

PAUL N. MIRABELLI
ATTORNEY-AT-LAW
EXECUTIVE PLAZA
3400 HIGHWAY 35, SUITE 3
HAZLET, NJ 07730

(732) 264-3880
FAX (732) 264-7084

Mailing Address:
P. O. BOX 378
HAZLET, NJ 07730

March 17, 2021

HAND DELIVERED

Denise Nellis

Keyport Planning Board Secretary

Re: LNL Realty
Premises: 55 West Front Street
Block 21.01 Lot 33

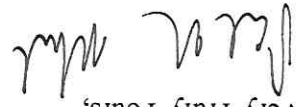
Dear Ms. Nellis:

In connection with the above referenced matter enclosed please find the following:

1. 22 Copies of the Application
2. 1 Copy of the Escrow Agreement
3. 1 Copy of List of Property Owners within 200 feet
4. 22 Copies of A-3 (my letter of February 4, 2021 corrected March 17, 2021)
5. 22 Copies of A-4 (my letter of March 11, 2021)
6. 1 Copy of Proposed Notice to be published in newspaper
7. 1 Copy of Proposed Notice to be sent to all property owners within 200 feet
8. 22 Copies of A-1 The Resolution, and A-2 the Site Plan for lot 33 block 21.01 prepared by Richard K. Haisen dated 4/17/12 last revised 11/7/12 marked A-2 have already been submitted to you.

Please advise of the application fee and the escrow.

Please review and advise. If the application is deemed complete, please advise as to a hearing date.

Very Truly Yours,


Paul N. Mirabelli, Esq
PNM/nw

Enc
CC: LNL Realty

APPLICATION TO THE KEYPORT UNITED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 55 West Front St.
 Tax Map: Block 21-01 Lot(s) 33
 Dimensions: Frontage 30' Depth 150' Total Area 4500 sq. ft.
 Zone District: GC 2002

Location of the property is approximately _____ feet from the intersection of _____ and _____.

The property is located within 200 feet of another municipality: X NO YES
 If yes, name of municipality: _____

The property fronts on a County Road or State Hwy: X NO YES

COUNTY ROUTE NO. _____ STATE HWY NO. _____

2. APPLICANT INFORMATION

Full Legal Name: LNL Realty LLC
 Address: 55 West Front St Keyport NJ 07735
 Telephone Numbers: DAY 732-241-1090 EVENING 732-241-1090
 Applicant is a: Corporation Partnership Sole Proprietor Resident
 3. OWNER IF DIFFERENT FROM APPLICANT Limited Liability Company

If the owner of the property is someone different from the Applicant, then please complete the following:

Owner's Name: _____
 Address: _____
 Telephone Numbers: DAY Evening _____
 (Street) (City) (State) (Zip)

4. ADDITIONAL PROPERTY INFORMATION

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property:

YES (attach copies and/or copy of deed) _____ PROPOSED (attach description) ☒ NONE

NOTE: All Deeds Restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises and proposed use (describe in detail): Mix use office and residential

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Paul M. Mirabelli

(Name and Firm if Applicable)
Address: 3400 Hwy # 35 South Hazel NJ 07730
(Street) (City) (State) (Zip)

Telephone: 732-264-3880 Fax: 732-264-7084

Applicant Engineer: Richard K. Heuser PE + LS
(Name and Firm if Applicable)

Address: 307 Main St Matawan NJ 07747
(Street) (City) (State) (Zip)

Telephone: 732-566-0850 Fax: _____

Applicant Planning Consultant: _____
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax: _____

Applicant Traffic Engineer: _____
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)
Telephone: _____
Fax: _____

6. OTHER EXPERTS

List any other expert(s) who will submit a report and/or testify on behalf of the Applicant.

Name: _____
Field of Expertise: _____

Address: _____
(Street) (City) (State) (Zip)
Telephone: _____
Fax: _____

7. RELIEF BEING REQUESTED

SUBDIVISION APPROVAL

Minor Subdivision
Major Subdivision
Major Subdivision - Final

Number of Lots to be Created _____
Number of Proposed Dwelling Units _____

Note: A "Plan of Subdivision" must be submitted in accordance with the subdivision requirements set forth in the Submission Checklist and the Borough of Keyport Ordinance.

SITE PLAN APPROVAL

Major Site Plan Approval
Minor Site Plan Approval

Preliminary Site Plan Approval (phases - if applicable)
Final Site Plan Approval (phases - if applicable)

Amendment or Revision to an Approval Site Plan (Area to be disturbed - square feet)

X Request for a Waiver from Site Plan Review and Approval. Reason for Request: _____
Removal of Conditions from Approval Resolution
of Approval Memorialized on Sept 27, 2012

See attached letter, Mark Ex A-3 and A-4

Also see resolution marked A-1 and site plan

ton 5 lot 33 Block 21-61 prepared by Richard K. Hansen
dated 4/17/12 last revised 11/7/12 Marked A-2

OTHER

____ Informal Review of _____

____ Appeal Decision of the Zoning Officer (N.J.S.A. 40:55D-70.a.) Describe nature of appeal: _____

____ Interpretation of Map or Ordinance, or Decisions upon Special Questions (N.J.S.A. 40:55D 70.b.) Explain: _____

____ Variance Relief-Hardship (N.J.S.A. 40:55D-70c (1)) Provide Reasons: _____

____ Variance Relief-Substantial Benefit (N.J.S.A. 40:55D-70c (2)) Provide Reasons: _____

____ Variance Relief-Use (N.J.S.A. 40:55D-70cd) Provide Reasons: _____

EXISTING	PROPOSED	REQUIRED
4500	4500	N/A
38.8	38.8	85%
5'	5'	N/A
3.2'	3.2'	N/A
80'	80'	N/A
100%	100%	90%
4.544	4.544	3.544

*DENOTES ITEMS REQUIRED ON THE SITE PLAN.

7. SUBMISSION REQUIREMENTS

The Applicant is required to submit each of the following, unless otherwise noted:

A. Application: An Original and nineteen (19) copies to the Board Secretary (Total 20) must be submitted (with attached site plan, plot plan, survey and/or other pertinent documents).

B. Escrow Agreement (Form #1): Sign and submit with original copy of application

C. Notice of Public Hearing (Form #2): DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY. Submit a draft copy (leaving date of hearing blank) and submit with original application. *(Not required for minor subdivision where no variances are requested)*

C. Affidavit of Publication - Asbury Park Press: Evidencing that the Notice of Public Hearing (Form #3) was published at least ten (10) days prior to the hearing date: (DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY) Submit to the Board's Secretary as soon as received by the newspaper. (Not required for minor subdivision where no variances are requested)

D. Affidavit of Service - with attachments (Form #4). Submit to the Board's Secretary along with Original copies of Certified Mail Receipts stamped by the US Post Office as to the date of mailing, and a copy of the Notice of Public Hearing (Form #2) with hearing date.

E. Tax Payment Certification (Form #5). Submit with Original copy of Application.

8. OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:

AGENCY OR PERMIT YES NO DATE PLANS SUBMITTED

Borough of Keyport Health Dept

Borough of Keyport Planning Board

Freehold Soil Conservation District

NJ Dept. of Transportation

JCP&L

Other:

*NJ Dept of Environmental Protection

*Check nature of approval(s) needed on next page:

Sewer Extension Permit; Sanitary Sewer Connection Permit; Potable Water Construction Permit;

Stream Encroachment Permit; Wetlands Permit; Tidal Wetlands Permit; Other

List of Maps, Reports and other materials accompanying this application (attach additional pages as required for complete listing):

Resolution of Approval Materials as 9/27/12 A-1
Site Plan for LOT 33 (Solely 21-01) Prepared by Ralph R. Huxlin A-2
Letters dated 2/14/21 A-3 and dated March 11, 2021 A-4

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.

(List specific information attached and its importance/significance to your application):

See above

10. CERTIFICATIONS

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the Applicant is a corporation, this application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

16 day of March, 2021
NOTARY PUBLIC

PAUL N MIRABELLI
ATTORNEY AT LAW
STATE OF NEW JERSEY

X
SIGNATURE OF APPLICANT
Lawrence J Victor Mirabelli

Applicant's Name (Print)

Lawrence J Victor Mirabelli LLC

OWNER (IF DIFFERENT FROM APPLICANT)

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made by the applicant, and the decision of the Board in this matter.

Sworn to and subscribed before me this

Day of , 20

NOTARY PUBLIC

X
SIGNATURE OF OWNER

Owner's Name (Print)

ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this _____ day of _____, 20____ by and between the KEYPORT UNITED PLANNING BOARD (the "Board") and _____ (the "Applicant").

1. PURPOSE. The Board authorizes its professional staff to review, inspect, report to the Board, and study all plans, documents, statements, improvements and provisions submitted by the Applicant to the Board or pursuant to relief granted to the Applicant by the Board. The Board is entitled to reimbursement from an Applicant for all reasonable costs/fees incurred by the Applicants in accordance with N.J.S.A. 40:55D-8, and N.J.S.A. 40:55D-53 et seq. of the New Jersey Municipal Land Use Law ("MLUL").

2. ESCROW ESTABLISHED. The Board, Borough and Applicant, in accordance with the provisions of this Agreement, hereby create an escrow deposit account to be established with the finance office of the Borough of Keyport.

3. ESCROW FUNDED. The Applicant, by execution of this Agreement, shall pay to the Borough to be deposited in the account referred to in paragraph 2 above.

4. INCREASE IN ESCROW AMOUNT DEPOSITED. If, during the existence of this escrow agreement, the funds deposited into said escrow account are insufficient to cover any voucher or bill submitted by the Board's professional staff, the applicant shall, within fourteen (14) days of receipt of a notice from the Board or the Borough that a deficiency in the escrow exists, provide such funding as required to fund the existing deficit as well as to pay for projected costs and fees associated with the ongoing professional reviews, inspections, etc., pursuant to applicable Borough ordinances governing the same, as well as the MLUL.

5. DISPUTES AND APPEALS. Should any disputes arise by and between the applicant and the Borough and/or the Board with respect to either the funding of, or payment from, the escrow account established herein, then the settlement of any and all disputes, including appeals from any decisions made by the Borough and/or the Board regarding such escrow account shall be made as called for by the applicable ordinance of the Borough of Keyport and the provisions of the MLUL.

6. COLLECTION OF DELINQUENT ESCROW BALANCES. Should the Applicant fail to adequately and on a timely basis fail to fund its escrow account so that the payment of necessary fees of the Board's professionals can be made in accordance with the law, then the Borough and/or Board shall be entitled to pursue all remedies available at either law or inequity, including but not limited to all amounts due, and simple interest at a rate of 18% per annum on all sums unpaid, beginning from 30 days after the applicant received notice of such deficiencies, if permitted by law. The Borough and/or Board shall be permitted to place a lien against any and

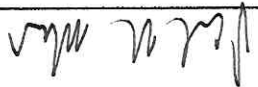
all properties within the Borough owned by the Applicant until such time as all sums due and owed have been paid. The Borough shall also have the right to withhold and/or suspend any building permits, the conduct of construction inspections, the issuance of certificates of occupancy, and other actions, unless and until all escrow deficiencies have been satisfied by the Applicant.

Date: 3/16/21

X 
SIGNATURE OF APPLICANT

Lawrence J. Vichio MAAY INC
Owner's Name (Print)
Member LNL Realty LLC

Sworn to and subscribed before me this
16 day of March, 2021


NOTARY PUBLIC
Paul N. Mirabelli
Attorney At Law
State of New Jersey

Date: _____

BOROUGH OF KEYPORT

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

OWNER & ADDRESS REPORT

03/04/21 Page 1

21.01
33

KEYPORT

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
21.01	28		2	HORGAN, LOUISE M 77 WEST FRONT STREET KEYPORT, NJ	77 W FRONT	✓
21.01	29		2	AUMACK, RACHEL L. 97 BEERS STREET KEYPORT, NJ	73 W FRONT	✓
21.01	30		2	AUMACK, ROBERT L. 67 WEST FRONT ST KEYPORT, N J	67 W FRONT	✓
21.01	31		2	SIMPSONVILLE, LLC 421 LADY SMITH DRIVE SIMPSONVILLE, SC	57 W FRONT	✓
21.01	32		4A	MAGIC TOUCH CONSTRUCTION COMPANY 59 WEST FRONT ST. KEYPORT, NJ	59 WEST FRONT ST	✓
21.01	33		4A	LNL REALTY LLC 55 WEST FRONT ST KEYPORT, NJ	55 W FRONT	✓
21.01	34		15C	BOROUGH OF KEYPORT 70 WEST FRONT ST. KEYPORT, N.J.	W FRONT ST	✓
21.01	35		1	FORITY FIVE WEST FRONT STREET REALTY 24 CLAY STREET RED BANK, NJ	45 WEST FRONT	✓
21.01	36		1	45 WEST FRONT STREET REALTY, LLC 24 CLAY STREET RED BANK, NJ	43 W FRONT	✓
21.01	37		4A	39SHRINATH LLC 39 WEST FRONT STREET KEYPORT, NJ	39 W FRONT ST	✓
21.01	38		4A	SHREE 37 WEST LLC 37 W FRONT KEYPORT, NJ	37 W FRONT	✓
21.01	39		4A	SHREE 35 WEST LLC 35 W FRONT KEYPORT, NJ	35 W FRONT	✓
21.01	40		4A	33 WEST FRONT ST., LLC 33 WEST FRONT ST. KEYPORT, NJ	33 W FRONT	✓
39	33		2	MONTANARI, RAYMOND & MATTHEW 74 W FRONT KEYPORT, N.J.	74 W. FRONT	✓
39	34		15F	BOROUGH OF KEYPORT 70 WEST FRONT ST. KEYPORT, NJ	70 W FRONT ST	✓
39	36		4A	KANTOR, LAWRENCE D & LINDEROTH, GARY 58 W FRONT ST KEYPORT, NJ	58 WEST FRONT STREET	✓
39	37		4A	CLEMENTINE, L.L.C PO BOX 421 SPRING LAKE, NJ	54 W. FRONT	✓
39	38		4A	T.FOLEY LLC P.O. BOX 421 SPRING LAKE, NJ	52 WEST FRONT ST UNIT 1	✓
39	38		4A	T.FOLEY LLC P.O. BOX 421 SPRING LAKE, NJ	52 WEST FRONT ST UNIT 2	✓

OWNER & ADDRESS REPORT

KEYPORT

21.01
33

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
39	38	C0003	4A	T. FOLEY LLC P.O. BOX 421 SPRING LAKE, NJ 07762	52 WEST FRONT ST UNIT 3 ✓	
39	38	C0004	4A	DICKENSON, ROBERT & CHRISTINA 106 LUPPATONG AVE. KEYPORT, NJ 07735	52 WEST FRONT ST UNIT 4 ✓	
39	38.01		4A	GIANNONPOULOS, ILIAS & EKATERINI 42 W FRONT ST KEYPORT, NJ 07735	42 W FRONT ST ✓	
39	39		4A	GUENASHI, ILIR 318 HYLAND BLVD STATEN ISLAND, NY 10305	10 MAIN ✓	
39	40		4A	MANE STREET USA LLC 18 MAIN ST KEYPORT, NJ 07735	18-20 MAIN ST. ✓	
61	22		4A	COMMON BOND REAL ESTATE, LLC PO BOX 577 KEYPORT, NJ 07735	34-40 WEST FRONT ST ✓	21
61	23.01		4A	ONE MAIN ASSOCIATES, LLC 1 MAIN ST KEYPORT, NJ 07735	1 MAIN ST ✓	

LIST OF UTILITIES WHICH SERVICE THE BOROUGH OF KEYPORT, NJ
WITH MAILING ADDRESSES AS OF JULY 1, 2013

BELL ATLANTIC/VERIZON

1095 AVE OF THE AMERICAS

ROOM 3137

NEW YORK, NY 10036

JCP&L Real Estate Department

P.O. Box 1911

Morristown, NJ 07962

NEW JERSEY NATURAL GAS COMPANY

1415 WYCKOFF ROAD

WALL, NJ 07719

CABLEVISION

275 CENTENNIAL AVENUE/ CN 6805

PISCATAWAY, NJ 08855-6805

BOROUGH OF KEYPORT

WATER/SEWER DEPARTMENT

70 WEST FRONT STREET

KEYPORT, NJ 07735

ATTN: SCOTT HICKS

MONMOUTH COUNTY PLANNING BOARD
HALL OF RECORDS ANNEX
1 EAST MAIN ST.
FREEHOLD, NJ 07728

MONMOUTH COUNTY DEPT. OF
TRANSPORTATION
ROUTE 79 & DANIELS WAY
FREEHOLD, NJ 07728

Exhibit A-3

PAUL N. MIRABELLI
ATTORNEY-AT-LAW
EXECUTIVE PLAZA
3400 HIGHWAY 35, SUITE 3
HAZLET, NJ 07730

(732) 264-3880
FAX (732) 264-7084

Mailing Address:
P. O. BOX 378
HAZLET, NJ 07730

February 4, 2021
CORRECTED: March 17, 2021

Keyport Unified Planning Board
70 West Front Street
Keyport, NJ 07735
Attn: Denise Nellis

Re: Application #12-01
LNL Realty LLC
55 West Front St.
Lot 33 Block 21.01

Dear Ms. Nellis:

This letter is to request that the Planning Board relieve the applicant of the requirements of conditions 7 and 8 of the Resolution of Approval Memorialized on September 27, 2012. I have attached a copy of the resolution marked as Exhibit A-1. I am also enclosing a copy of the Site Plan for lot 33 block 21.01 dated April 17, 2012 last revised on 11/7/12 which is marked as Exhibit A-2.

Condition 7 provides as follows:

"Subject to the applicant revising the site plan to provide all rear yard fencing and the proposed gate shall be wrought iron with masonry pillars as originally proposed along lot 34. The gate must be shifted to avoid a conflict with the Borough Parking Spaces on the adjacent lot 49. The changes shall be subject to the approval of the Board's Engineer."

With respect to condition 7, the applicant has submitted the required revisions to the site plan (see Exhibit A-2). However, the fence between lot 33 and lot 34 has not been installed. Lot 34 is currently owned by the Borough. The Borough uses the applicants property to access their lot especially in connection with community events. Based upon the foregoing, the applicant

requests that the portion of condition 7 that requires the applicant to install the fence between lots 33 and 34 be removed as a condition.

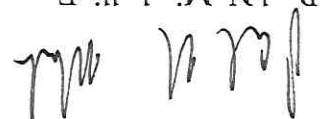
Condition 8 provides as follows:

"Subject to the applicant installing a wrought iron fence along the site's border with lot 32 along with utilization of planters on the inside of the fence to provide additional screening. The style and placement of the fence and planters would be subject to the approval of the Board's Engineer and Planner."

The erection of a wrought iron fence along lot 32 would create a substantial hardship on the owner of lot 32. As set forth on Exhibit A-2 there is currently existing AC Units, a wood deck, and a metal grate that extends from lot 32 onto lot 33. In addition, if a fence is erected, the fence would block access to the building on lot 32. The owner of lot 32 consents to eliminate Condition #8. Based upon the foregoing, the applicant is requesting that Condition #8 be removed.

Please advise as to when this matter can be scheduled for a hearing and the amount, if any, fees or escrow that would be required. Also please advise if Notice would have to be given to the property owners within 200 feet as well as a Notice published in the newspaper.

If you have any questions or need any additional information please contact my office.

Very Truly Yours,


Paul N. Mirabelli, Esq
PNM/nw
Enc
CC: LNL Realty

Exhibit A-1

RESOLUTION OF APPROVAL
GRANTING CERTIFICATE OF NON-CONFORMITY AND
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH VARIANCES
FOR CONSTRUCTION OF A MIXED USE OFFICE/RESIDENTIAL BUILDING
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 has 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 and officially designated as Block 21.01, Lot 33 as shown on the Official Tax Map of the Borough of Keyport; 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 application was conducted in the within matter during a regularly scheduled meeting of the Unified Planning Board held on July 26, 2012 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. At all times during the course of the application, the applicant was represented by Paul N. Mirabelli, Esquire, 3400 Highway 35, Suite 3, Hazlet, New Jersey 07730.
2. This application constitutes a request by the applicant, LNL Realty, LLC, to be permitted to construct 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.
3. Specifically, the applicant is proposing to construct a four (4) story, 1,744 square foot building at the site which would consist of office space on the ground floor, facing West Front Street, and residential uses on the upper floors.
4. The subject property is located within the Borough's "GC" General Commercial Zone which does not permit residential uses.

5. In consideration of the application, the Board marked into evidence two initial exhibits. The first, Exhibit B-1, was a letter dated May 11, 2012, from the Board Engineer, Donald J. Norbut, P.E., C.M.E., of T&M Associates, indicating the application could be deemed complete. The second, Exhibit B-2, was an engineering review letter dated July 26, 2012,

contained both commercial and residential uses even prior to that date.

8. Lawrence Vecchio, a principal of the applicant, appeared and testified that he had been born in the existing building at the site, in 1957, and to the best of his knowledge the property had this point.

7. With regard to the Principal Use Variance portion of the application, Mr. Mirabelli noted that applicant was seeking the granting of a Certificate of Non-Conformity, pursuant to the provisions of N.J.S.A. 40:55D-68, recognizing the property had always been used for a mixed residential/office use. He suggested that Exhibits A-4, A-5 and A-6 all established

A-1	"Map Of Survey For Lot 33, Block 21.01" dated April 13, 2012, as prepared by Richard Karl Heuser, P.E. & L.S.,
A-2	"Site Plan for Lot 33, Block 2.01" dated April 17, 2012, last revised on July 17, 2012, as prepared by Richard Karl Heuser, P.E. & L.S.
A-3	Architectural Plans, dated March 29, 2012, prepared by Anthony M. Condouris, P.A.
A-4	Record Owner Search of Property.
A-5	Copy of Residential Lease at property, dated December, 1999, showing residential use at the time by David Hopla.
A-6	Copy of Residential Lease at property, dated January 1993, showing residential use at the time by Gregory Stillwell
A-7	Color Rendering of Rear of Building facing water as prepared by Anthony M. Condouris, P.A. - (It was noted that, contrary to the rendering, only one garage door is being proposed for the property)
A-8	Revised Architectural Plans, dated July 26, 2012, as prepared by Anthony M. Condouris, P.A. depicting signage and lighting at the property.

6. In support of the application, Mr. Mirabelli, introduced the following exhibits into the record:

Variance:	
Principal Use Variance pursuant to N.J.S.A. 40:55D-70(d)(1)	Building will consist of a mixed-use residential/office; whereas residential uses are not permitted in the GC Zone.
Height Use Variance pursuant to N.J.S.A. 40:55D-70(d)(6)	Building will be 45 feet high at its rear; whereas only 35 feet is permitted by the ordinance in the GC Zone.
Bulk Variance pursuant to N.J.S.A. 40:55D-70(c)	Building will have 4 stories along the rear of the building; whereas the ordinance only permits 3 stories in the GC Zone.

of the following:

also prepared by the Board Engineer, Donald J. Norbut, P.E., C.M.E., which established, amongst other items, that three variances were required by the application. These consisted

9. The Board, which consists of residents of the Borough of Keyport who are very much familiar with the property involved with this application, agreed that as far as anyone could recall the site had operated as a mixed residential/commercial property.
10. Based both upon the evidence before it, and its own knowledge of the property, the Board granted the applicant a Certificate of Non-Conformity, pursuant to N.J.S.A. 40:55D-68, as to the continuing existence of the pre-existing non-conforming mixed use nature of the site.
11. With regard to the Height Use Variance portion of the proposal, the applicant presented testimony from its site engineer, Richard Karl Heuser, P.E. & L.S., that the height of the building was going to be reduced to 40.2 feet so as to eliminate the necessity for use variance relief since the building would no longer be above the 10% maximum height of 35 feet permitted in the zone. At 40.2 feet, only bulk variance relief, pursuant to N.J.S.A. 40:55D-70(c) would be necessitated. The applicant agreed, as a condition of approval, that its plans would have to be revised to eliminate all references to a 45 foot high building and replace them with the now proposed 40.2 foot high building.
12. Having eliminated the necessity of both the principal use variance and the height use variance, the Board's professional engineer Donald Norbut, P.E., and its planner Stan Stachetka, P.P., both of whom were sworn, indicated only two variances remained for the application. These variances were as follows:
- | Variance: | Reason: |
|--|---|
| Height Bulk Variance pursuant to N.J.S.A. 40:55D-70(c) | Building will be 40.2 feet high at its rear, whereas only 35 feet is permitted by the ordinance in the GC Zone. |
| Bulk Variance pursuant to N.J.S.A. 40:55D-70(c) | Building will have 4 stories along the rear of the building; whereas the ordinance only permits 3 stories in the GC Zone. |
13. With respect to the two remaining variances, Mr. Heuser testified as to a unique feature of the property due to its location upon a slope facing the Raritan Bay to its rear. Specifically, the manner in which the property was situated upon the slope allowed the proposed building to only be three (3) stories along West Front Street. The additional fourth (or bottom) story, which was below the street line, would only be visible from the rear of the property.
14. The applicant, through Mr. Heuser and its legal counsel, stipulated, as a condition of approval, that the bottom story would consist solely of garage and storage space for the residential units. There would not be any livable space or office space allowed in the bottom story.
15. Mr. Heuser further stipulated, again as a condition of approval, that both the parking and garage areas located to the rear of the building, as depicted on the site plan marked into evidence as Exhibit A-2, would be restricted for use by the proposed residential uses only.

the Board Engineer.

ability of the proposed system for handling the outflow, would be subject to the approval of would be created by the proposed building. The appropriateness of both figures, and the provide a calculation of the estimated sewage flow, and estimated potable water usage, that

20. Mr. Heuser also testified that the applicant would agree, as a condition of approval, to approval of the Board Engineer.

19. Mr. Heuser testified that the applicant would agree, as a condition of approval, to provide the Board Engineer with the plans as to how the proposed roof drains would be successfully piped underground to a dry well. The appropriateness of this system will be subject to the

18. Mr. Heuser indicated there were several site improvements proposed along the border with adjacent Lot 32. These improvements include an elevated wooden ramp, retaining wall and

AC Unit. As a condition of approval, the applicant agreed that a wrought iron fence would be installed all along the border with Lot 32, along with utilization of planters on the inside of the fence to provide additional screening. The style and placement of the fence and

planters would be subject to the approval of the Board's Engineer and Planner.

changes would be subject to the approval of the Board's Engineer.

17. It was noted that the applicant was proposing to install a new fence around the rear of the applicant's property. As a condition of approval, Mr. Heuser indicated the applicant would agree to revise the site plan so that it provides all rear yard fencing and the proposed gate

will be wrought iron with masonry pillars as originally proposed along Lot 34. The gate will be shifted to avoid a conflict with the Borough parking spaces on adjacent Lot 49. The

cross access easement and parking easement from the Borough of Keyport.

The applicant agreed, as a condition of approval, that it would need to obtain the required planner to make clear the location of the existing parking spaces on Block 21.01, Lot 34.

was marked into evidence as Exhibit B-3. Exhibit B-3 has been marked up by the Board's and a rendering from the applicant's "Site Plan", prepared by the Board's Planner, which

marked into evidence as Exhibit A-1, the "Site Plan" marked into evidence as Exhibit A-2, which was marked into evidence as Exhibit B-2. It is also depicted on the "Map of Survey"

of the Borough. This situation was noted at point 3.2 of the Board Engineer's review letter as the "Mini Park", which is officially known as Block 21.01, Lot 34 on the official tax map

accessing property which encroaches onto Borough owned property commonly referred to as it is impossible to enter the applicant's property from American Legion Drive without

easement and parking easement would need to be obtained from the Borough of Keyport as usage of the paved area at the rear of its property for parking purposes, a cross access

16. It was noted by the Board's professionals that since the applicant was proposing to continue

21. Regarding concerns as to how garbage disposal would be handled, it was stipulated as a condition of approval that the applicant would agree to store all garbage cans associated with the residential uses within the proposed garage. The cans would be carried to West Front Street on garbage days for public pick-up.
22. Beyond technical site plan issues, the applicant also presented testimony from its professional architect, Anthony M. Condouris, P.A.
23. Mr. Condouris referenced his color rendering of the rear of the building, marked in evidence as Exhibit A-7, and his revised architectural plans, marked into evidence as Exhibit A-8, as a basis for his professional opinion that the proposed building would be a vast aesthetic improvement over the existing structure. He did note that the color rendering (Exhibit A-7) was incorrect in the fact that the proposed building would only have a single garage door while the rendering showed two.
24. Mr. Condouris indicated that the materials for the building would be stucco with a rustic color.
25. With regard to signage, Mr. Condouris stipulated that all signs would be conforming to the Borough's zoning ordinance. If any signage did not conform to the ordinance, the applicant would have to return to the Board for further variance relief.
26. It was agreed by the Board's professionals that the lighting depicted on Exhibit A-8 was sufficient for the proposed sight. No additional lighting specifications would be required.
27. Both the Board Engineer and the Board Planner testified that provided the applicant adhered to the stipulations they had agreed to during the hearing, and followed the other recommendations contained within the Engineering Review Letter dated July 26, 2012 (Exhibit B-2), they would have no objections to the application being granted in its entirety.
28. No one from the public spoke to address the Board in opposition to this application.
29. One member of the public, Michael Lane of 51 First Street, appeared and voiced his support for the application, believing it to be an improvement along West Front Street.
30. In considering this application, the Planning Board finds that the proposed variances can be granted without negatively impacting the surrounding community. The Board Members, based upon their collective familiarity with the property and area in question, concur with the sworn testimony of the applicant's experts that the proposed improvements will act as a vast aesthetic improvement for the area. The aesthetic benefits alone warrant approval of this application.
31. The Board is also cognizant of the unique features of this site created by the slopping toward the Raritan Bay. As a result of this geographical feature, it is entirely appropriate for the

prepared by Richard Karl Heuser, P.E. & L.S. (Exhibit A-2)
 preliminary/final major site plan dated April 17, 2012, revised on July 17, 2012, which was

1. Subject to the applicant, other than as modified by this resolution, adhering to the conditions:

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 be granted subject to the following NOW THEREFORE, be it further resolved by the United Planning Board of the Borough be granted as proposed.

37. Based upon all of the aforesaid reasons, the Board finds that the application should and can function properly and without any foreseeable difficulties.

36. The Board also concludes that provided the applicant complies with all of the conditions agreed to during the course of this application, the site plan proposed by the applicant will project will complement and improve the surrounding properties.

35. The Board finds that provided the applicant complies with all of the conditions agreed to during the course of this application, the proposed variances may be granted without causing any detriment to the Keyport Zoning Ordinance and Master Plan. In actuality the proposed project will complement and improve the surrounding properties.

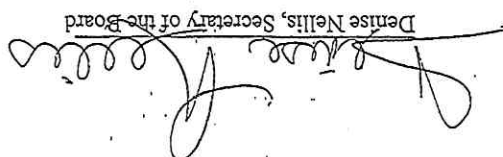
34. The Board is hard pressed to envision any negative consequences of granting the applicant its requested variance relief. In fact, the only negative consequences which would arise would be if the application were denied since the Borough would be denied the aesthetic benefits of the approval.

33. The board finds the requested variances should be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of granting the requested relief would allow for a better result for the Borough than strict adherence to the zoning ordinance would otherwise create. Based upon all of the factors previously cited in the reason, it is in the best interests of the Borough for a building such as the only being proposed to be added to its General Commercial Zone.

32. The Board further finds that a denial of the height and story variances being requested would make it impossible for the applicant to construct the proposed building. This would mean the Borough would be denied the aforementioned aesthetic benefits which the application would bring to the municipality.

applicant the variance relief being requested as a result.
 (3) stories would be visible from that vantage point. It would make no sense to deny the building on West Front Street would not be aware that a fourth story existed since only three visible from the rear of the property. Anyone viewing the property from the front of the applicant to construct a building with four (4) stories since the bottom story will only be

2. Subject to the applicant, other than as modified by this resolution, adhering to the architectural rendering (Exhibit A-7) and revised architectural plans dated March 29, 2012, revised July 26, 2012 (Exhibit A-8), both prepared by Anthony M. Condouris, P.A.
3. Subject to the applicant revising all of its plans so as to eliminate references to a 45 foot high building and replacing them with the now approved 40.2 foot high building.
4. Subject to the condition that the bottom story of the building would consist solely of garage and storage space for the residential units. There would not be any livable space or office space allowed in the bottom story.
5. Subject to the condition that both the parking and garage areas located to the rear of the building would be restricted for use by the proposed residential uses only.
6. Subject to the applicant successfully obtaining a cross access easement and parking easement from the Borough of Keyport relative to the applicant's encroachment onto the Borough's "Mini Park" which is officially known as Block 21.01, Lot 34.
7. Subject to the applicant revising the site plan to provide all rear yard fencing and the proposed gate shall be wrong iron with masonry pillars as originally proposed along Lot 34. The gate must be shifted to avoid a conflict with the Borough Parking Spaces on the adjacent Lot 49. The changes shall be subject to the approval of the Board's Engineer.
8. Subject to the applicant installing a wrought iron fence along the site's border with lot 32 along with utilization of planters on the inside of the fence to provide additional screening. The style and placement of the fence and planters would be subject to the approval of the Board's Engineer and Planner.
9. Subject to the applicant providing the Board Engineer with a plan as to how the proposed roof drains would be successfully piped underground to a dry well. The appropriateness of this system will be subject to the approval of the Board Engineer.
10. Subject to the applicant providing calculation of the estimated sewage flow and estimated potable water usage that would be created by the proposed building. The appropriateness of both figures and the ability of the proposed system for handling the outflow would be subject to the approval of the Board Engineer.
11. Subject to the condition all garage cans associated with the residential uses would be stored in the garage of the property. The cans would be carried to West Front Street on garbage days for public pick-up.
12. Subject to the condition that the proposed garage shall consist of a single garage door rather than the two doors depicted on the architectural rendering marked as Exhibit A-7.
13. Subject to the lighting plan being consistent with that depicted on the revised architectural plans dated March 29, 2012, revised on July 26, 2012, as prepared by Anthony M. Condouris, P.A. (Exhibit A-8)


Denise Nellis, Secretary of the Board

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 September 27, 2012

Abstentions:

Negative: J. Oriedo

Affirmative: R. Hassmiller, R. Burrell, J. Kovacs, J. Ambrose
and on Roll Call, the following vote was recorded:

The foregoing was Moved by R. Hassmiller

14. Subject to all signage conforming to the existing zoning ordinance:
15. Subject to compliance, except as modified by this resolution, with the technical requirements of the review letter prepared by the Board Engineer dated July 26, 2012. (Exhibit B-2)
16. All representations made under oath by the applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval. 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.
18. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
19. Prior to any permits being issued, the applicant must be current with any fees, escrows and taxes as may be due to the Borough.
20. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
21. 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.
22. 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.

Exhibit A-2

Exhibit A-4

PAUL N. MIRABELLI
ATTORNEY-AT-LAW
EXECUTIVE PLAZA
3400 HIGHWAY 35, SUITE 3
HAZLET, NJ 07730

(732) 264-3880
FAX (732) 264-7084

Mailing Address:
P. O. BOX 378
HAZLET, NJ 07730

March 11, 2021

Via Email

Keyport Unified Planning Board
70 West Front St
Keyport, NJ
Attn: Denise Nellis

Re: Application #12-01
LNL Realty LLC
55 West Front St
Lot 33 Block 21.01

Dear Ms. Nellis:

I have reviewed the letter from Francis W. Mullian P.E., C.M.E. of T&M Associates and it appears there is a typo in my letter of February 4, 2021. With respect to condition number 7 it is lot 34 not lot 32 that is owned by the Borough. The applicant is requesting that the portion of condition 7 that requires him to install a fence between lots 33 and 34 be removed as a condition.

Please forward to T&M Associates for their consideration.

Very truly yours,



Paul N. Mirabelli, Esq.
PNM/nw

NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE

BOROUGH OF KEYPORT

NOTE: Publication of this notice must appear at least ten (10) days prior to the scheduled hearing date.

NOTICE OF PUBLIC HEARING

Borough of Keyport Unified Planning Board

TAKE NOTICE that on the _____ day of _____, 20____, at 7:00 PM, a hearing will be held before the Keyport Unified Planning Board ("the Board") on the application of the undersigned for the following form of relief:

Removing Condition #7 and Condition #8 of the Resolution of Approval dated 9/27/12 which granted site plan approval for a mix use office and residential building. With respect to #7, Applicant is seeking to remove the condition that a fence be constructed between lots 33 and 34. With respect to Condition #8, applicant is seeking to remove the condition that a fence be erected between lots 32 and 33

-Regarding premises known as 55 West Front Street in the Borough of Keyport, also known as Block 21.01 Lot 33 on the tax maps of the Borough.

As a consequence of the ongoing covid-19 pandemic, the application will be held in a virtual online format, the link for which may be obtained by logging on to the Borough's website at <http://www.keyportonline.com/municipal>. Any interested party may appear at the hearing in this matter and participate therein, either in person, by attorney, in accordance with the Rules and Regulations of the Board. This application, along with all maps, papers and supporting documents filed with the application are on file in the Office of the Board Secretary and available on the Borough website.

If you do not have internet access, or have difficulties accessing the above link or materials, please call the Board's Secretary during normal business hours at (732) 739-5123 for further instructions.

By Order of the Borough of Keyport

Unified Planning Board

LNL Realty

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY

BOROUGH OF KEYPORT

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By Order of the Borough of Keyport
Unified Planning Board

LNL Realty