

Resolution prepared by:
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463 Prospect Avenue
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**RESOLUTION GRANTING
MINOR SUBDIVISION APPROVAL WITH VARIANCES
TO CONSTRUCT A NEW SINGLE FAMILY HOME**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

APPLICATION # 24-08

BLOCK 27, LOTS 14 & 15

**KEY 122 PROPERTY LLC
122 CHINGARORA AVENUE**

WHEREAS, Key 122 Property LLC has applied to the Unified Planning Board of the Borough of Keyport for minor subdivision approval with variance relief of property located at 122 Chingarora Avenue which is officially designated as Block 27, Lots 14 & 15 on the official tax map of the Borough of Keyport so as to allow for the construction of a new single family residence on proposed lot 14.01, while maintaining an existing 1 ½ story dwelling on proposed Lot 15.01; 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 Planning Board held on February 27, 2025 during which all persons having an 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 applicant;

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. Throughout the course of the proceedings, the applicant was represented by Jeff Gale, Esquire of the law firm Gale & Laughlin which has law offices located at 2814 Highway 35, Hazlet, New Jersey 07730.
2. The property in question, consisting of a total of 8,000 square feet, with each lot measuring 4,000 square feet, is located on the west side of Chingarora Avenue between West Fourth Street and West Third Street and are interior lots.
3. The lots currently contain a 1 ½ story dwelling with a single car garage in the rear yard on Lot 15. Lot 14 is undeveloped with the exception of the portion of a gravel driveway that traverses both Lot 14 and Lot 15.
4. The applicant proposes to retain the existing dwelling on what would be designated as Lot 15.01, while constructing a new single family dwelling on what would be designated as Lot 14.01.

5. The subject property is situated within the Borough's Residential RA Zone District which permits both the existing and proposed residential dwellings. With that said, the proposal does require the following bulk variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(c):

Standard	Required	Proposed Lot 15.01	Proposed Lot 14.01
Minimum Lot Area (Sq. Ft.)	5,000	4,000	4,000
Minimum Lot Width (Feet)	50	40	40
Principal Building Setbacks			
Front Yard (Feet)	20	12.75 (Existing)	> 20
One Side Yard (Feet)	6	2.7 (Existing)	> 6
Side Yard Combined (Feet)	16	15.7	> 16
Accessory Bldg/ Struct. Setbacks			
Side Yard (Feet)	3	2.0	N/A
Rear Yard (Feet)	3	2.2 (Existing)	N/A

6. In support of the application, the following exhibits were submitted into evidence:
- Exhibit A-1:** Minor Subdivision Plan dated April 8, 2024 as prepared by Thomas Craig Finnigan Land Surveying, LLC
- Exhibit A-2:** Flood Zone Information
- Exhibit A-3:** Photograph of the site
7. The Board also marked into evidence, as **Exhibit B-1**, the review letter of its Engineer and Planner, Trevor J. Taylor, P.E., P.P., CME of CME Associates.
8. In support of the application, testimony was provided by the applicant's land surveyor, Thomas Finnegan, P.L.S.
9. Mr. Finnegan walked the Board through the proposed Minor Subdivision Plan.
10. It was indicated that the portion of the driveway on Lot 14 and existing railroad ties on that lot would be removed prior to the subdivision. This would be a condition of approval.
11. It was agreed as a condition of approval that the applicant would need to submit a grading plan for the Board Engineer's review and approval prior to a new curb cut and driveway being installed to service proposed lot 14.01. Additionally, a plot plan would need to be submitted for the Board Engineer's review and approval that would show driveways and sidewalks.
12. The applicant also provided sworn testimony from its professional planner, Barbara Ehlen, P.P. who testified that she believed the subdivision and variances could be granted without any negative impact to surrounding properties. She indicated that currently Lot 14.01 is undeveloped, so it would be a positive for the community to have a home built upon it, thereby eliminating the otherwise vacant property.

13. The Board's Engineer and Planner, Trevor Taylor, P.E., P.P., C.M.E., who was sworn, testified that he had no objections to the application being granted from an engineering perspective provided that the comments contained within the Engineering review memorandum (**Exhibit B-1**) were adhered to. The applicant agreed to do so as a condition of approval.
14. No one else testified with respect to the application on behalf of the applicant.

CONCLUSIONS

15. In considering the merits of this application, the Board notes that the proposed subdivision would lead to the creation of two lots with residential dwellings upon them. This could not be accomplished absent the granting of variance relief.
16. The Board specifically finds that adding a residential dwelling on current Lot 14 will eliminate what currently appears to as a vacant lot in the neighborhood. Eliminating this vacancy will act as an asthetic improvement for the entire area since having a vacancy on the property benefits no one whatsoever.
17. The Board finds that absent the granting of variance relief, none of the improvements which are proposed would be possible and the property would be left in its current condition.
18. The Board cannot envision any real negatives associated with this application from a zoning and planning perspective as to the bulk variance relief being requested.
19. The Board finds that this application can be granted without causing any detriment to the surrounding neighborhood or the Borough's Zoning Ordinance.
20. Based upon the above, the Board finds that the variance relief required for the application can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) as the benefits of the application to the neighborhood and the Borough outweigh the benefits of strictly applying the provisions of the Borough's Zoning Ordinance.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that for all the reasons stated above, the application of Key 122 Property, LLC for premises known as 122 Chingarora Avenue and officially designated as Block 27, Lots 14 & 15 may be granted subject to the following conditions:

1. The proposed subdivision must be in conformance with the exhibits marked into evidence unless otherwise modified by this Resolution.
2. Subject to the applicant removing the railroad ties, driveway, and any other improvements from Lot 14 prior to the recording of the subdivision.
3. Subject to submission of a grading and plot plan to the Board Engineer for his review and approval.
4. Subject to compliance with all comments contained within the engineering/planning review letter which was marked into evidence as **Exhibit B-1**.

5. Subject to the applicant confirming with the Borough's Tax Assessor as to the new Lot numbers and address for the new residence.
6. Subject to all representations made by the applicant during the application.
7. 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.
8. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
9. Subject to adherence to any applicable affordable housing ordinances of the Borough.
10. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
11. Subject to the filing of the appropriate maps, within 190 days of the adoption of this Resolution, 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 recording with the County Clerk's Office.
12. The action of the 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 of the Borough of Keyport 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.
13. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at its sole cost, within thirty days, and provide proof of publication to the Board Secretary.

The foregoing was Moved by Councilmember Merla, second by D. Pacheco
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Councilmember Merla, Chairman Oviedo, C. Demarest,
W. McDermott, D. Pacheco

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Planning Board of the
Borough of Keyport during its meeting on March 27, 2025.


Denise Nellis, Secretary of the Board