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William McDermott
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Donald Pacheco
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Alternates
Steven Dixon
Kraig Bartolome



Class II
William Kane

Class III
Joseph Merla

Chairman
Juan Carlos Oviedo

March 27, 2026

Salvatore Alfieri, Esq., Partner
Cleary I Giacobbe I Alfieri I Jacobs LLC
955 State Route 34, Suite 200
Matawan, NJ 07747

RE: KUPB 24-14
104 Green Grove Ave
Blk 1023 lot 76

Attached please find the Resolution for Application number 24-14 that was adopted at the Planning Board Meeting dated March 26, 2026.

Notice of this Approval must be published in the public notice section of the Asbury Park Press within 10 days of your receipt of this Resolution.

Proof of Publication should be filed in my office within thirty days.

If you have any questions, please do not hesitate to call me direct at 732-739-5123.

Very truly yours,

Denise Nellis
Planning Board Secretary
Borough of Keyport
dnellis@keyportonline.com

Cc: Applicant
G. Falco
M. Clark
L. Amada
T. Taylor
P. Murphy

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

**RESOLUTION GRANTING USE AND BULK VARIANCE RELIEF
FOR THE STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT IN A
RESIDENTIAL ZONE WITH AN EIGHT FOOT HIGH FENCE**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 103, LOT 76

**Application # 24-14
104 GREEN GROVE LLC
104 GREEN GROVE AVENUE**

WHEREAS, 104 Green Grove LLC has applied to the Unified Planning Board of the Borough of Keyport for use and bulk variance relief to allow storage of commercial vehicles and equipment in a residential zone along with an eight foot high fence at property located at 104 Green Grove Avenue which is officially designated as Block 103, Lot 76 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 February 26, 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. 104 Green Grove Avenue has applied to the Unified Planning Board of the Borough of Keyport for use and bulk variance relief to allow storage of commercial vehicles and equipment in a residential zone along with an eight foot high fence at property located at 104 Green Grove Avenue which is officially designated as Block 103, Lot 76 on the Tax Map of the Borough of Keyport.
2. The property is located within the Borough's Residential District C (RC) Zoning District which does not permit the storage of commercial equipment and vehicles. As such use variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1) is required by this application.
3. The applicant also requires (d)(1) use variance relief due to the fact that if the request was granted, there would be two principal uses located on the property, one residential and one commercial.
4. Additionally, the applicant is seeking permission to maintain an eight (8') foot high chain link fence on the property which was installed without prior permission. The zoning ordinance only permits six (6') foot high fences.

5. Throughout the course of the application, the applicant was represented by its legal counsel, Dante Alfieri, Esquire of the law firm Cleary, Giacobbe, Alfieri, Jacobs, LLC which has offices located at 955 State Route 34, Suite 200 in Matawan.
6. The subject property is an interior lot (not a corner lot) located on Green Grove Avenue, which is also known as County Route 516.
7. The property is already developed with a single family home.
8. It was noted that the adjacent property is the site of a landscaping company.
9. The applicant would like to store three pick-up trucks with plows, one trailer and one skid-steer loader at the rear of his property. The single family home would remain.
10. Steven Smith, the managing member of the applicant, appeared at the hearing and advised that the vehicles he would like to store on the property are related to his snow plowing business. He would agree to have a deed restriction recorded against the property that these were the only vehicles allowed to be stored on the site. This would be a condition of approval.
11. There would further be a deed restriction recorded making clear that the vehicles stored on the site would have to belong to the owner of the residence on the site.
12. It was agreed as a condition of approval that no hazardous materials could be stored on the site.
13. It was agreed that the applicant would revise its plans so as to show the existing driveway extending to the storage area. The revision must be submitted to the Board's Engineer for his review and approval.
14. It was noted that on the original plans there had been a pole barn and a gazebo. These had both been removed from the plans.
15. The applicant would like to keep the existing 8 foot fence and further agreed, as a condition of approval, to install an additional fence so as to create a fully fenced in area where the equipment would be stored.
16. The applicant provided testimony from its professional planner, Christine Cofone, P.P. who indicated that she felt the property was particularly suited for the proposed additional use based upon the limitations of what was being agreed to. Only very specific vehicles could be stored and those vehicles had to be owned by the owner of the residence at the site. This meant that the storage area could never be rented out to a third party.
17. In support of the application, the following was offered into evidence:
Exhibit A-1: Application Package
Exhibit A-2: Proposed Plans
18. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
Exhibit B-1: Planning and Engineering Review Letter prepared CME Associates
19. No one else testified on behalf of the applicant relative to the application.

20. A member of the public, Michael Lane of 51 First Street appeared and indicated his opposition to the application. He felt the parking spaces in the storage area should be delineated and the Board should take flooding at the property into consideration.
21. In considering this application the Board has reviewed the materials and testimony submitted into evidence and finds that based upon the location of the subject property which is near other commercial uses, specifically a landscaping business immediately next door, that the property, based upon its unique location in the Borough, is particularly suited for the conversion into a two-family home.
22. The applicant will continue to own the property and will record a deed restriction making clear that only very specific vehicles may be stored at the site. Additionally, the storage area may never be rented out to a third party. It may only be utilized by the owner of the residence on the lot.
23. The Board also has no issue with the requested bulk relief, as it is the interest of all concerned to have the vehicle storage properly fenced in. As such, the requested bulk variance relief may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) as the benefits of granting the relief substantially outweigh the benefit of strictly adhering to the provisions of the zoning ordinance.
24. The Board is hard pressed to find any negatives associated with the application that would render the proposed use a detriment to the surrounding area. As stated above, directly next door to this site is an existing commercial use. Allowing the applicant to store commercial vehicles on the site will therefore not be out of conformity with the surrounding area. The property instead becomes almost transitional in nature.
25. The Board cannot envision why the granting of the requested use variance relief would negatively impact anyone and no one has appeared before the Board to present evidence that would establish otherwise.
26. Based upon all of the above, the Board finds the required variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1) as the applicant has established its property is particularly suited for the area and there would not be any negative impact to the surrounding area or the zone plan if the application is granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport, that the application of 104 Green Grove LLC for property located at 104 Green Grove Avenue, which is officially designated as Block 103, Lot 76, be granted subject to the following conditions:

1. The improvements must be made pursuant to the plans marked into evidence.
2. Subject to the condition a deed restriction be recorded, which must be reviewed and approved by the Board's attorney, restricting the property to the following:
 - (A) Storage is limited to three pick-up trucks with plows, one trailer and one skid-steer loader;

- (B) The vehicles stored at the property must be owned by the property owner. It cannot be leased out to a third party.
- (C) No hazardous materials may be stored at the site.
3. A copy of this Resolution shall be attached to the recorded deed restriction.
 4. Subject to the plans being modified to show a fence all around the perimeter of the storage area. Said plans being subject to the review and approval of the Board Engineer.
 5. Subject to the requirements of the Planning/Engineering review letter (**Exhibit B-1**).
 6. Subject to all representations made by the applicant during the application.
 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. This approval shall be deemed void by abandonment if a building permit is not applied for within two years of the date hereof.
 11. 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.
 12. 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.

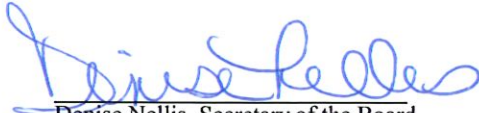
The foregoing was Moved by F. Occhuizzi, second by A. Alfano
and on Roll Call, the following vote was recorded:

Affirmative: Chairman Oviedo, H. Aumack, F. Occhuizzi, K. Bartolome, 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 March 26, 2026.


Denise Nellis, Secretary of the Board