

The Keyport Unified Planning Board held Regular Meeting on May 24, 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, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos,
J. Kovacs-Olsen

Absent: Mayor Aumack, Councilman Goode, N. Vecchio, J. Oviedo

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

PROFESSIONALS SWORN IN

CORRESPONDENCE:

Letter from Carlo Manetto requesting an extension for KUPB Application 06-09 for a two year extension. (carried from the 5/22 meeting).

There was discussion regarding the plans that dated back to 2006. The Board granted a one year extension last year. Mr. Sessa explained the application and what was approved for the property. Mr. Fotopoulos asked if they were bound by state statute to approve the extension; Mr. Leckstein replied no. Mr. Fotopoulos stated it has been more than 10 years and would like them to come before the Board again. Mr. Fotopoulos spoke about how much has changed since the approval has taking place. Mr. Sessa stated he has the same feelings as Mr. Fotopoulos. Mr. Kovacs stated that he knows he had personal issues in the past and would like to give them one more year with no more extensions. Ms. Kovacs-Olsen stated that is what they did last year. There was further discussion regarding granting one more year. After discussion between the Boardmembers there was a motion by D. Fotopoulos to not approve the extension, K. Howe second the motion.

Roll call: Ayes: M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos, K. Howe, J. Kovacs-Olsen

Nays: J. Kovacs

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

Mr. Leckstein explained the change that was made to the resolution.

Motion made to approve Resolution was made by J. Kovacs, second by K. Howe

Ayes: M. Sessa, L. Davidson, D. Fotopoulos, J. Kovacs, K. Howe, J. Kovacs-Olsen

Abstain: R. Benedict

**CARRIED APPLICATION: KUPB 18-01
KEYPORT HOMES, LLC
138 BROAD STREET
BLOCK 60 LOTS 15 & 16
USE VARIANCE PRELIMINARY AND FINAL SITE PLAN**

Mr. Sessa explained that the applicant was returning with updated architectural for the Board so they can review the changes requested by the Board at the last meeting.

Mr. Alfieri stated that Mr. Testa will explain the changes that were made since the last meeting. Mr. Testa marked in the updated architectural as Exhibit A-10. Mr. Testa stated they enhanced the front of the units by boxing out the front windows and they added some details above the garage. The right side of the building they added the stone that was in the front to the side as well as added windows so it didn't look like a big stone wall. They changed the size of the windows on the second floor so that they can be used as egress windows. Mr. Testa explained the other enhancements to the building. There was confirmation that the side windows were made larger. There was further discussion regarding the side windows. Ms. Kovacs-Olsen asked if it would be a hardship if the other side was to be changed, the lower right side is adjacent to the neighbor's property and they really wouldn't see that side of the house. There was discussion regarding the installation of a fence.

Motion to open to the public at 7:13pm made and carried with ayes by all present.

Jeff Tyler, 37 Mill Terrace, Hazlet NJ, stated that the revisions look great.

Motion to close to the public at 7:15pm was made by J. Kovacs-Olsen, second by K. Howe with ayes by all present.

Motion to approve application with improvements as requested by the Board was made by R. Benedict, second by K. Howe

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

NEW BUSINESS:

**APPLICATION: RBSM CONSULTING
 22 VAN DORN ST
 BLK 99, LOTS 13 – 15
 USE VARIANCE / SITE**

Exhibit A1 – Site Plan Application

A2 – Architectural Plans

A3 – Colored rendering of the Site Plan

A4 – Colored rendering of the architectural plans

B1 – T&M Letter dated 5/10

B2 – Property Maintenance report 5/18/18

L1 – three sheets of the neighborhood houses

L2 – Picture of Atlantic Street, three (3) new construction homes

L3 – Single family homes in the RA zone within last few years

Mr. Alfieri stated that this application was carried over until this evening. He has three witnesses for this application.

Walter Hopkins, Licensed Engineer in the state of New Jersey. Mr. Hopkins entered Exhibit A3 which is a colored rendered version of the Site Plan submitted to the Board. Mr. Hopkins described the property location, the surrounding area and what is being proposed. The project consists of three (3) lots and is in the RA zone outside the flood hazard zone. Mr. Hopkins explained currently there is no off street parking and there is no storm water management. What was being proposed was to redevelop the site, demolish the existing home, build four (4) attached homes similar to the previous application. They would be 1500 square feet, garage with driveways they also added additional space for parking in total ten (10) parking spaces. The application complies with the front set back of the RA zone. They are also proposing new curb along the frontage and any pavement that would be required. They are will overlay the roadway from curb to curb in front of the application. The run off from the roof will go directly underground, the driveways will face Van Dorn Street. The units will use public water and sewer, all the utilities will be underground, and there will be no outside storage for refuge. The cans will be brought to the curb for pickup. The additional units will result in insignificant traffic. Does require a variance for the size of the driveways.

Mr. Alfieri asked if Mr. Hopkins reviewed the T&M report; yes. Can you advise the Board about the technical requirements that are in the report; yes.

Mr. Mullan asked if the utility metering set up where they will be placed and also the ground mounted air-conditioning will be in the back of the building; Mr. Hopkins stated that was correct. The electric and gas will be mounted on the side of the building, water and sewer would come in through the street. There was further discussion regarding the location of the meters.

Mr. Mullan mentioned the three (3) existing fences on the property, Mr. Mullan asked for them to be described and how they would be managed. Mr. Hopkins stated they are the neighbors, as far as how they will be handled is generally the developer would ask for their fence to be moved off their property. There was further discussion regarding the different possibilities if the developer was to allow the fences on the property.

Mr. Mullan asked about the trees; they will preserve the trees if possible. They will go out and survey the trees in the area.

Mr. Mullan mentioned the grading and what would be done to prevent any run off to the neighbor's yard; Mr. Hopkins stated that the run off would be underground as far as the yard drainage it is directed to Van Dorn and would have no impact to the neighbor's property.

Motion to open to the public at 7:26pm was made by J. Kovacs-Olsen, second by R. Benedict with ayes by all present.

William Tureby, 81 Koonz Road, Voorheesville, NY 12186 – asked Mr. Hopkins about the water being retained what size would have to be captured; they proposed perforated pipe to accommodate 100% of the storm. Mr. Tureby asked what number the storm water table was; 42 inches.

Mr. Mullan asked for clarification for the 18inch perforated pipe, would like to know how much cover on the top of the stone, six to twelve inches. Further discussion regarding the pipe size and the amount of the stone.

Joanne Royster, 210 Atlantic Street – asked for clarification to what fence Mr. Hopkins was describing. Ms. Royster asked if both hers and her father's fence were on the applicant's property, not her fence possibly her dad's fence.

Michael Lane, 51 First Street – asked about notice carried from the previous meeting mentioned that all drawings would be available to the public. There was discussion regarding if they had to be. Mr. Lane asked what changes were made from the previous drawings; Mr. Hopkins explained that they added two additional parking spaces. There was discussion regarding the placement of the additional spaces and the on street parking.

John Maas, 16 Van Dorn Street – stated he can't park in front of his home, he feels it would definitely affect them especially during snow storms and the plows have a difficult time plowing the street. Mr. Maas is also concerned about the foot traffic, right now the block is quiet if you add four (4) houses, which is more families. He moved away from Brooklyn to get away from this. Mr. Hopkins explained the parking that is being proposed and what is required, further discussion regarding parking.

Mr. Mass asked if they felt it would increase his property value; Mr. Alfieri stated that he couldn't answer that and it isn't relevant to the application. Further discussion regarding property value.

William Tureby stated that even though they are providing more off street parking they are taking away parking because of curb cuts. He feels if there was a more moderate amount of homes they would be taking away less on street parking.

Gerald Dickens, 108 Maple Place, stated there is no parking on Maple Place during a snow storm since it is a County Road. They usually park on Van Dorn during the storms, he feels that there is not enough parking now, further discussion regarding the parking issues. Mr. Dickens asked how tall the homes would be; Mr. Alfieri stated that the architect would be able to answer the height of the homes.

Motion to close to the public at 7:42 pm was made by K. Howe, second by D. Fotopoulos with ayes by all present.

James Monteforte, Licensed Architect in the State of New Jersey. Mr. Alfieri asked if his office prepared the Architect plans (exhibit A2). Mr. Monteforte explained that they are the same design as the previous application. The floor plans are identical to the units that was approved for Chingarora. There is an area in the garage to store the garbage pails. He stated that the building would be a foot lower than before the Board. Mr. Monteforte stated that the height will be 29.6 ½ to the ridge. They tried to keep the style a low roof line. The materials are vinyl clapboard with raised panels, vinyl garage doors, and cultured stone around the garage door. The second floor consists of master bedroom with bath, two other bedrooms with connecting doors to the second bathroom. Mr. Alfieri asked if they have a colored version of the outside; Mr. Monteforte spoke about exhibit A4. There would be no second floor decks.

Mr. Howe asked about attic space; it would just be used for storage because there are no basements. Mr. Howe asked the height and how it would be accessed, pull down stairs and approximately eight to nine feet. Mr. Leckstein stated as a condition of approval that space not be used for living; yes.

Mr. Mullan asked for clarification if they can describe the side yard setbacks for the proposed structure to the property lines; Mr. Hopkins stated that one is 10 the other is 13 feet, there was further discussion regarding the setbacks. Mr. Mullan asked if the front complies with the zoning; yes. There was discussion regarding lots in the area and the buildings property lines.

Ms. Davidson asked where the pull downstairs are going to be located; outside the laundry room. Ms. Kovacs-Olsen asked if there would be a deed restriction to not be allowed to add a back deck on the second floor; they would add that if the Board desires.

Mr. Fotopoulos asked if there were any utilities in the attic, no the furnace is in the garage. Mr. Fotopoulos asked if there was going to put flooring in the attic; sub floors. Mr. Howe asked if there was going to be subfloors across the structure; doesn't feel that is necessary just subfloor where height of the roof is four (4) feet, not exactly sure the size of the space.

Motion to open to the public at 7:56pm was made by L. Davidson, second by D. Fotopoulos with ayes by all present.

John Maas, stated they mentioned the street, the curb on Van Dorn Street is in bad shape he is wondering about the rest of the block. Mr. Alfieri stated they are fixing what is in front of their project. There was discussion regarding the rest of the street Ms. Kovacs-Olsen stated that he must speak to Council regarding the rest of the street. Mr. Maas mentioned that some of their neighbors were not notified, Mr. Leckstein explained the law. There was discussion regarding the second meeting notice.

There was discussion regarding the space in between the driveways. Mr. Mullan spoke about the lawn between the service walk and the green space in between the driveway. Mr. Mullan mentioned that is an opportunity for the Board for something other than lawn.

Joanne Royster, asked for clarification for the ridge; the highest point of the unit. Ms. Royster questioned the type of fireplace; Mr. Monteforte stated it was gas. Ms. Royster stated that she will be highly effected by the building because she is directly behind, the lot is empty now and you want to place a huge building that she has to look at. How many windows are on the second floor; four windows the master bedroom is the only room facing the back of the unit.

Mr. Monteforte stated that they are proposing a six foot fence they will not be able to see in your yard. Ms. Royster stated that she doesn't like the four units and is opposed to it she would be okay with a two family.

Barry Wendt attorney for Mr. Tureby – Mr. Wendt spoke about the properties in the area. There was discussion as to what type of homes are in the area. Mr. Wendt spoke about the ordinance requirement for the width. Mr. Leckstein reminded Mr. Wendt that he was speaking to the Architect not the engineer.

Mr. Wendt spoke about the driveways as well as size of each unit and what the ordinance requires. Mr. Wendt also spoke about two individual lots and two owners. Mr. Alfieri stated that if the application is approved both lots would be owned by the same person and the master deed would be filed with the county. Mr. Wendt asked if there were side yards between each unit, there was further discussion regarding the yards.

Mike Lane asked about the sub floor in the attic will there be a wall between each, yes there will be a fire wall between each of the units. The attics will be four separate storage spaces. Mr. Lane asked if there will be any electric service in the attic, there will be a light with a pull chain.

Motion to close to the public at 8:09pm was made by J. Kovacs, second by R. Benedict with ayes by all present.

Christine Nazzaro-Cofone, Licensed Planner in the state of New Jersey. Mr. Alfieri asked if Ms. Coffone is familiar with the project; yes. Ms. Coffone explained that the project is located in a RA zone which allows one and two family homes. The proposed multi family home is not a permitted use in this area. They are seeking a D1 use variance with a variance for density. Ms. Cofone stated that she visited the site a few times, her observation was there were quite a few homes that are two family homes, as a planner since they are not able to go into the homes they count mail boxes and meters. Ms. Cofone feels that the number of proposed units are appropriate, she feels that they will add curb appeal to the neighborhood. Ms. Cofone spoke about the positive criteria of this project. Ms. Cofone stated that she has looked at the Master Plan and spoke about the how this application fits into the Master Plan. Ms. Cofone stated as far as the negative criteria she doesn't feel there is no substantial detriment to the zone or the public based on her visits to the area, there are a number of other two family as well as a multi-family home in the neighborhood.

Mr. Leckstein asked where the four family home was located; Ms. Cofone stated that it is not on the drawing the location is the corner of Van Dorn on the right hand side. There was further discussion regarding this property.

Mr. Fotopoulos asked what the density for the lot is; Ms. Cofone stated that what they are proposing is 14.9 units per acre. Mr. Fotopoulos asked what the density is for a RA zone; RA zone requires 5000 square feet per single family home, nine (9) units per acre for a single family home.

Mr. Howe asked if Ms. Cofone agree that one block area and surrounding area is a RA zone; yes. Mr. Howe mentioned the Master Plan it specifically states to preserve single family homes you are speaking about removing a single family home and further in the plan it states that single family homes are discouraged to be converted to multifamily homes. There was further discussion regarding the criteria and the Master Plan in reference to the project.

Mr. Benedict stated that he is not sure that in this case overcoming the issues and that this is the spot for this project. Mr. Benedict stated that the items Mr. Howe has mentioned trumps building a case for this location.

Mr. Fotopoulos stated that the some of the pre-existing non-conforming homes are pretty old; Ms. Cofone stated that none of them have been built in the last ten years. There was further discussion regarding the pre-existing houses in the area and why the project in Ms. Cofone opinion fits in this area. Mr. Fotopoulos is concerned with the density in the area; Ms. Cofone spoke about the undersized lots in the area.

Mr. Benedict asked about the area handling the excess density for four (4) units that winds up being a main issue, the master plan states that the density is to great. The project is beautiful but feels it is too wide for this area.

Motion to open to the public at 8:33pm was made by D. Fotopoulos, second by K. Howe with ayes by all present.

Joanne Royster spoke about the multifamily homes in the neighborhood. She has lived in Keyport for 50 years all the homes are older. She built her home ten years ago it used to be a multifamily home but she built it to a single family home because that is what they want in the neighborhood. She feels putting the building there will change the character of the neighborhood, the parking is limited. Ms. Royster feels that the project is not right for this area. Ms. Royster feels a two family home would look beautiful there.

Mr. Wendt asked if Ms. Cofone looked at the specific words in the ordinance. Mr. Wendt read into the record 25:1 of the ordinance regarding single family homes. There was discussion regarding taking down a single family home and building a multifamily home. Mr. Wendt spoke about other parts of the ordinance. Ms. Cofone stated that they are here for a D variance because it doesn't fit into the ordinance. There was discussion regarding the lots owned by two different people. Mr. Leckstein asked what the relevance is on who owns the lot, further discussion regarding the house that is already on the property. Mr. Wendt spoke about the ordinance and what the lot size would be for a single family home there was discussion regarding the lot size for single family homes.

Mr. Leckstein stated that they know that what they are permitting is not allowed in the zone. Mr. Wendt spoke about spot zoning, Ms. Miller stated that they are not spot zoning they are looking a use variance which is permitted under the Land Use Law. Mr. Wendt spoke about the parking per unit, Ms. Cofone stated that they have ten spaces. There was discussion regarding the parking for these units and how the spaces will be used for the owners.

Mr. Wendt stated that Mr. Tureby would be testifying at the end. Mr. Leckstein explained that he could bring him up as his witness.

Mike Lane spoke about the special reason is that it exceed all bulk variances in the RA zone what he notes is his impression that the bulk variance are per residential unit not for four(4) residential units; yes they are for single family homes. Set back sited are governed for single family homes. There was discussion as to what Ms. Cofone stated were positive criteria for this application. Mr. Lane spoke about the need for recreation space for the homes. There was discussion regarding the condition C open space doesn't this project reduce open space; Ms. Cofone feels that the project still provides open space.

Motion to close to the public at 8:52pm was made by K. Howe, second by D. Fotopoulos with ayes by all present.

Mr. Howe feels that it is a broad brush and the Board did approve a previous application in a RA zone but feels he couldn't recommend approving this application for this area.

Mr. Fotopoulos feels that this project is to dense, the Planners point he can't accept some of the positive criteria's that were addressed. He feels that Ms. Royster pointed out that the intent is to keep single family homes as they retire especially in this area. Feels that this is one of the neighborhood in the Master Plan is trying to preserve.

Mr. Benedict feels that all of the work done with the Master Plan, this density in this area would go against what the people in Keyport would like to see. Doesn't feel that it fits into this area.

Motion to take a five minute break at 8:57pm was made and carried.

Back in session at 9:06pm

Roll Call: R. Benedict, K. Howe, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos,
J. Kovacs-Olsen

Motion to open it to the public at 9:07 pm was made and carried.

Mike Lane - Exhibit L1 – three sheets of the neighborhood houses

Mr. Lane objects to the plan doesn't feel four (4) town homes fit into this street. Mr. Lane described his exhibit to the Board. He hoped that the Boardmembers had a chance to visit the location and see what kind of homes are in the neighborhood. Most of the homes are classic Keyport homes. The Master Plan team stated that they want to keep the area as single family.

Exhibit L2 – Picture of Atlantic Street, three (3) new construction homes

Mr. Lane spoke about previous projects that were approved and single family homes were built.

Exhibit L3 – Single family homes in RA zone built couple years

Mr. Lane stated that single family homes are still viable in Keyport especially in the area the project is being proposed. He spoke about other single family homes that have been built.

There was discussion regarding the lot sizes in Keyport.

Mr. Leckstein explained that Mr. Tureby is represented by an attorney. Mr. Tureby stated he just fired his attorney.

Mr. Tureby stated that he has been involved with real estate, he explained that he had a variance before the Board and was denied. He was encourage to come back, they created two lots and 20 year later the houses still look good. Mr. Tureby read a document referring to the way he feels towards certain towns. He mentioned that when he thinks of Keyport and snug harbor and it being a lovely town.

Mr. Tureby asks the Board to deny the application as delivered and ask the applicant to revisit with two single family homes. Mr. Alfieri asked about the building three homes on the property, Mr. Tureby feels that is still too many.

Elmer J. Graham, 22 St. Peters Place feels the project is beautiful. The street is a tight area, doesn't feel it should go forward as it is now, maybe with some changes it could be approved.

Joanne Royster feels that all the lots are small but they are pre-existing, that doesn't feel you should try to cram four or even three families on this property.

Motion to close to the public at 9:28pm was made by J. Kovacs, second by J. Kovacs-Olsen with ayes by all present.

Mr. Alfieri stated that after hearing all the comments he is asking that the application be carried come back with some changes.

Motion to carry to the June 28th meeting was made by J. Kovacs-Olsen, second by K. Howe with ayes by all present.

Motion to adjourn at 9:30pm was moved and carried.