

APPLICATION TO THE KEYPORT UNIFIED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 161 Luppatatong Avenue
Tax Map: Block 33 Lot(s) 51
Dimensions: Frontage 50 ft Depth 250 Total Area 12,500 sq ft
Zone District: HC

Location of the property is approximately 100 feet from the intersection of
Hwy 35 and 360 feet from Maple Avenue

The property is located within 200 feet of another municipality: ☒ NO ☐ YES
If yes, name of municipality _____

The property fronts on a County Road or State Hwy: ☒ NO ☐ YES
COUNTY ROUTE NO. _____ STATE HWY NO. _____

2. APPLICANT INFORMATION

Full Legal Name: 161 Luppatatong Avenue LLC
Address: 26 Warren Street Rumson NJ 07760
(Street) (City) (State) (Zip)
Telephone Numbers: DAY 917-669-7694 EVENING 917-669-7694
Applicant is a: ☒ LLC Corporation ☐ Partnership ☐ Sole Proprietor ☐ Resident

3. OWNER IF DIFFERENT FROM APPLICANT

If the owner of the property is someone different from the Applicant, then please complete the following:

Owner's Name: _____
Address: _____
(Street) (City) (State) (Zip)
Telephone Numbers: DAY _____ EVENING _____

4. ADDITIONAL PROPERTY INFORMATION

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property:

 YES (attach copies and/or copy of deed) PROPOSED (attach description) X NONE

NOTE: All Deeds Restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises and proposed use (describe in detail): _____

Present use is a 2 story house used for office space. Applicant asks to demolish 1 garage and two framed sheds to construct 1 garage and to convert 2nd floor office to a residential apartment.

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Raymond Laytham
(Name and Firm if Applicable)

Address: 77 West Front Street Keyport NJ 07735

Telephone: 732-991-1269 Fax 732-290-4882

Applicant Engineer: _____
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax: _____

Applicant Planning Consultant: _____
(Name and Firm if Applicable)

Address: _____
 (Street) (City) (State) (Zip)

Telephone: _____ Fax: _____

Applicant Traffic Engineer: _____
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

6. OTHER EXPERTS

List any other expert(s) who will submit a report and/or testify on behalf of the Applicant.

Name: _____ Field of Expertise: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

7. RELIEF BEING REQUESTED

SUBDIVISION APPROVAL

_____ Minor Subdivision

_____ Major Subdivision

_____ Major Subdivision – Final

_____ Number of Lots to be Created

_____ Number of Proposed Dwelling Units

Note: A "Plan of Subdivision" must be submitted in accordance with the submission requirements set forth in the Submission Checklist and the Borough of Keyport Ordinance.

SITE PLAN APPROVAL

_____ Major Site Plan Approval ☒ Minor Site Plan Approval

_____ Preliminary Site Plan Approval (phases – if applicable) _____

_____ Final Site Plan Approval (phases – if applicable) _____

_____ Amendment or Revision to an Approval Site Plan (Area to be disturbed – square feet)

_____ Request for a Waiver from Site Plan Review and Approval. Reason for Request: _____

OTHER

_____ Informal Review of _____

_____ Appeal Decision of the Zoning Officer (N.J.S.A. 40:55D-70.a.) Describe nature of appeal: Denial Of application to construct new storage Garage in back yard and denial of application to convert 2nd floor office to a residential apt.

_____ Interpretation of Map or Ordinance, or Decisions upon Special Questions (N.J.S.A. 40:55D 70.b.) Explain: _____

_____ Variance Relief-Hardship (N.J.S.A. 40:55D-70c (1)) Provide Reasons: _____

_____ Variance Relief-Substantial Benefit (N.J.S.A. 40:55D-70c (2)) Provide Reasons: 40:55D-70c(1) variance for side yard set-back for main structure and garage, variance for front set-back for main structure, variance for rear setback for garage, variance for lot area, variance for impervious lot coverage.

_____ Variance Relief-Use (N.J.S.A. 40:55D-70cd) Provide Reasons: _____

40:55D-70-d(1)-Application to allow a residential apt. in a commercial building in district restricting residential*

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>	
Minimum lot area:*	12,500	12,500	30,000 sq ft.	
Building coverage limit:*	44.50 %	48.34%	35%max	
Front yard setback:*	25.1	25.1	50 ft.	
Side yard setback:*	1.8ft/22.8 ft	1.8ft/22.8 ft	...	***6 ft for 1 sideyard 18ft for nothside yard
Rear yard setback:*	191.50	191.50	40 ft	
Roadway setback:	25.1	25.1	50 ft	
Impervious coverage limit:	44.50%	48.34%	70%	
Parking spaces:*	8 plus	8defined	**	
Building height:*	33.58	33.58	40 feet	

*DENOTES ITEMS REQUIRED ON THE SITE PLAN.

*The structure is not suitable as an office space in the 2nd floor due to location and lack of handicap access

** 1 parking space for every 400 ft of rentable floor area
25-1-18(table 1). Main structure is 824.61 sq. ft.

Setbacks for Proposed Garage

	Existing	Proposed	Required
Minimum Lot area	12,500 sq ft	12,500 sq ft	30,000 sq ft
Building coverage limit	(878.02 sq ft)7.02%	(1800 sq ft)14.40%	35%
Front yard setback	3 separate garage/sheds	170 ft	50 ft
Side yard setback	3 separate garage/sheds	15 ft/5 ft	6 ft -one side/ 16 ft-both sides
Rear yard setback	approx. 50' to frame shed	20 ft	40 ft
Roadway set back	3 separate garage/sheds	170 ft	50 ft
Impervious coverage limit	44.50% for all structures	48.34 for all structures	35%
Parking spaces	8 plus	8 defined	1 space for every 400 of rentable floor area
Building height	variable heights on 3 structures	40 ft	40 ft

7. **SUBMISSION REQUIREMENTS**

The Applicant is required to submit each of the following, unless otherwise noted:

- A. Application: An Original and nineteen (19) copies to the Board Secretary (Total 20) must be submitted (with attached site plan, plot plan, survey and/or other pertinent documents).
- B. Escrow Agreement (Form #1): Sign and submit with original copy of application
- C. Notice of Public Hearing (Form #2): DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY. Submit a draft copy (leaving date of hearing blank) and submit with original application. *(Not required for minor subdivision where no variances are requested)*
- C. Affidavit of Publication – Asbury Park Press: Evidencing that the Notice of Public Hearing (Form #3) was published at least ten (10) days prior to the hearing date; (DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY) Submit to the Board's Secretary as soon as received by the newspaper. *(Not required for minor subdivision where no variances are requested)*
- D. Affidavit of Service – with attachments (Form #4). Submit to the Board's Secretary along with Original copies of Certified Mail Receipts stamped by the US Post Office as to the date of mailing, and a copy of the Notice of Public Hearing (Form #2) with hearing date.
- E. Tax Payment Certification (Form #5). Submit with Original copy of Application.

8. **OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:**

AGENCY OR PERMIT	YES	NO	DATE PLANS SUBMITTED
Borough of Keyport Health Dept	_____	_____	_____
Borough of Keyport Planning Board	<u> X </u>	_____	_____
Freehold Soil Conservation District	_____	_____	_____
NJ Dept. of Transportation	_____	_____	_____
JCP&L	_____	_____	_____
Other: _____	_____	_____	_____

*NJ Dept of Environmental Protection

*Check nature of approval(s) needed on next page:

____ Sewer Extension Permit; ____ Sanitary Sewer Connection Permit; ____ Potable Water Construction Permit;
 ____ Stream Encroachment Permit; ____ Wetlands Permit; ____ Tidal Wetlands Permit; ____ Other _____

List of Maps, Reports and other materials accompanying this application (attach additional pages as required for complete listing):

9-6-22 Survey of property- Lakeland Surveying
showing existing garage/sheds and proposed garage in back

8-11-21 floor plan(2 pg)- Evolution Design Studio showing
Apartment layout on 2nd floor . Photographs taken on site*

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.

(List specific information attached and its importance/significance to your application):

This is a unique property in the HC zone. This is a two story resident
ial house located behind an auto repair shop on one side(R) and a
residential home on the other(L) side.The existing garage located on
the property to the left is similar to the one proposed. The second
floor is more appropriate as a residential apartment due to the
location and stairs.The proposed garage is slightly larger than the
one located on the residential property to the left of subject
property.

* and photograph of proposed garage.

10. CERTIFICATIONS

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the Applicant is a corporation, this application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

1st day of December, 2022

Raymond Laytham Esq.
NOTARY PUBLIC

Raymond Laytham Esq.
Attorney and
Notary Public in
New Jersey
Commission Expires - N/A

X

SIGNATURE OF APPLICANT

Applicant's Name (Print)

Kenneth Abraham

OWNER (IF DIFFERENT FROM APPLICANT)

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made by the applicant, and the decision of the Board in this matter.

Sworn to and subscribed before me this

____ Day of _____, 20____

NOTARY PUBLIC

X

SIGNATURE OF OWNER

Owner's Name (Print)

ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this 1st day of Dec. 2022 by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and 161 Lyppatany Avenue LLC (the "Applicant").

1. PURPOSE. The Board authorizes its professional staff to review, inspect, report to the Board, and study all plans, documents, statements, improvements and provisions submitted by the Applicant to the Board or pursuant to relief granted to the Applicant by the Board. The Board is entitled to reimbursement from an Applicant for all reasonable costs/fees incurred by the Applicants in accordance with N.J.S.A 40:55D-8, and N.J.S.A 40:55D-53 et seq. of the New Jersey Municipal Land Use Law ("MLUL").

2. ESCROW ESTABLISHED. The Board, Borough and Applicant, in accordance with the provisions of this Agreement, hereby create an escrow deposit account to be established with the finance office of the Borough of Keyport.

3. ESCROW FUNDED. The Applicant, by execution of this Agreement, shall pay to the Borough to be deposited in the account referred to in paragraph 2 above.

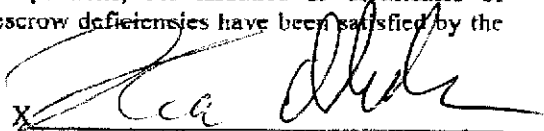
4. INCREASE IN ESCROW AMOUNT DEPOSITED. If, during the existence of this escrow agreement, the funds deposited into said escrow account are insufficient to cover any voucher or bill submitted by the Board's professional staff, the applicant shall, within fourteen (14) days of receipt of a notice from the Board or the Borough that a deficiency in the escrow exists, provide such funding as required to fund the existing deficit as well as to pay for projected costs and fees associated with the ongoing professional reviews, inspections, etc., pursuant to applicable Borough ordinances governing the same, as well as the MLUL.

5. DISPUTES AND APPEALS. Should any disputes arise by and between the applicant and the Borough and/or the Board with respect to either the funding of, or payment from, the escrow account established herein, then the settlement of any and all disputes, including appeals from any decisions made by the Borough and/or the Board regarding such escrow account shall be made as called for by the applicable ordinance of the Borough of Keyport and the provisions of the MLUL.

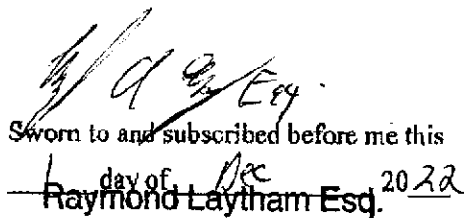
6. COLLECTION OF DELINQUENT ESCROW BALANCES. Should the Applicant fail to adequately and on a timely basis fail to fund its escrow account so that the payment of necessary fees of the Board's professionals can be made in accordance with the law, then the Borough and/or Board shall be entitled to pursue all remedies available at either law of inequity, including but not limited to all amounts due, and simple interest at a rate of 18% per annum on all sums unpaid, beginning from 30 days after the applicant received notice of such deficiencies, if permitted by law. The Borough and/or Board shall be permitted to place a lien against any and

all properties within the Borough owned by the Applicant until such time as all sums due and owed have been paid. The Borough shall also have the right to withhold and/or suspend any building permits, the conduct of construction inspections, the issuance of certificates of occupancy, and other actions, unless and until all escrow deficiencies have been satisfied by the Applicant.

Date: Dec 1 2022



SIGNATURE OF APPLICANT


Sworn to and subscribed before me this
day of Dec 2022
Raymond Laytham Esq.

Attorney and
Notary Public in

New Jersey
NOTARY PUBLIC
Commission Expires - N/A

Owner's Name (Print)

Kenneth Abraham

Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

NOTICE OF PUBLIC HEARING
Borough of Keyport Unified Planning Board

To _____, Owner of premises located at

Also known as Block _____, Lot _____ in Borough of Keyport

This notice is being sent to you because you are a property owner within 200 feet of the property that is the subject of this application.

TAKE NOTICE that on the _____ day of _____, 2023, at 7:00 PM, a hearing will be held before the Keyport Unified Planning Board ("the board") in the Council Chambers at Keyport Borough Hall 70 West Front Street Keyport, NJ 07735 on the application of the undersigned for the following form of relief:

To allow the owner/applicant to remove an existing garage and 2 frame structures (sheds) and to permit the construction of a 30' x 60' garage in the back yard of the subject property. The applicant also asks for a variance to allow the 2nd floor of the primary structure to be used as a residential apartment in the HC zone. The application will require a site plan approval and a front setback variance and side yard variance for the main structure and proposed garage and a variance for lot coverage and a variance for impervious coverage limit for the garage and a variance for rear setback for garage and a use variance for the conversion of the 2nd floor of the primary structure to a residential use.

Regarding premises known as 161 Luppataong Avenue, in the Borough of Keyport, also known as Block 33, Lot 51 on the tax map of the Borough of Keyport. This application, along with all maps, photographs, papers and supporting documentation filed with application are on file in the office of the Unified Planning Board Secretary in the Borough Municipal Building (70 West Front Street, Keyport) and are available for public inspection during the Borough's regular business hours. Any interested party may appear at the hearing in this matter and participate therein, either in person, or by attorney, in accordance with the rules and regulations of the Board.

By Order of the Keyport Unified Planning Board

Kenneth Abraham – sole member

161 Luppataong Avenue LLC

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Borough of Keyport Unified Planning Board

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By Order of the Keyport Unified Planning Board

Kenneth Abraham – sole member

161 Luppataong Avenue LLC

FORM #4

AFFIDAVIT OF SERVICE

State of New Jersey :
County of _____ : S

_____, being of full age and duly sworn according to law, on
his/her oath deposes and says that he/she resides at _____
(Street Address)

in the _____
(City) (County) (State)

And that he/she did on _____, 20____, at least ten (10)
days prior to the hearing date scheduled before the Unified Planning Board of the Borough of
Keyport set for _____, 20____, give personal notice to all property
owners within 200 feet of subject property of the application known as _____,
(Street Address)

and being further known as Block _____ Lot _____ on
the Tax Maps of the Borough of Keyport. Said notice was given by sending said notice by
certified mail, return receipt requested. Notices were also served upon: _____ the Clerk of the
Borough of Keyport, _____ the Monmouth County Planning Board, _____ Utility Companies.

A copy of the NOTICE OF PUBLIC HEARING is attached hereto, along with the CERTIFIED
LIST OF PROPERTY OWNERS within 200 feet of the subject property provided to me by the
Keyport Borough Tax Assessor's Office. All original CERTIFIED MAIL RECEIPTS are also
attached hereto.

(Signature of Applicant)

(Name of Applicant - Print)

Kenneth Abraham

Sworn and subscribed to before me
This _____ day of _____, 20____

NOTARY PUBLIC

Raymond Laytham Esq.
Attorney and
Notary Public in
New Jersey
Commission Expires - N/A

THE RAYMOND LAYTHAM LAW FIRM LLC

ATTORNEY AT LAW

Borough of Keyport Tax Collector
70 West Front Street
Keyport, NJ 07735

Nov 15, 2022

Re 161 Luppataong Ave
Block- 33
Lot 51
Keyport, NJ 07735

Dear sirs

Please confirm that the 4th Q taxes are current for the above property.



Sincerely, Raymond Laytham Esq.

*see Attached
confirmation*

77 W. FRONT STREET, KEYPORT, NJ 07735
T (732)-991-1269 EMAIL- LAYTHAMLAW@GMAIL.COM

Tax Account Maintenance

Block: 33

Lot: 51

Notes Exist

Qualifier:

Owner: LUPPATATONG, AVE, LLC

Prop Loc: 161 LUPPATATONG

Account Id: 00000646

General	Assessed Value	Additional	Billing	Deductions	Balance	All Charges	Add/Omit	Notes
Year	Qtr	Type	Billed	Principal	Balance	Interest	Total Balance	
2023	2		2,371.85 *	2,371.85	.00	2,371.85		
2023	1		2,371.87 *	2,371.87	.00	2,371.87		
2023		Total	4,743.72	4,743.72	.00	4,743.72		
2022	4		3,146.65 *	.00	.00	.00		
2022	3		2,119.63	.00	.00	.00		

Other Delinquent Balances:

.00 Interest Date: 11/15/22

Other APR2 Threshold Amt:

.00 Per Diem:

.0000

Last Payment Date: 10/24/2022

TOTAL TAX BALANCE DUE

Principal:

.00

Penalty:

.00

Misc. Charges:

.00

Interest:

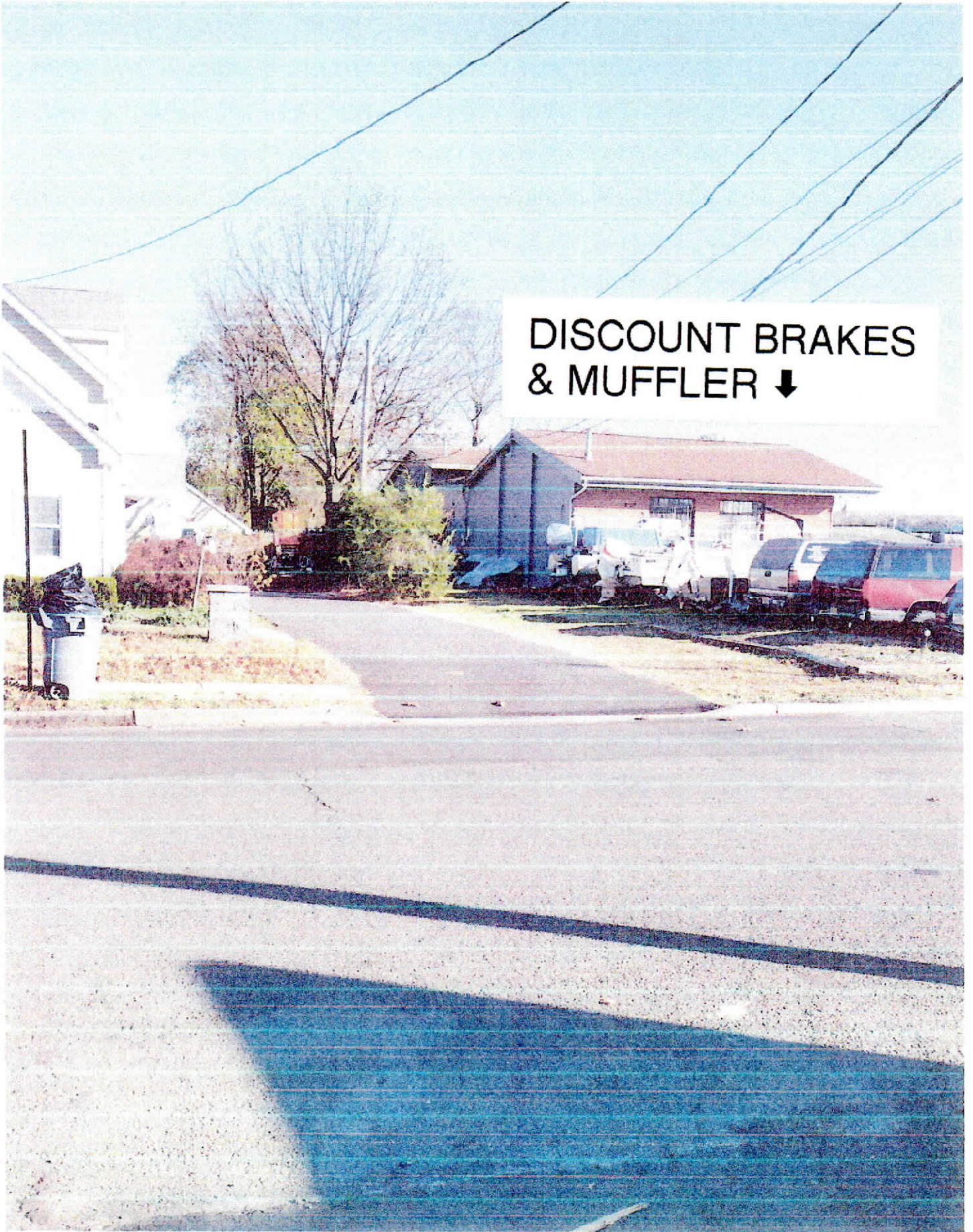
.00

Total:

.00



161 LUPPATATONG & NEIGHBOR TO THE LEFT



DISCOUNT BRAKES
& MUFFLER ↓

161 LUPPATATONG RIGHT SIDE DRIVEWAY



161 LUPPATATONG BACK DRIVEWAY



GARAGE TO BE REMOVED



SHED TO BE REMOVED



2ND SHED TO BE REMOVED



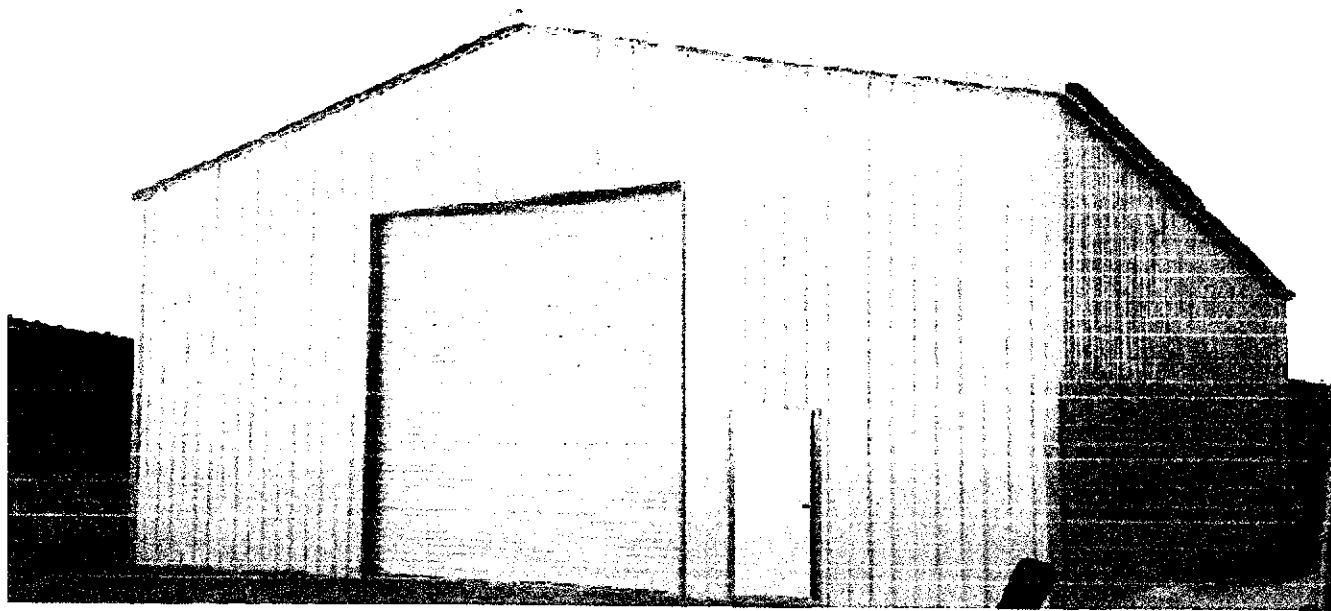
GARAGE-NEIGHBOR TO THE LEFT



GARAGE-NEIGHBOR TO THE LEFT



161 LUPPATATONG SIDE 2ND FL ENTRANCE



30 X 60 FOOT NEW GARAGE

RAYMOND A. LAYTHAM

ATTORNEY AT LAW

To Borough of Keyport Planning Board

November 14, 2022

Dear sirs

Re: 161 Luppataong Ave – Denial of zoning application dated
(1) September 12, 2022 (ZA-22-215) and on
(2) November 7, 2022 (ZA-22-270)

Take NOTICE that 161 Luppataong Avenue LLC, the owner of 161 Luppataong Avenue hereby files an appeal of the Denial decisions in Zoning applications ZA-22-270 and ZA-22-215.

The property owner will file an application to the Planning Board for site plan approval and for a change of used variance.

Sincerely,  Raymond Laytham Esq.

HAND DELIVERY and Certified Mail _____

7021 1970 0000 6836 4549

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
Keyport NJ 07735	
OFFICIAL USE	
Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60
Sent To	Borough of Keyport - Planning Board
Street and Apt. No., or PO Box No.	70 W Front St
City, State, ZIP+4®	Keyport NJ 07735
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

0368 10
Postmark Here
11/14/2022

77 W. FRONT STREET, KEYPORT, NJ 07735
T (732)-991-1269 EMAIL- LAYTHAMLAW@GMAIL.COM



Borough of Keyport
ZONING OFFICER
70 WEST FRONT ST
P.O. BOX 60
KEYPORT, NJ 07735
(732) 739-5134
DOLSEN@KEYPORTONLINE.COM

Application Date:	9/6/2022
Application Number:	ZA-22-215
Permit Number:	
Project Number:	
Fee:	\$125

Denial of Application

Date: 9/12/2022

To: 161 LUPPATATONG AVE, LLC
26 WARREN STREET
RUMSON, NJ 07760

CC: APP TELE:(917) 669-7694
APP EMAIL:ACTIVEAB@HOTMAIL.COM

RE: 161 LUPPATATONG
BLOCK: 33 LOT: 51 QUAL: ZONE: RA

DEAR 161 LUPPATATONG AVE, LLC,

BUILD NEW STORAGE STRUCTURE IN BACK OF PROPERTY. AFTER COMPLETED WILL REMOVE FRAME GARAGE, SHED, AND TENT.

Your request is hereby denied based upon the following requirements:

The following comments were made during the denial process:

SITE PLAN APPROVAL REQUIRED

DEAR APPLICANT:

YOUR ZONING APPLICATION HAS BEEN DENIED BASED ON LAND USE REGULATION ORDINANCE. INFORMATION FOR AN APPEAL OF THIS DECISION TO THE PLANNING BOARD CAN BE OBTAINED FROM THE SECRETARY OF THE BOARD. NOTICE OF APPEAL OF THIS DECISION MUST BE FILED WITH THE UNIFIED PLANNING BOARD NO LATER THAN SIXTY-FIVE (65) DAYS FROM THE DATE OF THIS NOTICE.

Sincerely,

DAVID OLSEN, ZONING OFFICER



Borough of Keyport
ZONING OFFICER
70 WEST FRONT ST
P.O. BOX 60
KEYPORT, NJ 07735
(732) 739-5134
DOLSEN@KEYPORTONLINE.COM

Application Date: 11/2/2022
Application Number: ZA-22-270
Permit Number: _____
Project Number: _____

Fee: \$25

Denial of Application

Date: 11/7/2022

7016 1370 0002 0525 1262

To: 161 LUPPATATONG AVE, LLC
26 WARREN STREET
RUMSON, NJ 07760

CC: APP TELE: (917) 699-7694
APP EMAIL: ACTIVEAB@HOTMAIL.COM

RE: 161 LUPPATATONG
BLOCK: 33 LOT: 51 QUAL: ZONE:

DEAR 161 LUPPATATONG AVE, LLC,

CONVERT SECOND STORY OF STRUCTURE TO RESIDENTIAL APARTMENT. THERE ARE NO ALTERATIONS OR WORK TO BE DONE TO THE EXTERIOR OF THE PRIMARY STRUCTURE

Your request is hereby denied based upon the following requirements:

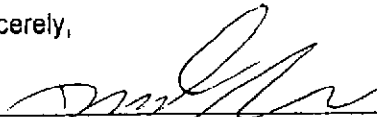
REQUIRES APPROVAL FROM THE KEYPORT UNIFIED PLANNING BOARD.

The following comments were made during the denial process:

DEAR APPLICANT:

YOUR ZONING APPLICATION HAS BEEN DENIED BASED ON LAND USE REGULATION ORDINANCE. INFORMATION FOR AN APPEAL OF THIS DECISION TO THE PLANNING BOARD CAN BE OBTAINED FROM THE SECRETARY OF THE BOARD. NOTICE OF APPEAL OF THIS DECISION MUST BE FILED WITH THE UNIFIED PLANNING BOARD NO LATER THAN SIXTY-FIVE (65) DAYS FROM THE DATE OF THIS NOTICE.

Sincerely,



DAVID OLSEN, ZONING OFFICER