

AUG 24 2020

KUPB
20-03

APPLICATION TO THE KEYPORT UNIFIED PLANNING BOARD

1. SUBJECT PROPERTY

Location: 22 Van Dorn
Tax Map: Block 99 Lot(s) 13-15
Dimensions: Frontage 90' Depth 120' Total Area .25 acres
Zone District: RC

Location of the property is approximately 120 feet from the intersection of
Van Dorn and Hurley Street

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

The property fronts on a County Road or State Hwy: ☒ NO ☐ YES
COUNTY ROUTE NO. _____ STATE HWY NO. _____

2. APPLICANT INFORMATION

Full Legal Name: RBSM Consulting LLC
Address: 155 Main Street, Box 577 Matawan NJ 07747
(Street) (City) (State) (Zip)
Telephone Numbers: DAY _____ EVENING _____
Applicant is a: ☐ Corporation ☐ Partnership ☐ Sole Proprietor ☐ Resident

3. OWNER IF DIFFERENT FROM APPLICANT

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

Owner's Name: Sasha Hylton - Lot 13; Rahshon Mitter - Lots 14-15
Sasha Hylton - 22 Van Dorn, Keyport, NJ 07735
Address: Rahshon Mitter - 235 Silver Lane Old Bridge NJ 08857
(Street) (City) (State) (Zip)

Telephone Numbers: DAY _____ EVENING _____

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): _____

Present use-abandoned single family home on Lot 13 and vacant land on lots 14 and 15.

Proposed use - two lot minor subdivision. Applicant was previously granted Minor Subdivision approval via

Resolution (attached) dated April 23, 2018 (Application No. 17-08) which has expired. Applicant seeks re-approval of the minor subdivision.

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Salvatore Alfieri, Esq., Cleary Jacobbe Alfieri Jacobs, LLC

(Name and Firm if Applicable)

Address: 955 State Route 34, Suite 200, Matawan, NJ 07747

(Street)

(City)

(State)

(Zip)

Telephone: (732) 583-7474

Fax (732) 290-0753

Applicant Engineer: Walter Hopkin, PE, PP, CME - WJH Engineering

(Name and Firm if Applicable)

Address: 2517 State Highway 35, Building B, Ste. 301, Manasquan, NJ 08736

(Street)

(City)

(State)

(Zip)

Telephone: (732) 223-1313

Fax (732) 223-8273

Applicant Planning Consultant: Walter Hopkin, PE, PP, CME - WJH Engineering

(Name and Firm if Applicable)

Address: Same as above

(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 submission 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)

_____ Request for a Waiver from Site Plan Review and Approval. Reason for Request: _____

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: _____
 Lot line adjustment.

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

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

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
Minimum lot area:*	_____	5,816 sf	7,500 sf
Building coverage limit:*	_____	_____	30%
Front yard setback:*	_____	_____	20 ft.
Side yard setback:*	_____	_____	6 1/16 ft.
Rear yard setback:*	_____	_____	15 ft.
Roadway setback:	_____	_____	-
Impervious coverage limit:	_____	_____	60 %
Parking spaces:*	_____	_____	2.3/unit
Building height:*	_____	_____	30'2.5 stories

*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	☒	☐	<u>upon approval</u>
NJ Dept. of Transportation	☐	☒	_____
JCP&L	☒	☐	<u>upon approval</u>
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): _____

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.
(List specific information attached and its importance/significance to your application): _____

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

13th day of August, 2020

NOTARY PUBLIC

SALVATORE ALFIERI
ATTORNEY AT LAW OF N.J.

X

SIGNATURE OF APPLICANT

Applicant's Name (Print)

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

13th Day of August, 2020

NOTARY PUBLIC

SALVATORE ALFIERI
ATTORNEY AT LAW OF N.J.

X

SIGNATURE OF OWNER

Owner's Name (Print)

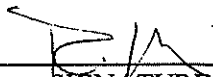
ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this _____ day of _____ 20____ by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and RBSM Consulting LLC (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 of 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: 8-13-2020

X 
SIGNATURE OF APPLICANT

Owner's Name (Print)

Sworn to and subscribed before me this

13th day of August, 2020


NOTARY PUBLIC **SALVATORE ALFIERI**
ATTORNEY AT LAW OF N.J.

Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

**COMPLETION CHECKLIST
UNIFIED PLANNING BOARD**

Application Number: _____ Date Received: _____

Applicant: RBSM Consulting LLC, 155 Main Street, Box 577, Matawan, NJ 07747

Property: Block 99 Lot(s) 13-15

Street Address: 22 Van Dorn, Keyport, NJ 07735

RECEIVED:

_____ Application Fee in Amount of \$ 300 Paid by: _____

_____ Escrow Deposit in Amount of \$ 500 Paid by: _____

_____ Certification of Taxes Paid

_____ Proposed "Notice of Public Hearing"

_____ Signed Escrow Agreement

_____ Certified List of Property Owners Within 200 Feet

ACTION TAKEN:

_____ Copy of Application to Board Attorney on: _____

_____ Copy of Application to Board Engineer on: _____

_____ Letter _____ "Completeness" _____ "Incompleteness" sent on: _____

_____ Hearing Date Set for: _____

NOTES: _____

FORM #5

TAX PAYMENT CERTIFICATION

Pursuant to the New Jersey State Law, Chapter 174 of 1987, N.J.S.A. 40:55D-39e and N.J.S. 40:55D 65h, an applicant may be required to furnish proof that no taxes or assessments of local improvements are due or delinquent on the property for which any relief is being sought through the Unified Planning Board of the Borough of Keyport. An applicant must complete Section I of this form and request the Keyport Borough Tax Office to complete Section II which verifies that no taxes or assessments are due. When completed, the applicant should attach this form to the originally signed application that is to be submitted to the Board secretary.

SECTION I (To be completed by applicant):

I _____ residing at _____
_____ and making an application for
the following relief before the Unified Planning Board of the Borough of Keyport:

Regarding property known as Block _____ Lot(s) _____ on the
Tax Map of the Borough of Keyport, located at: _____,
whose owner of the record is _____, who resides at
_____. I request the Tax Collector of the Borough of
Keyport to determine if all taxes and/or assessments are paid on the property that is the subject of
my application.

DATE OF REQUEST: _____

(Applicant's Signature)

SECTION II (To be completed by the Keyport Borough Tax Collector)

I certify that:

_____ All taxes are paid up-to-date on the above referenced property
_____ All assessments due have been paid
_____ The following are delinquent and past due: _____

Date: _____

(Tax Collector) _____

**RESOLUTION
GRANTING MINOR SUBDIVISION APPROVAL**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

**BLOCK 99, LOTS 13-15
Application # 17-08 (AMENDED)
RBSM CONSULTING, LLC
22 VAN DORN STREET**

WHEREAS, RBSM Consulting, LLC has filed an application seeking minor subdivision approval for the purpose of subdividing property located at 22 Van Dorn Street, which is officially known as Block 99, Lots 13 through 15 on the official tax map of the Borough of Keyport, into two 5,816.67 square foot lots; 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, 2018; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. Throughout the course of this application, the applicant was represented by Catherine Kim, Esquire of the law firm of Cleary, Giacobbe, Alfieri, Jacobs, LLC which has offices at 5 Ravine Drive, Matawan, New Jersey 07747.
2. This application constitutes a request to subdivide property located at 22 Van Dorn Street, which is officially known as Block 99, Lots 13 through 15 on the official tax map of the Borough of Keyport, into two 5,816.67 square foot lots on which the applicant eventually intends to construct two single-family detached dwellings with 49 feet of frontage on Van Dorn Street. For the purposes of this application, the new lots were designated as Lot 14 and Lot 15 respectively. Actual new lot numbers would be assigned by the Borough's tax assessor if the application were to be approved.
3. The property is located within the Borough's RA Zoning District in which such single family dwellings are a permitted use. In fact, it was noted that there is a currently a residence located on the site, albeit it one which has been abandoned for approximately 15 years.
4. The Board takes note that this is an amended application. Initially the applicant had been seeking to construct a four (4) unit townhouse development on the existing 11,633 sq. ft. foot site. That request had now been abandoned and substituted with the current application.

5. As now proposed, the following bulk variance relief, granted pursuant to the provisions of N.J.S.A. 40:55D-70(c), would be needed in order for this subdivision to proceed:

Variance	Required	Proposed Lot 14	Proposed Lot 15
Minimum Lot Area (sq. ft.)	7,500 sq. ft.	5,816.5 sq. ft.	5,816.5 sq. ft.
Minimum Lot Width (ft.)	75 feet	49 feet	49 feet

6. In support of the application, the following exhibits were marked into evidence:

Exhibit A-1 : Minor Subdivision plan dated August 21, 2017, last revised June 7, 2018 as prepared by Walter Joseph Hopkin, P.E. of WJH Engineering (consisting of 3 sheets)

Exhibit A-2 : Colorized version of the subdivision plan, dated July 25, 2018, as prepared by WJH Engineering.

7. Beyond the exhibits marked into evidence by the applicant, the Board also marked its own exhibit into evidence::

Exhibit B-1: Second Completeness Planning and Engineering Review letter dated July 24, 2018 as prepared by Francis W. Mullin, P.E., C.M.E., Donna Miller, A.I.C.P., P.P. and Dennis M. Dayback, C.F.M. of T&M Engineering.

8. Both the Board Engineer, Robert Yuro, P.E. (sitting in for Francis W. Mullin, P.E.) and Board Planner Donna Miller, AICP, PP, both of T&M Engineering, were present at the meeting. Both professionals were sworn and certified as to the accuracy of the information contained within the Planning and Engineering Review letter which was marked into evidence as Exhibit B-1 and incorporated into this Resolution by reference.
9. In support of the application, the applicant presented the sworn testimony of its site engineer, Walter Joseph Hopkin, P.E. of WJH Engineering.
10. As a condition of approval, Mr. Hopkin confirmed the applicant would comply with all of the comments contained within the Planning and Engineering review letter. (Exhibit B-1).
11. Referring to Exhibits A-1 & A-2, Mr. Hopkin explained that the applicant was proposing to redevelop the site with two (2) single family detached homes. New curbing and sidewalks would be constructed at the front of the lots. The lots would be consistent with what was depicted within the subdivision plans.
12. Mr. Hopkin noted that while the proposed homes had yet to be designed, the approximate dimensions of the dwellings and location of the proposed driveways, both of which conform to zoning, were shown on Exhibit A-2. As a condition of approval, the aforementioned dimensions and driveway locations would be added to the subdivision plans (Exhibit A-1).
13. Mr. Hopkin explained that in his opinion the two single family homes would not produce any additional traffic for the property. He also noted there will be a total of three (3) off-street parking spaces for each unit as well as two (2) on-street parking spaces. This would be a condition of approval. As the homes had yet to be designed, it was unclear how the three (3)

off-street parking spaces would be fixed on each property. The applicant was hoping to provide two car garages, but if that was not possible, the garages would fit at least one car and there would be sufficient space for two cars in each driveway.

14. As a condition of approval, the applicant indicated it would install roof leaders on the new residences. Those leaders would be subject to the review and approval of the Board's Engineer.
15. As a condition of approval, the applicant indicated it would install three (3) new shade trees on the subdivided lots. The type of shade tree and the locations where they would be planted would be subject to the review and approval of the Board's Engineer and Planner.
16. Mr. Hopkin testified that in his opinion the required bulk variances could be granted since the subdivision of the property would lead to an improvement for the neighborhood where it was located. Specifically, a home which had been abandoned for approximately fifteen (15) years was going to be demolished and replaced with two (2) new single family detached dwellings. The creation of single family detached dwellings was exactly the type of development envisioned by the Borough's Master Plan and Zoning Ordinance.
17. Mr. Hopkin further noted that the proposed lot area was actually in excess of the 5,000 square foot minimum called for in the Borough's recently adopted Master Plan. The proposed lot width of 49 feet was only one (1) foot less than the 50 feet recommended in the new Master Plan. Although the Borough's Zoning Ordinance had yet to be updated to incorporate the new Master Plan recommendations, it was believed such adoption by the Borough Council was forthcoming.
18. Mr. Hopkin could not envision any negatives associated with the application since it would lead to the development of the lots as single family detached homes, which is exactly what was called for in the Zoning Ordinance and Master Plan.
19. The applicant did not present any further witnesses on its behalf.
20. The following members of the public also spoke and stated their support for the application:
 - 1) Michael Lane - 51 First Street, Keyport
 - 2) Joanne Royster - 210 Atlantic Street, Keyport
21. The Board's Professionals, Robert Yuro, P.E. and Board Planner Donna Miller, AICP, PP, both of T&M Engineering, who were sworn, both indicated that they had no issues with the application being granted provided the applicant adhered to the comments of the review letter (Exhibit B-1), and adhered to the testimony given during the course of the public hearing.
22. After considering all of the testimony and evidence placed into evidence, and assuming all representations are adhered to, the Board finds that the applicant should be granted the requested minor subdivision relief with bulk variances.

23. The Board finds that the proposed subdivision allow for the construction of two new single family detached homes as replacement for an older structure which has been abandoned for approximately 15 years. This development would serve as a better alternative for the both the neighborhood and Borough as a whole than strict adherence to the Borough's Zoning Ordinance would otherwise allow. Specifically, if the application were to be denied, the two new homes would not be built and the long abandoned structure would continue to remain on the property. Such a result would not serve the interests of anyone.
24. The Board also can not help but note that the bulk variances at issue in this application have more or less been mooted by the adoption of the recent Master Plan. That plan sets a minimum lot area of 5,000 square feet which is less than the 5,816.5 square feet being proposed by the applicant, meaning no variance for minimum lot area would be required. Additionally, while a variance for lot width would still be required by the new Master Plan, the variance would almost be di minimis being that the Master Plan recommends a width of 50 feet whereas the applicant is proposing a width of 49 feet.
25. The Board cannot envision any negatives associated with the granting of the requested application and variance relief. In fact the only negative which can occur as a result of this application, would be if it were to be denied thereby leaving a long abandoned dwelling at the site.
26. It seems clear to the Board that the benefits of granting this application and approving the proposed minor subdivision is in the best interest of the Borough and such an approval far outweighs any detriments that might occur.
27. Based upon all of the above, the Board finds that the required bulk variances may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of granting same most definitely allow for a better alternative for surrounding neighborhood and the Borough of Keyport as a whole than strict adherence to the provisions of the zoning ordinance would otherwise allow.
28. The applicant has met its burden in establishing that it is entitled to the requested minor subdivision approval and therefore such should now be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of RBSM Consulting, LLC seeking minor subdivision approval for premises located at 22 Van Dorn Street and officially designated as Block 99, Lots 13 through 15 on the official Tax Map of the Borough of Keyport be granted subject to the following conditions:

1. Subject to substantial compliance with the subdivision plans submitted into evidence unless otherwise modified by this Resolution. (Exhibits A-1 & A-2)

2. Subject to the revision of Exhibit A-1 so that it incorporates the dwelling dimensions and driveway locations shown on Exhibit A-2. Said dimensions and driveway locations shall be in compliance with all applicable zoning ordinances so as not to trigger any variance conditions.
3. Subject to the applicant's compliance with the Engineering and Planning Review letter marked into evidence as Exhibit B-1.
4. Subject to the condition each of the proposed new homes will have a total of three (3) off street parking spaces.
5. Subject to the condition each of the proposed new homes would have roof leaders which would be constructed pursuant to the review and approval of the Board's Engineer.
6. Subject to the applicant planting three new shade trees at the site. The type of shade tree and location of the trees would be subject to the review and approval of the Board's Engineer and Planner.
7. Subject to the filing of the appropriate maps in compliance with the current "New Jersey Map Filing Law". If the applicant proposes to file the subdivision by deed, deeds perfecting the subdivision must be prepared. Documents must be submitted to the Board Attorney and Engineer for review and approval prior to filing.
8. All representations made under oath on behalf of the applicant, or by its agents, shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations which were made shall be deemed a violation of this approval.
9. 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.
10. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
11. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
12. This approval shall be deemed void by abandonment if a permit is not applied for within one year of the date hereof.
13. 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.
14. 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.

15. 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.

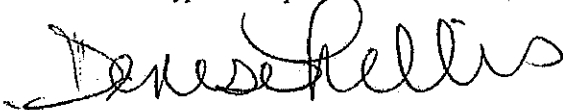
The foregoing was moved by J. Kovacs, second by N. Vecchio

Affirmative: Councilman Goode, N. Vecchio, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos, J. Kovacs, K. Howe

Negative:

Abstentions: Mayor Aumack

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 August 23, 2018.

A handwritten signature in black ink, appearing to read "Denise Nellis", written in a cursive style.

Denise Nellis, Secretary of the Board