

Resolution prepared by:
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RESOLUTION GRANTING APPROVAL TO
CONSTRUCT AN ADDITION TO SINGLE-FAMILY HOME AND
CONVERT TO A TWO-FAMILY HOME

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 60, LOT 1

Application # 22-02
ANITA MAKSIMOW
57 MAIN STREET

WHEREAS, Anita Maksimow has applied to the Unified Planning Board of the Borough of Keyport for approval to construct an addition to her single-family home located at 57 Main Street which is officially designated as Block 60, Lot 1 on the Tax Map of the Borough of Keyport and convert same into a two-family home; 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 at a regularly scheduled meeting of the Unified Planning Board held on December 1, 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, Anita Maksimow, seeks approval from the Board to construct an addition to her single-family home located at 57 Main Street which is officially designated as Block 60, Lot 1 on the official Tax Map of the Borough and thereafter convert same into a two family home.
2. Two family homes are a permitted use in the Two-Family Residential District B (RB) zoning district where the property is located.
3. The property is an existing, non-conforming lot consisting of 2,856 square feet located at the intersection of Main Street (CR 4) and West Third Street. The site has approximately 28 feet of frontage on Main Street and 102 feet of frontage on West Third Street.
4. Ms. Maksimow appeared at the hearing and testified that the home was in need of renovations. She was therefore looking to expand the living space in the residence as well as provide for a second attached residence on the site. Initially the plan is for her son to move into the second unit, but later on she would like be able to rent out that space.

5. The variances necessitated by this application are as follows:

Ordinance Provision	Requirement	Existing	Requested
Minimum Lot Area	7,500 sq. ft.	2,856 sq. ft.	2,856 sq. ft. (pre-existing)
Minimum Lot Width	75 feet	28 ft.	28 ft. (pre-existing)
Front Yard Setback	20 ft.	13.76 ft.	8.59 ft.
Side Yard Setback	6 ft.	0.52 ft.	0.52 ft. (pre-existing)
Combined Side Yard Setback	16 ft.	4.24 ft.	4.24 ft. (pre-existing)
All Building Coverage (principal building)	30%	24.1 %	45.14 %
Parking Spaces	4 spaces	0 spaces	2 spaces

6. In support of the application, the following was offered into evidence:

Exhibit A-1: Denial of Application Letter

Exhibit A-2: Application to the Planning Board

Exhibit A-3: Survey of Property prepared by Vincent Lugari, PLS of DSV & Associates dated January 29, 2009

Exhibit A-4: Architectural Plans prepared by Minkler Architecture & Design dated January 3, 2021.

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

Exhibit B-1: Planning and Engineering Review Letter prepared by T&M Associates dated July 8, 2022.

8. In furtherance of her application, Ms. Maksimow agreed, as a condition of approval, to provide two (2) on-site parking spaces to help ameliorate the need of parking variance relief. Pursuant to the Residential Site Improvement Standards (RSIS), a total of four (4) spaces would be required for the project and no parking spaces were currently provided on the site. The two (2) proposed spaces would need to be shown on the survey (**Exhibit A-3**) and would be subject to the review and approval of the Board's Engineer and Planner. It was agreed that the two proposed spaces would be aligned with the existing depressed curb at the site.
9. With respect to the remaining two (2) parking spaces for which the site was deficient, the Board took note that the property currently does not have any parking spaces and that there is public parking lot located next door which has traditionally been used. As a result, by providing two (2) new on-site spaces, the applicant would essentially be maintaining the status quo of what currently exists at the site without issue. Specifically, there is a two (2) space deficiency for the current configuration of the house and after the proposed expansion, there would still only be a two (2) space deficiency.

10. The Board Engineer, Francis W. Mullan, P.E., C.M.E. of T&M Associates who was present at the hearing and placed under oath, indicated that he felt the lot itself was unique in its rectangular shape along Third Street. As such, the applicant did not have much property to work with. Nevertheless, he felt the applicant's plans provided for an expansion that was completely in line with the current structure and he saw no reason why the site should not function correctly if the application were granted as proposed. The layout of the property was clearly shown on the survey marked into evidence as **Exhibit A-3** and even more clearly on an aerial of the site included within the Engineering Review Letter (**Exhibit B-1**).
11. The Board Members in reviewing the architectural plans (Exhibit A-4) felt that the proposed improvements were aesthetically pleasing and would be a welcome improvement for the site. All of the Board Members live within the Borough and therefore are extremely familiar with the property and the neighborhood in general.
12. In order to further support the Board's opinion on the architectural plans, Ms. Maksimow agreed, as a further condition of approval, that the exterior materials for the proposed addition would be consistent with the existing home so as to ensure the expanded home looked like one structure rather than two.
13. The only member of the public who spoke with respect to the application was Michael Lane of 51 First Street. He believed the application should be denied as it was his opinion the subject lot was just too small to support the proposal. Mr. Lane does not live within 200 feet of the site.
14. In considering this application the Board has reviewed the materials 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 be an aesthetically pleasing structure within the neighborhood where it is located.
15. The Board also notes that the property is uniquely shaped which creates a natural hardship with respect to the majority of variance relief being requested by the applicant. Much of the necessary relief is pre-existing and is not being impacted by the proposal.
16. The Board cannot envision why the granting of the requested variance relief, most of which represent conditions which already exist at the site and are not actually being triggered by the proposed application, would negatively impact anyone. With respect to the remaining variance relief, the Board finds that the improvements will leave the neighborhood with an aesthetically improved structure that will act as a benefit to the area in the general. The Board is therefore hard pressed to envision any negative impact which would be created if the requested variance relief were granted.

17. The Board notes that none of the applicant's neighbors appeared with respect to the application. Surely if any such neighbor had an issue to the current site conditions and were concerned about what was being proposed, they would have appeared at the hearing to voice such.
18. 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)(1) and (2) since a natural hardship does exist at the site due to its unique shape and 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.
19. 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 Anita Maksimow, seeking to construct an addition to her single-family home located at 57 Main Street which is officially designated as Block 60, Lot 1 on the official Tax Map of the Borough and thereafter convert same into a two family home is hereby approved subject to the following conditions:

1. The improvements must be made pursuant to the architectural plans marked into evidence as **Exhibit A-4**.
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 condition that two (2) parking spaces be added to the plans. Said spaces shall be aligned to the existing depressed curb. The exact location shall be shown on the plans in a location reviewed and approved by the Board's Engineer and Planner.
4. Subject to the condition that the home's drainage system be installed in such a fashion so as to ensure there is no runoff onto any adjacent properties. The drainage plans shall be subject to the review and approval of the Board's Engineer.
5. Subject to the condition that the addition does not create any spillage of light onto adjoining properties.
6. Subject to the requirements of the Planning/Engineering review letter (**Exhibit B-1**).
7. Subject to all representations made by the applicant during the application.
8. 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.
9. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
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. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
12. 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.
13. 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. Royster, second by D. Pacheco
and on Roll Call, the following vote was recorded:

Affirmative: Chairman Sessa, W. McDermott, D. Pacheco, J. Royster, G. Kotzas

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 January 26, 2023.


Denise Nellis, Secretary of the Board