

KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on June 22, 2017 which was called to order at 7:00 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Roger Benedict, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

PRESENT: N. Vecchio, G. Sappah R. Benedict, D. Fotopoulos, T. Musson, M. Sessa, J. Carlos Oviedo (arrived 7:05pm)

Marc Leckstein, Planning Board Attorney, D. Miller, Planner

ABSENT: Mayor Harry Aumack II, Councilman Goode, J. Kovacs, J. Kovacs-Olsen

Mr. Leckstein mentioned that the Mayor and Councilman are not in attendance at the meeting because the application is a use variance and cannot vote on it. Also, Mr. Kovacs and Ms. Kovacs-Olsen have a conflict with the application and would not be able to vote on the application as well.

MINUTES: May25, 2017

Motion to approve minutes was made by M. Sessa, second by T. Musson with ayes by all present. G. Sappah abstained from the vote.

COMMUNICATION:

Mayor and Council resolution number R153-17 Authorize Planning Board to Investigate Designation of Areas in need of Redevelopment and Housing.

Mr. Gallo spoke about the resolution. This process is the beginning of the Borough attempt to deal with vacant properties throughout the Borough that are either bank owned or left by the owners. Despite the Borough's efforts to have to the bank or owners to be responsible but it is not happening. Most of the properties are registered in our abandoned properties registry. They are not good shape and the Borough spends considerable resources to hire company to take care of these properties. Mr. Gallo spoke about the task force which consists of citizen volunteers and elected officials that has been dealing with this situation. After discussing with Council and Engineer and Planner they arrived at the conclusion that best way to deal with this is to declare them in area of need of Redevelopment and with condemnation to allow the Borough to take these properties and redistribute them to anyone that might want to purchase at fair market value. Mr. Gallo explained that he was present at the meeting to ask the Board to undertake that process. Mr. Gallo stated that he did have a proposal from the Borough's Engineering firm. He explained that they would do the

study for a fee of \$10,000. Mr. Gallo spoke about the cost of the original proposal. Mr. Gallo stated that the Board didn't have to vote on this tonight. The Borough would like to get started on the

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Redevelopment study as soon as possible. Mr. Gallo explained the process and how it will work.

D. Fotopoulos asked who did the redevelopment study for Browns Point; CME Associates. Trevor is the Borough Engineer; yes. Jen Beam the person that did the study for Browns Point left and is now working for a smaller firm. Peter Van den Kooy is the person that did our master plan is now working for CME and he will be doing the study. Mr. Fotopoulos asked if the bank was going to give an upset price and that will be the minimum. The price will be set by a licensed appraiser if the banks want to challenge it they will have to go to court. When someone purchases one of these properties they will have to rehab the property and get it back into production in a two-year period. Mr. Fotopoulos asked if it was possible for one developer to purchase a group of properties; sure if they are interested in that. Mr. Gallo spoke about some of the properties that are being rehab in town already. There was discussion regarding the time frame, zoning and how the houses will stay as single family unless they go before the Board.

Mr. Musson asked if the bank still pays the taxes on the houses; Mr. Gallo replied that someone is paying the taxes because they don't want the properties to go to tax sale. Mr. Gallo explained that all the liens will be paid at the time of the closing. Mr. Musson explained that he was upset that he received the information the same day of the meeting and wants the Board to vote on it; Mr. Gallo explained that the Board doesn't have to vote on it. They can carry it over as long as the Board feels it is necessary.

The Chairman asked if the Board has any comments, Mr. Fotopoulos felt that the public should be able to participate at some point. Mr. Fotopoulos asked what the Board is actually voting on; Mr. Benedict replied that the Board is taking it into consideration, whether it be at this meeting or one of the future meetings. Mr. Musson stated that we could thank Mr. Gallo for the proposal and get another proposal if the Board wishes. Mr. Leckstein explained that it the Planning Board that hires the Planner to do the study, so if the Board wants to get another proposal they can. There was further discussion regarding the current proposal from Mayor and Council.

Mr. Fotopoulos stated he would like to see other proposals. There was further discussion regarding the proposals. Mr. Leckstein explained that this is not to create a redevelopment plan it is a study to see if the areas are in need of redevelopment. There was further discussion to what the study would provide the Board.

Mr. Leckstein suggested that the Planning Board does have a Planner. Ms. Miller mentioned that that they would be happy to but is concerned about the time frame. Mr. Fotopoulos is requesting that the Planning Board Plan to submit a plan.

Motion to carry to the next meeting to consider the proposal that was presented and also T&M proposal for the same work was made by D. Fotopoulos, second by T. Musson with ayes by all present.

Mr. Fotopoulos asked for T&M to send out the proposal before the meeting so that the Board could review it and then they can vote on it.

NEW BUSINESS: MYSTIC @ KEYPORT, (CUMMINS)
KUPB 17-01
BLK 22, LOTS 26, 30 & 31
SUBDIVISION

Will be heard at the July 27th meeting new notices will be sent out to residents and the paper.

Mr. Fotopoulos asked if there was any other applications in the cue; Ms. Nellis responded that Keyport Realty should be on. There was discussion regarding the agenda for the next few months.

OLD BUSINESS: PATRICIA ROSSICS
KUPB 17-02
Blk 131, Lot 9
30 Eighth Street
Use Variance

Exhibits A1 – Zoning Denial dated 11/1/2016
A2 – Plan review results dated 11/2/2016
A3 – Application dated 3/10/2017
A4 – partial survey showing one framed dwelling 6/1977
A5 – Survey dated 5/10/2017 two Family frame dwelling
A6 – Receipt & Landlord Registration Form
A7 – Series of five photos
A8 – Aerial Exhibit dated 4/27/2017
A9 - Picture of 37 Eighth Street from street
B1 - T&M Planning Board letter 4/20/2017
L1 - Survey dated 8/19/1977 Jon Rossics & Patricia Rossics
L2 – building permit dated 3/20/88
L3 – Property Detail from Monmouth County dated 9/17/97
L4 – Letter dated 2/9/2004 from the Building Department stating that one of the apartments must be removed from residence

Mr. Kantor introduced himself and stated he was representing the applicant. Mr. Kantor explained that they were before the Board a couple of months ago but elected not to proceed at that time. They are ready to proceed at this time. Mr. Kantor asked Patricia Rossics to come forward. Ms. Rossics was sworn in. Mr. Kantor asked Ms. Rossics when she and her husband acquired the property; 1980. When the property was acquired was it a single family; yes. Mr. Kantor stated that you and your husband separated in 1987. In 1988 did your husband convert the house into a two-family; yes. Ms. Rossics moved out of the house and her husband rented the upstairs. Mr. Kantor asked Ms. Rossics if she had anything to do with the house at that time. There was discussion as to what was happening in her personal life at that time. In 1995 after you divorced her attorney advised her to take the house instead of alimony. Ms. Rossics explained why that was suggested. Ms. Rossics stated that she agreed because the house would be more of a steady income. There was further discussion regarding the agreement. Mr. Kantor asked if Ms. Rossics if she thought it was a legal two family; yes. He asked if she knew it was an illegal two family would she have accepted it instead of alimony; no.

In 1995 Mr. Kantor asked if she rented the upstairs; yes. Applicant has rented both apartments for approximately 20 years. Mr. Kantor asked if she ever registered as a landlord; yes. She has been registered for approximately 10 years for both apartment.

In October 2016, the tenants from the upstairs apartment moved out and Mr. Anthony Vecchio saw them move out while he was inspecting a neighbor's apartment. Mr. Vecchio did go into the apartment she received a notice that should would have to get a use variance. Mr. Vecchio did inspect the downstairs apartment and gave a list of what needed to be fixed. There was further discussion regarding what needed to be taken care of in the apartments. There was also discussion regarding how long she hasn't received rent and how she was supporting herself.

Mr. Leckstein asked for some clarification as to when the applicant signed up as a landlord. Mr. Fotopoulos asked if they had any receipts or do any research. Mr. Kantor stated that he would rely on his client. Mr. Kantor placed the most recent into evidence. Mr. Musson asked if that was after the fact that the applicant needed a variance, felt they would have brought in landlord registration for 10 years. There was further discussion regarding the landlord registration.

Mr. Fotopoulos spoke about the criteria's regarding the application. Mr. Kantor stated that he does have a planner. There was discussion regarding who lived in the house while it was two family as well as what permits were issued.

Mr. Oviedo asked what the apartment was rented for; \$1200 for each apartment. Each floor has two bedrooms. One apartment is still rented.

Motion to open to the public at 7:45pm was made by D. Fotopoulos, second by T. Musson with ayes by all present.

Michael Lane, 51 First Street, spoke about the application time line. Did some research on the property. First they said they owned property in 1980; Mr. Lane gave a survey dated 1977 that showed that the Rossics owned the property. Mr. Leckstein explained date on survey can be just re-certified if the survey was done recently. Mr. Kantor stated that he had a copy of the deed and it shows that it was acquired in 1977.

Mr. Lane spoke about the construction permits in 1988, the second floor was added with no kitchen was there. It was only for 3 rooms. There was no permit for a kitchen. The property record card indicated two units with kitchen. The applicant also testified 1995 obtain title of property; yes. The sales data indicates that in 1997 her husband gave her title of the property for \$1.00. There was discussion when she received the document.

There was discussion regarding the applicant financial status. Mr. Leckstein stated that he didn't think it was not appropriate. There is no portion under land use code that would apply.

Mr. Kantor stated that he wants to address the financial situation in the Cox book. Would request that be held for the planner.

Mr. Lane stated that she wasn't notified before Mr. Vecchio notified her this year. Mr. Lane stated that she was notified in 2004. Handed the Board a letter dated 2/9/2004. Mr. Leckstein read the letter. Mr. Leckstein asked Mr. Lane how he received this letter. Mr. Lane explained that he went to Borough Hall and received the information.

Motion to close to the public at 7:50pm was moved by M. Sessa, second by G. Sappah with ayes by all present.

Mr. Kantor asked Ms. Rossics if she ever received the letter; no Mr. Kantor asked if the applicant ever received any fines; no.

Mr. Jeffrey Carr, Planner stated that he has been before the Board for previous application. Mr. Kantor asked Mr. Carr to describe the building. Mr. Carr described the current use and that the second floor was legally put on with permits.

Mr. Carr described the neighborhood surrounding the application. Mr. Carr spoke about Exhibit A-7 which is a google map of the area. There was further discussion regarding the neighborhood surrounding the house. The next exhibit Mr. Carr gave was a group of five (5) photos showing the different areas. Mr. Carr described each of the pictures.

Mr. Carr stated that if you look at the front of the house it looks like a single family and feels that there is no detriment to the neighborhood having this a two family. There was further discussion regarding neighborhood.

Mr. Carr spoke about the Cox Book the title under equitable consideration. Mr. Carr explains what it states. There was discussion the copy of the book and the current copy of this book.

There was discussion regarding the negative criteria that it has been a two family for a while and isn't hurting anyone.

Motion to take a five minute recess so Mr. Leckstein can look at the Cox book that Mr. Carr is referring to.

Motion to return from closed session at 8:45pm was made and carried.

Roll call: N. Vecchio, G. Sappah R. Benedict, D. Fotopoulos, T. Musson, M. Sessa,
J. Carlos Oviedo

Mr. Carr read the paragraph that was referring to in the Cox book. Ms. Miller stated that the 2017 version where this section was omitted from the current version. Mr. Leckstein read the section that took the place. There was further discussion regarding this section.

Mr. Carr spoke about the negative criteria feels it made it with the photo, maintaining the neighborhood. When you drive past the house it doesn't look like a two family house by all rights it looks like a single family. If the board denies the application nothing changes. Mr. Leckstein asked if it had two kitchens; yes. It will be a four bedroom house no matter what is the outcome is tonight.

There was discussion regarding the existing side backs, they meet the parking requirements. Mr. Musson asked for an explanation on who they meet the parking requirements. Mr. Carr explained how they parking requirements are met. Ms. Miller stated that she wants to make sure that they can accommodate the parking. There was further discussion regarding the parking.

Mr. Kantor stated that the applicant isn't asking to change what is there but to legalize the use.

Mr. Oviedo mentioned financial distress; how much could you get as a single family four bedrooms Mr. Oviedo feels that won't lose \$1200 a month. The person renting now has been there 20 years and has been a long time resident. There was discussion regarding the current tenant.

Mr. Fotopoulos asked how the board gets beyond that the client hasn't had a CO for the term of owning the two family house. Mr. Leckstein asked if the tenants from upstairs the same one. There was discussion regarding getting CO's from the upstairs apartment. She didn't realize she needed to notice the town because the downstairs tenant has been there since she received the house.

Mr. Musson asked if the applicants address is 1 Gale Court; yes. So there is no reason you wouldn't have received the letter in 2004.

D. Miller spoke negative criteria what purpose of zoning. There was discussion regarding a positive criteria and maintaining the character of the neighborhood.

Ms. Miller property slightly deficient with the criteria for the RA zone. Technically it is less than what would be considered for a single family so what would make it appropriate for a two family. Mr. Carr referred to the survey, spoke about the setbacks. Again he stated nothing changes, except for the second kitchen. They aren't changing the house exterior at all. Ms. Miller spoke that there is a different standard in a two family house.

There was further discussion regarding the houses in the neighborhood and the RA zone.

Motion to open to the public at 9:15pm was moved by M. Sessa, second by N. Vecchio with ayes by all present.

Mike Lane, 51 First Street, asked planner what is the normal process to convert to a two family house; Mr. Carr replied that you go before the Board. Mr. Lane stated that every time an owner rents they need to receive a CO. Mr. Carr replied that they did receive building permits for the two floor. There was discussion regarding the building permits.

Mr. Lane asked if the second floor was ever issued; no. Mr. Lane spoke about the parking and the distance from the adjacent property. Mr. Carr stated it is the same as it is now, nothing is changing.

Motion to close to the public at 9:25pm was moved by G. Sappah, second by M. Sessa with ayes by all present.

Mr. Kantor asked Ms. Rossics about the letter from 2/9/2004, Ms. Rossics indicated she doesn't remember receiving the letter. Mr. Kantor asked if you received the letter would you have done something regarding it; yes.

Motion to open to the public at 9:29pm was moved by N. Vecchio, second by D. Fotopoulos with ayes by all present.

M. Lane, feels that this application doesn't align with any of the Master Plans. Mr. Lane spoke about the variances and the different zones.

Motion to close to the public at 9:35pm was moved by G. Sappah second by M. Sessa with ayes by all present.

There was further discussion regarding the application and the zoning by the Board.

Motion to deny application was made by M. Sessa, second by T. Musson

Ayes to deny application: N. Vecchio, M. Sessa, R. Benedict, T. Musson, J. Oviedo

Nays to deny application: D. Fotopoulos G. Sappah

Motion to adjourn meeting at 9:50pm was made and carried.

The next regularly scheduled Planning Board Meeting will be Thursday, July 27, 2017.