

KEYPORT UNIFIED PLANNING BOARD

MEETING OF MAY 28, 2020

COUNCIL CHAMBERS 7:00 PM

Conference call information:

Zoom Dial number 16465588656

Once you call the above number the recording will prompt you for the below information

Meeting ID: 825 4183 4413

Password: 023082

Join Zoom Meeting

<https://us02web.zoom.us/j/82541834413?pwd=U2VkWDRCSHRWMjFBeExtVVg3MEVvUT09>

CALL TO ORDER PM

SUNSHINE LAW NOTICE:

FLAG PLEDGE:

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

Alternates: J. Oviedo, J. Royster

PROFESSIONALS SWORN IN

MINUTES: April 23, 2020

Motion: Second: Ayes: Nays: Ab:

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

Alternates: J. Oviedo, J. Royster

COMMUNICATION:

Letter from Mr. Kenneth Pape requesting an extension for Mariners Village, KUPB 17-07

Motion for communication:

Motion: Second: Ayes: Nays: Ab:

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

Alternates: J. Oviedo, J. Royster

Flood Control Ordinance from the Borough Council referred to Planning Board for Master Plan Compliance

Motion for communication:

Motion: Second: Ayes: Nays: Ab:

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

Alternates: J. Oviedo, J. Royster

Motion to Adjourn:

The next regularly scheduled Planning Board Meeting will be Thursday, June 25, 2020

ADJOURNMENT: PM

The Keyport Unified Planning Board held a Regular Meeting on April 23, 2020 which was called to order at 7:00 PM via zoom conference call. The meeting was called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor Kennedy, Councilman Goode, M. Sessa, H. Aumack, R. Benedict, L. Davidson, K. Howe, D. Pacheco, N. Vecchio, J. Oviedo (arrived 7:06pm), J. Royster

Absent:

MINUTES: February 27, 2020

Motion to approve the minutes were made by N. Vecchio, second by K. Howe

Ayes: M. Sessa, H. Aumack, R. Benedict, L. Davidson, K. Howe, D. Pacheco, N. Vecchio

Abstain: Mayor Kennedy, Councilman Goode

COMMUNICATION:

Letter from Mr. Kenneth Pape requesting an extension for Mariners Village, KUPB 17-07 asking for extension.

Mr. Leckstein explained to the this is a request for extension under state statute which entitles them to ask for that extension which is 40:55 D-52A it is completely discretionary on the Board whether to grant the extension or not. The amount of the extension that can be granted could be one year exactly or two one year extensions. Mr. Leckstein reminded the Board that it is totally up to the Board, if the Board wants to hear from the applicant that can be requested.

Councilman Goode stated that he would like to hear from the applicant as to what they have been doing and why they need the extension. He would like to have the applicant come before the board and explain what has been going on. If the Board has any questions than Mr. Leckstein recommends that we carry the request to the next meeting and ask the applicant to attend. If there are no questions than the Board can approve the extension this evening.

Councilman Goode would like to postpone the vote, he would like to hear from Mr. Pape and the applicant regarding what has been occurring over the past year. Councilman Goode stated that he has a number of questions that he would like addressed.

The Mayor and Boardmembers all agree with Councilman Goode. They asked that this communication be carried until the May meeting and to request the applicant and his Attorney be present at that time.

Mr. Leckstein will reach out to the applicant's attorney and explain that the Board has some concerns and would like them present at the next meeting.

Motion to carry to the next meeting was made by Councilman Goode, second by L. Davidson

Ayes: Mayor Kennedy, Councilman Goode, M. Sessa, H. Aumack, R. Benedict, L. Davidson, K. Howe, D. Pacheco

Abstain: N. Vecchio

Mayor Kennedy and Councilman Goode stepped down since the resolution that needs to be discussed is a use variance and they cannot participate in use variance application.

RESOLUTION: Present: Mayor Kennedy, Councilman Goode, M. Sessa, H. Aumack, R. Benedict, K. Howe, D. Pacheco, N. Vecchio, J. Davidson, J. Royce

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

There was no discussion regarding the resolution

Motion to approve resolution was made by K. Howe, second by R. Benedict

Ayes: M. Sessa, H. Aumack R. Benedict, L. Davidson, K. Howe, D. Pacheco N. Vecchio

There was no public portion for this meeting. All matters were administrative issues.

Motion to adjourn the meeting at 7:30pm was made and carried with ayes by all present.

ORDINANCE #___-20

**ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY
OF MONMOUTH, NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER XV OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT**

WHEREAS, Chapter XV of the Revised General Ordinances of the Borough of Keyport (the "**Borough**") establishes the requirements for flood prevention within the Borough; and

WHEREAS, the Governing Body of the Borough desires to amend certain sections of Chapter XV pursuant to recommendations from the Borough Engineer; and

WHEREAS, the Council of the Borough (the "**Council**") has determined to amend Chapter XV referenced therein to provide for such amendments (additions are underlined, deletions are ~~stricken~~).

NOW THEREFORE, BE IT ORDAINED by the Council that the Revised General Ordinances of the Borough of Keyport, Chapter XV be and hereby is amended and supplemented as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Council hereby amends Chapter XV of the Revised General Ordinances of the Borough of Keyport to read as follows:

15-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

15-1.1 Statutory Authorization.

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Keyport, Monmouth County, New Jersey do ordain as follows:

15-1.2 Finding of Fact.

- a. The flood hazard areas of the Borough of Keyport are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- b. These flood losses are caused by storm surges and the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately anchored, flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

15-1.3 Statement of Purpose.

It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the second-sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in an Area of Special Flood Hazard; and
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

15-1.4 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

- d. Controlling filling, grading, dredging, and other development which may increase flood damage;
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas;

15-2 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ADVISORY FLOOD HAZARD MAP

~~The official map adopted by the Federal Emergency Management Administration in December of 2012, on which FEMA has delineated the areas of advisory flood hazards applicable to Keyport.~~

AH ZONE

The areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONE

The areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

APPEAL

A request for a review of the ~~Construction Official~~Flood Manager's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH, or VO zone on Keyport's Digital Flood Insurance Rate Map (DFIRM) with a 1% annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within Keyport subject to a 1% or greater chance of flooding in any given year. As used herein, this term shall include ~~any Advisory Flood Hazard Area so designated on the Flood Hazard Map~~the most stringent of the FIRMs, Advisory Flood Hazard maps, Preliminary FIRMs, or other best data available.

BASE FLOOD

~~The A~~ flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION

The elevation shown on Keyport's Flood Hazard Map that indicates the stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year. As used herein, this term shall include any advisory base flood elevation so designated on the flood hazard map. The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For Zones AE, AH, AO and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equal or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled in any given year.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA

The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION

The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

COASTAL A ZONE

The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

COASTAL HIGH-HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources, including VE Flood Zone and Coastal A zones in special flood hazard areas.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)

~~The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Keyport.~~

ELEVATED BUILDING

A non-basement building: (i) built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal-high hazard area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In coastal high-hazard areas or Coastal A Zone, "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

ELEVATION CERTIFICATE

An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a required for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

EROSION

The process of the gradual wearing away of land masses.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FEMA PUBLICATION

Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents.

FLOOD DESIGN CLASS

The American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

FLOOD HAZARD MAP

Refer to the document or documents prepared by the Federal Emergency Management Agency described in Subsection 15-3.2 below that according to FEMA, reflect the best data available with respect to the matters set forth herein.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Keyport.

FLOOD INSURANCE STUDY (FIS)

The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 of a foot.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the ~~proposed~~ walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

LIMIT OF MODERATE WAVE ACTION

The inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

MANUFACTURED HOME/OFFICE

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by Keyport and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

PRELIMINARY FLOOD INSURANCE RATE MAP

The draft version of the FIRM released for public comment before finalization and adoption.

PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

RECREATIONAL VEHICLE OR TRAILER

A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred square feet or less when measured at the longest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light-duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SAND DUNES

Naturally occurring accumulations of sand in ridges or mounds landward of the beacha
Wind or wave deposited or man-made formation of sand (mound or ridge) that lies
generally parallel to, and landward of, the beach and the foot of the most inland dune slope.
"Dune" includes the foredune, secondary or tertiary dune ridges and mounds, and all
landward dune ridges and mounds, as well as man -made dunes, where they exist.

START OF CONSTRUCTION

- a. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.
- b. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above the ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by

the local Code Enforcement Officer and which are the minimum necessary to ensure safe living conditions; or

- b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

VARIANCE

A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

WATER SURFACE ELEVATION

The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

15-3 GENERAL PROVISIONS.

15-3.1 Lands to which this chapter applies.

This chapter shall apply to all Areas of Special Fflood Hazards within the jurisdiction of the Borough of Keyport, Monmouth County, New Jersey.

15-3.2 Basis for establishing the areas of special flood hazard.

- a. The areas of special flood hazard for the Borough of Keyport, Community No. 340304, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)," dated September 25, 2009.
2. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions), as shown on Index and panel numbers 34025C0029F, 34025C0033F, and 34025C0037F, whose effective date is September 25, 2009.
3. ~~Advisory base flood elevations and advisory flood hazard maps adopted in December 2012 (revised February 23, 2013). These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the FIRMs and the advisory flood hazard maps conflict or overlap, whichever imposes the more stringent requirement shall prevail~~ Preliminary Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0029G, 34025C0033G; 34025C0036G, and 34025C0037G whose effective date is January 30, 2015.

4. ~~In the instance of any FEMA map published or adopted subsequent to the advisory flood hazard map, which, upon its publication or adoption (1) represents the best data available according to FEMA and (2) conflicts with any of the above-referenced maps or reports or any prior FEMA map, shall prevail as to the areas of special flood hazard designated therein~~Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

- b. The above documents are hereby adopted and declared to be a part of this chapter. To the extent such documents have been published or adopted, and not superseded by a subsequent FEMA document, such documents are herein referred to collectively as Keyport's "Flood Hazard Map." The Flood Insurance Study, maps and advisory documents are on file at 70 West Front Street, Keyport, New Jersey 07735-0070.

15-3.3 Penalties for noncompliance.

No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the general penalty established by § 1-5 of this Code for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Keyport from taking such other lawful action as is necessary to prevent or remedy any violation.

15-3.4 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and/or another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15-3.5 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

15-3.6 Warning and disclaimer of liability.

- a. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
- b. This chapter shall not create liability on the part of the Borough of Keyport, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15-4 ADMINISTRATION.

15-4.1 Establishment of Floodplan dDevelopment pPermit.

A Floodplan dDevelopment pPermit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 15-3.2. Application for a Floodplan dDevelopment pPermit shall be made on forms furnished by the Borough Engineer-Floodplan Manager and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, a description of the flood design class; and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean-sea-level-Datum NAVD 88, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean-sea-level-Datum NAVD 88 to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 15-5.2b; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- e. Any other forms, plans, certifications, or information required pursuant to any applicable FEMA publication.

15-4.2 Designation of the lLocal aAdministrator.

The Construction-Officialappointed Floodplan Manager is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

15-4.3 Duties and rResponsibilities of the aAdministrator.

Duties of the ~~Construction Official~~ appointed Floodplan Manager shall include, but not be limited to:

a. Permit review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, ensure that the encroachment provisions of Subsection 15-5.3a are met.
4. Review all development permits in the ~~eCoastal~~ ~~hHigh-hHazard~~ ~~aArea~~ of the area of special flood hazard to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
5. Review plans for walls to be used to enclose space below the base flood level in accordance with Subsection 15-5.4b4.
6. Review all permit applications to determine whether proposed building sites are reasonable safe from flooding.
7. Review all permit applications to determine whether development complies with all applicable FEMA Publications.
8. Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements.

b. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with Subsection 15-3.2, Basis for establishing the areas of special flood hazard, the ~~Borough Engineer~~ Floodplan Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the specific standards of Subsections 15-5.2a, Residential construction, and 15-5.2b, Nonresidential construction.

c. Information to be obtained and maintained.

1. Obtain and record on a current Elevation Certificate the actual elevation (in relation to ~~mean sea level~~ Datum NAVD 88) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:
 - (a) Verify and record on a Floodproofing Certificate the actual elevation (in relation to ~~mean-sea level~~Datum NAVD 88); and
 - (b) Maintain the floodproofing certifications required in Subsection 15-4.1c.
3. In ~~e~~Coastal ~~h~~High-~~h~~Hazard ~~a~~Areas, certification shall be obtained from a registered professional engineer or architect that the provisions of Subsections 15-5.4b1 and 15-5.4b2a through b are met.
4. Maintain for public inspection all records pertaining to the provisions of this chapter; and-
5. Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures.
- d. Alteration of watercourses.
 1. Notify adjacent communities and the New Jersey Department of Environmental Protection, ~~Dam Safety and Flood Control Section~~Bureau of Flooding Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished.
- e. Substantial Damage Review.
 1. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
 2. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
 3. Ensure substantial improvements meet the requirements of sections 15-5.2(a), SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 15-5.2(b), SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION, and 15-5.2(c), SPECIFIC STANDARDS, MANUFACTURED HOMES/OFFICES.
- f. Interpretation of ~~FIRM~~firm boundaries.

1. Make interpretations where needed, as to the exact location of the boundaries of the ~~a~~Areas of ~~s~~Special ~~f~~Flood ~~h~~Hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 15-4.4.
2. Report Changes in Flooding Conditions. Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

15-4.4 Variance procedure.

a. Appeal board.

1. The Planning Board, as established by Mayor and Council, shall hear and decide appeals and requests for variances from the requirements of this chapter ordinance in accordance with the procedures set forth in N. J. S. A. 40:55D-1 et seq.
2. The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~Borough Engineer~~Floodplan Manager in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the appropriate court, as provided by law.
4. In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to Keyport;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;

- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Subsection 15-4.4a4 and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6. The ~~Construction-Official~~Floodplain Manager shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

b. Conditions for variances.

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-~~quarter~~half (1/4) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) through (k) in Subsection 15-4.4(a)~~(4)~~ have been fully considered. As the lot size increases beyond the one-~~half~~quarter (1/4) acre, the technical justification required for issuing the variance increases.
- 2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;

- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 15-4.4a4, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

15-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

15-5.1 General standards.

In any areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

a. Anchoring.

- 1. All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2. All ~~manufactured homes to be placed or substantially improved~~ structures shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- 3. All recreational vehicles or trailers to be placed on a site must:
 - (a) be elevated above the Base Flood Elevation and anchored per the requirements of manufactured homes/offices; or
 - (b) be on the site for less than 180 consecutive days; or
 - (c) be fully licensed and highway ready.

b. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

3. Backflow preventers shall be required to be installed below the lowest fixture or drain in all structures where sanitary facilities cannot be elevated above the base flood elevation plus thirty (30) inches when substantial improvements are proposed to the wastewater system or service connection;

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

4-5. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall be located at the base flood elevation plus thirty (30) inches.

d. Site Plan and Subdivision ~~p~~Proposals.

1. All ~~subdivision~~ proposals and other proposed new development shall be consistent with the need to minimize flood damage;

2. All ~~subdivision~~ proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All ~~subdivision~~ proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for ~~subdivision proposals and other proposed new development which contain at least 50 lots or five acres (whichever is less)~~ all proposed development.

- e. Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two (2) openings in at least two (2) exterior walls of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

15-5.2 Specific standards.

In any areas of special flood hazards where base flood elevation data have been provided as set forth in Subsection 15-3.2, Basis for establishing the areas of special flood hazard, or in Subsection 15-4.3b, Use of other base flood and floodway data, the following standards are required:

a. Residential construction.

1. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including the basement, together with the attendant utilities (including all electrical, heating, ventilating, air condition, and other service equipment) and sanitary facilities, elevated at or above the base flood elevation, plus one foot following:
 - (a) Base flood elevation (published FIS/FIRM) plus thirty (30) inches;
 - (b) The best available flood hazard data elevation plus thirty (30) inches;
 - (c) As required by ASCE/SEI 24-14 Table 2-1; or
 - (d) As required by NJAC 7:13-3.
2. Within any AO zone on the municipality's FIRM, to elevate the depth number specified in feet plus thirty (30) inches, above the highest adjacent grade all-new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or above the best available flood hazard data elevation thirty (30) inches, whichever is more restrictive, and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3 Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

4 For Coastal A Zone Construction see section 15-5-4 Coastal High Hazard Area and Coastal A Zone.

b. Nonresidential construction. In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in and A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment shall either:

1. Be elevated to or above the base flood elevation ~~plus one foot~~ (published FIS/FIRM) plus thirty (30) inches, the best available flood hazard data elevation plus thirty (30) inches, as required by ASCE/SEI 24-14, Table 2-1, or as required by NJAC 7:13-3; and

2. If within any AO zone on the municipality's DFIRM, have the lowest floor, including the basement, elevated above the highest adjacent grade ~~one foot~~ thirty inches above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus thirty (30) inches, whichever is more restrictive, and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or

3. Be floodproofed so that below the more restrictive base flood ~~level~~ elevation (published FIS/FIRM) plus ~~one foot~~ thirty (30) inches, the best available flood hazard data elevation plus thirty (30) inches, or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;

4. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

5. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Section 15-4.3c2(b).

c. Manufactured homes/offices.

1. Manufactured homes/offices shall be anchored in accordance with Subsection 15-5.1a2.

2. All manufactured homes/offices to be placed or substantially improved within an area of special flood hazard shall ~~be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one foot.;~~

(a) Be consistent with the need to minimize flood damage;

(b) Be constructed to minimize flood damage;

(c) Have adequate drainage provided to reduce exposure to flood damage;

(d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation (published FIS/FIRM) plus thirty (30) inches, the best available flood hazard data elevation plus thirty (30) inches, as required by ASCE/SEI 24-14, Table 2-1, or as required by NJAC 7:13-3; and

(e) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation collapse, and lateral movement.

15-5.3 Floodways.

Located within any area of special flood hazard established in Subsection 15-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If Subsection 15-5.3a is satisfied, all new construction and substantial improvements must comply with § 15-5, Provisions for Flood Hazard Reduction.
- c. In any area of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.2 of a foot at any point.

15-5.4 Coastal ~~H~~high-~~H~~azard ~~A~~area and Coastal A Zone.

Coastal high-hazard areas (V or VE Zones and Coastal A Zones) are located within the areas of special flood hazard established in Subsection 15-3.2. These areas have special flood hazards

associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. Location of structures.

1. All buildings or structures shall be located landward of the reach of the mean high tide.
2. The placement of manufactured homes shall be prohibited, ~~except in an existing manufactured home park or manufactured home subdivision in the Coastal High Hazard Area.~~

b. Construction methods.

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:
 - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the more restrictive base flood elevation (published FIS/FIRM) plus thirty (30) inches, the best available flood hazard data elevation plus thirty (30) inches, as required by ASCE/SEI 24-14, Table 4-1, or as required by the Uniform Construction Code (N.J.A.C. 5:23), whichever is more restrictive, and.
 - (b) With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Subsection 15-5.4b5; and.
 - (c) All electrical, heating, ventilating, air conditioning, mechanical equipment and other equipment servicing the building is elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus thirty (30) inches, the best available flood hazard data elevation plus thirty (30) inches, as required by ASCE/SEI 24-14, Table 4-1, or as required by NJAC 7:13-3.

2.4. Structural support.

- (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values, each of which shall have a one percent (1%-) chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(c) There shall be no fill used for structural support of buildings within Zones V1-30, VE, V and Coastal A on the Borough's FIRM.

3. Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Subsections 15-5.4b1 and 15-5.4b2(a) and (b).

4. Space below the lowest floor.

(a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this chapter.

(b) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

(c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(d) Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official for approval.

c. Sand dunes. ~~Prohibit man-made alteration of sand dunes within Zones VE and V on Keyport's DFIRM which would increase potential flood damage~~ Manmade alteration of sand dunes is prohibited.

15-5.5 NJ Uniform Construction Code.

The Floodplain Manager and Construction Code Official shall review development applications in accordance with the current Flood Damage Prevention Ordinance and NJ Uniform Construction Code, respectively. Should a discrepancy exist between the Flood Damage Prevention Ordinance and NJ Uniform Construction Code, the more stringent requirement shall apply.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced:

Public Hearing:

Adopted:

Michele Clark, RMC
Borough Clerk
Borough of Keyport

Collette J. Kennedy, Mayor
Borough of Keyport

JONATHAN M. HEILBRUNN
MEMBER NJ, ME, & NY BARS

KENNETH L. PAPE

PETER H. KLOUSER

JEFFREY R. CHANG

CHIARA R. MANCINI

JARED PAPE

OF COUNSEL
STEVEN KROPF



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March 2, 2020

VIA HAND DELIVERY

Ms. Denise Nellis
Planning Board Recording Secretary
Borough of Keyport
70 West Front St., 2nd Fl.
Keyport, NJ 07735

RECEIVED
MAR 02 2020

BY:

RE: Mariner's Village at Keyport, LLC
Block 20, Lots 1, 2, 3, 5, 6, 6.01, 7, 9, 11, .01, 13, & 14
Borough of Keyport, NJ
APPLICATION FOR EXTENSION OF APPROVALS

Dear Ms. Nellis:

Please be advised that our office represents Mariner's Village at Keyport, LLC ("Applicant") the owner and applicant in the above captioned matter.

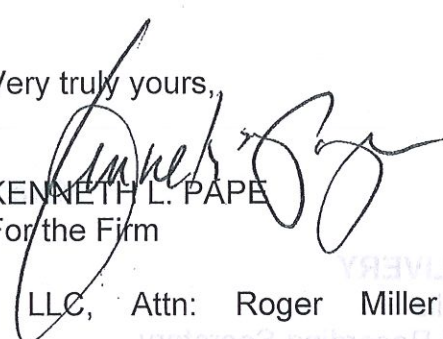
The Applicant received Preliminary and Final Major Site Plan and Subdivision approval from the Borough of Keyport Unified Planning Board by way of Resolution dated December 12, 2018. A copy of the Resolution is attached hereto as Exhibit A.

Please consider this letter as a request for two consecutive one (1) year extensions of protection of the rights vested as a result of the granting of the final site plan and subdivision approval for the development of these premises for the periods of December 2019 to December 2020; and December 2020 to December 2021.

The Municipal Law Use Law ("MLUL") in N.J.S.A. 40:55D-52 (a), authorizes a planning board to "extend such period of protection for extensions of one year but not to exceed three extensions." The MLUL also permits timely filing of same, identified in 40:55D-52(c), "whenever the planning board grants an extension of final approval pursuant to subsection a. or b. of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date."

Please advise if anything further is required from our office in order to certify this application complete and to schedule same for review by the Keyport Borough Unified Planning Board. Thank you in advance for your assistance and courtesies in this matter.

Very truly yours,


KENNETH L. PAPE
For the Firm

Cc: Mariner's Village at Keyport, LLC, Attn: Roger Miller (via e-mail: rmiller@millergp.com)
Mariner's Village at Keyport, LLC, Attn: Clay Perlman (via e-mail: ckp783@gmail.com)