

Resolution prepared by:
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**RESOLUTION GRANTING RELIEF
FROM CONDITION OF PREVIOUSLY GRANTED MINOR SUBDIVISION APPROVAL**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

**BLOCK 99 LOTS 13.01 and 13.02
Application # 23-07
RBSM CONSULTING LLC
22 VAN DORN STREET**

WHEREAS, RBSM Consulting, LLC previously received approval from the Unified Planning Board of the Borough of Keyport, by way of a Resolution adopted on January 21, 2021 in Application # 20-03, for Minor Subdivision Approval so as to create two 5,816.67 square foot lots at property known as 22 Van Dorn Street which was previously designated as Block 99, Lots 13-15 and post subdivision is now designated as Block 99, Lots 13.01 and 13.02; and

WHEREAS, Condition # 1 of the aforesaid Resolution required that the subdivision be in conformance with the submitted plans which in turn depicted all utilities being brought to site underground; and

WHEREAS, the applicant has now returned to the Planning Board for partial relief from Condition # 1 of the earlier adopted Resolution seeking to allow the electric, cable and telephone utilities to be run overhead rather than underground; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and have 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, Board Member Joanne Royster recused herself from all aspects of this application due to the fact that she lives within 200 feet of the subject property; and

WHEREAS, a public hearing was held in 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. Throughout the course of this application, Mr. Agostino was represented by his legal counsel, Salvatore Alfieri, Esquire of the law firm of Cleary, Giacobbe, Alfieri, Jacobs, LLC which has offices at 955 Highway 34, Suite 200, Matawan, New Jersey 07747.

2. The applicant, RBSM Consulting, LLC, is seeking partial relief from condition # 1 of a Resolution adopted by the Board on January 21, 2021 in Application # 20-03 which granted minor subdivision approval to create two 5,816.67 lots from property commonly known as 22 Van Dorn Street which was then officially designated as Block 99, Lots 13-15 and post subdivision has been designated Block 99, Lots 13.01 and 13.02.
3. Condition # 1 of the aforesaid Resolution required that the subdivision conform with all plans submitted into evidence, and then those plans in turn depicted all utilities being brought to the site underground. The applicant now seeks relief from that requirement as it would like to run electrical, phone and cable utilities overhead rather than underground.
4. The following exhibits were marked into evidence:
 - Exhibit A-1:** Application Package
 - Exhibit A-2:** Overhead Electric Plan dated April 26, 2023, as prepared by Richard Karl Heuser, P.E. & L.S.
 - Exhibit A-3:** Map of Survey dated April 26, 2023, last revised May 18, 2023, as prepared by Richard Karl Heuser, P.E., L.S.
5. In addition to the exhibits offered by the applicant, the Board also marked the following exhibits of its own:
 - Exhibit B-1:** Completeness, Planning and Engineering Review Letter of T&M dated May 5, 2023
 - Exhibit B-2:** Resolution Granting Minor Subdivision Approval in Application # 20-03 adopted by the Planning Board on January 21, 2021
6. The applicant presented testimony from its licenced electrician, Vincent Rosato, who advised that if the applicant were to follow the original subdivision proposal, it would be necessary to instal a new pole on the property from which the utilities would run. This would be counter to the entire idea of just running cables underground. Instead, Mr. Rosato indicated there was an existing pole located nearby which already serves the other homes in the area. The applicant would like to just run the utilities for its subdivision directly from that existing pole so as to avoid the need of installing a new one.
7. Francis W. Mullan, P.E., C.M.E. the Board's Engineer and Caroline Z. Reiter, P.P., A.I.C.P., the Board's Planner, who were both present during the hearing, testified that they had no objection to what was being proposed as it would indeed be counterproductive to have a new pole installed in neighborhood when the goal of running lines underground was intended to help eliminate the proliferation of such poles.
8. A member of the public, Michael Lane of 51 First Street, Keyport, appeared and indicated that he supported the proposal being made by the applicant.

9. No one else testified with respect to the application.
10. In considering this application, the Board agrees with the testimony of its professionals and that of the applicant's electrician that adding a new pole into the neighborhood would make no sense if there already is a pole in the area that can serve the needs of the subdivision. Accordingly, there is no reason why the applicant should not be granted its requested relief.
11. For the reasons stated above, the Board finds that the applicant should be granted relief from Condition # 1 of its January 21, 2021 Resolution to the extent it required all utilities for the subdivision to be installed underground.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of RBSM Consulting, LLC, be granted subject to the following conditions:

1. Subject to all conditions contained within the January 21, 2021 Resolution of the Planning Board (**Exhibit B-2**) with the exception of Condition # 1 to the extent it requires all utilities to be installed underground.
2. Subject to any comments contained with the review letter of the Board's Professionals. (**Exhibit B-1**)
3. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at his sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

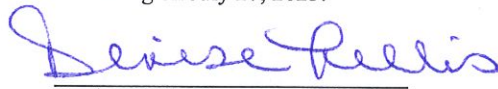
The foregoing was Moved by W. McDermott, second by Councilmember Davidson, and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Councilmember Davidson, Chairman Sessa, W. McDermott, J. Oviedo, N. Vecchio

Negative:

Abstentions: D. Pacheco, J. Royster

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 July 27, 2023.


Denise Nellis, Secretary of the Board