KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on August 22, 2013 which was called to order at 7:04 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor Harry Aumack, Councilman Sheridan, Mark Sessa, Robert Burlew, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen, Juan Carlos Oviedo, Allen Hudson (arrived 7:20pm), Planning Board Attorney Marc Leckstein; Engineer Donald Norbut

Absent: Roger Benedict

VOUCHERS:

M. Leckstein for August 22, 2013 meeting	$250.00
M. Leckstein for 108 Broad Street Resolution and Communication	$427.00
M. Leckstein for Alaric Resolution and Communication	$369.00

Motion to approve moved by R. Burlew, second by D. Fotopolous with ayes by all present.

Minutes: July 25, 2013 meeting

Motion to approve moved by R. Burlew, second by T. Musson with ayes by all present.

COMMUNICATIONS:

Letter from Borough Clerk dated August 7, 2013 requesting a report containing its recommendations concerning the proposed Ordinance from the Planning Board.

There was discussion on the Ordinance.

Planning Board secretary is to write a letter to approve recommendations without any comments to Mayor and Council.

Motion made by J. Kovacs, second by J. Kovacs-Olsen

Ayes: Mayor Harry Aumack, Councilman Sheridan, M. Sessa, R. Burlew, D. Fotopoulos, J. Kovacs, T. Musson, J. Kovacs-Olsen, J. Oviedo

Absent: R. Benedict, A. Hudson

Memorialization of Resolutions for:

Application No. 13-01 Alaric Properties
45 Beers Street
Blk 39 Lot 12, 13 and 14
Use Variance

Mr. Musson stated he had an issue with the wording in the second resolution sent by Mr. Leckstein. He didn't like the change from management to maintenance. Mr. Leckstein explained that the applicant's attorney requested the word change. Mr. Musson explained that he felt it should remain "management" because if you say maintenance they can hire someone from the outside to take care of the property.

Mr. Fotopolous thanked Mr. Musson for bringing that to the Board's attention and stated that one of the issues that the residents brought up was the fact that no one could reach anyone. Mr. Leckstein mentioned that the resolution also has as a condition that a super had to be on sight. There was further discussion regarding the wording. Mr. Leckstein stated if the Board wants "management" instead of maintenance has no object and that he would notify Mr. Rosensweig. Mr. Leckstein mentioned to the Board that they will also want to see a maintenance plan when it comes to their site plan as well.

Mr. Fotopolous stated that he wanted to use the word management; Mr. Leckstein replied that he would make the change to the resolution.

Motion to approve resolution with the word "management" made by T. Musson, second by D. Fotopolous.

Affirmative: R. Burlew, M. Sessa, T. Musson, D. Fotopoulos, J. Kovacs

Negative:

Abstentions: Mayor Aumack, Councilman Sheridan, A. Hudson, J. Oviedo

Absent: R. Benedict

Application No. 13-02 108 Broad Street LLC
108 Broad Street
Blk 60 Lot 6
Use Variance/Site Plan

Motion to approve resolution made by J. Kovacs, second by J. Kovacs-Olsen

Ayes: M. Sessa, R. Burlew, D. Fotopoulos, J., Kovacs, Terry Musson, J. Kovacs-Olsen
Abstentions: Mayor Aumack, Councilman Sheridan, J. Oviedo, A. Hudson
Absent: Roger Benedict

New Business

Package from Paul Mirabelli regarding LNL Realty, Lot 33, Block 21.01

LNL Realty is asking the Board to eliminate or modify condition number five (5) of the resolution which was approved at the September 27, 2012 Planning Board meeting.

Mr. Leckstein asked the Mayor and Councilman Sheridan to step down from Dais since the application was a use variances and the Board would be acting as a zoning board. Mayor Aumack asked if he would be able to speak from the audience regarding the applications; Mr. Leckstein replied yes.

Mr. Leckstein explained that this to remove a condition from the resolution. When the resolution went through the applicant had to drive over property that is not owned by the applicant it is owned by the Borough which is part of Green Acres. One of the conditions of the resolution, which is normal is for the applicant to seek easement from that property owner but, because it is Green Acres the Borough has determined through the Borough Attorney that it is impossible to get an easement and they recommended it come back to the Board. There was notice on this application because it is a material change to the resolution.

Exhibit A1 Letter from Mr. Litwin, Borough Attorney dated July 29, 2013
Exhibit A2 Approved resolution adopted by the Board September 27, 2012

Mr. Vecchio was sworn in, and stated he was the principal of the application. Mr. Leckstein explained that he spoke with the applicant's attorney Mr. Mirabelli and his only concern was with the request is to protect the Borough and the Board is to make sure that Mr. Vecchio understands what might happen fifteen (15) years from now when a different Mayor and Council comes in and if they decide they don't want the applicant to use the property. Mr. Leckstein would feel more comfortable that it is on the record that Mr. Vecchio states that he understands that this condition is not being removed and that Mr. Vecchio is operating on his own risk and that something could happen in the future

Public
Mayor Aumack stated that what Mr. Leckstein just said that this could happen in the next ten (10) or fifteen (15) years is not really true unless a lot of things happen. The piece of property is Green Acres and is in the ROSI agreement. The Mayor, Councilmember's and the Engineer met with Green Acres and went over this property as well as others. The property will be staying the way it is unless something happens with Green Acres. The Mayor and Council cannot do what was just said.

Mr. Leckstein clarified what he said, in the letter from the Borough Attorney stated that the Mayor and Council can not give you an easement. That doesn't mean that the Mayor and Council or Green Acres won't change their mind in the future. Mr. Leckstein does not want the applicant to think that the condition is removed. There has to be some type of acknowledgement from the applicant that he understands that this condition can change and you are willing to proceed at your own risk.

Mr. Kovacs spoke about the preexisting conditions on all of Front Street properties. Mr. Kovacs felt that it wasn't a problem until T&M moved the road closer to the properties.

Mr. Leckstein explained that he wants Mr. Vecchio to understand that the Board cannot give him permission to access someone else's property. Mr. Vecchio stated he is okay with giving acknowledgement but, will not give up his right if something happens in the future and would like that placed in the resolution.

Mr. Musson stated that the first thing he thought of first thing they wouldn't do what you want. You don't know what is going to be done in the future.

There was discussion about Green Acres giving the property back to the town, Mayor Aumack stated there was no proposal.

For the applicant and Board protection Mr. Leckstein suggested that the applicant attached Mr. Litwin's letter with the original resolution and record it to the County. Mr. Vecchio agreed with Mr. Leckstein.

There was discussion regarding the parking spaces, Mr. Leckstein stated if they change the parking spaces the applicant would have to go before the board again with an amended application. They would have to revise the site plan. Mr. Leckstein stated that they didn't make any notice of revise of site plan. Mayor stated don't change the site plan.

Motion to open to the public was made and carried at 7:20pm no comments from the public meeting was closed.

Motion to approve amendment made by T. Musson, second by R. Burlew

Ayes: M. Sessa, R. Burlew, D. Fotopoulos, J., Kovacs, T. Musson, J. Kovacs-Olsen, J. Oviedo

Abstentions: Mayor Aumack, Councilman Sheridan, A. Hudson
Absent: Roger Benedict

Mr. Mirabelli asked the Board to waive memorialization of the resolution and publishing. The applicant understands he will be doing it at his own risk. Mr. Leckstein stated he doesn't have a problem; it is up to the building department. Mr. Kovacs stated that the resolution was approved back in September 2012. Mr. Burlew explained that there is two processes right now it is in the administration office and if the Board chooses he would recommend that the Board can write a letter to Ms. Wright to expedite the process.

The Board made a motion for the secretary to write a letter to Mayor, Council and Lorene Wright acknowledging that the Board has no objections to the demolition.

Motion for the Board secretary to send letter made by J. Kovacs, second by J. Kovacs-Olsen

Ayes: M. Sessa, R. Burlew, D. Fotopoulos, J. Kovacs, T. Musson, J. Kovacs-Olsen, J. Oviedo

Abstentions: Mayor Aumack, Councilman Sheridan, A. Hudson
Absent: Roger Benedict

Motion made and carried to open to the public with ayes by all present; no comments from the public meeting closed to the public.

Mr. Fotopoulos spoke about the Master plan revision regarding the recycling and environmental commission they would like input. Mr. Fotopolous asked the board if the commissions could put together their comments and make revisions to the plan. Mr. Sessa stated that he didn't know if the Mayor and Council put money aside to have the master plan revised and the board has no power to spend money. Mr. Fotopolous explained that they will lose sustainable and the state is looking at how we came up with the master plan and objected. Mr. Sessa suggested Mr. Fotopolous go to the Council to ask for funding. There was further discussion regarding the request. Mr. Burlew asked if it was a mistake that this criteria was left off. Mr. Fotopolous will get write the letter to Mayor, Council and copy the Planning Board. Mr. Fotopolous asked when a new master plan is going to happen; Mr. Sheridan replied approximately in the next six to seven years,

The meeting was opened to the public at 7:40pm

Mike Lane, 51 First Street, about three quarters of the items that was recommended in the master plan update can easily be implemented by updating schedule B and the zoning. Mr. Lane has updated schedule B and would be delighted to send it to the board.

Motion made and carried to close to the public.

Motion made and carried to adjourn meeting at 7:50pm