

The Keyport Unified Planning Board held a Regular Meeting on May 22, 2025, which was called to order by Juan Carlos Oviedo at 7:05 PM, the Sunshine Law Notice was read followed by the Flag Salute.

Present: Mayor Araneo, Councilmember Merla, W. Kane, H. Aumack T. Burke, C. Demarest, J. Oviedo, D. Pacheco, S. Dixon K. Bartolome

Absent: W. McDermott

Professionals: Board Attorney Marc Leckstein, Trevor Taylor, CME

MINUTES: April 24, 2025 27, 2025

Motion to approve was made by Mayor Araneo, second by Councilmember Merla with ayes by all present.

RESOLUTION: PLANNING BOARD SECRETARY INCREASE IN SALARY

MOTION TO APPROVE RESOLUTION:

Motion to approve was made by D. Pacheco, second by Councilmember Merla

Ayes: Mayor Araneo, Councilmember Merla, Chairman Oviedo, W. Kane, H. Aumack, T. Burke, C. Demarest, D. Pacheco, S. Dixon

RESOLUTION: KUPB 25-02 IAN AND JESSICA PORTER
BLOCK 46, LOT 7
76 MAPLE PLACE
VARIANCE APPROVAL

MOTION TO APPROVE RESOLUTION:

Motion to approve was made by H. Aumack, second by Councilmember Merla

Ayes: Mayor Araneo, Councilmember Merla, Chairman Oviedo, W. Kane, H. Aumack, T. Burke, C. Demarest, D. Pacheco, S. Dixon

RESOLUTION: KUPB 23-03 NICA NICA
USE VARIANCE
262 FIRST STREET
BLK 43 LOT 9

Resolution carried to the next Board meeting.

APPLICATION: KUPB 25-03KEYPORT WATERFRONT PARK GREEN ACRES
SUBDIVISION
BLK 21.02, 21.02 Lots 34, 49-51, 20-22

Mayor and Councilmember Merla stepped down because they are part of the application.

Andrew Ball, Attorney for Keyport.

Mr. Ball stated he was here this evening to present the Borough's application for the Waterfront Park Subdivision, specifically concerning Block 21.01, Lots 34 and 151, and Block 21.02, Lot 20 to 22. These properties are located in the GC (General Commercial) Zone along American Legion Drive.

The Borough is seeking preliminary and final major subdivision approval for the reconfiguration of the site, which will result in the creation of 22 new lots, totaling 24 lots.

Mr. Ball explained that this project has a long and thoughtful history dating back to 2003, when the Borough received approval to relocate American Legion Drive. The original alignment was closer to the bulkhead, but the road was moved inland to its present location to facilitate bulkhead repairs and reduce the risk of future flooding along the American Legion Drive.

In 2010, the Borough vacated the prior roadway location, completing the relocation. On February 21, 2017, the New Jersey Department of Environmental Protection (NJDEP) approved an amendment to correct the final acreage of the disposal and compensation lands.

It's important to note that these properties are Green Acres-protected lands, designated for recreation and open space, and listed on the Borough's Recreation and Open Space Inventory (ROSI).

Exhibit A1 – Copy of approval from 2/21/2017 from DEP
Exhibit A2 – Major Subdivision Plot
Exhibit A3 – color copy of 2/21/2017
Exhibit A4 – colorized plot
Exhibit B1 – Review letter from Christine Bell (Boards Planner)
Exhibit L1 – Survey from Mr. Lane
Exhibit L2 – Proposed & existing lot areas

Following the 2017 NJDEP approval, on March 12, 2024, the Borough of Keyport prepared a formal proposal for the subdivision of the lots. The primary purpose of this subdivision was twofold:

1. To officially designate the current location of the American Legion Drive right-of-way; and
2. To delineate a series of lot lines along Borough-owned properties, particularly those that are contiguous with properties to the south.

The reason for this proactive delineation is to simplify any future redevelopment or potential disposition of those properties, should such opportunities arise. Establishing these lot lines now removes the need for a separate subdivision process at a later date, streamlining any future land use procedures.

Subsequently, on April 16, 2024, the Borough passed Resolution 24-147, authorizing a contract with CME Associates to prepare the formal subdivision plan.

We are here tonight to present this subdivision plan for your review and approval.

Mr. Ball also clarified that the Borough's website currently shows the outdated alignment of American Legion Drive—this predates the relocation. A campus map filed with the County also inaccurately reflects the old road location. It appears this may have been submitted in error, as no formal subdivision application was filed between the relocation and now. This application is being brought forward, in part, to correct that procedural oversight and to ensure that the subdivision and roadway relocation are properly recorded.

Mr. Ball pointed out he wanted to address a concern that was raised publicly, the Borough is not proposing any buildings, development or any physical changes to these lots. The purpose of this application is solely to update the tax map and formalize the subdivision boundaries—nothing more.

Mr. Taylor and Ms. Bell was sworn in.

Mr. Taylor described Exhibit A3 to the Board.

Mr. Taylor explained as part of the Green Acres process, any time property within a Green Acres-restricted lot is exchanged, relocated, or diverted, there must be compensation land provided, and the compensation must exceed the amount diverted. This is a fundamental principle of the Green Acres program to ensure a net positive in preserved open space.

Mr. Taylor explained in order to move forward, Green Acres required the modification of the original 2003 agreement to accurately reflect the improvements and layout that were ultimately built. The area in question pertained to the realignment of American Legion Drive moving it from its prior alignment within the park to the current location farther inland.

Between 2015 and 2016, the Borough engaged in extensive back-and-forth discussions with Green Acres staff, refining mapping and calculations over the course of approximately 18 months, until final approval was obtained. The final exhibit map was included as part of the 2017 State House Commission approval, certifying that the realignment and compensatory land exchange were acceptable.

Mr. Taylor described Exhibit A2 which is the subdivision plat. Mr. Leckstein explained that since the exhibit was colorized it would be marked in as Exhibit A4.

Mr. Taylor explained as part of our broader land use planning efforts, they recommended that these parcels be further subdivided into individual lots, aligned with the existing lot lines of adjacent properties.

This approach would provide the Borough with greater administrative flexibility and avoids duplicative land use processes in the future. As a result of this the subdivision includes 20 newly configured lots.

Mr. Taylor stated that the final item he mentioned was the Borough's new Green Acres-funded project at Fireman's Park, which includes raising the elevation of the parking lot, constructing a new bulkhead, and extending the waterfront promenade.

Mr. Taylor explained that the Borough was recently awarded just under \$2 million in Green Acres funding for this project—our first Green Acres grant since the original Waterfront Park development. As part of the Green Acres application process, the Borough is required to submit an updated Recreation and Open Space Inventory. The current ROSI does not match the actual conditions on the ground because the subdivision was never approved or recorded that is why the subdivision is before the board.

Mr. Taylor stated that the application doesn't have a variance; Ms. Bell agreed.

Mr. Leckstein explained that the Board has no choice that they cannot deny the application because they don't like it. There is no variance, there was further explanation regarding the application.

Mr. Aumack confirmed that the lots are all going to stay GC zone; yes. If the Borough found it feasible to sell one of the lots that would go to the property on West Front Street; yes. There was a further explanation on this by the Borough Attorney.

Motion to open to the public at 7:30PM was made by H. Aumack, second by C. Demarest with ayes by all present.

Robert Bergen, 16 Green Grove Ave – There are two main objectives in the proposed subdivision the first is the American Legion Drive Realignment and the second is the creation of individual lots for potential future use.

There was discussion involving the practical implications of subdividing the southern portion of American Legion Drive into 24–26 lots, rather than leaving it as a single parcel.

Vincent Kyne, 46 East Front Street – the lots that are being produced are not buildable on their own the only value would be to the adjacent lots; Mr. Ball explained in theory they can be buildable. There was further discussion regarding the lots being buildable lots in the future.

Mr. Leckstein explained that cannot be considered by the Board, that is not the application being presented.

Dennis Fotopoulos, 77A Beers Street - question regarding the rationale for subdividing borough owned lots that currently include an active and much needed municipal parking lot, especially given their productive public use. Once concern was that subdividing these parcels now may suggest future intent to sell, which appeared to conflict with previous public statements.

Mr. Fotopoulos asked for clarification to ensure consistency regarding the sale of the property; Mr. Ball explained that no such action is currently under consideration or authorized by the governing body. Mr. Leckstein explained that in the future if the Borough decided to see sell the property it would not have to come back before the Board. There was further discussion regarding this possibility; Mr. Leckstein explained that is not what is before the Board to considered this evening.

Mr. Fotopoulos mentioned that at the Council meeting they were told to come to the Planning Board with questions, there was further discussion regarding what was discussed at the Council meeting.

Mr. Fotopoulos asked the Board to either table the application or deny the application; Mr. Leckstein explained that the Borough can not be treated any different from any other applicant. The Master plan is not being changed; these parcels will remain GC zone. Ms. Bell agreed the application meets all the requirements.

Cathy Graham, 25 Myrtle Avenue requested the Board to table the application to a future date.

Mr. Leckstein explained that he doesn't recommend the Board to table the application.

Michael Strollo, 77 West Front Street – questioned why was lots 27-31 combined; Mr. Taylor explained that there was a parking lot at this location. There was further discussion regarding these lots.

Ms. Bell explained if the Borough was ever going to sell the property there would be a public hearing and the residents would be notified.

There was discussion regarding the easement for Mr. Strollo's property; Mr. Leckstein explained that the easement goes with the property even if the property is sold.

Mr. Lane commended Mr. Fotopoulos for his input he stated that he was part of the Master Plan document and that they failed to identify this section of Keyport.

Mr. Lane stated that in his opinion that the application should have been deemed incomplete because there was no identifying existing structure on the plans. Mr. Lane handed out two exhibits and described both exhibits to the Board. There was discussion regarding the exhibits.

Elmer J. Graham Jr. 22 St. Peters Place – based on what was discussed tonight and at the Council meeting he stated that in his opinion this should be approved.

John Merla, 34 Broad Street, gave the history of American Legion Drive. He explained if this is not completed the Borough would be jeopardizing losing the grant. Mr. Merla explained if Mr. Strollo has an easement it would show on his survey. He is confident that if the Borough Engineer and Borough Administrator says this has to be done then it needs to happen.

Christian Bolte, 205 Broadway – stated that in 1960 there was no road, no access. The residents at that time gave up the property and lost the riparian rights. Mr. Aumack stated that they were compensated.

Ms. Bolte stated that these properties are very valuable to the property owners. Mr. Leckstein repeated that the Board cannot consider this with the application before them.

Ms. Bolte requested that the Board table the application; Mr. Leckstein explained that the Board has no reason to do that

There was discussion regarding what would have to go back to the Board for approval if this application was approved and the land was sold. Mr. Leckstein explained that these concerns should go before Council.

Kevin Graham, 25 Myrtle Ave, no relation to Elmer would like to add his two cents – act in haste, repent in leisure.

There was further discussion regarding the master plan, the possibilities of less lots than what was being proposed.

Motion to close to the public at 9:10PM was made by D. Pacheco, second by W. Kane with ayes by all present.

Motion to approve application was made by H. Aumack, second by C. Demarest

Ayes: Chairman Oviedo, W. Kane, H. Aumack, C. Demarest, S. Dixon, K. Bartolome

Abstain: D. Pacheco

Motion to take a five-minute break was made and carried. Back in session, Mr. Leckstein noted that everyone was present. Mayor and Council was back on the Dias.

APPLICATION: KUPB 24-09 DIANE OMBRELLINO
BLOCK 91, LOT 13
87 CHURCH STREET
BULK VARIANCE APPROVAL

Ms. Ombrellino described the addition that they are proposing.

Mr. Aumack asked if it was one open room; yes. Keeping the existing second floor as is; correct.

Mr. Taylor asked about the roof leader; it is on the north side of the house and goes to the driveway.

Motion to open to the public at 9:30PM was made by D. Pacheco, second by J. Merla with ayes by all present. There being no comments or questions from the public the meeting was closed at 9:31PM.

Motion to approve was made by C. Demarest, second by Mayor Araneo

Ayes: Mayor Araneo, Councilmember Merla, Chairman Oviedo, W. Kane, H. Aumack, T. Burke, C. Demarest, D. Pacheco, S. Dixon

June 17th Special Joint meeting with Mayor and Council - Round Housing Element adoption and Fair Share Plan

The next scheduled Planning Board Meeting will be Thursday, June 26, 2025.