

Resolution prepared by:
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RESOLUTION GRANTING
EXPANSION OF PRE-EXISTING NON-CONFORMING TWO-FAMILY DWELLING

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 125, LOT 19

Application # 21-13
SHAWN RUSSO
133 SECOND STREET

WHEREAS, Shawn Russo has applied to the Unified Planning Board of the Borough of Keyport for approval to expand a pre-existing non-conforming two-family dwelling located at 133 Second Street which is officially designated as Block 125, Lot 19 on the tax map of the Borough of Keyport;

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 April 28, 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, Shawn Russo, is seeking approval to expand a pre-existing non-conforming two-family dwelling located at 133 Second Street which is officially designated as Block 125, Lot 19 on the official tax map of the Borough of Keyport.
2. The subject property, consisting of 4,800 square feet, is located at the corner of Second Street and Waverly Street. The site is currently developed with an existing two-family dwelling, concrete walkway and asphalt driveway. The applicant is now seeking to expand the dwelling by removing the existing rear steps and portion of the existing concrete walkway. He thereafter seeks to construct a two-story addition, new concrete walkway and a three (3) car driveway.
3. The property is located within the Borough's Residential A (RA) Zoning District which while allowing single family dwellings does not permit two-family dwellings. As a result, the applicant requires use variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(2), in order to proceed with his plans.

4. As originally proposed, the application also required certain bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c), with respect to the following pre-existing non-conforming conditions:
 - (a) **Minimum Lot Area** - 5,000 square feet is required, whereas only 4,800 square feet currently exists
 - (b) **Minimum Combined Front Yard Setback** - 20 feet is required, whereas 8.41 feet currently exists on Waverly Street and 4.50 feet currently exists on Second Street
5. Beyond the pre-existing non-conforming conditions of the property, during the course of the application the Board requested, in order to improve the aesthetics of the home, that an existing side porch (facing Second Street) which was going to be removed in order to accommodate the proposed improvements be reintroduced into the plans. It was unknown during the hearing exactly what bulk variance relief, if any, would be required to incorporate a porch into the plans. Such variance relief was nevertheless requested and the Board believed it would be appropriate to grant same so as allow the home to better fit into the neighborhood.
6. Throughout the public hearing, the applicant was represented by his legal counsel, Dante Alfieri, Esquire of the law firm Cleary, Giacobbe, Alfieri & Jacobs, LLC which has law offices located at 955 Route 34, Ste 200, Matawan, New Jersey 07747.
7. In support of the application, the following was offered into evidence:
 - Exhibit A-1:** Plot Plan prepared by Anthony Maltese, P.E., P.L.S., P.P., C.M.E. of Abbington Engineering, LLC, dated November 19, 2021.
 - Exhibit A-2:** Architectural Plans dated September 13, 2021, as prepared by JoAnn P. Montero, R.A. (consisting of 5 sheets)
8. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
 - Exhibit B-1:** T&M Planning and Engineering Review Letter of April 27, 2022.
9. In support of the application, testimony was presented by the applicant's engineer, Anthony Maltese, P.E. Referring to **Exhibits A-1 and A-2**, he explained the specifics of the existing property and the changes which were going to be made.
10. Mr. Maltese indicated that the applicant was essentially looking to square off the house and make it more uniform with itself. Currently the house, as demonstrated on the architectural plans (**Exhibit A-2**), is oddly shaped toward the rear of the structure.
11. Assurances were given by Mr. Maltese that roof drainage and lighting will all be within proper limits. It was agreed that such would be subject to the review and approval of the Board's engineer.
12. Trash for the house will be stored behind a fenced area in the rear of the property. It will not be visible from the streets. The specifics of the area will be subject to the review and approval of the Board's Engineer and Planner.

13. It was also agreed that the plans for the side porch that would be added to the plans would be subject to the review and approval of the Board's Engineer.
14. Finally, the applicant agreed to replace any all sidewalk and pavement at the property so as to bring them up to code. This would further maintain the aesthetics of the property. The replacements would be subject to the review of the Board's Engineer.
15. Testimony was also presented by the applicant's professional Planner, Christine Nazzaro-Cofone, P.P.
16. Ms. Cofone testified that she believed the subject project was not completely out of conformity with neighboring homes. She noted that there are other multi-family homes in the area. She further indicated that she believed the proposed additions to the existing home would actually make the non-conforming structure fit in better with the surrounding properties.
17. No one else testified on behalf of the applicant.
18. The following members of the public testified with respect to the application. All were in favor of the application and noted that what was being proposed was a vast improvement from the dilapidated structure which had previously been on the site:
 - (a) Michael Lane - 51 First Street - Mr. Lane had no objections to the application but sought assurances the porches at the property would not be enclosed. This was agreed to as a condition of approval.
 - (b) Angela Mateo - 153 Second Street - Ms. Mateo indicated she had no objections to the application.
19. The Board's Engineer, Francis W. Mullan, P.E., C.M.E. and its Planner, Stan Slachetka, P.P. both of T&M Associates, were placed under oath and testified that they had no objection to the application being granted from an engineering or planning perspective provided the comments contained in their review letter (**Exhibit B-1**) were adhered to. This would be a condition of approval.
20. In considering this application the Board has reviewed the materials submitted into evidence and finds that granting the requested use variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(2), and bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2), can be granted without any negative impact to the community or zone plan. No evidence has been presented which would demonstrate otherwise.
21. The fact is that the non-conforming two-family dwelling already exists at the subject site. The applicant's proposal actually improves the aesthetics of the structure by squaring off the house. Once the work is completed, the property will be in much better condition than it is today.
22. It most also be noted that the all of the bulk variances, other than those which might be necessary to reintroduce the side porch, already exist.

23. The improvements being proposed to the house will allow for a much better alternative for the property than strict adherence to the zoning ordinance would otherwise allow.
24. Leaving the property in its current state would accomplish absolutely nothing for the municipality. The two-family home would just remain in its current condition which would not benefit anyone.
25. For the reasons stated, the Board finds that the application may be granted in its entirety.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Shawn Russo, may be granted subject to the following conditions:

1. The additions to the existing home shall be in conformance with the plans marked into evidence except as otherwise noted in this Resolution.
2. The plans shall be revised so as to reincorporate a side porch into the plans. Said porch will be subject to the review and approval of the Board's Engineer.
3. Subject to all porches at the site being left as open outdoor porches. They may not be enclosed.
4. Subject to all roof drainage and lighting at the site being subject to the review and approval of the Board's Engineer.
5. Subject to the trash for the property being stored behind a fenced area in the rear of the property so that it is not visible from the street. This area shall be shown upon the plans and be subject to the review and approval of the Board's Engineer and Planner.
6. Subject to the applicant replacing any all sidewalk and pavement at the property so as to bring them up to code. Said replacements shall be subject to the review and approval of the Board's Engineer.
7. Subject to compliance with the comments raised within the Planning and Engineering Letter which was marked into evidence as **Exhibit B-1**.
8. Subject to all representations made by the applicant during the application.
9. 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.
10. Subject to any and all other approvals as may be required by the Borough or any other governmental entity, prior to the issuance of any permits.
11. Subject to compliance with any affordable housing requirements.
12. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.

13. 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.
14. 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.

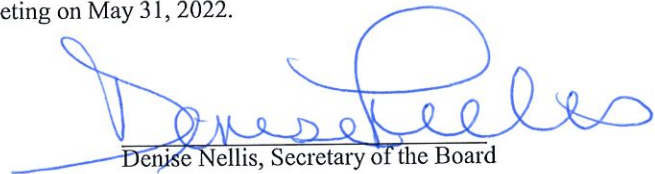
The foregoing was Moved by N. Vecchio, second by D. Pacheco
and on Roll Call, the following vote was recorded:

Affirmative: M. Sessa, W. McDermott, J. Oviedo, D. Pacheco, N. Vecchio

Negative:

Abstentions: H. Aumack

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its meeting on May 31, 2022.



Denise Nellis, Secretary of the Board