

Resolution prepared by:
Marc A. Leckstein, Esquire
Leckstein & Leckstein, LLC
463 Prospect Avenue
Little Silver, NJ 07739

**RESOLUTION GRANTING APPROVAL TO
EXPAND THE SECOND FLOOR ADDITION OF AN EXISTING DWELLING**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 8, LOT 23

**Application # 22-03
MARIA FERGUSON
280 WASHINGTON STREET**

WHEREAS, Maria Ferguson has applied to the Unified Planning Board of the Borough of Keyport for approval to expand the second floor of an existing single family dwelling located at 280 Washington Street which is officially designated as Block 8, Lot 23 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, a public hearing was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on September 22, 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, Maria Ferguson, seeks approval from the Board to expand the second floor of her existing single family dwelling located at 280 Washington Street which is officially designated as Block 8, Lot 23 on the official Tax Map of the Borough. A single family home is a permitted use in the A(RA) zoning district where the property is located.
2. The property consists of 8,150 square feet is located at the mid-block of Washington Street, between Orchard Street and May Street.
3. Ms. Ferguson appeared at the hearing and testified that she wished to expand the second floor at her residence to provide additional living space for her family. Specifically, the existing second floor consists of two bedrooms and a bathroom. Under the proposed plans, the second floor would be expanded so as to create a third bedroom, additional closet space for each bedroom and a master bathroom.
4. In response to a question raised by a member of the public, Michael Lane of 51 First Street, Keyport, Ms. Ferguson indicated that an existing oil tank located on the side of the house was going to be removed as part of the expansion. This would be a condition of approval.

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

Ordinance Provision	Requirement	Existing	Requested
Minimum Lot Width	50 feet	40 feet	40 feet (pre-existing)
Side Yard Setback	6 feet	1.3 feet	1.3 feet
Combined Side Setback	16 feet	14.3 feet	14.3 feet

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: Architectural Plans as prepared by Po Yi Wu (consisting of 3 sheets)

7. 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 July 7, 2022.

8. In furtherance of her application, the applicant presented testimony from her general contractor, Paul Teo, who indicated that the proposed addition would not create any light spillage issues on adjacent properties. This would be a condition of approval.

9. Mr. Teo also agreed that drainage from the home would be installed in such a way to ensure that there would not be any runoff onto adjoining properties. Said drainage plans would be subject to the review and approval of the Board’s Engineer.

10. Finally, Mr. Teo made clear that the addition would be constructed in such a manner that it would be consistent with the existing home so as to make it appear as single structure rather than one with an addition.

11. The only member of the public who spoke with respect to the application was Michael Lane of 51 First Street, who voiced no objection to the application.

12. 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 remain an aesthetically pleasing structure within the neighborhood where it is located.

13. The Board cannot envision why the granting of the requested variance relief, representing conditions which already exist at the site and none of which are actually being triggered by the proposed application, would negatively impact anyone. The Board is hard pressed to envision any negative impact which would be created if the requested variance relief were granted, especially when considering they are not exacerbating any existing conditions. Surely, if anyone had issues with the present conditions, they would have appeared at the hearing to express their concerns.

14. 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.

15. 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 Maria Ferguson, seeking approval to expand the second floor of her home located at 280 Washington Street, which is officially designated as Block 8, Lot 23, be granted subject to the following conditions:

1. The improvements must be made pursuant to the architectural plans marked into evidence as **Exhibit A-3**.
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 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.
4. Subject to the condition that the addition does not create any spillage of light onto adjoining properties.
5. Subject to the condition that the oil tank on the side of the house be removed.
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 H. Aumack, seconded by D. Pacheco
and on Roll Call, the following vote was recorded:

Affirmative: M. Sessa, H. Aumack, J. Oviedo, 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 October 27, 2022.

A handwritten signature in blue ink, appearing to read "Denise Nellis", is written over a horizontal line.

Denise Nellis, Secretary of the Board