JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALESI, PE, PP, CME

BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

October 7, 2024

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

Attn: Denise Nellis, Planning Board Secretary

Re: Shore Heart Group
Minor Site Plan Application
Resolution Compliance Review #1
Application No. KUPB 24-07
Location: 1 Route 35, Keyport, NJ
Block 111, Lot 4
Borough of Keyport, Monmouth County, NJ
CME File: 115.KPE0011.H01

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:

- Letter to the Keypor Planning Board dated September 19, 2024 from Michael B. Intile, PE, PP, Crest Engineering, and
- Plan entitled 'Minor Site Plan – Trailer Location Plan, Lot 4, Block 11, 1 U.S. Route 35, Borough of Keyport, Monmouth County, New Jersey,' prepared by Crest Engineering Associates, consisting of one (1) sheet, dated January 15, 2024, last revised August 30, 2024.

Previously our office reviewed the following:

- Application to the Keyport Unified Planning Board, dated May 14, 2024, and
- Plan entitled 'Concept Plan "C" – Trailer Location Plan, Lot 4, Block 11, 1 U.S. Route 35, Borough of Keyport, Monmouth County, New Jersey,' prepared by Crest Engineering Associates, consisting of one (1) sheet, dated January 15, 2024, unrevised.

Technical Review

1. The Applicant, Shore Heart Group, received minor site plan approval with bulk variance relief under resolution adopted by the Keyport Unified Planning Board on August 22, 2024.
2. The subject property is a corner lot located at the intersection of NJSH Route 35 and Clark Street, in the Highway Commercial (HC) Zone District, where professional offices and customarily incidental accessory uses to such are permitted.

   The subject property is subject to area, yard, and building requirements as listed in the table below:

CONSULTING AND MUNICIPAL ENGINEERS
NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000
1460 ROUTE 9 SOUTH ● HOWELL, NEW JERSEY 07731 ● (732) 462-7400 ● FAX: (732) 409-0756

Zoning Table for Highway Commercial (HC) Zone District				
Item Description	**Required**	**Existing**	**Proposed**	**Resolution**
Min. Lot Area	10,000 sf	17,894.5 sf	17,894.5 sf	**C**
Min. Lot Width	100 feet	222.79 feet	222.79 feet	**C**
Principal Building				
Min. Front Setback	50 feet	28.5 feet	28.5 feet	**ENC**
Min. Rear Setback	20 feet	n/a	n/a	n/a
Min. Side Setback	6 feet	0.7 feet	0.7 feet	**ENC**
Side Setback (combined)	16 feet	n/a	n/a	n/a
Max. Height (stories)	3.5	1	1	**C**
Max. Height (feet)	40	< 40 feet	< 40 feet	**C**
Max. Lot Coverage	35%	26%	26%	**C**
Accessory Building				
Min. Rear Setback	16 feet	n/a	n/a	-
Min. Side Setback	6 feet	>6 feet	>6feet	**C**
Total				
Max. Lot Coverage	35%	26%	26%	**C**
Max. Imperv. Coverage	90%	69.4%	69.4%	**C**
Pursuant to §25-1-10.4(b), "Development Standards"				

C = compliant, **ENC** = existing nonconformity **V** = variance

3. 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.

4. We note the existing Principal Building has several nonconformities which are not affected by the application:

   a) The existing non-conforming minimum principal front setback; and,

   b) The existing non-conforming minimum side yard setback.

5. The trailer office unit is considered an accessory structure within the Borough. The parking or use of trailers or manufactured home/office units for permanent occupancy is prohibited in all zones in the Borough.

6. The HC Zone does not permit accessory structures within front yards. A variance was obtained from **Section 25:1-16** of the Borough Land Use Ordinance for the accessory structure to be located within a font yard.

7. 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.

8. At this time, our office has no further comments on the site plan. The Applicant shall provide six (6) copies of the plan with the appropriate signature blocks in accordance with site plan checklist item 6L (as attached), signed by the owner and applicant.

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.
Shore Heart Group, Applicant

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Project Name:
Owner:
Engineer/Designer
Person Completing Form: Date:
Block(s) Lot(s)
Application #: Date submitted:
Date declared complete: Date revised:

THIS FORM MUST COMPLETE AND RETURNED TO THE ADMINISTRATIVE OFFICE WITH THE SITE PLAN OR SUBDIVISION APPLICATION WHEN FILED. FAILURE TO INCLUDE ALL ITEMS REQUIRED ON SUBMITTED PLANS OR ATTACHMENTS WILL RESULT IN APPLICATION BEING CONSIDERED INCOMPLETE AND REJECTED

PRELIMINARY SITE PLAN, WAIVERS AND VARIANCE

To be checked by applicant

		Yes	No	Waiver
( )	1. Sixteen (16) copies of complete application	____	____	____
( )	2. Sixteen (16) copies of site plan upon which the following Information must be depicted pursuant to Section 804 of the Development Review Ordinance for detailed submission requirements. Failure to comply with submission requirements will result in application being rejected as incomplete.	____	____	____
( )	A. Scale not less than one (1) inch equals one hundred (100) feet.	____	____	____
( )	B. Locator map showing all road intersections within fifteen Hundred feet (1500)	____	____	____
( )	C. Wooded areas and topography with two (2) foot intervals	____	____	____
( )	D. All lot lines, approximate location of all structures and owners of lots within two hundred (200) feet of the site	____	____	____
( )	E. Streets, easements, watercourses and right-of-way	____	____	____
( )	F. Utility and drainage plans and information	____	____	____
( )	G. Plans for elevations and locations of structures including Exterior materials and trim	____	____	____
( )	H. Preliminary plans for parking, lighting, loading signs Landscaping and buffers	____	____	____
( )	I An extension of off-tract improvements necessitated By the proposed development	____	____	____
( )	J. The lot and block number, Tax Map number, exact Dimensions and acreage of property to be build upon	____	____	____

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To be checked by applicant | Yes | No | Waiver

( ) K A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the plan, showing existing and proposed monuments and all existing and proposed lot lines and all set back lines. ____ ____ ____

( ) L. The following legends shall be on the site plan map:

Site plan of _____

Block _____ Lot _____ Zone _____

Date_____ Scale _____

Applicant_____

Address _____

I consent to the filing of this site plan with the Planning Board

_____

(Owner) (Date)

I hereby certify that I have prepared the site plan and that all dimensions and information thereon depicted is correct.

_____

(Name) (Title & License)

I have reviewed this site plan and certify that it meets all codes and ordinances under that jurisdiction

_____

(Date) (Municipal Engineer)

Approved by Planning Board:

Preliminary _____

Final _____

_____

(Chairman) (Date)

( ) M. Name and License number of site planner of Professional Engineer with documents sealed with raised seal. ____ ____ ____

( ) N. Date and revision dates of drawing and plans ____ ____ ____

( ) 3. Certification by Borough Tax Collector that all taxes including Current taxes are paid ____ ____ ____

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To be checked by applicant	Yes	No	Waiver
( ) 4. Payment of all applicable fees for preliminary site plan review	____	____	____
( ) 5. Submission of Environmental Impact Statement	____	____	____
( ) 6. Soil erosion and sediment and Control Permit and Soil Conservation District Approval (if project involves disturbance of more than 5,000 Square feet of land surface area).	____	____	____
( ) 7. Storm water management plan	____	____	____
( ) 8. Referral to Monmouth County Planning Board for review and approval.	____	____	____
( ) 9. Six copies of completed checklist.	____	____	____
( ) 10. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.	____	____	____
( ) 11. Applicant for a project located within a flood hazard area to apply For approval in conformance with the “90 Day Construction Permit Act.”	____	____	____
( ) 12. Application for state ingress and egress approval, if necessary	____	____	____
( ) 13. Variance(s) from Section(s) and reasons, if necessary	____	____	____
( ) 14. Waiver required from Section(s) and reason	____	____	____
( ) 15. Owners signed Certificate of Concurrence with the plan	____	____	____

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FINAL SITE PLAN APPLICATION

To be checked by applicant	Yes	No	Waiver
( ) 1. Sixteen (16) copies of complete application for Final Site Plan Approval.	____	____	____
( ) 2. Sixteen (16) copies of site plan in final form prepared in accordance With Section 804 of the Development Review Ordinance, including all Information depicted on the preliminary plan and satisfaction of all Conditions of preliminary approval	____	____	____
( ) 3. Payment of all Final Site Plan Filing Fees.	____	____	____
( ) 4. Payment of Performance Guaranty in favor of municipality approved by Borough Attorney and Borough Engineer.	____	____	____
( ) 5. Soil removal permit signed by Borough Engineer	____	____	____
( ) 6. Date and revision dates of drawing and/or reports	____	____	____
( ) 7. Engineering Inspection Fees	____	____	____
( ) 8. Certification form Tax Collector that all taxes are current on the property through the current month quarter.	____	____	____
( ) 9. Permits from other authorities upon which approvals were conditioned.	____	____	____

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

RESOLUTION
MINOR SITE PLAN APPROVAL
WITH BULK VARIANCE RELIEF

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 111, LOT 4
Application # 24-07
SHORE HEART GROUP
1 ROUTE 35

WHEREAS, Shore Heart Group has filed an application seeking Minor Site Plan approval to replace an existing medical trailer on property located at 1 Route 35 which is officially designated as Block 111, Lot 4 on the Borough of Keyport's Tax Map; 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 on the application was conducted on the within matter during a regularly scheduled meeting of the Unified Planning Board held on July 25, 2024; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. This application seeks Minor Site Plan approval for the purpose of replacing an existing medical trailer on property located at 1 Route 35 which is officially designated as Block 111, Lot 4 on the Borough of Keyport's Tax Map.
2. The subject property is a corner lot located at the intersection of New Jersey State Highway Route 35 and Clark Street.
3. The applicant provides cardiovascular medical support at the site and uses the existing medical trailer to house imaging equipment for its practice.
4. The property is located within the Borough's Highway Commercial (HC) Zoning District which where professional offices and customarily incidental accessory uses, such as the applicant's cardiovascular medical practice and associated trailer are permitted.
5. The following two bulk variances, pursuant to the provisions of N.J.S.A. 40:55D-70(c), both of which pertain to the principal building at the sit, are pre-existing conditions and not impacted by this application, are necessary in order to for the applicant to proceed with its proposed improvements:

VARIANCE	REQUIRED	EXISTING / PROPOSED
Minimum Front Setback	50 feet	28.5 (No changes proposed)
Minimum Side Setback	6 feet	0.7 feet (No changes proposed)

6. The applicant also requires the following bulk variance, pursuant to the provisions of N.J.S.A. 40:55D-70(c), which is associated with the proposed replacement accessory medical trailer. It is noted however that this condition already exists with the existing trailer. However, since the existing trailer is being removed from the site completely, a new variance would be required.

VARIANCE	REQUIRED
Accessory Structures Not Permitted In Front Yards	Trailer will be in front yard

7. During all portions of these proceedings, the applicant was represented by William C. Sullivan, Jr., Esquire of the law firm Scarinci Hollenbeck, LLC which has offices located at 150 Clove Road, 9th Floor, Little Falls, New Jersey 07424.

8. In support of the application, the following exhibits were marked into evidence:

Exhibit A-1 : Planning Board Application

Exhibit A-2 : "Trailer Location Plan" prepared by Crest Engineering dated January 15, 2024

9. Beyond the exhibits marked into evidence by the applicant, the Board also marked its own exhibits into evidence as follows:

Exhibit B-1: Engineering & Planning review letter dated as prepared by CME Associates dated June 20, 2024

10. In further support of the application, testimony was presented by Doctor Michael Aaron of the Shore Heart Group who explained that the replacement trailer was being proposed in order to provide new state of the art equipment for the facility located at the site. The trailer, which was the same size of the old trailer, would house new cardiovascular "imaging equipment".

11. Dr. Aaron noted that the old trailer had been moved from the site approximately every two weeks. The new trailer would remain of the site on a more permanent basis. It was only expected to leave the site on a quarterly basis for maintenance.

12. Dr. Aaron did note that Shore Heart Group was in the process of building a new facility in Monroe Township. When that was completed, the new trailer would likely leave the site every two weeks so as to service both the Keyport and Monroe locations.

13. It was emphasized that the trailer is a fully licensed vehicle by the Motor Vehicle Commission. It travel can travel without difficulty.

14. Dr. Aaron advised that the trailer would typically be in operation from 8:30 AM to 5:00 PM.

15. The trailer does not produce any noise other than what emanates from its air conditioning system.

16. The Board was assured that nothing flammable other than oxygen tanks is kept in the trailer. This would be a condition of approval.

17. In addition to Doctor Aaron, the Board heard testimony from the applicant's site engineer, Michael Intle, P.E. of Crest Engineering.

18. Mr. Intle walked the Board through his Trailer Location Plan **(Exhibit A-2)**, advising that nothing at the site would be changing from currently exists other than the addition of a concrete pad being added so as to better ground and level the trailer. Additionally, a canvas awning would be added to provide shelter to patients as they moved from within the main building to the trailer.

19. Mr. Intle indicated he did not believe the trailer or proposed awning would create any detriments for anyone. The property is located along Route 35 and the Home Depot is located across the street.

20. No further testimony was presented on behalf of the applicant.

21. In response to the proposed application, two members of the public spoke in support of what was being proposed:

    (A) Jack Straub of 235 Main Street who indicated he was a patient of Shore Heart Group and believes they offer a tremendous service for the community.

    (B) Michael Lane of 51 First Street who indicated his belief that the applicant was a tremendous asset to the community.

22. Board Engineer, Trevor J. Taylor, P.E., P.P. C.M.E., C.F.M., who was sworn, indicated he had no issues with the application provided the comments of CME's review letter were adhered to. **(Exhibit B-1)** The applicant agreed to do so.

23. After considering all the testimony and evidence, and assuming all representations were adhered to, the Board finds that proposed site will function properly as proposed under the site plan as proposed. Absolutely nothing has been presented into evidence that could lead the Board to a different conclusion. The Board recognized that the proposed trailer, which is approximately the same size as the existing trailer, is going to be located in the same space as the old trailer. If there was any detriment created by the location of the trailer, it surely would have been reported to the Board during the course of the hearing since the use essentially already exists.

24. Based upon the evidence presented, the Board finds that the requested variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of granting

the variances, thereby ensuring the applicant will be able to continue to provide its medical services to the public, far outweighs whatever benefit would be obtained by strictly adhering to the ordinance requirements. The Board also cannot help but note that the variances are all pre-existing conditions which are not being exasperated by this application. Two of the variance conditions (those related to setbacks) are not at all impacted by the application, while the final variance (accessory building in front yard) is only necessary since the existing trailer is being replaced in its entirety by a new trailer.

25. It seems clear to the Board that the benefits of granting this variance application and approving the proposed minor site plan is in the best interest of the Borough and such an approval far outweighs any detriments that might occur.

26. Based upon all of the above, the Board finds the applicant has met its burden in establishing that it is entitled to the requested minor site plan approval, with bulk variance relief. As such, the sought after application should 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 the Shore Heart Group, seeking minor site plan approval, with bulk variance relief, be granted subject to the following conditions:

1. Subject to substantial compliance with the plot plan (**Exhibit A-1**) submitted into evidence unless otherwise modified by this Resolution.
2. Subject to the condition that the applicant not store any flammable materials within the proposed trailer, with the exception of the noted oxygen tanks.
3. Subject to compliance with the comments of the CME Review Letter (**Exhibit B-1**).
4. All representations made under oath on behalf of the applicant, or by its agents, shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations which were made shall be deemed a violation of this approval.
5. 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.
6. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
7. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
8. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
9. 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.

10. 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 M. Sessa, second by Mayor Araneo
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Chairman Merla, J. Oviedo, M. Sessa
Negative:
Abstentions: H. Aumack

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on August 22, 2024.

Denise Nellis, Secretary of the Board