The Keyport Unified Planning Board held a Special Meeting on May 20, 2021 which was called to order at 7:01 PM via zoom conference call. The meeting was called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL: Mayor Kennedy, Councilmember Davidson, H. Aumack, J. Oviedo, D. Pacheco, M. Sessa, J. Royster, N. Vecchio, W. McDermott, G. Kotzas

ABSENT: K. Howe

MINUTES: **APRIL 22, 2021**

Motion to approve the April 22, 2021 minutes with correction was made by D. Pacheco, second by H. Aumack

Ayes: H. Aumack, J. Oviedo, D. Pacheco, M. Sessa, J. Royster, W. McDermott, G. Kotzas

Abstain: Mayor Kennedy, Councilmember Davidson, N. Vecchio

Mr. Sessa mentioned that the Board had received the revised plans for LNL Realty.

RESOLUTIONS: KUPB 12-01
LNL REALTY AMENDMENT
55 WEST FRONT STREET
BLK 21.01, LOT 33
REMOVAL OF CONDITIONS FROM RESOLUTION OF APPROVAL ON 9/27/2012

Motion to approve resolution was made by H. Aumack, second by D. Pacheco
Ayes: H. Aumack, D. Pacheco, M. Sessa, W. McDermott, G. Kotzas
Abstain: Mayor Kennedy & Councilmember Davidson (excused from application – use Variance)
N. Vecchio (excused from application relative to applicant)
J. Royster, J. Oviedo

APPLICATION: ERIN HEILESEN
KUPB 21-08 Variance Relief
BLK 82 LOT 8 and 9

Mr. Leckstein marked in the following exhibits:
Exhibit A1 – Application package including the survey with the location of the pool
Exhibit B1 – T&M review letter dated 5/6/21

Erin and Paul Heilesen were sworn in. Ms. Heilesen described the location of where they would like to put the pool as well as placing concrete around the pool with a small concrete patio next to the pool.

Mr. Sessa asked if the applicant had a chance to review the engineers letter; yes.

Mr. Mullan stated for clarification the letter that Mr. Mullan is referring to is dated 5/6/21. Mr. Mullan stated that he has no objection to all of the waivers that are required and that were requested by the applicant. Mr. Mullan stated that all the waivers that were asked for are suitable for this project

and they have no objection to waiving each and every one of them. went through the letter dated 5/6/21 and the waivers they were requesting. Mr. Leckstein asked that Mr. Mullan should just speak about the issues that he feels need to be resolved.

Mr. Mullan stated that with the completeness review item 2c on page 1 they indicate there is no objection of the waiver requested provided that the applicant provides a grading plan. Mr. Mullan stated that he wanted to modify their opinion. Mr. Mullan stated that he doesn't believe a grading plan is warranted as long as the applicant can explain and reassure to the Board that the grading on the site after the pool is installed will not have any of the water that pools on the concrete go into the neighbor's yard; Mr. Heilesen stated that they have stone and plant area beyond the concrete so it wouldn't go into the neighbor's yard. Mr. Heilesen stated that he also put in some perforated drainage under the soil underneath the concrete. Mr. Mullan confirmed that the applicant will assure that any water that leaves the concrete patio would stay on the applicant's property. Mr. Heilesen stated that the water would go into their lawn. Mr. Mullan stated that with the testimony given by the applicant he is satisfied and the applicant does not need to supply a grading plan.

Mr. Mullan mentioned the lot coverage variance required 60% is allowed, Mr. Mullan stated if you considered everything that is involved the lot coverage calculates out to approximately 73% proposed lot coverage. It does exceed the maximum allowed by the ordinance however, Mr. Mullan feels because of the size of the lot and there is an existing two -family home on the property; Mr. Mullan doesn't feel that this is a problem. Mr. Mullan stated that they are okay with that part of the proposal.

The front yard setback has an existing non-conformity with regards to the existing house that will remain unchanged Mr. Mullan stated that they have no issue regarding this set back.

Rear yard setback for the concrete patio is required to be three feet from property line; Mr. Mullan asked the applicant if they can pull the concrete three feet short of the property line just to comply with that provision of the ordinance. Mr. Mullan asked if there was a hardship in requesting that; Mr. Heilesen stated he would accommodate. Mr. Mullan stated that since that concrete is going to be moved there is no C variance needed anymore.

Mr. Mullan clarified that the survey was done in January 2021 when the applicant purchased the house; yes. Mr. Mullan asked if what is being presented to the Board is an accurate reflection of what currently exist on the applicant's property and the items that are being proposed are the pool, the concrete patio, a proposed fire pit, proposed hot tub and the filter. Mr. Heilesen stated that the hot tub is already on his back deck. The hot tub is being relocated onto the concrete as well as the fire pit; Mr. Mullan confirmed that these two items are just getting relocated; correct.

Mr. Mullan asked about the shed; Mr. Heilesen stated they are relocating the shed to where the stairs come out of the back porch because they also relocated the back stairs in order to block the tenants access to the back yard. Mr. Mullan asked if the shed would be at least three feet from the side yard; Ms. Heilesen stated it would be up against the house.

Mr. Mullan asked if the applicant lives in the house; yes. Ms. Heilesen stated that they live in 98 and rent out 96. Mr. Mullan asked if the rental unit has any access to the backyard and pool area.

Mr. Heilesen stated not after they relocate the stair and they will be relocating the fence around the stairs. There was discussion regarding how the fence was getting realigned with the backyard and eliminating the rental area.

Mr. Mullan asked if they are planning on extending any utilities other than the electric; Mr. Heilesen stated just the electric. There was discussion regarding how the electric would be extended.

Mr. Mullan asked if there were any easements; no. Mr. Mullan stated that he feels this is a straight forward project. Mr. Mullan feels that any questions they had were clarified by the applicant's testimony.

Chairman Sessa asked if the Boardmembers had any question.

Mayor Kennedy asked for clarification regarding page three the proposed is 73 lot coverage is; the Mayor stated she understands that the lot coverage is 60 percent which is allowed. The Mayor stated that it was understanding that a lot of these regulations were put in because of slum water runoff, the Mayor asked if that would be different consideration with a pool since it collects water, the Mayor stated she finds it interesting that in item five it states that it is 68.5 and 67.5, the Mayor asked for confirmation regarding the lot coverage. Mr. Mullan explained that in item five they pointed out the zoning denial proposes that it is 68.5 percent that was the zoning officer's calculation. The applicant stated in the application that it the proposed lot coverage is 67.5 percent. Mr. Mullan explained that his office has calculated the proposed lot coverage to be 73%, he suggests to the Board that he feels very confident in the calculation made by his office if this application is approved to be just under 73 percent lot coverage.

Mayor asked the applicant about the relocation of the shed, she just wanted to confirm that the applicant would not be blocking an egress for the rental unit; Mr. Heilesen replied it would not. Further discussion regarding the requirements of relocating the shed and any permits that would be needed by the construction department for the shed, pool or any new construction that would be added to the site.

Mr. Mullan asked if the driveway on the right side of the property was dedicated to the tenant; yes. The driveway to the left of the house is used by the owners; yes.

Mr. Leckstein asked if the shed was only going to be used by the applicant; yes.

Motion to open to the public at 7:24pm was made by Mayor Kennedy, second by N. Vecchio with ayes by all present.

Michael Lane, 51 First Street, asked what the present lot coverage is without the pool: Mr. Mullan explained that he didn't have that information.

Mr. Lane asked what the material for the existing 182 square foot deck made of and is it pervious area; Mr. Heilesen stated that he had the same question. Considering the ground coverage being high he was confused because of watershed. Their deck has half inch gaps between 2x6 boards. Mr. Lane confirmed that it is a wooden deck and the ground underneath is dirt. Further discussion regarding the existing deck.

Mr. Lane asked about the two story garage being used for; Mr. Heilesen stated that he stores his motor cycles in the garage, he needs the shed to store the lawn equipment.

Mr. Lane questioned the deck being zero setback from the back yard, he asked if the applicant knows how it was permitted; Mr. Heilesen stated that was there when they bought the house. Mr. Lane asked the applicant would give any consideration to shorting it by three feet; Mr. Heilesen stated they were not.

Motion to close to the public at 7:29pm was made by N. Vecchio, second by Mayor Kennedy with ayes by all present.

Motion to approve application was made by N. Vecchio, second by Mayor Kennedy

Ayes: Mayor Kennedy, Councilmember Davidson, H. Aumack, J. Oviedo, D. Pacheco, J. Royster, M. Sessa, N. Vecchio

APPLICATION: KEYPORT FOOD MINISTERIUM
KUPB 21-05 Variance Relief
BLK 77 LOT 1

Mr. Leckstein marked in exhibits:

Exhibit A1 – Application Package
Exhibit A2 – Generator Plans
Exhibit A3 – Location Map for generator
Exhibit B1 – T&M Letter

Mr. Leckstein asked if the applicant had their attorney present; Mr. Justin Artinoli, stated that they didn't have the attorney present. Mr. Leckstein explained that the applicant has always had an attorney before. Mr. Leckstein explained that a corporation can not appear before the board without the attorney.

Mr. Fotopoulos stated that they were not aware that they needed an attorney. There was discussion regarding the applicant needing an attorney.

Mayor Kennedy asked about the denial of application from the zoning officer, Mr. Leckstein explained that issue with the zoning officer is not accurate. Mayor Kennedy mentioned the reason her mentioning it was if it really isn't a denial does the applicant have to before the Board. Mr. Leckstein explained that it would have to go back to the zoning officer for clarification, Mr. Leckstein asked Mr. Mullan if there were any other variances other than the use variance;

Mr. Mullan stated that in his view since it is considered an accessory structure by ordinance, it is not permitted in the front yard which is required to be 20 feet along any road. Mr. Mullan explained that is the technicality as to why the zoning officer denied the application and was sent to the Board.

There was further discussion regarding the variance being a bulk variance. Mr. Leckstein stated that at least on three occasions the Board has stated that this is not a non-conforming use, that this is an absolute conforming use. Mr. Leckstein suggested that someone speak to the zoning officer and carry this to the May 27th meeting. This way the Ministerium will have their attorney present because they cannot proceed without their attorney.

Mr. Sessa stated that the Board did have one application for the next meeting ask to be carried so there is room on the agenda.

There was discussion regarding to who should contact the zoning officer; Mr. Mullan stated that he would reach out to the zoning officer.

Mayor Kennedy asked if it the zoning officer could be present at the next planning board meeting. D. Nellis will request the zoning officer to be available.

Motion to carry application without further notice was made by N. Vecchio, second by L. Davidson with ayes by all present.

PLANNING BOARD PROFESSIONALS: Update on applications – Mr. Mullan stated that there was nothing specific. They are working on two or three applications that they are getting ready for the next meeting.

Motion to Adjourn: at 7:45pm was made by N. Vecchio second by D. Pacheco

The next regularly scheduled Planning Board Meeting will be May 27, 2021