

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

**RESOLUTION DENYING USE AND BULK VARIANCE RELIEF TO
OPERATE A DETOXIFICATION SUBSTANCE ABUSE DISORDER
TREATMENT FACILITY**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 106, LOT 1

**Application # 25-05
46-48 HIGHWAY 36, LLC
(WILLOW RECOVERY CENTER)
46-48 HIGHWAY 36**

WHEREAS, 46-48 Highway 36, LLC, d/b/a Willow Recovery Center, has applied to the Unified Planning Board of the Borough of Keyport for use and bulk variance relief so as to be able to operate a detoxification substance abuse disorder treatment facility on property located at 46-48 Highway 36 which is officially designated as Block 106, Lot 1 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, public hearings were held in the within matter at regularly scheduled meetings of the Unified Planning Board held on July 24, 2025, October 23, 2025, February 26, 2026¹ and March 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. The applicant, 46-48 Highway 36, LLC, d/b/a Willow Recovery Center, has applied to the Unified Planning Board of the Borough of Keyport for use and bulk variance relief so as to be able to operate a detoxification substance abuse disorder treatment facility on property located at 46-48 Highway 36 which is officially designated as Block 106, Lot 1 on the tax map of the Borough.

¹ Although the application was scheduled to be heard at the February 26, 2026 Planning Board meeting, it did not proceed that evening due to the Board Planner's discovery of notations within both the Board's 2012 Master Plan Re-Examination Report and 2017 Master Plan indicating the subject property was located within the "Route 35 and 36 Highway Commercial Redevelopment Plan". If the property was located within such a redevelopment zone, adopted pursuant to the provisions of N.J.S.A. 40:12A-1, *et. seq.*, the Board would not have had jurisdiction to hear the application as "use variance relief", pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1), would not have been permissible. After a thorough investigation of the Borough's records it was determined, despite the references in the re-examination report and the Master Plan, the aforesaid redevelopment zone had never been established and the Planning Board therefore did have jurisdiction to hear the application. The proceedings continued thereafter on March 26, 2026.

2. Throughout the course of the application, the applicant was represented by its legal counsel, David B. Himelman, Esquire who has offices located at 620 Cranbury Road, Suite 216, East Brunswick, New Jersey 08816.
3. The subject site is a corner lot at the intersection of State Highway 36 and Van Dorn Street. It has an area of 15,227 square feet and is developed with a two-story building consisting of commercial office uses with a total floor area of approximately 6,000 square feet. There are also seventeen (17) parking spaces servicing the building.
4. A residential neighborhood, consisting of single family homes, is situated immediately to the south of the property, fronting along Van Dorn Street. There is an existing six-foot high wood stockade fence along the southern property line between the site and the abutting residential property.
5. The applicant proposes to renovate the existing two-story building to become the "Willow Recovery Center", a detoxification substance abuse disorder treatment facility providing short-term inpatient services. The proposed facility would include twenty-two (22) short-term detoxification and residential beds with 7 days per week, 24 hours per day staff supervision.
6. Substance abuse treatment uses are not listed as a permitted use within the Borough's "HC" Highway Commercial Zoning District in which the property is located. In fact, such a use is not permitted anywhere within the Borough.
7. It is important to recognize that the Borough of Keyport is located approximately three (3) miles from the HMH Bayshore Medical Center and this institution arguably serves the medical needs of the Keyport Community. (See page 3 of the Board Planner's Report of February 18, 2026 marked into evidence as Exhibit B-4)
8. Rather than zone for uses such as that proposed by the applicant, the town instead has limited medical uses within the Borough to those which fit within the definition of a "professional office", defined at § 25-1-3 of the zoning ordinance as being: "The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential use and be conducted by a member of the family occupying the residential building. Such uses shall include the offices of doctors or physicians, dentists, optometrists, ministers, landscape architects, professional engineers, lawyers and such other similar professional occupations which may be so designed by the Board of Adjustment. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing." (Emphasis added)
9. "Professional offices" are a permitted use within the HC Zoning District. It was uncontested however that the detoxification substance abuse disorder treatment facility being proposed by the applicant, despite its medical aspects, does not fit within the definition of a "professional office".

10. The fact that the proposed detoxification substance abuse disorder treatment facility does not fit within the ordinance's definition of a "professional office" is bolstered by the fact "professional offices" are permitted within residential zoning districts when they are "incidental" to a residential home and the services are conducted by a member of the family living within the residence. Clearly the type of facility proposed by the Applicant could never be one which would be "incidental" to a residential home.
11. Putting aside the fact that the applicant's proposed use does not meet the definition of a "professional office", it also does not fit within the character of the HC Zoning District as established. Pursuant to the provisions of § 25-1-10.1 of the Borough's zoning ordinance, the HC Zoning District is limited to "all uses generally considered of a commercial, retail or business character including professional offices and banks, and all outdoor retail sales, display, and storage of merchandise, and new car and boat sales, except live poultry market and the slaughtering of animals or fowl."
12. It was the overall opinion of the Board's professional planner, Ronald J. Reinertsen, P.P., A.I.C.P., that based upon Keyport's close proximity to the HMH Bayshore Medical Center, the absence from the Borough's Master Plan and Zoning Ordinance of the type of medical use proposed by the applicant, or for that matter any other type of medical use beyond the professional offices of a doctor, physician, dentist or optometrist, was intentional on behalf of the drafters of the respective documents. (See page 3 of the Board Planner's Report of February 18, 2026 marked into evidence as Exhibit B-4)
13. Pursuant to its interpretation powers under N.J.S.A. 40:55D-70(b), the Board finds it agrees with the opinion of its Board Planner that the exclusion of all medical uses, beyond those which would meet the definition of a "professional office", was in fact intentional by the drafters of the Borough's Zoning Ordinance and Master Plan. There is simply no need for such uses within the Borough when a medical facility such as the HMH Bayshore Medical Center is located immediately nearby. Allowing such uses would be repetitive within the town if permitted.
14. As the detoxification substance abuse disorder treatment facility proposed by the applicant is not permitted within the Borough, the applicant did require use variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1), in order to operate. The need for such relief was not disputed by the applicant.

15. Beyond the aforesaid (d)(1) use variance relief, the applicant also required bulk variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(c) as follows:

Ordinance Provision	Required	Existing/Proposed
Min. Front Yard Setback - Route 36	50 feet	19.6 feet (existing)
Min. Front Yard Setback - Van Dorn Street	50 feet	42.8 feet (existing)
Existing Driveway Setback To Street Line	50 feet	< 50 feet (existing)
Accessory Structures in Front Yard	Not Permitted	Air Conditioning Units Located In Front Yard (existing)
Parking Space Size	9 ft x 20 ft	9 ft x 18 ft (proposed)
Parking Access Drive	No less than 15 feet for ingress	Ingress drive east of the building (from R. 36) is less than 15 feet wide (existing)
Off Street Parking Setback To Residential Street Right-Of-Way Line	No closer than 5 feet	Closer than 5 feet (existing)

16. In support of the proposal, the following was offered into evidence by the applicant:

Exhibit A-1: Application Package

Exhibit A-2: Preliminary & Final Site Plan prepared by Marc S. Leber, P.E. of East Point Engineering dated February 19, 2025,
last revised April 10, 2025

Exhibit A-3: Architectural Plans prepared by Aiello Associates Architects dated January 21, 2025

Exhibit A-4: Series of photographs of the subject property

Exhibit A-5: Supplemental Report from William Recovery Center authored by James Boozan

Exhibit A-6: Revised Architectural Plans dated July 24, 2025,
last revised October 23, 2025

Exhibit A-7: E-mail from Marc S. Leber, P.E. to Borough Fire Marshal dated October 21, 2025

Exhibit A-8: Letter of Daniel Himelman, Esquire dated May 10, 2026

17. Beyond the applicant's exhibits, the Board also marked its own Exhibits:

Exhibit B-1: Engineering and Planning Review Letter prepared by Trevor J. Taylor, P.E., P.P., C.M.E., C.F.M. of CME Associates dated June 11, 2025

Exhibit B-2: E-mail of Borough Fire Marshal dated May 15, 2025

Exhibit B-3: E-mail of Borough Fire Marshal to Marc S. Leber, P.E.

Exhibit B-4: Second Planning Review Letter prepared by Ronald J. Reinertsen, P.P., A.I.C.P. of CME Associates dated February 18, 2026

18. In further support of the application, testimony was presented by four witnesses:
 - a) James Boozan, who described himself as a consultant and the executive director at another facility owned by the applicant.
 - b) Marc S. Leber, P.E., P.P., the applicant's professional site engineer
 - c) Frank Aiello, R.A., A.I.A., the applicant's professional architect
 - d) Christine Confone, P.P., the applicant's professional planner
19. Numerous members of the general public also appeared during the course of the application, all voicing their objections to the proposal being made:
 - a) Amanda Bichao - 241 Van Dorn Street, Keyport, New Jersey
 - b) Julio Bichao - 241 Van Dorn Street, Keyport, New Jersey
 - c) Michael Blaine - 51 First Street, Keyport, New Jersey
 - d) Patricia Burns - 120 Main Street, Keyport, New Jersey
 - e) Gail Carton-O'Connell - 230 Van Dorn Street, Keyport, New Jersey
 - f) Manchester Galloway - 258 Van Dorn Street, Keyport, New Jersey
 - g) George Halvorsen - 249 Van Dorn Street, Keyport, New Jersey
 - h) Michael Lane - 51 First Street, Keyport, New Jersey
 - i) Avery Meyer - 120 Main Street, Keyport, New Jersey
 - j) David Riley - 425 Florence Avenue, Keyport, New Jersey
 - k) Suzanne Ryan - 407 Atlantic Street, Keyport, New Jersey
 - l) Jean Schankgalloway - 258 Van Dorn Street, Keyport, New Jersey
 - m) Jeffrey Spangler - 49 Second Street, Keyport, New Jersey
 - n) Debbie Zielinski - 247 Van Dorn Street, Keyport, New Jersey
 - o) Rich Zielinski - 247 Van Dorn Street, Keyport, New Jersey
20. Only one member of the public appeared during the hearing in support of the applicant. She was Kathy Boschert of 4 Craig Street in Hazlet (not Keyport) who indicated she lives next door to a sober living house in that municipality. She indicated that although she originally did not want such a use next door to her, she eventually found it to be a positive experience.
21. The only other member of the public to speak during the hearings was Lynn Seaward of 453 Ward Avenue in Brick, New Jersey who indicated she was the Director of Behavioral Health at another facility owned by the Applicant. Unsurprisingly, as an employee of the Applicant, she spoke favorably with respect to the proposal.
22. Returning to the application itself, it was the overall position of the Applicant that its proposal constituted an "inherently beneficial use" and therefore should be approved by the Planning Board.

23. The concept of an “inherently beneficial use” is grounded in the provisions of N.J.S.A. 40:55D-70 in that an applicant for a use variance must satisfy both the “positive criteria” and “negative criteria” in order for the application to be granted. In other words, an applicant seeking use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) must establish that an approval (a) “can be granted without substantial detriment to the public good” and (b) “will not substantially impair the intent and purpose of the zone plan and zoning ordinance”.
24. In Sica vs. Board of Adjustment of Wall, 127 NJ 152 (1992), the Supreme Court of New Jersey created what has become known as the “Sica Balancing Test” which sets forth a four-step procedure for determining whether a proposed use is in fact an “inherently beneficial” one despite its exclusion as a permitted use within the municipality’s zoning ordinance.
25. According to the Sica test, the Board must: (1) identify the public interest at stake; (2) identify the detrimental effect that will ensue from the grant of the variance; (3) consider whether the imposition of reasonable conditions will reduce the detrimental effect; and (4) weigh the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good.
26. The Board has considered the testimony of the Applicant's professional planner, Christine A. Nazzaro-Cofone, P.P., A.I.C.P., who opined that the proposed detoxification facility is an inherently beneficial use and that the Applicant satisfied the Sica balancing test. Ms. Cofone relied in part on Scerbo v. Orange Bd. of Adj., 121 N.J. Super. 378 (Law Div. 1972), and on the statutory definition of “inherently beneficial use” in N.J.S.A. 40:55D-4, which includes a hospital. She further testified that persons seeking treatment for substance use disorder are a protected class under the Americans with Disabilities Act and that the use is not permitted in any zone in Keyport, so a (d)(1) variance would be required wherever the facility were located.
27. The Board does not accept the Applicant's contention that the proposed use is inherently beneficial at this site. N.J.S.A. 40:55D-4 defines an inherently beneficial use as one “universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare,” and lists examples including a hospital, school, child care center and group home. The list is not exclusive. However, as the Board Planner advised, and as the Supreme Court observed in Smart SMR v. Fair Lawn Bd. of Adj., 152 N.J. 309, 329 (1998), inherently beneficial uses are generally limited in number within a community. When the need for the proposed use is already satisfied in the region, it may no longer be necessary to treat the use as inherently beneficial. See also Kunzler v. Hoffman, 48 N.J. 277, 286-287 (1966).

28. James Boozan, one of the Applicant's Executive Directors, testified that the proposed Willow Recovery Center would be a short-term (typically seven to ten day) private detoxification facility, would not accept Medicaid or State-assistance patients, would not accept court-ordered individuals, and would not accept persons with a violent history or sex-offender status. This would be a private, commercially operated facility, not a State-supervised hospital. The Board finds that the Applicant did not present substantial evidence of an unmet community need in Keyport for this particular private detoxification use sufficient to elevate it to an inherently beneficial use at this location.
29. During the hearing it was uncontested that there are numerous detoxification facilities in the area surrounding Keyport. For example, the applicant actually operates a related facility nearby (identified on the record as Blue Star in Hazlet, approximately 6.3 miles away) to which patients would often transfer for the next level of care. There is also the Discovery Institute in Marlboro as well as other facilities located in Princeton, Flemington, Lawrenceville and Hamilton.
30. Mr. Boozan acknowledged there are ten (10) to (12) private facilities, such as the one the Applicant wished to open, located throughout the state. There are also numerous other detox facilities which are run by the State of New Jersey, not to mention those services run by community hospitals, such as Bayshore and nearby Riverview Hospital in Red Bank. Mr. Bozzan did not know how many public facilities existed within the State.
31. It was Mr. Boozan's contention that all of the named facilities are dissimilar to the one which the Applicant was proposing. The Applicant's facility, as previously noted, would not accept Medicaid or State-assistance patients. Nor would it accept court-ordered individuals, persons with a violent history or sex-offender status.
32. Applying the first Sica factor, the Board recognizes that treatment of substance use disorder is a matter of public concern. This is not open to dispute. That recognition, however, is not a finding that this Applicant, on this lot, has demonstrated a public interest of such weight as to override the Borough's zoning scheme. The Board finds that any public interest in additional private detoxification beds is regional at best, and is not a Keyport-specific need that the Master Plan or Zoning Ordinance has identified for the HC District. Further, as indicated above, opportunities for such services do exist within the region, albeit being offered by providers who accept medicaid and serve clients meeting the other categories of admission which the Applicant has chosen to prohibit.

33. The Board finds, based upon the testimony presented, that there is no legitimate medical reason why the Applicant needs to refuse Medicaid or State-assistance patients. There is no legitimate medical reason why the Applicant needs to refuse court-ordered individuals. In fact, it was conceded during the hearing that these limitations were purely “business decisions” being made by the Applicant so as to meet their “business model”.
34. In this application, the Applicant is essentially attempting to differentiate itself from other similar uses in the immediate region by way of self-imposed limitations. They then are arguing that based upon these self-imposed limitation, their services are unique and therefore a regional need for those services offered exists. Such an argument is unpersuasive to the Board. An unmet need cannot be self-created by way of an applicant tailoring its services so as to ensure it is different than other facilities which offer similar detox services. Simply being a private facility that does not accept medicaid does not mean equal opportunities for detox treatment do not already exist elsewhere within a reasonable traveling distance for those in need of such services. Such logic was advanced by the Board’s own Planner.
35. The Board adopts the opinion of its Planner and finds that for the reasons stated, the public interest at stake in this application, providing a private substance-use treatment center that does not accept various classes of clients as outlined above, simply is not so overwhelming as to meet the first prong of the Sica balancing test. There are numerous alternatives which any individual seeking support can take advantage of.
36. Even if the Board were to assume, arguendo, that a fully private licensed substance-use treatment facility, can on its own, reach inherently beneficial status, the language of N.J.S.A. 40:55D-70 makes clear that no variance, including a variance involving an inherently beneficial use, may be granted without a showing that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The negative criteria apply in full. Cell South of N.J., Inc. v. Zoning Bd. of Adjustment of West Windsor Tp., 172 N.J. 75 (2002).
37. Applying the second Sica factor, the Board finds that grant of the variance would produce substantial detrimental effects. The site is a 15,227 square-foot corner lot at State Highway 36 and Van Dorn Street, developed with an approximately 6,000 square-foot two-story building. Immediately to the south, and also to the east, are single-family residential properties. Van Dorn Street is a narrow residential street with limited on-street parking. The Applicant proposes 22 short-term detoxification beds with 7-day, 24-hour staffing, and proposes to reduce on-site parking from 17 spaces to 12 spaces (11 standard plus 1 handicap). The Board Engineer’s June 11, 2025 review (Exhibit B-1) noted that parking for a recovery center is not addressed

in ordinance Table 1, that a hospital/nursing/convalescent standard of 1 space per 3 beds would yield 7 spaces, and that the Applicant's own description called for 12 spaces (intake, visitors, and employees). Members of the public, including long-time Van Dorn Street residents, testified that the street already has a parking problem, that shift changes and transfers would overflow onto the residential street, and that a 24-hour institutional use of this intensity would change the character of an intact single-family neighborhood. The Board credits that testimony.

38. The Board specifically finds that a 22-bed, around-the-clock facility on this small lot, abutting homes, is not a commercial, retail or professional-office use of the character the HC District was written to accommodate along the highway. Allowing such a non-conforming use to be conducted at the site would most definitely substantially negatively impact the zone plan as envisioned by the Borough when creating its zoning scheme for the municipality. The proposed use and those uses envisioned for the property by the zoning ordinance are simply not compatible with one another.
39. The Board further finds that the site is not particularly suited to accommodate the proposed use. Price v. Himeji, LLC, 214 N.J. 263 (2013), holds that a board should not determine that a property is particularly suited simply because it is the most suitable site in the municipality for the use. (Based upon the physical limitations of the site, the subject property cannot be said to even reach a "most suitable" status.) The use must instead be appropriate and especially beneficial based on the particular conditions of the site and its surrounding area. Here the Applicant chose an existing office building on a constrained corner lot next to single-family homes. Nothing specific about Block 106, Lot 1, or the building constructed thereon, makes it especially appropriate for a 22-bed inpatient detoxification facility over a use already permitted within the HC Zoning District. The fact that the use is not permitted in any zone in the Borough cuts against particular suitability at this location; it underscores that introduction of the use is a legislative zoning decision, which Medici v. BPR Co., 107 N.J. 1 (1987), directs boards not to usurp.
40. During the proceedings Mr. Boozean essentially acknowledged there was nothing particularly suitable about the site which led to it being chosen for the proposed use. Instead, it was chosen because it was an available existing building in close proximity to the Applicant's existing facility in nearby Hazlet. He would further indicate that no municipality in the area permits the type of use the Applicant is seeking, so when an opportunity to purchase the subject building arose, the Applicant secured it. Availability cannot be reason enough for obtaining use variance relief.

41. The chosen site is simply inappropriate for the use being proposed by the Applicant. Any sensible examination of the record below, in conjunction with an examination of the existing zoning ordinance and make up of the surrounding residential neighborhood along Van Dorn Street², makes clear that allowing such a facility to operate at the site would create a substantial negative detriment to the municipality and the established zoning plan of the Borough. Accordingly, the second prong of the Sica balancing test cannot be met.
42. Applying the third Sica factor, the Applicant proffered conditions, including two behavioral-health technicians trained in security on site at all times; no Medicaid, State-assistance, court-ordered, violent-history or sex-offender patients; dialogue with the police; daily interior and exterior cleaning (including cigarette butts); no outdoor medical waste; no self-drive arrivals; shift management to keep parking adequate; and new fencing on the east and south. The Board has considered those conditions. They do not ameliorate the fundamental detriments: the intensity of a 24-hour, 22-bed institutional use on a 15,227 square-foot lot; the reduction of parking next to a narrow residential street; the incompatibility with adjoining single-family homes; and the conflict with the intent of the HC District and the 2017 Master Plan. Conditions that manage operations cannot convert a site that is too small, too close to residences, and wrongly zoned into a suitable location.
43. Applying the fourth Sica factor, the Board weighs the claimed public benefit against those detriments and finds that, on balance, granting of the (d)(1) variance would cause a substantial detriment to the public good. The Board is not required to find zero detriment. It is required to find that there will not be a substantial detriment. The record, including the testimony of neighboring property owners as to parking, safety perception, and neighborhood character, and the physical facts of lot size, bed count, hours of operation, and adjacency to single-family dwellings, establishes substantial detriment that reasonable conditions cannot reduce to a less-than-substantial level.
44. Separately, the Applicant has not satisfied the second prong of the negative criteria. The 2017 Master Plan describes the Highway Commercial District as consisting of areas along Routes 35 and 36 that capture high traffic volumes, and states that the intent of the HC District is to provide for regional commercial uses appropriate along State highways, to increase economic value, and to promote professional and medical office space. It does not recommend 24-hour inpatient detoxification facilities in the HC District, nor does it recommend converting small highway-commercial lots that abut single-family neighborhoods into institutional residential treatment campuses.

² The Board does recognize that the residential property immediately south of the Applicant's property is a pre-existing non-conforming residential use as that property happens to also be located within the HC Zoning District. This fact does not however undercut the reality the entire neighborhood along Van Dorn Street is residential in character.

45. Granting use variance relief would substantially impair the intent and purpose of the zone plan and zoning ordinance by introducing, on a lot-by-lot basis, a use the Borough's land-use documents deliberately omitted. Medici requires an enhanced quality of proof that the variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance. That proof was not made and, regardless, the Board adopts the position of its Board Planner that medical uses, such as the one sought by the Applicant, were specifically omitted from the Borough's Zoning Ordinance and Master Plan. They are simply inappropriate and out of character within the HC Zone as envisioned by those zoning documents and it would be virtually impossible to provide an enhanced quality of proof establishing otherwise.
46. If the proposed use is not treated as inherently beneficial, the Applicant was required to demonstrate special reasons, including that the site is particularly suited to the use, Medici, supra. For the reasons stated earlier in this Resolution, the Board finds that special reasons and particular suitability were not proven. The Board also finds that the (c) bulk variances, which are largely existing non-conformities and a reduction in parking-space size and count, are ancillary to the requested use variance relief. Finally, the Board, again for the reasons stated earlier, find that the negative criteria was also not met. Absent the Applicant having made those proofs, it is completely appropriate for the Board to deny the application.
47. Because the (d)(1) variance is denied, the (c) variances and site-plan approval, which depend on the proposed use, are likewise denied. Intensification of this constrained, already nonconforming site with a more intense 24-hour use would, in any event, aggravate the existing parking, driveway-width, and residential-setback deviations.
48. The Board has considered whether, in lieu of denial, it could approve the application subject to conditions that would modify the proposal and minimize negative impact. It concludes that it cannot. The incompatibility is one of use, intensity, and location, not of a detail that a condition can fix.
49. For all of the above stated reasons, when considering the requirements of both the legislative enactments and judicial precedents surrounding the granting of use variance relief, inherently beneficial or otherwise, the Board finds that it has no choice but to conclude the Applicant's proposal does not meet the criteria necessary to obtain approval. The reality is there is not a true unmet need for the offered use within the region and, even if such a need had been established, allowing the proposed use to operate at the chosen location would have substantial negative impact upon the community and zoning plan established by the Borough.
50. For all of the above reasons, this application is hereby denied in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the Unified Planning Board of the Borough of Keyport, County of Monmouth, State of New Jersey, that the application of 46-48 Highway 36, LLC, d/b/a Willow Recovery Center, for (d)(1) use variance relief, (c) bulk variance relief, and preliminary and final site-plan approval to operate a detoxification substance-use-disorder treatment facility at 46-48 Highway 36, Block 106, Lot 1, Application KUPB 25-05, be and the same is hereby DENIED.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Applicant, and that notice of this decision shall be published in accordance with N.J.S.A. 40:55D-10.

BE IT FURTHER RESOLVED that this Resolution shall memorialize the action taken by the Board on March 26, 2026.

On the vote to deny the application during the hearing held On March 26, 2026:

MOTION TO DENY BY: **Mr. Aumack** , SECONDED BY: **Mr. Alfano**

ROLL CALL VOTE TO DENY:

Those voting in favor of the motion to deny:

Chairman Oviedo, Mr. Aumack, Mr. Dixon, Mr. Occhuizzi, Mr. Bartolome and Mr. Alfano

Those voting against the motion to deny:

None

Those abstaining on the motion to deny:

None

On the vote of memorializing this resolution during the Board's meeting on August 27, 2026:

MOVED BY: **Chairman Oviedo**, SECONDED BY: **Mr. Alfano**

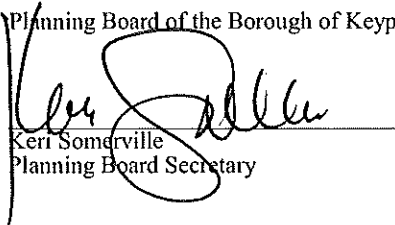
ROLL CALL VOTE ON MEMORIALIZATION:

Those in Favor: **Chairman Oviedo, Mr. Occhuizzi and Mr. Alfano**

Those Opposed: **None**

Those Abstaining: **None**

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport on the 27th day of August, 2026.


Keri Somerville
Planning Board Secretary