



YOUR GOALS. OUR MISSION

KUPB-R2080

June 11, 2021

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

Via email and mail

Attn: Denise Nellis, Recording Secretary

**Re: 123 Church Street– Variance Application (21-09)
Block 82, Lots 8 & 9
First Completeness, Engineering & Planning Review**

Dear Board Members:

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

1. Planning Board Application, dated May 18, 2021, consisting of seventeen (17) sheets.
2. Sketch showing existing property, proposed location of above ground pool, associated decking and paver patio, unsigned and undated.

A. Project Description

The applicant is seeking approval and relief for accessory structure within the front yard setback to construct a 12' x 24' above ground pool with associated decking and 21' x 32' paver patio. Upon review of the submitted application, it was noted there is a pre-existing nonconformity for principal front yard, side yard and combined side yard setback.

The subject property, consisting of approximately 14,000 square feet, is located at the intersection of Church Street, Warren Street and Atlantic Street. The site is currently developed with an existing single-family dwelling with a detached garage, associated driveway, walkways and paver patio. Due to the location and geometry of the site, the property has three front yards and one side yard. The entirety of the site is located within the Residential District A (RA) Zone.



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Zoning Data: Residential District A (RA) Zone

	REQUIRED	EXISTING	PROPOSED
Minimum Lot Requirements			
Minimum Lot Area	5,000 S.F.	14,000 S.F.	No Change
Minimum Lot Width	50 feet	100 feet	No Change
Principal Building Setbacks			
Front Setback	20 feet	<i>19.94 feet (ENC)</i>	No Change
Side Setback	6 feet	<i>4.44 feet (ENC)</i>	No Change
Combined Side Setback	16 feet	<i>4.44 feet (ENC)</i>	No Change
Rear Setback	15 feet	N/A	N/A
Accessory Building Setbacks			
Garage Side Yard Setback	3 feet	4.83 feet	No Change
Garage Rear Yard Setback	3 feet	N/A	N/A
Pool Front Yard Setback	<i>Not Permitted</i>	N/A	<i>6 feet (V)</i>
Pool Side Yard Setback	3 feet	N/A	68 feet
Pool Rear Yard Setback	3 feet	N/A	N/A
Maximum Building Height			
Principal Building Stories	2.5 stories	2 stories	No Change
Accessory Building Stories	1.5 stories	1 story	No Change
Maximum Percent Lot Coverage			
Principal Building	30%	10%	No Change
Accessory Building	10%	3%	5%
Buildings Inclusive of Accessory	40%	13%	15%
All Buildings & Impervious Surface	60%	21%	25%
Front Yard Coverage By Parking	30%	3%	No Change

(ENC): Existing Non-Conformity (V): "c" Variance Required.

B. Completeness Review

Based on our review of the variance completeness checklist, the following items must be submitted, or completeness waivers must be granted prior to the application being deemed complete:

- Item 2.B. Locator map showing all road intersections within fifteen hundred feet (1500).
(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)



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- Item 2.C. Wooded areas and topography with two (2) foot intervals. *(I have no objection to the Board granting a completeness waiver for this item, provided that the applicant provides testimony that there will be no adverse impacts to the neighboring properties due to the proposed site improvements.)*
- Item 2.D. All lot lines, approximate location of all structures and owners of lots within two hundred (200) feet of the site. *(Since only a pool with surrounding patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*
- Item 2.F. Utility and drainage plans and information. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*
- Item 2.H. Preliminary plans for parking, lighting, load signs, landscaping and buffers. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*
- Item 2.I. An extension of off-tract improvements necessitated by the proposed improvements. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*
- Item 2.J. The lot and block number, tax map number, exact dimensions and acreage of property to be built upon. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item provided that the applicant has submits a signed and sealed survey to the boards office.)*
- Item 2.K. A survey prepared by a license surveyor of the State of New Jersey shall accompany the plan, showing existing and proposed monuments and all existing proposed lot lines and all set back lines. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item provided that the applicant has submits a signed and sealed survey to the boards office.)*
- Item 2.N. Date and revision dates of drawing and plans. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a*



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completeness waiver for this item provided that the applicant has submits a signed and sealed survey to the boards office.)

- Item 3. Certification by Borough Tax Collector that all taxes including current taxes are paid. *(I have no objection to the Board granting a completeness waiver for this item, provided that the applicant submits proof of taxes paid prior to the public hearing.)*
- Item 4. Payment of all applicable fees for preliminary site plan review. *(I 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.)*
- Item 5. Submission of Environmental Impact Statement. Item 2.J. An extension of off-tract improvements necessitated by the proposed improvements. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*
- Item 7. Stormwater management plan. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*
- Item 9. Six copies of completed checklist. *(I have no objection to the Board granting a completeness waiver for this item, provided the applicant submits the checklist prior to the public hearing)*
- Item 15. Owners signed Certificate of Concurrence with the plan. Item 2.J. An extension of off-tract improvements necessitated by the proposed improvements. *(Since only a pool with associated deck and a paver patio is proposed, I have no objection to the Board granting a completeness waiver for this item.)*

C. Fee Calculation

The Application Fee for this project is \$25.00 as shown on Attachment “A”. Additionally, the Ordinance Fee Schedule requires an Escrow Fee be posted in the amount of \$200.00. The applicant is required to post any remaining balance prior to the application being schedule for public hearing.

D. Planning and Engineering Review



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1. The minimum front yard setback in the RA Zone of the Borough is 20', whereas 19.94' currently exists. This is an existing non-conformity.
2. The minimum side yard setback in the RA Zone of the Borough is 6', whereas 4.44' currently exists. This is an existing non-conformity.
3. The minimum combined side yard setback in the RA Zone of the Borough is 16', whereas 4.44' currently exists. This is an existing non-conformity.
4. The RA Zone of the Borough does not permit accessory structures in the front yard, whereas an accessory structure with a setback of 6' is proposed. Therefore, a bulk 'c' variance is required.
5. The applicant shall provide testimony to address the positive and negative criteria for the requested 'c' variances. The applicant's testimony should focus on the following:
 - a. Positive Criteria: The applicant shall provide testimony to the board regarding the physical conditions of the property and how the strict application of the provisions of the ordinance would result in a hardship that is inconsistent with the purpose and intent of the ordinance. Alternatively, the applicant may testify that the required variance furthers the purposes of the Municipal Land Use Law and that the benefits of granting the variance will substantially outweigh any detriments.
 - b. Negative Criteria: The applicant must demonstrate that the variance can be granted without substantial detriment to the public good, and that the granting of the variance will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.
6. The applicant shall provide testimony regarding the location of the proposed pool and if it can be relocated within the front yard setback to comply with the ordinance. Based on review of the site, there appears to be ample open space in the back yard of the site.
7. The applicant shall provide testimony regarding the location of the proposed pool equipment and filter type and if there will be extension of any utilities to the pool location. The applicant shall also provide testimony regarding backwashing of the filter, if required.
8. The applicant shall provide testimony regarding the expansion of the existing paver patio and if the same material will be used.



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9. The applicant shall specify if there will be any modifications to the on-site fencing due to the proposed pool construction.
10. The site is not located in a flood zone and therefore is not subject to the Borough Flood Damage Prevention Ordinance.
11. The applicant will be required to repair any pavement, curb or sidewalk that is damaged as a result of the proposed improvements.
12. The applicant should confirm that the property is not subject to any existing easements, deed restrictions and/or covenants.
13. The applicant will be required to obtain any necessary municipal building permits if any are required.
14. An aerial of the site is attached to this report. The aerial has been prepared utilizing Google Maps for general reference and does not assure the existing conditions are accurately reflected.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES

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

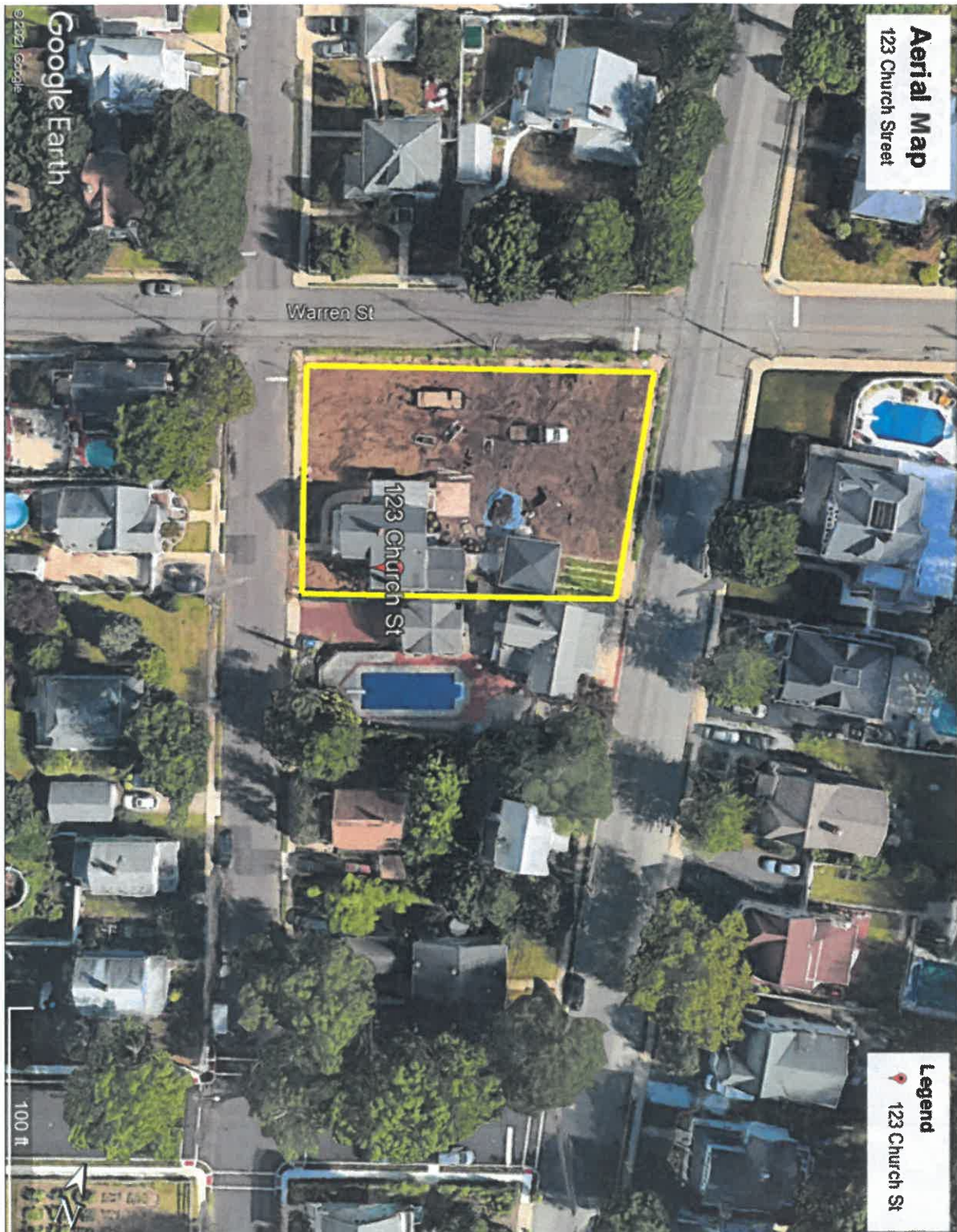
STANLEY SLACHETKA P.P., A.I.C.P.
PLANNING BOARD PLANNER

FWM:DMD:AWD:lkc

c: Marc Leckstein, Planning Board Attorney



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**ATTACHMENT A
APPLICATION FEE SCHEDULE**

Determination of Fees

Site plan “C” Variances	Application Fee \$25.00 (\$25.00/variance)	Escrow Fee \$200.00
Total	\$25.00	\$200.00