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November 25, 2024

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

Attn: Denise Nellis, Planning Board Secretary

**Re: 104 Green Grove, LLC
Use and Bulk Variance Application
Completeness and Technical Review #1
Application No. KUPB 24-14
Location: 104 Green Grove Avenue
Block 103, Lot 76
Borough of Keyport, Monmouth County, NJ
CME File: HKPE0103.01**

Dear Board Members:

In accordance with your authorization, CME has performed a review of the above referenced variance application, including but not limited to the following:

- Application To the Keyport Unified Planning Board, dated October 2, 2024 with Escrow Agreement, Form #2-Notice Served on Property Owners within 200 feet of Subject Property, Form #3-Notice to be Published in the official Newspaper of the Borough of Keyport, Tax Payment Certification, Notice of Actions Taken by the Board Borough of Keyport, Completion Checklist Unified Planning Board and Disclosure Statement.
- Plans titled: Plan of Survey, Donna K. Smith, Borough of Keyport, Monmouth County, New Jersey, Block 103, Lots 76 and 77, dated March 5, 2024, prepared by Brunswick Survey Incorporated.
- Plans for 30 x 50 x 18'-4" Pole Barn prepared by PPB. Inc., dated 5/30/2024, including structural plan for roof truss, prepared by James Capitanio, P.E., dated 9/20/2022.

Completeness Review:

1. The application as submitted is defined as a Major Development and therefore requires preliminary and final site plan approval. The project also required use variance approval as well as several bulk variances.
2. The project is located within a Special Flood Hazard Area. For all projects where any part is located in a Special Flood Hazard Area, the following is required:
 - A map detailing the flood area boundaries;
 - Elevations of the project;



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- Evidence of compliance with the flood damage prevention ordinance certified by the Borough's Certified Flood Plain Manager.
- 3. The Certification by the Borough Tax Collector indicating that all taxes are paid shall be signed by the Tax Collector and submitted as part of the application.
- 4. Referral to the Monmouth County Planning Board for review and approval or letter of no interest since the property fronts on a County Roadway (Monmouth County Route 516). A waiver may be requested for this item if the Applicant agrees to make this a condition of any approval granted by the Board.

5. Fees:	Application Fee	Escrow Fee
a) Site Plan Preliminary:	\$300	\$500
b) Site Plan Final:	\$100	\$500
c) Use Variance	\$150	\$200
d) "C" Variance	\$50	\$200
Total:	\$600.00	\$1,400.00

We recommend this application be deemed **incomplete** until the Applicant addresses the above referenced deficiencies.

Technical Review

1. The Applicant, 104 Green Grove, LLC is seeking site plan approval and use/bulk variance approval for construction of a fifty (50') foot X thirty (30') foot pole barn as an accessory structure on the rear portion of an existing 25,116 square foot lot located on the west side of Green Grove Avenue (County Route 516). The subject site is in the Residential Zoning District RC.
2. The subject property is the combined Lots 76 and 77 and is an interior lot (not a corner lot). The proposed barn will be in addition to an existing two (2) story frame residential dwelling located on the site. The Application states the property is presently used as a residence and is seeking a Use ("d") Variance to construct a pole barn for a commercial use to store snow removal equipment, three (3) trucks, temporary fence to be used during the winter season to protect vehicles and personal items. The driveway from Green Grove Avenue will also be extended to the proposed barn. The Application also requests approval for two (2) principal uses (existing residential and proposed commercial) on one lot.
3. Permitted principal uses in the RC Zoning District are single family and multi-family residential uses. Adjacent parcels to the north and south are located in the RC Zoning District. The 100 Green Grove Apartments (five units) and a residential building are located on the abutting parcel to the north. The abutting property to the south appears to contain residential and commercial uses. The



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abutting parcel to the rear is located in the RA Residential Zoning District and is owned by the Keyport Board of Education. The Township parcel also includes Chingarora Creek Tributary which directly abuts the rear of the Applicant's property.

4. The proposed barn plans show a wood frame structure with a truss roof approximately 24-feet above ground. The Applicant should clarify all uses proposed for the barn and utility services (electric, water, sanitary and gas) proposed for the building.
5. The zoning schedule for the RC - 1 Family District is as follows:

<u>Item</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area	5,000 s.f.	25,116 s.f.	25,116 s.f.
Minimum Lot Width	50 feet	100 feet	100 feet
Minimum Front Yard	20 feet	48.2 feet	48.2 feet
Minimum Side Yard Setback (one side)	6 feet	15.3 feet	15.3 feet
Minimum Both Side Yard Setbacks	16 feet	73.2 feet	73.2 feet
Minimum Rear Yard Setback	15 feet	Greater than 15 feet	Greater than 15 feet
Accessory Building Side Yard	3 feet	NA	5± feet
Accessory Building Rear Yard	15 feet	NA	Less than 15 feet V
Maximum Principal Building Stories/Feet	2.5/30 feet	2 stories/less than 30 feet	2 stories/less than 30 feet
Maximum Accessory Building Stories/Feet	1.5/16	NA	1.0/24± feet V
Maximum Principal Building Coverage	30%	Less than 30%	Less than 30%
Maximum Accessory Building Coverage	10%	NA	6.0%



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<u>Item</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Maximum All Buildings Coverage	40%	Less than 40%	Less than 40%
Maximum All Building Impervious	60%	Less than 60%	Less than 60%
Maximum Percentage of Front Yard Coverage By Parking	30%	33.0%	33.0% EC

V Variance Required NA Not Applicable EC Existing Nonconformity

6. The proposed roof of the barn is approximately 24-feet above grade, the maximum permitted by the Zoning Schedule for an accessory structure is 16 feet. The minimum rear setback for an Accessory Building is 15 feet. The proposed Accessory Building appears to be located within the rear setback. Bulk ("c" type) Variances are required. The Applicant shall provide the setbacks proposed for the side and rear of the Accessory Building and provide the distance from the north wall of the proposed garage to the existing building on Lot 75.
7. The Applicant also previously installed an eight (8') foot high chain link fence on the property which is the subject of a Notice of Violation. A "c" variance is required from Section 25:1-15.16 of the Borough's Land Use Code for the eight (8') foot tall fence where six (6') foot tall fences are the maximum height permitted in residential zones.
8. Permitted garages in the RC zone include detached garage used only for the storage of private passenger vehicles owned or rented. A d(1) variance is required.

Statutory Criteria d(1) Use Variance

The Applicant requires a d(1) variance to permit a nonconforming use. Pursuant to the MLUL and applicable case law the Applicant must be prepared to provide testimony demonstrating that there are "special reasons" to permit the nonconforming use and that the site in question is **particularly suited** to the use. The Applicant shall provide testimony demonstrating the following:

- a. Positive Criteria: There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D(2)), and should promote the purposes of the municipality's Master Plan and the State Development and Redevelopment Plan. The Applicant must also demonstrate the site



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suitability of the property for the development, demonstrating that it is particularly suited to the use. To do this, the Applicant must show:

- i) Why the location of the site within the municipality or region is particularly suited to the use despite the zoning, and/or
- ii) What unique characteristics of the site itself make it particularly appropriate for the proposed use rather than a permitted use.

b. Negative Criteria

- i) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- ii) That the variance can be granted without substantially impairing the Zone Plan or Zoning Ordinance.

9. In accordance with the Municipal Land Use law NJSA 40:55D-70c, the Applicant must provide testimony to address the positive and negative criteria for the requested "c" variances.

- a) Positive Criteria: The Applicant shall provide testimony to the Board regarding the physical condition 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 detriment to the public good and that the granting of the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Technical Review

- 1. The applicant should confirm if the current residential use on the property is a single family or a multifamily use.
- 2. As shown on the FEMA Flood Insurance Rate Map 34025C0029G, Revised Preliminary, dated January 30, 2015, the majority of the property is located within the Zone X, Other Flood Area (area with 0.2% annual flood chance; areas of 1% annual chance flood with average depth of less than 1-foot or with drainage area less than 1 sq. mile). A small portion of the southwest corner of the site appears to be located in Zone AE. Based upon the NJDEP NJ-GeoWeb online resource,



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there are no freshwater wetlands on the site. However, wetlands associated with the Chingarora Creek Tributary are located to the west (rear) of the site.

3. The survey and site plan should be updated to show the boundary of the Special Flood Hazard Area and Riparian Zone to determine if a Flood Hazard Area permit or letter of no interest is required from the NJDEP. The survey and site plan should also be updated to show the proposed new driveway and the limit of work proposed. If more than 5,000 square feet of disturbance is proposed, a Freehold Soil Conservation District certification would be required. If the less than 5,000 square feet of disturbance, the Applicant should provide a letter of no interest from the District and include a silt fence along the common property line with the adjacent properties within 50-feet of any proposed work.
4. The Applicant should discuss whether any exterior lighting is proposed for the Accessory building.
5. Any new water, sewer or other utility connections proposed (including water curb stops and sanitary cleanouts) should be shown on an engineering plan for approval by the Borough. Construction details are required for pavement of the existing driveway and Green Grove Avenue due to proposed building construction and utility work.
6. The Applicant should address proposed building roof runoff and drains. Roof runoff shall be directed away from the adjacent property to the north.
7. The Applicant should provide testimony regarding any other agency permits or approvals that are required.
8. The followings items should be included as conditions of any approval given by the Board:
 - a) The Applicant will be required to repair any sidewalk and curb damaged during construction in accordance with the Borough's improvements standards and to the satisfaction of the Borough Engineer.
 - b) The Applicant shall be responsible to post a performance bond and inspection escrow prior to construction.
 - c) The Applicant shall provide a Topographic and Location As Built Plan which shall be approved by the Borough Engineer prior to the issuance of a Certificate of Occupancy.
 - d) The applicant must obtain any other necessary permits and/or approvals that may be required from any governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Building and Construction Permits and Inspections. Copies of all permits must be submitted to the Board and our office.



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Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,

CME Associates

Trevor J. Taylor, PE, PP, CME, CFM
Planning Board Engineer

TT:TF

cc: Marc Leckstein, Esq., Planning Board Attorney
Malvika Apte, PP, AICP, Board Planner
104 Green Grove, LLC, Applicant
Salvatore Alfieri, Esq., Attorney