

The Keyport Unified Planning Board held a Regular Meeting on August 25, 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: Mark Sessa, W. McDermott, J. Oviedo, D. Pacheco J. Royster, N. Vecchio (arrived 7:15pm), C. Dickerson, G. Kotzas

Absent: H. Aumack

Excused (use variance application): Mayor Kennedy, Councilmember Davidson

Also in Attendance: Marc Leckstein, Planning Board Attorney, Fran Mullan, Board Engineer, Kendra Lelie, Planner

MOTION TO APPROVE MINUTES: July 28, 2022

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

Ayes: Mark Sessa, W. McDermott, J. Oviedo, J. Royster, C. Dickerson, G. Kotzas

Abstain: D. Pacheco

**APPLICATION: KUPB #22-01
ARJIKA PROPERTIES
108 BROAD ST
BLK 60, LOT 6
USE VARIANCE**

(Mayor and Councilmember cannot participate for this application)

Exhibit A1 – Application

Exhibit A2 – Site Plan dated 3/18/22

Exhibit A3 - Architect Plans

Exhibit B1 – T&M letter dated June 14, 2022

Exhibit B2 – T&M letter dated June 6, 2022

Brad Batcha Attorney for applicant. He explained that the applicant was previously before the Board. That application was for four units. At that meeting they heard from the engineer and the Boardmembers and went back to the drawing board. The application before the Board is for a two-family home, which is allowed in the zone.

Mr. Batcha stated that there were two witnesses that would be testifying Mr. Chris Ruby who is the builder and the architect Salvatore La Ferlita.

Mr. Ruby, Builder with Hilliard Construction. Mr. Ruby described the application before the Board. He explained that they took the Boards advise and scaled down from the four single bedroom apartments to a three-bedroom duplex.

Mr. Leckstein stated for the record that Mr. Vecchio arrived and he was present for the full application that was before the Board.

Mr. Mullan asked for processing purposes that there was a completeness review letter that was drafted and submitted and they have no objections to the completeness waivers that are requested by the applicant. That letter was dated June 6th. Mr. Mullan went over the waivers that were being requested. Mr. Mullan pointed out three items that should be addressed from the letter, that there is no easement or right of way, lighting and landscape and he stated he would suggest the milling and overlay of the road curb to curb across the frontage of the property to be considered by the applicant. He stated he wanted to point those items out so they could be taken under consideration.

Mr. Leckstein asked if all the engineering issues have been dealt with in your letter; yes, there will be some questions during the hearing for clarification from the presenter.

Mr. Batch asked Mr. Ruby if he was aware of any easements at this site. Mr. Ruby stated that there were no easements that he was aware of. Mr. Batcha stated the second item was plans for lighting and landscape that are not reflected in the plans; Mr. Ruby stated that there were no lighting or landscape on the plans. Mr. Batcha asked Mr. Ruby to describe the plans; The driveway they were going to do black top or concrete and around the perimeters they would probably do some arborvitaes plants. Mr. Leckstein confirmed if the Board approves the application that they would submit a landscaping plan to be reviewed by the Boards professionals; yes. Mr. Batcha stated the third item was the milling and paving; Mr. Ruby stated that they were going to replace that. Mr. Mullan asked for clarification purposes that they are going to replace all the curb and sidewalk along their properties front; yes. Mr. Mullan asked if that included any curb on the opposite side of the street; no, he didn't think that they would need to. Further discussion regarding the milling and paving from curb to curb.

Mr. Leckstein asked if there was anything in the T&M letters that the applicant can't do or would have a problem with; Mr. Batcha stated that they could comply with all the comments in the letters.

Salvatore La Ferlita, spoke about the plans that were before the Board. The application before the Board is for a two family dwelling, two cars would be parked in the garage and two cars in the driveway. Mr. La Ferlita stated that they have enough off street parking. The center of the building would be side by side. There would be trash bins on each side of the unit, the mechanical spaces are in the back. The first floor would be the living room, dinning room, kitchen and powder room. The bedroom area would have three bedrooms and a master bath. He mentioned that the laundry room is on the third floor. There is a balcony over the living area facing West Third Street. Vinyl siding not sure of the colors they will be using.

Mr. Leckstein asked to confirm the eight parking spaces; Mr. La Ferlita stated that there would be two cars in the garage and two in the driveway. Further discussion regarding the parking.

Mr. Leckstein asked what kind of ownership this was going to be; a condominium ownership. Mr. Leckstein explained one thing the Board has done in the past is as a condition of approval that it is written into the condo document that the garages need to be used for parking and not storage. Mr. Leckstein asked if that would be something they would agree to; Mr. Batcha stated that this

case was a little different because they have three spaces more than they need, so he doesn't know if that is necessarily required. There was further discussion regarding using the garage for parking and/or storage. Chairman Sessa asked if they can state one side of the garage has to be used for parking; yes, they would agree to that.

Mr. Leckstein stated that one condition in the by-laws would be that one vehicle would be parked in the garage for each home.

Mr. Oviedo asked what they were going to do with the side along Broad Street; there would be no parking. Mr. Oviedo asked about landscaping; yes. Mr. Batcha stated that Mr. Ruby testified that there would be arborvitaes. Mr. Oviedo asked if there was going to be a fence; a low picket fence. Mr. La Ferlita stated that would be a part of the landscape plan that will be submitted.

Motion to open to the public at 7:31PM was made by J. Royster, second by D. Pacheco with ayes by all present.

Mr. Mullan asked if the mechanical room on the garage level, he asked the location for air-conditioning unit condensers. Mr. La Ferlita stated that they were going to be the slim line model condenser that is only 22" deep and they would place them on each side of the two units, he stated that they could raise them but he would like to keep them down low. He stated that he doesn't think they would be too intrusive if they place them in the rear as well. Mr. Mullan recommended that they be located on the side of the proposed building and not along the back wall so they are not facing the adjoining property to the rear and to be located somewhere in the midpoint of the side and the rear corner of the building. There was further discussion regarding the size of the condensers and what they would be placed on.

Mr. Mullan stated on the site plan that the Board has the landscaping on sheet four of six, it does show some landscaping and some proposed plants. Mr. Mullan spoke about the plants and location of the landscape that is on the site plan. Mr. Mullan pointed out that there was nothing on the rear of the project and mentioned that it is a shallow rear space. There was discussion regarding planting slimmer arborvitaes in the rear of the buildings. Mr. La Ferlita stated that there currently a chain link fence, he suggested possibly a six-foot PVC fence in the rear. Further discussion regarding possibly having PVC privacy fence added to the rear of the building. Mr. Ruby stated he would prefer the fence because it would give more space. Mr. Oviedo stated that the fence should go down in height as it reached the front of the building; yes, it would go down to three feet max. Chairman Sessa stated he would prefer to have the fence.

Michael Lane, 51 Frist Street, complimented the applicant on the application that was before the Board. Mr. Lane asked if they architectural drawings side view are undefined and he feels that is a real short coming. The Board doesn't know what the view will be on the side that faces Broad Street. Mr. Lane stated that Broad Street is a key artery for people coming into Keyport. The backdoors out of the garage he suggests that they move the back doors to the side underneath the extension on the side of the building which would create a view that looks like a front of the building.

This way when people drive down First Street, they don't see a blank wall similar to what was done for the duplexes that were built on Broad and Waverly. Mr. Lane asked what the side view will look like; Mr. La Ferlita stated that it would look very similar to the front view. Mr. La Ferlita stated he has no objection to moving the side door to Broad Street. He understands that Broad Street concept but after they complete some planting, he feels it is far enough off of Broad Street side that it wouldn't matter. Mr. La Ferlita stated it wasn't the entrance to the dwelling, the entrance is on West Third Street. Mr. Batcha stated that the landscaping plan does show a row of arborvitaes that do cover that area. Mr. Lane stated that there was no delineation of the windows and no delineation of the two-foot side of the building.

Mr. La Ferlita stated that he didn't think that was necessary since it was a zoning review. He stated that they would have to add that for the construction plans. Mr. Lane feels that it would need to be added for the Planning Board review.

Mr. Vecchio asked if there was going to be windows on both sides of the bump out facing Broad Street, Mr. La Ferlita stated that there is only a window in the dinning room level and in there is a window in the bathroom. He stated they needed wall space for the beds. Mr. Vecchio asked if it was a small bathroom window; yes.

Mr. Mullan stated that he would like to add that in their review letter on page 7 item 10.8, they asked that question. The applicant explained and provide building elevations for the rear of the building and the westerly side of the building. He asked the architect to describe what was in front of the Board. The front elevation on the plan it shows a little brick work for the first eighteen inches above grade. Mr. Mullan asked if that would be continued; yes, the three sides maybe not the rear.

Mr. Oviedo asked about if the bedrooms in the back would be the only one with windows; yes.

Mr. Leckstein stated that since this is something that the Board is concerned about, he suggested that the Board can direct him and the Board is incline to approve the application the Board can direct him to prepare a resolution for the next meeting. This doesn't mean that the Board is approving the application, it would just mean he would have a resolution ready at the next meeting if the only issue is the architectural plans. The applicant can come back at the next meeting, they could present the new façade and the side elevations and then the Board could vote on the application and the resolution would be ready to be voted on at the meeting. Mr. Batcha stated that the other option is to rely on the architect and then submit the plans. Mr. Leckstein explained that the applicant wouldn't be losing any time they would just have to come back at the next meeting, the resolution would already be prepared.

Mr. Mullan would prefer the applicant to come back with the updated architectural, he stated he didn't want to be the only person approving the changes. This way everyone had a chance to see what was being changed.

Ms. Lelie mentioned that on Broad Street that is a key parcel and she feels they need to take a look adding more glazing on the Broad Street side. One window on the first floor is minimal, she also added that if they are going update and submit a new plan for the Board to consider the proposed landscaping along Broad Street should be included. She stated that she recommends they create a new buffer along that area and she feels a picket fence would create a nice street scape in that area. Mr. Leckstein asked that they show all four sides of the buildings.

Mr. La Ferlita asked for clarification regarding the windows for the Broad Street side they would get objections, he stated that he is opposed to windows on Broad Street because it is noisy. Mr. Leckstein explained that no one was saying they had to add windows on that side. Mr. Mullan stated that they did suggest more windows on the building facing Broad Street. There was further discussion regarding adding windows on the Broad Street side of the building. Mr. Mullan recommends that the landscape should be enhanced along Broad Street and upgraded. He feels that there should be a three-foot picket fence shown as one of the design features along the back of the sidewalk in that area and he does feel that more windows on that part of the building would be more appealing. There was further discussion regarding the changes for the Broad Street side of the building.

Mr. Leckstein suggested they go back make the changes and present the changes to the Board at the next meeting and he will have a resolution prepared if the application does get approved.

Mr. Lane stated he agrees with the professionals and the Boardmembers that they have to make Broad Street side more attractive. Mr. Lane stated there is a landscape plan but, he feels there are some issues. If they bring the garage door to the side facing Broad and you put a small pad there you would have a little porch. The air-conditioning units would need to be shielded by landscaping he feels that needs to be requirement. Mr. Leckstein reminded the applicant that Mr. Lane is not a Boardmember but his question is would they be providing any landscaping around the air conditioner units; Mr. La Ferlita stated that was discussed at the previous hearing, there was a discussion regarding either landscape or possibly some type of enclosure. Mr. Leckstein asked that they include that in the drawings that they are going to submit. Mr. Mullan would like them to add the same type of visual screening element around the trash and recyclable cans if they are intending to leave them outside unless there is a better alternative location for the ones facing Broad Street. Either commit to leaving them inside the garage until the pick-up day or putting it possibly along the back of the building so it is not on the face on the building fronting Broad Street. Mr. La Ferlita stated they can tell them to keep them in the garage but he wouldn't know how they would enforce that. Mr. Leckstein stated that would be enforced by putting it in the condo documents. Mr. Leckstein stated that has been done before by the Board. The applicant was in agreement that the trash cans would be kept inside until pick up as a condition of approval.

Mr. Oviedo asked if there was a balcony on the rear of the building; no. Mr. Batcha stated that they are taking notes on all of the suggestions and will go back and resubmit new architectural plans to the Board.

Mr. Lane asked what the PK stands for, Ms. Lelie stated it was a type of tree. Mr. Lane spoke about the town homes on First Street and how they keep their trash cans in the garage until pick up day and then they wheel them outside.

Mr. Lane asked who would maintain the landscaping; Mr. Leckstein stated that it is going to be an association so the association would have to maintain it. The association which would be the two home owners would maintain the landscaping. Mr. Lane asked that there would be an association document; Mr. Leckstein replied that there would be a master deed and by-laws.

Mr. Lane asked if they had to have a fire suppression system since the bedrooms are on the third floor; Mr. Leckstein stated that would be a building code issue and so the Board has no real control over that.

Motion to close to the public at 7:57PM was made by W. McDermott, second by D. Pacheco with ayes by all present.

Mr. Batcha stated the suggestion of the Board attorney they are going to come back next time with the changes. Mr. Leckstein asked Ms. Lelie to confirm that it is a D5 variance. Ms. Lelie stated that her understanding of the RB district is that there is not a density requirement, so she doesn't feel a D variance is necessary for this application, she feels that they are only dealing with a C variance. Mr. Leckstein mentioned that the Mayor and Council didn't attend this evening because they thought it was a D variance; Ms. Lelie stated that since there is no vote this evening they could listen to the recording and vote on the application at the next hearing. Mr. Leckstein asked D. Nellis to notify the Mayor and Councilmember that they can listen to the recording this way they can participate in this application for the September meeting.

Mr. Leckstein mentioned if the Board would like, to vote to authorize him to prepare a positive resolution, that is not saying that the Board is going to approve the application, it just stating that he comes to the meeting with a positive resolution. The only thing that would be happening at the next meeting is that they will present the new architectural plans and the Board will vote on them.

Motion to authorize Planning Board Attorney to prepare a positive resolution on this application for the next meeting was made N. Vecchio, second by J. Royster with ayes by all present.

Motion to carry application to the September 22nd meeting without further notice was made by D. Pacheco, second by N. Vecchio with ayes by all present.

APPLICATION: KUPB #21-14
TRIANO
156-158 MAIN STREET
BLK 44, LOT 6
MINOR SITE PLAN/USE VARIANCE
(Mayor and Councilmember cannot participate for this application)

Chairman Sessa recused himself since he lives within 200 feet of this project. Boardmember Pacheco chaired this application.

Exhibit A1 – Application

Exhibit A2 – Survey dated 3/19/21

Exhibit A3 – Architectural dated 8/1/21

Exhibit B1 – Engineers Letter dated 11/22/21

Mr. Kantor applicant attorney requested some waivers from the T&M letter dated 11/22/21, he feels that they don't apply to the application. Mr. Kantor mentioned that on page 2 that doesn't apply to the applicant because they are adding one bedroom and expanding the kitchen. Also, on page 4 items 5&7 they have already been taken care of. Mr. Mullan confirmed that the items Mr. Kantor was referring to they noted in the letter they have no objection to the requested waivers.

Mr. Kantor mentioned item 13, the only variance that the applicant is seeking is the expansion of a non-conforming use and item 15 the owner's concurrence is the applicant.

Anthony Triano, 156-158 Main Street, owner and applicant of the property. Mr. Kantor asked when Mr. Triano purchased the property; 1997. Mr. Kantor asked when he purchased the property was it a mixed use; yes. Mr. Kantor asked Mr. Triano to describe the commercial use of the property is currently; a real estate office. Mr. Kantor asked how many units are in the building for residence; three. Mr. Kantor asked how many years the building has been there; 122 years.

Mr. Kantor asked Mr. Triano to explain why he would like to add a bedroom to the unit that he occupies. Mr. Triano stated he wanted to add the bedroom for his grandson who lives with them. His grandson either sleeps with his mother or with Mr. Triano's wife. Mr. Kantor confirmed that Mr. Triano's daughter was a resident at the home; yes. Mr. Kantor confirmed that the unit was only a two-bedroom unit; yes. Mr. Kantor stated that Mr. Triano and his wife have one bedroom and his daughter has the other; yes. Mr. Kantor asked how old his grandson was; 7 going to be 8. Mr. Kantor mentioned that they have also asked permission to add a bathroom; yes.

Mr. Kantor stated that is the only thing the applicant is asking permission for.

Mr. Mullan asked for clarification if the addition is constructed is the plan to only make internal plumbing connections within the building and the existing plumbing system; yes, all internals all existing.

Mr. Leckstein asked if the addition would be consistent with the exterior wall; yes.

Mr. Mullan asked if there was a plan to renovate the existing building or are they going to use the same siding and roofing materials on the addition that are currently on the principal building. There was discussion regarding what type of roof would be added, after discussion Mr. Triano agreed that they would use shingled roofing just like the principal structure has. Mr. Mullan confirmed that Mr. Triano would try best as he can to match the roof and the siding material and

colors on the addition. Mr. Leckstein stated that the exterior has to be consistent throughout; yes.

Mr. Oviedo asked if the FAR was an issue; Mr. Leckstein stated it was not an issue.

Mr. Leckstein asked if they knew how long there was a business in this building; Mr. Triano stated there has been since he purchased it. There was further discussion regarding the past businesses that occupied the building. Mr. Kantor stated that it has always been treated as a non-conforming use. Ms. Lelie stated that they spoke on the phone and she had asked if their planner could get some aerial photos. Ms. Lelie stated that it has received CO's over a period of time, she feels that their planner would be testifying regarding that. Mr. Leckstein mentioned that it seems as though they would be going into a D2 direction; Ms. Lelie stated she believed so.

Mr. Mullan asked Mr. Triano to describe the parking arrangements on site; Mr. Kantor asked that their planner address that question. Mr. Leckstein confirmed that they are not changing anything other than adding an additional bedroom. The way the building works now is the way the building will be working after the application is done; yes, Mr. Triano stated all he is doing is expanding his kitchen to meet the back of the addition of the other bedroom, he is just squaring it off. Mr. Leckstein confirmed other than that no one will ever know there is any other operation; no. Mr. Kantor stated that the planner indicated that does not require any parking.

Michael Lane, 51 First Street, stated that the neighborhood commercial use for this site goes back to the land use requirements that were in place in 1973. Mr. Leckstein stated that they were suggesting was that the commercial use on the property went back to when the property was built; not when the zone was made. There was no zone when the property was built. Mr. Lane stated that it wasn't when the property was built it was an addition by a lawyer in Keyport. Mr. Lane stated it went back to the 1960's. Mr. Kantor asked that be referred to the applicants Planner. There was further discussion regarding the time frame of the mixed use of the property.

Mr. Lane asked what the mixed uses in the building. He asked what was the number of residential units; Mr. Kantor stated that they testified that there were three. Mr. Lane asked about the number of businesses; one.

Mr. Lane asked what the use of the other building was on the site; Mr. Kantor stated that the building was a garage. The applicant's planner will testify about that as part of the parking. It is Mr. Kantor's understanding that is a two-car garage. Mr. Leckstein asked if Mr. Triano could answer that question. Mr. Triano stated it was a three-car garage. Mr. Lane asked about the second floor of the garage; Mr. Triano stated it was storage for his personal business.

Mr. Lane asked if Mr. Triano filed landlord registration for this property; yes. Mr. Lane asked he reported in 2022 that Mr. Triano occupied the two-bedroom unit, you rented a two-bedroom unit, a four-bedroom unit and a store for a total of four units. Mr. Leckstein asked what paper Mr. Lane was referring to; the landlord registration. Mr. Leckstein asked for a copy of the document that Mr. Lane was referring to; yes, he has a copy of all the landlord registrations since 2006. Mr. Leckstein confirmed that in 2022 there was a landlord registration stating there was four units;

yes. Ms. Lelie stated that there are four units three are residential and one is commercial. Mr. Leckstein stated that is what Mr. Triano testified to. Further discussion regarding what unit Mr. Triano presently occupied. Mr. Lane stated in 2006 Mr. Triano lived in the four-bedroom unit, he asked why does he need an expansion why not just move into the four-bedroom unit. Mr. Triano stated that his children moved away had families, he downsized to the smaller unit. There was further discussion regarding why Mr. Triano was going to expand his unit to a three-bedroom unit. Mr. Lane stated that with the expansion there would then be one two-bedroom, one three-bedroom and one four-bedroom unit; yes.

There was discussion regarding the amount of parking that would be needed for this property. Mr. Lane stated that his calculations were that they would need ten spaces. Mr. Mullan mentioned that he did address that question to the applicant planner and asked them to be prepared to explain the parking. Mr. Mullan did ask what was the parking for the existing arrangement to the proposed arrangement. It has all been requested and the applicant planner will address the parking. There was further discussion regarding the on-street parking and the off-street parking.

Mr. Mullan asked confirmed that there was three residential units there previously; yes. Mr. Mullan asked how many two-bedroom units are there currently; two. How many three-bedroom; zero. How many four-bedroom units; one. Their proposal is that one of the two-bedroom units gets changed to three bedrooms; yes. That will be the basis of the Planners calculation before and after the addition. There was discussion regarding the ordinance having a parking requirement for the commercial unit.

There was discussion regarding the property maintenance cards and what was on the realty appraisal documents and whether this application would be a D1 variance or D2 variance. Mr. Leckstein stated that Mr. Lane will have to mark all the documents in as exhibits. Mr. Leckstein suggested that even if his planner can testify that this property has been a residential and business property for 122 years, it doesn't mean that the property has been a three-unit residence with a commercial for a 122 years. The planner would have to establish that; Mr. Kantor stated he could ask his client when he purchased the property how many residential units were there; Mr. Triano stated the same as there is today. Mr. Kantor asked if his client added any; no. Ms. Lelie stated she would like to add regarding the D1 or D2, the ordinance was adopted in 1964 so if the property was three units and one commercial pre 1964 and the applicant can prove that then it would be a legally pre-existing non-conforming use. Mr. Leckstein stated that he agrees with that statement. Mr. Kantor stated the appraisal in 2020 is irrelevant if the testimony is that there were three units when Mr. Triano purchased the property. Mr. Vecchio asked to clarify his previous statement, he stated there is a post card from Keyport with a dirt road and a model T that is next to the exact building with a clearly identifying a commercial space and also if you go back to the insurance maps there is a grocer located there in 1914. It was the same building foot print. Ms. Lelie stated that the commercial entity is the question, it is the number of residential units. There was further discussion regarding the date of the extension that Mr. Lane referred to being done in 1965. Mr. Lane stated that an attorney moved into the building in 1960.

There was discussion regarding the appraisals that Mr. Lane referred to and was marked as exhibits. Mr. Vecchio stated that the appraisal companies get the property wrong nine out of ten times. There was discussion regarding what time frame there was a business at this property.

There was discussion regarding the landlord registration cards and when Mr. Triano occupied one of the units. Mr. Leckstein explained that when he occupied one of the units, he didn't have to have a landlord registration for his unit and he doesn't have to list the commercial unit on the landlord registration cards. The landlord registration cards were marked in as Exhibit L3.

Mr. Lane suggested to the Board that they need to have the parking spaces and site drawings in alignment with the Borough Ordinance.

Motion to close to the public at 8:40PM was made and carried.

Barbara Ehlen, Planner for the applicant was sworn in. Ms. Ehlen marked in exhibit A-4 which is three pictures and one aerial. Three of the photos are of the subject property, the aerial came from google earth and is dated 4/5/21. She asked that the state tax card be Exhibit A-5, the first tax card was from 1962 and the second is from 1966, the third sheet is an aerial from 1970 she circled the property. She explained that she pulled the 1966 because that was when the tax system in New Jersey which classifies property came into existence. Ms. Ehlen stated she circled the 4A which mean it was a business at that time and that category would have also included mixed use buildings. The 1962 which would be prior to the ordinance doesn't have that mark but it does have the same exact valuation. She stated the property was consistent how it was developed at that time. Ms. Ehlen stated the 1970 aerial view is consistent with the structure, she pointed out the main structure, and the addition on the side, she explained that you could also see this in the aerial. The structure does date back to the 1930's. The local tax card dates it to 1900, as what was stated the applicant does have certificate of occupancies. The town has acknowledged the current configuration of the structure and its utilization. Mr. Leckstein stated that the current ordinance was adopted in 1964; correct. Mr. Leckstein stated that legally this is an existing non-conforming use, so a D2 criteria would comply not a D1. Mr. Kantor stated that he has certificate of occupancies dating back to 1998; Mr. Leckstein stated he didn't think they were needed unless the Board wanted to see them. Mr. Kantor stated that every time there was a change in a tenant, Mr. Triano applied for a certificate of occupancy.

Ms. Ehlen stated that a two-bedroom unit would require two parking spaces, a four bedroom would be required to 2.1 parking spaces a three bedroom and above would be 2.1 spaces. Mr. Mullan mentioned the RSIS states two-bedroom is 2.0, three-bedroom 2.1 and any references to a four bedroom they would have to look at a single family detached. That criteria would be 2.5 parking spaces if it was a four-bedroom single family dwelling. The garden apartments and the town houses or two-family units only go up to three bedrooms in the table from RSIS. Mr. Leckstein asked how many parking spaces were currently on the site; the driveway off of Main Street which is used by the four-bedroom apartment is 47 feet by 13 feet wide, that could accommodate two vehicles, that would be two parking spaces. There was further discussion regarding the size of the driveway on Main Street and the end of the right of way. Ms. Ehlen spoke

about the driveway off of Maple Place, she explained that access the rear garage; the applicant stated it was a three-car garage. From the back of the garage door to the beginning of the concrete driveway is 27 feet 8 inches, they would be able to fit a parking spot behind the garage space. Mr. Leckstein asked how many spaces; at least four. The applicant stated he was able to fit additional vehicles on the property, it is a gravel parking lot and they can turn around on the site if needed to get out. Further discussion regarding the driveway on Maple Place. The tree location is by the man door. Mr. Mullan asked how many vehicles can be parked inside the garage is three and they could park three on the gravel surface. Mr. Mullan confirmed that there is room in the building for three vehicles, and there is adequate space to park three vehicles parked head on toward the building not impeded by the tree; Ms. Ehlen stated that the parking wouldn't be impeded by the tree possibly the turning around might be but, the could back out. Ms. Ehlen stated that the applicant has stated that it is typically the four-bedroom apartment uses the driveway off of Main Street, they use the parking on Maple Place, the two-bedroom tenant parks on the street that is how it currently functions. Mr. Leckstein confirmed that currently on site there are a total of six spaces; yes at least six. Mr. Mullan confirmed that there are two spaces on the Main Street driveway, three spaces in the garage, and how many in front of the garage; Ms. Ehlen stated it would be more likely that two would park in front of the garage. Mr. Mullan stated that would be seven available parking spaces on the property; yes. Mr. Mullan confirmed that they are dedicated to the three residential units; yes.

Ms. Ehlen regarding the ordinance on the commercial unit, under 25-1-18 off street parking for retail stores it would be one space for each 300 square feet of the area where the floor exceeds 1000 square feet. The applicant has testified that the commercial unit is 1,000 square feet, technically they would not be required to provide parking. She also mentioned that in 1962 on street parking was used. Further discussion regarding the parking for an office space vs a retail space. Mr. Kantor pointed out that the downtown area does not provide parking for commercial uses, they would just like to continue what is currently being done at this location. Mr. Leckstein asked how many off street parking spaces are required by RSIS; Mr. Mullan stated under the existing conditions one two-bedroom unit which is required to have two spaces, the second two-bedroom unit which is required to have two spaces and the four-bedroom unit under existing conditions in his view they would be required to have 2.5 spaces. That would be a total of 6.5 parking spaces for those three units. If they add the commercial space as presented one space for every 400 square feet that would be 2.5 units required so together there should be a total of nine parking spaces needed to support the existing arrangement as a baseline information. In Mr. Mullan view it would 6.5 spaces for the residential units and 2.5 spaces for the commercial unit. The only change when they change a two-bedroom to a three-bedroom should they get approved would only trigger a need for a .1 parking space and the RSIS rules states, if there is any fraction of a space less than .5 it is irrelevant you round it down. Mr. Leckstein asked if Mr. Mullan thought it would still be two spaces; correct. It is 2.1 but it doesn't change the total number of spaces, it would still be nine. Mr. Leckstein said forgetting the business because that isn't changing this business is going to function exactly the way it has been functioning. They are changing the residential currently requires 6.5 spaces and what Mr. Mullan is stating even with the third bedroom it would still be 6.5 spaces; technically it would be 6.6 but because you can round down in his view it would stay the same. Mr. Leckstein confirmed that they have agreed there is

currently seven spaces on site; Mr. Mullan stated he had no reason to think otherwise he will accept the presentation as provided. Further discussion regarding having the delineation of the parking area be added to the plan as well as the turn radius. Mr. Leckstein asked as condition of approval there be the delineation of all parking areas be added on the plans; Mr. Mullan added with dimensions and limits of the parking surfaces. He would also add that the plans be noted that the parking surface be identified and provide detail to make sure it is adequate. If it is a gravel surface details should be added for example how deep is the gravel surface what type of material and what are the limits of that material with the parking space dimension clearly noted for zoning and enforcement purposes as well as site plan issues.

Mr. Leckstein asked Mr. Mullan if there was anything else he needed testimony on; Mr. Mullan stated that he asks if there is anything in his letter than the applicant objects to or finds troubling but he also would ask if there were any drainage issues on the property; Mr. Triano replied no.

Ms. Ehlen stated that she viewed the community 2017 Master Plan, the applicant is looking to reinvest in his homes. She feels this application fits in with what the Master Plan and land use. There was further discussion regarding the positive criteria of this application. Ms. Ehlen feels there is no substantial detriment with approving this application.

Motion to open to the public at 9:00PM was made and carried.

Mr. Lane in regards to the gravel parking lot, he asked if she was familiar with the Borough ordinance 25:1-18 where it states that if you have more than four cars parked on the site it would have a paved parking lot with marked parking spaces, Ms. Ehlen stated it is a technical variance because there are two separate driveways so although there are four parking spaces, they are separated in two different parts of the lot. Mr. Lane asked if this was an application for an existing non-conforming use; yes. Mr. Leckstein asked if they were requesting to keep the conditions that are preexisting use therefore the current ordinances that Mr. Lane is referring to unless they went back to 1952 are not applicable to this application; that is correct.

Motion to approve application was made by N. Vecchio, second by J. Royster

Ayes: W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio, G. Kotzas, C. Dickerson

PLANNING BOARD PROFESSIONALS: Update on applications

Mr. Mullan stated that we have a few applications pending and will be working with the Board Secretary to get them set up to go before the Board.

Motion to adjourn at 9:16PM was made by G. Kotzas, second by C. Dickerson with ayes by all present.