

Resolution prepared by:
Marc A. Leckstein, Esquire
Leckstein & Leckstein, LLC
463 Prospect Avenue
Little Silver, NJ 07739

**RESOLUTION GRANTING BULK VARIANCE RELIEF TO
CONSTRUCT A SINGLE FAMILY HOME**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 102, LOT 5

**Application # 24-02
MAIN KEYPORT REALTY, LLC
27 BROOKS AVENUE**

WHEREAS, Main Keyport Realty, LLC has applied to the Unified Planning Board of the Borough of Keyport for bulk variance relief so as to be able to construct a single family home on a presently vacant parcel of land located at 27 Brooks Avenue which is officially designated as Block 102, Lot 5 on the Tax Map of the Borough of Keyport; 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 27, 2024 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, Main Keyport Realty, LLC, seeks bulk variance relief from the Board to construct a four (4) bedroom, single family home on a presently vacant parcel of land located at 27 Brooks Avenue which is officially designated as Block 102, Lot 5 on the official Tax Map of the Borough. A single family home is a permitted use in the RA zoning district where the property is located.
2. Throughout the course of the application, the applicants were represented by their legal counsel, Salvatore Alfieri, Esquire of the law Cleary, Giacobbe, Alfieri, Jacobs, LLC with offices located at 955 State Route 34, Suite 200, Matawan, New Jersey.
3. The subject property is a corner lot located at the intersection of Brooks Avenue and Hall Place. The parcel has an area of 3,760.40 square feet.
4. In order to improve the property as proposed, the applicant would need relief from a single bulk variance condition pursuant to the provisions of N.J.S.A. 40:55D-70(c):

Ordinance Provision	Requirement	Requested
Minimum Lot Area	5,000 s.f.	3,760.40 sf. (pre-existing condition)
Minimum Lot Width	50 feet	40 feet (pre-existing condition)
Maximum % of Front Yard Covered By Parking	30 %	30.8 %

5. In support of the application, the following was offered into evidence:
 - Exhibit A-1:** Application Package
 - Exhibit A-2:** Topographic Survey prepared by Thomas P. Santry, P.A. dated January 23, 2024
 - Exhibit A-3:** Variance Site Plan prepared by East Point Engineering dated January 28, 2024
 - Exhibit A-4:** Architectural House Plans prepared by Jason Peist Architect, LLC dated January 30, 2024
 - Exhibit A-5:** Buy/Sell Letter to neighboring property owner
 - Exhibit A-6:** Planning Exhibit (2 Sheets) depicting aerial of neighborhood and two images of the subject site
6. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
 - Exhibit B-1:** Planning and Engineering Review Letter prepared by CME Associates dated March 14, 2024.
7. In furtherance of their application, the applicant submitted testimony from its site engineer, Joseph May, P.E. who walked the Board through the variance plan marked into evidence as **Exhibit A-3**. He explained that two of the variances (area & width) were pre-existing conditions related to the lot which the applicant had no control over. In fact the applicant had reached out to the neighboring property owner to see if they wished to buy or sell any property to eliminate the variances (**Exhibit A-6**), but no response had been received.
8. With respect to the parking issue, it was noted that the variance necessary .8 of percent, and therefore trivial at best. Additionally, Mr. May made clear that the driveway would not create any line of sight issues.
9. As a condition of approval, the applicant did agree to comply with all comments contained within the Planning and Engineering review letter. (**Exhibit B-1**)
10. The applicant also presented testimony from its architect, Donna Miller, AIA of Jason Peist Architect.
11. Referring to the plans marked into evidence as **Exhibit A-4**, Ms. Miller noted that the proposed home was essentially identical to the house located next door with the exception of a difference in siding so as to make the homes similar but yet different. She also noted that the interior of the two homes would be mirror images of one another with the kitchen and living rooms being reversed. It was agreed, as a condition of approval, that the siding would be different from the house next door so as to differentiate the exterior of the two homes from one another.
12. No one else testified on behalf of the applicant relative to the application.
13. Michael Lane of 51 First Street appeared and expressed support for the application. He complimented the architect for her work on the project.

14. The Board's Professional, Trevor Taylor, P.E., who was sworn, indicated that he had no issues with the application as proposed provided that any comments contained within CME's review letter (**Exhibit B-1**) were adhered to.
15. In considering this application the Board has reviewed the materials and testimony submitted into evidence and finds that permitting the applicant to make the requested improvements will benefit the subject property and neighborhood by eliminating a vacant property and placing a residence upon it.
16. The Board also notes that the area and width variances are pre-existing conditions unique to the subject property which the applicant has no control over.
17. The Board cannot envision why the granting of the requested variance relief would negatively impact anyone and no one has appeared before the Board to present evidence that would establish otherwise.
18. Based upon all of the above, the Board finds that the required variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and (2) since the property has a physical hardship which is outside the control of the applicant and the benefits of allowing the applicant to construct a new home on the vacant parcel will allow for a better result than strict adherence to the Borough's zoning ordinance would otherwise allow.
19. The Board finds that the applicants have met both the negative and positive criteria necessary for obtaining variance relief and as such, this application may be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Main Keyport Realty for property at 27 Brooks Avenue, which is officially designated as Block 102, Lot 5, be granted subject to the following conditions:

1. The improvements must be made pursuant to the plans marked into evidence.
2. Subject to the condition that the siding of the exterior of the home be different than the house next door so as to differentiate the two homes from one another.
3. Subject to the requirements of the Planning/Engineering review letter (**Exhibit B-1**).
4. Subject to all representations made by the applicant during the application.
5. 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.
6. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
7. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
8. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.

9. 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.
10. 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 M. Sessa, second by Mayor Araneo
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Chairman Merla, W. McDermott, J. Oviedo, M. Sessa

Negative:

Abstentions: D. Pacheco

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 25, 2024.



Denise Nellis, Secretary of the Board