

Resolution prepared by:
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**RESOLUTION GRANTING
BULK VARIANCE RELIEF TO BUILD A SINGLE FAMILY HOME**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 9, LOT 57

**Application # 26-01
DARREN & CHRISTINA GREENBERG
144 THERESE AVENUE**

WHEREAS, Darren and Christina Greenberg have applied to the Unified Planning Board of the Borough of Keyport for bulk variance relief so as to be able to construct a new single family home at 144 Therese Avenue, which is officially designated as Block 9, Lot 57 on the Tax Map of the Borough; 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 April 23, 2026 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. The applicants, Darren and Christina Greenberg, are the owners of property located at 144 Therese Avenue, which is officially designated as Block 9, Lot 57 on the tax map of the Borough of Keyport.
2. The subject property was the site of the Greenberg's single family home which was destroyed by fire on December 20, 2025.
3. The applicants have now come before the Board seeking to build a new three-bedroom single family dwelling at the site so that they may return home to Keyport. The proposed home will have a covered front porch fronting on Therese Avenue and a covered porch and basement entrance/steps fronting on Provost Avenue.
4. The existing site is a 4,640 square foot corner lot located within the Borough's RA Residential District for which the previously existing and proposed single family homes are a permitted use. In fact, the only uses permitted in the RA Residential Zone are single family detached homes, public parks and playgrounds.
5. Although the proposed home is a permitted use within the RA Zoning District, the application does require bulk variance relief pursuant to N.J.S.A. 40:55D-70(c).

6. The variance relief required by this application is as follows:

Item	Required	Previous	Proposed
Minimum Lot Area	5,000 sq. ft.	4,640 sq. ft. +/-	4,640 sq.ft. +/- (EC)
Minimum Lot Width	50 feet	40 feet (EC)	40 feet (EC)
Min. Side Yard of Corner Lot (Provost Ave)	20 feet	6.1 feet	2.0 feet
Minimum Side Yard: One	6 feet	0.6 feet	3.0 feet
Maximum Lot Coverage of Principal Building	30 %	19.9 %	36.3 %
** EC = Existing Non Conformity **			

7. The Board notes that at the time of the application there was a pre-existing accessory shed and fence located within the Borough's Right-of-way. As a condition of approval, the applicant agreed that the shed and fence would be relocated to a conforming location on the property or removed from the property altogether.
8. In support of the application, the following exhibits were submitted into evidence:
- Exhibit A-1:** Architectural Plans prepared by Giuseppe Bonomo Architecture, dated February 12, 2026.
- Exhibit A-2:** Series of Six (6) Photographs of Property
9. 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 Trevor J. Taylor, P.P., P.E. of Artheon dated March 16, 2026.
10. Mr. and Mrs. Greenberg appeared at the hearing and were placed under oath.
11. It was indicated that the applicants were looking to rebuild the home which had been destroyed by the fire. They had nevertheless made a significant improvement to the plans so as to better reflect the limitations of the pre-existing non-conforming lot. Specifically, the new house would be built with a 3 foot side yard setback whereas the original dwelling had been set less than foot from the neighboring lot. They were unable to provide the full 6 foot setback due to the undersized nature of the existing building lot.
12. It was noted that the architectural plans showed a slop sink in the basement. The applicants assured the Board that this was for laundry purposes only. There was no intention to have living quarters in the basement.
13. The applicants also were proposing an attic for their new home. This would be a space for storage only. It was recognized there would be steps leading to the attic.
14. In order to allay concerns over the basement and attic being utilized as living space, it was agreed, as a condition of approval, that this Resolution would be recorded as a deed restriction against the property making clear a bedroom could never be placed in either space. A bathroom and slop sink would be permitted in the basement.

15. The applicants advocated that the variance relief necessitated by this application was warranted based upon the pre-existing non-conforming nature of the existing lot. The Board's Planner, Ron Reinertsen, P.P. had no objection to this argument and agreed that the lot was non-conforming which was a condition out of the applicants' control. He further indicated he did not foresee any substantial negative impact associated with the granting of the requested relief.
16. Several members of the public appeared at the hearing and indicated their support for the application. Primarily these individuals advocated that the applicants were good people who had suffered a horrible tragedy and deserved to be returned to their home as soon as possible.
 - (a) Maura Sayour of 24 Van Dorn Street
 - (b) Roy Halvorsen of 249 Van Dorn Street
 - (c) Lionel Nazco of 205 Main Street
 - (d) Christy Pettyjohn of 48 Provost Avenue
 - (e) Elmer Graham of 22 St. Peter's Place
 - (f) Dennis Terwilliger of 171 Therese Avenue
 - (g) Valerie Vairo of 46 Provost Avenue
17. In response to these expressions of support, the Board made clear that it could not grant an approval based upon sympathy for the applicants' situation. Variance relief could only be granted if the applicants request met the necessary legal criteria.
18. Several members of the public also appeared at the hearing and indicated their opposition to the application indicating their belief the request for a 3 foot side yard variance should not be granted and that the applicant should be held to the 6 foot requirement.
 - (a) Russell Shewchuk of 155 Therese Avenue
 - (b) Michael Matarese of 158 Therese Avenue
 - (c) Diane Patrick of 147 Therese Avenue

These individuals did not express a legal rationale for their position. They simply believed the setback provisions existed for a reason and should be complied with.
19. One member of the public, Michael Lane of 51 First Street, did not indicate a position on the application. He did however indicate concern over whether the agreed upon conditions would be complied with.
20. The most vocal opponents to the application were the applicants' direct neighbors along the side yard where the 3 foot variance was being requested. These neighbors, Norman and Mericis Montalvo of 146 Therese Avenue, indicated their concern that the proposed house should be set at least 6 feet from the side yard in order to keep it as far away from their home as possible. They were concerned that if another fire

were to occur, the three feet from the side yard being requested would not be sufficient distance to keep their home safe from the flames. They also expressed concern over damage occurring to their home during construction of the home.

21. In questioning from the Board, it was made clear that Mr. Montalvo had no legal rationale for his position. He clearly stated that if fire and construction issues were not a concern, he would not have any objections to the application. Mrs. Montalvo also did not provide any legal argument for her concerns. She did indicate she had concerns beyond the fire and construction issues, but no specifics or legal basis for these concerns were stated.
22. The Board responded to the Montalvo's concerns by noting that if the application were granted, the applicants would need to following the building code during construction. The Board recognizes that there are always some disruptions to neighbors during construction of a project, however those are not land use issues. The applicants would have to comply with all construction codes which would provide the Montalvo's for the security they were looking for.
23. With respect to fire safety concerns, the Board noted the proposed home had been designed without with any windows facing the Montalvo's residence. This was in conformance with the building code and would provide additional protection from a potential fire jumping from the applicants' property to the Montalvo's.
24. No one else testified with respect to the application.
25. In reviewing the application, the Board finds that the applicants have a pre-existing non-conforming undersized lot located at the corner of Therese and Provost Avenues. The Montalvo residence is directly next door to the applicants' property, meaning it would be impossible for Mr. and Mrs. Greenberg to acquire any additional property from which they could somehow eliminate their pre-existing non-conformities.
26. Based upon the existing conditions of the subject property, the applicants suffer from a natural physical hardship which limits their ability to develop the property. There is clearly a natural physical hardship associated with the property with respect to its area and width being undersized. There is nothing the applicant can do to change these conditions.
27. Despite the aforesaid limitations, the applicants have nevertheless proposed a new residence which has a much greater setback along the side yard with the Montalvo property than historically existed. Moving from less than a one (1) foot setback to a three (3) foot setback is quite significant and serves to bring the proposed property into substantially better conformance with the zoning ordinance than previously.

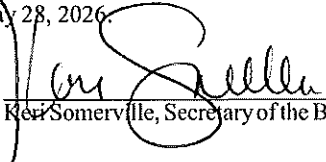
28. The Board also notes the subject lot is located in the midst of a residential neighborhood and has been vacant since the 2025 Christmas fire. This vacancy does not benefit anyone. In reviewing the historical photographs of the applicants' home (**Exhibit A-2**) it is clear that the immediate neighborhood, and the Borough in general, has lost an architecturally attractive component of its housing stock.
29. The proposed architectural plans (**Exhibit A-1**) reveal that the applicants have designed an equally attractive home as the one which previously existed at the site. Once built, it will restore utility to the vacant property, something which will be a benefit for not only the neighborhood, but the community in general.
30. Additionally, as a result of this application, the applicants will be removing a shed and fence which are currently located within the Borough's right-of-way. The removal of such non-conforming structures is also a positive for all concerned.
31. The Board cannot envision any negatives associated with this application and none have been raised by the objectors to the application. The only concerns raised were those related to building issues and over what would happen if another fire were to occur at the site. To this the Board notes that the applicants have moved their new home three (3) feet away from the sideyard. As previously noted, this is a significant improvement from what previously existed. It would be extremely difficult to reach the full six (6) feet required due to the undersized nature of the property. Any concerns related to the building phase of the project will be handled by the Borough's building department as part of building code compliance.
32. The Board Members, who are all members of the Keyport community and very familiar with the area in question, note the type of housing configuration which previously existed between the Greenbergs and Montalvos is very typical within the Borough. How close the homes were to one another is evident from the photographs marked into evidence (**Exhibit A-2**). The separation which will exist post construction of the new residence will be a significant benefit for both property owners as well as improve the aesthetics of the property by virtue of an attractive new home being added to the neighborhood which will replace the existing vacant lot.
33. Based upon all of the above, the Board finds the necessary bulk variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and 2 as there is a natural physical hardship associated with the site and the benefits associated with replacing the currently vacant lot with a new residence which is in greater conformance with zoning ordinance than what previously existed substantially outweighs the benefits of strictly adhering to the provisions of the zoning ordinance.
34. The Board finds the applicant has 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 & Christina Greenberg be granted subject to the following conditions:

1. The applicant must adhere to the plans marked into evidence.
2. Subject to the non-conforming shed and fence being relocated to a conforming location on the subject property or being removed from the property altogether.
3. Subject to a copy of this Resolution being recorded as an exhibit to a deed restriction against the property making clear the basement and attic shall not be utilized as living space. A bedroom shall never be placed in either space. A bathroom and slop sink would be permitted in the basement. The attic shall be for storage only. A copy of the deed restriction must be reviewed and approved by the Board's attorney prior to its recording with the County Clerk's Office.
4. Subject to any requirements of the Planning/Engineering review letter (**Exhibit B-1**).
5. Subject to all representations made by the applicants during the application.
6. Subject to adherence with all building codes during the construction phase of the project.
7. 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.
8. Subject to any and all other approvals as may be required by the Borough, prior to the issuance of any permits.
9. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
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 F. Occhuizzi
and on Roll Call, the following vote was recorded:
Affirmative: Council member Bergen, Chairman Oviedo, H. Aumack, T. Burke, S. Dixon,
A. Alfano
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 May 28, 2026.


Ron Somerville, Secretary of the Board