

Resolution prepared by:
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**RESOLUTION GRANTING APPROVAL TO
RENOVATE EXISTING THREE-STORY, MIXED-USE BUILDING**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 21.01, LOT 59

**Application # 25-06
VM ASSOCIATES, LLC
38-40 BROAD STREET**

WHEREAS, VM Associates, LLC has applied to the Unified Planning Board of the Borough of Keyport for approval to renovate an existing three-story, mixed-use building located at 38-40 Broad Street, which is officially designated as Block 21.01, Lot 59 on the tax map of the Borough, so as to divide an existing third floor apartment into two apartments; 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 August 28, 2025 during which 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. Throughout the course of the proceedings, the applicant was represented by its legal counsel, Lawrence W. Luttrell, Esquire who has offices located at 2137 State Highway 35, 3rd Floor, Holmdel, New Jersey 07733.
2. The subject property located at 38-40 Broad Street and officially designated as Block 21.01, Lot 59 on the tax map of the Borough, is a 3,000 square foot lot currently developed with a three-story, mixed use building. There is a commercial use (restaurant) located on the ground floor and residential units located on the upper floors. There are two residential units on the second floor and one (1) two bedroom unit on the third floor.
3. The applicant now proposed to divide the two-bedroom unit located on the third floor of the building into two (2) one-bedroom apartments.
4. Both the existing mixed-use building and the proposals for the third floor are permitted uses within the GC General Commercial Zoning District where the property is located.

5. In support of the application, the following exhibits were submitted into evidence:
 - Exhibit A-1:** Planning Board Application
 - Exhibit A-2:** Denial of Application letter from Interim Zoning Officer dated February 3, 2025
 - Exhibit A-3:** Architectural plans dated March 26, 2025 as prepared by Robie J. Wood, AIA.
 - Exhibit A-4:** Survey of Property dated September 16, 2024 as prepared by JY Land Surveying, Inc.
6. In addition to the exhibits submitted by the applicants, the Board also marked its own Exhibit into evidence as follows:
 - Exhibit B-1:** Planning and Engineering Review prepared by CME Associates dated June 25, 2025
 - Exhibit B-2:** E-mail dated May 15, 2025 from Borough Fire Marshal, Tony Vecchio
 - Exhibit B-3:** Memorandum dated April 23, 2025 from Borough Police Department
7. The variance relief triggered by this application is as follows:

Ordinance Standard	Required	Proposed
Minimum Square Footage for Dwelling Unit	602 Sq. Ft.	602 sq. ft. & 534 sq. ft.
Residential Site Improvement Standards For Off Street Parking	1.8 spaces with respect to new units	zero off street parking provided

8. In support of the application, testimony was presented from the applicant's architect, Robie T. Wood, A.I.A. who advised the Board that the application was fairly simply. The applicant was simply turning an existing two-bedroom apartment into two (2) one-bedroom apartments. In other words, no new bedrooms were being created by the application. From the outside, the building would appear identical to how it appears today. With respect to parking, there was currently no off-street parking available on the site and the Borough's zoning ordinance did not require any parking within the GC Zoning District. While the R.S.I.S. standards were acknowledged, it was no emphasized that the applicant was not proposing any additional bedrooms for the building. The R.S.I.S. requirements were therefore not increasing.
9. As requested by the Board Engineer in his memorandum (**Exhibit B-1**) the applicant as a condition of approval would make the required contribution to the Borough's Parking Deficiency Fund. Amount to be calculated by the Borough's Engineer.
10. Discussing the Fire Marshal's e-mail (**Exhibit B-2**), which called for the new apartment needing to have a second means of egress and a 3rd floor fire escape, it was agreed that such requirements would be met as a condition of approval. All fire codes would be complied with.

11. Mr. Wood made clear that the existing plumbing in the building would accommodate the proposed dividing of the third floor apartment.
12. The Board's Engineer and Planner, Matthew Zingraf, P.E. and Christopher Dochney, P.P., both of CME Associates, testified that they had no objections to the application being granted from either an engineer or planning perspective.
13. A member of the public, Sandra Shetland of 6 East Front Street, appeared and questioned how many commercial units were located on the first floor of the building. The principal of the applicant, Ivan Martinez, was sworn and responded that there was only one commercial use, a restaurant, at the site.
14. Ms. Shetland indicated she felt the site was being overdeveloped and the application should therefore be denied. She was joined in this opposition by the following additional members of the public: Kathy Shaw of 95 Elizabeth Street and Barbara Keitel Curry of 6 East Front Street.
15. Michael Lane of 51 First Street appeared and voiced concern over the lack of appropriate bulk regulations for the downtown business district.
16. In reviewing the architectural plans, the Board found such to be consistent with the existing building, noting that the applicant was not increasing the number of bedrooms located at the site.
17. The Board cannot envision why the granting of the requested variance relief, which is limited to square footage of the units and lack of available parking, would negatively impact anyone being those conditions more or less already exist at the site.
18. The Board finds what is being proposed here is not a significant change to the site.
19. 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 creating an additional residential apartment without creating any additional bedrooms at the site, thereby allowing for additional living space at the site, allows for a better result than strict adherence to the Borough's zoning ordinance would otherwise allow. There are simply no actual negatives associated with the granting of the requested relief.
20. 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 VM Associates LLC be granted subject to the following conditions:
 1. The improvements must be made pursuant to the plans marked into evidence except as otherwise required by this resolution.

2. Subject to the plans being revised to meet the demands of the Fire Marshal (Exhibit B-2) so as to ensure a second means of egress for both of the new apartments and a 3rd floor fire escape. All fire codes must be complied with.
3. Subject to a contribution being made to the Borough's Parking Deficiency Fund, the amount to be calculated by the Board's Engineer.
4. Subject to the requirements of the Planning/Engineering review letter (Exhibit B-1).
5. Subject to all representations made by the applicant during the application.
6. 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.
7. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
8. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
9. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
10. 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.
11. 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 Mayor Araneo

Seconded by J. Oviedo and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Chairman Oviedo, H. Aumack, S. Dixon

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 September 25, 2025.


Denise Nellis, Secretary of the Board