The Keyport Unified Planning Board held a Regular Meeting on June 22, 2023, which was called to order by Mark Sessa at 7:00 PM, the Sunshine Law Notice was read followed by the Flag Salute.

Present: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott, Joseph Merla, J. Kovacs-Olsen

Absent: D. Pacheco

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

MINUTES: MAY 25, 2023

Motion to approve was made by W. McDermott, second by J. Oviedo

Ayes: Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott, J. Merla, J. Kovacs-Olsen

Abstain: Mayor Araneo, Councilmember Davidson

RESOLUTION: DEMETRIOS & CYNTHIA KOLONARIS
KUPB 23-04
6 HALL PLACE, BLK 103 LOT 69, 70 and 71

Ayes: Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott, J. Merla, J. Kovacs-Olsen

Abstain: Mayor Araneo, Councilmember Davidson

REQUEST FOR ONE YEAR EXTENSION FOR KUPB 17-07 MARINERS VILLAGE AND KUPB 20-01 357 WEST FRONT STREET

MOTION FOR ONE YEAR EXTENSION – Applicant has outstanding escrow this was carried to the July 27th meeting

APPLICATION: KUPB 23-07
RBSM
RELIEF OF CONDITION

Joanne Royster recused herself; she lives within 200 feet of the project.

Mr. Leckstein explained that the applicant is seeking relief from on of the conditions that was previously approved. Mr. Leckstein stated that even if any Boardmember was not involved with the approval of the application that they could still vote on this application.

Exhibit A1 – Application
Exhibit A2 – Overhead electric plan
Exhibit A3 – map of survey
Exhibit B1 – T&M Review Letter 5/5/22
Exhibit B2 – Resolution approval 1/21

Mr. Alfieri, Attorney for applicant explained that Mr. Vincent Rosato is the licensed electrician for the applicant.

Mr. Rosato explained that the existing house and the houses in the surrounding area all have overhead electric. Mr. Rosato explained what would have to be done for the applicant to have the electric ran underground. He explained that it would be easier to do overhead electric. There was further explanation regarding the overhead electric for this project versus the underground.

Mr. Leckstein asked if they would be using the existing pole; yes, they are across the streets. Mr. Alfieri confirmed that by doing overhead electric that would element the need to add poles; yes.

Mr. Mullan stated that looking at the plans that were submitted it clearly states that the electric would be ran from the poles across the street because the existing utility poles with the power source is on the far side of the street. The applicant's position is if you require underground electric the wire would have to go from the existing pole on the other side of the street overhead wire to be set on a new pole on the side of the street of the new homes and then the wires could come down that pole and go underground to the homes. Mr. Leckstein confirmed that it would still be running from the same pole; yes. Mr. Leckstein confirmed that by doing it over head they would be eliminating the existing poles; yes.

Motion to open to the public at 7:15pm was made by Councilmember Davidson, second by J. Kovacs-Olsen with ayes by all present.

Michael Lane, 51 First Street, when the houses built on Atlantic and Church a pole was installed and underground wiring was run to all the units. Mr. Lane feels that the homes really need to get put on the Borough's tax base, so he recommends that the Board approves the request.

Motion to close to the public at 7:15pm was made by N. Vecchio, second by Councilmember Davidson with ayes by all present.

Motion to approve application was made by N. Vecchio, second Councilmember Davidson
Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott

APPLICATION: KUPB 23-02
NICKAY CONSTRUCTION
105 HIGHWAY 35, BLK 110, LOT 24
PRELIMINARY & FINAL SITE PLAN WITH
BULK VARIANCES

Mr. Lawrence Kantor, Attorney for applicant.

Exhibit A1 – Application
Exhibit A2 – Preliminary site plan dated 3/21/21 revised 5/12/23
Exhibit A3 – Elevation of building dated 3/29/21

Exhibit A4 – Revises first page dated 4/18/23
Exhibit A5 – Storm Water Management report dated 3/13/23
Exhibit B1 – Second T&M letter dated 6/15/2023
Exhibit B2 – Flood Plain report from Collier dated 3/14/23
Exhibit B3 – Review from the Fire Marshals 2/7/23

Ms. Royster returned to the Dais for the rest of the meeting.

Mr. Leckstein confirmed with Mr. Mullan that the only variance the applicant is seeking is the side yard set back on Route 35; yes. Mr. Leckstein explained to the Board that there is only one variance and that is that 50 feet is required and the applicant is providing 11.13.

Mr. Kantor mentioned that they would need a variance for the parking, which is five feet within a residential zone. Mr. Mullan mentioned the location of the parking. There was discussion regarding possibly asking for a waiver instead of a variance on the size of the spaces. Mr. Mullan stated normally that is a waiver that would be requested.

Ms. Reiter stated that the plans submitted eliminated some of the variance that were previously listed. Mr. Leckstein confirmed that the second variance was minimum parking setback to residencies where as five feet are required and the applicant is providing two feet; yes.

Mr. Kantor asked Mr. Filipe Agostinho, described what was previously on the property before it was taken down. Mr. Kantor asked if he left the foundation and why. Mr. Agostinho explained that the foundation was left because of the location of the building and the size of the property. Mr. Kantor asked if he has plans to place another building on the foundation; yes.

Mr. Kantor stated that the Planning Board Engineer wanted to know if the applicant was going to have any EV stations; no. There was discussion regarding if EV stations would be required under state law. Mr. Kantor mentioned that in the engineer's letter it stated that since it was 25 or less, they were not required. Ms. Reiter stated that the letter asked them to confirm that was correct. She also asked if they were stating that they confirmed that was correct; yes.

There was discussion regarding the loading, it was stated that the space is retail and they do not anticipate having deliveries or pick up. Mr. Kantor stated that they would be using the back door and the parking lot.

Mr. Kantor mentioned that the engineer asked about the hours of operation for the lighting; Mr. Agostinho stated that they would follow the ordinances. They would like to have lights for security. Mr. Kantor asked how many tenants would be occupying the building; one. Mr. Kantor asked if that tenant would be occupying the entire building; yes. Mr. Kantor asked if that tenant has already obtained the Borough's approval for the location of this building; yes. Mr. Kantor asked what would be the hours of operation; Mr. Agostinho stated what ever the local ordinance allows.

Chairman asked Mr. Mullan if he had any input. Mr. Mullan asked the applicant to describe the signage. Mr. Kantor stated that he would have the engineer speak about that. Mr. Mullan asked if the applicant felt that the business occupying the building would be okay with vans that will use the parking area to load and unload materials; yes.

Motion to open to the public at 7:21pm was made by W. McDermott, second by Mayor Araneo with ayes by all present.

Michael Lane, 51 First Street, if this is a single business why is there four doors; Mr. Agostinho stated that is just the way the building was designed. Mr. Lane mentioned based on Borough documentation this site potentially could be for cannabis business; yes, that is correct.

Mr. Lane asked with four doors how will you provide security required for cannabis; Mr. Agostinho explained that they would have their own private security. Mr. Lane stated that the drawings do not show anything about internal security.

Mr. Leckstein asked Mr. Mullan based on what Mr. Lane mentioned, is the application before the Board is just to approve the building. Mr. Leckstein asked if the applicant would have to come in with a site plan application to show how they would run the business. Mr. Leckstein explained that he was not familiar with the Borough's cannabis ordinance and he was not aware that was what this was. Mr. Leckstein asked if they would have to come before the Board with a site plan before they open; Mr. Mullan asked if the applicant is presenting the site plan for specifically the cannabis business or for retail; Mr. Agostinho stated just retail operation. Mr. Mullan asked if they were not declaring what type of retail business will be occupying this location; Mr. Agostinho replied not now. He believes that they already received approval for this site. Mr. Mullan stated that would be separate from this hearing. Mr. Mullan stated if this were a generic retail presentation, he would reserve comment about the requirements and the Board jurisdiction of the cannabis business because he would have to read the ordinance. Mr. Leckstein agrees, he explained that when the applicant states they were approved it would mean that a license was granted. It does not mean that this site was approved for it. Mr. Leckstein continued to state that when they put in the application, he would think that they would have to come in for site plan approval.

Mr. Kantor stated whatever the town requires that is what the tenant will have to do. Mr. Leckstein confirmed that the application before the Board is building a retail space and when the retail goes in it would be decided whether they would have to come before the Board. Mr. Kantor stated if the town says no, they would have to find a different tenant. Mr. Leckstein suggested to the Board whether this is going to be a cannabis use or not it should have no impact on the application tonight. Confirmation from the Board that they are just approving a retail space; yes, a building that will have a retail at some point. Chairman Sessa thanked Mr. Lane for bringing that to the Board's attention.

Mr. Lane stated that there is an issue as they have seen in past applications; trip rate and parking duration are significant to determine the parking spaces needed. Mr. Lane spoke about the land use requirements. A cannabis operation could dramatically change the traffic on the highway. Mr. Leckstein explained if it is a permitted use of the zone, and he explained that he did not research it because he did not know that this might be a cannabis use. What he is hearing is that the zoning ordinance states that it should be treated like any other retail use. Mr. Leckstein stated that they could not argue that they should be paying extra attention because it is a cannabis use, the Board is not allowed to do that. From the Boards prospective it would be no difference than opening a convenience store or any other retail shop. Mr. Lane explained when the Land Use requirements were written there was not thought of cannabis. Mr. Leckstein explained that there was a time when Mayor and Council decided to approve the cannabis use within the Borough. If at that time they decided to make this a retail use than that is the way the Board would have to consider it. The Board cannot create their own rules. Mr. Kantor stated that they would have to apply for certificate of occupancy and they would have to comply with whatever the town wants.

Mr. Leckstein instructed the Board that they are looking at the application as any retail use unless the town has something in their ordinance different for cannabis.

Motion to close to the public at 7:31pm was made by N. Vecchio, second by Mayor Araneo with ayes by all present.

Mr. Joseph Bachi, licensed engineer. Mr. Bachi confirmed that he prepared the plans as well as revised them to the T&M letter. Mr. Leckstein asked if there was anything in the T&M letter that the applicant does not agree with; Mr. Kantor mentioned that in the letter there were questions regarding storm water calculation; Mr. Bachi stated that his plan if this is approved during resolution compliance he would work with T&M on that. There was further discussion regarding the storm water calculation and what roof leaders would need to be added.

Mr. Mullan asked confirmed that all the technical issues will be discussed with his office and comply with all requirements that they request for the final drainage system; yes.

Mr. Kantor asked about the lighting discrepancy between the two sets of plans. Mr. Bachi explained that the architect had ten wall-mounted lights to light the walkway. They do not show that on their plans, they will have to add that to their plans in the lighting calculations. The architect also had two floodlights, where they have a 15-foot-high mounted wall light in the rear. They are going to remove his two flood lights and keep the 15-foot-high wall mounted light that he has showing. They will revise their plans showing the ten wall mounted lights.

Mr. Kantor stated that T&M raised an issue regarding the site triangle on the ingress driveway; the plans show a site triangle on the egress. Mr. Kantor asked Mr. Bachi to explain. Mr. Bachi was not asked to do a site triangle for the ingress, he asked for clarification if they were looking at it from Route 35 coming in. Mr. Bachi stated it is one way in one way out. There was further discussion regarding the site triangle, Mr. Mullan stated they accept what is on the plan. Chairman Sessa confirmed that the site triangle was not necessary; Mr. Mullan agreed.

Mr. Kantor asked if he would update the plans to the current survey; yes. Mr. Kantor asked if he would deal with the site stripping; yes. Mr. Bachi stated that they would be using the existing utilities. Mr. Kantor asked if there were any easements; Mr. Bachi stated that they did not find any easements during the records search.

Mr. Mullan asked about the landscaping; Mr. Bachi stated it was mentioned that T&M wanted evergreens adjacent to the residential property. There was further discussion regarding where the evergreens would go and that they would revise the plans.

Councilmember Davidson asked if the 15-foot light was on the building; yes, it is wall mounted. Councilmember Davidson confirmed that it would not be facing the residents. There was further discussion regarding the wall mounted light.

Councilmember Davidson asked if there would be electronic signage; not to Mr. Bachi's knowledge.

Motion to open to the public at 7:45PM was made by Councilmember Davidson, second by N. Vecchio with ayes by all present.

Michael Lane, will there be any signage on the highway that states not to slow down or park; Mr. Bachi stated that they still must get DOT approval he was not sure if they would implement any signage. Mr. Leckstein mentioned that it is no parking on a state highway. Mr. Lane spoke about when Friendly's was changed to Starbucks on Route 35 in Hazlet; they had a problem with cars backing up on the highway. They had to be shut down and they had to reorganize the whole layout so that the cars did not back up onto the highway. Mr. Lane asked would there be any signage stating you cannot have any backup onto the highway; Mr. Bachi stated that none was being proposed. Councilmember Davidson mentioned that she believed the Starbuck backup was from the drive thru. There is no proposed drive thru with this application. There was further discussion regarding the traffic entering the establishment, Mr. Leckstein explained that this is not a site plan for a cannabis operation; it is an application to build a building. There was further discussion whether conditions could be placed in the resolution if this ended up being a cannabis operation. Mr. Mullan stated that he aware that there is a Borough Ordinance that specifies and describes site development requirements for cannabis uses. When he did the review of the application there was nothing stating that this was going to be a cannabis. Nothing in the documentation or application stated that this was going to be a cannabis use in the proposed building. Mr. Leckstein stated that this was the first time hearing about the use. Mr. Mullan stated that he is at a disadvantage, he suggested because he is clearly aware that there is a Borough Ordinance with very specific fence, site improvement and site condition criteria for proposed cannabis uses. Mr. Mullan commented that he would need to do some research and come back with a supplemental review if a cannabis use was to go into this proposed building. What the condition of approval would be while it was under the Board's jurisdiction. Unless the applicant states that there will never be a cannabis use in the building, his review would be accurate. He stated if cannabis would ever be considered at this location, they missed the opportunity to critic the site plan design accordingly.

Mr. Leckstein stated that there are two ways they could handle the application, he can put in a condition that they are not approving a site plan for a cannabis use. If they are to come back for a cannabis use and there are any extra perimeters that will apply for cannabis use, they would have to comply and come back before the Board. Mr. Mullan stated that would be acceptable. Mr. Kantor explained that the tenant would have to comply with the town. Mr. Leckstein explained he felt the concern is that no one there has seen the cannabis ordinance because they did not prepare for that use. Mr. Leckstein stated that the applicant is stating it is a site plan for a cannabis use. Mr. Kantor explained they are asking for approval for the building. Mr. Leckstein explained since the issue of cannabis did come up during the discussion of the hearing it is cleaner if they just add something into the resolution to make it clear that it was raised during the hearing that a cannabis use might be a potential use, that the Board did not approve this location as a cannabis use. If a cannabis use comes in that it would need to be reviewed again to make sure nothing is triggered.

Ms. Reiter stated that she took a quick look at the cannabis ordinance that there are radius requirements from licensed childcare facility, schools, churches, temples, and synagogue. She stated that her staff did not look at any of that for this application. When she reviews that for other towns, the applicant will provide mapping to show those items. Mr. Kantor stated that they are not asking for permission to have cannabis at this location. Mr. Leckstein felt that his proposal would work. Mr. Kantor continued if cannabis was to come into the building they would have to apply for certificate of occupancy. Mr. Leckstein stated that is why he is going to add into the resolution that the Board is not approving a cannabis use for this site.

Mayor Araneo stated that it location has been approved by the state based on the criteria as well as the ordinance that was approved. The cannabis portion was approved based on location and proximity of all of those. Mr. Leckstein explained that is not a site plan; Mayor stated that she understood that has nothing to do with this application. Mr. Leckstein explained that everyone could state that this is a great location for cannabis but that would not avoid the applicant to get site plan approval. The applicant would still have to come before the Board for site plan approval for the operation unless the ordinance stated that they do not have to. There was further discussion regarding the conditions that would need to be looked at for this location for cannabis operation.

Mr. Lane mentioned that the Borough just recently passed a light plan ordinance he asked if Mr. Mullan reviewed that ordinance. Mr. Leckstein stated he was going to put in the resolution if approved that the applicant would have to submit a light plan for T&M to review to make sure it complies with the ordinance.

Frank Alvarez, McDowell Law Attorney for BLDG Management (Stop and Shop) – questioned the curb cut, on the plan it stated that the applicant wanted to restore the curb but the curb is partially on his client's property. They oppose the restoration of the curb in case they wanted to develop their land differently that would remove one of the accesses. Mr. Bachi stated that he spoke with Alan Starkman from BLDG Management from their research it appeared that it was formerly Montgomery Street and was vacated. Based on their survey and their research it appeared that half was dedicated to each property. The curb cut does not appear to be on BLDG Management property it is in the right of way of the state highway. This would be contingent on DOT approval; he imagines that they would tell them to restore the curb. The only portion that they are restoring would be the section even with their property line. Mr. Mullan asked if he could envision doing anything with the curb cut on the left side, could they cut that back shorter than the curb on the highway. There was further discussion regarding the curb cut for the property and what would be required by DOT. Mr. Leckstein confirmed that the applicant agreed to leave the curb cut as it is unless DOT stated they would have to change it; Mr. Kantor agreed. Mr. Leckstein asked if they would agree to keep Mr. Alvarez informed as to what the DOT decision was; yes.

Amanda Moscillo, Attorney for the potential occupant of the building. She would like to clarify that the approval tonight would just be for the retail building however; the cannabis is a permitted use in the zone. The resolution will not prohibit the cannabis use, and that her client would have to do a site plan to make, sure they meet the conditions when they apply for the cannabis use. Mr. Leckstein stated that they could not prohibit it if it is a use of the zone. She wanted to make sure that the resolution reflects that they would have to do a site plan to make sure it meets with the conditions. Mr. Leckstein explained that the resolution would state that the Board did not approve a cannabis use; it was raised during the hearing that the location would potentially be a cannabis use. They have only reviewed the building, if any additional conditions that are required for a cannabis use, they would have to comply. He will not specifically state that they need a site plan application if they do not need one.

Motion to close to the public at 8:10pm was made by N. Vecchio, second by W. McDermott with ayes by all present.

Nicholas Gravianio, Planner spoke about the front yard setback as well as the other variances the applicant is seeking. The applicant is before the Board for retail space. The building would be 2758 square feet with 11 off street parking spaces. The applicant is requesting building coverage of 18.9 percent where as 35 percent is permitted. The building would be 16 percent less than what the code requires, also the applicant is proposing impervious coverage of 75.84 percent where as 90 percent is permitted. The applicant is seeking relief from these conditions, the property is a triangular shape it is difficult to build a building that would conform to the front and rear yard setbacks. The applicant did maintain the footprint of the previous building and the plans before the Board would be the exact footprint. Further discussion regarding the variances that the applicant is seeking and what criteria this application would fall under. Mr. Gravianio went through the positive and negative criteria of this application.

Motion to open to the public at 8:15pm was made by Mayor Araneo, second by Councilmember Davidson with ayes by all present.

There being no comment or questions from the public the meeting was closed to the public, motion to close made by J. Kovacs-Olsen, second by Councilmember Davidson.

Councilmember Davidson asked if the handicapped parking spot had a blind spot, Mr. Bachi stated he believed they could see them. Councilmember Davidson was concerned with the she was concerned regarding the speed of people driving and that location of that spot. There was discussion regarding how many feet the spot was from the depressed curb. Ms. Kovac-Olsen asked if they could add a speed bump; Mr. Bachi agreed he stated that they would work with the Boards professionals regarding location.

There was discussion regarding fire and garbage trucks access the building.

Mr. Vecchio stated that the area has a few businesses that are like this building.

Motion to approve application was made by N. Vecchio second by H. Aumack
Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott

Motion to take a five-minute break was made and carried.

Back in session at 8:31pm
Roll call: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott;
J. Kovacs-Olsen

J. Merla recused himself he is related to the applicant.

APPLICATION: KUPB 23-06
NICKI ANN FERRARI
128 FIRST STREET
SITE PLAN / BULK VARIANCE

Exhibit A1 – Application
Exhibit A2 – proposed architect and plot plan dated 4/12/23 revised 5/25/23
Exhibit A3 – addition and alteration plans dated 4/15/23 revised 5/23/23
Exhibit B1 – T&M Letter dated 6/2/2023
Exhibit B2 – Collier letter dated 3/3/23

Mr. Laytham was Attorney for applicant.

Mr. Gary Junkoff, Architect for applicant. Mr. Laytham asked if he created the plan; yes. Mr. Junkoff described the existing dwelling and what was being proposed. He explained that they would like to add to the front and the rear of the yard. He stated the existing house is 842 square feet, 575 feet on the second floor. They are proposing to add 144 square feet to the first floor and 411 square feet to the second floor and 310 square feet to the uninhabitable attic.

The existing site is 4518 square feet, which is undersized. The existing width of 36 feet is undersize, the existing front yard setback is 11 feet which doesn't meet the criteria of 20 feet, the side yard existing is 2.6 feet and 1.2 which is also undersized. All these conditions already exist as well as the parking. Mr. Junkoff stated in the rear of the property there is a pool a large percentage of the backyard is impervious coverage. There was discussion regarding the percentage of impervious coverage is not changing.

There was discussion regarding the structure being a three story or two story. Mr. Junkoff explained that the attic would be used for storage only. He explained that there are windows to let in light. The windows upstairs are not egress windows because the attic will not be habitable.

Mr. Junkoff explained that the large structure with only one window on the side that will remain. The neighbor on that side use the driveway so they cannot put a landscape buffer. Chairman Sessa confirmed that it already existing; yes. Mr. Junkoff stated that the bedrooms are facing the front and the back of the house.

There was discussion regarding the staging area for the construction, Mr. Junkoff stated that the dumpster would be in the driveway. Mr. Laytham asked if there was going to be any fencing; there is an existing fence that will remain.

Mr. Leckstein asked about the drainage; Mr. Junkoff stated that there is existing leaders and drainage goes towards the front of the property. They would continue that and they would extend it both leaders will go down the driveway and then out to the front of the property. Mr. Leckstein confirmed that none of the drainage would go to neighboring properties; correct.

Mr. Laytham asked if there are any negative impacts to the neighboring properties; no.

Mr. Mullan stated there are several waivers on their letter; he stated that he had no objections to them being granted. Mr. Mullan finds very little concern with the proposal. They did speak about the attic space and he agreed that it should be just for storage. There was discussion regarding the size of the attic in regards to the height and width. He is satisfied that it meets the definition to attic space. Mr. Leckstein asked after the testimony does Mr. Mullan feel that it is still three story or a two story with an attic; Mr. Mullan stated that it is not a proposed three story, they didn't consider the attic a third story. He stated he does feel that it does meet the definition of a two-story building with an attic.

Chairman Sessa asked if there was any proposed exterior lighting; not at this time. Mr. Leckstein asked if the exterior of the additions would be the same as the existing house; yes.

Mr. Aumack spoke about the total side yard setback; he stated that they meet the minimum side yard. He also stated that this is a normal First Street house.

Councilmember Davidson asked if the existing front porch would remain; yes, just get fixed up. Mr. Vecchio asked if they considered having the porch go all the way over; possibly. There was discussion regarding enlarging the porch to square it off.

Motion to open to the public at 8:50pm was made by Councilmember Davidson, second by J. Kovacs-Olsen with ayes by all present.

Janet Rinkewich, 112 First Street, neighbor of this property, stated that she approves this application. Anything the Merla family gets involved with it is an improvement to the town.

Michael Lane, 51 First Street, stated it is overall improvement to the block. The present house looks undersized and this would solve the problem. There was discussion regarding the ordinance; Mr. Leckstein stated that if it is an ordinance it does not have to be part of the resolution.

There was discussion regarding the number of stories and the height of the building. Mr. Mullan asked if they had any information regarding the height of the building. Mr. Junkoff stated that the measurement from mid-point of the building is 27feet 7 inches. Mr. Mullan asked what the maximum allowed is; 30 feet. Mr. Lane read part of the ordinance. Mr. Leckstein stated that the applicant can give numbers to Mr. Mullan and if it is not compliant with the ordinance then there would be another variance. Mr. Mullan would have to determine if there is a height variance needed. Mr. Mullan stated that he would look into that and report. Mr. Leckstein explained besides that they will comply with the height and stories requirements; yes. Mr. Lane stated he does not understand why this was not resolved before going to the Board. Education does not hurt.

Motion to close to the public at 9pm was made by Councilmember Davidson, second by Mayor Araneo with ayes by all present.

Councilmember Davidson asked if the proposed roof exceeds the neighbor, he does not believe it does.

Motion to approve application was made Mayor Araneo, second by N. Vecchio
Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott

PLANNING BOARD PROFESSIONALS: Update on applications

Motion to adjourn the meeting at 9:00pm was made by Councilmember Davidson, second by Mayor Araneo with ayes by all present.

The next regularly scheduled Planning Board Meeting will be Thursday July 27, 2023.