

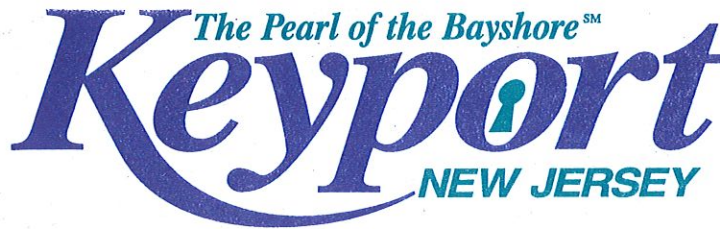
Mayor
Collette J. Kennedy, Class I

Planning Board Members

Harry M. Aumack
Kenneth Howe
Juan Carlos Oviedo
Joanne Royster
Donald Pacheco

Alternates

William McDermott
Greg Kotzas



Class II
Nick Vecchio

Class III
Lori Ann Davidson

Chairman
Mark Sessa

May 26, 2021

Paul N. Mirabelli, Esq
3400 Hwy 35, Suite 4
Hazlet, NJ 07730

RE: LNL REALTY
55 West Front Street
BLK 21.01 Lot 33
KUPB 12-01 Amendment

Dear Mr. Mirabelli;

Attached please find the Resolution for Application number 12-01 (Amendment) which was adopted at the Planning Board Meeting dated May, 20, 2021.

Notice of this Approval must be published in the public notice section of the Asbury Park Press within 10 days of your receipt of this Resolution.

Very truly yours,

Denise Nellis
Planning Board Secretary
Borough of Keyport

Cc: Applicant
G. Falco
M. Clark
K. Stencil
T. Taylor

RESOLUTION AMENDING PREVIOUS APPROVAL
SO AS TO ELIMINATE CONDITION NUMBERS 7 & 8
FROM THE RESOLUTION ADOPTED ON SEPTEMBER 27, 2012

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 21.01 LOT 33
Application # 12-01
LNL REALTY, LLC
55 WEST FRONT STREET

WHEREAS, LNL REALTY, LLC previously applied to the Unified Planning Board of the Borough of Keyport for preliminary and final major site plan approval so as to allow for the construction of a mixed use office/residential building on property located at 55 West Front Street which is designated as Block 21.01, Lot 33 on the official Tax Map of the Borough of Keyport; and

WHEREAS the Unified Planning Board considered and approved the subject application during a public hearing held on July 26, 2012 and subsequently memorialized that approval by way of a Resolution adopted by the Board on September 27, 2012; and

WHEREAS the applicant has now returned to the Unified Planning Board seeking to remove conditions 7 & 8 of the September 27, 2012 Resolution, which dealt with installing a fencing, gates and planters at the subject property; 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, a public hearing on the applicant's request was conducted in the within matter during regularly scheduled meetings of the Unified Planning Board held on April 22, 2021 and May 19, 2021;

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. At all times during the course of the application, the applicant was represented by Paul N. Mirabelli, Esquire, 3400 Highway 35, Room 4, Hazlet, New Jersey 07730.
2. This application constitutes a request by the applicant, LNL Realty, LLC, to remove conditions 7 & 8 from the Board's original Resolution of Approval adopted on September 27, 2012 which permitted construction of a mixed use office/residential building on property commonly known as 55 West Front Street, and which is officially designated as Block 21.01, Lot 33 as shown on the official tax map of the Borough of Keyport. Conditions 7 & 8 of the aforesaid Resolution required that the applicant install fencing, gating and planters at the property.

3. The principal of the applicant, Lawrence Vecchio, was placed under oath and testified that the items indicated in conditions 7 & 8 were originally proposed by him as additional enhancements for the site. He was no longer interested in installing them and believed they were not actually necessary for the site. He noted that other than for conditions 7 & 8, the remainder of the approval had been completed.
4. Mr. Vecchio indicated that due to an over demand for public parking spaces in the downtown area, the applicant's property is constantly used by the Borough as well as other businesses in town. He believed that if he did install the fencing, it would probably be destroyed by trespassers looking for parking. It would become more of a problem for the property than envisioned when originally offered back in 2012.
5. In condition of the application, the following exhibits were marked into evidence:
 - Exhibit A-1 :** Application for LNL Realty
 - Exhibit A-2:** Copy of Original Site Plan dated April 17, 2012, last revised July 17, 2012, as prepared by Richard K. Heuser, P.C.
 - Exhibit A-3:** Revised Site Plan prepared by Richard K. Heuser, P.C., dated April 17, 2012, last revised May 13, 2021.
6. In addition to the above referenced exhibits, the Board also marked into evidence its own exhibits as follows:
 - Exhibit B-1:** Review Letter of T&M Engineering dated March 9, 2021
 - Exhibit B-2:** Original Resolution of the Planning Board adopted on September 27, 2012
7. No one from the public spoke to address the Board in opposition to this application.
8. One member of the public, Michael Lane of 51 First Street, appeared and voiced his support for the application, believing the proposed removal of conditions was appropriate.
9. The Board's Engineer, Francis Mullen, P.E. of T&M Engineering, who was sworn, testified that he had no objection to the applicant's request from an engineering or planning perspective.
10. In considering this application, the Planning Board finds that condition numbers 7 & 8 of the September 27, 2012 resolution can be removed from the approval without changing any substantive aspect of that previous approval. The Board agrees with the applicant that those conditions would likely act as a hindrance if actually implemented for the reasons expressed by Mr. Vecchio.
11. The Board cannot envision any negative consequences which would develop if condition numbers 7 & 8 were removed from the approval.

12. Based upon all of the aforesaid reasons, the Board finds that the requested application to remove conditions 7 & 8 from the September 27, 2012 may be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of LNL Realty, LLC for premises commonly known as 55 West Front Street and officially designated as Block 21.01, Lots 33 seeking to remove conditions 7 & 8 from the original September 27, 2012 Resolution of Approval may be granted subject to the following conditions:

1. Subject to the applicant adhering to all other conditions contained within the September 27, 2012 Resolution of Approval.
2. 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 Harry Aumack

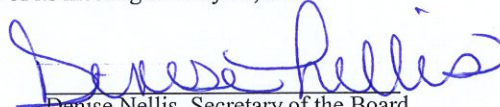
Seconded by Donald Pacheco and on Roll Call, the following vote was recorded:

Affirmative: H. Aumack, M. Sessa, W. McDermott, G. Kotzas

Negative:

Abstentions: J. Oviedo, Mayor Kennedy, Councilmember Davidson, N. Vecchio

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 May 20, 2021.


Denise Nellis, Secretary of the Board