



KUPB-R2180

October 7, 2022
Via mail and email

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

Attn: Denise Nellis, Recording Secretary

**Re: Planning Board Application No. 22-07 – Use Variance Approval
Katherin Chanduvi
117 Broadway
Block 23, Lot 14
RA (Single-Family Residential) Zone
First Completeness, Planning and Engineering Review**

Dear Board Members:

As requested, we have reviewed the following documents submitted by the applicant in support of this application:

1. Borough of Keyport Unified Planning Board Application and supplemental attachments, consisting of 16 pages, dated August 31, 2022;
2. Survey of Subject Property, prepared by Stephen L. Koestner, P.E. & L.S. of Koestner Associates, consisting of one sheet, dated January 16, 2007

The applicant is requesting use variance approval for the existing two-family dwelling with two kitchens.

A. Property & Area Description, Approval History

1. Subject Property. The subject property is located at 117 Broadway, comprised of Block 23, Lot 14 as identified on the Borough of Keyport Tax Map, and situated within the RA (Single-Family Residential) Zoning District. Lot 14 consists of 7,500 square feet. There is an existing two-family dwelling with two kitchens on the subject property.
2. Surrounding Area. The site is located within the RA (Single-Family Residential) Zoning District. The surrounding properties are single-family households located in the RA (Single-Family Residential) Zoning District.
3. Approval History. On August 11, 2022, the Keyport Zoning Officer denied the Zoning Application from the applicant to legalize the proposed two-family dwelling.

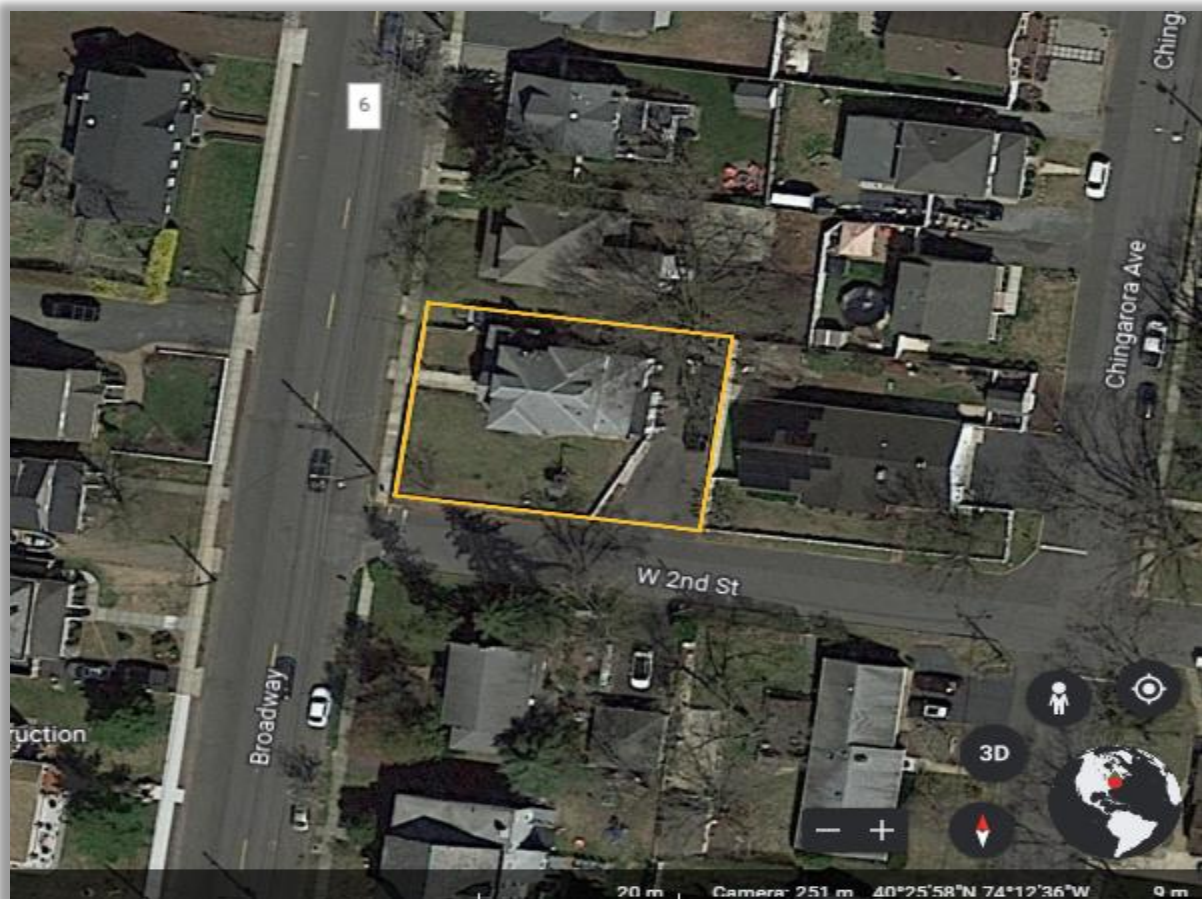
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B. Project Description

1. The applicant is seeking “d(1)” use variance approval to legalize the current two-family dwelling with two kitchens located on Block 23, Lot 14. As stated in the submitted Board Application, the applicant purchased the house under the impression the house was a legal, two-family “mother/daughter” dwelling. No other modifications to the existing dwelling or other site improvements are proposed, and the existing dwelling and subject property are to remain as-is.
2. Provided below are: an aerial photo of the subject site; an outline of the subject property with the RA (single-family residential) Zone; and street view imagery of the subject property from Broadway.

Google Earth Aerial – Approximate Outline of Subject Property (Block 23, Lot 14)



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Borough Zoning Map Outline of Subject Property



Google Street View of Subject Property from Broadway



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C. Completeness Review

Based on our review of the variance completeness checklist, the following items must be submitted, or completeness waivers must be granted prior to the application being deemed complete:

1. Application Submission Requirements

- Item 2.C. Wooded areas and topography with two (2) foot intervals. ***We have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 2.E. Utility and drainage plans and information. ***We have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 2.H. Preliminary plans for parking, lighting, load signs, landscaping and buffers ***We have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 5. Submission of Environmental Impact Statement. ***We have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 7. Stormwater management plan. ***We have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 8. Referral to Monmouth County Planning Board for review and approval. ***We have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 9. Six copies of completed checklist. ***We have no objection to the Board granting a completeness waiver for this item, provided that the applicant submits the required checklist.***
- Item 13. Variance(s) from Section(s) and reasons, if necessary. ***We have no objection to the Board granting a completeness waiver for this item, provided that the plan is revised to include the same.***
- Item 14. Waiver required from Section(s) and reason. ***I have no objection to the Board granting a completeness waiver for this item, given the scope of the Application.***
- Item 15. Owners signed Certificate of Concurrence with the plan. ***I have no objection to the Board granting a completeness waiver for this item, provided that the plan is revised to include the same.***

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2. **Other approvals, which may be required and the dates that plans/applications were submitted:**
- Borough of Keyport Health Department. *We have no objection to the Board granting a completeness waiver for this item given the scope of the Application.*
 - Freehold Soil Conservation District. *We have no objection to the Board granting a completeness waiver for this item given the scope of the Application.*
 - New Jersey Department of Transportation. *We have no objection to the Board granting a completeness waiver for this item given the scope of the Application.*
 - JCP&L. *We have no objection to the Board granting a completeness waiver for this item, given the scope of the application*
3. The application fee for this project is \$250.00 as shown in the table below. Additionally, the Ordinance Fee schedule requires an Escrow Fee to be posted in the amount of \$300.00. **The applicant is required to post the total balance of \$550.00 prior to the application being scheduled for public hearing.**

D. Fee Calculation

The application fee for this project is \$250.00 as shown in the table below. Additionally, the Ordinance Fee schedule requires an Escrow Fee to be posted in the amount of \$300.00. The applicant is required to post the total balance of \$550.00 prior to the application being scheduled for public hearing.

Site Plan	Application Fee	Escrow Fee
“D” Variance	\$150.00	\$200.00
Sketch Plat	\$100.00	\$100.00
Total: Application & Escrow Fees	\$250.00	\$300.00
Total Fee	\$550.00	

E. Zoning

1. **Use**

As indicated in Item A.1 (above), the subject property is located within the RA (Single-Family Residential) Zone. Pursuant to § 25-1-5.1 permitted uses in the RA (Single-Family Residential) Zone includes single-family detached dwellings and public park and playgrounds.

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Per the Application submitted, the applicant is seeking use variance approval for the existing two-family dwelling. Two-family dwellings are not listed as a permitted use in the RA (Single-Family Residential) Zoning District. Therefore, a “d(1)” use variance is required.

In order to be entitled to variance relief for the “d(1)” use variance, the applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law:

a. Positive Criteria:

There are two prongs to the positive criteria that the applicant must satisfy for a “d(1)” variance. These are:

- i. That the site is particularly suited to the use. The applicant must identify the specific characteristics of the site that make it appropriate for the use despite the regulatory requirements. Our courts have held that the promotion of the general welfare is the zoning purpose that most clearly amplifies the meaning of “special reasons.” (*Medici v. BPR Co.*, 107 N.J. 1 (1987))
- ii. The benefit to the general welfare from a typical non-inherently beneficial use, however, derives not from the use itself but from the development of a site in the community that is particularly suited for the very enterprise proposed. Thus, the Board must determine whether the proposed use will promote the general welfare and whether the development of the property is particularly suited for the very use proposed.

There are special reasons that allow a departure from the zoning regulations in this particular case. The applicant must demonstrate that the variance promotes one or more of those purposes stipulated in the Municipal Land Use Law to establish special reasons and that those purposes will be advanced by the proposed development. Alternatively, the applicant may offer as a special reason proof that refusal to grant the variance would result in undue hardship. Proof of undue hardship for a “d” variance requires that the applicant prove that the property cannot be reasonably adapted to conform to the zone requirements.

b. Negative Criteria:

There are two prongs to the negative criteria that the applicant must satisfy. These are:

- i. That the variance can be granted without substantial detriment to the public good. This prong requires an evaluation of the impact of the variance on surrounding properties and a determination as to whether or not the proposed use would create a negative impact to the character of the neighborhood.
- ii. That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance

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F. Bulk and Area Requirements

- a. The proposal's compliance with bulk and yard standards of the RA (Single-Family Residential) Zoning District is as follows:

Bulk and Yard Requirements – to § 25-1-16				
Description	Permitted	Existing	Proposed	Conforming
Minimum Lot Area	5,000 SF	7,500 SF	No Change	Yes
Minimum Lot Width	50 feet	75 feet	No Change	Yes
Front Yard Setback (Broadway)	20 feet	31.7 feet	No Change	Yes
Front Yard Setback (West 2 nd Street)	20 feet	32 feet	No Change	Yes
Side Yard Setback One	6 feet	12 feet	No Change	Yes
Side Yard Setback Both	16 feet	N/A (Corner Lot)	No Change	Yes
Rear Yard Setback	15 feet	21 feet	No Change	Yes
Maximum Building Coverage	30%	Approx. 18.5%	No Change	Yes
Maximum Lot Coverage	60%	Approx. 54.6%	No Change	Yes
Maximum Building Height	30 feet 2.5 Stories	2.5 stories (no height listed)	2.5 stories (no height listed)	Yes

G. Off Street Parking Requirements

1. Off-street parking requirements for the site pursuant to the New Jersey Residential Site Improvement Standards (RSIS) are as follows:

Two-Family (Duplex):

3 BR = 2 Spaces/Unit

2 Units x 2 Spaces = **4 Spaces**

A total of four parking spaces are required for the proposed two-family dwelling.

2. The two existing driveways connecting Broadway and 2nd Street remain unchanged and provide enough off-street parking space to satisfy the minimum RSIS parking and meet the parking requirement above.

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H. Planning Comments

1. The applicant should provide testimony confirming that no additional modifications to the existing dwelling and subject property are proposed.
2. The subject property is located in a Wellhead Protection area. The applicant should provide testimony confirming no soil disturbance is proposed.
3. The applicant should provide testimony confirming the current floor plan of the existing dwelling, including total number of bedrooms, bathrooms and kitchens for each unit.
4. Prior to final approval, the applicant shall address all required Brough fees, permits and approvals.

I. Applicant's Team

1. Subject Property Owner & Applicant: Katherin Chanduvi, 117 Broadway, Keyport, NJ.
Telephone: (732) 670-6418. Email: cmc0876@gmail.com
2. Applicant's Surveyor: Steven L. Koestner, P.E., P.L.S., Koestner Associates, 61 Hudson Street, Hackensack, NJ 07601. Telephone: (201) 342-6264. Email: info@koestnerassociates.com

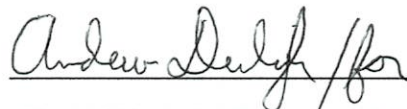
Should you have any questions, please do not hesitate to contact our office.

Sincerely,

T&M Associates



KENDRA A. LELIE, A.I.C.P., P.P., L.L.A
BOARD PLANNER



FRANCIS W. MULLAN, P.E., C.M.E
BOARD ENGINEER

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Cc. (via email): Marc Leckstein, Planning Board Attorney; marc@lecksteinlaw.com
Denise Nellis, Planning Board Secretary; dnellis@keyportonline.com
Mark Sessa, Planning Board Chairman; markorlisa.sessa@verizon.net
David Olsen, Zoning Officer; dolsen@keyportonline.com
Trevor Taylor, Borough Engineer; trevort@cmeusa1.com
Katherin Chanduvi, Subject Property Owner and Applicant; cmc0876@gmail.com
Steven L. Koestner, P.E., P.L.S., Applicant's Surveyor; info@koestnerassociates.com
Andrew Denbigh, Principal Engineer, T&M Associates; adenbigh@tandmassociates.com

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