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MINUTES OF THE OCTOBER 27, 2011
KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on October 27, 2011 which was called to order at 7:00 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Marc Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor McLeod, Councilman Sheridan, Richard Hassmiller, Marc Sessa, Allen Hudson, Robert Burlew , Joy-Michele Tomczak, Others Present, Planning Board Attorney, Marc Leckstein,

Absent: John Kovacs, Juan Carlos–Oviedo

PROFESIONALS SWORN IN:T&M Engineer Francis Mullan
T&M Planner Martin Truscott

VOUCHERS:

Leckstein & Leckstein	invoice for October meeting	$ 250.00
	Invoice for Campo Application	$ 75.00
	Invoice for 17-21 West Front St. App	$ 75.00

Motion to approve made by M. Sessa, second by J. Sheridan with ayes by all present

MINUTES: August 25, 2011 Meeting

Motion to approve moved by J. Tomczak, second by A. Hudson with ayes by all present

CORRESPONDENCE:

1. Letter of Resignation from Joseph Wedick
2. Letter from Mark Brietman regarding Mr & Mrs. Campo application
3. Package from the Monmouth County Planning Board for NJDEP wastewater model
4. Letter from Michael Irene regarding Long View Venture application.

Mr. Leckstein explained that the Campo application has been withdrawn and it is up to Mr. Brietman, Mrs. Campo's attorney, to decide what the next steps are.

If they come before the Board regarding the front structure it will be as a new application.

Mr. Burlew confirmed that the Campo application was not going to go before the Board; Mr. Leckstein stated that was correct.

Motion to receive and file moved by J. Sheridan, second by A. Hudson with ayes by all present.

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NEW BUSINESS

Resolution and Plan for Old Borough Hall Redevelopment – Beacon Planning, Victor Furmanec

Mr. Furmanec explained that the Old Borough Hall, 18-20 Main Street, is in the area of need of rehabilitation. Mr. Furmanec spoke about what type of usage the building is zoned. He also spoke of the Live Where You Work program. Mr. Furmanec stated that the general plan is consistent with the Master Plan and feels that this will strengthen the downtown area.

Mayor stated that it is consistent to what the Mayor and Council adopted in 2007 which supported mixed uses.

Mr. Burlew asked about the back parking lot; Mr. Furmanec explained how the parking lot could become more accessible.

Mr. Furmanec explained that the Illustration shows how the parking can be re-arranged. The parking lot in back would only be accessible through the driveway; the north side driveway would be eliminated. There would be approximately eighteen (18) spaces for private parking and four (4) spaces for apartments.

There was further discussion parking and landscaping.

Meeting was opened to the pubic

Mike Lane, 51 First Street, asked about a hearing; asked about the referral of ordinance being adopted.

Mr. Leckstein explained that if the Board didn't do anything within forty-five (45) days the Council could make the decision without any Board input.

There was discussion regarding mix use and 1989 Master Plan.

Mr. Leckstein explained that the Board could vote to send a letter to Mayor and Council with no comments or concerns or can hold it off tonight and place it back on the agenda for the next meeting.

Mr. Sessa stated that he is in favor and feels it is what we want in downtown.

Motion to send a letter to Mayor and Council stating that the Board has no comments or concerns moved by M. Sessa, Second by B. Burlew with ayes by all present.

OLD BUSINESS

Status of the letter from May 23, 2011 agenda from T&M for Maintenance Bond Release – Keyport Commons Block 103; Lots 1, 2, 7-11. Mr. Mullan is to follow up with applicant regarding the Maintenance Bond release and report back to Board

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The Board asked that more information be made available to the members at the next meeting.

Mr. Leckstein asked Mayor McLeod and Councilman Sheridan to step down because the two applications that are before the Board are Use Variances.

Mayor McLeod and Councilman Sheridan left the meeting at 7:30 pm

APPLICATIONS:

Application No. 11-05 — 17-21 West Front Street, LLC
Preliminary and Final Site Plan and
Use Variance
17-21 West Front Street
Block 21.01, Lot 45, 46 and 48

Mr. Byrnes introduced the following exhibits:

A1 – Preliminary and Site Plan dated September 6, 2011
A2 – Architect Plan dated June 13, 2011
A3 – survey dated 9/2/2011
A4 – elevations building interior floor plan
A5 – Poster board with Photo of what the building will look like
A6 – KCE Aerial dated October 27, 2011
A7 - Oversized colorized version of page two of the site plan (Exhibit A-1)

The Board also marked its own exhibit:
B1 – Most recent review letter, dated October 14, 2011, from T&M Associates

Mr. Byrnes explained that the applicant is not changing the building facing West Front Street. The building facing West Front Street consists of the Family Dollar store and has residence on the second floor. The basement is not being used.

Mr. Byrnes stated that he did a walk through of the existing building; he described the layout of floors. Mr. Schwartz would like the rear part of the building to have on the second and third floor residential lofts the first floor would be two retail stores.

Mr. Schwartz described the current use of the front building. Mr. Byrnes asked the applicant if there was going to be any impact on the front of the building; no. There is no access from the front of the building to the rear section of this building.

There was discussion regarding how many people would be renting the lofts. Mr. Byrnes clarified that when the rear of the building was completed that there would be no walkway inside the building to access the rear units; no. Mr. Schwartz stated that he would like to place pavers in a set area so that sit outside. Mr. Schwartz stated he is planning to remove loading dock and there would be no fence.

Mr. Byrnes asked approximately how long the project would take; six to seven months. Mr. Byrnes stated he had no other questions for Mr. Schwartz.

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There was discussion regarding the parking. Mr. Sessa asked where do the tenants park now; Mr. Schwartz stated he has never had a complaint about parking, wasn't sure where they park.

Mr. Mullan asked where the pavers are going if there is any damage to the Borough's property would applicant be willing to fix; yes.

Ms. Tomczak referred to exhibit A5 – photo – there are dumpsters located in the pictures. Mr. Schwartz stated that the former Mayor asked him to allow the dumpsters to be placed there. Mr. Schwartz stated that they are not his dumpsters and that they would be removed. Family Dollars dumpster will stay where it is. Ms. Tomczak asked who removes the garbage; Mr. Schwartz pays to have the trash removed. Mr. Byrnes agreed to work without the enclosure details with T&M, Francis Mullan.

Mr. Leckstein stated that one of the conditions will be to have all the dumpsters removed; the only dumpster that will remain will be the Family Dollar dumpster.

There was discussion on whether or not it would be beneficial to have more retail spaces than residency. Mr. Schwartz felt it would be better to leave as four residential units and two retail offices.

Ms. Tomczak asked if Mr. Schwartz would be willing to designate parking in other areas that he owns; Mr. Schwartz said yes.

There would be no new utilities and applicant will pay to upgrade the sprinkler.

Mr. Mullan asked about any proposed signs or outdoor lighting; Mr. Byrnes replied that no signs are being proposed and if there were any signs they would be in the window.

Mr. Burlew asked if the building would have two fronts or use the building as one. Applicant needs to ask for two fronts. Mr. Mullan stated that for signage that the address would be American Legion Drive. There was further discussion regarding the address of the application.

Open to the public at 8:40pm

Mike Lane, 51 First Street, asked if the fire exit door would still be accessible to use to get to Family Dollar's dumpster; yes. Mr. Lane referred by Exhibit A5 – asked about the windows being added on the side as well so that the residents can get a breeze through the building. Mr. Lane asked about overnight parking stated that right now it is not allowed.

Mr. Lane feels that the application was noticed as a D1 mix use feels it should be D3 Density use.

Ann Boyce, Broad Street, asked if installing trash compactions in the units would help. Mr. Burlew stated that the Mayor and Council are working on a new Ordinance regarding trash. Mr. Burlew stated that he wasn't sure mechanical devises should be used. Best thing is for trash to be picked up more frequently

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Mr. Byrnes asked that Mr. Higgins who is a licensed Planner be sworn in.

Mr. Byrnes asked if the Mr. Higgins had an opportunity to look at the site and the master plan; yes. In your opinion is the notice of application for a D1 use variance correct; yes.

Mr. Higgins stated that the Keyport waterfront investment is a benefit for mix use. Similar to Red Bank, existing non-conforming use expanded 1/3 building variance D2 variance, D3 variance not standard for Density expansion. Mr. Higgins spoke about the parking, feels with residential units there would be less parking spaces needed.

Mr. Byrnes asked about the negative criteria, Mr. Higgins stated that no determent has been used as mixed use. Master Plan encourages this kind of use.

Mr. Leckstein agreed about the variance being a D2 variance rather than a D1 variance.

Mr. Burlew asked if the roof was used for anything; no. Mr. Mullan asked about the roof drains. Mr Byrnes stated that there is a running pipe. Applicants engineer will work with Planning Board engineer.

Ms. Tomczak stated concerns about overnight parking. Mr. Burlew stated that the front of the Building there are tenants upstairs that don't have overnight parking. Ms. Tomczak asked if applicant has available property that he can make parking available; Mr. Schwartz said yes. Mr. Byrnes stated that the ordinance regarding parking issues does mention that there is an exception in the GC zone that is his interpretation after reading the ordinance. It is the nature of living in downtown.

Motion to approve application moved by M. Sessa, second by R. Hassmiller

Ayes: R. Hassmiller. R. Burlew, M. Sessa, A. Hudson, J. Ambrose
Nays: J. Tomczak

Ms. Tomczak stated she was voting in the negative due to her concerns over what she was felt was the applicant's failure to adequately address the parking situation.

Application No 11-07 Carsmetics of Keyport, NJ, LLC
Preliminary & Final Site Plan
Use Variance
400 NJ State Highway 35
Block 112, Lot 1

There was no one from the public in attendance for this application

Salvatore Alfieri, Esquire of the firm Cleary, Giacobbe, Alfieri, Jacobs, LLC appeared on behalf of the Applicant.
Following exhibits were entered:
A1 – site Plan dated August 9, 2011, last revised September 28, 2011
A2 – Architectural plan dated May 4, 2011

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A3 – topographic and location survey dated May 5, 2011
A4 - aerial map dated September 28, 2011 (colorized version of sheet 2)

A5 – Oversized and Colorized Version of Survey
A6 – site plan (last revision dated 9/29/11)
A7– Detail of proposed sign (undated)
A8 – Letter of No Interest from the Department of Transportation
A9 – Colorized Version of Architectural Plans
A10 – Carsmetic Brochure
A11 –Photographic handout prepared by Applicant's planner depicting the subject site.

The Board also marked into evidence its own exhibits:
B1 – Engineer review letter dated October 14, 2011 prepared by T&M Associates
B2 - Completeness Review and Fee Determination Letter prepared by T&M Associates

Mr. Brett Skapinetz, Dynamic Engineering was sworn in.

Mr. Skapinetz spoke of the current use on the location which was used as a used car sales.

The County has signed off already, applicant is going to upgrade front of building facing Highway 35, the sidewalk that the customers will use to enter building will be brought up to ADA standards for handicap. There will be a canopy placed that would cover three parking spaces so that a customer can park and get an estimate in bad weather.

There are utilities already, there will be upgrades to the roof leader for drainage; lighting already there will supply building area with six additional fixtures two under canopy. There was discussion regarding the sign height.
.
Discussion regarding cars being left outside the applicant stated that the only time that this would happen is at the owner's request.

The inside would consist of a waiting room, customer service area, and a work area. There would be a paint booth which is top of the line, the paint used by Carsmetic is water based paint, and the booth has filters. Mr. Alfieri stated the paint booth is DEP regulated.

Mr. Alfieri addressed the T&M letter (Exhibit B-1).

Mr. Leckstein confirmed that if Borough Property is disturbed the applicant would be willing to fix; yes.

Carsmetic explain that they are only renting the building area and twenty five parking spaces. The Owner will be responsible for the maintenance; snow removal stays on property.

Mr. Mullan spoke of the landscaping; Mr. Skapinetz will work out the details with the landscape with Mr. Mullan.

The hours of business would be the same as the car dealership. Mr. Mullan asked about how the materials would be disposed of.

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Mr. Burlew asked it this building would have its own address? Mr. Burlew spoke of the location of the sign.

Mr. Skapinetz explained that there is an oil/water separator, one bay area to rinse off car before it is given to the customer. Mr. Mullan asked how it is maintained; Mr. Skapinetz that there is a monthly inspection.

Mr. Burlew asked if it is similar to a car wash; Mr. Skapinetz replied very small amount of water used approximately 200 gallons a day.

Carsmetic – Mr. Ron Duckstin, owner and President

Mr. Duckstin explained how the wash/oil is stored. Stated removed all hazard waster and is placed in a 30 gallon container. If there was a spill there is a 24 hour call in emergency number.

Mr. Alfieri asked about storage of parts and cars; there are no parts stored and the cars are kept inside if they are not picked up.

Mr. Ambrose asked what the meant by drivable; not off of a flat bed. The replace or repair of body parts is most of the work.

Planner – John McDonough was sworn in.
Mr. McDonough spoke about the signs height as well as the actual place.

Motion to approve application was moved by Mr. Hudson, second by Ms. Tomczak with ayes by all present.

ANY OTHER BUSINESS OR DISCUSSIONS:
None

PUBLIC SESSION

Motion to open to the public at 10:45 pm

No further comments or questions meeting closed at 10:45pm

The next regularly scheduled Planning Board Meeting will be Thursday, November 17, 2011.

Motion to adjourn meeting was made and carried at 10:47pm.