

The Keyport Unified Planning Board held Regular Meeting on March 22, 2018 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 Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

PRESENT: R. Benedict, K. Howe, N. Vecchio, M. Sessa, R. Benedict, L. Davidson,
D. Fotopoulos, J. Kovacs-Olsen

Marc Leckstein, Planning Board Attorney, Donna Miller, Planner, Fran Mullan, Engineer

ABSENT: Mayor Aumack, Councilman Goode, J. Oviedo

Mr. Leckstein explained that the Mayor and Councilman could not vote on this application since it is a use variance and that is why they are not at the meeting.

MINUTES: March 14, 2018

Motion to approve was made by D. Fotopoulos, second by N. Vecchio

Ayes: N. Vecchio, M. Sessa, L. Davidson, D. Fotopoulos, J. Kovacs, J. Kovacs-Olsen

Abstain: R. Benedict, K. Howe

Absent: Mayor Aumack, M. Goode, J. Oviedo

PROFESSIONALS SWORN IN

**RESOLUTION: 317 BEERS STREET
ANTOUN GREISS
KUPB 17-06
Blk 51, Lot 18.2
317 Beers Street
Variance Relief – Hardship**

Motion to approve resolution was made by M. Sessa, second by J. Kovacs

Ayes: N. Vecchio, M. Sessa, L. Davidson, D. Fotopoulos, J. Kovacs

Nays:

Abstain: R. Benedict, K. Howe

Absent: Mayor Aumack, M. Goode

**RESOLUTION: 149 W. FRONT STREET/PORT 149
149 WEST FRONT STREET
KUPB 17-03
BLK 21, LOT 15-19**

This will be carried to the April 18th meeting.

NEW BUSINESS:

**APPLICATION: KEYPORT 44 REALTY LLC
193 CHINGARORA AVENUE
KUPB 17-09
BLK 1.01, LOTS 43, 44, 45**

Exhibits A1 – Application
A2 – Site Plan dated 8/21/17 last revised 2/9/18
A3 – Architectural Plans dated 8/21/2017
A4 – Storm Water Management report dated 10/27/2017
A5 – Sanitary Sewer and Potable Water report dated 2/9/2018
A6 – Color rendered version of Site Plan dated 3/20/2018 (same as the 2/9/18)
A7 – Colored rendering of proposed town homes
A8 - Pictures of the structures of the property
B1 - T&M Completeness review letter dated 10/18/2017
B2 – T&M Second Completeness review letter dated 11/30/2017
B3 – Traffic Safety Officer Report

Salvatore Alfieri introduced himself and stated that he is representing the applicant Keyport 44 Realty LLC. Mr. Alfieri stated that the application is for a D1 variance and that he has four (4) witness to testify for this application Engineer, Architect, Planner and a former owner of the property.

Walter Hopkin, Licensed Engineer in the State of New Jersey was sworn in. Mr. Hopkin explained that exhibit A6 is a colored version of the site plan that the Board has in the package. Mr. Hopkin spoke about the application and the location of the property. He explained that there was an existing home on the property. The property is in HC zone, on the north side of this property is a law office, the south and east sides there are residential and across the street is a car wash. The existing home is approximately 600 square feet, it has one (1) off street parking space. They are proposing to build four (4) attached units approximately 1600 square feet with garages and driveway to accommodate two (2) off street parking spaces for a total of eight (8) off street parking spaces, new curbs and sidewalks. Mr. Hopkin explained the storm water report to the Board. The units will use the Boroughs water and sewer and will also use the Borough's trash service. Mr. Hopkin spoke about the site difference and traffic he doesn't feel that there is any site difference with this application. Mr. Hopkin stated that in his opinion that there would be an insignificant amount of traffic by adding three (3) units.

Mr. Alfieri asked for confirmation in regards to the garbage pickup; the cans would be brought to the curbside for pick up by the Borough's trash service.

Mr. Alfieri asked Mr. Hopkin to explain the storm water management process. Mr. Hopkins described how the process would work. There was further discussion regarding the storm water report.

Mr. Alfieri asked if the proposed parking is RSIS compliant; yes. Mr. Alfieri asked if there were any flood zone or wetland issues that would need to be addressed; no. Mr. Alfieri asked what outside agencies approvals would the applicant need to have; Mr. Hopkin explained that they would have to get Freehold soil approval.

There was discussion regarding the T&M letter. Mr. Mullan spoke about the waivers in the T&M letter; Mr. Alfieri stated that they have addressed the complete letter. There was discussion regarding the letter.

Mr. Fotopoulos asked for clarification; he wanted to make sure the November letter supersedes the October letter; yes.

Mr. Mullan asked if Mr. Hopkin will be addressing the set back and lot coverage; Mr. Alfieri replied that the Planner would address those issues.

Ms. Kovacs-Olsen asked if 2.5 parking spaces per unit were required; Mr. Mullan replied yes. Mr. Hopkin described the parking, he stated that one would be off street, one in the garage and one in the driveway. Ms. Kovacs-Olsen clarified that they are only proposing two (2) spaces per unit; correct. Mr. Hopkins stated that they are proposing one parking spot in the garage and one in the driveway and the rest would be off street parking. There was further discussion regarding the parking and how the garage would not be used for storage and only for the vehicle. Mr. Hopkin spoke to his client and they could make two (2) or three (3) additional spots by expanding the parking area. The driveways are lined up with the garages they could add the spots. The driveways are going to be black top, the additional spots would be pavers. There was discussion as to where the additional spots would be. There was discussion regarding where they could fit in the additional spaces.

Mr. Howe mentioned the comment from the traffic safety officer in regards to the hydrant. Mr. Mullan asked for the dimensions of the parking spaces and the driveway. Mr. Hopkin described where the fire hydrant is in comparison to the hydrant. Further discussion regarding the space for the parking and to accommodate the fire hydrant. Mr. Fotopoulos asked if the change for parking would affect the setbacks. There was discussion regarding the setbacks.

The driveway doesn't have a required set back.

Mr. Mullan asked that they describe what happens to the service walk. Mr. Hopkin explained that the service walk between the driveways would be eliminated.

Mr. Mullan asked about the grade site for the run off, he asked if the run off would go to other property; no. Mr. Hopkin stated that the rear site would be grass. There was further discussion regarding the run off and the down spouts.

Mr. Leckstein asked if there was going to be a condo association; yes.

There was discussion regarding what type of fencing and the location of where the fence should start.

Mr. Kovacs asked about the size of the deck; they are eight feet wide and approximately 14 feet along the building.

Motion to open to the public at 7:33pm was moved by R. Benedict, second by D. Fotopoulos with ayes by all present.

Dorothy & Frank Scuorzo, 201 Luppataong Avenue, Ms. Scuorzo explained that this application is directly behind their house. Ms. Scuorzo is concerned about the height of the units she stated that it would intrude on their privacy in the back yard. She asked if they can place sky lights in the back room instead of a window. Mr. Alfieri explained that the architect will discuss the height and windows.

Gloria Stone, homeowner of 195 Chingarora Ave, her address is 408 Sunset Place, Port Monmouth NJ. Ms. Stone explained that she inherited the house and it has been in her family over 40 years. Ms. Stone stated she is concerned about the parking issue, her tenant's park on the street she stated that four (4) three (3) bedroom units will cause parking issues. Ms. Stone requested a six foot privacy fence all along the property before construction. Mr. Alfieri explained if the applicant places a six foot fence all the way they would need a variance. There was discussion regarding if Ms. Stone ever had fence. Mr. Mullan explained that there are meters on the side of the house that would have to be accessed. There was further discussion regarding the meters and as to where the fence could start and what type of fence would be used.

Mr. Leckstein asked the Board if the application was approved if any variances were needed for the fence that it be included in the approval.

Ms. Stone spoke explained that she is the last house and that they had a sewer back up approximately three (3) years ago. She hasn't had a backup since then but is concerned with the additional units it will cause sewer issues; Mr. Alfieri explained that they would have to apply to the Borough and will addresses whatever issues appear. Mr. Hopkins stated that he feels there will be an insignificant flow. Mr. Mullan asked if there has been any blockage at the existing house; no. Mr. Leckstein asked when the last time someone lived in the house; approximately five (5) years.

Mr. Kovacs stated that it should help with the flow since more water would be running down the sewer. Mr. Howe asked if their sewer was upgraded; no.

Ms. Stone asked about the noise during construction; Mr. Leckstein explained that they would have to abide by the Borough Ordinance. Ms. Stone asked that she receive a copy of the ordinance.

Mr. Mullan asked for clarification regarding the amount of trees and the type they applicant will be planting. Mr. Hopkin explained that they are planning on three (3) Zelkova trees and they will be evenly spaced. There was discussion regarding the trees location when the additional spaces are added.

Mr. Leckstein confirmed that there will be ten (10) off Street parking spaces and three (3) trees; yes.

Mr. Mullan asked about the utilities; Mr. Hopkins replied the gas main is showed at the street. Nothing will be ruined across the property. Mr. Mullan requested that all the utilities be underground, Mr. Kovacs questioned if that included the telephone; yes all utilities will be underground. Mr. Leckstein confirmed that all the utilities are going underground; yes.

Michael Lane, 51 First Street, spoke about the two additional parking spaces asked how they would be shared between the units. Mr. Alfieri stated that the condo association would have to regulate. Mr. Alfieri's presumption would be that the extra spots would be for visitors they would have to state that each resident would have one spot in the garage and one in the driveway. Mr. Lane asked if that would be in the deed; yes in the deed and by-laws. Condition would go into the Master Deed. Mr. Lane asked two parking spots, one in garage and one in driveway, he stated that the garage would have no storage in the deed; yes.

Mr. Lane asked if the multiple lots would be converted into one (1) lot on the Master Deed; yes. Mr. Lane asked if they would be four (4) tax lots; Mr. Alfieri explained how that would be done. Mr. Lane clarified that there would be no subdivision; correct.

Mr. Lane stated that parking for a condo should be 2.4 parking spaces. Mr. Lane asked about the notice in the paper seeking a variance for multifamily home. Mr. Alfieri explained the notice and what has to be placed in the notice.

Lance Lupi, 36 Van Dorn Street, stated that the site is a non-residential area; yes. Currently there is a single family home on the property; yes. The home that is there currently is approximately 650 square feet, and you want to put 6,000 square feet, four (4) town homes into the space. Mr. Alfieri explained that they aren't trying to cram anything they are trying to build what is before the Board. There was further discussion regarding the homes. Mr. Lupi asked how they can enforce no storage in the garage. Mr. Alfieri stated that the Town has enforcing issues. There was further discussion regarding the parking.

Mr. Lupi stated they are proposing four (4) units to the Board knowing more than likely the Board won't approve four, later come back and say three (3). He asked the Board do what is best for the town or what is okay for the town. Mr. Lupi stated that this area is not a residential area and they want to put four (4) units on a 35 x 20 space with a sewer system that is over 100 years old, he felt that is much more stress on the town sewer; doesn't feel that this is best for the town.

Mr. Fotopoulos asked about the two story house that is currently there 600 square foot or is that the foot print; Mr. Hopkin stated that is the foot print. There was discussion regarding the square footage of the house. Mr. Alfieri stated the combined living space for a two story house is more than 600 square feet living space; the town homes they are proposing have 1500 square feet total living space each unit.

Motion to close to the public at 8:12pm was moved by J. Kovacs, second by K. Howe with ayes by all present.

James Monteforte, Architect was sworn in. Mr. Alfieri asked if Mr. Monteforte had any exhibits; yes, color elevations of the four unit town homes (exhibit A7). Mr. Monteforte described the proposed units as seen in exhibit A7. He explained that the garages were 22 feet and that will house the trash cans.

Mr. Monteforte stated that the first floor of the total square footage is 652 per unit, the second floor is 800 square feet which is larger because it goes over the garage, units are three (3) bedrooms the total of a unit will be 1538 square feet. The total building area is would be 6,308 square feet which house four (4) single family homes. Mr. Monteforte stated that town homes are considered single family homes in the building code. The back deck are 14 x 9 they will allow water to go through them because they are open between spaces to go to the ground, the air conditioning units are all used by one compressor. Mr. Monteforte described the rest of the

floor plans inside the units. Mr. Kovacs asked if they are Y stairs go up both directions; yes.

Mr. Monteforte stated they are going to have box bay windows that skirt across the garage, described what the front of the units will look like. He explained that the doors step back from the front for privacy. The building height is 30 feet 7 inches. Mr. Monteforte explained that the windows in the back are required by fire code so the people can get out and the master bedroom is in the back. Feels that since it is the master bedroom it would be more privacy since it wouldn't be used as much as the front bedrooms. He stated that he cannot remove them because of the code.

Mr. Alfieri confirmed the height calculation to be 26 feet not 30 feet 7 inches. There was discussion regarding the height of the units and the height allowed in each district by ordinance.

Mr. Kovacs asked if the units will have a sprinkler system; single family residence of this type does not need to have a sprinkler.

Mr. Benedict asked if the units will have a crawl space or on a slab; right now they are on a slab because of the water tables.

Mr. Howe asked if there was a fire how long would it run; Mr. Monteforte stated that each unit has in the center of each unit is a two hour fire walls material. There was further discussion regarding the fire wall.

Mr. Benedict asked about the access to the attic; Mr. Monteforte stated that there has to be an access panel because of code. There was discussion regarding location and type of access possibly a pull down stair case or just a hatch.

Mr. Mullan asked Mr. Monteforte to describe the proposed decks. Mr. Monteforte described the decks and the amount of steps that lead into the house. There was discussion regarding the height off the ground for the deck.

Mr. Mullan asked if the air condition units be placed in the attic space; Mr. Monteforte stated that they are small units, they are a split system so they can't close the units. They can put a fence around them or they can place all the units on one side if the Board prefers that. Mr. Monteforte explained that the units that are made now are very quiet.

There was discussion regarding the property lines of the existing house and the proposed dimension of what is being built. Mr. Hopkin described the property lines.

Motion to open to the public at 8:33pm was made by J. Kovacs, second by R. Benedict with ayes by all present.

Ms. Scuorzo, 201 Luppataatong Avenue, asked about her privacy, she explained that the window in the back would invade her privacy.

Mr. Monteforte stated they can place large evergreens along the fence line. Mr. Mullan asked about the tree that is on the property; Mr. Monteforte stated that they are going to make every precaution to save the tree.

Mike Lane, 51 First Street, question the area above the ceiling on the second floor, he asked if the attic would have a floor; no just insulated. Mr. Lane asked if there would be electric; there might be a service light, the space would not be habitable.

Mr. Lane stated that the façade is attractive would like as a condition in the deed that nothing;. Mr. Alfieri stated that they can place that in the deed.

There was discussion regarding the making of repairs and the responsibilities of the association. Mr. Leckstein asked if all the units were exactly the same size; yes.

Mr. Mullan asked that in the Master Deed they put that all trash receptacles be stored inside the garage except for when they are being placed out to be picked up; agreed.

Motion to close to the public at 8:40pm was made by J. Kovacs, second by J. Kovacs-Olsen with ayes by all present.

Mr. Leonard Rubinstein, representative of the owner and future contractor if the application gets approved, gave a history of the property as well as the area. Mr. Leckstein confirmed that Mr. Rubinstein did not have an owner's stake in the application. Mr. Rubinstein spoke about the properties that his family the car wash tire company that is located across the street since 1987 they recently sold that property. They also own lots 43 and 44. Mr. Alfieri asked if Mr. Rubenstein explore the property as HC zone. Mr. Rubenstein stated that he had meeting with previous Mayor Mr. Bergen and they discussed how to expand the area along route 35 to include Hoffman Law office and some of the properties on the same block. Some possibilities were to make it all commercial. Mr. Rubenstein spoke about the discussions that had taken place, he explained that they went over some designs but it was decided that displacing some of the home owners was not the right thing to do. They decided to leave it as it is and table the discussion and possibly revisit at a later date but nothing happened.

Mr. Rubenstein stated that they wants to keep the area clean and in reference to the area where the cars are being parked on the lot. They did ask the new car wash owner not to use the space for the car wash and they haven't been putting cars there since he spoke to Mr. Rubenstein.

Mr. Alfieri asked Mr. Rubenstein to describe the current house located on the property; Mr. Rubenstein stated that the house is on lot 45 and the other two lots were vacant. The existing house is a 1200 square foot home on lot 45, lots 43 and 44 are vacant.

Mr. Sessa asked if there were single family homes on 43 and 44; not that he was aware he believes that they were always vacant. There was further discussion regarding the lots.

Mr. Benedict asked if Mr. Alfieri was going to speak about the positive and negative criteria; Mr. Alfieri stated that the Planner would address that.

Mr. Fotopoulos asked if they considered less density in this lot; yes, they did consider less density the problem was a viability issue regarding the cost incurred. It is not economical feasible. Mr. Fotopoulos stated that one thing the town needs is day time foot traffic and they are trying to maintain the commercial district. Hopefully encourage day time offices in the area. Had they ever consider to do something commercial; yes, they have thought about a day care but there was already one there. When they were proposing commercial they wanted to have less impact on the residents. They felt that it would be best to have residential on the property. Further discussion regarding foot traffic on Chingarora being minimal. Mr. Fotopoulos asked if reducing the density do that, Mr. Rubenstein stated that at this time would be an issue to the applicant financially.

Mr. Benedict asked if they looked into inquiring more property; Mr. Rubenstein stated that they did ask some of the neighbors and they didn't receive any response.

Mr. Benedict stated that it is a beautiful project but feels that it doesn't seem to fit in the area. Mr. Benedict mentioned the Master Plan that was recently adopted discouraged residential units there and a more commercial use in that area. There was discussion regarding what might would be allowed to be placed on the property.

Mr. Benedict stated he would like to hear what the neighbors want.

Motion to open to the public at 8:55pm was made by R. Benedict, second by J. Kovacs-Olsen with ayes by all present.

Dorothy Scuorzo stated that area is an eye sore and the house looks creepy on the lot. Ms. Scuorzo stated that she just doesn't like the rear windows. Mr. Sessa asked Ms. Scuorzo if she felt the residential use is more appropriate than commercial; yes.

Gloria Stone stated that she was never contacted by the owner to sell her property. There was discussion regarding whether she would prefer the property to be commercial or residential. Ms. Stone stated she would prefer residential be built but would like it to be smaller.

Ms. Miller stated that the HC zone doesn't permit repair shop. Ms. Miller read off some possible retail establishments that would be allowed in the zone.

Mike Lane stated that he listen carefully and still haven't heard any of variances that the applicant is asking to approve; Mr. Leckstein stated that the Planner will be discussing them.

Lance Lupi asked about the comment regarding whose attorney contacted Ms. Stone. There was discussion regarding who was the owner of the property. Mr. Lance asked why is the responsibility of the town to approve the variance just because it is not viable to shrink the density. There was discussion regarding the variance, Mr. Lane stated that he would like the Board to do the right thing and only have a single family house. There was discussion regarding the properties surrounding the application.

Elmer Graham Jr, 22 St. Peters Place, would like clarification on what is being proposed to be built on the property; four (4) single family town homes. Mr. Graham asked if they will be affordable for the residents of Keyport; they will not be COAH but will be in line to what Keyport prices are.

Motion to close at 9:04pm was moved by R. Benedict, second by J. Kovacs-Olsen with ayes by all present.

Christine Nazzaro Cofone, Licensed Planner in NJ, explained that the applicant did not need a lot of variance, they are seeking a D1 use variance. Ms. Cofone explained what a D1 use variance meant for the application, she explained that they needed the variance because it is not a permitted use in the zone. Ms. Cofone explained what uses would be allowed for the property. Further discussion regarding the application and variance that the applicant is seeking. Ms. Cofone spoke about the setbacks on the property and stated that the application is only violating in the RC District is the maximum building coverage of 43.1 vs 40%. Ms. Cofone feels that from a planning aspect there are not trying to shoehorn anything onto the lot. She felt that the application exceeds the minimum standards that are required.

Ms. Cofone spoke about what the positive criteria of the application. She spoke about exhibit A6 the aerial of the property, she explained that State highway 35 is north of the property there is an intervening property to the subject property which is a law firm then you have the subject property and then you have the two family home. The property doesn't have highway frontage, retail uses thrive from foot traffic and this property doesn't have much. There is residents to the east and south of the property. If they were to place commercial use into the area they might have hours that were not feasible to the residents, there possibly could be an issue with the trash. With all that in mind her recommendation would be to place residential unit in this area. Ms. Cofone spoke about land use law 40:55D-2. Ms. Cofone read criteria's G, E and M and feels that the Board can also consider I the application fits into the desirable environment. Ms. Cofone felt that the architectural that was submitted showed that the units and that the applicant did not put together a plan that minimally inexpensive, Ms. Cofone described the units. Ms. Cofone stated that if the Board decides to grant approval they should put as a condition that nothing changes from the application that is before the Board even if the applicant sells the project.

Ms. Cofone handed out Exhibit A8 which is pictures of the structures of the property. She stated that she felt the property is an area in transition. Ms. Cofone described what is in the exhibit. She stated that this exhibit shows the negative criteria, she went on to explain that the negative criteria should only see if there is a detriment to the area. There was further discussion regarding how a planner out ways the negative and positive criteria of a project.

Mr. Fotopoulos asked if it was reasonable to incorporate the density into that balance, Mr. Fotopoulos went into further details regarding his comment. Ms. Cofone explained that you have a structure on a lot, the residential structure that is right next to it has two (2) residential units. She went into further discussion regarding the density of the two lots. Ms. Cofone stated that she does not agree that they are exceeding the density in this area.

Ms. Kovacs-Olsen asked if it was fair to say that the two family resident was a pre-existing condition since that resident was existed before 1970; Ms. Cofone stated yes, and she explained that the law protects pre-existing non-conforming uses are allowed to continue. There was further discussion regarding the density of the area.

Mr. Mullan asked that before they move off the density, he asked that before they declare that the density on the adjoining lot where the two family house is he went into the lot size and explained the density on the two family. There was further discussion regarding the density of the lots.

Mr. Fotopoulos asked if they were basis it on bedrooms or units; units. There was discussion regarding the bedrooms in both units. Mr. Fotopoulos asked if the bedrooms falls into the density; Ms. Cofone explained that it does but further explained what variances they are looking for. Ms. Cofone spoke about the RC district standards and the HC standards.

Mr. Mullan and Ms. Miller spoke about what is permitted in this area and the lot size for a two family home. There was further discussion regarding the lot size for an RC zone and how much more would be needed.

Mr. Leckstein asked about the second application that is on the agenda. There was discussion regarding what other applications are on the special meeting on April 18th. Mr. Leckstein stated that the 22 Van Dorn Street application be carried to the May 24th meeting.

Motion to carry 22 Van Dorn without further notice to May 24th at 7pm was made by R. Benedict, second by J. Kovacs-Olsen with ayes by all present.

Mr. Sessa asked that we continue with the negative criteria. Ms. Cofone stated that she was done with the negative criteria she did want to speak about the land use plan recommendation that spoke about encouraging the growth of residential units in accordance with the Land Use Plan element for all commercial zones. Ms. Cofone discussed the negative criteria in respect to following with the Master Plan and zoning ordinances that have been introduced.

There was discussion regarding what is in the Master Plan for this location.

Motion to open to the public at 10:00 made by K. Howe, second by N. Vecchio with ayes by all present.

Mr. Lane, 51 First Street, stated that if this applicant waited until the new ordinances are adopted they wouldn't need a variance. There was a further discussion regarding why he believes that this is true.

Lance Lupo, stated that he still wanted to express that he feels the single family homes are best suited for this area.

Motion to close to the public at 10:04pm was made by J. Kovacs, second by L. Davidson with ayes by all present.

Motion to approve application was made by R. Benedict, second by D. Fotopoulos
Ayes: N. Vecchio, M. Sessa, R. Benedict; D. Fotopoulos, J. Kovacs, K. Howe
Nays: L. Davidson

Motion to adjourn at 10:12pm was made and carried.