

Resolution prepared by:
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**RESOLUTION GRANTING MINOR SUBDIVISION
WITH BULK VARIANCE RELIEF SO AS TO CONSTRUCT
A NEW SINGLE FAMILY HOME WHILE MAINTAINING EXISTING HOME**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 135, LOTS 10 & 11

**Application # 22-06
BECIKOGLU REAL ESTATE INVESTMENTS LLC
310 FIRST STREET**

WHEREAS, Becikoglu Real Estate Investments LLC has applied to the Unified Planning Board of the Borough of Keyport for a minor subdivision with bulk variance relief so as to be able to construct a new single family home while maintaining an existing single family home on property commonly known as 310 First Street which is officially designated as Block 135, Lots 10 & 11 on the tax map of the Borough of Keyport;

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 February 23, 2023 during which all persons having an interest in said application were 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, Becikoglu Real Estate Investments LLC, is seeking a minor subdivision with bulk variance relief so as to be able to construct a new single family home while maintaining an existing single family home on property commonly known as 310 First Street which is officially designated as Block 135, Lots 10 & 11 on the tax map of the Borough of Keyport.
2. The subject property, consisting of approximately 16,813 square feet fronting upon First Street, is the site of an existing two-story, single family dwelling on Lot 10. Lot 11 which is located adjacent to the rear of Lot 10, is undeveloped with the exception of a small corner of the existing Lot 10 structure which the lot line runs through.
3. Under the proposed subdivision, the applicant would create new Lots 10.01 and 11.01. The existing two-story, single family dwelling, to which no changes are proposed, would be on Lot 10.01. A new two-story, single family residential dwelling and ancillary structures would be built on Lot 11.01. The properties would share a common driveway off of First Street which would branch off into Lot 10.01 to allow for an adequate parking area and turn around space for the existing home.

4. The property is located within the Borough's RA (Residential) Zoning District in which single family residential dwellings are permitted uses.

5. The following bulk variance relief is required by this application:

Ordinance Provision	Required	Proposed Lot 10.01	Proposed Lot 11.01
Minimum Lot Width	50 feet	64.39 feet	25 feet (v)
Front Yard Setback	20 feet	15 feet (v)	34.04 feet
Side Yard Setback One	6 feet	3.4 feet (v)	12.50 feet
(v) = Bulk Variance Required Pursuant to N.J.S.A. 40:55D-70(c)			

6. Throughout the public hearing, the applicant was represented by its legal counsel, Dante Aliferi, Esquire of the law firm Cleary, Giacobbe, 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: Application to the Planning Board

Exhibit A-2: Minor Subdivision of 310 First Street as prepared by

Marc S. Leber, P.E., P.P. of East Point Engineering, LLC dated May 12, 2022 (consisting of 5 sheets)

Exhibit A-3: Architectural Drawings as prepared by Jason Peist, AIA dated August 18, 2022

Exhibit A-4: Survey of 310 First Street as prepared by Charles Surmonte, P.E. & P.L.S. dated February 8, 2022

Exhibit A-5: Minor Subdivision Cover Sheet revised through January 18, 2023

Exhibit A-6: Series of Eight (8) photographs with overhead aerial of site

Exhibit A-7: Tax Map with Block & Lot of Property Highlighted

Exhibit A-8: Access Easement Plan

8. Beyond the applicant's exhibits, the Board also marked its own Exhibit:

Exhibit B-1: T&M Planning and Engineering Review dated October 13, 2022.

Exhibit B-2: CME Associates Special Flood Hazard Area Development Permit Review Letter dated October 31, 2022

Exhibit B-3: Letter from Chief Shannon Torres dated August 29, 2022 advising that notice will be needed of any road closure during construction.

9. In furtherance of its application, sworn testimony was presented by the applicant's site engineer, Marc Leber, P.E. who testified there was more than enough room for the home depicted on **Exhibit A-3** to be built on proposed Lot 11.01. There was also the possibility of a basement being added. However, after much discussion with the Board, it was agreed, as a condition of approval, that the plans (**Exhibit A-3**) would be modified to have the new home face First Street with the garage being flipped. The plans would also be revised to break up some of the monotony of its proposed side elevations thereby creating more character. The final plans would be subject to the review and approval by the Board's Engineer and Planner.

10. It was noted that the fence surrounding the perimeter of the property was in a bad state of disrepair. The applicant agreed, as a condition of approval, to replace the fence in its entirety with a new six (6) foot privacy vinyl fence. The principal of the applicant, Caglar Becikoglu, testified that he would indeed replace the fence.
11. At least seven (7) trees were being removed from the site as a result of the application. The applicant pledged, as a condition of approval, to replace the removed trees with new trees of an evergreen or deciduous variety. It was proposed that the new trees would be of a 2 ½ inch caliper minimum or 6 to 8 foot tall spruces with evergreen arborvitae. The final landscaping plan would be subject to the review and approval of the Board's Engineer and Planner.
12. The applicant proposed a new dry well for Lot 11.01 which would be designed to ensure all water created upon the new lot would flow into the dry well. This new dry well would be located in an area between the new house and the existing home on Lot 10.01 and would be designed to force the flow right to left toward the driveway leading to First Street. The exact design and the location of the dry well system would be subject to the review and approval of the Board's Engineer and Planner.
13. It was further agreed, as a condition of approval, that the grading scheme for the properties would be revised so as to establish that water from the driveway area would not flow onto adjoining lots. Water runoff must ultimately drain into the existing drainage system located in the roadway. This must be reviewed and approved by the Board's Engineer and Planner.
14. With respect to the proposed shared driveway plan (**Exhibit A-8**), the applicant agreed, as a condition of approval, that an Access Easement would be entered into between Lots 11.01 and 10.01 with Lot 11.01 being responsible for the maintenance of the driveway with the exception of that portion branching off and serving Lot 10.01. The access easement would need to be reviewed and approved by the Board's Attorney and its Engineer and Planner prior to being recorded with the County Clerk's Office.
15. It was further indicated that no lighting was proposed along the new driveway. The only new lighting proposed will consist of decorative lighting fixtures attached to the new single-family dwelling to be built on Lot 11.01. Said lighting will be designed to prevent light spillage/glare onto adjacent properties. This would be condition of approval.
16. Improvements were also being proposed for the existing frontage of the property as a result of this application. Specifically, all curbing and sidewalk in front of the site would be replaced. Also, an existing wall outside of the existing house would be replaced with a new Allan Bock wall. This would be a condition of approval.

17. It was stated that all utilities for the new home would be located underground. The applicant further agreed to mill and overlay the entire width of the roadway from curb to curb from the edge of the new driveway cutout to the existing utility pole. These would also be conditions of approval.
18. The applicant also requested a waiver from providing an Environmental Impact Statement. The Board's professionals had no objection to this request.
19. No one else testified on behalf of the applicant.
20. Christopher Brown, the owner of 227 Second Street (adjacent Lot 22), testified that he had no objection to the granting of the application provided that replacement trees would not be placed along his property line. This was agreed to by the applicant as a condition of approval.
21. Joann Snyder, the owner of 223 Second Street, also a neighboring property owner, also indicated that she had no objection to the application provided that the perimeter fence was in fact replaced and the house was made to front First Street.
22. The Board's Engineer, Francis W. Mullan, P.E., C.M.E. was placed under oath and testified that he had no objection to the application being granted from an engineering or planning perspective provided the comments contained in T&M's review letter (**Exhibit B-1**) were adhered to. This would be a condition of approval.
23. In considering this application the Board has reviewed the materials submitted into evidence and finds that granting the requested minor subdivision and bulk variances can be accomplished without causing any harm to anyone. The Board finds that the rear of the existing property is undeveloped and serves no purpose whatsoever with the way the property is currently situation. This is evident from the survey marked into evidence as **Exhibit A-4**.
24. The Board cannot envision why the proposed development would negatively impact anyone and no evidence has been presented which would demonstrate otherwise.
25. The Board finds that all of the variance which are associated with the application can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since leaving the property in its present vacant form would benefit no one. Instead, the benefits of allowing the property to be developed with a new single family dwelling built upon it while the existing home remains would most definitely lead to a better result for the neighborhood and the community as a whole than strict compliance with the zoning ordinances would otherwise allow.
26. For the reasons stated, the Board finds that the sought after minor subdivision and variance relief can be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Becikoglu Real Estates Investments, LLC, seeking a minor subdivision with bulk variance relief, may be granted subject to the following conditions:

1. The minor subdivision and proposed single family dwellings must be completed in conformance with exhibits marked into evidence except as noted within this Resolution.
2. The architectural plans marked into evidence as **Exhibit A-3** shall be modified so as to have the new home on Lot 11.01 face First Street with the garage being flipped. The plans would also be revised to break up some of the monotony of its proposed side elevations and create more character. The final plans would be subject to the review and approval of the Board's Engineer and Planner.
3. Subject to the condition all lighting fixtures associated with the new single-family dwelling to be built on Lot 11.01 shall be designed to prevent light spillage/glare onto adjacent properties.
4. Subject to the replacement of the existing perimeter fence with a new six (6) foot privacy vinyl fence.
5. Subject to the applicant replacing any removed trees with new trees of an evergreen or deciduous variety. The new trees would be of a 2 ½ inch caliper minimum or 6 to 8 foot tall spruces with evergreen arborvitaes. The replacement trees must not be placed along the property line with Lot 22. The final landscaping plan would be subject to the review and approval of the Board's Engineer and Planner.
6. Subject to applicant installing a new dry well for Lot 11.01 which would be designed to ensure all water from the new lot would flow into the dry well. This new dry well shall be located in an area between the new house and the existing home on Lot 10.01 and would be designed to force the water flow right to left toward the driveway leading to First Street. The exact design and the location of the dry well system would be subject to the review and approval of the Board's Engineer and Planner.
7. Subject to the grading scheme of the properties being revised so as to establish that water from the driveway area does not flow onto adjoining lots. Water runoff must ultimately drain into the existing drainage system located in the roadway. This must be reviewed and approved by the Board's Engineer and Planner.
8. Subject to the applicant creating an Access Easement between Lots 11.01 and 10.01 with Lot 11.01 being responsible for the maintenance of the driveway with the exception of that portion branching off and serving Lot 10.01. Said easement shall match the plans marked into evidence as **Exhibit A-8**. The access easement would need to be reviewed and approved by the Board's Attorney and its Engineer and Planner prior to being recorded with the County Clerk's Office.

9. Subject to all curbing and sidewalk in front of the site being replaced.
10. Subject to the existing wall outside of the existing house being replaced with a new Allan Bock wall.
11. Subject to all utilities for the new home being located underground.
12. Subject to the applicant being required to mill and overlay the entire width of the roadway from curb to curb from the edge of the new driveway cutout to the existing utility pole.
13. Subject to compliance with the comments raised within the Planning and Engineering Letter marked into evidence as **Exhibit B-1**, although a waiver to supplying an environmental impact statement is being granted.
14. Subject to the compliance with the comments raised within the CME Review letter marked into evidence as **Exhibit B-2**.
15. As set forth within the review letter of Police Chief Shannon Torres (**Exhibit B-3**), proper notification of road closures during construction must be given to NJ Transit, the Keyport PD, and Monmouth County Road Department. Additionally, per the letter, an officer, paid for the applicant, shall be present to assist with traffic for vehicles coming in and out of the construction zone.
16. Subject to the Borough's Tax Assessor confirming the new lot numbers.
17. Subject to the filing of the appropriate maps in compliance with the current "New Jersey Map Filing Law". If the applicant proposes to file the subdivision by deed, deeds perfecting the subdivision must be prepared. Documents must be submitted to the Board Attorney and Engineer for review and approval prior to filing. Pursuant to the law, the applicants have 190 days from the date of adoption of this Resolution to perfect the subdivision. After 190 days, this approval shall expire.
18. Subject to all representations made by the applicant during the application.
19. 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.
20. Subject to any and all other approvals as may be required by the Borough or any other governmental entity, prior to the issuance of any permits.
21. Subject to compliance with any affordable housing requirements.
22. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
23. 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.

24. 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 by Mayor Araneo and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Chairman Sessa, H. Aumack, J. Oviedo, J. Royster, N. Vecchio, J. Kovacs-Olsen

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its meeting on March 23, 2023.



Denise Nellis, Secretary of the Board