

Resolution prepared by:
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463 Prospect Avenue
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**RESOLUTION GRANTING APPROVAL TO
CONSTRUCT AN ADDITION TO
AN EXISTING SINGLE FAMILY HOME**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 43, LOT 9

**Application # 23-11
BRENDA AND FRANK OCCHIPINTI
57 ELIZABETH STREET**

WHEREAS, Brenda and Frank Occhipinti have applied to the Unified Planning Board of the Borough of Keyport for approval to build an addition to their existing single family home located at 57 Elizabeth Street which is officially designated as Block 43, Lot 9 on the 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, Board Chairman Mark Sessa recused himself from all aspects of this application as he lives within 200 feet of the application; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on October 26, 2023 during which all persons having an interest in said application were heard; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicants;

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

1. The applicants, Brenda and Frank Occhipinti, seek approval from the Board to construct an addition to their existing single family dwelling located at 57 Elizabeth Street which is officially designated as Block 43, Lot 9 on the official Tax Map of the Borough. A single family home is a permitted use in the RA zoning district where the property is located.
2. Throughout the course of the application, the applicants were represented by their legal counsel, Lawrence W. Luttrell, Esquire, who has law offices located at 2137 New Jersey Highway 35, 3rd Floor, Holmdel, New Jersey 07733.
3. The property consists of a 7,750.5 SF lot located at the southwestern corner of the Elizabeth Street and Kearney Street intersection. The lot has 51.67 feet of frontage on Elizabeth Street and 150 feet of frontage on Kearney Street.
4. The subject lot is developed with an existing 2.5 story single-family, 3-bedroom dwelling with a covered porch, a brick paver walkway and patio area, fencing and a 124 square foot shed.

5. The proposal submitted by the applicants would improve the subject property by constructing a 128 SF first-floor sunroom addition at the rear of the existing dwelling, along with extending the existing wrap around covered porch approximately 112 SF along the side of the dwelling facing Kearney Street. A new detached garage, consisting of 402 SF and a studio area on the upper half story is proposed in the rear area of the property, along with a 280 SF paved driveway providing ingress/egress from Kearney Street to the garage. The existing brick paver patio and shed are proposed for removal.
6. In order to improve the property as proposed, the applicant would need relief from a single bulk variance condition pursuant to the provisions of N.J.S.A. 40:55D-70(c):

Ordinance Provision	Requirement	Existing	Requested
Minimum Front Yard Building Setback (Kearney Street)	20 feet	11.14 feet	8.5 ft. (porch) 13.65 ft. (proposed rear addition)

7. In support of the application, the following was offered into evidence:
 - Exhibit A-1:** Application Package
 - Exhibit A-2:** Preliminary Plot and Architectural Plans prepared by Vincent Minkler, AIA of Minkler Architecture and Design dated December 7, 2022, last revised August 18, 2023 (four sheets)
 - Exhibit A-3:** Denial Letter of Zoning Officer dated February 14, 2023
 - Exhibit A-4:** Special Flood Hazard Development Permit Review Letter by Colliers Engineering dated June 21, 2023.
 - Exhibit A-5:** Survey prepared by David J. Von Steenburg, P.L.S. of Morgan Engineering and Surveying, dated June 21, 2022.
8. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
 - Exhibit B-1:** Planning and Engineering Review Letter prepared T&M Associates dated October 19, 2023.
9. In furtherance of their application, the Board was advised that the applicant had purchased the house and done a significant amount of work to upgrade. They would like to extend the porch on the one side, enclose the existing rear porch to make a sunroom and add a detached garage on the back part of the property.
10. It was explained the proposed studio on the second floor of the proposed garage would be utilized as home office space for the homeowner. It would not have any water or sewer connected to it and could not be rented out to any other parties. As a condition of approval it was agreed that all of this would be recorded with the County Clerk's Office as a deed restriction.

11. It was noted that the current property does not have any off-street parking. In constructing a new garage, that issue would be resolved. The new garage would be large enough to accommodate one vehicle.
12. The applicant believed that all of the improvements, especially the extended porch, would greatly improve the aesthetics and utility of the property.
13. Mr. Occhipinti testified that there is an existing two-car garage on the portion of the neighboring property (Lot 10) which is immediately adjacent to where the proposed new garage would be located. Accordingly, the garage proposed by the applicants would not be negatively impacting another home.
14. No one else testified on behalf of the applicant relative to the application.
15. Michael Lane of 51 First Street appeared and expressed concern over the location and height of the new garage, but it was confirmed by the Board's Professionals that there were no variances required for this structure.
16. John Merla of 34 Broad Street appeared and voiced his support for the application believing it would act as a benefit for the surrounding neighborhood.
17. The Board's Professionals, Frances W. Mullan, P.E., C.M.E. and Timothy Jensen, A.I.C.P., both of whom were sworn, indicated that they had no issues with the application as proposed provided that any comments contained within their review letter (**Exhibit B-1**) were adhered to. The applicant so agreed.
18. In considering this application the Board has reviewed the materials and testimony submitted into evidence and finds that permitting the applicant to make the requested improvements will benefit the subject property by allowing additional living space. This will ensure the house continues to be appropriately maintained and improve the aesthetics of the structure, a result which would be beneficial to the neighborhood and community overall.
19. The Board notes that the only variance necessary for this application is a setback variance. The Board does not believe the granting of this particular variance would negatively impact anyone. In fact all neighboring homes would be benefitted due to the aesthetical improvements, such as the wrap around porch, being proposed by the applicants. Additionally, the new garage will give the property an offsite parking space for one vehicle, something the current property lacks. This will also benefit the neighborhood at large. Absent the requested variance being granted, the neighborhood would not benefit from what is being proposed.
20. The Board cannot envision why the granting of the requested variance relief would negatively impact anyone and no one has appeared before the Board to present evidence that would establish otherwise.

21. Based upon all of the above, the Board finds that the required variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of allowing the applicants to improve their existing home will allow for a better result than strict adherence to the Borough's zoning ordinance would otherwise allow.

22. The Board finds that the applicants have met both the negative and positive criteria necessary for obtaining variance relief and as such, this application may be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Brenda and Frank Occhipinti, seeking to improve their home located at 57 Elizabeth Street, which is officially designated as Block 43, Lot 9, be granted subject to the following conditions:

1. The improvements must be made pursuant to the architectural plans marked into evidence as **Exhibit A-2**.
2. Subject to the condition that the exterior of the addition be made consistent with the existing home as to ensure it looks like one unified structure.
3. Subject to the recording of a Deed Restriction making clear that the new garage may not have water or sewer connected to it and the structure may not be rented out to any other parties. The upper floor of the garage may only be utilized as a home office for the property owner. The language of the Deed restriction must be reviewed and approved by the Board's Attorney prior to its recording with the County Clerk.
4. Subject to the existing brick paver patio and shed being removed from the site.
5. Subject to the requirements of the Planning/Engineering review letter (**Exhibit B-1**).
6. Subject to all representations made by the applicant during the application.
7. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
8. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
9. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
10. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
11. The action of the Unified Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Unified Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
12. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

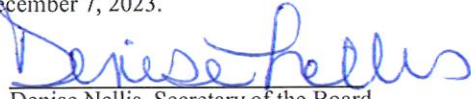
The foregoing was Moved by J. Merla, second by L. Davidson
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Councilmember Davidson, W. McDermott, J. Royster,
J. Merla

Negative:

Abstentions: Chairman Sessa

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board
of the Borough of Keyport during its meeting on December 7, 2023.



Denise Nellis, Secretary of the Board