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March 22, 2021

Sent Via Electronic and Regular Mail

Keyport Unified Planning Board
70 West Front Street
PO Box 60
Keyport, NJ 07735

Attn: Denise Nellis
Recording Secretary

**Re: 357 West Front Street, LLC
357 West Front Street - Application No. KUPB 20-01
Preliminary/Final Major Site Plan Approval
Completeness, Planning and Engineering Review and Fee Determination Report #5
Block 20, Lots 9, 11.01, 13, 14, 14.01
Borough of Keyport, Monmouth County, NJ
Our File: HKPE0020.02**

Dear Chairman Sessa and Board Members:

Per our previously issued February 21, 2021 review letter regarding the construction of a 5,500 square foot two (2) story marina building, it was determined that the proposed development was inconsistent with the Borough's Flood Damage Prevention Ordinance. These deficiencies included, but were not limited to, the proposed first floor elevation and structural support of the building.

It is our understanding that at the February 25, 2021 public hearing, the Applicant indicated that they intend to seek a variance to allow for restrooms and boat repair facilities within the first floor of the structure. According to NFIP regulations, areas below the base flood elevation (BFE) + 1 foot are generally limited to unconditioned storage spaces.

Our office has enclosed an excerpt of Borough Ordinance 15-4.4 "Variance Procedures" which details the mechanisms by which the Board may grant variances given consideration of all technical and relevant factors pertaining to an appeal. Please note that the Planning Board shall hear and decide requests for variances from the requirements of the ordinance in accordance with the procedure set forth in the NJSA 40:55D-1 et seq.



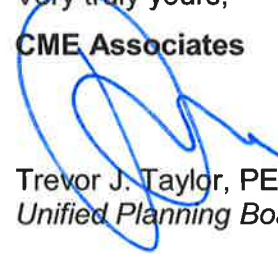
Keyport Unified Planning Board
70 West Front Street
Re: 357 West Front Street, LLC
Preliminary/Final Site Plan

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

Very truly yours,

CME Associates


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

TT:MZ

cc: Marc Leckstein, Esq.
George Falco, Construction Code Official
David Olsen, Zoning Officer
357 West Front Street, LLC
Kenneth L Pape, Esq.
Louis L. Zuegner IV, PE

15-4.4 Variance Procedure.

a. Appeal Board.

- (1) The Planning Board as established by Mayor and Council, shall hear and decide appeals and requests for variances from the requirements of this ordinance in accordance with the procedures set forth in N. J. S. A. 40:55D-1 et seq.
- (2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Manager in the enforcement or administration of this Ordinance.
- (3) Those aggrieved by the decision of the Planning Board or any taxpayer, may appeal such decision to the appropriate court, as provided by law.
- (4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to Keyport;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of subsection 15-4.4(a)(4) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- (6) The Floodplain Manager shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

b. *Conditions for Variances.*

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-quarter (1/4) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) - (k) in subsection 15-4.4(a)(4) have been fully considered. As the lot size increases beyond the one-quarter (1/4) acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection 15-4.4(a)(4) or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.