

The Keyport Unified Planning Board held a Regular Meeting on February 27, 2025, which was called to order by Juan Carlos Oviedo at 7:00 PM, the Sunshine Law Notice was read followed by the Flag Salute.

Present: Mayor Araneo, Councilmember Merla, W. Kane, T. Burke, C. Demarest, W. McDermott, J. Oviedo, D. Pacheco (arrived 7:05), S. Dixon

Absent: H. Aumack

Professionals: Board Attorney Marc Leckstein, Trevor Taylor, CME, Fran Mullan, Aaron Kardon T&M Associates

MINUTES: JANUARY 23, 2025

Motion made by Councilmember Merla, second by Mayor Araneo with ayes by all present.

**RESOLUTION: KUPB 24-13 ABROHOM SCHLAFF
ZONING APPEAL/INTERPRETATION
3 CASS STREET
BLK 33 LOT 16**

Carried to the next meeting for approval.

RESOLUTION FOR PLANNING BOARD SECRETARY D. NELLIS

Mr. Leckstein explained that the resolution is to compensate the Board secretary for any additional meetings in 2025. Ms. Nellis would receive \$300.00 per meeting for her attendance and preparation of the Board's minutes.

Motion to approve made by Mayor Araneo, second by C. Demarest

Ayes: Mayor Araneo, Councilmember Merla, Chairman Oviedo, W. Kane, T. Burke, C. Demarest, W. McDermott, S. Dixon

**REQUEST FOR EXTENSION – KUPB 23-11 FRANK AND BRENDA OCCHIPINTI
57 ELIZABETH STREET**

Motion to approve one year extension until 12/27/25 as well as the resolution was made by Councilmember Merla, second by Mayor Araneo

Ayes: Mayor Araneo, Councilmember Merla, Chairman Oviedo, W. Kane, T. Burke, C. Demarest, W. McDermott, D. Pacheco, S. Dixon

**REQUEST FOR EXTENSION – KUPB 23-08 LINCOLN HOSE CO
142 SECOND STREET**

Motion to approve a six-month extension which would expire August 27, 2025 as well as the resolution was made by D. Pacheco, second by C. Demarest

Ayes: Mayor Araneo, Chairman Oviedo, W. Kane, T. Burke, C. Demarest, W. McDermott, S. Dixon

Abstain: Councilmember Merla

**APPLICATION: KUPB 24-08 KEY 122 PROPERTY LLC
MINOR SUBDIVISION/VARIANCE RELIEF
122 CHINGARORA AVE
BLK 27 LOT 14 & 15**

Exhibit A1 – Minor Subdivision plan
Exhibit A2 – Flood zone information
Exhibit A3 - Photo
Exhibit B1 – CME letter dated 10/15/2024

Mr. Jeff Gale applicant attorney explained that the application came before the board in November at that time the Board accepted proof of publication and carried it the February meeting without further notice. The owner of the property is Mr. Evey Stanziale, Mr. Gale gave the history of Mr. Stanziale and explained that he was not a stranger to the Board. Mr. Gale described to the Board what his client was looking to subdivide lots 14 & 15 which are combined as an eighty-foot-wide lot on the official tax records. Mr. Stanziale would like to make two 40' lots which would be 14.01 and 15.01.

Mr. Thomas Finnegan, Engineer described the propose lot size and what variance would be required. Mr. Gale asked if he was the person that established the dimensions contained in the map some of which resulted in need of variances; yes. There was description of what the lots size would be and the set backs on the property if the application was approved. There was further discussion regarding the lots that were being proposed.

Mr. Finnegan mentioned the existing garage, is set off the newly proposed sideline two feet where three feet is required for an accessory structure and that would remain.

Mr. Taylor spoke about 2.2-foot existing non-conforming for the garage but there will also be a two-foot set back variance for the side yard. Mr. Gale explained that the rear is pre-existing and the side yard would be created by approving the sub division.

Mr. Leckstein confirmed that there was nothing on the lots; Mr. Gale explained that there were railroad ties, the ties will come out and it would be a vacant lot.

Mr. Taylor asked if the subdivision was approved there would be a new curb cut and driveway to the newly created lot; that would have to be approved by engineering before they would build the house as part of the grading plan.

Chainman Oviedo asked if they were building a new house or selling the lot; a new house.

Mr. Pacheco asked about the utility pole that subdivides the lot he questioned if there were any easements that would affect the subdivision; the pole would be staying.

Mr. Taylor stated that the regarding the pole is when the house is built, they would have to take that into consideration for when the driveway is built. Mr. Gale stated that they are not going to construct a house that has an obstruction in the driveway.

Mr. Pacheco asked about the set backs of the driveway of the new proposed home. There was further discussion regarding the utility pole. Mr. Leckstein explained that in the past we granted a subdivision approval and they said there would be no issue with the pole and there was and the applicant had to come back to the board. Mr. Pacheco stated that the applicant was asked to go back to JCP&L regarding the pole. Mr. Leckstein asked if there are any new facilities going to the house; no. Mr. Leckstein stated that it would be above ground, yes. Further discussion regarding the utilities.

Mr. Taylor stated that there was a condition in their letter stating that the applicant would have to supply a plot plan which would show driveways and sidewalks.

Motion to open to the public at 7:20pm was made by C. Demarest, second by Mayor Araneo with ayes by all present. There being no comments from the public the meeting was closed to the public at 7:20pm.

Barbara Allen Planner for applicant. Ms. Allen described the exhibit.

Motion to open to the public at 7:25pm was made by Mayor Araneo, second by Councilmember Merla with ayes by all present. There being no comments from the public the meeting was closed to the public at 7:25pm.

Motion to approve was made Councilmember Merla, second by Mayor Araneo

Ayes: Mayor Araneo, Councilmember Merla, Chairman Oviedo, W. Kane, T. Burke,
C. Demarest, W. McDermott, S. Dixon

**APPLICATION: KUPB 23-03 NICA NICA (Mayor and Council cannot participate)
USE VARIANCE
262 FIRST STREET
BLK 43 LOT 9**

Mayor Araneo and Councilmember Merla stepped down not because they were not interested in the application but because they legally couldn't participate in a use variance application.

Fran Mullan and Aaron Kardon from T&M Associates was sworn in.

Exhibit A1 – application 12/8/2022
Exhibit A2 – Survey dated 3/11/22
Exhibit A3 – use variance plan last revised on 2/11/25
Exhibit A4 – Architect plans dated 10/24/23
Exhibit A5 – color rendering dated 2/27/25
Exhibit A6 – pictures of the property
Exhibit B1 – T&M letter dated 9/20/24
Exhibit B2 – Collier letter dated 3/14/23
Exhibit L1 - refusal permit zoning officer 2002
Exhibit L2 – Negative impact for neighbors

Mr. Robert McGowan, applicant's attorney explained that his client is seeking a use variance as well as other variances most that are pre-existing. Mr. McGowan gave the history of the application.

Mr. McGowan explained that Mr. Sulsenti purchased the property in August 2022 with the understanding from the people that sold it to him that he would be able to convert the building into apartments. Since he purchased the property Mr. Sulsenti has been trying to figure out how he can eliminate the commercial on the first floor. He does have a friend renting out the commercial space at this time. Mr. Sulsenti purchased the building with the intent to improve it and make it a more viable building. The building was built in 1909 the downstairs was a furniture store and then eventually the real estate office. There isn't currently a single commercial use anywhere near this property. There was further discussion regarding why the applicant would like to convert this property into residential instead of mixed use.

Patrick Ward, Engineer - Mr. McGowan confirmed that the plans are the most recent plans submitted.

Mr. Mullan mentioned that he had architectural plans that were dated 10/24/23. There was discussion regarding the most current plans. It was confirmed that was the correct date.

Mr. Ward entered exhibit A5 which is a colored site plan with an aerial dated 2/27/2025

Mr. Ward stated they are proposing to add a two-bedroom apartment on the first floor and this would not change the exterior of the building. All proposed units will have their own entrance. They are proposing to resurface all the asphalt areas used for driveways and parking and restripe the spaces to show four properly sized parking spaces. The driveway, curb cuts and aprons will be adjusted which is shown on the most recent plans.

Mr. Leckstein confirmed that they were proposing four spaces when six were required; yes.

Mr. Ward explained on First Street they would have planting and a planter box off of Fulton Street. Mr. Ward described the types of plants that would be placed in these areas. They are proposing three small illuminating lights that would light the parking area for safety. They would have a fenced area for the trash cans in the rear of the building. There would be no change for meters locations or air condition units. They will fence off their property line with a wood fence.

The parking demand for off street for two three-bedroom apartments and commercial space is eight parking spaces right now there are none delineated but they do have the asphalt area. The proposed condition the parking demand is reduced to six spaces and they are proposing the four that is shown. They have included passenger vehicle turning on the revised plans.

Mr. Ward described the floor plans, two units are not changing, the first-floor units would be combined to make a two-bedroom apartment with living area and family room in the front.

Mr. McDermott confirmed that currently there are two three-bedroom apartments and the applicant would like to add another unit in the commercial space. Mr. McGowan explained that they want to combine the two offices into one two-bedroom unit.

Chairman Oviedo spoke about the second floor having two three bedrooms, Mr. Gowan stated that the apartments were there when he purchased the building. Chairman Oviedo asked if there were three meters; yes.

Mr. Dixon asked about the fourth parking spot, he stated that there was no curb cut for the spot; correct. There was further discussion regarding this parking spot and the amount of space to exit and enter the vehicle. Mr. Dixon stated as it stands now it is not a driveway. Mr. Mullan mentioned that there are a number of comments in their letter regarding the parking in this area.

There was discussion regarding the amount of parking and how narrow and short the fourth spot was. The discussion also included the fire hydrant across the street as well as the driver's visibility to pull out of the parking space.

Mr. McDermott stated that it would be very difficult to see when you pull out of the spot on First Street.

Mr. Leckstein asked if they have considered tearing down the building and build a single-family home; Mr. McGowan said he had that conversation with the owner and it would be very costly for him, and the neighborhood doesn't support creating a new single or two-family building. Mr. Leckstein commented that the building is poorly shaped for what the applicant is trying to do. Mr. McGowan stated that it blends in with the neighborhood and his client is looking to improve the appearance of the house. To do that he has to make sure he has the revenue to support it. He already has a significant mortgage on the building.

Mr. Kardon asked where would the passenger get out of the vehicle; Mr. Ward stated that it would have to be a smaller vehicle for it to function, it is an undersized lot. Mr. Leckstein asked Mr. Kardon if he felt the space was safe. Mr. Kardon stated he doesn't see it feasible.

Mr. Mullan stated that there is a long list of site variances that the Board would have to consider, he doesn't want to just concentrate on this issue. There was discussion regarding the density for this property. Mr. Mullan feels that the density is a bigger issue than the parking.

Mr. McGowan reminded them that it is a 100-year-old existing building that they are trying to preserve it is not an under developed lot. Mr. McGowan stated that they are trying to preserve the building he stated that it fits with neighborhood.

Mr. Mullan suggested that if this was going to proceed to planning, if the engineer is finished, he would like him to go through the T&M letter. Mr. McGowan feels most of the items are for the planner. Mr. Ward went through the T&M letter and provided their responses that dealt with engineering.

Mr. McGowan stated that they are not looking for any easement for this property.

There was discussion regarding the parking and the turning to access enter and exit the driveway and parking area. Mr. Leckstein requested if the application was approved that the spaces would be labeled correctly. Mr. Mullan wanted to make sure that the vehicles could get in and out of the space.

Mr. Mullan asked how the trash would be handled, Mr. Ward stated that currently there is no enclosure for the cans. It is public pick up. Mr. Mullan asked the dimension of the enclosure; 10 feet long 3 feet deep. They would have approximately three larger cans. Further discussion regarding the type of cans and the enclosure.

Mr. Mullan spoke about the drainage, run off leads to property; Mr. Ward stated that everything runs away from the property not proposing any changes, they would be willing to have the roof run off go towards the street.

Mr. Mullan any proposals of the paving materials so that are pitched to the street so that the water doesn't go to the neighbor's property; they would work with the engineer regarding any issues. Mr. Leckstein stated that he could make this a condition of approval of the resolution. Further discussion regarding the water run off and what the applicant is asking of the Board.

There was discussion regarding the fence heights, where the fence height changes and what the fence is made of. Mr. Mullan asked if they contacted the neighboring property regarding the fence. Mr. Ward stated that they could work with the neighbor to put up a privacy fence. Mr. Leckstein stated that the applicant has no control over whether the neighbor would work with the applicant.

Mr. Pacheco asked about the refuse area regarding the height and containers. The trash would be public pick up; Mr. Ward stated that it would be municipal pick up or private hauler. Mr. Leckstein stated that it most likely be municipal pick up. Mr. Pacheco asked if they have approached the fire department regarding the line of site of the hydrant that is directly across the street of the property. Mr. Ward stated that the only correspondence they had with the fire department was that the CO's were issued. Further discussion regarding the radius from the building to the hydrant; no.

Chairman Oviedo asked if there was a basement or crawl space; Mr. McGowan replied that it was on a slab. Chairman asked if they considered eliminated the first parking space.

There was discussion regarding the apartment over the back area; Chairman Oviedo suggested that they remove the back of the building. If that was removed there would be more parking. Further discussion regarding possibly removing the back.

Motion to take a five-minute break was made and carried. Back into session at 9pm. For the record all Boardmembers were present. The pictures of the property were marked in as exhibit A-6.

Motion to open to the public at 9:00pm was made D. Pacheco second by W. McDermott with ayes by all present.

Elizabeth Harbison, 305 First Street (block away from property) – if you put more apartments into this building there is no room for parking. It is very dangerous when walking, in the winter it is all ice. To have more vehicles in this area is not safe. Fulton Street the cars cannot back out safely. Her objection is the amount of traffic it will produce. She stated that you cannot find a spot on First Street now.

Alex Burton, 263 First Street (across from property) – he can't get out of his driveway now. One of the spots he stated they couldn't park a vehicle there.

MaryEllen Lamb, 2 Fulton Street (across from the parking lot) – her objection is that there are two cars parked there all the time that have not moved. Those two spots are taken out of the four. Mr. Leckstein stated that if it was approved that would be taken care of. Ms. Lamb spoke about the limited parking.

Jean Marie Lamb, 2 Fulton Street (across from the parking lot) – just to clarify they do have a driveway now the tenants have not used the driveway. If there are two in the front and two in the back, they don't use the driveway they park on Fulton which makes it very difficult for them to get out of the driveway. The residents that live there now also have commercial vehicles; they pull into Ms. Lamb driveway to get out. She stated that they didn't want the building to be made into apartments.

Mary Ellen Lamb stated that in 1977 Buddy moved into the apartment and had the business downstairs. There was only one resident. Once he passed away his daughter sold it and they made it into two apartments.

Michael Lane, 51 First Street, stated that First Street is narrow and to back out of his driveway you would have to cross all the way to the other side of First Street to be able to turn around. Mr. Leckstein asked how far he lived from the property; three blocks. Mr. Lane spoke about the history of the property. There was discussion regarding the possibility of the property having a denial for the two apartments. Mr. Lane states that the notice was not correct; Mr. Leckstein read the notice. Mr. Lane marked in his exhibit.

Anthony Vecchio, 141 Washington Street – he was the zoning officer in 2002 for Keyport. Mr. Vecchio stated that Buddy was upstairs there was a furniture store on the first floor. There was two separate units at that time both accessible from Fulton Street. The furniture store was an L shape store the back part which looked fairly new was rebuilt due to the infestation and whatever was back there at that time. Which now houses utilities and he believes heating units for the building. In 2002 the building was purchased and the owner wanted to make downstairs two separate spots which was denied. The owner then made it his construction office. They did rent out the space but the businesses didn't last because of the parking issues. Mr. Vecchio had issued CO's for both units upstairs as well as the commercial unit on the first floor. Remax purchased it and tried to put in two separate units, Mr. Vecchio stated that he went there to do a CO inspection they found that it was converted and they were issued a stop work order and fined. They owners had to rip out bathrooms and kitchens from the property and it was brought back to a commercial unit. Mr. Leckstein confirmed that the two upstairs apartments existed; yes.

Mr. Leckstein read the exhibit that Mr. Lane gave in. He stated that it said the first floor to be created into an apartment.

Chairman Oviedo confirmed that the property has three units, two apartments on the second floor and the commercial space on the first; yes. There was further discussion regarding Mr. Lane's exhibit. Mr. Leckstein stated that the notice was good and they are not doing anything illegal. Mr. Lane apologized he read the information incorrectly.

Mr. Lane stated the second issue, on the engineer report how will the site plan deal with the requirement 25:1 7-4 which requires 400 square feet of recreation open space for each apartment unit in a multi-family. Mr. Ward stated that they don't provide that space on site. Mr. Leckstein asked if that would be a variance condition. Mr. Mullan stated that he would like clarification, he believed Mr. Lane was referring to the multi-family requirements as an indication. Mr. Leckstein stated this is not required in this zone because that is not permitted; correct. Mr. Lane explained that it clearly stated in the application that it is for a multi-family.

Mr. Leckstein asked Mr. Mullan if the application was in a zone that permitted multi-family and they weren't providing any recreation space would that be a variance condition or would that be a waiver; he believed that would be a variance. There was further discussion regarding having recreation space for this project. Mr. Pacheco stated it was something like we had with the 108 Broad Street application.

Mr. Lane mentioned the stormwater run-off, he feels that it is an issue with water running into the street especially in the winter. The two-way driveway should be 24 feet wide and they are only 8 feet wide. Where would the signage be for the traffic; Mr. Ward stated he didn't have an answer.

Mr. Lane asked about the solid waste, if it is going to be Borough pick up how would that work. Mr. Kane stated that municipal trash hauler will not go onto private property. There was discussion regarding the trash and recycling pick up. Mr. McGowan stated that they would have to bring the cans to the curb, they will have to address how that would happen.

Mr. Kane stated that you have a maximum of six cans, 50 gallons per can. Mr. Kane stated you would have unlimited cans for recycling according to the ordinance. Mr. McGowan stated that they would address this issue.

Mr. Lane stated that applicant is proposing cosmetic improvements along the front of the building, the issue with that is there is already a site triangle problem. By placing more view blocking material will make this worse. He stated the drawings need to have the site triangle information.

There was discussion regarding the number of parking space that would be needed for the property. Mr. McGowan stated that they need to address the parking space on First Street.

Mr. Lane asked about fire truck for the back; Mr. Vecchio, Fire Marshal stated that it is within 100 feet of a hydrant so it is not necessary.

Mr. Lane handed out exhibit L2, he explained that the exhibit summarizes the issues that he had with the application.

Mr. Leckstein explained that the Board's cut off is 10pm and that the application would have to be carried over to the April 24th meeting.

Motion to carry to the April 24th meeting without further notice was made by D. Pacheco, second by C. Demarest with ayes by all present.

Motion to adjourn the meeting at 9:55pm was made by D. Pacheco, second by B. Kane with ayes by all present.