

Resolution prepared by:
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RESOLUTION GRANTING
BULK VARIANCE RELIEF FOR EXPANSION OF EXISTING RESIDENCE

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 95, LOT 4

Application # 21-12
JOSEPH MICHAEL MERLA
120 FIRST STREET

WHEREAS, Joseph Michael Merla has applied to the Unified Planning Board of the Borough of Keyport for approval to expand an existing single family residential dwelling located at 120 First Street which is officially designated as Block 95, Lot 4 on the tax map of the Borough of Keyport;

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 at a regularly scheduled meeting of the Unified Planning Board held on May 31, 2022 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 applicant, Joseph Michael Merla, is seeking approval to expand an existing single family dwelling located at 120 First Street which is officially designated as Block 95, Lot 4 on the official tax map of the Borough of Keyport.
2. The subject property, consisting of 5,020 square feet is located at the mid-block of First Street between Atlantic Street and Green Grove Avenue. The site is currently developed with a single family residential dwelling.
3. The property is located within the Borough's Residential A (RA) Zoning District in which single family dwellings are a permitted use.
4. The expansion to the structure, which already occurred without first receiving approvals from the Board, requires the following bulk variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(c):

Variance	Required	Proposed
Minimum Lot Width	50 feet	40 feet (pre-existing condition)
Front Setback	20 feet	11 feet (pre-existing condition)
Side Setback	6 feet	0 feet

Combined Side Setback	16 feet	7 feet
Principal Building	30 %	48 %
All Buildings & Impervious Surface	60 %	81.7 %

5. Throughout the public hearing, the applicant was represented by his legal counsel, Daniel O'Hern, Esquire of the law firm Byrnes, O'Hern & Heugle which has law offices located at 38 Leroy Place, Red Bank, New Jersey 07701.
6. In support of the application, the following was offered into evidence:
 - Exhibit A-1:** Zoning Office Letter dated July 27, 2021
 - Exhibit A-2:** Survey of the Property dated February 25, 2021 as prepared by Thomas Craig Finnegan, P.L.S.¹
 - Exhibit A-3:** Architectural Plans dated April 17, 2020, last revised February 26, 2022 as prepared by Gary Junkroft, RA. of Kinetic Architects. (2 sheets)
 - Exhibit A-4:** Aerial photograph with subject property outlined in green
 - Exhibit A-5:** Photo Board of Property and Others In Neighborhood (8 photos)
7. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
 - Exhibit B-1:** T&M Planning and Engineering Review Letter of October 27, 2021.
8. In support of the application, testimony was presented by the applicant, Joseph Michael Merla, who advised the Board that the property was his family residence which he has lived in for 58 years and owned for approximately the past 20 years. He currently resides there with his fiancé.
9. The reason for the addition to the home was to provide further living space to accommodate Mr. Merla's son. The space, as depicted on Exhibit A-3, will have its own bedrooms, kitchen, bathroom and living room space, however it will still be part of the main residence. You would be able to access the new section of the home from within the older section. Mr. Merla agreed that as a condition of approval, the two parts of the house must always remained joined and could never be separated into different residential units. It must remain a single family home.
10. Mr. Merla also noted that there is only one water meter serving the home. It was also agreed that having a single water meter would be a condition of approval.
11. Mr. Merla made clear that he had never experienced any water run off issues from his property. It had never been an issue for him and the current impervious conditions had existed for years.

¹ The Board takes note that in addition to the subject Block 95, Lot 4, the survey also depicts neighboring Lot 3 which, other than a fully functioning swimming pool, is a vacant lot. Lot 3 is not in common ownership with Lot 4. Neither Lot 3 nor the legality of this swimming pool were before the Board during the course of this application. Lot 3 and its swimming pool are only being noted here to make clear that nothing in this Resolution should be read as granting any approvals for this swimming pool whatsoever.

12. The Board also heard testimony from the applicant's architect, Gary Junkroft, R.A.
13. Mr. Junkroft described the interior home as depicted on Exhibit A-3. He also agreed, as a condition of approval, that the exterior of the new section of the house would be consistent with the older section so as to ensure it remained a single family residence.
14. It was noted that the site had four (4) parking spaces, which was adequate parking.
15. Testimony was also presented by the applicant's Planner, Andrew Janiw P.P.
16. Mr. Janiw testified that he believed the subject home was consistent with other residences in the neighborhood. There are other larger homes in the immediate area, some of which are multi-family. This was demonstrated by the photo board marked into evidence as **Exhibit A-5**. It was made clear that here the applicant was not looking to turn his home into a multi-family structure, but rather make it multi-generational for his own family.
17. Mr. Janiw believed that the necessary variance relief could be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1), based upon the natural hardships created by the pre-existing lot conditions over which the applicant had no control, and also pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) based upon the fact that the property was being improved so as to allow for multi-generational living. With respect to the latter, he believed that this helped promote the provisions of the Master Plan and Zoning Ordinance by providing increased single family living space in the neighborhood.
18. It was noted that Mr. Janiw could not envision any negatives associated with the application since the home already exists at the site and had not caused any complaints within the neighborhood. There were absolutely no nuisances being created by the improvements.
19. No one else testified on behalf of the applicant
20. No one from the public appeared with respect to the application.
21. The Board's Engineer, Francis W. Mullan, P.E., C.M.E. and its Planner, Stan Slachetka, P.P. both of T&M Associates, were placed under oath and testified that they had no objection to the application being granted from an engineering or planning perspective provided the comments contained in their review letter (**Exhibit B-1**) were adhered to. This would be a condition of approval.
22. In considering this application the Board has reviewed the materials submitted into evidence and finds that granting the requested bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and (c)(2) can be granted without any negative impact to the community or zone plan. The home is currently a single-family home and will remain a single family home, albeit an enlarged structure to allow for the multi-generational living described by Mr. Merla and Mr. Janiw.

23. The Board finds that the benefits of allowing the proposed improvements to the home, thereby allowing for the described multi-generational living in a single-family setting, allows for a better result for the community than strict adherence to the zoning ordinance would otherwise allow. Here, a family will continue to live together under one roof rather than having to move elsewhere, thus keeping a family which has deep roots in the community intact. Accordingly (c)(2) variance relief is appropriate.
24. The Board also agrees that the applicant has no control over the pre-existing non-conforming features of the property. These are most definitely natural hardships for which a granting of (c)(1) variance relief is appropriate.
25. For the reasons stated, the Board finds that the application may be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Joseph Michael Merla, may be granted subject to the following conditions:

1. The additions to the existing home shall be kept in conformance with the plans marked into evidence.
2. The two sections of the home must remained joined within so as to maintain the structure as a single family home. The two sections may never be separated into different residential units.
3. Subject to the materials utilized for the exterior of the new structure being kept consistent with the exterior of the old portion so as to ensure the home remains a single family home both inside and out.
4. Subject to the home only having one water meter.
5. Subject to compliance with the comments raised within the Planning and Engineering Letter which was marked into evidence as **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 or any other governmental entity, prior to the issuance of any permits.
9. Subject to compliance with any affordable housing requirements.
10. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
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 N. Vecchio, Second by J. Oviedo

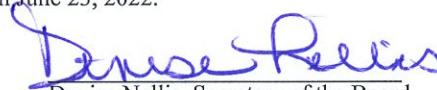
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Kennedy, Councilmember Davidson, M. Sessa, H. Aumack,
W. McDermott, J. Oviedo, N. Vecchio, D. Pacheco

Negative:

Abstentions

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its meeting on June 23, 2022.



Denise Nellis, Secretary of the Board