

Resolution prepared by:
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Little Silver, NJ 07739

**RESOLUTION GRANTING BIFURCATED MAJOR SUBDIVISION AND
SITE PLAN APPROVAL
FOR SIX DUPLEX UNITS AND TWO SINGLE FAMILY HOMES**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 85, LOTS 4-10 & 13

**Application # 21-16
174 CHURCH STREET, LLC
174 CHURCH STREET**

WHEREAS, 174 Church Street, LLC previously received bifurcated use variance approval to allow for the construction of six duplex units and two single family homes located on property commonly known as 174 Church Street officially designated as Block 85, Lots 4-10 & 13 on the Tax Map of the Borough of Keyport; and

WHEREAS, said Use Variance relief was granted by this Planning Board with the approval being memorialized with a Resolution of Approval adopted in Application # 21-02 on July 22, 2021; and

WHEREAS, the applicant has now returned to the Board seeking major subdivision and site plan approval; 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 was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on June 23, 2022 during which all persons having and interest in said application were given an opportunity to be heard; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicants;

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

1. The applicant, 174 Church Street, LLC, previously received use variance approval to construct six (6) duplex units and two single family homes on property commonly known as 174 Church Street which is officially designated as Block 85, Lots 4-10 & 13 on the official Tax Map of the Borough. That approval was memorialized in a Resolution of Approval adopted in Application # 21-02 on July 22, 2021.
2. The applicant has now returned to the Board seeking major subdivision and site plan approval as required by Condition # 1 of the aforesaid Resolution of Approval.
3. The applicant's property is located at the intersection of Church Street, Atlantic Street and Hurley Street. The rear of the property also fronts upon Osborn Street.
4. The property is located R-A Zoning District which does not permit duplex, hence the fact that use variance relief was required.

5. The following bulk variance relief is now required in order for the applicant to obtain the requested subdivision and site plan approval:
 - (A) **Minimum Front Yard Setback** - 20 feet is required whereas 19.9 feet currently exists on Church Street and 19.5 feet is proposed on Hurley Street.
 - (B) **Maximum Building Coverage** - 30 % is permitted, whereas 36.1 % is proposed for Lot 10.02.
6. Throughout the course of the application, the applicant was represented by its legal counsel, Salvatore Alfieri, Esquire of the law Cleary, Jacobbe, Alfieri, Jacobs, LLC which has offices located at 955 State Route 34, Suite 200, Matawan, New Jersey.
7. In support of the application, the following was offered into evidence:
 - Exhibit A-1:** Preliminary and Final Major Site Plan dated November 30, 2021, last revised March 22, 2022
 - Exhibit A-2:** Architectural Plans dated March 21, 2022
 - Exhibit A-3:** Stormwater Management Operation and Maintenance Manual dated March 22, 2022
 - Exhibit A-4:** Alternate Drainage Exhibit dated June 13, 2022
 - Exhibit A-5:** Alternate Drainage Exhibit Stormwater Management Narrative dated June 13, 2022
 - Exhibit A-6:** Drainage Calculations Chart dated June 23, 2022
 - Exhibit A-7:** Colorized Site Plan dated June 23, 2022
8. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
 - Exhibit B-1:** T&M Associates Review Letter of May 13, 2022
 - Exhibit B-2:** Alternative Drainage Exhibit Review Letter dated June 22, 2022
 - Exhibit B-3:** Resolution of the Planning Board Granting Use Variance Relief, adopted on July 22, 2021
 - Exhibit B-4:** Fire Official's Review Letter dated February 3, 2022
9. The applicant presented sworn testimony from John Fahey, who is the principal of the applicant. He advised that the applicant had complied with all of the requests made of it by the Board's professionals. He believed that he had operated in good faith throughout the entire project and was hoping for final board approval.
10. The applicant also presented testimony from its site engineer, Walter J. Hopkin, P.E. Referring to his plans marked into evidence as **Exhibits A-1 & A-7**, he indicated that the proposed structures could fit on the subject site without any issues. He further confirmed that the drainage system which would be put in place would conform to the Board Engineer's approval. He did not believe there would be any issues.
11. It was noted that the applicant had yet to decide whether the proposed single family homes would be part of the Association that would be formed to manage the proposed duplex units. As a result, it was agreed as a condition of approval that

those single family homes would not be tied into the Association's drainage system unless those homes were also made part of the Association.

12. The applicant further agreed to mill and overlay, by 2 inches, at least to the center of Church Street along the frontage of the new single family homes and Lot 10.01.
13. It was also agreed, as a condition of approval, that the applicant would install a fire hydrant at the the corner of Osborn and Hurley Streets. This was being done at the request of the Fire Official. (**Exhibit B-4**)
14. The applicant next heard testimony from the applicant's professional architect, Gary Junkroft, R.A. with respect to how the proposed duplex units would look. Mr. Junkroft advised the Board that they would appear as represented within the architectural plans marked into evidence as **Exhibit A-2**.
15. In order to ensure that aesthetics were maintained within this new community, it was agreed as a condition of approval that all garbage cans would be stored inside the units rather than outside. This condition would need to be placed within the Association's Governing Documents.
16. The Board's Engineer, Francis W. Mullan, P.E., who was placed under oath, testified that he had no issues with the application from an engineering perspective provided the applicant complied with all comments contained within his review letter (**Exhibit B-1**) accept as otherwise modified by this resolution. This would be a condition of approval.
17. No one else testified with respect to the application.
18. In considering this application the Board has reviewed the materials submitted into evidence and listened to the testimony presented. The Board finds that the proposed two bulk variances that have arisen during the course of the proceedings were more or less dealt with during the previous hearing when the use variance relief was granted. Nevertheless, the Board finds that these variances may be granted pursuant to the provisions N.J.S.A. 40:55D-70(c)(2) since absent such relief the improvements to the neighborhood promised by the development could not be achieved. As noted in the earlier Resolution (**Exhibit B-3**) the property is located behind an existing towing yard and the proposed development will therefore serve to greatly improve the area by establishing a new community therein. There are no negatives associated with granting the requested relief and none have been suggested. The benefits of granting the requested (c)(2) relief for the entire Keyport community far outweigh what would be accomplished if the Board strictly enforced the provisions of the zoning ordinance.
19. The Board also can see no reason why the proposed site plan will not function exactly as proposed. According there is no reason why the requested site plan approval cannot be granted.

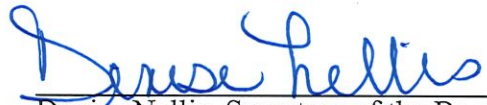
NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of 174 Church Street, LLC for property located at 174 Church Street, which is officially designated as Block 85, Lots 4-10 & 13, may be granted subject to the following conditions:

1. Subject to all conditions contained with the original resolution granting the applicant bifurcated use variance relief. **(Exhibit B-3)**
2. Subject to the final drainage system being reviewed and approved by the Board's Engineer.
3. Subject to the condition that if the proposed single family homes are not included within the Association that is to be formed, those single family homes shall not be tied into the Association's drainage system.
4. Subject to compliance with all exhibits marked into evidence except as modified by this Resolution.
5. Subject to the applicant milling and overlaying, by 2 inches, at least to the center of Church Street, along the frontage of the new single family homes and Lot 10.01.
6. Subject to the applicant installing a fire hydrant at the the corner of Osborn and Hurley Streets per the request of the Borough's Fire Official. **(Exhibit B-4)**
7. Subject to the condition that all garbage cans within the new Association to be formed being stored inside of the units rather than outside. This requirement must be included within the Association's Governing Documents. Said Governing Documents shall be subject to the review and approval of the Board's Attorney prior to being recorded with the County Clerk's Office.
8. Subject to compliance with the review letters of the Borough's Professionals **(Exhibits B-1, B-2 and B-4)** unless modified by this Resolution.
9. Subject to the applicant confirming with the Borough's Tax Assessor as to the new lot numbers to be assigned to the new lots being created under the major subdivision.
10. Subject to the filing of the appropriate maps in compliance with the current "New Jersey Map Filing Law". Documents must be submitted to Board Engineer for review and approval prior to recording with the County Clerk's Office.
11. Subject to all representations made by the applicant during the application.
12. 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.
13. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
14. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.

15. 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.
16. 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 N. Vecchio, second H. Aumack
and on Roll Call, the following vote was recorded:
Affirmative: M. Sessa, H. Aumack, W. McDermott, J. Oviedo, N. Vecchio, C. Dickerson
Negative:
Abstentions: J. Royster

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its meeting on July 26, 2022.


Denise Nellis, Secretary of the Board