

Resolution prepared by:
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**RESOLUTION GRANTING
AMENDED SUBDIVISION APPROVAL**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 22, LOTS 26, 30 & 31

**Application # 21-15
DEPUTY VENTURES LLC
(WAS: MICHAEL AND CATHERINE CUMMINS - MYSTIC AT KEYPORT)
44 BEERS STREET**

WHEREAS, Deputy Ventures, LLC has applied to the Unified Planning Board for Amended Subdivision approval so as to effectuate lot line adjustments from a previously approved Preliminary and Final Subdivision which was memorialized within a Resolution of Approval dated December 14, 2017 (Application # 17-01); 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 was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on April 27, 2022 during which all persons having an interest in said application were heard; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicants;

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

1. The applicant, Deputy Ventures, LLC, is seeking Amended Subdivision approval so as to effectuate lot line adjustments from a previously approved Preliminary and Final Subdivision granted to Michael and Catherine Cummins for property located at 44 Beers Street which is officially designated as Block 22, Lots 26, 30 and 31 on the Tax Map of the Borough of Keyport. That approval was memorialized within a Resolution of Approval dated December 14, 2017 (Application # 17-01) and further modified by an Administrative Resolution adopted on May 23, 2019.
2. The subject property, consisting of 44,749 square feet, is located at the corner of Beers Street and Fron Street (CR-6) and is currently vacant. The entirety of the site is located within the Borough's General Commercial District (GC) Zone and received use variance approval to construct nine (9) new single family dwelling units by way of a memorializing Resolution dated November 14, 2013 (Application # 13-06).
3. No new variances are required as a result of the current application.
4. Throughout the public hearing, the applicant was represented by its legal counsel, John A. Guinco, Esquire of the law firm Giordano, Halleran & Ciesla which has offices located at 125 Half Mile Road, Suite 300, Red Bank, New Jersey 07701.

5. In support of the application, the following was offered into evidence:
Exhibit A-1: Planning Board application dated October 18, 2021.
Exhibit A-2: Final Plat Major Subdivision for Mystic @ Keyport dated January 1, 2017, last revised August 12, 2021 as prepared by Eric V. Wilder, PLS of Colliers Engineering and Design (consisting of 1 sheet)
6. Beyond the applicant's exhibits, the Board also marked its own Exhibit:
Exhibit B-1: T&M Planning and Engineering Review Letter of November 23, 2021.
7. In support of the application, testimony was presented by the applicant's engineer, Dan Sobieski, P.E. of Colliers Engineering who, referring to **Exhibit A-2**, explained that the applicant was seeking amended site subdivision approval so as to deal with pre-existing gores and overlaps that had been discovered along the former Lot 27 property boundary. Specifically the lot line adjustments in question include the following:
 - (a) +/- 174 sf deed gore to be acquired by Lot 30 (Future Lot 31.01);
 - (b) +/- 469 sf deed overlap to be transferred from Lot 30 to Lot 27.01;
 - (c) +/- 4 sf of Lot 26 to be transferred to Lot 27.01;
 - (d) +/- 1,040 sf deed gore to Lot 27.01;
 - (e) +/- 215 sf deed gore to Lot 26.01; and
 - (f) +/- 5 sf of Lot 26 to be transferred to Lot 27.01
8. Mr. Sobieski assured the Board that the proposed lot line adjustments would not result in any changes to the previously approved engineering design plans.
9. No one else testified on behalf of the applicant.
10. A member of the public, Michael Lane of 51 First Street, expressed concerns over the construction of the overall project. It was noted by the Board however that the construction of the site was not at issue with this application. The only item being considered at this time was the lot adjustments testified to. The project itself had previously been approved.
11. The Board's Engineer, Francis W. Mullan, P.E., C.M.E. and its Planner, Stan Slachetka, P.P. both of T&M Associates, were placed under oath and testified that they had no objection to the application being granted from an engineering or planning perspective provided the comments contained in their review letter (**Exhibit B-1**) were adhered to. This would be a condition of approval.
12. In considering this application the Board finds that the relief being requested here in minor in nature and does not actually impact the previously granted approval to construct nine (9) new single family dwelling units at the site. Instead all this application does is make minor lot line adjustments so as to deal with various pre-existing gores and overlaps that exist at the site. These are nothing more than map changes which are in no way visible to the human eye.

13. There has been no argument presented as to why the Board should not grant the requested relief, nor can the Board envision any reason for a denial whatsoever. In fact, the granting of the approval will actually clean up certain title defects which would be a benefit for all concerned.
14. As nothing proposed here will negatively impact the site or the already approved development, the Board finds that the application may 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 Deputy Ventures, LLC, may be granted subject to the following conditions:

1. The lot line adjustments shall be in conformance with the plot plan submitted into evidence. (**Exhibit A-2**)
2. Subject to the filing of the appropriate maps in compliance with the current "New Jersey Map Filing Law". If the applicant proposes to record the amended subdivision by deed, deeds perfecting the subdivision must be prepared. Documents must be submitted to the Board Attorney and Engineer for review and approval prior to recording with the County Clerk's Office.
3. Subject to compliance with the comments raised within the Planning and Engineering Letter which was marked into evidence as **Exhibit B-1**.
4. Subject to strict compliance with all conditions contained within the previously adopted Resolutions of Approval in this matter unless otherwise modified by this new approval.
5. Subject to all representations made by the applicant during the application.
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. Subject to any and all other approvals as may be required by the Borough or any other governmental entity, prior to the issuance of any permits.
8. Subject to compliance with any affordable housing requirements.
9. Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits.
10. 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.
11. 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 D. Pacheco
and on Roll Call, the following vote was recorded:

Affirmative: M. Sessa, W. McDermott, J. Oviedo, D. Pacheco, N. Vecchio

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board
of the Borough of Keyport during its meeting on May 31, 2022.



Denise Nellis, Secretary of the Board