



1301 Atlantic Avenue
Midtown Building, Suite 400
Atlantic City, NJ 08401-7212
Tel 609.348.4515 Fax 609.348.6834
www.foxrothschild.com

BRIDGET A. SYKES
Direct No: 609.572.2257
Email: BSykes@FoxRothschild.com

September 12, 2024

VIA HAND DELIVERY

Denise Nellis
Planning Board Secretary
Borough of Keyport
70 West Front Street
Keyport, NJ 07735

**Re: Application for Amended Preliminary and Final Site Plan, Bulk Variance and
Change of Use Approval
105 Route 35, Block 110, Lot 24**

Dear Ms. Nellis:

The undersigned represents Blaze Keyport LLC, contract purchaser of the above referenced property in the Borough of Keyport. Enclosed please find the following in support of Applicant's application for Amended Preliminary and Final Site Plan Approval, Bulk Variance Approval and Change of Use Approval:

- 1) 20 copies of Keyport Unified Planning Board Application Form executed on behalf of Applicant (Should you require the original signature page of the Owner's Consent same may be provided under separate cover);
- 2) 20 copies of the Application Statement with the following Exhibits annexed:
 - a) Planning Board Resolution #23-02 granting Preliminary and Final Site Plan and Bulk Variance Approval;
 - b) Letter of No Interest issued by the New Jersey Department of Transportation; and

A Pennsylvania Limited Liability Partnership



Denise Nellis
September 12, 2024
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- c) Keyport Borough Council Resolution #2022-208 in support of Applicant to pursue a Class 5 Cannabis Retailer License;
- 3) 20 copies of the Corporate Disclosure Statement;
- 4) 20 copies of the Site Plan Checklist;
- 5) 20 sets of Architectural plans prepared by Feltz Collins Architecture, dated September 11, 2024 (2 sheets per set);
- 6) 20 sets of the Site Plan and Engineering plans prepared by EKA Associates, P.A., inclusive of a Boundary and Topographic Survey, dated September 12, 2024 (6 sheets per set);
- 7) 200 Foot List issued by the Keyport Tax Assessor;
- 8) 200 Foot List issued by the Hazlet Tax Assessor;
- 9) Draft Notice of Public Hearing;
- 10) Check in the amount of \$500.00 representing the Application Fee which has been calculated based up on the fees for Preliminary Site Plan, Final Site Plan 2 Bulk Variances and 2 C Variances; and
- 11) Applicant's W-9.

Items 1 through 4 above have been collated into packets. Items 7 through 11 are included with the original executed Application packet attached to this Cover Letter.

The Escrow Agreement has been executed on behalf of the Applicant and included with the Application Form. An existing Escrow account is opened for the subject Property in connection with the previously approved Preliminary and Final Site Plan Application, which the Property owner has consented to continuing to use in connection with this Application for an amendment, and which was recently replenished with funds. Should you need anything in writing with respect to this arrangement, or if additional escrow funds are needed, please contact my office and additional funds will be provided.

A request for a Certification of Paid Taxes was submitted to the Tax Office and will be forwarded to you on receipt.



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A pdf copy of each of the foregoing documents has been sent via email to your attention in accordance with the instructions on the Planning Board's website.

Applicant requests to be placed on the September 26, 2024 hearing agenda and has submitted notices for same in accordance with discussions with the Planning Board Engineer as to the feasibility of this matter being heard on such date. In the event that this matter is not heard at September's meeting, it is respectfully requested that verbal notice of this matter being adjourned to the October hearing be made.

Please contact my office if any further documentation is needed to process this Application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bridget A. Sykes".

Bridget A. Sykes

BAS:bas
Enclosures

APPLICATION TO THE KEYPORT UNIFIED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 105 Highway 35
Tax Map: Block 110 Lot(s) 24
Dimensions: Frontage 190 Depth irregular Total Area 14,608 SF
Zone District: Highway Commercial (HC)

Location of the property is approximately 0 feet from the intersection of
Route 35 and Clark Street.

The property is located within 200 feet of another municipality: NO X YES
If yes, name of municipality Hazlet

The property fronts on a County Road or State Hwy: NO X YES
COUNTY ROUTE NO. _____ STATE HWY NO. 35

2. APPLICANT INFORMATION

Full Legal Name: Blaze Keyport LLC
Address: 38 Empress Court Freehold New Jersey 07728
(Street) (City) (State) (Zip)
Telephone Numbers: DAY 732-406-1000 EVENING 732-406-1000
Applicant is a: Corporation Partnership Sole Proprietor Resident
*** limited liability company

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: NVWI Limited Liability Company
Address: 135 Monroe Street, Apt. 505 Newark New Jersey 07105
(Street) (City) (State) (Zip)
Telephone Numbers: DAY 917-273-7740 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):
Vacant Lot, proposed 1 story commercial building for retail cannabis use

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Bridget A. Sykes, Esq., Fox Rothschild LLP
(Name and Firm if Applicable)

Address: 1301 Atlantic Avenue Atlantic City New Jersey 08401
(Street) (City) (State) (Zip)

Telephone: 609-572-2257 ~~Fax~~ Email: bsykes@foxrothschild.com

Applicant Engineer: Joseph Bachi, EKA Associates, P.A.
(Name and Firm if Applicable)

Address: 328 Park Avenue Scotch Plains New Jersey 07076
(Street) (City) (State) (Zip)

Telephone: 908-322-2030 ~~Fax~~ Email: jbachi@ekaassociates.com

Applicant Planning Consultant: Kenneth F. X. Schlattmann, Schlattmann Engineering Associates, LLC
(Name and Firm if Applicable)

Address: 1233 Fifth Avenue Toms River New Jersey 08757
(Street) (City) (State) (Zip)

Telephone: 732-341-4646 ~~Fax~~ Email: s_e_a_l@msn.com

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: David Collins, Feltz Collins Architecture Field of Expertise: Architecture

Address: 213 Holly Avenue Lincroft New Jersey 07738
(Street) (City) (State) (Zip)

Telephone: 732-747-6773 ~~Fax~~ Email: dcollins@feltzarch.com

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) _____

X 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: _____

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

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

X Variance Relief-Substantial Benefit (N.J.S.A. 40:55D-70c (2)) Provide Reasons: _____
See Application Statement.

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

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
Minimum lot area:*	<u>14,608 SF</u>	<u>14,608 SF</u>	<u>10,000 SF</u>
Building coverage limit:*	<u>0</u>	<u>16.7%</u>	<u>35%</u>
Front yard setback:*	<u>N/A</u>	<u>11.97 ft.</u>	<u>50 ft.</u>
Side yard setback:*	<u>N/A</u>	<u>19.7 ft.</u>	<u>6 ft.</u>
Rear yard setback:*	<u>N/A</u>	<u>38.7 ft.</u>	<u>20 ft.</u>
Roadway setback:	<u>N/A</u>	<u>20.6 ft.</u>	
Impervious coverage limit:	<u>0</u>	<u>70.94%</u>	<u>90%</u>
Parking spaces:*	<u>0</u>	<u>11</u>	<u>9</u>
Building height:*	<u>N/A</u>	<u>20 ft.</u>	<u>40 ft.</u>

*DENOTES ITEMS REQUIRED ON THE SITE PLAN.

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). Enclosed.
- B. Escrow Agreement (Form #1): Sign and submit with original copy of application Enclosed.
- 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)* Enclosed.
- 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. Enclosed.

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	<u> </u>	<u> </u>	<u> </u>
Borough of Keyport Planning Board	<u> X </u>	<u> </u>	<u>Subject application.</u>
Freehold Soil Conservation District	<u> X </u>	<u> </u>	<u>TBD</u>
NJ Dept. of Transportation	<u> X </u>	<u> </u>	<u>Letter of No Interest issued.</u>
JCP&L	<u> </u>	<u> </u>	<u> </u>
Other: <u> </u>	<u> </u>	<u> </u>	<u> </u>

*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): _____

Site Plan and Engineering Plans prepared by EKA Associates P.A., dated September 12, 2024

Architectural Plans prepared by Feltz Collins Architecture dated September 11, 2024

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.

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

Planning Board Resolution #23-02 Granting Preliminary and Final Site Plan Approval

Council Resolution #2022-208 in Support of Blaze Keyport LLC obtaining a Cannabis License

New Jersey Dept. of Transportation Letter of No Interest

Application Statement setting forth proposed Amendments to Site Plan and Change of Use
Corporate Disclosure Statement as required by Statute

10. CERTIFICATIONS

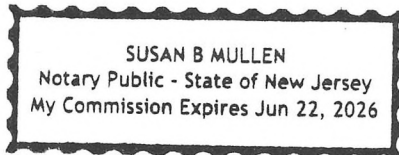
APPLICANT

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

12th day of September, 2024

Susan B. Mullen
NOTARY PUBLIC



X Bridget A. Sykes
SIGNATURE OF APPLICANT

Bridget A. Sykes, Esq., Attorney for Applicant, Blaze
Keyport LLC
Applicant's Name (Print)

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)

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

_____ day of _____, 20____

NOTARY PUBLIC

X _____
SIGNATURE OF APPLICANT

Applicant's Name (Print)

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

12 Day of September, 20 24

NOTARY PUBLIC

X _____
SIGNATURE OF OWNER

PEDRO BELO
Owner's Name (Print)

SONIA GONCALVES
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires August 3, 2026
ID# 50166920

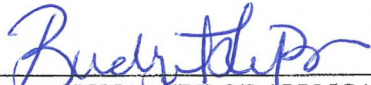
ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this 12th day of September 2024 by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and Blaze Keyport 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: 9-12-2024

X 

SIGNATURE OF APPLICANT
Bridget A. Sykes, Esq., Attorney for Applicant, Blaze
Keyport LLC

Owner's Name (Print)

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

NOTARY PUBLIC

Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

BLAZE KEYPORT LLC
APPLICATION STATEMENT

Applicant, Blaze Keyport LLC, is the contract purchaser of the property located at 105 Route 35, and designated as Block 110, Lot 24 on the official tax map (the “Property”). The Property is zoned “HC” Highway Commercial and is presently vacant land.

At a public hearing on June 22, 2023, the Unified Planning Board granted Preliminary and Final Site Plan Approval and Bulk Variance Approval to construct a 2,758 SF single-story commercial building for general retail use. Bulk variances were granted to permit a front yard setback of 11.13 feet where 50 feet is required, and a minimum parking setback of 2 feet where 5 feet is required (the Site Plan and Variance approvals, collectively, the “Prior Approval”). A copy of Resolution #23-02 memorializing the Prior Approval is attached as Exhibit “A.”

Applicant submits this Application seeking Amended Preliminary and Final Site Plan Approval, Amended Bulk Variance Approval, and Change of Use Approval to use the proposed building as a retail cannabis dispensary.

Amended Site Plan and Bulk Variance Approval

The proposed amendments to the previously approved Site Plan are as follows:

- a) Reduction in the size of the building to 2,433 square feet;
- b) Modify the design of the entrance and exit to the site by utilizing the existing curb cut on Route 35. The foregoing modification was done in connection with the New Jersey Department of Transportation’s (“NJDOT”) review of the Prior Approval. The NJDOT issued a Letter of No Interest approving the modified layout on June 5, 2024. A copy of the NJDOT Letter of No Interest is attached as Exhibit “B;” and
- c) Ancillary modifications to site improvements including lighting, landscaping, trash enclosure location, and location and type of stormwater management structures.

As a result of the reduction of the size of the building and modified entrance as set forth above, the proposed front yard setback has been increased from 11.13 feet to 11.97 feet. The parking setback remains 2 feet. Accordingly, the front yard variance relief previously granted has been reduced in intensity as a result of the amendment. Applicant seeks variance relief in connection with the Site Plan Amendment to permit the front-yard setback and parking setback as proposed which relief is necessitated by the irregular and particular shape of the Property.

Change of use to Cannabis Retail

The development of the Property was originally approved for general retail use. Applicant further seeks approval to use the proposed building as a cannabis retail dispensary in accordance with Ordinance Section 25-1-15.20. Cannabis retail dispensaries are a permitted use in the Highway Commercial District.

Pursuant to Resolution #2022-208 of the Borough Council of the Borough of Keyport, Borough Council awarded Applicant its support to pursue a Class 5 Cannabis Retailer License from the New Jersey Cannabis Regulatory Commission (“NJCRC”) for the Property (the “Cannabis

Resolution”). A copy of the Cannabis Resolution is attached as Exhibit “C.” Applicant was awarded approval for an Annual License from the NJCRC on August 22, 2023 to operate a Class 5 Cannabis Retail facility at the Property.

Pursuant to Ordinance Section 25-1-15.20, there are no regulations governing cannabis uses that regulate or affect site plan elements. The Ordinance sets forth various Site Standards relating solely to operations at Section 25-1-15.20d. Applicant satisfies the Site Standards applicable to retail cannabis facilities as follows:

1. There shall be no on-site sales of alcohol or tobacco products, and no on- site consumption of food, alcohol, tobacco, or cannabis by patrons at any cannabis business. ***Applicant will comply.***
2. Entry onto the premises of a cannabis business by a person who is under the age of 21 is prohibited, unless the individual is accompanied by and supervised by a parent or legal guardian or is otherwise permitted by law. ***Applicant will comply. The on-site security guard or other employee of operator will check identification at the entrance to the facility prior to permitting entry all in compliance with NJCRC regulations. The foregoing is also a condition of the Cannabis Resolution G.***
3. Hours of public operation shall be limited to 8:00 a.m. through 10:00 p.m. daily. No licensed Cannabis Retailer, Cultivator, Distributor, Manufacturer, or Wholesaler shall be open to the public between the hours of 10:01 p.m. and 7:59 a.m. on any day. The hours of public operation of Cannabis Delivery Services shall be as regulated by the Cannabis Regulatory Commission. ***Applicant will comply and intends to be open from 8:00 a.m. to 10:00 p.m. daily. Pursuant to the Cannabis Resolution, Applicant is restricted to operate by reservation or appointment only for pickup orders for the first 6 months of operation, after which the Cannabis Subcommittee will review Applicant’s operations and determine whether walk-in retail sales will be permitted.***
4. For any licensed cultivation, processing, or similar operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. ***Not applicable to cannabis retail.***
5. For any licensed cultivation, processing, manufacturing, or similar operation, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel limitations. ***Not applicable to cannabis retail.***
6. To the extent not already required by the entity's State license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of

cannabis products. Footage must be maintained for the duration required under State law. ***Applicant's security plan includes security cameras at all of the above locations which will be subject to review by the Keyport Police Department and the NJCRC. Applicant will comply with all other security requirements of the NJCRC and request of the Keyport Police Department.***

7. All licensed cannabis facilities must provide the Keyport Police Department with access to security footage immediately upon request by the Department. ***Applicant will comply.***
8. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing. ***Applicant will comply.***
9. For any licensed cultivation operation, the facility must mitigate lighting spillover into any residential neighborhoods, and must comply with all applicable State lighting limitations. ***Not applicable to cannabis retail.***
10. No Cannabis Business shall be located within the following distances, measured door-to-door, from the specified land uses listed below:
 - a. 250 feet of a licensed childcare facility or residential childcare facility;
 - b. 250 feet of any elementary school, middle school, high school, college or university either public or private;
 - c. 150 feet of any church, synagogue, temple, or other place used exclusively for religious worship.

The Property is not located within any of the above buffer zones.

11. No licensed Cannabis Retailer shall be located in or upon any premises in which a grocery store, delicatessen, indoor food market, or other store engaging in retail sales of food operates, or in or upon any premises in which a store that engages in licensed retail sales of alcoholic beverages operates. ***The proposed building is a single tenant commercial building. There will be no sale of food or alcoholic beverages.***
12. Cannabis waste shall be stored, secured, and managed in accordance with applicable State laws. ***Applicant will comply with all NJCRC regulations regarding cannabis storage and disposal. Cannabis waste will be securely stored in a designated area of the vault and will be ground up and mixed with kitty litter or another approved method prior to disposal.***
13. Display of Cannabis and Related Paraphernalia: Cannabis plants, products, and paraphernalia shall be screened from view from any exterior windows. ***Cannabis and/or cannabis related paraphernalia will not be visible from any exterior windows.***

14. All Cannabis Businesses shall conduct operations indoors. No Cannabis Cultivators shall be permitted to operate outdoors, e.g., grow canopies. ***As shown on the Architectural plans, all retail floor area is located indoors.***

15. Cannabis consumption areas shall not be permitted in the Borough. ***No cannabis consumption area is proposed.***

In addition to the foregoing, Applicant will comply with all sign regulations applicable to cannabis uses set forth at Section 25-1-15.20e. Based on the foregoing, Applicant's operations satisfy all site standards required by Ordinance to permit the operation of a retail cannabis dispensary.

EXHIBIT “A”

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

**RESOLUTION
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH BULK VARIANCE RELIEF**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

**BLOCK 110, LOT 24
Application # 23-02
NICKAY CONSTRUCTION, INC.
105 HIGHWAY 35**

WHEREAS, Nickay Construction, Inc. has filed an application seeking Preliminary and Final Site Plan approval for the purpose of constructing a one-story retail commercial building to be situated on property located at 105 Highway 35 which is officially designated as Block 110, Lot 24 on the Borough of Keyport's Tax Map; 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 on the application were conducted on the within matter during a regularly scheduled meeting of the Unified Planning Board held on June 22, 2023; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. This application seeks Preliminary and Final Site Plan approval to construct a one-story retail commercial building, having a footprint of 2,758 square feet, to be situated on property located at 105 Highway 35 which is officially designated as Block 110, Lot 24 of the Borough of Keyport's Tax Map.¹
2. The property consists of 14,608 square feet in area. It is triangular-shaped with frontage on Route 35. The property is located approximately one fifth of a mile southeast of the Route 35 and Route 36 interchange and is currently vacant. The only existing improvements are the foundation of a previously demolished building and an existing billboard.

¹ During the course of the hearing the Board was advised by a resident, Michael Lane of 51 First Street, Keyport, that a cannabis dispensary was intended for the site. The Board wishes to make clear, and the applicant did agree on the record, that this application was not being reviewed with respect to whether the proposed site plan is appropriate for a cannabis dispensary. The Board has only considered the application with respect to a site plan which would accommodate a general retail commercial building. If the Borough's Zoning Officer believes the Borough's Zoning Ordinance, or any other regulations, require something more as part of a site plan to open a cannabis dispensary, such will be dealt with at the time such a use actually applies for permits from the Borough. Amanda Moscillo, Esquire, an attorney from the Fox Rothchild law firm, which represents the cannabis dispensary was present at the hearing and indicated she also understood what was occurring.

3. The property is located within the Borough's HC (Highway Commercial) District which permits the proposed retail use.
4. Adjacent to the north and west of the subject property is a Stop and Shop supermarket and associated surface parking, also located within the HC Zone. Adjacent to the north and east are the Holmdel Pointe Apartments, a multi-family residential housing complex, located along Clark Street and Center Street. To the west of the property, opposite Clark Street and along NJ State Route 35, are a variety of commercial and retail uses located in both Hazlet Township and the Borough of Keyport.
5. In order to construct the proposed retail commercial building, the applicant would require bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c), as follows:

VARIANCE	PERMITTED	PROPOSED
Minimum Front Yard Setback (NJ Route 35)	50 feet	11.13 feet
Minimum Parking Setback from Residences	5 feet	2 feet

6. The applicant is proposing a total of eleven (11) parking spaces for the site. Only nine (9) spaces are required by ordinance. As a result, the proposal is in compliance with the applicable parking regulations.
7. During all portions of these proceedings, the applicant was represented by Lawrence D. Carton, Esquire who has law offices located at 2814 Route 35, Second Floor, Hazlet, New Jersey 07730.
8. In support of the application, the following exhibits were marked into evidence:
 - Exhibit A-1 :** Application Package
 - Exhibit A-2 :** Preliminary and Final Site Plan dated March 31, 2021, last revised May 12, 2023, as prepared by Joseph N. Bachi, P.E. of EKA Associates (consisting of 6 sheets)
 - Exhibit A-3 :** Elevations for Building dated March 29, 2021, as prepared by Zen Architecture and Engineering (consisting of 4 sheets)
 - Exhibit A-4:** Revised First Place of Elevations Package, revised as of April 18, 2023.
 - Exhibit A-5:** Stormwater Management Report dated March 13, 2023, as prepared by Joseph N. Bachi, P.E.
9. Beyond the exhibits marked into evidence by the applicant, the Board also marked its own exhibits into evidence as follows:
 - Exhibit B-1:** Second Engineering and Planning Review letter of T&M Associates dated June 15, 2023.
 - Exhibit B-2:** Special Flood Hazard Area Review by Colliers Engineering dated March 14, 2023
 - Exhibit B-3:** Review Letter of Borough Fire Marshal dated February 7, 2023

10. In addition to the aforementioned exhibits, the applicant also presented sworn testimony from its owner, Filipe Agostinho, who testified as the basics of the proposed building. He made clear that the building would only have one tenant. This would be a condition of approval.
11. Mr. Agostinho also agreed that whatever tenant rented the building would not have the need for a loading dock. Accordingly, a loading dock was not part of the plans. This would also be a condition of approval.
12. The applicant also presented testimony from its professional engineer, Joseph Batchi, P.E., who referred to the site plan marked into evidence as **Exhibit A-2**.
13. Mr. Batchi agreed, as a condition of approval, that he would work with the Board's Engineer to resolve any storm water management issues. This could be a condition of approval.
14. It was further agreed all signage for the property would meet Borough Ordinances. If not, the applicant understood it would need to return to the Board for further relief. This would also be a condition of approval.
15. Mr. Batchi confirmed a final lighting plan would be submitted to the Board's Engineer for his review and approval. Additionally, all lighting would be designed so as to ensure it would not shine onto neighboring properties. These would be conditions of approval.
16. A final landscaping plan would also be submitted for the Board Engineer and Planner's approval. It was made clear that this plan would include the installation of evergreens so as to provide appropriate screening for the neighboring residences.
17. With respect to site circulation, Mr. Batchi indicated it would function appropriately, however he indicated that the applicant would agree to install a speed bump at the entrance in order to slow traffic down as it enters the site. This would be a condition of approval.
18. It was agreed that the applicant would comply with all of the comments contained within the letters submitted by the Board's Professionals. **Exhibits B-1 through B-3**.
19. Mr. Batchi believed the site plan had been appropriately designed and would function as intended.
20. During Mr. Batchi's testimony, a concern was raised on behalf of the neighboring commercial property owner, BLDG Management, (where Stop & Shop is located) by its attorney Frankie J. Alvarez, Esquire of the Law Offices of Matthew M. McDowell, Inc., which has offices located at 39 North Main Street, Cranbury, New Jersey. Specifically, Mr. Alvarez indicated that his client was concerned over the possible elimination of a curb cut which his client's research showed as being half on his client's property and half on the applicant's property. BLDG Management would like this curb cut retained in the event it ever wished to restructure the layout of its property. With this said, there was some question as to whether the curb cut actually belonged to either BLDG Management or the applicant

as it might actually be part of the New Jersey Department of Transportation's (DOT) Right of Way and therefore solely within the DOT's control. Nevertheless, it was agreed as a condition of approval that the applicant would not disturb this curb cut unless required to do so by the DOT. It was further agreed that the applicant would be required to keep Mr. Alvarez advised as to all discussions with the DOT on this issue.

21. The final witness to appear on behalf of the applicant was its professional Planner, Nicholas Graviano, P.P., who testified that in his position the two variances required by the application could be granted without creating any negative impacts. Additionally, they were necessary in order that the now vacant property could be properly developed. Due to the shape of the property, which is triangular in nature, it would be extremely difficult to develop the property in any other manner.
22. No one else testified with respect to the merits of the application.
23. As previously indicated at footnote 1, Borough Resident Michael Lane of 51 First Street, did speak during the hearings as to concerns over a cannabis dispensary being located at the site. As noted within said footnote, such an issue was not before the Board. Mr. Lane had no other stated concerns regarding the application.
24. The Board's Professionals, who were sworn, indicated they had no issues with the application provided the comments of their review letter were adhered to. **(Exhibit B-1)**
25. After considering all the testimony and evidence, and assuming all representations were adhered to, the Board finds that proposed site will function properly as proposed under the site plan once it has been revised to meet the conditions of this Resolution.
26. The Board agrees with the testimony of the applicant's planner that the two variances required by this application are necessary in order to ensure that the site can be properly developed. The Board is hard pressed to envision any negatives which would occur by a granting of relief and none have been presented to the Board for its consideration.
27. It was also noted that the proposed location of the building places it in line with other buildings in the area. This only adds to the positives associated with the application.
28. Based upon the evidence presented, the Board finds that the requested variance relief can be granted pursuant to the provisions of both N.J.S.A. 40:55D-70(c)(1) and (2) since the the shape of the subject property creates a natural hardship for the applicants and the benefits of granting the variance and approving the entire project, so as to ensure the site is properly developed, far outweighs whatever benefit would be obtained by strictly adhering to the ordinance requirements.

29. It seems clear to the Board that the benefits of granting this application and approving the proposed preliminary and final site plan is in the best interest of the Borough and such an approval far outweighs any detriments that might occur.
30. Based upon all of the above, the Board finds the applicant has met its burden in establishing that it is entitled to the requested preliminary and final site plan approval, with bulk variance relief. As such, the sought after application should be granted in its entirety.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Nickay Construction, Inc., seeking preliminary and final site plan approval, with bulk variance relief, for premises located at 105 Route 35, which is officially known as Block 110, Lot 24 on the official tax map of the Borough of Keyport be granted subject to the following conditions:

1. Subject to substantial compliance with the plans submitted into evidence unless otherwise modified by this Resolution.
2. Subject to the condition that the site will only accommodate a single tenant which will not have the need for a loading dock.
3. Subject to the condition the applicant work with the Board's Engineer to resolve any storm water management issues. The plans shall be revised for the review and approval of the Board's Engineer.
4. Subject to the condition all signage for the property shall meet Borough Ordinances.
5. Subject to submission of a final lighting plan for the review and approval of the Board's Engineer. Said lighting shall be designed so as to ensure it will not shine onto neighboring properties.
6. Subject to the submitting of a final landscaping plan for the review and approval of the Board's Engineer and Planner. Said plan shall include the installation of evergreens so as to provide appropriate screening for the neighboring residences.
7. Subject to the adding of a speed bump at the entrance of the subject site in order to slow traffic down as it enters the site. Said speed bump shall be added to the applicant's plan and be subject to the review and approval of the Board's Engineer.
8. Subject to the applicant not removing the existing curb cut at the site unless required to do so by New Jersey's Department of Transportation. The applicant must keep counsel for neighboring property owner, BLDG Management, advised as to all communications with the DOT on this subject. Currently said counsel is Frankie J. Alvarez, Esquire of the Law Offices of Matthew M. McDowell, Inc., which has offices located at 39 North Main Street, Cranbury, New Jersey.

9. Subject to the applicant's compliance with the review letters submitted on behalf of the Board's Professionals. (Exhibits B-1 through B-3)
10. All representations made under oath on behalf of the applicant, or by its agents, shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations which were made shall be deemed a violation of this approval.
11. 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.
12. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
13. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
14. This approval shall be deemed void by abandonment if a permit is not applied for within two years of the date hereof.
15. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
16. 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.
17. 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 N. Vecchio, second by H. Aumack
and on Roll Call, the following vote was recorded:

Affirmative: Mayor Aranco, Chairman Sessa, H. Aumack, N. Vecchio, J. Merla,

J. Kovacs-Olsen

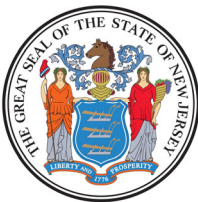
Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on August 24, 2023.


Denise Nellis, Secretary of the Board

EXHIBIT “B”



State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600

PHILIP D. MURPHY

Governor

TAHESHA L. WAY

Lt. Governor

FRANCIS K. O'CONNOR

Acting Commissioner

June 5, 2024

Kenneth FX Schlatmann, PE
Schaltman Engineering Associates, LLC
1233 Fifth Avenue
Toms River, NJ 08757

RE: Letter of No Interest

Proposed 800 SF Office and 1,954 SF Marijuana Dispensary

Route 35 NB MP 43.0

Block 110 Lot 24

Keyport Borough, Monmouth County

Dear Mr. Schlatmann,

Reference is made to a letter dated January 26, 2024, coming from Mr. Joseph Bachi of EKA Associates, PA and your latest email dated June 6, 2024, concerning the above captioned project. The Department has reviewed the information submitted with the Letter of No Interest request. Based on the submitted information, the Department has determined that the proposed **800 SF Office and 1,954 SF Marijuana Dispensary** will not create a "significant increase in traffic" and a new access permit is **not** required for the proposed development.

Additionally, there are no plans to perform any construction within the Department's right of way or modification(s) of the existing access. Neither are there any plans to change the existing property lines.

This is a non-conforming lot and subject to trip limits. The maximum allowable trips for this site are 69 trips in the AM Peak Hour, 69 trips in the PM Peak Hour and 69 trips in the Weekend Peak Hour. **These trips cannot be exceeded.** The prior land use (2,758 SF Vehicle Service Station) was generating 7 trips in the AM Peak Hour, 7 trips in the PM Peak Hour, and 18 trips in the Weekend Peak Hour. The proposed land use (800 SF Office and 1954 SF Marijuana Dispensary) generates 33 trips in the AM Peak Hour, 49 trips in the PM Peak Hour, and 56 trips in the Weekend Peak Hour. This does not create a significant increase in traffic as defined in the New Jersey State Highway Access Management Code.

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Please be advised that a new permit may be required if there are any physical changes to the Route 35 driveway(s), additional expansion or a new use is being proposed for this site. The peak hour trip generation from this prior change in use (2,758 SF Vehicle Service Station) must be included in the build condition and will not be considered as existing, only the trip generation from the previous Service Station with gas will be considered as existing. If any of these conditions change or you need to perform any work within the State right of way you may be required to obtain a Highway Occupancy Permit, an Access Permit or other permits, whichever is applicable.

The State Highway Access Management Act and the State Highway Access Management Code describe activities which require an access permit. N.J.S.A. 27:7-92(a) and N.J.A.C. 16:47- 8.1(a). They also describe changes or expansions in use. which would require a new permit. N.J.S.A. 27:7-92(d) and 27:7-95(a); NJ.A.C. 16:47-4.3(a) and 16:47-2.1, "significant increase in traffic." Finally, they describe a category of permits that are "grandfathered." "Grandfathered" permits apply to all driveways and streets, which were in existence prior to September 21, 1992. N.J.S.A. 27:7-92(c) and N.J.A.C. 16:47-8.3(c).

Please note that the above conclusions were based upon the information provided and any changes to these plans, or the proposed size and type of development may change the conclusions reached by the Department.

If you have any questions concerning the above matters, please contact me at (609) 963-1996 or larry.cotton@dot.nj.gov.

Sincerely,

Larry D. Cotton

Larry D. Cotton, CPM
Project Management Specialist 3
Application Completeness, Conformance and Compliance Unit
Office of Major Access Permits
Division of Local Aid and Economic Development

EXHIBIT “C”

RESOLUTION #2022-208

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT IN SUPPORT OF THE SUBMISSION OF AN APPLICATION BY BLAZE KEYPORT, LLC (D/B/A BLAZE CANNABIS KEYPORT) FOR A CLASS 5 CANNABIS RETAILER LICENSE WITHIN THE HIGHWAY COMMERCIAL DISTRICT IN THE BOROUGH FROM THE NEW JERSEY CANNABIS REGULATORY COMMISSION

WHEREAS, the Borough of Keyport, County of Monmouth (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 24:6I-31 et seq. (P.L. 2021, c. 16) known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “**Act**”) which legalizes the recreational use of marijuana by adults 21 years of age or older, the Borough adopted Ordinance 15-21 (the “**Cannabis Ordinance**”), which allows for a limited number of cannabis businesses to be located in specified locations in the Borough; and

WHEREAS, the Act established the New Jersey Cannabis Regulatory Commission (“**Commission**”) to oversee and regulate the cannabis industry in New Jersey and the Commission promulgated Personal Use Cannabis Rules, N.J.A.C. 17:30-1.1 et. seq. on August 19, 2021; and

WHEREAS, the Borough’s Cannabis Ordinance and Borough Resolution #R2022-49 created a Cannabis Subcommittee to (1) receive and review applications by cannabis businesses seeking to operate in the Borough; and (2) make recommendations to the Borough Council as to whether proposed cannabis businesses should be approved at the local level; and

WHEREAS, N.J.A.C. 17:30-5.1 requires that a municipality with a governing body express its support for a State cannabis business license applicant by resolution of the governing body; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(g), the support resolution should indicate that the proposed cannabis business location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS, the Borough’s Cannabis Subcommittee has received and reviewed the applications that were submitted to the Borough for consideration by KGNJ Operations, LLC, Garden State Marijuana, LLC and Blaze Keyport, LLC in support of a Class 5 Cannabis Retailer license to be issued by the Commission for a facility to be located in the Highway Commercial District; and

WHEREAS, based on its thorough and comprehensive review and evaluation of all of the applications, together with the interviews conducted by the Subcommittee with each applicant and

the presentations made by each applicant and public comments made at a Borough Special Public Meeting, the Borough's Cannabis Subcommittee has determined that the proposed cannabis business location of Blaze Keyport, LLC is appropriately located and is suitable for activities related to the operations of the proposed retail cannabis business in the Borough and therefore, recommends that the Borough Council support the application of Blaze Keyport, LLC for a Class 5 Cannabis Retailer license for the Highway Commercial District from the Commission, subject to certain conditions as set forth in this resolution; and

WHEREAS, in light of the ongoing developments with respect to New Jersey's recreational cannabis sector, the Borough's Cannabis Subcommittee has determined it to be in the best interest of the Borough, as part of its support of the application of Blaze Keyport, LLC to the Commission, to impose the conditions set forth herein on Blaze Keyport, LLC 's retail cannabis operations in the Borough should Blaze Keyport, LLC be granted a cannabis license from the Commission; and

WHEREAS, upon the issuance of an approval by the Commission of a grant of a retail cannabis license to Blaze Keyport, LLC and their compliance of the conditions set forth in this resolution, a local retail cannabis license will then be issued to Blaze Keyport, LLC, provided that there is no significant information of concern to the Borough with respect to any information set forth in their application to the Commission that was not provided to the Borough as part of the Borough's review; and

WHEREAS, these conditions include the following:

- (i) Hours of public operation shall be limited to 8:00 am. through 10:00 p.m. daily.
- (ii) For a six (6) month trial period from the date of start of operations, Blaze Keyport, LLC shall be required to operate by reservation or appointment only. Following the close of the six (6) month trial period, Blaze Keyport, LLC shall provide a report assessing operations during the trial period, which shall be submitted to the Borough's Cannabis Subcommittee. The Cannabis Subcommittee will review such report and make a recommendation to Council on whether Blaze Keyport, LLC shall be permitted to also engage in walk-in operations.
- (iii) The Borough recognizes that Blaze Keyport, LLC will be operating a Class 5 Cannabis Retailer business in the Highway Commercial District involved in the sale of cannabis products to consumers and that the Class 5 Cannabis Retailer location will be located at 105 Route 35, Keyport, New Jersey if approved by the Commission.
- (iv) Approving Blaze Keyport, LLC s application for a local Class 5 Cannabis Retailer license does not exceed the limit established by the Borough for Class 5 Cannabis Retailer licenses for a facility located in the Highway Commercial District in the Borough.

- (v) Blaze Keyport, LLC's proposed Class 5 Cannabis Retailer use and location satisfy the Borough's zoning ordinance and Cannabis Ordinance.
- (vi) Blaze Keyport, LLC is obligated to continuously comply with the Borough's ordinances, and applicable conditions imposed by said ordinances by the Borough and the Planning Board and any future applicable changes that may be made thereto.
- (vii) If Blaze Keyport, LLC is not in compliance at any time with the Borough's ordinances and any future applicable changes thereto, the Borough reserves the right to withdraw its support for their operations and suspend or revoke their local license.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Keyport, County of Monmouth, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough supports Blaze Keyport, LLC's application to the Commission for a local Class 5 Cannabis Retailer license for a facility in the Highway Commercial District in the Borough as set forth above, subject to the forgoing conditions.
3. A certified copy of this Resolution shall be provided to Blaze Keyport, LLC for its submission to the Commission in support of Blaze Keyport, LLC's application for a Class 5 Cannabis Retailer license.
4. The Borough Administrator, Chief Financial Officer, Borough Clerk, and any other necessary official, officer or employee of the Borough are hereby authorized to execute any and all documents and to make any and all actions necessary to complete and realize the intent and purpose of this Resolution.
5. This Resolution will take effect immediately.

OFFERED: MCNAMARA

SECONDED: DAVIDSON

AYES: PACHECO, MCDERMOTT, DAVIDSON, MCNAMARA, PEPERONI

NAYS: ARANEO

ABSENT:

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Keyport at the Regular Meeting held on September 20, 2022.



Michele Clark, RMC
Borough Clerk

BLAZE KEYPORT LLC
A New Jersey limited liability company

September 12, 2024

DISCLOSURE STATEMENT

LISTS OF NAMES AND ADDRESSES OF STOCKHOLDERS
OR INDIVIDUALS OWNING 10% OF THE CORPORATION
STOCK OR 10% INTEREST IN THE PARTNERSHIP
(N.J.S.A. 40:55D-48.1 AND 48.2)

The sole individual owning a greater than 10% interest in Blaze Keyport LLC is:

Peter Leone
49 Clubb Street
Bloomfield, New Jersey 07003

Project Name: Blaze Keyport LLC
 Owner: NVWI Limited Liability Company
 Engineer/Designer EKA Associates
 Person Completing Form: Bridget A. Sykes, Esq. &
 Block(s) 110 Joseph Bachi, P.E.
 Application #:
 Date declared complete:

Date: September 12, 2024
 Lot(s) 24
 Date submitted:
 Date revised:

THIS FORM MUST COMPLETE AND RETURNED TO THE ADMINISTRATIVE OFFICE WITH
 THE SITE PLAN OR SUBDIVISION APPLICATION WHEN FILED. FAILURE TO INCLUDE
 ALL ITEMS REQUIRED ON SUBMITTED PLANS OR ATTACHMENTS WILL RESULT IN
 APPLICATION BEING CONSIDERED INCOMPLETE AND REJECTED

PRELIMINARY SITE PLAN, WAIVERS AND VARIANCE

To be checked by applicant

	Yes	No	Waiver
() 1. Sixteen (16) copies of complete application (Note - 20 copies per Application form)	<u>X</u>	_____	_____
() 2. Sixteen (16) copies of site plan upon which the following Information must be depicted pursuant to Section 804 of the Development Review Ordinance for detailed submission requirements. Failure to comply with submission requirements will result in application being rejected as incomplete. (Note - 20 copies per Application form)	<u>X</u>	_____	_____
() A. Scale not less than one (1) inch equals one hundred (100) feet.	<u>X</u>	_____	_____
() B. Locator map showing all road intersections within fifteen Hundred feet (1500)	<u>X</u>	_____	_____
() C. Wooded areas and topography with two (2) foot intervals	<u>X</u>	_____	_____
() D. All lot lines, approximate location of all structures and owners of lots within two hundred (200) feet of the site	<u>X</u>	_____	_____
() E. Streets, easements, watercourses and right-of-way	<u>X</u>	_____	_____
() F. Utility and drainage plans and information	<u>X</u>	_____	_____
() G. Plans for elevations and locations of structures including Exterior materials and trim	<u>X</u>	_____	_____
() H. Preliminary plans for parking, lighting, loading signs Landscaping and buffers	<u>X</u>	_____	_____
() I. An extension of off-tract improvements necessitated By the proposed development	<u>N/A no off-tract improvements</u>	_____	_____
() J. The lot and block number, Tax Map number, exact Dimensions and acreage of property to be build upon	<u>X</u>	_____	_____

To be checked by applicant Yes No Waiver

() K A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the plan, showing existing and proposed monuments and all existing and proposed lot lines and all set back lines.

X

() L. The following legends shall be on the site plan map:

X

Site plan of _____

Block _____ Lot _____ Zone _____

Date _____ Scale _____

Applicant _____

Address _____

I consent to the filing of this site plan with the Planning Board

(Owner) (Date)

I hereby certify that I have prepared the site plan and that all dimensions and information thereon depicted is correct.

(Name) (Title & License)

I have reviewed this site plan and certify that it meets all codes and ordinances under that jurisdiction

(Date) (Municipal Engineer)

Approved by Planning Board:

Preliminary _____

Final _____

(Chairman) (Date)

() M. Name and License number of site planner of Professional Engineer with documents sealed with raised seal.

X

() N. Date and revision dates of drawing and plans

X

() 3. Certification by Borough Tax Collector that all taxes including Current taxes are paid

Requested. To be provided under separate cover. _____

Page 3

To be checked by applicant

Yes No Waiver

- | | | | |
|--|------------|-------|----------|
| () 4. Payment of all applicable fees for preliminary site plan review | <u>X</u> | _____ | _____ |
| () 5. Submission of Environmental Impact Statement | _____ | _____ | <u>X</u> |
| () 6. Soil erosion and sediment and Control Permit and Soil Conservation District Approval (if project involves disturbance of more than 5,000 Square feet of land surface area). | | | |
| () 7. Storm water management plan | | | |
| () 8. Referral to Monmouth County Planning Board for review and approval. | | | |
| () 9. Six copies of completed checklist. | <u>X</u> | _____ | _____ |
| () 10. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership. | <u>X</u> | _____ | _____ |
| () 11. Applicant for a project located within a flood hazard area to apply For approval in conformance with the "90 Day Construction Permit Act." | <u>N/A</u> | _____ | _____ |
| () 12. Application for state ingress and egress approval, if necessary | <u>X</u> | _____ | _____ |
| () 13. Variance(s) from Section(s) and reasons, if necessary | <u>X</u> | _____ | _____ |
| () 14. Waiver required from Section(s) and reason | <u>N/A</u> | _____ | _____ |
| () 15. Owners signed Certificate of Concurrence with the plan | <u>X</u> | _____ | _____ |

To be submitted after approval
 of Site Plan _____
 Update to report previously submitted
 requested as condition of approval.
 Waiver to be obtained - under
 NJDOT jurisdiction _____

FINAL SITE PLAN APPLICATION

Page 4

To be checked by applicant	Yes	No	Waiver
() 1. Sixteen (16) copies of complete application for Final Site Plan Approval. (Note - 20 copies per Application form)	<u>X</u>	_____	_____
() 2. Sixteen (16) copies of site plan in final form prepared in accordance With Section 804 of the Development Review Ordinance, including all Information depicted on the preliminary plan and satisfaction of all Conditions of preliminary approval (Note - 20 copies per Application form)	<u>X</u>	_____	_____
() 3. Payment of all Final Site Plan Filing Fees.	<u>X</u>	_____	_____
() 4. Payment of Performance Guaranty in favor of municipality approved by Borough Attorney and Borough Engineer.	<u>Post-approval</u>	_____	_____
() 5. Soil removal permit signed by Borough Engineer	<u>Post-approval</u>	_____	_____
() 6. Date and revision dates of drawing and/or reports	<u>X</u>	_____	_____
() 7. Engineering Inspection Fees	<u>Escrow account is existing.</u>	_____	_____
() 8. Certification form Tax Collector that all taxes are current on the property through the current month quarter.	<u>To be provided under separate cover.</u>	_____	_____
() 9. Permits from other authorities upon which approvals were conditioned.	<u>To be provided as part of Resolution compliance.</u>	_____	_____

Borough of Keyport

September 10, 2024

Bridget A. Sykes

1301 Atlantic Ave

Midtown Building, Suite 400

Atlantic City, NJ 08401-7212

bsykes@foxrothschild.com; smullen@foxrothschild.com

Re: Block 110 lot 24

Dear Ms. Sykes,

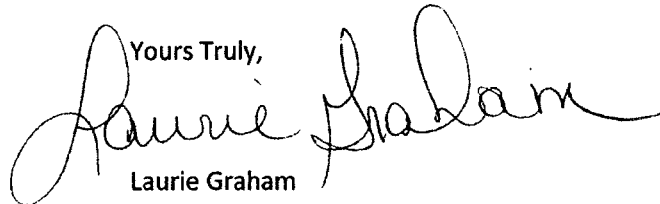
Attached please find a list of owners with mailing addresses located within 200 ft of the above referenced block and lots located in the Borough of Keyport, as it appears in the 2022 year tax list.

Please note that the Keyport Borough Planning Board also requires that you notify all appropriate utility companies as well. A list of those companies and their addresses are enclosed.

This property is on the Hazlet Township border; therefore you will need to contact Hazlet Township as well.

If this office can be of further assistance, do not hesitate to call.

Yours Truly,

A handwritten signature in black ink, appearing to read "Laurie Graham". The signature is fluid and cursive, with the first name "Laurie" being more prominent than the last name "Graham".

Laurie Graham

Administrative Assistant

OWNER & ADDRESS REPORT

KEYPORT

09/10/24 Page 1 of 1

110
24

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
110	23		4C	TEANECK ROAD PARTNERS, LLC 190 MAIN ST, STE 201 HACKENSACK, NJ 07601	36 CENTER STREET	
110	27.01		4A	BLDG KEYPORT LLC & WREN KEYPORT C/O 107&109 HWY 35 417 5TH ST 4TH FLOOR NEW YORK, NY 10016		
110	27.01	801	4A	BLDG KEYPORT LLC & WREN KEYPORT C/O 107&109 HWY 35 417 5TH ST 4TH FLOOR NEW YORK, NY 10016		
111	3.01		4A	MD LIQUOR & WINE HOLDING LLC 117 HWY 35 S KEYPORT, NJ 07735	117 HWY 35/BUY RITE	
111	4		4A	ONE HUNDRED SEVENTEEN SHG REALTY LL 1 HWY 35 & CLARK/DENTAL O 1820 ROUTE 33 NEPTUNE, NJ 07753		

LIST OF UTILITIES WHICH SERVICE THE BOROUGH OF KEYPORT, NJ
WITH MAILING ADDRESSES AS OF JULY 1, 2013

BELL ATLANTIC/ VERIZON
1095 AVE OF THE AMERICAS
ROOM 3137
NEW YORK, NY 10036

JCP&L Real Estate Department
P.O. Box 1911
Morristown, NJ 07962

NEW JERSEY NATURAL GAS COMPANY
1415 WYCKOFF ROAD
WALL, NJ 07719

CABLEVISION
275 CENTENNIAL AVENUE/ CN 6805
PISCATAWAY, NJ 08855-6805

BOROUGH OF KEYPORT
WATER/SEWER DEPARTMENT
70 WEST FRONT STREET
KEYPORT, NJ 07735
ATTN: SCOTT HICKS

MONMOUTH COUNTY DEPT. OF
TRANSPORTATION
ROUTE 79 & DANIELS WAY
FREEHOLD, NJ 07728

MONMOUTH COUNTY PLANNING BOARD
HALL OF RECORDS ANNEX
1 EAST MAIN ST.
FREEHOLD, NJ 07728

TOWNSHIP OF HAZLET

DEPARTMENT OF TAX ASSESSMENT

MICHAEL C. SACHS

MAYOR

PETER TERRANOVA

DEPUTY MAYOR

JAMES A. CAVUTO

MICHAEL GLACKIN

ROBERT PRESTON, JR.

Township Committee

1766 UNION AVENUE

POST OFFICE BOX 371

HAZLET, NEW JERSEY 07730

TEL: 732-217-8655

FAX: 732-739-6830

ROBERT BENGIVENGA

MUNICIPAL ADMINISTRATOR

GAIL SCAGLIONE, CTA

TAX ASSESSOR

gscaglione@hazletnj.org

September 11, 2024

bsykes@foxrothschild.com
smullen@foxrothschild.com

Bridget A. Sykes
Fox Rothschild
1301 Atlantic Avenue
Midtown Building Suite 400
Atlantic city, NJ 08401-7212

Certified 200 foot list for properties in Hazlet near
Block 110 Lot 24 – 105 Rt. 35 Keyport

Gail A. Scaglione, being duly sworn, says that she is the Tax Assessor of the Township of Hazlet, NJ, and that to the best of her knowledge and belief, the foregoing is a true and correct copy of all the property owners within Hazlet Township along with their mailing addresses as taken from the Official Tax Map of the Township of Hazlet and the Tax Assessor's Field Book, and pursuant to Chapter 245, Public Law 1991, an addendum of public utilities and/or cable companies that may have easements on all properties within 200 feet of the subject property.

Very truly yours,

Gail A. Scaglione

Gail A. Scaglione, CTA
Tax Assessor

cc: Hazlet Township Land Use Board

OWNER & ADDRESS REPORT

HAZLET

BLOCK 110 LOT 24
105 RT. 35- KEYPORT

09/11/24 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
164	1		4A	3445 ROUTE 35 INVESTORS TIC I LLC 116 ROUTE 22 EAST N. PLAINFIELD, NJ 07060	3445 HIGHWAY 35	
210	2		4A	HD DEVELOP. OF MD % PROP. TAX DEPT. P.O. BOX 105842 RE# 0926 ATLANTA, GA 30348	3600-3700 HIGHWAY 35	

BLOCK

LOT

Pursuant to Chapter 245, Public Law 1991, and N.J.S.A 40-55D-12, applicant must notify the following public utilities and cable company that may have easements within 200 feet of the subject property.

**Bayshore Regional Sewerage Authority
100 Oak Street
Union Beach, NJ 07735**

**Bayshore Outfall Authority
P.O. Box 184
Belford, NJ 07718**

**NJ American Water
1709 Union Avenue
P.O. Box 158
Hazlet, NJ 07730**

**William Brandow, Maintenance Supervisor
Comcast Cablevision of Monmouth County
403 South Street
Eatontown, NJ 07724**

**Jersey Central Power and Light Co.
c/o FE Service Tax Dept.
300 Madison Avenue
P.O. Box 1911
Morristown, NJ 07962-1911**

**Hazlet Township Sewer Utility Dept.
1766 Union Avenue
P.O. Box 66
Hazlet, NJ 07730**

**A T & T Company
900 US Highway 202/206
Bedminster, NJ 07921**

**Jeff Bowlby, Manager
NJ American Water co.
661 Shrewsbury Avenue
Shrewsbury, NJ 07702**

**Verizon- New Jersey
P.O. Box 152206
Irving, TX. 75015-2206**

**Rick Albanese, Right of Way Claim
New Jersey Natural Gas Co.
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719**

****** IF THIS APPLICATION BORDERS ANOTHER MUNICIPALITY,
NOTIFICATION TO THAT TOWNSHIP CLERK IS REQUIRED AS IS THE
200 FOOT CERTIFIED LIST FROM THE TAX ASSESSOR OF SUCH
MUNICIPALITY.**

OWNER AND ADDRESS REPORT

PAGE OF

HAZLET

RE: BLOCK LOT

ALSO: **Township of Hazlet**
 c/o Township Clerk
 1766 Union Avenue
 P.O. Box 371
 Hazlet, NJ 07730

County of Monmouth
c/o Monmouth County Planning Board
Hall of Records Annex
1 East Main Street
Freehold, NJ 07728

Department of Transportation
DOT Maintenance
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

NOTICE OF HEARING
KEYPORT UNIFIED PLANNING BOARD

PLEASE TAKE NOTICE that upon the application of Blaze Keyport LLC (the “Applicant”), the Keyport Unified Planning Board shall conduct a public hearing on Thursday, September 26, 2024, commencing at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, New Jersey 07735, to consider the Applicant’s request for Amended Preliminary and Final Site Plan Approval, Bulk Variance Approval and Change of Use Approval for the real property located 105 Route 35, and designated as Block 110, Lot 24 on the official tax map of the Borough of Keyport (the “Property”).

The Property is located in the “HC” Highway Commercial District and is vacant land. The Property received Preliminary and Final Site Plan and Bulk Variance Approval on June 22, 2023, to construct a 2,758 square foot commercial building for general retail use. Applicant seeks to amend the previously approved site plan by modifying the entrance and exit to the Property from Route 35, and to reduce the size of the building to 2,433 square feet, with ancillary modifications to certain site improvements including the lighting, landscaping, trash enclosure location, handicap access, and location and type of stormwater management structures. In connection with the above, Applicant requires variance approval to permit a front yard setback of 11.97 feet where 50 feet is required, and a parking setback of 2 feet where 5 feet is required.

Applicant also seeks approval to use the Property as a retail cannabis dispensary which is a permitted use in the Highway Commercial District in accordance with Borough Ordinance Section 25-1-15.20.

Although the application appears to comply with all other zoning standards of the HC Zoning District, Applicant is requesting any and all waivers, variances, ordinance interpretations, and/or any other relief which may be deemed necessary by the Keyport Unified Planning Board in order to allow the proposed development and use of the Property.

At the public hearing on Thursday, September 26, 2024, commencing at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, New Jersey 07735, when the application is called, you may appear either in person, or by agent or attorney, and present any objection which you may have to granting the application. All documents pertaining to this application are on file in the Office of the Planning Board Secretary in the Borough Municipal Building and are available for public review during normal business hours.

This Notice is being published in compliance with the requirements of the Land Use Ordinance of the Borough of Keyport and the New Jersey Municipal Land Use Law.

BRIDGET A. SYKES, ESQUIRE
FOX ROTHSCHILD LLP
1301 Atlantic Avenue
Suite 400
Atlantic City, NJ 08401
ATTORNEYS FOR APPLICANT
(609) 572-2257

NOTICE OF HEARING TO OWNER OF PROPERTY LOCATED WITHIN 200 FEET
KEYPORT UNIFIED PLANNING BOARD

PLEASE TAKE NOTICE that upon the application of Blaze Keyport LLC (the "Applicant"), the Keyport Unified Planning Board shall conduct a public hearing on Thursday, September 26, 2024, commencing at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, New Jersey 07735, to consider the Applicant's request for Amended Preliminary and Final Site Plan Approval, Bulk Variance Approval and Change of Use Approval for the real property located 105 Route 35, and designated as Block 110, Lot 24 on the official tax map of the Borough of Keyport (the "Property").

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Applicant also seeks approval to use the Property as a retail cannabis dispensary which is a permitted use in the Highway Commercial District in accordance with Borough Ordinance Section 25-1-15.20.

Although the application appears to comply with all other zoning standards of the HC Zoning District, Applicant is requesting any and all waivers, variances, ordinance interpretations, and/or any other relief which may be deemed necessary by the Keyport Unified Planning Board in order to allow the proposed development and use of the Property.

You are receiving this notice as an owner of property located within 200 feet of the subject Property. At the public hearing on Thursday, September 26, 2024, commencing at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, New Jersey 07735, when the application is called, you may appear either in person, or by agent or attorney, and present any objection which you may have to granting the application. All documents pertaining to this application are on file in the Office of the Planning Board Secretary in the Borough Municipal Building and are available for public review during normal business hours.

This Notice is being given in compliance with the requirements of the Land Use Ordinance of the Borough of Keyport and the New Jersey Municipal Land Use Law.

BRIDGET A. SYKES, ESQUIRE
FOX ROTHSCHILD LLP
1301 Atlantic Avenue
Suite 400
Atlantic City, NJ 08401
ATTORNEYS FOR APPLICANT
(609) 572-2257

FOX ROTHSCHILD LLP

Payee: BOROUGH OF KEYPORT
Account Number: 152824-0001

Check Number: 830044
Check Date: Sep 12, 2024

Invoice #	Invoice Date	Client/Matter #	Description	Amount
091224	09/12/24	352654.00001		500.00

FOX ROTHSCHILD LLP

Payee: BOROUGH OF KEYPORT
Account Number: 152824-0001

Check Number: 830044
Check Date: Sep 12, 2024

Invoice #	Invoice Date	Client/Matter #	Description	Amount
091224	09/12/24	352654.00001		500.00

FOX ROTHSCHILD LLP

2000 Market St, 20th Floor
PHILADELPHIA, PA 19103
215-299-2000

WELLS FARGO PA
OPERATING
3-50/310

CHECK NO. 830044
DATE 09/12/2024

PAY Five Hundred and 00/100 Dollar(s)

Amount
\$ *****500.00
Void After 180 Days

TO THE ORDER OF BOROUGH OF KEYPORT



AUTHORIZED SIGNATURE

⑈830044⑈ ⑆031000503⑆ 2100019564260⑈

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do
not send to the
IRS.

Print or type.
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Blaze Keyport, LLC, a New Jersey limited liability company

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☒ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

49 Clubb St

Requester's name and address (optional)

6 City, state, and ZIP code

Bloomfield NJ 07003

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

8 8 - 1 3 5 6 5 6 8

OR

Employer identification number

8 8 - 1 3 5 6 5 6 8

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ▶

Peter Lane

Date ▶ 4/23/2024

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.