDermott second by D. Pacheco

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

MINUTES: December 3, 2021

Motion to approve made by Councilmember Davidson, second D. Pacheco

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

Abstain: H. Aumack

COMMUNICATION:

Email from Mr. Kenneth Pape requesting a special meeting for KUPB 2-01 357 West Front Street and KUPB 17-07 Mariners Village extension

Chairman stated that he received an email requesting a special meeting in February, he stated he wasn't sure if they could do that. Discussion regarding whether they would be able to be added to the February meeting agenda, D. Nellis stated there are three applications already scheduled for that meeting. Further discussion regarding having either having a special meeting or scheduling it for the March meeting. Mayor spoke about the past conversations regarding the application as well as the newspaper noticing the incorrect paper.

The application will be heard on the regularly scheduled meeting in March.

Email from Borough Administrator and attachment regarding NJDEP Office of Local Government Assistance (discuss if our master plan is updated with the requirement)

There was discussion regarding if the Board felt the Master Plan was in compliance with the requirements. The Board as well as the Board's Planner felt the Borough's Master Plan was in compliance.

Motion to send a letter to Mayor and Council stating that the Master Plan is in compliance with the State of NJ Climate Change Resiliency Strategy.

INFORMATION FOR BOARD:

Email and review letter from T&M regarding subdivision review for 357 West Front Street

Letter from Mid Atlantic dated 1/4/22 regarding Marines Village application for CAFRA

Motion to receive and file was made by H. Aumack, second by D. Pacheco with ayes by all present.

RESOLUTION: KUPB # 21-11
30 SOUTH SECOND LLC
23 BROOK AVENUE
BLK 102, LOT 6

MOTION TO APPROVE RESOLUTION:

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

Ayes: Mayor Kennedy, Councilmember Davidson, M. Sessa, W. McDermott, J. Oviedo, D. Pacheco, J. Royster

Abstain: H. Aumack, N. Vecchio

UPDATE ON CANNABIS ORDINANCE – COUNCILMEMBER DAVIDSON

Councilwoman Davidson stated that she received some comments from the subcommittee. Councilwoman mentioned that Mr. Howe is no longer on the Planning Board, she would like to request to have another Boardmember take his place on the subcommittee and then continue to meet. She did gather information from Mr. Howe as well as the other members. Councilmember would like to get another person and meet in the next few weeks so they can pass it off to the Council to review. Chairman Sessa asked if there was anyone that wasn't on the committee that would like to volunteer; Mr. McDermott stated he would like to be part of the committee. Councilwoman stated she would send an email in the next few weeks to find a time to meet.

APPLICATION: APPLICATION: KUPB # 21-07
ARJIKA PROPERTY INC
108 BROAD STREET
BLK 60, LOT 6
USE VARIANCE /SITE PLAN

Chairman Sessa explained this application is continued from the December meeting.

Mayor and Councilmember Davidson stepped down from the dais because the application is a use variance. Mr. Leckstein explained that the Mayor and Councilmember are stepping down because they don't have a choice, the law does not permit them to participate in a use variance application.

Mr. Leckstein marked in the following additional exhibits:

Exhibit A4 – Architect plan dated 12/20/21
Exhibit A5 – updated site plan dated 1/14/22

Mr. Batcha asked to confirm that all the Boardmembers that were present either attended the December meeting or have listen to the recording; Board secretary replied that they have listened to the recording as well as reviewed the minutes from the December meeting.

Mr. Batcha gave recap of the application that was before the Board in December. He explained that they are proposing four one bedroom apartments he explained the reason is it goes back to a meeting with his client and members of the town committee. He stated the thought in that meeting was that the town could use one bedroom apartments for affordability and to attract young professionals to use the downtown. The property is so close to the downtown the town would benefit having this type of units. The most difficult variance the applicant is dealing with is the use variance, they are having four separate units on a site that allows two. Mr. Batcha stated that there is only four bedrooms and his client is not trying to make this a crazy larger than life building. In a normal two-family there might be a three to four bedrooms per unit. Mr. Batcha stated that this was not something his client always wanted to do he got the idea from feedback. Mr. Leckstein clarified that no one at any meeting asked the applicant to do this application. Mr. Batcha stated that it is up to the Board to decide if there is a need for this type of apartments that is being presented. Mr. Leckstein agreed and said that the statement that Mr. Batcha made was that the applicant walked in and it wasn’t something he wanted to do but received feedback from the town that this was needed and that is why he did the application. Mr. Leckstein stated that was not accurate.

Mr. Batcha stated the last meeting they learned that there were some troubles, the applicant addressed them they had the architect and engineer work on eliminating the height variance. He mentioned in T&M review letter it still was mentioned but if you look at the schedule there is no longer a D6 height variance. They are left with the use variance. His client tried to address a lot of the issues that were mentioned. The Board will hear testimony regarding the air condition units, improve the flow of the garage, the balconies and recreation space. Mr. Batcha stated that this lot because of its location and size and shape on the corner it will bulk relief no matter what the use is. Mr. Batcha stated that his client believes this is a good use.

Mr. Marc Leber, Engineer entered Exhibit A-6 which is sheet three of Exhibit A-5 which is a colorized version.

Mr. Batcha stated that there was a new letter that was submitted on January 14th that Mr. Leber will be addressing.

Mr. Leber stated he was going to speak about the zoning of the property and the second was going to be the function of the property. One item that came up at the last meeting was the side yard setback requirements for this property. At the December meeting it was indicated that both Broad Street and West Third Street were front yards and they had 20 feet setbacks. The yard to the west was called a side yard and the yard to the south was side yard which would require 6 feet. There was some discussion regarding the definitions in the ordinance for how corner lots were viewed and what was determined was that the architectural part of the building facing West Third is the front yard which is required the 20-foot yard setback. The area on the west would stay the side yard which would be six foot, the architectural facing lot 7 would be designated as a rear yard, the Broad Street side would be a side yard.

Mr. Leckstein asked Mr. Mullan if their office agrees that is a side yard under the ordinance and would not be considered another front yard; yes. Mr. Leber spoke about the front of the building needing some changes to architectural. The front now has a covered porch which is now at 20 feet 6 inches that would need a variance; Mr. Batcha asked if that porch was eliminated you wouldn't have that variance; correct. Further discussion regarding the setbacks and what variances would be needed.

Mr. Leber spoke about the how to access the garage, the trash as well as the air-condition units. There was also discussion regarding if the tenants would have to walk outside to access their garages. The architect worked on the floor plan and he will present the changes. Mr. Leber stated from a site plan perspective they added a trash area, widen the driveway to 10 feet which caused the landscaping to be changed so they changed that to brick pavers. There was a question about a recreation area; they created a 280-foot patio facing Broad Street. In the building there is a corridor that the tenants could access the garage from their unit without walking outside. The upper level units will have a balcony. The air conditioners will not require out door condensers, the type of units that are going to be installed don't require an outdoor condenser. Everything is self-contained in the package in each unit. Regarding the landscaping, along lot 5 they will plant a row of evergreens for screening as well as some shade trees along Broad Street. The fence will be removed. The current status they still have the existing non-conforming lot area, for the variances West Third front yard, 18 ½ where 20 feet is required, rear yard is 20 feet, maximum building coverage you are allowed 30 percent they are at 35.3 percent, maximum total lot coverage 60 percent they are at 64.5 percent. They will comply with the limitation of the building height; they are requesting a three story building when two and half is allowed so that remains a variance. The last item was the parking in the front yard, Mr. Leber stated if you look at the front yard facing West Third Street the amount exceeds the allowable so they would need relief. They do meet the parking requirements, they need eight spaces total and they have provided that. Each unit has two spaces one in the garage and one in the driveway. Mr. Leber spoke about the architectural elevation, he pointed out the front balcony was a change from the prior plan.

Mr. Mullan clarified the setbacks, the setbacks on both streets require 20 feet. Fortunately, the plans accommodate that. In T&M view there is a 20-foot front yard setback along Broad Street. Further discussion regarding the front yard setback. Mr. Leckstein confirmed that it is a second front yard; yes. Mr. Mullan stated that both streets will be treated and is required to have a 20-foot yard setback to fully comply with the ordinance.

Mr. Leckstein asked about the variance; Mr. Mullan stated that there is a four-foot encroachment.

There was discussion on how they met the height requirement.

Motion to open to the public at 8:04pm was made by W. McDermott, second by J. Royster with ayes by all present.

There being no one from the public that has any comments or questions the meeting was closed to the public at 8:05pm made by J. Royster, second by D. Pacheco.

Sal Laferlita, Architect spoke about the comments that was made at the last meeting. There is a backdoor that leads to a common corridor that goes to the garage area so that the tenants can access them without going outside. The air-conditioner units are magic pack which are similar to the hotel stand-alone units, there are no condensers required. The recreation area is covered with a pergola for a common area for the tenants to sit on their property.

Mr. Laferlita entered Exhibit A-8 to the Board which is a colorized version. Mr. Laferlita explained that the colors are not set in stone, they could be changed if the Board wants. Mr. Laferlita feels that the colors fit in with the area.

Mr. Aumack commented that it would help him that they have a rear elevation; Mr. Laferlita stated it would be similar to the front just without the azack, it will have white molding, the only thing you will see are the windows in the bedrooms. Mr. Aumack mentioned that the windows in the bedroom had to be egress windows; yes, there will be two double windows in the rear. Mr. Aumack asked if there would be balconies in the rear; no. Mr. Aumack stated that they would have to give a rear elevation to the construction department; Mr. Laferlita stated he would. Mr. Laferlita stated that they could submit the rear elevation in a few days' id that was required. Mr. Aumack stated that he likes the layout, and feels that they have answered the Boards comments.

Mr. McDermott asked if the driveway can fit two cars, one in the garage and one in the driveway; yes, the same as the last time. Mr. McDermott confirmed that there was no fencing on that side; no.

Ms. Royster asked if there was fencing on the other side; no, just plants.

Mr. Slachetka asked about how the patio was going to be used. He asked if they were going to be able to use barbecue equipment or just a sitting area in that location. Mr. Laferlita stated that came up and he doesn't know if barbecuing will be permitted. He isn't sure how you would stop a tenant from doing it but they certainly don't want them barbecuing on the balconies. They aren't going to provide one for everyone to use. They are just going to put one or two park type benches. Mr. Slachetka stated the Board may want to consider very specific limitations on how that can be used, you also don't want any fire pits or similar types of use. Mr. Leckstein stated it is against state law to have barbecuing on a balcony, does that also apply to the patio because it is too close to the building. Mr. Slachetka stated he is not specifically aware of the fire code requirements with regards to the use. Mr. Vecchio stated for multiple dwelling you can not have barbecue grills on the balcony, and if you have an overhang, you can't have a barbecue as well. Mr. Vecchio stated unless they have a fixed barbecue somewhere, it would be the landlord responsibility to police this and make sure there are no barbecue grills. Further discussion regarding the barbecue.

Mr. Mullan stated that there was a second review letter that was sent out dated January 27, 2022. T&M emailed the letter today, he apologized that the Board didn't see the letter earlier. Chairman Sessa mentioned one item that stood out was the project description it stated that there was previously a multi-family dwelling on the property, that is not what was previously there to clarify for the Board there was a single family dwelling on the property. Mr. Mullan stated that was discussed at the last meeting and he agrees with the Chairman's comments.

Mr. Mullan went through his letter that was sent to the Board some of the points that were raised. He spoke about the use variance as well as the other variances that are being requested. Mr. Slachetka spoke about the front yard setback. Mr. Mullan stated that it is a minimum of 20 feet for both front yards. There was discussion regarding the balcony on the front of the building. Height variance was eliminated but they still have a C variance regarding the amount of stories of the building. There is no proposed fencing on the property. Mr. Leckstein asked if there was a reason to remove the fencing; Mr. Batcha stated that the owner is willing to put a fence if the board wants that.

Mr. Mullan asked if they can describe the balconies on front of building; Mr. Laferlita stated that are 6 feet wide and 8 feet deep the only thing that would go out there is a small chair and get some fresh air. Further discussion regarding the size of the balcony.

Mr. Mullan asked if they were going to place any signs on the property; nothing is proposed.

Motion to open to the public at 8:26pm was made by D. Pacheco, second by J. Royster with ayes by all present.

Michael Lane, 51 First Street, complimented on the changes that have been made. Mr. Lane asked about the attic access; Mr. Laferlita stated it would be used for duct work for the magic pack.

Mr. Lane asked if there was any report from the fire official; Mr. Leckstein asked the Board Secretary if they received any feedback. D. Nellis stated she gave it to their department and didn't receive anything back.

Mr. Lane mentioned that the six-foot back yard area would be difficult to get a ladder to the third floor; Mr. Laferlita stated that the building has fire rated sheet rock as well as sprinkler system. Mr. Lane asked if the four doors that lead to the garage are they self-closing; Mr. Laferlita stated that there is a concrete wall and all doors are self-closing.

Mr. Lane asked about the recreation area on Broad Street, he suggested some type of fencing; Mr. Laferlita stated that can place a fence he would not recommend a fence along West Third Street. There was further discussion regarding having the area fenced.

Mr. Lane asked about the roof drainage being directed away from the back yard and will there being dry wells. Mr. Leber stated that the water will be directed to the street. The amount proposed doesn't required any stormwater management. What they would do is provide a grading plan showing the discharge locations for the down spouts. Mr. Mullan asked if they feel that isn't sufficient and there would be a need for drywells would the applicant incorporate that into the plans. Would the applicant be willing to accommodate any request from T&M to add drywells or lawn drains and possibly a drain pipe along both sides of the building to get the roof leaders to the driveways or out to the street. Mr. Batcha stated that the applicant is willing to work with T&M. Mr. Mullan asked if this application was to move forward that this be a condition of approval.

Mr. Lane asked if the trash receptacles will be in an enclosed structure, Mr. Laferlita stated that the landlord will provide trash bins but they are not enclosed. Mr. Mullan stated that there are four mark outs on a concrete pavement is that where they are being proposed; yes. The four squares on the plan is that one receptacle per unit for both trash and recyclables or should it actually be eight squares. Mr. Laferlita stated that the recyclables would be stored in the garage until pick up. Further discussion regarding an enclosure so it couldn't be seen from the street. Mr. Leckstein asked if the Board approves the application as a condition of approval have the engineer make sure that the garbage cans are adequately shield. The Board would like to see it screened. Further discussion regarding the screening for the receptacles.

Mr. Lane asked if they would enforce that the garage cannot be used for storage. Mr. Leckstein stated the general idea is that the garage has to be able to place a vehicle in the garage. That would be a condition of approval if the application is approved.

Motion to close to the public at 8:45pm was made by N. Vecchio, second by D. Pacheco with ayes by all present.

Patrick Ward, Planner for the application, introduced Exhibit A-9 dated 12/4/21 which is an aerial image, which is a neighborhood study of the surrounding area. Mr. Ward spoke about the different variances that are before the Board.

Mr. Ward spoke about the neighboring properties surrounding this location. He feels that this type of use fits in with the neighborhood. In his opinion with the location of the property he feels that this lot is unique and feels it can accommodate the four one-bedroom apartments to bring more residents to the down town district. The applicant feels strongly that the four one bedroom units would be more positive to the downtown area then a duplex which could be built with larger living area and more bedrooms. In this application they are providing only four bedrooms. The tenants would be likely single or couples that would utilize the downtown businesses. This is new construction which will include fire suppression which the previous building didn't have. There is a mix of multi uses in their vicinity they feel that this fits what they are proposing. The application promotes a visual requirement; he feels that this is an improvement of what was formally at the site. They feel that the building design and the adjustments and the added landscaping will be a positive addition to the area.

The negative criteria dating back 1965 Master Plan encourages dense residential to the downtown area. The ordinance was recently amended to allow mixed use in the GC district which was formally not permitted. The design and proposal was developed with that in mind. They are proposing a transition between GC district uses and their prescribed residential density and the RB zone to the south. Further discussion regarding the negative criteria.

Mr. Leckstein asked that they talk about the negative criteria for the use variance; Mr. Ward stated the property will be landscaped to maintain a residential feel. They are also agreeing that there will be no drainage impacts from this project. He feels the application doesn't rise to any detrimental or impact to the neighbors or the Borough and does not impair the purpose of the zone plan. It is his opinion that the positive criteria outweigh the negative criteria.

Mr. Leckstein stated that the issue is that the applicant is asking for a four unit when only a duplex or single family is allowed. Why could you not build a duplex or single family on this property. Mr. Ward stated that is not the criteria that they have to offer. Mr. Leckstein explained that they have to show that the property is particularly suited for a four family home and part of that is showing that a single family or duplex would be appropriate for this site and that it is more suited for a four family. Why is this not suited for a duplex or single family home; Mr. Batcha stated that it's not that it is not suited, they are making an argument that this is also a suitable solution to what it is offering a slightly different single one-bedroom unit to the public. Further discussion regarding what makes this property different than the other properties facing West Third Street to allow a four family home. Mr. Ward stated it is the location of the property, Broad Street which heads to West Front Street, if it was an interior lot on West Third it wouldn't have the uses that are across the street. Mr. Ward mentioned Lot 1 and Mr. Leckstein stated that lot is in the GC zone.

Mr. Mullan spoke about what is permitted in the zone, and what could be amended to fit into this location. Duplexes are allowed, Mr. Mullan mentioned with the single staircase being used for the four one-bedroom rental units and when he looks at the plan presented he can't help but sketch up having a duplex that fronts on West Third and could that fully comply. With the physical dimensions of the footprint of the building could they envision a two to three-bedroom duplex with a two car garage, two parking spaces on a double wide driveway and if they work with the architect to refine the plans slightly it is his estimation they could fully comply with lot coverage, building coverage and pull the buildings a little further from the property lines. Could that be possible and what would it look like on this property. Mr. Ward feels there would be hardship regarding the setbacks, Mr. Mullan understands that would still need variances. Further discussion regarding building a duplex on the property besides the fact that they want to build a four family. Mr. Batcha stated that is why they are before the Board for them to decide if this works in the location.

Mr. Leckstein stated that he needs the special reasons for the resolution if the Board approves the application. Further discussion regarding the special reasons this is suitable for this location.

Motion to open to the public at 9:28pm was made by N. Vecchio, second by D. Pacheco with ayes by all present.

Michael Lane, mentioned that the Exhibit was not posted before the meeting. Mr. Lane asked on block 60, West Third Street what at this location; Mr. Ward stated four single family and one duplex lot 29 has a parking lot.

Mr. Lane asked what is on Broad on Warren; four residential lots, two single family, one duplex and one multi family.

Mr. Lane asked if they what percent of rentals are in Keyport; Mr. Ward stated he didn't know. Mr. Lane replied more than 50 percent. Mr. Lane spoke about the number of one bedroom apartments that are in the Borough, he feels that this project is not unique.

There was discussion regarding Mr. Lane's handout, it was decided that the handout could not be given to the Board.

Motion to take a five-minute break at 9:40pm was made by H. Aumack, second by D. Pacheco with ayes by all present.

Back into session at 9:48 pm

Roll call: M. Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas, C. Dickerson

Mr. Lane complimented T&M on their review letter, he spoke about some of the variances that the applicant is asking for. He asked the Board to look at 2.2 as well as 3.8 it talks about the density, he stated a D5 variance is required. The last page of the report the exhibit attachment C summarizes he bulk variances, which is quite a list. As far as fit and harmony for the residents living there for years. The bulk variance, minimum lot area there is barely enough for a single family and they want to put four families. Mr. Lane spoke stated that there is a huge amount of variances needed and feels the Board needs to think about that.

Motion to close to the public at 9:55pm was made by H. Aumack, second by N. Vecchio with ayes by all present.

Mr. Leber stated that he had tremendous respect for Mr. Lane, he heard his background. Mr. Leber gave an analogy he asked if anyone read music, he feels that this application is a different product and the client wouldn't be risking all this money by trying to sell the Board on a four one-bedroom unit if he didn't feel there was a demand for it. What has changed is that this is now 2022 and he understands what the Master Plan says and he is familiar with that but feels that this is a different world. There are people working remotely and this building was designed for single people or household without children. The board needs to determine if this is a beneficial use for this location. Further discussion regarding if this is a suitable use for this location and the variances.

Mr. Batcha stated that there is testimony given to the Board to allow them to vote. The Planner has described why this application is unique. They know the ordinance doesn't provide for this project. They feel that there is a demand for this project.

Mr. Aumack he stated they made an application for a four one bedroom building they tried to address concerns of the Boards. The Boards professional have to right a resolution with positive and negative criteria. His personal opinion is he agrees with the applicant's presentation that this is a transition area from downtown to residential area.
If this is approving the Borough would have to pass an ordinance for no parking because they wouldn't be able to access the garages. He has visited the site and there is no way they would be able to access the garage with cars parked on the street. Mr. Aumack stated that he liked the application. Mr. Leckstein stated that there would be no guarantee that Mayor and Council would amend the ordinance.

Mr. McDermott stated he feels they are trying to achieve a lot in a very small property and the street is narrow.

Mr. Sessa stated he feels there are some many variances that they are asking for so he feels that maybe it isn't suitable. Across the street there is a duplex which is what he was picturing at this site. He doesn't feel there is a reason to put a four family.

Ms. Royster agrees, there is too much in one area.

Motion to deny application was made by D. Pacheco, second by w. McDermott
Ayes: M. Sessa, W. McDermott, D. Pacheco, J. Royster, N. Vecchio
Abstain: H. Aumack; J. Oviedo

Motion made to adjourn meeting at 10:20pm was made and carried.

The next scheduled Planning Board Meeting will be Thursday, February 24, 2022