

RESOLUTION
GRANTING PRELIMINARY AND FINAL MINOR SITE PLAN APPROVAL
FOR RESIDENTIAL USE INSIDE OF EXISTING BUILDINGS

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 61 LOTS 21 and 22
Application # 15-07
COMMON BOND LLC
34-36 WEST FRONT STREET

WHEREAS, Common Bond LLC has applied to the Unified Planning Board of the Borough of Keyport for preliminary and final minor site plan approval so as to allow a residential use inside existing buildings located at property commonly known as 34-36 West Front Street, and officially designated as Block 61, Lots 21, 22 on the official Tax Map of the Borough of Keyport; and

WHEREAS, this site plan application is the second and final part of a bifurcated application, the use variance for which was granted by this Board by way of a Resolution dated November 20, 2014 to applicants Robert Moscato, Thomas Surina and Levon Vega, so as to allow, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1), residential uses in the two existing buildings where such is not permitted by ordinance; and

WHEREAS, the applicants have 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, a public hearing on the application was conducted in the within matter during a regularly scheduled meeting of the Unified Planning Board held on December 10, 2015 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 constitutes a request by the applicant, Common Bond, LLC, to obtain Preliminary and Final Minor Site Plan Approval so as to allow the second floor of existing commercial buildings, which are already connected internally, to accommodate six new residential dwelling units.
2. The properties in question are located at 34-36 West Front Street, which are officially designated as Block 61, Lots 21 and 22 as shown on the official tax map of the Borough of Keyport.
3. The property is in the Borough's General Commercial (GC) Zone which does not permit residential uses. A use variance, pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1), allowing such residential uses was granted by this Planning Board to previous applicants

Robert Moscato, Thomas Surina and Levon Vega by way of a Memorializing Resolution adopted on November 20, 2014.

4. The site plan application represents the second phase of the bifurcated use variance application. Pursuant to Condition # 11 of the November 20, 2014 Resolution of Approval, the applicant was required to return to the Planning Board to seek the requisite site plan approval. This current application is a fulfillment of that obligation.
5. Throughout all aspects of this site plan application, the applicant was represented by Paul M. Mirabelli, Esquire who has law offices located at 3400 Highway 35, Suite 3, Hazlet, New Jersey 07730.
6. According to the Engineering/Planning Review Letter dated November 2, 2015, co-authored by the Board's Engineer Fran Mullan, P.E., C.M.E. and the Board's Planner Stan Slachetka, P.P., AICP, and marked into evidence as **Exhibit B-1**, this application does not require any variances other than the aforementioned principle use variance as the applicant is not proposing to make any changes to the buildings' footprint.
7. Both the Board Engineer, Fran Mullan, P.E., and the Board's Planner, Nicholas Dickerson, P.P., (sitting in place of Stan Slachetka, P.P.) were sworn and certified as to the information contained within the T&M review letter (**Exhibit B-1**). The letter is incorporated into this Resolution by reference.
8. In support of the application, the applicant submitted the following exhibits into evidence:
 - A-1: "As Built Floor Plans", dated September 24, 2015, as prepared by Stefan Durant, P.A.
 - A-2: "Preliminary And Final Minor Site Plan", dated September 24, 2015, as prepared by Noel A. Barnett, P.E. of Stonefield Engineering & Design, LLC.
 - A-3: Aerial Exhibit depicting location of site , dated December 10, 2015, as prepared by Noel A. Barnett, P.E. of Stonefield Engineering & Design, LLC.
 - A-4: Site Line Diagram, dated December 10, 2015, showing section through Front Street, dated December 10, 2015.
9. In support of the application, testimony was elicited from the applicant's Engineer, Noel A. Barnett, P.E. of Stonefield Engineering who has offices located at 75 Orient Way, Suite 303, Rutherford, New Jersey 07070.
10. Mr. Barnett explained that the bulk of this application had previously been reviewed and approved by the Board as part of the original use variance application. He noted that the only changes to the proposal from that original application was the addition of a fire escape to the second floor and the desire to place the trash/recycling enclosure under that fire escape.

11. The Board Members did express some concerns relative to the proposed location of the fire escape and trash/recycling enclosure. It was therefore ultimately agreed, as a condition of approval, that the applicant must work with the Board's Engineer and Fire Marshall, obtaining the approval of both, as to where the fire escape and trash/recycling enclosures would be located. It was also agreed that the applicant would seek the input of the Borough's Recycling Coordinator and Environmental Commission as to the design for the recycling and dumpster area.
12. It was noted that the applicant is seeking a waiver from parking requirements. It was noted that as part of the original use variance application, the applicant had agreed to make a contribution to the Borough's Parking Deficiency Fund in the amount of \$ 22,000.00. As explained at Condition # 6 of the November 20, 2014 Resolution of Approval, the payments were to be required in a manner so that \$ 3,666.67 is paid into the Fund as the Certificate of Occupancy for each of the proposed six (6) residential units are issued. It was also noted that the Board had previously found, in Finding # 32 of the November 20, 2014 Resolution, that there is more than sufficient 24 hour parking available nearby the subject site to accommodate the property. Nothing about these initial findings had changed and the Board could still rely upon such conditions and conclusions.
13. Mr. Barnett testified that he believed the site would function properly as designed.
14. The applicant also presented sworn testimony from its architect, Stefan R. Durant, P.A. who has offices located at K-22 Shirley Lane, Lawrenceville, New Jersey 08648.
15. Mr. Durant testified with regard to the proposed air conditioning units which were proposed to be placed on the roofs of the buildings. Referring to **Exhibit A-4**, he demonstrated that the units would not be seen from the street.
16. Mr. Durant believed the roof could easily support the weight of the air conditioning units, noting that the roof has just recently been replaced.
17. It was noted that the applicant was not proposing any signage as part of this application. Whatever signage would be utilized at the site would conform with Borough Ordinances. If they did not, the applicant would return to the Board to request whatever variance relief would be necessary.
18. It was agreed by the applicant that it would comply with all comments contained within the Board Engineer's Memorandum of November 2, 2015. (**Exhibit B-1**) The applicant did seek a waiver of the requirement to provide an Environmental Impact Statement. The Board's professionals had no objection to this request.
19. The Board's Engineer, Fran Mullan, P.E., C.M.E. indicated he had no objections to the granting of the site plan approval from an engineering perspective.

20. The following members of the public also were sworn and spoke with respect to the application:
- A) **Bob Ludwig - 50 Beers Street, Keyport** - Mr. Ludwig expressed concern over safety for the residents who would live at the site.
 - B) **Michael Lane - 51 First Street, Keyport** - Mr. Lane expressed concern over the adequacy of parking for the site. He suggested the applicant reach out to the Borough Council to request permit parking for its residents.
21. No one else from the public spoke with respect to this application.
22. In considering this application, the Planning Board finds reaffirms the findings it made in the initial Resolution of Approval of November 20, 2014. The Board finds that the applicant's property is particularly suited for the proposed use. The Board believes the existing space blends itself perfectly to an apartment building. This is demonstrated by the fact that absolutely no changes to the site plan or footprint of the buildings are necessary in order to accommodate a new residential component.
23. The Board does not believe that parking for the residents needs to be concerned. As was pointed out during the course of both this application and the original use variance application, there is more than sufficient 24 hour parking available nearby to accommodate the property.
24. The Board finds that it agrees with the testimony of the applicant's Engineer Noel Barnett, P.E. that the site will function as designed. The Board also finds that it agrees with the testimony of the applicant's architect, Stefan Durant, P.A., that the air conditioning units may be placed upon the roofs of the buildings without being seen from the street. Nothing has been presented to the Board that would tend to question the validity of the expert opinions given by the applicant's experts.
25. The Board sees no reason, and agrees with its own professionals, that there is no reason why a waiver should not be granted with regard to requiring the applicant to submit an environmental impact statement. That waiver may be granted without any negative consequences.
26. The Board finds that as long as the applicant adheres to all of the conditions placed within the original use variance approval of November 20, 2014 and also works with the Board's Engineer and Fire Marshall as to the proper placement of the proposed fire escape and trash enclosure area, with the opinions of the Borough's Recycling Coordinator and Environmental Commission also being taken into consideration with regard to the recycling/trash enclosure, that the application seeking Preliminary and Final Minor Site Plan approval may be granted as proposed.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Common Bond, LLC seeking Preliminary and Final Minor Site Plan Approval, with associated waiver, to construct residential units on the second floor of premises commonly known as 34-36 West Front Street and officially designated as Block 61, Lots 21 and 22 be granted subject to the following conditions:

1. Subject to the applicant adhering to the plans submitted into evidence as **Exhibits A-1 and A-2**, except as modified by this Resolution.
2. Subject to the requirement that the applicant work with the Board's Engineer and the Borough's Fire Marshall to determine the proper location for the proposed fire escape and recycling/trash enclosure area. The Borough's Recycling Coordinator and the Borough's Environmental Commission are to be consulted with regard to the recycling/trash enclosure area. The plans shall be revised to reflect the final location of these items and submitted to both the Board's Engineer and the Borough's Fire Marshall for final approval.
3. Subject to all conditions contained within the Board's Resolution dated November 20, 2015.
4. Subject to all requirements contained within the Board Engineer and Planner's review letter dated November 2, 2015 unless otherwise modified by this Resolution. (**Exhibit B-1**)
5. 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 made before the Board shall be deemed a violation of this approval.
6. 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.
7. This approval shall be deemed void by abandonment if the applicant does not receive a building permit within one year of the date hereof.
8. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
9. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
10. 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.
11. 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.

12. 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 J. Kovacs

Seconded by D. Fotopoulos and on Roll Call, the following vote was recorded:

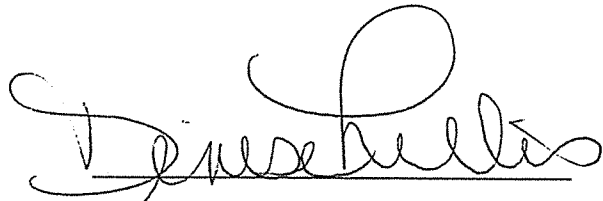
Affirmative: R. Burlew, M. Sessa, T. Musson, D. Fotopoulos, J. Kovacs

Absent: G. Sappah, J. Oviedo

Negative:

Abstentions: None

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 January 28, 2016.

A handwritten signature in black ink, appearing to read "Denise Nellis", written over a horizontal line.

Denise Nellis, Secretary of the Board