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July 11, 2025

Keyport Unified Planning Board
70 West Front Street
Keyport, New Jersey 07735

Attn: Denise Nellis, Planning Board Secretary

Re: 146 Third Street, LLC
Preliminary & Final Site Plan with Use and Bulk Variance Application
Completeness and Technical Review #2
Application No. KUPB 25-04
Location: 135 Third Street
Block 129, Lots 1 & 2
Borough of Keyport, Monmouth County, NJ
CME File: HKPE0129.02

Dear Board Members:

In accordance with your authorization, CME has performed a review of the above referenced variance application, including but not limited to the following:

- Preliminary & Final Site Plan with a Use Variance for 146 Third Street, LLC, Block 129, Lots 1 & 2, Borough of Keyport, Monmouth County, New Jersey, Dated: May 14, 2024, last revised June 24, 2025, Prepared by DJ Egarian & Associates, Inc.
- Stormwater Report, Dated: June 23, 2025, No Revision, Prepared by DJ Egarian & Associates, Inc.
- Letter dated June 23, 2025 from DJ Egarian and Associates, Inc. to the Keyport Unified Planning Board.

The following were reviewed for our Completeness Review #1 and were also included in this second review.

- Application to the Keyport Unified Planning Board.
- Outbound/Location/Topographic Survey, Map of Property Surveyed for Lots 1 and 2 in Block 129 Situated in Borough of Keyport, Monmouth County, New Jersey, Prepared by Main Street Surveying, Dated: 2/22/24, No Revision, Sheet 1 of 1.
- Preliminary & Final Site Plan with a Use Variance for 146 Third Street, LLC, Block 129, Lots 1 & 2, Borough of Keyport, Monmouth County, New Jersey, Dated: May 14, 2024, No Revision, Prepared by DJ Egarian & Associates, Inc. Drawings 1-3 of 3.
- Proposed 6 Unit – Townhouses, 146 3rd Street, Keyport, NJ 07735, Dated 02/02/2025, No Revision, Prepared by Kinetic Architects.

The Applicant, 146 Third Street, LLC, is seeking Preliminary and Final Site Plan Approval with Use and Bulk variances for construction of a six (6) unit Townhouse building, with each unit having four (4) bedrooms. The proposed plan includes associated driveways, walkways, decks and patios. The existing 11,796 square foot property is located in the Residential District (RA) and presently contains a single-story commercial structure, paved and gravel parking areas and walkways. Single family, detached homes and Public Park & Playgrounds are permitted uses in the RA Zoning District. Multi-family housing is not a permitted use and requires approval of a "D" Use Variance. The proposed development also requires several Bulk (dimensional) variances from the requirements of the Development Ordinance.

Completeness Review

1) The Applicant requires the following waivers from the Site Plan Checklist:

    a. Item 5. Submission of Environmental Impact Statement

    I have no objection to the Board granting a waiver for this item due the nature of the improvements.

    b. Item 6. Soil Erosion and sediment and Control Permit and Soil Conservation District Approval (if project invoices disturbance of more than 5,0000 Square feet of land area).

    I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the approval as a condition of any approval granted by the Board.

    c. Item 8. Referral to Monmouth County Planning Board for review and approval.

    I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the approval as a condition of any approval granted by the Board.

    d. Item 4. Payment of Performance Guaranty in favor of municipality approved by Borough Attorney and Borough Engineer

    I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the Guaranty as a condition of an approval granted by the Board.

    e. Item 7. Engineering Inspection Fees

    I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the inspection fees as a condition of an approval granted by the Board.

2) Based upon our review of this application from a completeness standpoint, the application is **COMPLETE** conditioned on the Board granting the above referenced submission waivers.

Technical Review

1. The subject property is a corner lot located at the intersection of Third Street and Waverly Street. The parcel is existing non-conforming to the present minimum dimensional requirements for Front Yard Setback to Third Street and Waverly Street, Building Coverage, All Building and Impervious Surface and Maximum percentage of Front Yard Coverage by Parking in the RA Zoning District.

2. All other adjacent parcels are in the RA Zoning District. Parcels in the area of the site appear to contain a mix of multifamily residential and single-family residential uses. The Lincoln Hose Company No. 1 abuts the subject property to the north (Waverly Street).

3. The Applicant has requested Bulk Variance relief as shown on the schedule of area, yard and building requirements shown on the table below. Dimensions, areas and coverages were obtained from the application information.

Item	Required	Existing	Proposed
Minimum Lot Area	5,000 s.f.	11,796 s.f.	11,796 s.f.
Minimum Lot Width	50 feet	145 feet	145 feet
Minimum Front Yard Setback (Third)	20 feet	0.4 feet **ENC**	19.0 feet **(V)**
Minimum Front Yard Setback (Waverly)	20 feet	9.0 feet **ENC**	21.0 feet
Minimum One Side Yard Setback	6 feet	53.1 feet	6.0 feet
Minimum Rear Yard Setback	15 feet	22.4 feet	18.3 feet (1)
Maximum Building Height	2.5 Stories and 30 feet	1 Story/less than 30 feet	3.0 **(V)** stories and 30 feet
Maximum Allowable Building Coverage	30%	31.8% **ENC**	38.9% **(V)**
Maximum Buildings and Impervious Surface	60%	100% **ENC**	65.4% **(V)**
Maximum Percentage of Front Yard Coverage By Parking	30%	100% **ENC**	58.8% **(V)**

ENC Existing Non Conforming

(V) Variance Required

Note: No accessory building is proposed

(1) Each unit is shown having an 18-foot wide X 10-foot deep rear porch with the minimum setback of 8.2 feet to the rear property line. Based on Land Use Regulations, Section 25-1-14.3(d)3 Yard Regulations; patios, decks and porches may be located in side and rear yards provided that they are not closer than three (3) feet to any property line.

4. The Applicant is requesting variance relief for the following:

   a) A Use ("D") Variance to place six (6) unit Townhouse building in the RA Zoning District.

   b) Bulk Dimensional ('C") Variances for Front Yard Setback (Third Street), Building Coverage, All Building & Impervious Surface, Building Height (number of stories) and Maximum Percentage of Front Yard Coverage by Parking.

5. **Use Variance:** As noted above, the Applicant requires a D(1) use variance to permit a nonconforming use to be placed on a property in the RA Residential Zone. Pursuant to the MLUL and applicable case law, the Applicant must be prepared to provide testimony demonstrating that there are "special reasons" to permit the nonconforming use and that the site in question is particularly suited to the use.

   The Applicant shall provide testimony demonstrating the following:

   a) *Positive Criteria:* There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D(2)), and should promote the purposes of the municipality's Master Plan and the State Development and Redevelopment Plan. The Applicant must also demonstrate the site suitability of the property for the development, demonstrating that it is particularly suited to the use.

   b) *Negative Criteria*: There are two prongs to the negative criteria that the Applicant must satisfy for a D(1) variance. The Applicant must demonstrate:

      - That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
      - That the variance can be granted without substantially impairing the Zone Plan or Zoning Ordinance.

6. In accordance with the Municipal Land Use law NJSA 40:55D-70c, the Applicant must provide testimony to address the positive and negative criteria for the requested "C" variances.

   a) Positive Criteria: The Applicant shall provide testimony to the Board regarding the physical condition of the property and how the strict application of the provisions of the ordinance would

result in a hardship that is inconsistent with the purpose and intent of the ordinance. Alternatively, the Applicant may testify that the required variance furthers the purposes of the Municipal Land Use Law and that the benefits of granting the variance will substantially outweigh any detriments.

b) Negative Criteria: The Applicant must demonstrate that the variance can be granted without detriment to the public good and that the granting of the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Approval of "C" Variances are contingent on approval of the "D" Use Variance.

7. Each proposed townhouse unit will have four (4) bedrooms, a single car garage and share a 24-foot wide by 21 foot-long driveway with the an adjacent unit, thus providing two (2) parking spaces per unit. Keyport Land Use Regulations, Section 25-1-5.5 Minimum Off-Street Parking Requirements references the requirements of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21. The RSIS requires 2.4 off-street parking spaces for a three-bedroom (or more) townhouse. The Applicant shall provide testimony regarding the proposed number of parking spaces.

8. The Applicant should provide testimony as to the material for the patios under the decks.

9. As shown on the FEMA Flood Insurance Rate Map, the subject property is not located within a flood hazard area. Based upon the NJDEP NJ-GeoWeb online resource, there are no freshwater wetlands on or in the immediate proximity of the site.

10. The proposed homes are to be serviced by new water, sanitary sewer and other utilities from Waverly Street. The plans should be revised to include the location of all existing and proposed utilities including electric, communications and gas services lines, meters and transformers. Should transformers be anticipated, the location of same should be provided on the site plan.

11. A profile of the sanitary sewer main and laterals shall be provided.

12. The Applicant has provided curb and sidewalk along the frontage of the property on Waverly Street as required by RSIS. The sidewalk should be revised to be adjacent to the curb to match the existing condition on the north end of Waverly Street adjacent to First Street. Sidewalk and Driveway Apron Detail should be revised to match the proposed sidewalk location. The required driveway length per RSIS should be exclusive of the sidewalk width.

13. The Applicant should indicate if any fencing or other screening is proposed between the units.

14. A "major development" as defined by NJAC 7:8 as defined by NJAC 7:8 is a project where the proposed improvements will disturb more than 1 acre or increase the on site impervious coverage by more than ¼ acre. Since the Applicant does not propose to disturb more than one acre or increase the impervious coverage by more than ¼ acre, the project is not considered a "major development".

15. RSIS requires that stormwater piping be a minimum of 15" diameter. It is recommended that the drainage pipes be revised to 15" perforated HDPE pipes to allow for recharge with an overflow pipe to the existing manhole in Third Street.

16. Soil test pits should be provided to determine the depth to seasonal high-water table.

17. The Applicant should provide water and sewer demand reports for submission to the Borough Utility Department.

18. The Applicant has indicated that the storage of trash and recyclables will be the responsibility of each of the owners/tenants. The Applicant shall ensure that there is adequate room in the garages for the storage of at least one trash can and once recycling container. The Architect should provide testimony at the public hearing.

19. A homeowner's association should be established for the maintenance of the common spaces including the stormwater management system, fencing, landscaping and other common elements.

20. A condominium plat should be provided and should identify the common spaces.

21. The stormwater system should be included in an easement to be dedicated to the Borough for emergency maintenance only. The maintenance of the system shall remain with the homeowner's association.

22. An Operation and Maintenance Manual shall be provided for the stormwater management system.

23. Several Construction Details are necessary for the construction of the water and sanitary sewer systems. An application should be submitted to the Borough Utility Department for water and sewer approval as a condition of any approval granted by the Board.

24. A Soil Erosion and Sediment Control Plan and Details shall be provided as a condition of any approval granted by the Board.

25. The Applicant should provide testimony regarding any other agency permits or approvals that are required.

26. The followings items should be included as conditions of any approval given by the Board:

    a) The Applicant must enter into a Developers Agreement with the Borough.

    b) The Applicant shall obtain a soil removal permit and road opening permit from the Borough prior to construction.

    c) The Applicant shall obtain approval from the Borough Utility Department for the water and sanitary sewer connections, the Bayshore Regional Sewerage Authority (BRSA) and the NJDEP for Treatment Works Approval (TWA).

    d) The Applicant is required to pay all water and sewer fees related to the proposed connection and change of use as required by Chapter XIV of the Borough Water and Sewer Ordinance.

e) The Applicant is responsible to pay all connection fees to the BRSA prior to construction.

f) The Applicant shall be responsible for posting a performance bond and obtaining a road opening permit prior to construction.

g) Any existing pavement, sidewalk, and curb that is in poor condition or is damaged as a result of the proposed construction must be repaired and or replaced and the plans should be revised to include a note stating same.

h) The Applicant shall provide a Topographic and Location As Built Plan which shall be approved by the Borough Engineer prior to the issuance of a Certificate of Occupancy.

i) The applicant must obtain any other necessary permits and/or approvals that may be required from any governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Building and Construction Permits and Inspections. Copies of all permits must be submitted to the Board and our office.

j) The Applicant is advised that no permits for any work on the site will be issued until all conditions of final approval are met, including submission of the revised plans for signature.

CME reserves the right to present additional comments pending the receipt of revised plans; the testimony of the Applicant before the Board and amendments to the plan based on permit/approval requirements of other review authorities.

Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,

CME Associates



Trevor J. Taylor, PE, PP, CME, CFM
Planning Board Engineer

TT:JT
cc: Marc Leckstein, Esq.
146 Third Street, LLC, Applicant
Sal Alfieri, Esq., Applicant's Attorney
David J. Egarian, P.E., Applicant's Engineer
Malvika Apte, PP, AICP, Board Planner

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