

Resolution prepared by:
Marc A. Leckstein, Esquire
Leckstein & Leckstein, LLC
463 Prospect Avenue
Little Silver, NJ 07739

**RESOLUTION GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH USE AND BULK VARIANCES TO CONSTRUCT A SIX (6) UNIT
TOWNHOUSE BUILDING**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 129, LOTS 1 & 2

**Application # 25-04
146 THIRD STREET, LLC
146 THIRD STREET**

WHEREAS, 146 Third Street, LLC has applied to the Unified Planning Board of the Borough of Keyport for preliminary and final site plan approval with use and bulk variance relief to construct a six (6) unit townhouse building located at 146 Third Street which is officially designated as Block 129, Lots 1 & 2 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 25, 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 attorney Salvatore Alfieri of law firm Cleary, Giacobbe, Alfieri & Jacobs, LLC which has law offices located at 955 Route 34, Suite 200, Matawan, New Jersey 07747.
2. The applicant, 146 Third Street, LLC, is seeking Preliminary and Final Site Plan Approval with Use and Bulk variances for construction of a six (6) unit Townhouse building, with each having four (4) bedrooms. The proposed plan includes associated driveways, walkways, decks and patios.
3. The existing site consists of 11,796 square feet and is presently developed with a single-story commercial structure, paved and gravel parking areas and walkways.
4. The property is located at the corner of Third Street and Waverly Street.
5. The site is located within the Borough's RA Zoning District which does not permit multi-family housing, hence the need for use variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1).

6. In addition to the necessary use variance relief, the proposed development also requires bulk variance relief as follows:

Item	Required/Permitted	Proposed
Minimum Front Yard Setback (Third Street)	5,000 sq. ft.	19.0 feet
Maximum Building Stories	2.5 Stories	3.0 stories
Maximum Allowable Building Coverage	30 %	38.9 %
Maximum Buildings and Impervious Surface	60 %	65.4 %
Maximum Percentage of Front Yard Covered By Parking	30 %	58.8 %

7. In support of the application, the following exhibits were submitted into evidence:

Exhibit A-1: Planning Board Application

Exhibit A-2: Survey of Property dated February 22, 2024 as prepared by Main Street Surveying

Exhibit A-3: Preliminary and Final Site Plan dated May 14, 2024, last revised June 24, 2025, prepared by DJ Egarian & Associates, Inc.

Exhibit A-4: Architectural Plans dated February 2, 2025, as prepared by Kinetic Architects

Exhibit A-5: Stormwater Management Report dated June 23, 2025 as prepared by DJ Egarian & Associates

8. 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 July 11, 2025.

9. The applicant's engineer, DJ Egarian, P.E., was sworn and testified with respect to the proposed site plan and storm water management plan for the site. (**Exhibits A-3 & A-5**)
10. The applicant proposes to build six town homes which will be run by a home owners association ("HOA"). As a condition of approval, the governing documents of the HOA must be submitted to the Board Attorney for their review and approval prior to their recording with the county clerk's office.
11. It was explained that the site currently has an impervious coverage of 100 %, the applicant will be reducing that coverage to 65.4 %.
12. The stormwater management plan will reduce stormwater runoff at the site as all water will drain to a catch basin which will be built by the applicant. As a condition of approval, it was agreed that the governing documents for the association will include a provision requiring the association to maintain the drainage system as well as the grass at the site.

13. In order to maintain the proper aesthetics for the site, it was agreed as a condition of approval, that the governing documents for the site would include a requirement that all garbage cans have to be kept within the garages of each unit except for when being brought to the curb for garbage collection.
14. In order to maintain privacy between the units, it was agreed as a condition of approval, that a privacy fence would be installed between the rear patios of each unit. Said fences to be maintained by the association as a common element.
15. The applicant agreed to comply with all recommendations contained within the Board Engineer's Review letter (**Exhibit B-1**).
16. The applicant also presented testimony from its professional planner, Christine Cofone, P.P. who testified that she believed the site was particularly suited for the proposed use based upon the fact that it was currently a non-conforming property in that it housed a commercial building, which happened to be the old VFW building, in a residential zoning district. Here the applicant was proposing to transform the property from a commercial use to a residential use as envisioned by the ordinance, albeit a multi-family one. The multi-family use was more appropriate for the site than a single family home would be as the site was extremely oversized.¹
17. Ms. Cofone noted that there are other townhouse developments in the immediate area and a commercial building is directly across the street. The Lincoln Hose Company No. 1 also abuts the property to the north along Waverly Street. As such, the proposed development would not be out of conformity with the surrounding neighborhood. The proposed development would therefore make a perfect transitional use in the zone.
18. It was further noted that the development would lead to positive results for the area as it would greatly decrease the impervious coverage at the site as well as creating a proper stormwater management plan.
19. Curbing and a sidewalk was going to be installed along the frontage of the property on Third Street. This would also be a benefit for the community.
20. It was noted that the proposed design of the townhomes (**Exhibit A-4**) is attractive and will be an asthetic improvement for the neighborhood over the existing commercial building currently located at the site.
21. The Board's Engineer, Matthew Zwingraf, P.E. and its Planner Christopher Dochney, P.P., both indicated that they had no issues with the application as proposed provided the recommendations within their review letter (**Exhibit B-1**) were adhered to.

¹ Minimum Lot Area in the zone is 5,000 sq. ft., whereas the subject site is comprised of 11,796 sq. ft. The minimum lot width is 50 feet and the subject site has a width of 145 feet.

22. The following members of the public appeared with respect to the application:
- (a) Susan Holliday of 40 Fulton Street who felt the property was too small for the proposed development.
 - (b) Susan Gass-Smith of 38 Fulton Street who felt the development would overwhelm her home and believed a small house should be built at the site
 - (c) Michael Lane of 51 First Street who expressed concern over the number of townhouse developments which were now located within the Borough.
23. In reviewing the application, the Board finds that it agrees with the testimony of the applicant's planner that the subject site is particularly suitable for the proposed townhouse development. As Ms. Cofone noted, the property is oversized and is located in an area of the Borough which is near commercial uses and other townhouse communities. It would not be appropriate to develop the site with a single family home as such would actually be out of character.
24. The proposal also meets the required enhanced quality of proof in that the zoning ordinance envisions this site to have a residential use which it currently does not. Here, the applicant will be creating a residential use for the site, albeit not a single family home. The site nevertheless will be brought into conformance with the ordinance in that it will be residential in nature.
25. The Board cannot envision any negatives associated with this application. To the contrary, rather than creating a negative situation for the community, the proposal instead would clean up the site, eliminate impervious coverage, create a proper stormwater management system and create a residential development at the location. These are all positives that will be derived from the proposal, none of which would occur if the application were to be denied.
26. The Board appreciates the concerns expressed by the neighbors who testified during the hearings, however the Board finds that there same concerns would probably exist if one considers the type of conforming single family home that could be built on a piece of property of this size.
27. The necessary bulk variance relief can be granted based upon the same positives being brought to the site referenced in the previous paragraph of this Resolution. Relief pursuant to N.J.S.A. 40:55D-70(c)(2) is therefore appropriate as the benefits of granting such relief outweigh the benefits for the community if the variance relief was to be strictly adhered to.
28. The Board finds that the applicant has met both the negative and positive criteria necessary for obtaining use and bulk 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 146 Third Street, 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. An HOA must be created for the development with governing documents being prepared and recorded with the Monmouth County Clerk's Office. Said documents must be reviewed and approved by the Board's Attorney prior to their recording with the clerk's office. Those documents must also include the following provisions:
 - (i) a provision requiring the association to maintain all aspects of the drainage system
 - (ii) a provision maintaining the grass at the site.
 - (iii) a provision requiring that all garbage cans have to be kept within the garages of each unit except for when being brought to the curb for garbage collection.
 - (iv) a provision requiring privacy fences to be installed between the rear patios of each unit. Said fences to be maintained by the association as a common element.
3. Subject to the requirements of the Planning/Engineering review letter (**Exhibit B-1**).
4. Subject to all representations made by the applicant during the application.
5. 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.
6. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
7. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
8. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
9. 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.
10. 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. Bartolome, seconded by W. Kane
and on Roll Call, the following vote was recorded:
Affirmative: Chairman Oviedo, W. Kane, H. Aumack, C. Demarest, W. McDermott,
S. Dixon, K. Bartolome

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 23, 2025.


Denise Nellis, Secretary of the Board