

Resolution prepared by:
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RESOLUTION GRANTING APPROVAL TO
BUILD TWO STORY ADDITION WITH ATTIC TO
AN EXISTING SINGLE FAMILY HOME

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 95, LOT 6

Application # 23-06
NICKIANN FERRARI
128 FIRST STREET

WHEREAS, Nickiann Ferrari has applied to the Unified Planning Board of the Borough of Keyport for approval to build a two story addition with attic upon her existing single family home located at 128 First Street which is officially designated as Block 95, Lot 6 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 Members Joseph Merla recused himself from all aspects of this application as he is married to the applicant; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on June 22, 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 applicant, Nickiann Ferrari, seeks approval from the Board to construct a two story addition with attic space upon her existing single family dwelling located at 128 First Street which is officially designated as Block 95, Lot 6 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, Ms. Ferrari was represented by her legal counsel, Raymond Laytham, Esquire who has law offices located at 77 West Front Street, Keyport, New Jersey.
3. The property consists of 4,518 square feet and is currently developed with a single-family dwelling, asphalt driveway, an in-ground pool and a paved patio area to the rear of the dwelling.
4. The proposal submitted by the applicant would improve the property so as to increase the first floor from 842 sq. ft. to 986 sq. ft., and the proposed total floor area of the second floor will increase from 575 sq. ft. to 986 sq. ft.

5. The proposed addition includes three new bedrooms on the second level, as well as a “bump-out” expansion at the first and second levels.
6. In order to improve the property as proposed, the applicant would need certain bulk variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(c). These variances would be as follows:

Ordinance Provision	Requirement	Existing	Requested
Minimum Lot Area	5,000 square feet	4,518 square feet	(NC)
Minimum Lot Width	50 feet	36 feet	(NC)
Minimum Front Yard Setback (Principal Building)	20 feet	11 feet - Covered Front Porch; 15.42 feet - Front Building Facade	(NC)
Minimum Side Yard Setback (Principal Building)	6 feet	2.6 feet	(NC)
Principal Building Stories	2.5 Stories	2 Stories	3 Stories
All Buildings and Impervious Coverage	60 %	Approx. 79%	80 %
Maximum Front Yard Coverage BY Parking	30 %	32 %	(NC)
NC = Pre-existing Non-Conformity			

7. In support of the application, the following was offered into evidence:
 - Exhibit A-1:** Application Package
 - Exhibit A-2:** Proposed Additions Survey and Plot Plan dated April 12, 2023, revised through May 25, 2023, as prepared by Thomas Craig Finnegan Land Surveying
 - Exhibit A-3:** Addition and Alteration Plans dated April 15, 2023 as revised through May 23, 2023, prepared by Kinetic Architects
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 June 2, 2023
 - Exhibit B-2:** Special Flood Hazard Area Review letter prepared by Colliers dated March 3, 2023 finding property is not in flood hazard area
9. In furtherance of her application, the applicant presented testimony from her architect, Gary Junkroft, R.A., who walked the Board through the proposed improvements to the house.
10. The bedrooms of the home would face the front and rear of the house so as not to overlook the properties of neighbors next door.
11. Mr. Junkroft confirmed that the attic would not contain habitable space. It would be for storage use only. This would be a condition of approval.

12. Mr. Junkroft confirmed that the materials utilized for the addition would match those of the existing home so that the structure would appear to be seamless. This would be a condition of approval.
13. Drainage from the site would flow to the front of the property so as to not create any runoff on to neighboring properties. This would be a condition of approval.
14. It was confirmed the existing fence at the site would remain.
15. During a discussion with Mr. Junkroft and the Board's Engineer, Francis W. Mullan, P.E., C.M.E., it was agreed that Mr. Junkroft would confirm the height of the building and report same back to Mr. Mullan. This was necessary to ensure it was properly identified upon the plans and that no height variance was required. This would be a condition of approval.
16. During an exchange with the Board and the applicant, Board Members indicated a desire to have the existing porch enlarged so as to square it off. The Board Members believed this would increase the visual appeal of the property. The applicant agreed to do this and the Board does grant any additional variance relief which may be necessary in order to make such an enlargement possible.
17. No one else testified on behalf of the applicant relative to the application.
18. Two members of the public, Michael Lane of 51 First Street and Janet Rinkewich of 112 First Street, appeared and indicated their support for the application. Both felt it would improve the aesthetics of the home.
19. 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.
20. The Board notes that the majority of the variances necessary for this application are existing conditions which are not being impacted by this application. They are in fact a consequence of the size of the property itself which creates a natural hardship for the application which is beyond her control. The remaining variances are those required in order to improve the curb appeal of the site. Absent such variances being granted, the neighborhood would not benefit from what is being proposed.
21. 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.
22. 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 the property does present a natural hardship due to its configuration and the benefits of

allowing the applicant to improve her existing home will allow for a better result than strict adherence to the Borough's zoning ordinance would otherwise allow.

23. The Board finds that the applicant has 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 Nickiann Ferrari, seeking to improve her home located at 128 First Street, which is officially designated as Block 95, Lot 6, 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** and in conformance with the survey 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 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. Drainage must run to the front of the property. All drainage plans shall be subject to the review and approval of the Board's Engineer.
4. Subject to the requirements of the Planning/Engineering review letter (**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, prior to the issuance of any permits.
8. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
9. This approval shall be deemed void by abandonment if a building permit is not applied for within two years of the date hereof.
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.

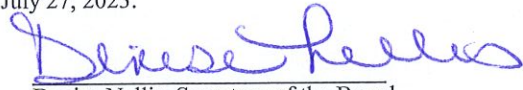
The foregoing was Moved by J. Royster, second by Mayor Araneo and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Councilmember Davidson, Chairman Sessa, W. McDermott, J. Oviedo, J. Royster, N. Vecchio

Negative:

Abstentions: D. Pacheco,

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its meeting on July 27, 2023.



Denise Nellis, Secretary of the Board