

Resolution prepared by:
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Leckstein & Leckstein, LLC
463 Prospect Avenue
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**RESOLUTION GRANTING USE VARIANCE RELIEF SO AS TO
EXPAND A PRE-EXISTING NON-CONFORMING MULTI-USE BUILDING**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 44, LOT 6

**Application # 21-14
ANTHONY TRIANO
156-158 MAIN STREET**

WHEREAS, Anthony Triano has applied to the Unified Planning Board of the Borough of Keyport for approval to expand a pre-existing multi-use building located at 156-158 Main Street which is officially designated as Block 44, Lot 6 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 August 25, 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, Anthony Triano, is seeking approval to expand a pre-existing non-conforming building located at 156-158 Main Street which is officially designated as Block 44, Lot 6 on the official tax map of the Borough of Keyport.
2. The subject property, consisting of 11,775 square feet, is located at the corner of Main Street and Maple Place (CR-516). The site is currently developed with an

existing mixed-use building and detached accessory building. The existing uses within the building consist of three (3) residential units and one (1) business use which is currently a real-estate office. The accessory building is that of a three (3) car garage.

3. The applicant is now seeking to expand the building by constructing a one-story addition, with associated porch and patio. More specifically, the applicant is looking to add an extra bedroom, expanded kitchen and new bathroom to one of the residential units located within the building.
4. The property is located within the Borough's Neighborhood Commercial (NC) Zoning District which does not permit the pre-existing mixed-use building. As such, this application requires use variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(d)(2).
5. The aforesaid property is also non-conforming as it has the following conditions, none of which are being exacerbated by this application:

Ordinance Condition	Required	Existing (No Changes Proposed)
Front Yard Setback	5 feet	1.5 feet 0.8 feet
Combined Side Yard Setback	10 feet	6.2 feet
Rear Setback	15 feet	3.2 feet
Principal Building Stories (Max)	2.5 stories	3 stories
Accessory Building Stories	1.5 stories	2 stories

6. Throughout the public hearing, the applicant was represented by his legal counsel, Lawrence Kantor, Esquire of the law firm Kantor & Linderoth which has law offices located at 58 West Front Street, Keyport, New Jersey 07735.
7. In support of the application, the following was offered into evidence:
Exhibit A-1: Board Application
Exhibit A-2: Survey of Property dated March 19, 2021 as prepared by John T. Luts of Yorkanis and White.
Exhibit A-3: Architectural Plans dated August 1, 2021 as prepared by Jeremiah J.

Regan, AIA (consisting of 2 sheets)

Exhibit A-4: Photo Board depicting subject property (3 photos and 1 aerial)

Exhibit A-5: Property Tax Records from 1962 and 1966 with aerial image from 1970 depicting property confirming property in its current condition

8. Beyond the applicant's exhibits, the Board also marked its own Exhibit:

Exhibit B-1: T&M Planning and Engineering Review Letter of November 22, 2021.

9. In support of the application, testimony was presented by the applicant, Anthony Triano, who testified that he bought the property in 1997 and that it has always existed in its current condition. He noted that beyond the business unit, the residences are comprised as follows:

- (a) A two-bedroom apartment
- (b) A two-bedroom apartment
- (c) A four-bedroom apartment

He further indicated that the building is approximately 122 years old and, to the best of his knowledge, has always consisted of the stated mixed uses.

10. Mr. Triano indicated he was seeking approval from the Board as he wanted to expand one of the two-bedroom apartments to include a third bedroom, along with a new bathroom and expanded kitchen. He lives in this particular unit, with his family, and wishes to have additional space for them to reside.
11. In reviewing the survey which was submitted, the Board Engineer, Francis W. Mullan, P.E. noted that there is currently room for seven (7) parking spaces located on the property (including 3 within the garage structure) however they were not currently delineated on the survey. As a condition of approval, the applicant agreed that the survey would be revised so as show dimensional and limits of parking spaces. Said revisions would be reviewed and approved by the Board Engineer.
12. Mr. Mullan further noted that pursuant to the RSIS parking standards, only 6.5 spaces were required for the application, so the applicant is currently and would remain in compliance with all parking regulations.

13. It was noted by Mr. Mullan that there is no parking requirement for the business located on site and patrons. Mr. Triano indicated that patrons of the business had always parked along the street and this would not change.
14. The applicant also presented testimony from its expert planner, Barbara Ehlen, P.P., AICP of Beacon Planning. She presented **Exhibit A-5** so as to establish that the property was in its current configuration since at least 1960 which was the earliest tax record she could find within the Borough's records.
15. Several Board Members, who are all residents of the Borough, also agreed that they believed the building had been in its current configuration for far longer than 1960.
16. Ms. Ehlen testified that in her opinion the applicant was not increasing the intensity of the existing site and that there was no reason to believe the property could not easily support what was being proposed. There were most definitely no negatives being created here. As such, she saw no reason why the application for (d)(2) variance relief should not be granted.
17. The Board's own planner, Kendra Lelie, P.P., also testified as to the Zoning Ordinance rendering the current site as being non-conforming was adopted by the Borough in 1964. Since the building was in its current configuration since at least 1960 (Exhibit A-5) and most likely long before then, she agreed that this application only required relief pursuant to the provisions of N.J.S.A. 40:55D-70(d)(2) and she saw no reason why that relief should not be granted by the Board.
18. No one else testified on behalf of the applicant.
19. Michael Lane of 51 First Street, Keyport, appeared and voiced concern about the application. He submitted what was marked into evidence as Exhibit L-3 a series of Landlord Registration Statements which he believed ran contrary to Mr. Triano's testimony that there had always been three (3) residential units on the site. However, after review, the Board Attorney indicated that the records actually backed up what Mr. Triano had testified to and Mr. Lane had been reading them incorrectly.
20. Mr. Lane also expressed concern over the fact that the applicant was not seeking to upgrade the parking areas to meet current ordinance requirements. It was noted by

the Board however that since this application only sought (d)(2) relief and nothing was being changed with respect to the parking area, there was no legitimate basis for requiring the applicant to improve the parking areas from their current condition.

21. In considering this application, the Board has reviewed the materials submitted into evidence and finds that granting the requested use variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(2) can be done without any negative impact to the community or zone plan. No evidence has been presented which would demonstrate otherwise. It is clear from the record that the subject property predates the adoption of the 1964 zoning ordinance which rendered the property non- conforming and the applicant is not proposing anything which will further exacerbate those existing conditions. Clearly the property can support what amounts to a minor addition to a single unit which already exists at the site.
22. For the reasons stated, the Board finds that the application may be granted in its entirety.

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

1. The additions to the existing building shall be in conformance with the plans marked into evidence except as otherwise noted in this Resolution.
2. The addition to the building shall be constructed in a manner so as to keep it consistent with the existing building and ensure it not appear as though a new addition has been added.
3. Subject to the survey (**Exhibit A-2**) being updated so as to provide dimensional and limits of parking surfaces for the seven (7) parking spaces located on the site. This includes the three (3) parking spaces located within the existing garage structure.
4. Subject to compliance with the comments raised within the Planning and Engineering Letter which was marked into evidence as **Exhibit B-1**.
5. Subject to all representations made by the applicant during the application.
6. 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.

7. 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.
8. Subject to compliance with any affordable housing requirements.
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. 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.
11. 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.

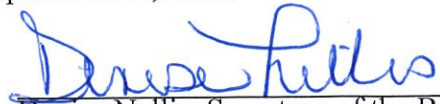
The foregoing was Moved by N. Vecchio, second by W. McDermott
and on Roll Call, the following vote was recorded:

Affirmative: W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio, C. Dickerson

Negative:

Abstentions: M. Sessa, H. Aumack

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board
of the Borough of Keyport during its meeting on September 22, 2022.


Denise Nellis, Secretary of the Board