

Resolution prepared by:
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**RESOLUTION
MINOR SITE PLAN APPROVAL
WITH BULK VARIANCE RELIEF**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

**BLOCK 111, LOT 4
Application # 24-07
SHORE HEART GROUP
1 ROUTE 35**

WHEREAS, Shore Heart Group has filed an application seeking Minor Site Plan approval to replace an existing medical trailer on property located at 1 Route 35 which is officially designated as Block 111, Lot 4 on the Borough of Keyport's Tax Map; 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 on the application was conducted on the within matter during a regularly scheduled meeting of the Unified Planning Board held on July 25, 2024; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

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

1. This application seeks Minor Site Plan approval for the purpose of replacing an existing medical trailer on property located at 1 Route 35 which is officially designated as Block 111, Lot 4 on the Borough of Keyport's Tax Map.
2. The subject property is a corner lot located at the intersection of New Jersey State Highway Route 35 and Clark Street.
3. The applicant provides cardiovascular medical support at the site and uses the existing medical trailer to house imaging equipment for its practice.
4. The property is located within the Borough's Highway Commercial (HC) Zoning District which where professional offices and customarily incidental accessory uses, such as the applicant's cardiovascular medical practice and associated trailer are permitted.
5. The following two bulk variances, pursuant to the provisions of N.J.S.A. 40:55D-70(c), both of which pertain to the principal building at the sit, are pre-existing conditions and not impacted by this application, are necessary in order to for the applicant to proceed with its proposed improvements:

VARIANCE	REQUIRED	EXISTING / PROPOSED
Minimum Front Setback	50 feet	28.5 (No changes proposed)
Minimum Side Setback	6 feet	0.7 feet (No changes proposed)

6. The applicant also requires the following bulk variance, pursuant to the provisions of N.J.S.A. 40:55D-70(c), which is associated with the proposed replacement accessory medical trailer. It is noted however that this condition already exists with the existing trailer. However, since the existing trailer is being removed from the site completely, a new variance would be required.

VARIANCE	REQUIRED
Accessory Structures Not Permitted In Front Yards	Trailer will be in front yard

7. During all portions of these proceedings, the applicant was represented by William C. Sullivan, Jr., Esquire of the law firm Scarinci Hollenbeck, LLC which has offices located at 150 Clove Road, 9th Floor, Little Falls, New Jersey 07424.
8. In support of the application, the following exhibits were marked into evidence:
- Exhibit A-1 :** Planning Board Application
- Exhibit A-2 :** "Trailer Location Plan" prepared by Crest Engineering dated January 15, 2024
9. Beyond the exhibits marked into evidence by the applicant, the Board also marked its own exhibits into evidence as follows:
- Exhibit B-1:** Engineering & Planning review letter dated as prepared by CME Associates dated June 20, 2024
10. In further support of the application, testimony was presented by Doctor Michael Aaron of the Shore Heart Group who explained that the replacement trailer was being proposed in order to provide new state of the art equipment for the facility located at the site. The trailer, which was the same size of the old trailer, would house new cardiovascular "imaging equipment".
11. Dr. Aaron noted that the old trailer had been moved from the site approximately every two weeks. The new trailer would remain of the site on a more permanent basis. It was only expected to leave the site on a quarterly basis for maintenance.
12. Dr. Aaron did note that Shore Heart Group was in the process of building a new facility in Monroe Township. When that was completed, the new trailer would likely leave the site every two weeks so as to service both the Keyport and Monroe locations.
13. It was emphasized that the trailer is a fully licensed vehicle by the Motor Vehicle Commission. It travel can travel without difficulty.

14. Dr. Aaron advised that the trailer would typically be in operation from 8:30 AM to 5:00 PM.
15. The trailer does not produce any noise other than what emanates from its air conditioning system.
16. The Board was assured that nothing flammable other than oxygen tanks is kept in the trailer. This would be a condition of approval.
17. In addition to Doctor Aaron, the Board heard testimony from the applicant's site engineer, Michael Intle, P.E. of Crest Engineering.
18. Mr. Intle walked the Board through his Trailer Location Plan (**Exhibit A-2**), advising that nothing at the site would be changing from currently exists other than the addition of a concrete pad being added so as to better ground and level the trailer. Additionally, a canvas awning would be added to provide shelter to patients as they moved from within the main building to the trailer.
19. Mr. Intle indicated he did not believe the trailer or proposed awning would create any detriments for anyone. The property is located along Route 35 and the Home Depot is located across the street.
20. No further testimony was presented on behalf of the applicant.
21. In response to the proposed application, two members of the public spoke in support of what was being proposed:
 - (A) **Jack Straub** of 235 Main Street who indicated he was a patient of Shore Heart Group and believes they offer a tremendous service for the community.
 - (B) **Michael Lane** of 51 First Street who indicated his belief that the applicant was a tremendous asset to the community.
22. Board Engineer, Trevor J. Taylor, P.E., P.P. C.M.E., C.F.M., who was sworn, indicated he had no issues with the application provided the comments of CME's review letter were adhered to. (**Exhibit B-1**) The applicant agreed to do so.
23. After considering all the testimony and evidence, and assuming all representations were adhered to, the Board finds that proposed site will function properly as proposed under the site plan as proposed. Absolutely nothing has been presented into evidence that could lead the Board to a different conclusion. The Board recognized that the proposed trailer, which is approximately the same size as the existing trailer, is going to be located in the same space as the old trailer. If there was any detriment created by the location of the trailer, it surely would have been reported to the Board during the course of the hearing since the use essentially already exists.
24. Based upon the evidence presented, the Board finds that the requested variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of granting

the variances, thereby ensuring the applicant will be able to continue to provide its medical services to the public, far outweighs whatever benefit would be obtained by strictly adhering to the ordinance requirements. The Board also cannot help but note that the variances are all pre-existing conditions which are not being exasperated by this application. Two of the variance conditions (those related to setbacks) are not at all impacted by the application, while the final variance (accessory building in front yard) is only necessary since the existing trailer is being replaced in its entirety by a new trailer.

25. It seems clear to the Board that the benefits of granting this variance application and approving the proposed minor site plan is in the best interest of the Borough and such an approval far outweighs any detriments that might occur.
26. Based upon all of the above, the Board finds the applicant has met its burden in establishing that it is entitled to the requested minor site plan approval, with bulk variance relief. As such, the sought after application should be granted in its entirety.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of the Shore Heart Group, seeking minor site plan approval, with bulk variance relief, be granted subject to the following conditions:

1. Subject to substantial compliance with the plot plan (**Exhibit A-1**) submitted into evidence unless otherwise modified by this Resolution.
2. Subject to the condition that the applicant not store any flammable materials within the proposed trailer, with the exception of the noted oxygen tanks.
3. Subject to compliance with the comments of the CME Review Letter (**Exhibit B-1**).
4. All representations made under oath on behalf of the applicant, or by its agents, shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations which were made shall be deemed a violation of this approval.
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, County, State or Federal regulations.
7. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
8. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
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, J. Oviedo, M. Sessa

Negative:

Abstentions: H. Aumack

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on August 22, 2024.



Denise Nellis, Secretary of the Board