

The Keyport Unified Planning Board held a Regular Meeting on November 7, 2019 which was called to order at 7:05 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor Kennedy, M. Sessa, R. Benedict, L. Davidson, D. Pacheco (arrived at 7:13pm), J. Oviedo, J. Royster

Absent: N. Vecchio, Councilman Goode, K. Howe, H. Aumack

PROFESSIONALS SWORN IN

MINUTES: September 26, 2019

Motion to approve minutes with the one change was made by L. Davidson, second by Mayor Kennedy with ayes by all present.

CORRESPONDENCE: ORDINANCE AMENDING CHAPTER XXV, LAND USE REGULATIONS, TO REFLECT REVISIONS TO THE GENERAL COMMERCIAL DISTRICT (GC) REGULATIONS

Mr. Leckstein explained that the Board's responsibility regarding the ordinance is to find that it is in conformance with the Master Plan.

Motion to open to the public at 7:08pm was made by R. Benedict, second by L. Davidson with ayes by all present.

Michael Lane, 51 First Street spoke about his involvement with the land use element of the master plan. He asked that the Board take a look at schedule B of the zoning ordinance, it states that any building in the General Commercial District that is abutting a residential lot must have a setback of 20 feet. Mr. Lane feels that the extension for outside dining should also have a setback of 20 feet from a residential lot. Mr. Leckstein stated that there was nothing in the ordinance that stated that it will not apply. There was further discussion regarding the set back and how it would affect the district.

Mr. Lane also mentioned that he felt that eating/drinking extensions should be fenced in, his examples were McDonough's and Burlew's. Mr. Leckstein questioned if he meant only property owned by owner.

Mr. Lane stated that cooking outside created a lot of smoke, i.e. the old barbecue pit. He feels that there should be more clarification regarding what is meant by food preparation. Does it mean the Borough is going to allow a huge barbecue pit?

There was discussion as what would conform to the Master Plan. Mr. Lane pointed out that the Master Plan calls for protecting residential lots. Existing ordinance states they would have to have a buffer screening. He feels they would need fencing and a way to deal with the exhaust.

Mayor asked for clarification from Mr. Lane, she asked if he is including the pizzeria that has two tables outside or the ice cream shop that has a bench in front as well. Further discussion regarding

the fencing.

Mr. Leckstein explained to the Board they have two choices the Board can say the amended ordinance conforms to the Master Plan or they can send Mr. Lane's concerns and say that the amended ordinance does not conform to the Master plan. Mayor and Council can override the Boards or they can introduce a new ordinance. Mr. Leckstein asked when the next council meeting was. Mayor Kennedy responded Tuesday.

Motion to close to the public at 7:21 was made by L. Davidson, second by R. Benedict with ayes by all present.

R. Benedict stated that he agrees with Mr. Lane and would like to send a letter to the Mayor and Council stating that the Board feels the amended ordinance does not comply with the Master Plan.

Motion to send letter was made by L. Davidson, second by R. Benedict
Ayes: Mayor Kennedy, M. Sessa, R. Benedict, L. Davidson, D. Pacheco, J. Oviedo, J. Royster

Mayor Kennedy, M. Goode, M. Sessa, H. Aumack R. Benedict, L. Davidson, K. Howe, D. Pacheco
N. Vecchio

Alternates: J. Oviedo, J. Royster

NEW BUSINESS:

**APPLICATION: KUPB 19-05
DENNIS J. KAVANAUGH
123 HIGHWAY 35
BLK 33 LOT 52
USE VARIANCE / SITE PLAN**

This application will be carried to the January 23rd meeting.

Mr. Leckstein stated that since the application before the Board is a use variance the Mayor would be stepping down since she cannot vote on the application.

**APPLICATION: KUPB 19-06
STRAUB MOTORS
400 HIGHWAY 35
BLK 112 LOT 1
SUBDIVISION/USE VARIANCE**

Mr. Leckstein marked in the exhibits:

Exhibit A1 – Application

Exhibit A2 – minor subdivision

Exhibit A3 – description of property

Exhibit B1 – CME letter dated 10/22

Exhibit B2 – Resolution for Carsmetic that was approved by the Board on 12/15/2011

Mr. Pfleger attorney for Straub motors introduced himself gave a brief description of the property and the history of property.

Mr. Leckstein mentioned the carsmetic resolution and condition number five (5) on page eight (8)

“Subject to the applicant not being permitted to store any materials or vehicles outside of the building. The only exception to this prohibition will be the occasional vehicle left outside for an owner who has indicated they will be picking up their vehicle after hours.” Mr. Pflieger stated they will ask for clarification of that condition at the end of the meeting. Mr. Leckstein explained problem is the applicant has not noticed for relief of that condition.

There was further discussion regarding condition five (5) of the Carsmetic resolution. Mr. Leckstein asked if Mr. Pflieger would like to take five minutes to speak to his client about the application.

Motion to take a five minute break at 7:25pm was made by L. Davidson, second by R. Benedict with ayes by all present.

The meeting was called back in order at 7:35pm

Mr. Leckstein pointed out another part of the resolution that was testimony from the application which is on page four (4) number 20 “Mr. Skapinetz testified there would not be any outside storage or materials or vehicles. The only possible exception would be for the vehicle owners who requested to pick up their cars after-hours. Otherwise, all vehicles and parts would be stored indoors. The applicant agreed to a prohibition of outside storage as a condition of approval.”

Mr. Pflieger stated that they will come back to the Board and re-notice adding condition of relief for item number five (5).

There was discussion regarding the height of the building. Mr. Leckstein recommended that they take a look at what has been submitted previously by Carsmetic.

Application will be heard at the December 5th meeting with the changes discussed at the meeting this evening.

The professionals have nothing to report on any of the applications.

Motion to adjourn at 7:39pm was made by R. Benedict, second by L. Davidson with ayes by all present.