

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

**RESOLUTION GRANTING APPROVAL TO
MAKE IMPROVEMENTS TO EXISTING HOME**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 136, LOT 3

**Application # 20-02
HEATHER A. SCHACHTEL & PHILIP T. OBRIEN
15 PINE STREET**

WHEREAS, Heather A. Schachtel and Philip T. OBrien have applied to the Unified Planning Board of the Borough of Keyport for approval to make certain improvements to their single family home located at 15 Pine Street which is officially designated as Block 136, Lot 3 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 August 27, 2020; and

WHEREAS, due to the ongoing covid-19 pandemic, the meeting was held utilizing an online virtual format which ensured 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 applicants, Heather A. Schachtel & Philip T. OBrien, seek approval from the Board to make the certain improvements to their existing single family home located at 15 Pine Street which is officially designated as Block 136, Lot 3 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. The applicants seek to enclose an existing covered area in the southwest corner of the house with a 5 foot +/- by 13 foot +/- addition and expand the second floor in the rear of the structure over an existing one-story roof.
3. The variances necessitated by this application is as follows:

Ordinance Provision	Requirement	Existing	Requested
Minimum Lot Area (Sq. Ft.)	5,000 sq. ft.	3,312 sq. ft.	3,312 sq. ft. (EC)
Minimum Lot Width (Ft.)	50 feet	42.5 ft. +/-	42.5 ft. +/- (EC)
Side Yard Set Back	6 feet	2.1 feet	2.1 feet (EC)
Side Yard Combined	16 feet	12.5 feet	12.5 feet (EC)

Rear Yard Set Back	3 feet	2 feet	2 feet (EC)
Maximum Width of Canopy	20.8 inches	N/A	2.0 feet or 24 inches

(EC) indicates that the variance is a pre-existing condition

4. The applicants, Heather A. Schachtel and Philip T. OBrien appeared and were placed under oath. They indicated that were looking to expand the home to have more living space for their family as well as improve the aesthetics of the property.
5. The applicants noted that there is already an overhang in the rear of the property which is in bad shape. The new canopy would act as a much needed replacement and provide for more shade in the back of the property.
6. In support of the application, the following was offered into evidence:
Exhibit A-1: Application to land Use Board
Exhibit A-2: Architectural Plans dated June 4, 2020, last revised July 2, 2020
7. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
Exhibit B-1: CME Planning and Engineering Review Letter of August 10, 2020.
8. The Board's Planner, Peter Van den Kooy, P.P., AICP, who was placed under oath, testified that he believed the one new variance created by the application, that of the maximum width of the proposed canopy, was de minimis in nature. He agreed with the applicants that the improvements being proposed would allow for an aesthetic improvement to the existing property.
9. There was also discussion by the Board as to comment # 7(c) of the Board's Planning and Engineering Review Letter (**Exhibit B-1**) which recommending requiring the resurfacing of the existing driveway on the property. The Board ultimately determined that since the application did not involve the driveway that such a suggestion should not be a condition of approval.
10. No one else testified with respect to the application.
11. 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 indeed act as an aesthetic improvement for the property since an old canopy would be replaced with a new one.
12. The Board cannot envision why the granting of variance relief, which the Board's Planner has deemed to be de minimis would negatively impact anyone. The Board is hard pressed to envision any negative impact whatsoever which would be created if the requested variance relief were granted, especially when considering they are all pre-existing conditions with the exception of the de minimis width of the canopy.
13. 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 have the new and improved aesthetically pleasing canopy and home addition provide for a better result than strict adherence to the borough's zoning ordinance would otherwise allow.

14. 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 Heather A. Schachtel and Philip T. OBrien, seeking approval to make certain improvements to their home located at 15 Pine Street, which is officially designated as Block 136, Lot 3, may be granted subject to the following conditions:

1. The improvements must be made pursuant to the architectural plans marked into evidence as **Exhibit A-2**.
2. Subject to any recommendations made within the Planning and Engineering review letter (**Exhibit B-1**) with the exception of comment # 7(c).
3. Subject to all representations made by the applicant during the application.
4. 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.
5. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
6. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
7. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
8. 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.
9. 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 Councilman Goode, seconded by R. Benedict and on Roll Call, the following vote was recorded:

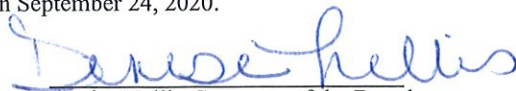
Affirmative: Mayor Kennedy, Councilman Goode, M. Sessa, H. Aumack, R. Benedict,

N. Vecchio

Negative:

Abstentions: L. Davidson, K. Howe

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 24, 2020.


Denise Nellis, Secretary of the Board