

APPLICATION TO THE KEYPORT UNIFIED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 125 ROUTE 35, Keyport, NJ
Tax Map: Block 32 Lot(s) 8
Dimensions: Frontage 100 Depth 150 Total Area 15,000 s.f.
Zone District: HC

Location of the property is approximately 0 feet from the intersection of
Rt 35 and Luppatatong Ave.

The property is located within 200 feet of another municipality: xx NO _____ YES
If yes, name of municipality _____

The property fronts on a County Road or State Hwy: _____ NO xx YES
COUNTY ROUTE NO. _____ STATE HWY NO. Highway 35

2. APPLICANT INFORMATION

Full Legal Name: BRODS REALTY, LLC

Address: 125 Route 35, Keyport, NJ 07735

(Street) (City) (State) (Zip)

Telephone Numbers: DAY 732-583-7474 EVENING _____

Applicant is a: xxx Corporation _____ Partnership _____ Sole Proprietor _____ Resident _____

3. OWNER IF DIFFERENT FROM APPLICANT

If the owner of the property is someone different from the Applicant, then please complete the following:

Owner's Name: Same as Applicant

Address: _____

(Street) (City) (State) (Zip)

Telephone Numbers: DAY _____ EVENING _____

4. ADDITIONAL PROPERTY INFORMATION

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property:

___ YES (attach copies and/or copy of deed) ___ PROPOSED (attach description) XXNONE

NOTE: All Deeds Restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises and proposed use (describe in detail): _____
Applicant seeks to obtain site plan approval for the existing shed which is not in compliance with the local zoning ordinance in the HC Zone. The shed is an accessory to the commercial retail use (furniture and appliance store and repair).

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Salvatore Alfieri, Esq. (Cleary Giacobbe Alfieri Jacobs, LLC)
(Name and Firm if Applicable)

Address: 955 Route 34, Suite 200, Matawan, NJ 07747
(Street) (City) (State) (Zip)

Telephone: 732-583-7474 Fax 732-566-7687

Applicant Engineer: Mark E. Reme, PE of Reme & Associates, LLC
(Name and Firm if Applicable)

Address: 20 Church Street, Allentown, NJ 08501
(Street) (City) (State) (Zip)

Telephone: (609) 409-4511 Fax _____

Applicant Planning Consultant: n/a
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

Applicant Traffic Engineer: n/a
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

6. OTHER EXPERTS

List any other expert(s) who will submit a report and/or testify on behalf of the Applicant.

Name: n/a Field of Expertise: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

7. RELIEF BEING REQUESTED

SUBDIVISION APPROVAL

_____ Minor Subdivision

_____ Major Subdivision

_____ Major Subdivision – Final

_____ Number of Lots to be Created

_____ Number of Proposed Dwelling Units

Note: A “Plan of Subdivision” must be submitted in accordance with the submission requirements set forth in the Submission Checklist and the Borough of Keyport Ordinance.

SITE PLAN APPROVAL

_____ Major Site Plan Approval _____ Minor Site Plan Approval

_____ Preliminary Site Plan Approval (phases – if applicable) _____

_____ Final Site Plan Approval (phases – if applicable) _____

_____ Amendment or Revision to an Approval Site Plan (Area to be disturbed – square feet)

XXX _____ Request for a Waiver from Site Plan Review and Approval. Reason for Request: _____

~~the commercial building's bulk variances are pre-existing nonconforming conditions, however, based on the size of the shed and minimal impact on the property (as an accessory use for the commercial use) the Applicant seeks site plan waiver.~~

OTHER

_____ Informal Review of _____

_____ Appeal Decision of the Zoning Officer (N.J.S.A. 40:55D-70.a.) Describe nature of appeal: _____

_____ Interpretation of Map or Ordinance, or Decisions upon Special Questions (N.J.S.A. 40:55D 70.b.) Explain: _____

_____ Variance Relief-Hardship (N.J.S.A. 40:55D-70c (1)) Provide Reasons: _____

xy _____ Variance Relief-Substantial Benefit (N.J.S.A. 40:55D-70c (2)) Provide Reasons: _____

the existing commercial retail use is permitted in the Hghway Commercial Zone, howeve, Applicant will need bulk variance relief for the principal building for deficient front yard setback, deficient side yard setback, exceeding lot coverage. the shed will need bulk variance relief for deficient rear yard setback, deficient side yard setback, exceeding lot coverage.

_____ Variance Relief-Use (N.J.S.A. 40:55D-70cd) Provide Reasons: _____

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
Minimum lot area:*	_____	_____	_____
Building coverage limit:*	_____	_____	_____
Front yard setback:*	_____	_____	_____
Side yard setback:*	SEE ZONING CHART		
Rear yard setback:*			
Roadway setback:	_____	_____	_____
Impervious coverage limit:	_____	_____	_____
Parking spaces:*	_____	_____	_____
Building height:*	_____	_____	_____

*DENOTES ITEMS REQUIRED ON THE SITE PLAN.

7. SUBMISSION REQUIREMENTS

The Applicant is required to submit each of the following, unless otherwise noted:

- A. Application: An Original and nineteen (19) copies to the Board Secretary (Total 20) must be submitted (with attached site plan, plot plan, survey and/or other pertinent documents).
- B. Escrow Agreement (Form #1): Sign and submit with original copy of application
- C. Notice of Public Hearing (Form #2): DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY. Submit a draft copy (leaving date of hearing blank) and submit with original application. *(Not required for minor subdivision where no variances are requested)*
- C. Affidavit of Publication – Asbury Park Press: Evidencing that the Notice of Public Hearing (Form #3) was published at least ten (10) days prior to the hearing date: (DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY) Submit to the Board's Secretary as soon as received by the newspaper. (Not required for minor subdivision where no variances are requested)
- D. Affidavit of Service – with attachments (Form #4). Submit to the Board's Secretary along with Original copies of Certified Mail Receipts stamped by the US Post Office as to the date of mailing, and a copy of the Notice of Public Hearing (Form #2) with hearing date.
- E. Tax Payment Certification (Form #5). Submit with Original copy of Application.

8. OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:

AGENCY OR PERMIT	YES	NO	DATE PLANS SUBMITTED
Borough of Keyport Health Dept	_____	<u> x </u>	_____
Borough of Keyport Planning Board	<u> x </u>	_____	_____
Freehold Soil Conservation District	_____	<u> x </u>	_____
NJ Dept. of Transportation	_____	<u> x </u>	_____
JCP&L	_____	<u> x </u>	_____
Other: _____	_____	<u> x </u>	_____

*NJ Dept of Environmental Protection

*Check nature of approval(s) needed on next page:

____ Sewer Extension Permit; ____ Sanitary Sewer Connection Permit; ____ Potable Water Construction Permit;
____ Stream Encroachment Permit; ____ Wetlands Permit; ____ Tidal Wetlands Permit; ____ Other _____

List of Maps, Reports and other materials accompanying this application (attach additional pages as required for complete listing): _____

Site Plan for Shed

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.

(List specific information attached and its importance/significance to your application): _____

n/a

10. CERTIFICATIONS

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the Applicant is a corporation, this application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

27 day of Feb., 2024

NOTARY PUBLIC

CATHERINE KIM
ATTORNEY AT LAW OF N.J.

X

SIGNATURE OF APPLICANT

BRODS REALTY, LLC

Applicant's Name (Print)

OWNER (IF DIFFERENT FROM APPLICANT)

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made by the applicant, and the decision of the Board in this matter.

Sworn to and subscribed before me this

27 Day of Feb., 2024

NOTARY PUBLIC

CATHERINE KIM
ATTORNEY AT LAW OF N.J.

X

SIGNATURE OF OWNER

BRODS REALTY, LLC

Owner's Name (Print)

ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this _____ day of _____
20____ by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and
BRODS REALTY, LLC (the "Applicant").

1. **PURPOSE.** The Board authorizes its professional staff to review, inspect, report to the Board, and study all plans, documents, statements, improvements and provisions submitted by the Applicant to the Board or pursuant to relief granted to the Applicant by the Board. The Board is entitled to reimbursement from an Applicant for all reasonable costs/fees incurred by the Applicants in accordance with N.J.S.A 40:55D-8, and N.J.S.A 40:55D-53 et seq. of the New Jersey Municipal Land Use Law ("MLUL").

2. **ESCROW ESTABLISHED.** The Board, Borough and Applicant, in accordance with the provisions of this Agreement, hereby create an escrow deposit account to be established with the finance office of the Borough of Keyport.

3. **ESCROW FUNDED.** The Applicant, by execution of this Agreement, shall pay to the Borough to be deposited in the account referred to in paragraph 2 above.

4. **INCREASE IN ESCROW AMOUNT DEPOSITED.** If, during the existence of this escrow agreement, the funds deposited into said escrow account are insufficient to cover any voucher or bill submitted by the Board's professional staff, the applicant shall, within fourteen (14) days of receipt of a notice from the Board or the Borough that a deficiency in the escrow exists, provide such funding as required to fund the existing deficit as well as to pay for projected costs and fees associated with the ongoing professional reviews, inspections, etc., pursuant to applicable Borough ordinances governing the same, as well as the MLUL.

5. **DISPUTES AND APPEALS.** Should any disputes arise by and between the applicant and the Borough and/or the Board with respect to either the funding of, or payment from, the escrow account established herein, then the settlement of any and all disputes, including appeals from any decisions made by the Borough and/or the Board regarding such escrow account shall be made as called for by the applicable ordinance of the Borough of Keyport and the provisions of the MLUL.

6. **COLLECTION OF DELINQUENT ESCROW BALANCES.** Should the Applicant fail to adequately and on a timely basis fail to fund its escrow account so that the payment of necessary fees of the Board's professionals can be made in accordance with the law, then the Borough and/or Board shall be entitled to pursue all remedies available at either law of inequity, including but not limited to all amounts due, and simple interest at a rate of 18% per annum on all sums unpaid, beginning from 30 days after the applicant received notice of such deficiencies, if permitted by law. The Borough and/or Board shall be permitted to place a lien against any and

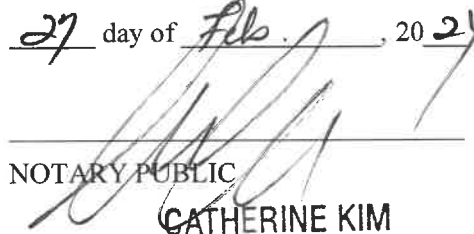
all properties within the Borough owned by the Applicant until such time as all sums due and owed have been paid. The Borough shall also have the right to withhold and/or suspend any building permits, the conduct of construction inspections, the issuance of certificates of occupancy, and other actions, unless and until all escrow deficiencies have been satisfied by the Applicant.

Date: 2/27/2024

X  _____
SIGNATURE OF APPLICANT

BRODS REALTY, LLC
Owner's Name (Print)

Sworn to and subscribed before me this
27 day of Feb, 20 24



NOTARY PUBLIC
CATHERINE KIM
ATTORNEY AT LAW OF N.J.

Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

**FORM #2 – NOTICE SERVED ON PROPERTY OWNERS WITHIN 200 FEET OF
SUBJECT PROPERTY:**

bro
**BOROUGH OF KEYPORT, COUNTY OF MONMOUTH
STATE OF NEW JERSEY
NOTICE OF PUBLIC HEARING**

TO: TBD OWNER OF PREMISES LOCATED AT:
125 ROUTE 35, Keyport, NJ

Also known as Block 32 Lot 8 in the Borough of KEYPORT.

PLEASE TAKE NOTICE, that the undersigned has filed an application with the Unified Planning/Zoning Board of the Borough of Keyport for the following appeal or form of relief: the existing commercial retail use is permitted in the Highway Commercial Zone, however Applicant will need bulk variance relief for the principal building for deficient front yard setback, deficient side yard setback, exceeding lot coverage. the shed will need bulk variance relief for deficient rear yard setback, deficient side yard setback, exceeding lot coverage.

On the premises at 125 ROUTE 35, Keyport, NJ in the Borough of Keyport, also known as Block 32 Lot 8 on the tax maps of the Borough. This notice is being sent to you because you are a property owner within 200 feet of the property that is the subject of this application. A public hearing has been set for this application on TBD, 2024 at 7:00 PM in the Keyport Borough Municipal Building, 70 West Front Street, Keyport, NJ 07735. You may appear either in person, or by agent, or by attorney, and present any objections to the granting of the relief being sought. Copies of the application and all documents, maps or other papers filed in connection with this application are on file in the Office of the Board Secretary in the Borough's Municipal Building and are available for inspection during the Borough's regular business hours.

**BY ORDER FO THE KEYPORT BOROUGH
UNIFIED PLANNING BOARD**

BRODS REALTY, LLC

(Name of Applicant)

**FORM #3 – NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE
BOROUGH OF KEYPORT**

NOTE: Publication of this notice must appear at least ten (10) days prior to the scheduled hearing date.

**NOTICE OF PUBLIC HEARING
Borough of Keyport Unified Planning Board**

TAKE NOTICE that on the TBD day of TBD, 2024, at 7:00 PM, a hearing will be held before the Keyport Unified Planning Board (“the Board”) in the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, NJ 07735 on the application of the undersigned for the following form of relief: _____

~~the existing commercial retail use is permitted in the Highway Commercial Zone, however, Applicant will need bulk variance relief for the principal building for deficient front yard setback, deficient side yard setback, exceeding lot coverage. the shed will need bulk variance relief for deficient rear yard setback, deficient side yard setback, exceeding lot coverage.~~

Regarding premises known as 125 ROUTE 35, Keyport, NJ in the Borough of Keyport, also known as Block 32 Lot 8 on the tax maps of the Borough. This application, along with all maps, papers and supporting documents filed with the application are on file in the Office of the Board Secretary in the Borough Municipal Building and are available for public inspection during the Borough’s regular business hours. Any interested party may appear at the hearing in this matter and participate therein, either in person, by attorney, in accordance with the Rules and Regulations of the Board.

**By Order of the Borough of Keyport
Unified Planning Board**

BRODS REALTY, LLC
(Applicant-Print Name)

FORM #6

REQUEST FOR 200 FOOT LIST

Date: _____

I, BRODS REALTY, LLC, am requesting a 200 foot list for property at
125 ROUTE 35, Keyport, NJ, which is located in the Borough of Keyport.

Block: 32 Lot(s) 8

When the list is completed, I would like to be contacted by:

____ Phone: _____

____ Fax: _____

XX Mail: 955 Route 34, Suite 200, Matawan, NJ 07747

List is \$10.00 per Lot.

PAID BY:

____ Cash

____ Check

FORM #7

NOTICE OF ACTIONS TAKEN BY THE BOARD BOROUGH OF KEYPORT

Take notice that on the TBD day of TBD, 200 the Keyport Unified Planning Board in the County of Monmouth took the following actions:

(Granted / Denied) to (Name) BRODS REALTY, LLC for the property located at

(Address) 125 ROUTE 35, Keyport, NJ

Block 32, Lot 8

Approval to (a variance, site plan, preliminary subdivision, minor site plan, etc.) describe development

the existing commercial retail use is permitted in the Highway Commercial Zone, however, Applicant will need bulk variance relief for the principal building for deficient front yard setback, deficient side yard setback, exceeding lot coverage.

the shed will need bulk variance relief for deficient rear yard setback, deficient side yard setback, exceeding lot coverage.

Application: Type text here
Applicant:

DISCLOSURE STATEMENT

Disclosure pursuant to N.J.S.A. 40:55D-48.1 Brods Realty LLC, is a Corporation or Partnership, which has applied to the Township of Keyport Planning/Zoning Board for permission to subdivide a parcel of land into six or more lots, or is applying for a variance to construct a multiple dwelling of twenty five or more family units or for approval of a site to be used for commercial purposes under the Planning/Zoning Board Application _____ and, therefore, discloses the name and addresses of all stockholders or individual partners who own ten (10%) percent or more of its stock or of ten (10) percent or greater interest in the partnership as the case may be.

<u>NAME OF STOCKHOLDER</u>	<u>ADDRESS</u>	<u>PERCENT OF INTEREST</u>
David Hutorsky	29 Barry Ct Staten Island, NY 10306	50%
Steven Khutoryanski	323 Armstrong Ave Staten Island, NY 10308	50%

**COMPLETION CHECKLIST
UNIFIED PLANNING BOARD**

Application Number: _____ Date Received: _____

Applicant: BRODS REALTY, LLC

Property: Block 32 Lot(s) 8

Street Address: 125 ROUTE 35, Keyport, NJ

RECEIVED:

_____ Application Fee in Amount of \$ _____ Paid by: _____

_____ Escrow Deposit in Amount of \$ _____ Paid by: _____

_____ Certification of Taxes Paid

_____ Proposed "Notice of Public Hearing"

_____ Signed Escrow Agreement

_____ Certified List of Property Owners Within 200 Feet

ACTION TAKEN:

_____ Copy of Application to Board Attorney on: _____

_____ Copy of Application to Board Engineer on: _____

_____ Letter _____ "Completeness" _____ "Incompleteness" sent on: _____

_____ Hearing Date Set for: _____

NOTES: _____

EXHIBIT "A"
REQUIRED APPLICATION FEES AND ESCROW DEPOSITS

Fees and escrows – The following is a schedule of fees to be paid by the applicant upon filing an application:

- | | | |
|----|--|--|
| 1. | Minor Subdivision | |
| | Application Fee – | \$200.00 |
| | Professionals Escrow – | \$400.00 (per lot) |
| 2. | Major Subdivision, Preliminary | |
| | Application Fee – | \$300.00 |
| | Professionals Escrow – | \$300.00 + \$50.00 per lot for 1 st 10 lots and \$70.00 for any lot over 10 lots |
| 3. | Major Subdivision, Final | |
| | Application Fee – | \$100.00 |
| | Professionals Escrow – | \$200.00 + \$50.00 per lot for 1 st 10 lots and \$70.00 for any lots over 10 lots |
| 4. | Resubmission of Incomplete Application | |
| | Application Fee – | \$75.00 |
| | Professionals Escrow – | None Required |
| 5. | Resubmission involving a significant change
In the site plan or subdivision | |
| | Application Fee – | One-half required fee for initial submission |
| | Professionals Escrow – | One-half required fee for initial Submission |
| 6. | Sketch Plat | |
| | Application Fee – | \$100.00 |
| | Professionals Escrow – | \$100.00 |
| 7. | Site Plan Preliminary | |
| | Application Fee – | \$300.00 |
| | Professionals Escrow – | \$0.025 per square foot being disturbed, provided a minimum of \$500.00 shall be deposited |

8.	Site Plan, Final	
	Application Fee –	\$100.00
	Professionals Escrow –	\$0.025 per square foot being disturbed, provided a minimum of \$500.00 shall be deposited
9.	Sketch Plat	
	Application Fee –	\$100.00
	Professionals Escrow –	\$100.00
10.	Site Plan Waiver	
	Application Fee –	\$50.00
	Professionals Escrow –	None Required
	In the event that a waiver is not approved, and a site plan is deemed necessary, the funds already submitted will be deducted from the application and escrow fees to be collected for the application.	
11.	Resubmission of Incomplete Application	
	Application Fee –	\$75.00
	Professionals Escrow –	None Required
12.	“D” or Use Variance	
	Application Fee –	\$150.00
	Professionals Escrow –	\$200.00
13.	Bulk Variance	
	Application Fee –	\$25.00 (per variance) x 6 variances= \$150.00
	Professionals Escrow –	\$200.00
14.	“C” Variance	
	Application Fee –	\$25.00 (per variance)
	Professionals Escrow –	\$200.00
15.	Appeals	
	Application Fee –	\$75.00
	Professionals Escrow –	\$200.00
16.	Interpretations	
	Application Fee –	\$75.00
	Professionals Escrow –	\$200.00

BULK REQUIREMENTS

<u>REQUIREMENT</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
LOT AREA	10000 SF	14,244.1 SF	14,244.1 SF
LOT WIDTH	100 FT.	100 FT.	100 FT.
<u>PRINCIPAL USE</u>			
FRONT SETBACK	50 FT.	11.08 FT. *	11.08 FT. *
REAR SETBACK	20 FT.	52.0 FT.	52.0 FT.
SIDE SETBACK	6 FT.	5.50 FT. *	5.50 FT. *
SIDE SETBACK (COMBINED)	20 FT.	25.0 FT.	25.0 FT.
HEIGHT (STORIES)	3.5	1.5	1.5
HEIGHT (FT.)	40 FT.	18 FT.	18 FT.
LOT COVERAGE	35%	36.13% *	36.13% *
<u>ACCESSORY USE</u>			
REAR SETBACK	16 FT.	N/A	5.0 FT. **
SIDE SETBACK	6 FT.	N/A	5.0 FT. **
SIDE SETBACK (COMBINED)	20 FT.	N/A	84 FT.
HEIGHT (STORIES)	1.5	N/A	1
HEIGHT (FT.)	16 FT.	N/A	12 FT.
LOT COVERAGE	15%	N/A	4.00%
LOT COVERAGE (TOTAL BUILDING)	35%	36.13% *	40% **
IMPERVIOUS COVERAGE	90%	77.14%	92% **

* EXISTING NON-CONFORMITY

** VARIANCE REQUIRED