



YOUR GOALS. OUR MISSION.

KUPB-R2061

June 14, 2022

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

Via email and mail

Attn: Denise Nellis, Recording Secretary

**Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval (22-01)
Block 60, Lot 6
Arjika Properties, Inc.
First Engineering and Planning Review**

Dear Board Members:

As requested, we have reviewed the plans, entitled “Duplex Dwelling Site Plan 108 Broad Street” that were prepared by Marc S. Lever, P.E., P.P., of East Point Engineering, LLC, dated March 18, 2022, consisting of six sheets (6) sheets. Additionally, the applicant submitted the following documents in support of this application:

1. Planning Board Application #22-01, dated April 22, 2022, consisting of five (5) pages; and
2. Architectural Floor Plans and building elevations prepared by Salvatore La Ferlita, R.A., consisting of one (1) sheet, dated February 10, 2022.

A. Project Description & History

The applicant is requesting Preliminary and Final Site Plan Approval to construct a 2-family residential duplex building on a vacant lot. The said vacant lot previously contained a single-family dwelling prior to demolition.

The subject property, consisting of 5,162.5 SF, is located at the intersection of Broad Street (Monmouth County CR 4) and West Third Street. The site has approximately 59 feet of frontage on Broad Street (CR 4) and 88 feet of frontage on West Third Street. The entirety of the site is located within the Two-Family Residential District B (RB) Zone.

A previous Planning Board Application, #21-07 was submitted for the construction of a multifamily residential home containing 4 units. This application was denied by the Planning Board at its January 27, 2022 hearing, primarily due to the excessive density proposed within the Two-Family Residential District B (RB) Zone, the inconsistency of the proposal with the goals and objectives of the 2017 Keyport Master Plan, and the applicant’s failure to meet the required criteria justifying the granting of a d(1) use variance

B. Fee Determination

The Application Fee for this project is \$650.00 as shown on Attachment “B”. Additionally, the Ordinance Fee Schedule requires an Escrow Fee be posted in the amount of \$692.50. The applicant is required to post any remaining balance prior to the application being deemed complete.



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

C. Planning and Engineering Review

1. Land Use Plan

- 1.1 The subject property is located on the two-family Residential District B (RB). The Two-Family Residential land use (RB District) is identified by the Land Use Plan as a crucial buffer to the single-family neighborhoods from the more intense uses of the downtown. The Two-Family Residential land use also provides a denser residential land use to support the downtown.
- 1.2 The intent and purpose of the RB Residential District is to provide a balance of housing stock within the Borough of Keyport and provide a transitional buffer from the more intense uses found in higher density residential uses, as well as commercial uses of the Downtown/Waterfront area. By placing areas within this land use category on the Land Use Plan map, the Land Use Plan reiterates this intent as an objective of the Land Use Plan with respect to Moderate Density Residential areas.
- 1.3 The proposed development of a two-family duplex development is consistent with the intent of the land use plan to permit two-family dwelling units in the RB zone.

2. Proposed Use

- 2.1 Per section 25-1-6.4 of the Zoning Ordinance, following principal uses are permitted in RB residential district:
 - a. Single-family detached dwellings
 - b. Public parks and playgrounds
 - c. Two-family dwellings
- 2.2 The applicant proposes a two-family residential building on the subject property. Each unit will contain three bedrooms. This is a permitted use within the RB Zone, and therefore a d(1) use variance is not required.

3. Conformity to Zoning Ordinance and Variances Required

- 3.1 Deficient Lot Area: Minimum lot area of 7500 SF. is required per Section 25-1-6.4, whereas the existing lot area of the subject property is 5,162.5 SF. This an existing non-conforming condition.
- 3.2 Deficient Lot Width: The minimum required rear yard setback per section 25-1-6.4 is 75 feet, whereas the existing lot width of the subject property is 59 feet. This an existing non-conforming condition.
- 3.3 Deficient Front Yard Setback: The minimum required front yard setback per section 25-1-6.4 is 20 feet whereas the applicant proposes 17.21 feet along West Third Street and 22.0 feet



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

along Broad Street. Therefore, one (1) “c” variance is required for the insufficient front yard setback along West Third Street.

- 3.4 Deficient Rear Yard Setback: The minimum required front yard setback per section 25-1-6.4 is 20 feet whereas the applicant proposes 9.5 feet. Therefore, one (1) “c” variance is required.
- 3.5 Excessive Building Coverage: Maximum building coverage of 30% is permitted per section 25-1-6.4, whereas the applicant proposes 32.5% building coverage. Therefore, one (1) “c” variance is required.
- 3.6 Excessive Percentage of Front Yard Coverage By Parking: Maximum permitted percentage of the front yard covered by parking is 30%, whereas the applicant proposes 38.4% of the front yard to be covered by parking. Therefore, one (1) “c” variance is required.
- 3.7 Excessive Building Height: Maximum building height of 2.5 stories and 30 feet is permitted per section 25-1-6.4, whereas the applicant proposes 3 stories and 30 feet. Therefore, one “c” variance is required for the excessive stories proposed.
- 3.8 Excessive Density: RB-2 zone permits two (2) dwelling units on a 7500 sq.ft. lot size; therefore, 11.6 dwelling units per acre density is permitted. The applicant proposes two (2) units on a 5,162.5 sq. ft. property, therefore, 16.9 dwelling units per acre density is proposed. Therefore, a d(5) density variance is required.
- 3.9 The applicant shall provide testimony to address the positive and negative criteria for the required “c” variances. The applicant’s testimony should focus on the following:
 - (1) 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.
 - (2) 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.

Please see Attachment C for the Zoning Tables.

- 3.10 In order to be entitled to variance relief for the required d(5) density variance, the applicant must demonstrate that the application satisfies both the positive and negative criteria of the NJ Municipal Land Use Law:



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

a. Positive Criteria:

There are two prongs to the positive criteria that the applicant must satisfy for a d(5) density variance. These are:

- (1) That the site is particularly suited to the use. The recent New Jersey Supreme Court case, '*Himeji*', clarified the tests for evaluating particular suitability. First is that the applicant must establish the facts that distinguish the subject property from surrounding sites and second, that the need for the proposed use is best served at the location of the subject property.
- (2) There are special reasons that allow a departure from the zoning regulations in this particular case. The applicant must demonstrate that the variance promotes one or more of those purposes stipulated in the Municipal Land Use Law to establish special reasons and that those purposes will be advanced by the proposed development.

b. Negative Criteria:

There are two prongs to the negative criteria that the applicant must satisfy. These are:

- (1) That the variance can be granted without substantial detriment to the public good. This prong requires an evaluation of the impact of the variance on surrounding properties and a determination as to whether or not the proposed use would cause damage to the character of the neighborhood.
- (2) That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.

4. Floodplain Management

- 4.1 The property is not located in a flood zone, per the effective FIRM Panel #34025C0037F and Preliminary FIRM and as such is not subject to the Borough Flood Damage Prevention Ordinance.

5. Off-site and Off-tract Improvements

- 5.1 The plans shall be revised to indicated concrete curb and sidewalk replacement along the entire frontage of Broad Street (CR 4) and West Third Street. Details for concrete curb and sidewalk shall be added to the plans. All concrete shall be NJDOT Class B.
- 5.2 The plans shall be revised to indicate full width milling and paving for the entire frontage on West Third Street. A detail of the pavement section, indicating 2" of 9.5M64 Surface Course, 4" 19M64 Base course and 6" Dense Graded Aggregate Base Course, shall be added to the plans.



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

- 5.3 The detail for the proposed concrete apron shall be revised to provide 4” of clean stone subbase.
- 5.4 Any curb, sidewalk or pavement that is damaged as a result of the construction shall be repaired to the satisfaction of the Township Engineer. A note indicating the same shall be added to the plans.
- 5.5 The applicant shall obtain approval from Monmouth County for work within their right of way.

6. Traffic Circulation and Layout

- 6.1 The parking requirements under the Residential Site Improvement Standards (RSIS) are as follows:

3-Bedroom Unit (Townhouse):

3 BR = 2.4 Spaces/Unit
2 Units x 2.4 Spaces = 4.8 Spaces = **5 Spaces**

Each unit will contain one (1) attached two-car garage and two (2) driveway spaces which provide a total of 8 spaces, whereas 5 spaces are required. Therefore, the parking requirement has been satisfied.

- 6.2 The applicant shall provide testimony regarding refuse collection.
- 6.3 Both driveways connected to the attached garages are accessed by West 3rd Street, a narrow, one-way street containing on-street public parking which serves the adjacent downtown commercial district and residences. This street parking lies directly in front of the proposed driveways, further reducing vehicular ingress/egress. The applicant shall revise the plans to include the dimensions of the existing width of West 3rd Street and identify the location and dimensions of the existing street parking adjacent to the proposed driveways. The applicant shall also provide testimony and turning templates regarding the access to dais driveways on West 3rd Street.

7. Grading and Drainage

- 7.1 The proposed development will not disturb one (1) acre or more of land and will not create one quarter acre or more of regulated impervious surface. Therefore, the project is not considered a “major development.”
- 7.2 The applicant shall review the grading in the rear of the building. The area appears to be flat and may hold water. The applicant shall ensure that no stormwater will drain onto adjacent properties.



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

- 7.3 Proposed top of curb and gutter elevations shall be provided along the entire frontage on Broad Street (CR 4) and West Third Street.
- 7.4 The applicant shall revise the plans to show the location of roof leaders. The applicant shall ensure that all runoff is directed towards the roadway.

8. Sanitary Sewer, Potable Water and Utilities

- 8.1 The applicant will be responsible for paying any water and sewer fees related to the proposed improvements as required by Chapter XIV of the Borough Water and Sewer Ordinance. These fees shall include, but not be limited to, the Borough's Sanitary Sewer Connection Fees per Chapter XIV, Section 14-2.11 and the Borough's Water Connection Fees per Chapter XIV, Section 14-1.15, Schedule IV entitled Connection Fees.

9. Landscaping and Lighting

- 9.1 The applicant shall revise the site plan to show the location of the light fixtures as shown on the architectural plans and provide the lighting output. All lighting levels and mounting heights shall conform with Section 25:1-14.6.c of the Ordinance.
- 9.2 The plans shall be revised to provide additional landscaping buffering along the rear of the building.

10. General Comments

- 10.1 The applicant shall provide testimony regarding maintenance of the building and adjacent land.
- 10.2 The applicant shall specify if any fencing is proposed and revise the plans accordingly.
- 10.3 The applicant shall indicate if any signs are proposed as part of the site plan application. Details of the same shall be added to the plans.
- 10.4 The owner's concurrence signature must be signed and notarized.
- 10.5 The applicant shall clarify its proposal for mechanicals and any HVAC condensers. The plans shall be revised to show the location of all proposed equipment and that screening be provided for same.
- 10.6 The applicant shall provide testimony regarding proposed screening for the two trash areas located in the side yard and the front yard along Broad Street.
- 10.7 The plans shall be revised to include a detail for the proposed pavers.



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

- 10.8 The architectural plans shall be revised to include elevations for the rear of the building and westerly side of the building with related dimensions.
- 10.9 The architectural plans shall be revised to show the dimensions of each room included in the floor plans.
- 10.10 The applicant shall confirm that the open floor plan proposed on the second floor of each unit shall remain as-is and will not be renovated to provide any additional units and/or extraneous living space(s).
- 10.11 The applicant shall confirm that the attic of the building will contain no usable space.
- 10.12 The applicant should confirm that the property is not subject to any existing easement, deed restrictions and/or covenants.
- 10.13 The applicant must post performance and maintenance guarantees and inspection fees, as necessary. Unless waived by the Borough, the applicant must enter into a Developers Agreement with the Borough.
- 10.14 The applicant is advised that no permits for any work on the site will be issued until all requirements of final approval are met, including submission of the required revised plans for signature.

11. Permits and Approvals

- 11.1 The applicant should obtain all necessary permits and approvals including, but not limited to, CAFRA, Monmouth County Planning Board, Freehold Soil Conservation District and Bayshore Regional Sewerage Authority and provide copies of same to the Board.
- 11.2 The applicant must obtain any necessary municipal building permits that are required.

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



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

cc: Marc Leckstein, Planning Board Attorney
Mark Sessa, Planning Board Chairman
F. Bradford Batch, Applicant's Attorney (brad@batchalaw.com)
Marc Leber, Applicant's Engineer (mleber@eastpointeng.com)
Salvatore La Ferlita, Applicant's Architect (sallaferlita@aol.com)
Patrick Ward, Applicant's Planner (patrick@insiteeng.net)
Arjika Property Inc, Applicant, 8 Strawberry Lane, Monroe, NJ 08831



ATTACHMENT A
Amended Preliminary and Final Site Plan Approval, Height & Density Variances (22-01)
108 Broad Street: Block 60, Lot 6

An outline of Completeness Item Waivers we do not object to:

A.1 Item Preliminary L – The following legends shall be added to the plans:

Site plan of _____
Block _____ Lot _____ Zone _____
Date _____ Scale _____
Applicant _____
Address _____
I consent to the filing of this site plan with the Planning Board

(Owner) (Date)

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

(Name) (Title & License)
I have reviewed this site plan and certify that it meets all codes and ordinances under that jurisdiction

(Date) (Municipal Engineer)
Approved by Planning Board:
Preliminary _____

Final _____

(Chairman) (Date)

We have no objection to the Board granting a completeness waiver for this item, provided that the above is added to the plans as a condition of approval.

A.2 Item Preliminary 5 – Submission of Environmental Impact Study. *We have no objection to the Board granting a waiver for this item.*

A.3 Item Preliminary 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 that the applicant obtains Freehold Soil Conservation District approval as a condition of approval.*

A.4 Item Preliminary 7 – Stormwater Management Plan. *We have no objection to the Board granting a waiver for this item.*



Re: 108 Broad Street – Amended Preliminary & Final Site Plan Approval, Height & Density Variances (22-01)
Block 60, Lot 6
First Engineering and Planning Review

- A.5 Items Preliminary 8 – Referral to the Monmouth County Planning Board for review and approval. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant obtains approval from the Monmouth County Planning Board as a condition of approval.*
- A.6 Item Preliminary 12 – Application for state ingress and egress approval. *We have no objection to the Board granting a waiver for this item.*
- A.7 Item Preliminary 15 – Owner’s signed Certificate of Concurrence with the plan. *We have no objection to the Board granting a completeness waiver for this item, provided that the owner’s concurrence signature block is signed and notarized as a condition of approval.*
- A.8 Item Final 4 and Final 7 – Performance Guarantees and Inspection Fees. *We have no objection to the Board granting completeness waivers for these items, provided that performance guarantees and inspection fees are provided as a condition of any approval.*
- A.9 Item Final 5 – Soil Removal Permit. *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 site.*
- A.10 Item Final 9 – Permits from other authorities. *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.*



**ATTACHMENT B
APPLICATION FEE SCHEDULE**

**Amended Preliminary and Final Site Plan Approval, Height & Density Variances (22-01)
108 Broad Street: Block 60, Lot 6**

Determination of Fees

Site plan	Application Fee	Escrow Fee
Preliminary Site Plan	\$300.00	\$146.25 (5,850 SF disturbance x \$0.025)
Final Site Plan	\$100.00	\$146.25 (5,850 SF disturbance x \$0.025)
"C" Variances	\$100.00 (\$25/variance)	\$200.00
"D" Variances	\$150.00 (\$150/variance)	\$200.00
Total	\$650.00	\$692.50



ATTACHMENT C

Amended Preliminary and Final Site Plan Approval, Height & Density Variances (22-01) 108 Broad Street: Block 60, Lot 6

Bulk Requirements - Section 25-1-16				
RB 2 Family Residential Zone Requirement	Required	Existing	Proposed – Original Application #21-07 (Denied 1/27/2022)	Proposed – Amended Application #22-01
Minimum Lot Area	7,500 sf	5,162.5 SF (ENC)	<i>No Change (ENC)</i>	<i>No Change (ENC)</i>
Minimum Lot Width	75 ft.	59 FT (ENC)	<i>No Change (ENC)</i>	<i>No Change (ENC)</i>
Minimum Front Yard Setback	20 ft.	-	<i>18.5 ft. (West Third Street) (V)</i> <i>10.5 ft. (Broad Street) (V)</i>	<i>17.21 ft.* (West Third Street) (V)</i> 22.0 ft. (Broad Street)
Minimum Side Yard Setback	6 ft.	-	10 ft.	11.5 ft.
Minimum Combined Side Yard Setback	16 ft.	-	N/A	N/A
Minimum Rear Yard Setback	20 ft.	-	<i>6.5 ft. (V)</i>	<i>9.5 ft. (V)</i>
Maximum Building Coverage	30%	-	<i>35.3% (V)</i>	<i>32.5% (V)</i>
Maximum Lot Coverage	60%	-	<i>63.8% (V)</i>	52.1%
Maximum Building Height	30 ft./2.5 Stories	-	<i>30 ft./3 Stories (V)</i>	<i>30 ft./3 Stories (V)</i>
Maximum Parking In Front Yard Coverage	30%	-	<i>32.4% (V)</i>	<i>38.4% (V)</i>

*Includes two balconies 5.29' in depth.