



KUPB-R2060

July 12, 2021

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 – Use Variance and Preliminary & Final Site Plan Approval (21-07)
Block 60, Lot 6
First Engineering and Planning Review**

Dear Board Members:

As requested, we have reviewed the plans, entitled “Use Variance Site Plan 108 Broad Street” that were prepared by Marc S. Lever, P.E., P.P., of East Point Engineering, LLC, dated November 12, 2020, consisting of six sheets (6) sheets. Additionally, the applicant submitted the following documents in support of this application:

1. Architectural Plans, prepared by Grammar Design, LLC, dated December 16, 2019, consisting of two (2) sheets.
2. Planning Board Application, dated March 4, 2021, consisting of seven sheets (7) sheets.

A. Project Description

The applicant is requesting Use Variance and Preliminary and Final Site Plan Approval to construct a 4-family residential building on a vacant lot. The lot was previously developed with a multi-family unit.

The subject property, consisting of 5,162.5 SF, is located at the intersection of Broad Street (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.

B. Fee Determination

The Application Fee for this project is \$500.00 as shown on Attachment “B”. Additionally, the Ordinance Fee Schedule requires an Escrow Fee be posted in the amount of \$492.50. The applicant is required to post any remaining balance prior to the application being deemed complete.

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



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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 multi-family development is not consistent with the intent of the land use plan to permit two-family dwelling units in the RB zone.

2. Use Variance

- 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 park and playground
- c. Two family dwellings

- 2.2 The applicant proposes a four-family residential building on the subject property. This is not a permitted use in RB zone. Therefore, a d(1) use variance is required.

In order to be entitled to variance relief for the d(1) use variance, the applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law:

- a. Positive Criteria:

There are two prongs to the positive criteria that the applicant must satisfy for a d(1) 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



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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.

2.3 The applicant shall discuss the suitability of the undersized property for a multi-family development. The scale of development in the vicinity of the site must be discussed.

3. Zoning Ordinance and Variances

- 3.1 Deficient Lot Area: Minimum a 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 Rear Yard Setback: The minimum required rear yard setback per section 25-1-6.4 is 20 feet whereas the applicant proposes 6.5 feet. A variance is required.
- 3.3 Excessive Building Coverage: Maximum building coverage of 30% is permitted per section 25-1-6.4, whereas the applicant proposes 37.2% lot coverage. A variance is required.
- 3.4 Excessive Building Height: Maximum building height of 30 feet is permitted per section 25-1-6.4, whereas the applicant proposes 33.7 feet building height. The 3.7 feet of excessive height is more than 10 % of the 30 feet permitted height. Therefore, a d(6) variance is required.
- 3.5 Excessive Density: RB-2 zone permits two (2) units on a 7500 sq.ft. lot size, therefore, 11.6 units per acre density is permitted. The applicant proposes four (4) units on a 5,162.5 sq. ft. property, therefore 33.7 units per acre density is proposed. A density d (5) 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 38.7% of the front yard to be covered by parking. A variance is required.



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3.7 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:

- (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.

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.
- 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.



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6. Traffic Circulation and Layout

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

1 Bedroom Unit:

1 BR = 1.8 Spaces/Unit

4 Units x 1.8 Spaces = 7.2 Spaces = **8 Spaces**

A total of **8 spaces** are provided, whereas **8 spaces** are required, therefore, the parking requirement has been satisfied. Each unit will contain a single car garage and driveway.

- 6.2 The applicant shall specify the numbers of bedrooms proposed per unit. The site plan states they are 2 bedroom units whereas the architectural plans show 1 bedroom units.

- 6.3 The applicant shall provide testimony regarding refuse collection.

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.

- 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.

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. Landscape 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 along the rear of the building.



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10. General Comments

- 10.1 The applicant shall provide testimony regarding maintenance of the building and adjacent land.
- 10.2 The plans shall be revised to indicate removal of the deteriorated chain link fence around the property boundary. 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 should clarify its proposal for mechanicals and any HVAC condensers. We recommend that the plan be revised to show the location of all proposed equipment and that screening be provided for same.
- 10.6 The applicant should confirm that the property is not subject to any existing easement, deed restrictions and/or covenants.
- 10.7 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.
- 10.8 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.



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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

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

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ATTACHMENT A
Use Variance and Preliminary and Final Site Plan Approval (21-07)
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.*



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- 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**

**Use Variance and Preliminary and Final Site Plan Approval (21-07)
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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
Total	\$500.00	\$492.50



ATTACHMENT C

Use Variance and Preliminary and Final Site Plan Approval (21-07) 108 Broad Street: Block 60, Lot 6

Zone Requirement	Required	Existing	Proposed
Minimum Lot Area	7,500 SF	5,162.5 SF	<i>5,162.5 SF (V)</i>
Minimum Lot Width	75 FT	87.5 FT	87.5 FT
Minimum Front Yard Setback	20 FT	-	20.50 FT
Minimum Side Yard Setback	6 FT	-	6.5 FT
Minimum Combined Side Yard Setback	16 FT	-	N/A
Minimum Rear Yard Setback	20 FT	-	<i>6.50 FT (V)</i>
Maximum Building Coverage	30%	-	<i>37.2% (V)</i>
Maximum Lot Coverage	60%	-	52.7%
Maximum Building Height	30 FT/2.5 Stories	-	<i>33.77 FT/3 Stories (V)</i>
Maximum Parking In Front Yard Coverage	30%	-	<i>38.7% (V)</i>