

Resolution prepared by:  
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**RESOLUTION GRANTING APPROVAL TO  
MAKE IMPROVEMENTS TO EXISTING HOME**

**UNIFIED PLANNING BOARD  
BOROUGH OF KEYPORT**

**BLOCK 9, LOT 57**

**Application # 20-04  
DARREN AND CHRISTINA GREENBERG  
144 THERESE AVENUE**

WHEREAS, Darren and Christina Greenberg have applied to the Unified Planning Board of the Borough of Keyport for approval to make certain improvements to their single family home located at 144 Therese Avenue which is officially designated as Block 9, Lot 57 on the Tax Map of the Borough of Keyport; 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 Unified Planning Board held on September 24, 2020; and

WHEREAS, due to the ongoing covid-19 pandemic, the meeting was held utilizing an online virtual format which ensured all persons having an interest in said application were heard; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicants;

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. The applicants, Darren and Christina Greenberg, seek approval from the Board to make certain improvements to their existing two story single family home located at 144 Therese Avenue which is officially designated as Block 9, Lot 57 on the official Tax Map of the Borough. A single family home is a permitted use in the RA zoning district where the property is located.
2. The property consists of 4,640 square feet which has 40.00 feet of frontage along the western side of Therese Avenue. It is actually located at the intersection of Therese Avenue and Provost Avenue and is therefore a corner lot.
3. The applicants seek to construct an 8' x 7.16' addition to the southwest corner of the house and expand the rear of the existing home by way of a 14' x 11.5' addition. Both will be two-story additions which will not increase the overall height of the existing home.
4. The variances necessitated by this application are all existing conditions which are not being impacted by the proposed improvements. Nevertheless, the applicant is seeking approval of those pre-existing non-conformities. Those pre-existing

variances are as follows:

| Ordinance Provision                   | Requirement   | Existing    | Requested   |
|---------------------------------------|---------------|-------------|-------------|
| Minimum Lot Area (Sq. Ft.)            | 5,000 sq. ft. | 4,640 SF    | 4,640 SF    |
| Minimum Lot Width (Ft.)               | 50 feet       | 40.0' +/-   | 40.0' +/-   |
| Front Yard Setback for House (Ft.)    | 20 feet       | 23' & 6.1'  | 23' x 6.1'  |
| Side Yard Set Back (Ft.) For House    | 6 feet        | 0.6 feet    | 0.6 feet    |
| Side Yard (Ft.) Accessory Structure** | 3 feet        | 2' +/-      | 2' +/-      |
| Rear Yard (Ft) Accessory Structure ** | 3 feet        | 1' +/-      | 1' +/-      |
| Accessory Structure In Front Yard**   | Not Permitted | Shed Exists | Shed Exists |

\*\* Applicants have a shed on their property which is located along the Provost Avenue side of the property. It therefore requires a variance since it is technically located within a front yard and structures in front yards are not permitted by ordinance.

5. The applicants, Darren and Christina Greenberg, appeared and were placed under oath. They indicated that were looking to expand the home to have more living space for their family. Specifically they were looking to enlarge the kitchen and add a mud room in the back on the first floor and an additional bedroom on the second floor.
6. In support of the application, the following was offered into evidence:  
**Exhibit A-1:** Application to land Use Board  
**Exhibit A-2:** Survey of the Applicant's Property  
**Exhibit A-3:** Architectural Plans for the Improvements (6 Sheets)
7. Beyond the applicant's exhibits, the Board also marked its own Exhibit:  
**Exhibit B-1:** CME Planning and Engineering Review Letter of September 10, 2020.
8. The Board's Planner, Peter Van den Kooy, P.P., AICP, who was placed under oath, testified that he had no objections to the application from a planning perspective provided that the suggestions contained within Comment # 9 of his review memorandum were complied with by the applicants. This comment required that the applicants (a) obtain all required building permits from the Borough prior to any renovations of the structure and (b) that a final "as built survey" be submitted to the Borough once any renovations to the structure are complete. (**Exhibit B-1**)
9. The following members of the public spoke with respect to the application, both remarking they were in support of the application and believed the improvements would serve to help ensure the continued maintenance of an already beautiful house.
  - (a) Michael Lane - 51 First Street
  - (b) Elmer J. Graham - 22 St. Peters Place
10. In considering this application the Board has reviewed the materials submitted into evidence and finds that permitting the applicants to make the requested improvements will benefit the subject property by allowing additional living space. This will ensure the house continues to be appropriately maintained and remain an aesthetically pleasing structure within the neighborhood where it is located.

11. The Board cannot envision why the granting of the requested variance relief, representing conditions which already exist at the site and none of which are actually being triggered by the proposed application, would negatively impact anyone. The Board is hard pressed to envision any negative impact whatsoever which would be created if the requested variance relief were granted, especially when considering they are all pre-existing conditions. Surely if anyone had issues with the present conditions, they would have come before the Board to express their concerns.
12. Based upon all of the above, the Board finds that the required variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of allowing the applicants to improve their existing home will allow for a better result than strict adherence to the Borough's zoning ordinance would otherwise allow.
13. The Board finds that the applicants have met both the negative and positive criteria necessary for obtaining variance relief and as such, this application may be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of Darren and Christina Greenberg, seeking approval to make certain improvements to their home located at 144 Therese Avenue, which is officially designated as Block 9, Lot 57, be granted subject to the following conditions:

1. The improvements must be made pursuant to the architectural plans marked into evidence as **Exhibit A-3**.
2. Subject to the requirements made at Point 9 of the Planning and Engineering review letter (**Exhibit B-1**), which specifically requires that (a) the applicants obtain all required building permits from the Borough prior to any renovations of the structure and (b) that a final "as built survey" be submitted to the Borough by the applicants once any renovations to the structure are complete.
3. Subject to all representations made by the applicant during the application.
4. 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.
5. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
6. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
7. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
8. The action of the Unified 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 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.

9. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

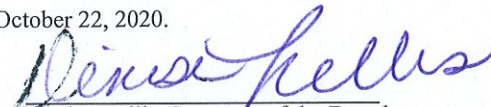
The foregoing was moved by K. Howe, seconded by Councilman Goode and on Roll Call, the following vote was recorded:

Affirmative: Mayor Kennedy, Councilman Goode, Mark Sessa, R. Benedict, L. Davidson, D. Pacheco

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its meeting on October 22, 2020.

  
Denise Nellis, Secretary of the Board