

RESOLUTION
GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH HEIGHT AND SIGN AREA VARIANCES SO AS TO CONSTRUCT
A 3.5 STORY APARTMENT BUILDING WITH A TOTAL OF 24 DWELLING UNITS

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 116 LOT 1; BLOCK 133, LOT 1; BLOCK 117, LOT 1;
BLOCK 118, LOTS 7 & 8; BLOCK 132, LOT 1;
BLOCK 134, LOTS 47, 48, 49, 50 and 51
Application # 05-13
KEYPORT REALTY DEVELOPMENT LLC
101 GREEN GROVE AVENUE

WHEREAS, Keyport Realty Development LLC has applied to the Unified Planning Board of the Borough of Keyport for preliminary and final major site plan approval with a height and sign area variance as the second part of a bifurcated application, the use variances for which were originally granted to the applicant by way of a resolution of the Planning Board memorialized on January 23, 2014 which permitted the construction of a four story apartment building with twenty-six (26) dwelling units and associated parking where such a use is not permitted at property commonly known as 101 Green Grove Avenue, and officially designated as Block 116; Lot 1 and Block 133, Lot 1 on the official Tax Map of the Borough of Keyport; and

WHEREAS, the applicant has now revised its plans so as to only be seeking preliminary and final major site plan approval permission to a construct a 3.5 story apartment building with a total of twenty-four (24) dwelling units with associated parking; and

WHEREAS, as a condition of the aforesaid January 23, 2014 Resolution, the applicant has now included adjacent property known as the "Green Grove Apartments", located at Block 117, Lot 1; Block 118, Lots 7 & 8; Block 132, Lot 1; Block 134, Lots 47, 48, 49, 50, and 51 as part of this site plan application; and

WHEREAS, Board Members John J. Kovacs and Jacqueline Kovacs-Olsen have recused themselves from all aspects of this application due to having property interests located within 200 feet of property involved with this application; 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 October 22, 2015 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. This application constitutes a request by the applicant, Keyport Realty Development, LLC, for preliminary and final major site plan approval, with associated height and sign area variances, so as to be able to construct a 3.5 story apartment building with a total of 24 two-bedroom apartments, a gym, common room and associated building and surface parking on property officially known as Block 116, Lot 1 and Block 133, Lot 1 on the official tax map of the Borough of Keyport.
2. This request for preliminary and final major site plan approval is the second phase of a bifurcated application, the use variances for which were originally granted by the Planning Board by way of a Resolution adopted on January 23, 2014. That original grant of use variance approval actually granted the applicant approval to construct a 4 story apartment building with a total of 26 dwelling units. The application has now been revised so as to only seek approval to construct the aforementioned 3.5 story apartment building consisting of a total of 24 dwelling units.
3. As a condition of the initial use variance approval, the applicant was required to include the Green Grove Apartments complex, which is located directly across Williamson Street from the subject property, as part of this site plan application. The Green Grove Apartments is situated on property officially known as Block 118, Lots 7 & 8; Block 132, Lot 1; Block 134, Lots 47, 48, 49, 50 and 51 on the official tax map of the Borough of Keyport. This condition was made part of the original use variance grant due to the fact that during the use variance phase it had been indicated by the applicants that two properties would work in conjunction with one another since, although being owned by different corporate entities, they did share similar ownership. Specifically, principals of the applicant, Keyport Realty Development, LLC have some ownership interest in the owner of the Green Grove Apartments, Green Grove Associates, a Limited Partnership.
4. During all portions of these proceedings, the applicant was represented by Christopher J. Hanlon, Esquire of the law firm Hanlon, Niemann & Wright which has offices located at Juniper Business Plaza, 3499 Route 9 North, Suite 1-F, Freehold, New Jersey.
5. In support of the application, the following exhibits were marked into evidence by the applicant:

Exhibit A-1 : "Application To The Keyport Unified Planning Board" dated June 9, 2015.

Exhibit A-2 : "Preliminary and Final Major Site Plan" prepared by Michael Geller, P.E. of Geller, Sive & Company dated June 18, 2015.

Exhibit A-3 : "Conceptual Parking Improvements Plan: Green Grove Apartments" prepared by Michael Geller, P.E. of Geller, Sive & Company dated June 12, 2015.

- Exhibit A-4 :** “Boundary and Topographic Survey” prepared by Andrew R. Stockton, P.E., L.S. of Eastern Civil Engineering, dated April 2, 2015.
- Exhibit A-5 :** “Pre Development Drainage Areas Map” prepared by Michael Geller, P.E. of Geller, Sive & Company dated June 12, 2015.
- Exhibit A-6 :** “Site Development Plan” prepared by John M. Montoro, A.I.A. of The Montoro Architectural Group dated June 27, 2013, last revised June 26, 2015.
- Exhibit A-7 :** “Environmental Impact Report” prepared by Michael Geller, P.E. of Geller, Sive & Company dated June 12, 2015
- Exhibit A-8:** “Traffic Impact Report” prepared by Michael Geller, P.E. of Geller, Sive & Company dated June 12, 2015.
- Exhibit A-9:** “Stormwater Management Report” prepared by Gary Chiang, P.E. of Geller, Sive & Company dated June 12, 2015.
- Exhibit A-10:** Second Floor Plan (Revised version of PB-2 of Exhibit A-6) prepared by John M. Montoro, A.I.A. of The Montoro Architectural Group dated June 27, 2013, last revised August 27, 2015.
- Exhibit A-11:** McGraw-Edison catalogue description of BPL Valet Led Lights
- Exhibit A-12:** “Rendering Plan: Aerial Vicinity Map” prepared by Geller, Sive & Company dated August 27, 2015.
- Exhibit A-13:** Photograph of an existing Green Grove Apartment Sign
- Exhibit A-14:** “Application To The Keyport Unified Planning Board” signed on behalf of Green Grove Associates, LP, the owners of the Green Grove Apartments so as to consent to the application.
- Exhibit A-15:** Revised Architectural drawings as prepared by John M. Montoro, A.I.A. of The Montoro Architectural Group dated June 27, 2013, last revised September 11, 2015.
- Exhibit A-16:** “Hardi Plank” sample of siding to be used at proposed building, however not the exact color.
- Exhibit A-17:** “Progress Plan” prepared by prepared by Michael Geller, P.E. of Geller, Sive & Company dated September 10, 2015.

6. Beyond the exhibits marked into evidence by the applicant, the Board also marked its own exhibits into evidence as follows:

- Exhibit B-1:** “Resolution of Approval For Bifurcated Use Variance Approval For the Purpose of Constructing a Four Story Apartment Building With Twenty-Six (26) Dwelling Units and Associated Parking Where Such A Use Is Not Permitted” adopted by the Unified Planning Board of Keyport on January 23, 2014.
- Exhibit B-2:** “First Engineering and Planning Review” letter authored by Francis W. Mullan, P.E., C.M.E. and Stan Slachetka, P.P., AICP of T&M Engineering.
- Exhibit B-3:** Undated Review Memorandum of the Keyport Environmental Commission authored by Commission Chairman Dr. Kenneth R. DeGroat.

7. Both the Board Engineer, Fran Mullan, P.E., and the Board’s Planner Stan Slachetka, P.P. of T&M Engineering were present at the meeting. Both professionals were sworn and certified as to the information contained within the T&M Engineering Review letter which was marked into evidence as **Exhibit B-1** and incorporated into this Resolution by reference.

8. As recognized within the T&M review letter (**Exhibit B-2**), the subject property is located at the corner of Williamson Street and Green Grove Avenue. The development tract contains a total of 2.541 acres, however a large part of the tract is located within and subject to a conservation easement for freshwater wetlands transition area and therefore cannot be developed.
9. The site was formerly occupied by a small mobile home park with approximately 13 units. This use has been discontinued and the site is currently unoccupied with only concrete pads and a masonry garage structure remaining.
10. The property in question is located within the Borough's RC Zone which leads to two variance conditions being necessitated. The variances are as follows:
 - (A) Height Variance - The Keyport Zoning Ordinance only permits a height of 30 feet whereas the applicant is proposing a height of 32 feet, 11.5 inches.
 - (B) Story Variance - The Keyport Zoning Ordinance only permits 2.5 stories whereas the applicant has applied for 3.5 stories.
 - (C) Sign Area Variance - The Keyport Zoning Ordinance only permits for multifamily signs in residential zones of 6 square feet. The applicant is proposing an 18 square foot sign.
11. In support of the application, the applicant presented sworn testimony from its professional architect, John M. Montoro, A.I.A. of the The Montoro Architectural Group which has offices at 150 West Saddle River Road, Saddle River, New Jersey.
12. Mr. Montoro relying upon **Exhibit A-15** explained that the applicant was proposing to build a 3.5 story apartment building consisting of twenty-four dwelling units. On the ground level is a parking lot consisting of 57 spaces, including two handicapped parking spaces.
13. A portion of the building is constructed above the right hand side of the parking area. It was noted that the building is raised high enough to provide adequate clearances for emergency vehicles to traverse and park underneath it.
14. 22 of the proposed parking spaces are located under the building, 19 spaces are located in the parking lot just west of the building, 8 spaces are perpendicular spaces facing off of the Williamson Street driveway and 8 more parallel parking spaces are situated along the easterly portion of the property.
15. The portion of the building which is located on the ground level consists of four (4) residential apartments, a gym, community room, utilities, mechanical rooms and women's and men's toilets.
16. As further indicated on **Exhibit A-15**, the remaining twenty apartments are located on the second floor, with each unit having a staircase leading to the third floor where the sleeping loft areas for those units are located.

17. It was noted by Mr. Montoro that, as shown on the plans (**Exhibit A-15**) the residential units all consist of a dining room, living room, den area, bathroom, kitchen and utility room and two bedrooms each. The dens do not have closet space so as to eliminate the possibility of those rooms being turned into a third bedroom. This prohibition against the dens having closet space was a condition of the original use variance approval.
18. An attic space, which will not be accessible by the residents of the building, runs above the loft space. This attic space is intended to house mechanical equipment such as the sprinkler system. The attic will not be utilized for storage. It can only be accessed from the two stairwells at the ends of the building.
19. As to the exterior of the building, Mr. Montoro indicated that they had created a dormer look to lessen the height effect on the front of the building. The third floor bedrooms are actually built into the attic space and dormered so that the edifice does not show a full floor plate area. The material intended to be used for the top gable element of the building would consist of "hardi plank" (**Exhibit A-16 - although the exhibit is not the color which will be used**). He felt that the design of the building (**Exhibit A-15**) combined with the hardi plank material created a very attractive elevation for the property.
20. Mr. Montoro also addressed the height variance which is associated with this property. He noted the Keyport height ordinance permits a maximum of 30 feet. The building he has designed comes to a total of 32 feet and 11.5 inches to the midpoint of the roof. He indicated that the reason for the height was that the building has been raised to allow for the sanitary lines to be installed underneath the structure, in a sloped manner, because they need to have the proper pitch to keep the flow going in one direction. He emphasized that absent the building of a new sewerage pump station, which the Board was inclined against having constructed, the sewerage system for the new building could not have been properly connected to the sewerage system located across the street at the existing Green Grove Apartments complex without the additional two feet and 11.5 inches being employed.
21. The additional height was also required in to order to allow adequate space for parking spaces to be constructed underneath the building.
22. With regard to a ground sign which was being proposed by the applicant, Mr. Montoro testified that it would consist of a base that would be made of a stone material. On top of the base would be placed the sign displaying the name of the building. The sign area is approximately 18 square feet. It has its own little crown and pilasters on the side to give it a pleasing aesthetic look. He believed that this proposed sign would be more attractive and more visible than the one utilized by the Green Grove Apartments next door. (**Exhibit A-13**)

23. In addition to the testimony of Mr. Montoro, the applicant also presented sworn testimony from its professional engineer and planner, Michael Geller, P.E., P.P. of the firm Geller, Sive & Company which has offices located at 958 Adelphia Road, Adelphia, New Jersey.
24. With regard to the 57 parking spaces associated with the site, Mr. Geller testified that the applicant was looking for permission to change one of the conditions of the earlier use variance approval. Condition # 4 of the January 23, 2014 Resolution (**Exhibit B-1**) had mandated all of the new parking spaces were to be numbered with residents being given permits to park on the property. The applicant was now proposing that rather than having numbered spaces, the spaces would instead be controlled by decals given to residents. Each resident would be limited to (2) decals and those decals would have to be registered to a specific vehicle so as to prevent transference of the decals to non-residents. This would guarantee each resident at least one spot at the building. This new system would be a condition of approval and would be employed by both the Green Grove Apartments and the newly proposed complex. It was noted that the Green Grove Apartments would utilize a different colored tag from the newly built complex so that management would be able to differentiate between the two.
25. Christopher Knight, the applicant's property manager, testified that management would tow unauthorized vehicles from the site. The applicant also agreed, as a condition of approval, to add a sign detail to its final plans which would reflect the signage required by the New Jersey Predatory Towing Prevention Act, N.J.S.A. 56:13-7, et. seq. Such a sign is required by the Act in order to permit the applicant and the Green Grove Apartments to tow vehicles from their respective properties.
26. Mr. Geller relied upon what he referred to as a "Progress Plan" which had been submitted into evidence as **Exhibit A-17**. He reminded the Board that the earlier use variance approval had been predicated on the applicant obtaining a vacating of Williamson Street, which is forty feet wide, from the Borough of Keyport. That vacation had been successfully accomplished. Under the vacation, twenty feet of Williamson Street had reverted back to the Green Grove Apartments property while the remaining twenty feet would be fall under the ownership of the new building.
27. After the Williamson Street vacation, the proposed building site contains 2.8 acres. It lies adjacent to Chingarora Creek and portions of the property are located within wetlands. Those areas are subject to a prior conservation easement establishing and dictating what portions of the site can be utilized and where there can be no further activity. The conservation easement between the former property owner and the New Jersey DEP, dated August 20, 2008, is recorded with the County Clerk's Office in Deed Book OR-8736 at Page 4843.

28. Mr. Geller indicated that the conservation easement very much limited the applicant's ability to build an outdoor recreation area for the existing Green Grove Apartments and new building. The alternative was that a gym was being constructed within the new building that would service both complexes. It was agreed as a condition of approval that an access easement would be prepared between the two properties and recorded with the Monmouth County Clerk's Office so as to ensure that residents of the Green Grove Apartments would be able to use the new building's gym facilities. Such easement would need to be submitted to the Planning Board's attorney and engineer for review and approval prior to its recording.
29. The applicant would also be agreeing to the dedication of a 20' wide sanitary sewer easement to be dedicated to the Borough in the area along Williamson Street. The easement would need to be submitted to the Planning Board's attorney and engineer for review and approval prior to its recording with the Monmouth County Clerk's Office.
30. With regard to the multiple tax lots which made up the Green Grove Apartments and the site of the newly proposed building, the applicant agreed, as a condition of approval, that said lots would all be consolidated so as to leave the Green Grove Apartments with a single block and lot and the new building with its own separate block and lot. It was specifically recognized that the applicant's property and the Green Grove Apartment property would not be consolidated with one another since the two properties were under different corporate ownership. The consolidation deeds would need to be submitted to the Planning Board attorney and the Planning Board Engineer for their review and approval prior to their recording with the Monmouth County Clerk's Office.
31. The applicant also agreed, as a condition of approval, to record cross-easements relative to the proper operation and maintenance of the site plan. These cross-easements would also need to be submitted to the Planning Board attorney and the Planning Board Engineer for their review and approval prior to recording with the Monmouth County Clerk's Office.
32. Beyond construction of the new building itself, it was recognized throughout the course of the application that there is a significant parking problem in the neighborhood surrounding both the Green Grove Apartments and the applicant's proposed site. Mr. Geller testified that the applicant remained aware of this fact. He noted that there had been an area of the Green Grove Apartments which had previously housed a swimming pool. It was the proposal of the applicant to turn this area into an overflow parking space. With that said, it needed to be recognized that the property was subject to a wetlands delineation from the New Jersey DEP. As a consequence, the applicant could not proceed with an actual proposal for this space at the time. It was agreed however, as a condition of approval, that the applicant would be required to seek such a delineation from the New Jersey DEP and then return to the Planning Board at a future date, with notice to the public, for the conducting of a public hearing as to

what the proposed parking area would look like. So as to ensure compliance with this condition, if the applicant has not returned to the Board within one (1) year of the adoption of this Resolution, it must nevertheless appear at that time so as to advise the Board as to the status of its efforts toward the building of the parking area. Such an update hearing would not need to be on public notice. The remainder of the applicant's development project would be allowed to proceed while this delineation process was underway.

33. With regard to trash collection, Mr. Geller testified that there will be a 10 x 16 foot refuse enclosure proposed on the easterly end of the new building that would serve its needs. It would consist of two or three dumpsters. There would also be a reconstruction of the enclosures on Williamson Street that serve the Green Grove Apartment complex. The enclosure areas would comply with all ordinance requirements. They would be enclosed with six foot high solid enclosures and have gates to enter into them. As a condition of approval, the final layouts of these refuse areas would need to be shown on the final plans and would be subject to the review and approval of the Board Engineer and the Board Planner.
34. Mr. Geller also referred to the Traffic Impact Report which had been marked into evidence as **Exhibit A-8**. Based upon the findings in this report, Mr. Geller did not believe that the new construction would have an significant traffic impact on Green Grove Avenue.
35. With regard to lighting, Mr. Geller testified that the lighting improvements would consist of 12 foot high mountain height lights of a Colonial type feature. He further noted that there is an existing streetlight at the intersection of Green Grove Avenue and the proposed driveway. When that pole gets relocated, the existing light will remain upon it. He believed this was more than adequate lighting for the proposed building.
36. Mr. Geller also addressed the lack of a loading space for the site. He noted that for short deliveries, such as FedEx and UPS, such vehicles could pull directly up to the building, go right inside and then leave. As for larger vehicles such as moving vans, he indicated that such vehicles could park in front of the refuse enclosure area. The area in front of the enclosure consisted of about 30 feet and was more than adequate to accommodate such vehicles.
37. Mr. Geller, in his capacity as Planner for the applicant, also addressed the three variances associated with this application. First, he noted that the applicant has requested the aforementioned height variance wherein the applicant was seeking to construct a 32 foot 11.5 inch tall building although the zoning ordinance only permitted a height of 30 feet. This same analysis applies to the variance request related to the number of stories. Secondly, he noted that the applicant requires a sign area variance at the corner of the proposed driveway and Green Grove Avenue. The applicant was seeking to construct an 18 square foot sign

whereas the ordinance only allows for a six square foot sign for multifamily uses in residential zones.

38. Mr. Geller testified that in his professional opinion, all variances were being requested as they led to a better aesthetical result for the development. With regard to the height, it was specifically noted that 32 feet, 11.5 inches were being proposed to allow for sufficient parking at the site and also to ensure that the sewerage system functioned properly. Both of these items had been earlier testified to by Mr. Montoro, the applicant's architect. It was further noted that the additional height is required to avoid the necessity of installing and dealing with the risk of failure of a sewerage pump station.
39. Mr. Geller indicated his belief the proposal promoted a more aesthetically pleasing structure that would advance the purposes of zoning. Specifically, he noted that the applicant had utilized creative development techniques and good civic design when creating this project.
40. It was also noted that the site would have an improved stormwater plan, as it would bring the property to the quantity management standards in accordance with Best Management Practices. The site was improving from 250 linear feet of pipe to over 1,100 linear feet allowing for a significant increase in water flow and more volume storage to be provided. This was evidenced by the Stormwater Management Report which had been submitted into evidence. **(Exhibit A-9)** With that said, it was noted that the applicant had not yet submitted final stormwater calculations. As a condition of approval, it was agreed that the applicant would be required to submit such final stormwater calculations to the Board's Engineer for his review and approval.
41. Mr. Geller could not foresee any negatives which would be associated with the application as he believed the entire neighborhood would be improved after the project was constructed. He noted that the this proposal was replacing vacant land which had previously been utilized as a trailer park which had since been abandoned. He could envision no benefits in denying the application and leaving the property as it presently exists.
42. With respect to waivers associated with the project, Mr. Geller turned to the T&M review letter of July 20, 2015 **(Exhibit B-2)**. The applicant agreed to comply with the terms of the letter with the following exceptions:
 - (A) Item 6.7 - This item noted that driveways cannot be located any closer than 50 feet to any street intersection. It was stated however that since Williamson Street had been vacated, this item was now moot since it would no longer be a public street.
 - (B) Item 6.8 - This item relates to the installation of a loading zone. As per paragraph 36 of this resolution, the loading zone issue has been addressed and such a zone is not necessary.

- (C) Item 7.3 - This item refers to updating the stormwater management plan. This is being addressed by paragraph 40 of this Resolution in that the applicant must submit final stormwater calculations to the Board's Engineer for his review and approval.
 - (D) Items 8.1, 8.2 and 8.4 - These items refer to a pump station which the applicant will not be construction. As a result, these comments are no longer relevant.
 - (E) Item 9.3 - This item noted that the plan must be revised to include screening along the northerly and southerly sides of the proposed new parking areas. It was stated that the northerly side of the property is the driveway and the parking space areas facing both the site and the Green Grove Apartments. On the southerly side of the parking area is the conservation easement which already has natural flora growing there. As a result, the applicant did not believe additional screening was necessary.
 - (F) Item 9.7 - This item indicated that landscaping must be installed on all three sides of the proposed refuse enclosure. It was noted that the applicant will be providing screening on two sides. The third side abuts the sidewalk and therefore screening should not be necessary.
43. The Board's Engineer and Planner both indicated that they had no objections to the application from an engineering or planning perspective as long as the new project was built in conformance with the plans and testimony which had been submitted into evidence and the conditions of the review letter (**Exhibit B-2**) were complied with other than items 6.7, 6.8, 7.3, 8.1, 8.2, 8.4, 9.3 and 9.7 as requested by the applicant since those waiver requests were reasonable.
44. The following members of the public also spoke with respect to this application:
- (A) **Erin Tornetto - 117 Fulton Street, Keyport**
 - (B) **Frank Boardwick - 46 Eighth Street, Keyport**
 - (C) **Salvatore Tornetto - 117 Fulton Street, Keyport**
 - (D) **John Kovacs - 33 Eighth Street, Keyport**
- All five individuals spoke with respect to the proposed new parking area that might be constructed upon the site where the Green Grove Apartments swimming pool had been located. It was noted by the Board that this parking area would be the subject of a future Planning Board hearing once a wetlands delineation was completed and it was understood what could actually be constructed at the site.
45. Robert Ludwig of 50 Beers Street, Keyport, also addressed the Board with respect to the general site plan of the site, urging that the Board make sure that safety is taken into consideration when determining whether to approve the application. In his opinion it was not clear that the adequate safety controls had been proposed at the site which would lead to it being ready for final Board approval.

46. In considering this application, the Planning Board finds that the requested relief can be granted pursuant to the provisions of both N.J.S.A. 40:55D-70(c)(1) and (2).
47. With regard to the (c)(1) hardship variance, the applicant has most definitely established that there is a natural hardship associated with this property based upon its proximity to Chingarora Creek and the existence of the conservation easement which surrounds the property. The applicant's property is most definitely encumbered by these features and there would be no realistic way to develop this property other than the manner in which is being proposed.
48. With regard to the (c)(2) flexible variance, the applicant has established that the proposed height of the building is being dictated by the fact that the applicant needs to provide parking under the building in order to meet its parking needs. The height also allows emergency vehicles to traverse underneath. Additionally, the height is also dictated by the fact that it is necessary to provide an appropriate pitch for the sanitary sewage system. The Board specifically finds that based upon both of these issues, the benefits of granting the height variance are better for the Borough than strict adherence to the Zoning Ordinance would otherwise allow. There would certainly be no benefit for the community if the applicant was required to lower its building, thereby potentially eliminating the excess parking that is being provided and disrupting the pitch necessary for a properly functioning sanitary system.
49. With regard to the proposed sign area variance, the Board agrees with the testimony of the applicant's architect and planner that the proposed sign will be more attractive and noticeable than what would otherwise permitted by the Ordinance. This is necessary in order to ensure that vehicles headed to the site recognize where the Green Grove Apartments end and the new complex begins. There is already a significant parking problem issue in the surrounding area, and the Board believes the proposed sign will help alleviate that situation. For both aesthetic and practical reasons, the Board finds that the benefits of granting the sign area variance exceed the benefits of requiring the applicant to adhere to strict compliance of the ordinance as written.
50. The Board cannot envision any negatives which would be created for the neighborhood if this application was granted as proposed. This property was formally a trailer park which has long been abandoned. Leaving the property as it presently exists could not possibly be a benefit to anyone.
51. As the Board finds that the applicant has met the required positive and negative criteria for the height and sign area variances pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and (2), such variance relief can be granted.
52. With regard to the applicant's request for preliminary and final major site plan approval, after considering the testimony and evidence placed into evidence, and assuming all

representations are adhered to, the Board finds that proposed site will function properly. As a result, the Board finds that the requested preliminary and final major site plan approval may be granted.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Keyport Realty Development, LLC seeking preliminary and final major site plan approval, with height and sign area variances, at premises commonly known as 101 Green Grove Avenue, and officially designated as Block 116; Lot 1 and Block 133, Lot 1 on the official Tax Map of the Borough of Keyport be granted subject to the following conditions:

1. Subject to the continued inclusion of the Green Grove Apartments, located at property officially known as Block 118, Lots 7 & 8; Block 132, Lot 1; Block 134, Lots 47, 48, 49, 50 and 51 on the official tax map of the Borough of Keyport, as part of this site plan approval.
2. Subject to the applicant adhering to all conditions contained within the original Use Variance Resolution of Approval dated January 23, 2014 with the exception of condition # 4. **(Exhibit B-1)**
3. Subject to the modification of the original condition # 4 so as to reflect that the applicant will control the parking situation at both the subject site and at the Green Grove Apartments through the issuance of parking decals to every resident. Each resident will be issued no more than two (2) decals which must be related to a specific vehicle. Management must enact a proceed to confirm that the registration of a vehicle to which a decal is assigned corresponds to a resident of the complex in question so as to avoid the potential of residents transferring the decals to non-residents. The Green Grove Apartments and the applicant's proposed building shall utilize different colors for their respective parking decals so as to differentiate between the residents of the two complexes.
4. Subject to the applicant's adherence to the plans and reports submitted into evidence by the applicant as identified in paragraph 5 of this Resolution above.
5. Subject to the applicant's compliance with the Engineering and Planning Review letter marked into evidence as **Exhibit B-2** except for items 6.7, 6.8, 7.3, 8.1, 8.2, 8.4, 9.3 and 9.7.
6. Subject to the condition that the applicant will add a sign detail to its final plans which would reflect the signage required by the New Jersey Predatory Towing Prevention Act, N.J.S.A. 56:13-7, et. seq.
7. Subject to the condition of the applicant entering into an access easement between its property and that of the Green Grove Apartments which will ensure that residents of the Green Grove Apartments would be able to use the new building's gym facilities. Such easement would need to be submitted to the Planning Board's Attorney and Engineer for review and approval prior to its recording with the Monmouth County Clerk's Office.

8. Subject to the condition of both the applicant and the owner of the Green Grove Apartments consolidating the different lots which make up their respective properties so as to leave the Green Grove Apartments with a single block and lot and the new building with its own separate block and lot. It is specifically recognized that the applicant's property and the Green Grove Apartment property would not be consolidated with one another since the two properties are under different corporate ownership. The consolidation deeds would need to be submitted to the Planning Board Attorney and the Planning Board Engineer for their review and approval prior to their recording with the Monmouth County Clerk's Office.
9. Subject to the condition of the applicant and the owner of the Green Grove Apartments entering into cross-easements relative to the proper operation and maintenance of the site plan. These cross-easements would need to be submitted to the Planning Board attorney and the Planning Board Engineer for their review and approval prior to their recording with the Monmouth County Clerk's Office.
10. Subject to the applicant and the owner of the Green Grove Apartments dedicating a 20' wide sanitary sewer easement to the Borough in the area along Williamson Street. The easement would need to be submitted to the Planning Board's Attorney and Engineer for review and approval prior to its recording with the Monmouth County Clerk's Office.
11. Subject to the condition that the applicant and the owner of the Green Grove Apartments be required to seek a wetlands delineation from the New Jersey DEP related to the possibility of constructing a new parking area at the old Green Grove Apartments swimming pool location. Upon receipt of that delineation, the applicant and the owner of the Green Grove Apartments will be required to return to the Planning Board, with notice to the public, for the conducting of a public hearing as to how the proposed parking area will be designed and function. If the applicant has not returned to the Board within one (1) year of the adoption of this Resolution, it must nevertheless appear at that time so as to advise the Board as to the status of its efforts toward the building of the parking area. Such an update hearing would not need to be on public notice. Subject to the requirement that it satisfy the other conditions of this Resolution, the applicant shall be permitted to obtain a building permit to proceed with construction of the sought after development project while this delineation process is underway.
12. Subject to the condition that the applicant will provide final layouts of the refuse areas on the final plans which shall be subject to the review and approval of the Board Engineer and the Board Planner.
13. Subject to the condition that the applicant must submit final stormwater calculations to the Board's Engineer for his review and approval.

14. Subject to the condition that the applicant must post the appropriate performance, maintenance guarantees and inspection fees with the Borough of Keyport.
15. Unless waived by the Borough, the applicant must enter in a Developer's Agreement with the Borough.
16. 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 made before the Board shall be deemed a violation of this approval.
17. The variance approvals shall be deemed void by abandonment if a permit is not issued within one year of the date hereof. The applicant may apply, without notice, for extensions of this limitation if such is necessary.
18. 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.
19. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
20. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
21. 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.
22. 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.
23. 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 **Mr. Sessa**

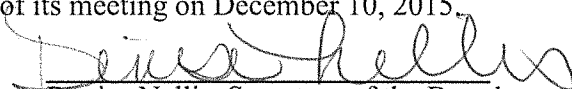
Seconded by **Mr. Musson** and on Roll Call, the following vote was recorded:

Affirmative: **Mr. Burlew, Mr. Sessa, Chairman Benedict, Mr. Musson, Mr. Sappah and Mr. Oviedo**

Negative: **Mr. Fotopoulos**

Abstentions:

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 December 10, 2015.


Denise Nellis, Secretary of the Board