

RESOLUTION CERTIFYING
PRE-EXISTING NON-CONFORMING USE STATUS FOR
A TWO FAMILY DWELLING

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 13 LOT 1
Application # 16-04
JOSEPH VENEZIA
14 PROVOST STREET

WHEREAS, Joseph Venezia has applied to the Unified Planning Board of the Borough of Keyport for a certificate of nonconformity pursuant to the provisions of N.J.S.A. 40:55D-68 so as to continue operating a two family home where such a use would otherwise be prohibited located at 14 Provost Street which is officially designated as Block 13, Lot 1 on the official Tax Map of the Borough of Keyport; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter during a regularly scheduled meeting of the Unified Planning Board held on April 27, 2017 and;

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. The applicant, Joseph Venezia, who was present at the meeting, was placed under oath and gave testimony in support of the application.
2. Mr. Venezia indicated he is the owner of an existing two family home located at 14 Provost Street which is officially designated as Block 13, Lot 1 as shown on the official Tax Map of the Borough of Keyport.
3. This subject property is located in the Borough's RA (Residential Zone) in which two family homes are not a permitted use.
4. Mr. Venezia testified that when he purchased the property, in 2004, it was already established as a two family home. He had assumed it always had been a two family home. He is now in the process of selling the property. During the course of that sale he learned that the property could not be sold as a legal two family home absent first receiving a certificate of non-conformity from the Unified Planning Board pursuant to the provisions of N.J.S.A. 40:55D-68.
5. Mr. Venezia believed the home has been built sometime in the 1920's. He had no reason to believe it had not been a two family home since construction.

6. In support of the application, the Mr. Venezia marked into evidence the following exhibits:
Exhibit A-1: Survey of the property dated December 11, 2003, showing a two family dwelling on the property. Survey prepared by Robert Coriell, L.S. of Deceker & Coriell, Inc.
Exhibit A-2: Correspondence from the Borough's Zoning Officer, Robert Burlew, dated August 25, 2016, confirming his belief that the two family home is a pre-existing non-conforming use.
Exhibit A-3: Correspondence from the Borough's Code Enforcement Officer, Anthony Vecchio, dated October 9, 2007, confirming his belief that the two family home is a pre-existing non-conforming use.
7. Both of the letters submitted into evidence (**Exhibit A-2** and **A-3**) indicate that the home is a pre-existing two family home based upon approvals granted prior to 1990 when the current RA Zoning District regulations were adopted.
8. Michael Lane, who resides at 51 First Street, appeared in opposition to the application. He indicated his belief that two family homes had long been prohibited on the subject site. He asked the Board to research the 1972 zoning ordinance of the Borough. However, Mr. Lane offered no evidence to support his belief.
9. No one else testified with respect to this application.
10. In considering this application, the Board is inclined to accept the uncontroverted evidence and testimony presented to it. In consideration of the testimony of the applicant and the letters of the Borough officials submitted into evidence, the Board finds that the applicant's existing two family home is a pre-existing non-conforming use. There is simply nothing in the evidence presented that would suggest otherwise.
11. The Board feels it has no choice but to place great weight on the letters of the Borough Officials (**Exhibits A-2** and **A-3**) which both confirm that the property is a pre-existing non-conforming use.
12. The Board finds that based upon the uncontroverted evidence and testimony presented, the applicant has satisfied his burden pursuant to the provisions of N.J.S.A. 40:55D-68 for obtaining a Certificate of Non-Conformity.
13. Based upon all of the evidence and testimony presented, the Board hereby grants the applicant his requested Certificate of Nonconformity pursuant to the provisions of N.J.S.A. 40:55D-68.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Joseph Venezia, seeking certification of the pre-existing non-conformity of his two family dwelling located at 14 Provost Street, which is officially designated as

Block 13, Lot 1 on the official tax map of the Borough of Keyport, is hereby granted and this Resolution shall serve as the Certificate, required by N.J.S.A. 40:55D-68, memorializing such preexisting non-conforming status; and

The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at his sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved By M. Sessa, Seconded by M. Goode and on Roll Call, the following vote was recorded:

Affirmative: M. Goode, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on May 25, 2017.

A handwritten signature in cursive script, reading "Denise Nellis".

Denise Nellis, Secretary of the Board