



YOUR GOALS. OUR MISSION.

KUPB-R2290

June 2, 2023

Keyport Unified Planning Board  
70 West Front Street  
Keyport, New Jersey 07735

*Via email and mail*

Attn: Denise Nellis, Recording Secretary

**Re: KUPB Application No. 23-10  
Bulk Variance Approval  
253 First Street– Block 136, Lot 38  
RA (Residential) Zoning District  
First Completeness Planning & Engineering Review**

Dear Chairman Sessa and Unified Planning Board Members:

As requested, we have reviewed the following documents submitted by the applicant in support of this application:

1. Keyport Unified Planning Board Application, consisting of eight (8) sheets, dated April 28, 2023,
2. Preliminary Plot plan, prepared by Kurt J. Ludwig, A.I.A., consisting of four (4) sheets, dated March 3, 2023, and revised March 8, 2023.
3. Survey of Subject Property, Lot 38, Block 136, prepared by Charles O'Malley, P.L.S., consisting of one (1) sheet, dated September 4, 2017.
4. Denial letter of Zoning Application No. ZA-23-068 prepared by David Olsen, Borough Zoning Officer, dated March 15, 2023.

**A. Property & Area Description**

Subject Property. The subject property is located at 253 First Street (County Route 6), comprised of Block 136, Lot 38 as identified on the Borough of Keyport Tax Map, and situated within the RA (Single-Family Residential) Zoning District. The property consists of 2,123 SF and has 12 FT of frontage on First Street. Lot 38 is improved with a two-story single-family dwelling with front yard and backyard porches and a concrete patio. A concrete walkway and various fencing are also located on the property.

The existing dwelling encroaches into the required front and side yard setback areas; the combined side yard setback requirement also is exceeded. The lot is nonconforming for lot width and lot area, and the existing improvements exceed the maximum permitted coverages. Presently, the house contains one bedroom and bathroom on the second level, a kitchen, living room, porch and foyer on the first level, and an exercise room, TV room, utility space and storage in the basement level.



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**Surrounding Area.** The properties surrounding the subject property are primarily single-family dwellings located within the RA (Single-Family Residential) Zone. The subject property is adjacent to a two-family dwelling to the west on Block 136, Lot 39. Adjacent to the east is a single-family dwelling on Block 136, Lot 37.01. To the south-adjacent, at the corners of First Street and Fulton Street, is a single-family dwelling on Block 128, Lot 9, and a two-story mixed-use building on Block 135, Lot 1. Directly adjacent to the north is a single-family dwelling on Block 136, Lot 40.

**B. Project Description**

The applicant is seeking bulk (“c”) variance approval to construct a second-floor addition above the existing first floor kitchen and rear covered porch. The plans indicate that the addition will cantilever 2 ft. over the end of the existing first floor rear porch.

The proposed addition consists of approximately 320 SF and will contain a new master bedroom and bathroom. The addition will encroach into both the eastern and western side yard setback areas.

Provided below are an aerial photo of the subject site; an outline of the subject property with the RA (single-family residential) Zone; and street view imagery of the subject property from First Street.

**Microsoft Bing Maps Aerial – Approximate Outline of Subject Property (Block 136, Lot 38)**





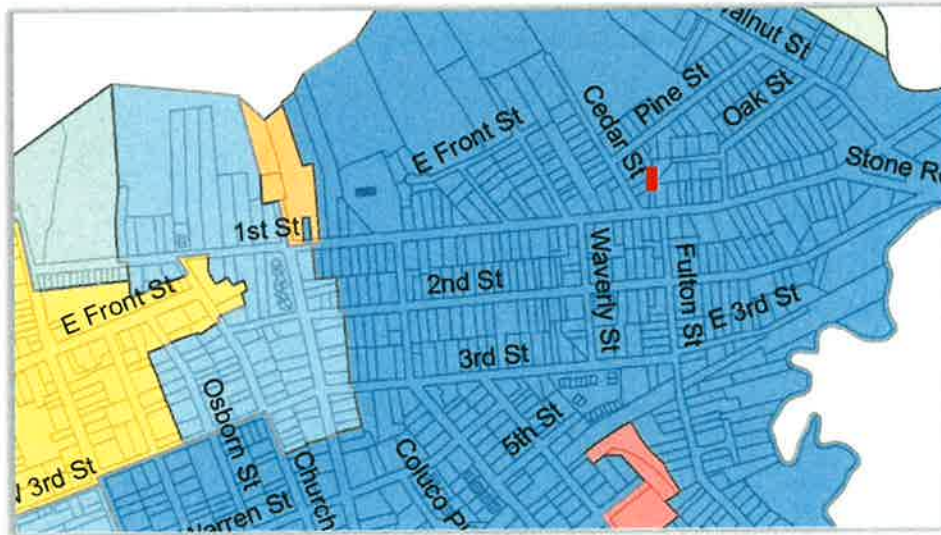
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**Borough Zoning Map – RA Residential Zone and Approximate Outline of Subject Property**



**Google Street View of Subject Property from First Street**





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### C. Completeness Review

Based on our review of the submitted items and revised plans, we recommend the application be deemed **complete**. However, the applicant should be prepared to address/clarify the applicable completeness checklist items below:

#### Preliminary Site Plan, Waivers, and Variance Checklist:

- Item 1 Sixteen (16) copies of the complete application. **The applicant should submit sixteen copies of the complete application prior to the public hearing.**
- Item 2. Sixteen (16) copies of the plot plan upon which the following information must be depicted pursuant to Section 804 of the Development Review Ordinance for detailed submission requirements. Failure to comply with submission requirements will result in application being rejected as incomplete.
  - Item 2.A Scale not less than one (1) inch equals one hundred (100) feet. **Addressed.**
  - Item 2.B Locator map showing all road intersections within fifteen hundred (1500) feet. **Addressed.**
  - Item 2.C Wooded areas and topography with two (2) foot intervals. **We do not object to the Board granting a completeness waiver for this item, provided the plans are revised to include topography prior to any final approval.**
  - Item 2.D All lot lines, approximate location of all structures and owners of lots within two hundred (200) feet of the site. **Addressed.**
  - Item 2.E Streets, easements, watercourses, and rights-of-way. **Addressed. However, the applicant should provide testimony regarding whether any easements are present on the subject site.**
  - Item 2.F Utility and drainage plans and information. **We do not object to the Board granting a completeness waiver for this item, provided that the applicant provide sufficient testimony regarding anticipated changes (if any) to existing utilities and drainage and the plans are revised accordingly as part of any final approval.**
  - Item 2.G Plans for elevations and locations of structures including exterior materials and trim. **Addressed.**
  - Item 2.H Preliminary plans for parking, lighting, loading signs, landscaping, and buffers. **We do not object to the Board granting a completeness waiver for this item, provided the applicant**



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*provides sufficient testimony regarding any proposed lighting and landscaping and the plans are revised accordingly based on said testimony*

- Item 2.I An extension of off-tract improvements necessitated by the proposed development. *Not Applicable.*
- Item 2.J The lot and block number, tax map number, exact dimensions, and acreage of property to be built upon. *Addressed.*
- Item 2.K A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the plan, showing existing and proposed monuments and all existing and proposed lot lines and all set back lines. *Addressed.*
- Item 2.L. The submitted plan included a legend, which shall be revised to include the following information:

*Site Plan of* \_\_\_\_\_  
*Block* \_\_\_\_\_ *Lot* \_\_\_\_\_ *Zone* \_\_\_\_\_  
*Date* \_\_\_\_\_ *Scale* \_\_\_\_\_  
*Applicant* \_\_\_\_\_  
*Address* \_\_\_\_\_

*I consent to the filing of this plot plan with the Planning Board*

\_\_\_\_\_  
*(Owner)* \_\_\_\_\_ *(Date)*

*I hereby certify that I have prepared the plot plan and that all dimensions and information thereon depicted is correct.*

\_\_\_\_\_  
*(Name)* \_\_\_\_\_ *(Title & License)*

*I have reviewed this plot plan and certify that it meets all codes and ordinances under that jurisdiction*

\_\_\_\_\_  
*(Date)* \_\_\_\_\_ *(Municipal Engineer)*

*Approved by Planning Board:  
Plot Plan Final* \_\_\_\_\_

\_\_\_\_\_  
*(Chairman)* \_\_\_\_\_ *(Date)*



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***We have no objection to the Board granting a completeness waiver for this item, provided the applicant revises the plans to include the same prior to any final approval.***

- Item 2M. Name and License number of site planner of Professional Engineer with documents sealed with raised seal. ***We do not object to the Board granting a completeness waiver for this item, provided the plans are revised to include a seal prior to any final approval.***
- Item 3. Certification by Borough Tax Collector that all taxes, including current taxes, are paid. ***We have no objection to the Board granting a completeness waiver for this item, provided that the applicant submits a Certification from the Borough Tax Collector that all taxes have been paid.***
- Item 4. Payment of all applicable fees for preliminary site plan review. ***We have no objection to the Board granting a completeness waiver for this item, provided that the applicant submits all applicable fees prior to the public hearing.***
- Item 5. Submission of Environmental Impact Statement. ***We have no objection to the Board granting a completeness waiver for this item, provided the applicant provides sufficient testimony to support this waiver request.***
- Item 6. Soil Erosion and Sediment and Control Permit and Soil Conservation District Approval. ***We have no objection to the Board granting a completeness waiver for this item, provided the applicant provides sufficient testimony to support this waiver request.***
- Item 7. Stormwater Management Plan. ***We have no objection to the Board granting a completeness waiver for this item, provided the applicant provide sufficient testimony in support of this waiver request.***
- Item 8. Referral to Monmouth County Planning Board for review and approval. ***This item is not applicable based on the scope of the application.***
- Item 9. Six copies of completed checklist. ***We have no objection to the Board granting a completeness waiver for this item, provided that the applicant submits the required checklist prior to the public hearing.***
- Item 10. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership. ***This item is not applicable to the application, as the applicant maintains full ownership of the subject property.***
- Item 13. Variance(s) from Section(s) and reasons, if necessary. ***Addressed.***



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- Item 15. Owners signed Certificate of Concurrence with the plan. *We have no objection to the Board granting a completeness waiver for this item, provided that the plan is revised to include the same.*

**Final Site Plan Checklist:**

- Item 1: Sixteen (16) copies of complete application for Final Site Plan Approval. *Addressed.*
- Item 2: Sixteen (16) copies of site plan in final form prepared in accordance With Section 804 of the Development Review Ordinance, including all information depicted on the preliminary plan and satisfaction of all conditions of preliminary approval. *Addressed.*
- Item 3. Payment of all Final Site Plan Filing Fees. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant pays all applicable fees prior to the public hearing. The application fee schedule is provided in Section D. below. All fees shall be addressed by the applicant prior to the scheduled public hearing.*
- Item 4. Payment of Performance Guaranty in favor of municipality approved by the Borough Attorney and Borough Engineer. *We have no objection to the Board granting completeness waivers for these items, provided that performance guarantees and/or inspection fees are provided as a condition of any approval.*
- Item 5. Soil removal permit signed by Borough Engineer. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant obtains a soil removal permit as a condition of any approval if any soil will be removed from the subject site.*
- Item 6. Soil Erosion and Sediment Control Permit and Soil Conservation District Approval (if project involves a disturbance of more than 5,000 square feet of land surface area). *This item is not applicable to the Application, as the subject lot size is less than 5,000 square feet.*
- Item 7. Engineering Inspection Fees. *We have no objection to the Board granting completeness waivers for these items, provided that payment of engineering inspection fees is provided as a condition of any approval.*
- Item 8. Certification from Tax Collector that all taxes are current on the property through the current month quarter. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant submits a Certification from the Borough Tax Collector that all taxes have been paid.*



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- Item 9. Permits from other authorities upon which approvals were conditioned. *We have no objection to the Board granting completeness waivers for these items, provided that copies of all permits and approvals are provided as a condition of any approval.*

We recommend that the applicant address the items below prior to the start of the scheduled public hearing.

**Preliminary Site Plan Checklist:**

Items 3, 4.

**Final Site Plan Checklist:**

Items 3, 8

**D. Fee Calculation**

The application fee for this project is \$25.00 as shown in the table below. Additionally, the Ordinance Fee schedule requires an Escrow Fee to be posted in the amount of \$200.00. The applicant is required to post the total balance of \$225.00 prior to the application being scheduled for public hearing.

| Proposal                         | Application Fee        | Escrow Fee                                                                                               |
|----------------------------------|------------------------|----------------------------------------------------------------------------------------------------------|
| “C” Variances                    | \$25.00 x 7 = \$175.00 | \$200.00                                                                                                 |
| Site Plan – Preliminary          | \$300.00               | \$0.025 per square foot of land disturbance, provided a minimum of \$500.00 shall be deposited; \$500.00 |
| Site Plan – Final                | \$100.00               | \$0.025 per square foot of land disturbance, provided a minimum of \$500.00 shall be deposited; \$500.00 |
| Total: Application & Escrow Fees | \$575.00               | \$1,200.00                                                                                               |
| <b>Total Fee</b>                 | <b>\$1,725.00</b>      |                                                                                                          |

**E. Zoning - Bulk and Area Requirements**

1. The proposal’s compliance with bulk and yard standards of the RA (Single-Family Residential) Zoning District is as follows:



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| Bulk and Yard Requirements – § 25-1-16 – RA Residential Zone |             |                                                     |                                     |            |
|--------------------------------------------------------------|-------------|-----------------------------------------------------|-------------------------------------|------------|
| DESCRIPTION                                                  | REQUIRED    | EXISTING                                            | PROPOSED                            | CONFORMING |
| <b>Minimum Lot Requirements</b>                              |             |                                                     |                                     |            |
| Minimum Lot Area                                             | 5,000 SF    | 2,123 SF                                            | 2,123 SF                            | NO (V)     |
| Minimum Lot Width                                            | 50 feet     | 27 feet                                             | 27 feet                             | NO (V)     |
| <b>Building Setbacks – Principal Building</b>                |             |                                                     |                                     |            |
| Front Yard                                                   | 20 feet     | 12.6 feet                                           | 12.6 feet                           | NO (V)     |
| Side Yard                                                    | 6 feet      | 0.8 feet                                            | 0.8 feet                            | NO (V)     |
| Combined Side Yard                                           | 16 feet     | 4.4 feet                                            | 4.4 feet                            | NO (V)     |
| Rear Yard                                                    | 15 feet     | 31.4 feet at dwelling<br>& 27 feet at covered porch | 25.66 feet at second floor addition | YES        |
| <b>Maximum Building Height – Principal Building</b>          |             |                                                     |                                     |            |
| Principal Building Stories                                   | 2.5 stories | 2 stories                                           | 2 stories                           | YES        |
| Principal Building Feet                                      | 30 feet     | 25 feet                                             | 25 feet                             | YES        |
| <b>Maximum Percent Lot Coverage – Principal Building</b>     |             |                                                     |                                     |            |
| Maximum Principal Building Coverage                          | 30%         | 33.86%                                              | 33.86%                              | NO (V)     |
| All Buildings & Impervious Surface                           | 60%         | 54.46%                                              | 54.46%                              | YES        |
| Front Yard Coverage By Parking                               | 30%         | 0%                                                  | 0%                                  | YES        |

(V): “c” Variance Required.

- Minimum Lot Area. For principal buildings within the RA (Single-Family Residential) Zone, the minimum required lot area is 5,000 feet, whereas a lot area of 2,123 square feet exists. **While the lot area is considered an existing non-conformity, a ‘c’ bulk variance is required due to the proposed expansion of the existing building, which intensifies the use on the undersized lot.**
- Minimum Lot Width. For principal buildings within the RA (Single-Family Residential) Zone, the minimum required lot width is 50 feet, whereas a lot width of 27 feet exists. **While the lot width is considered an existing non-conformity, a ‘c’ bulk variance is required due to the proposed expansion of the existing building, which intensifies the use on the undersized lot.**
- Minimum Front Yard Setback. For Principal buildings within the RA (Single-Family Residential) Zone the minimum required front yard setback is 20 feet, and the existing setback is 12.6 feet. **While the front yard setback is considered an existing non-conformity, a ‘c’ bulk variance is required due to the proposed addition to the existing single-family dwelling, which increases the magnitude of the non-conforming front yard setback.**



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5. Minimum Side Yard Setback. For principal buildings within the RA (Single-Family Residential) Zone, the minimum required side yard setback is 6 ft.; the proposed easterly side yard setback is 3.6 feet, and the proposed westerly side yard setback is 0.8 ft. **The minimum side yard setback encroachments are considered existing non-conformities. However, the proposed addition cantilevers beyond the back of the exiting first level rear porch by two feet, which creates new side yard setback encroachments. Bulk or “c” variances are required due to the proposed addition to the existing single-family dwelling, which extends into the side yard setbacks and intensifies the use on the undersized lot.**
6. Combined Side Yard Setback. For principal buildings within the RA (Single-Family Residential) Zone, the minimum required combined side yard setback is 16 feet. The addition proposes a side yard setback of 0.8 feet on the westerly lot line, and the existing 3.6 foot side yard setback from the easterly property line is to remain for a combined side yard setback of 4.4 feet. **The minimum combined side yard setback is considered an existing non-conformity. However, the proposed addition cantilevers beyond the back of the exiting first level rear porch by two feet, which creates new side yard setback encroachments. Bulk or “c” variances are required due to the proposed addition to the existing single-family dwelling, which extends into the side yard setbacks and intensifies the use on the undersized lot.**
7. Maximum Principal Building Coverage. For principal buildings within the RA (Single-Family Residential) Zone, a maximum coverage of 30 percent is permitted, whereas a maximum coverage of approximately 33.86 percent presently exists. **While the total Principal Building Coverage is considered an existing non-conformity, a ‘c’ bulk variance is required due to the proposed addition to the existing single-family dwelling, which intensifies the use on the undersized lot.**

#### F. Off-Street Parking Requirements

1. Off-street parking requirements for the subject property, pursuant to § 5:21-4.14, Table 4.4 of the New Jersey Residential Site Improvement Standards (RSIS) are as follows:  
Two-Bedroom Single-Family Detached Dwelling: 1.5 Spaces
2. A total of one and one-half (1.5) off-street parking spaces are required for the proposed two-bedroom single-family dwelling. Zero (0) off-street parking space currently exist. **The proposal does not meet the minimum off-street parking requirements; therefore, a variance is required.**

#### G. Variance Considerations

The applicant should provide testimony to address the positive and negative criteria for the requested ‘c’ variance.



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Upon hearing testimony and input from the public (if any), the Board should evaluate the positive and negative criteria set forth below to determine whether the Applicant has met its burden of proof for a “c(1)” or “c(2)” variance.

1. Positive Criteria for “c(1)” hardship variance

The finding of a “c(1)” hardship would address the following:

- a. by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or*
- b. by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or*
- c. by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, or the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.*

The finding of the hardship must be for the specific property in question (i.e., it must be unique to the area). Note also that a hardship variance cannot be granted by a self-created hardship or personal hardship of the applicant.

2. Positive Criteria for “c(2)” flexible variance

For the finding of a “c(2)” flexible variance to permit relief from zoning regulations where an alternative proposal results in improved planning would address the following:

- a. The purposes of the MLUL would be advanced by the deviation, and*
- b. The benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.*

The finding of the benefits must be for the specific property in question (i.e., it must be unique to the area). The zoning benefits resulting from permitting the deviation(s) must be for the community, and not merely for the private purposes of the owner. It has been held that the zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Notwithstanding, the Board should consider only those purposes of zoning that are actually implicated by the variance relief sought.

3. The Municipal Land Use Law (NJSA 40:55D-70) requires the applicant to satisfy *both* components of the negative criteria:

- a. The proposal will not create a “substantial detriment to the public good”; and*
- b. The proposal will not create a “substantial detriment to the zone plan and zoning ordinance.”*



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#### H. Lighting

No existing and proposed lighting is shown on the submitted plans. Given the close proximity of the subject site to the adjacent residential properties, light spillage onto said adjacent properties must be taken into account and avoided pursuant to § 25-1-14.6(c). **The Applicant should provide testimony as to whether any additional lighting is proposed on the subject site. If additional lighting is proposed, the plans should be revised to indicate same.**

#### I. Landscaping and Buffering

1. No existing and proposed landscaping is shown on the submitted plans. **The applicant should provide testimony regarding any proposed landscaping. If additional landscaping is proposed, the plans should be revised to indicate same.**
2. Based on the submitted plans, there is an existing chain-link fence, wood fence and vinyl fence on the site. We note that the survey also references a “falling chain link fence” along the eastern property line. **The applicant should provide testimony as to the condition of the existing fences, and whether either existing fencing will remain, and if any additional fencing is proposed.**

#### J. Additional Comments

1. Prior to a scheduled Board hearing, all outstanding items listed in the Completeness Review Items above should be addressed.
2. The applicant should provide testimony that the existing Principal Building Coverage will not be increased in connection with the application.
3. The location of roof leaders for the addition must be shown with topography which demonstrate no adverse drainage impacts to the adjacent properties. Details of same shall be added to the plan.
4. The applicant should provide testimony confirming that the existing dwelling is to remain a single-family unit, and that no additional units and/or extraneous living spaces, are proposed.
5. We note that the property is located outside of the flood hazard area and therefore is not subject to the Borough’s Flood Damage Prevention Ordinance.
6. The applicant should clarify whether any soil is proposed to be removed from the site. If so, a Soil Removal Permit should be obtained as a condition of any approval.



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7. The applicant will be required to repair any pavement, curb, or sidewalk damaged due to the proposed improvements to the satisfaction of the Borough Engineer. A note indicating the same should be added to the plans.
8. The applicant should confirm that the property is not subject to existing easements, deed restrictions, or covenants.
9. Prior to any final approval, the applicant shall address all required Borough fees, permits and approvals.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

T&M ASSOCIATES

FRANCIS W. MULLAN, P.E., C.M.E.  
PLANNING BOARD ENGINEER

CAROLINE Z. REITER, P.P., A.I.C.P.  
PLANNING BOARD PLANNER

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