

APPLICATION TO THE KEYPORT UNIFIED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 38-40 Broad Street

Tax Map: Block 21.01 Lot(s) 59

Dimensions: Frontage 30 Depth 100 Total Area 3,631 SF

Zone District: 1324 Keyport

Location of the property is approximately 101.7 feet from the intersection of
Broad Street and East Front Street

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

The property fronts on a County Road or State Hwy: ☒ NO ☐ YES

COUNTY ROUTE NO. _____ STATE HWY NO. _____

2. APPLICANT INFORMATION

Full Legal Name: VM Associates, LLC

Address: 323 Front Street Union Beach NJ 07735
(Street) (City) (State) (Zip)

Telephone Numbers: DAY () EVENING ()

Applicant is a: ☐ 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: N/A

Address: N/A
(Street) (City) (State) (Zip)

Telephone Numbers: DAY N/A EVENING N/A

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) ☒ NONE

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): 1st Floor Restaurant
2nd and 3rd Floors apartments

5. **APPLICANT'S EXPERTS / REPRESENTATIVES**

Applicant Attorney: Lawrence W. Luttrell, Esq. - Law Offices of Lawrence W. Luttrell
(Name and Firm if Applicable)

Address: 2137 Highway 35, 3rd Floor Holmdel NJ 07733
(Street) (City) (State) (Zip)

Telephone: 732-872-6900 Fax 888-655-7393

Applicant Engineer: Jupiter Engineering Services, LLC
(Name and Firm if Applicable)

Address: 506 Main St 2nd floor Boonton NJ 07005
(Street) (City) (State) (Zip)

Telephone: 772-775-8131 Fax *

Applicant Planning Consultant: N/A
(Name and Firm if Applicable)

Address: N/A
(Street) (City) (State) (Zip)

Telephone: N/A Fax N/A

Applicant Traffic Engineer: N/A
(Name and Firm if Applicable)

Address: N/A
(Street) (City) (State) (Zip)

Telephone: N/A Fax N/A

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: N/A

Address: N/A
(Street) (City) (State) (Zip)

Telephone: N/A Fax N/A

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)~~

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

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: _____

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

☒ Variance Relief-Use (N.J.S.A. 40:55D-70cd) Provide Reasons: Variance permitting an
an apartment 602.08 SF and an apartment 534.85 SF where 675 SF are required per 25-1-9.5a(5) and
waiving the requirement for off street parking for the new apartment where off street parking is required in
 accordance with NJAC 5:21 Residential Site Improvement Standards

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
Minimum lot area:*	<u>3,631 SF</u>	<u>NO CHANGE</u>	<u>4,000 SF</u>
Building coverage limit:*	<u>66.29%</u>	<u>NO CHANGE</u>	<u>70%</u>
Front yard setback:*	<u>-</u>	<u>NO CHANGE</u>	<u>-</u>
Side yard setback:*	<u>-</u>	<u>NO CHANGE</u>	<u>-</u>
Rear yard setback:*	<u>30'</u>	<u>NO CHANGE</u>	<u>30'</u>
Roadway setback:	<u>-</u>	<u>NO CHANGE</u>	<u>80%</u>
Impervious coverage limit:	<u>-</u>	<u>2</u>	<u>-</u>
Parking spaces:*	<u>-</u>	<u>NO CHANGE</u>	<u>35'</u>
Building height:*	<u>34'</u>		

*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): N/A

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

19th day of April, 2025


NOTARY PUBLIC

Ciara M. Arena
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 50150065
MY COMMISSION EXPIRES January 29, 2026

X



SIGNATURE OF APPLICANT

Ivan Martinez, Managing Member of VM Associates, 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

____ Day of _____, 20____

NOTARY PUBLIC

X

SIGNATURE OF OWNER

Owner's Name (Print)

ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this 1st day of April 2025 by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and VM Associates, 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: 4/1/25

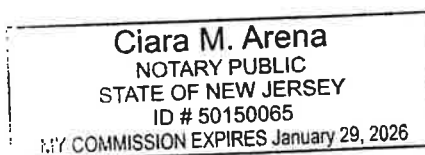
X [Signature]
SIGNATURE OF APPLICANT

Ivan Martinez, Managing member of VM Associates, LLC
Owner's Name (Print)

Sworn to and subscribed before me this
1st day of April, 2025

[Signature]

NOTARY PUBLIC



Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD