

RESOLUTION  
GRANTING PRELIMINARY AND FINAL SITE PLAN AND SUBDIVISION APPROVAL

UNIFIED PLANNING BOARD  
BOROUGH OF KEYPORT

BLOCK 20, LOTS 1,2,3,5,6,6.01,7,9, 11.01, 13 & 14

Application # 17-07  
MARINER'S VILLAGE AT KEYPORT, LLC  
357 WEST FRONT STREET

WHEREAS, Mariner's Village at Keyport, LLC has filed an application seeking Preliminary and Final Site Plan Approval for the purpose of constructing a multi-family apartment building containing 120 Units (80 two-bedroom apartments and 40 one-bedroom apartments), a 5 story parking garage and other amenities. The site is part of the previously approved Brown's Point Redevelopment Area and is located on property commonly known as 357 West Front Street and also designated as Block 20, Lots 1,2,3,5,6,6.01,7,9,11.01,13&14 on the official tax map of the Borough of Keyport. Additionally, the applicant seeks Major Subdivision approval, so as to create two (2) new lots, which will serve to create a separate marina tract from the main tract and to accommodate improvements necessary for the Redevelopment Area, particularly the primary access to the multi-family apartment building and parking garage; 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, public hearings on the application were conducted in the within matter during regularly scheduled meetings of the Unified Planning Board held on August 23, 2018 and October 25, 2018; and

WHEREAS, Board Member Nicholas Vecchio has recused himself from all aspects of the application due to the fact that he owns property within 200 feet of the subject property; 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. The subject property is located at 357 West Front Street and is also designated as Block 20, Lots 1,2,3,5,6,6.01,7,9,11.01,13&14 on the official tax map of the Borough of Keyport.
2. The site fronts on Broadway, North West First Street and West Front Street while also abutting Matawan Creek. It is partly located within the Brown's Point Redevelopment Area and partly located within the Borough's General Commercial Marine (GCM) Zoning District. It also includes a portion of Washington Street previously vacated to the property owner.

3. This application constitutes a request for Preliminary and Final Major Site Plan approval for Mariner's Village at Keyport, LLC to construct a multi-family apartment building containing 120 Units (80 two-bedroom apartments and 40 one-bedroom apartments), a 5 story parking garage and other amenities such as a pool, patio, "Dog Care" and outdoor dog park/run. The site will also be improved with walking paths, a floating dock with kayak launch and associated landscaping, drainage and lighting improvements.
4. Additionally, the applicant seeks Major Subdivision approval, so as to combine the existing lots into two (2) new lots, which will serve to create a separate marina tract from the main tract and to accommodate improvements necessary for the Redevelopment Area, particularly the primary access to the multi-family apartment building and parking garage. Although official new lot numbers will need to be assigned by the Borough's Tax Assessor, proposed new Lot 15 will be 1.99 acre tract with frontage on West Front Street that will contain the existing marina facilities. Proposed new Lot 16 will be a 9.04 acre irregularly shaped tract with frontage on West Front Street, North West First Street and Broadway that will contain the aforesaid multi-family use and associated amenities.
5. The site plan application has been designed to meet all of the standards of the Redevelopment Area created by the Borough Council. As a result, there are no variances associated with this application.
6. During all portions of these proceedings, the applicant was represented by Kenneth L. Pape, Esquire of the law firm Heilbrunn Pape, LLC, which has law offices located at 516 Route 33, Millstone, New Jersey 08535.
7. In support of the application, the following exhibits were marked into evidence by the applicant:
  - Exhibit A-1:** Preliminary and Final Major Site Plan and Subdivision Plans dated July 31, 2017, last revised January 22, 2018, as prepared by MidAtlantic Engineering Partners (Consisting of 16 sheets)
  - Exhibit A-2:** Major Subdivision Plan dated January 24, 2018 as prepared by MidAtlantic Engineering Partners (Consisting of 1 sheet)
  - Exhibit A-3:** Turning Analysis Plan dated January 22, 2018 as prepared by MidAtlantic Engineering Partners (Consisting of 3 sheets)
  - Exhibit A-4:** Boundary & Topographic Survey dated December 16, 2011, last revised July 11, 2017, as prepared by MidAtlantic Engineering Partners (Consisting of 1 sheet)
  - Exhibit A-5:** Architectural Elevations dated January 18, 2018 as prepared by Minno & Wasko Architects and Planners (Consisting of 8 sheets)
  - Exhibit A-6:** Traffic Impact Statement For Mariner's Village At Keyport dated July 31, 2017 as prepared by Dolan & Dean Consulting Engineers, LLC
  - Exhibit A-7:** Stormwater Management Report For Mariner's Village At Keyport dated August 1, 2017, last revised February 13, 2018, as prepared by MidAtlantic Engineering Partners

- Exhibit A-8:** Operations & Maintenance Manual For Stormwater Management Facilities dated January 18, 2018, as prepared by MidAtlantic Engineering Partners
- Exhibit A-9:** Sanitary Sewer Engineer's Report For Mariners Village dated October 18, 2017 as prepared by MidAtlantic Engineering Partners
- Exhibit A-10:** Engineer's Report For Water Service Connection dated December 5, 2017 as prepared by MidAtlantic Engineering Partners
- Exhibit A-11:** Environmental Impact Report dated August 1, 2017 as prepared by MidAtlantic Engineering Partners
- Exhibit A-12:** Fiscal Impact Analysis dated June 1, 2018 as prepared by Art Bernard & Associates, LLC
- Exhibit A-13:** Mariner's Village Composite Rendering dated August 23, 2018
- Exhibit A-14:** A verison of Exhibit A-2 with enhancement showing lot lines.
- Exhibit A-15:** Brown's Point Marina Concept Plan prepared by MidAtlantic Engineering dated August 3, 2017, last revised October 11, 2018.
- Exhibit A-16:** "Overall Layout Plan" prepared by MidAtlantic Engineering dated July 31, 2017, last revised August 20, 2018.
- Exhibit A-17:** "Turning Analysis Plan" prepared by MidAtlantic Engineering dated October 8, 2018.
- Exhibit A-18:** Revised "Fiscal Impact Analysis" dated July 31, 2018 as prepared by Art Bernard & Assoc.
- Exhibit A-19:** Colorized version of "Architectural Plans" (consisting of 7 sheets)
- Exhibit A-20:** Colorized version of Site Plan, dated October 25, 2018
- Exhibit A-21:** Colorized verison of Exhibit A-15, dated October 25, 2018

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

- Exhibit B-1:** Brown's Point Marina Redevelopment Plan dated January 20, 2017, last revised on April 12, 2017
- Exhibit B-2:** Completeness, Planning and Engineering Review and Fee Determination letter dated July 11, 2018 as prepared by T&M Engineering
- Exhibit B-3:** A version of Exhibit A-2 marked up by Fran depicting enhancements showing existing lot lines to be eliminated and proposed new lot lines.
- Exhibit B-4:** Report from the Keyport Environmental Commission dated September 24, 2018
- Exhibit B-5:** E-mail dated October 12, 2018 from Keyport Chief of Police Mark Hafner

9. The Board Engineer, Francis W. Mullan, P.E., C.M.E. and Board Planner Donna Miller, AICP, PP, both of T&M Engineering were present at the meetings. 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-2** and incorporated into this Resolution by reference.

10. As noted earlier, proposed Lot 15 will contain the marina facilities associated with the redevelopment. Proposed Lot 16 will serve as the site for the proposed multi-family use and associated amenities. The subject site plan only deals with those issues related to proposed Lot 16. The Redevelopment Plan adopted by the Borough Council (**Exhibit B-1**) requires the development of Lot 15 as a marina facility. As a condition of approval of this site plan, the applicant would be required to return to the Board to obtain site plan approval for proposed Lot 15 before any construction work on proposed Lot 16 could commence.
11. It was also acknowledged by the applicant that, as a condition of approval, it would enter into a developer's agreement with the Borough Council before proceeding with construction.
12. The applicant further acknowledged that the site plan was dependent on the vacation, by the Borough Council, of a portion of Washington Street. The area to be vacated is shown on **Exhibit A-1**. The vacating at Washington Street, which is proposed within the adopted Redevelopment Plan (**Exhibit B-1**) would also be a condition of approval.
13. In support of the proposal, testimony was presented by the applicant's site engineer, Lous L. Zuenger, P.E.
14. Mr. Zuenger indicated that the applicant was committed to providing various modes of transportation for the residents of the 120 proposed rental units. These would consist of the following which would all be conditions of approval:
  - A) Shuttle Service will be available to the residents, Monday through Friday, providing transportation to and from the Aberdeen/Matawan train station. This service will operate twice in the morning and twice in the evening. Although not specifically a condition of approval, the applicant agreed that shuttle service will also be provided to the Academy Bus Station if such is later warranted based upon the needs of the residents of the building.
  - B) The property owner will employ electric low-powered vehicles, so that the residents of the building can be shuttled in and out of downtown Keyport to get to the local restaurants and shops. These "electric low-powered vehicles" were described as very efficient golf cart style vehicles which would not leave the Borough.
  - C) The property owner will also contract with a "Zip Car" like company so as to give residents access to automobiles by subscription on an hourly basis. It was agreed that there would be at least two (2) such vehicles housed on site for use by the residents.
  - D) The property owner will participate in the Borough's Bicycle Share program, ensuring that bicycles are available on site for the use of residents. This would be a condition of approval.

15. Mr. Zuenger also testified with respect to the five (5) story garage structure which was being proposed. He indicated it would consist of 175 parking spaces which were made up of 169 standard spaces + six (6) handicapped spaces. He noted that each apartment unit will be assigned one (1) space. The remaining spaces will be left open for guests. These will be conditions of approval.
16. With regard to the garage structure itself, it will have two gated entrances on either side which may be accessed in the following manner:
  - (A) Residents shall be able to access the garage via a driveway extending from the western side of West Front Street. The gate at the western entrance of the garage, at the end of the driveway, would only be accessible by residents using a key fob or other electronic device provided by the property owner.
  - B) Guests to the apartment building will also be able to access the garage via the driveway entrance from West Front Street. Before reaching the garage itself, there will be a call box from which guests will be able to call residents to announce their arrive. Residents will then be able to open the garage gate from within the building so as to allow access to their guests. There will be a turn around area at the call box location so as to allow guests adequate space to turn their vehicles around and head back down the driveway in the event the resident they are looking to meet is not available to open the gate for them. The site plan (**Exhibit A-1**) will need to be revised, pursuant to the review and approval of the Board's Engineer and Planner, so as to confirm the call box location and turn around space is adequate and safe.
  - C) The garage will also have a gated entrance on its eastern side, accessible from a second driveway off of Broadway. This gated entrance will only be accessible by the management of the building and emergency personnel from the Borough.
17. With regard to questions as to how residents will access the site when they are looking to move into the building, Mr. Zuenger noted that moving trucks could gain access via the secondary driveway off of Broadway, at which a lobby area to the building will be located. Packages would also be delivered to this lobby area. All residential leases would limit the size of moving trucks to 30 feet maximum. This would be a condition of approval.
18. With respect to the main driveway entrance off of West Front Street, it was also noted that it would only serve to access the garage structure. There would not be access from the main resident driveway to the marina facility which will be located on proposed lot 15.
19. It was also agreed as a condition of approval that in order to ensure the apartment building functions properly, there will be an on-site property manager who will reside at the premises.

20. Mr. Zuenger further indicated that the applicant would be providing parking spaces outside of the apartment building for public use. There would be nine (9) of these public spaces consisting of eight (8) standard space and one (1) handicapped space. These were all depicted on the site plan. (Exhibit A-1)
21. Turning to the lighting for the building, Mr. Zuenger testified that they will be LED. It was agreed, as a condition of approval, that the applicant will obtain the approval of the Board's Engineer and Planner as to the proper intensity of the lighting so as to ensure it will not act as a disruption to neighboring properties.
22. Landscaping for the site would also be subject to the review and approval of the Board's Engineer and Planner. It was agreed that input into the final landscaping plan would take into account the opinions of the immediately adjacent property owners. This was a condition of approval.
23. With regard to landscaping, it was agreed that the silt fence depicted upon sheet 12 of the site plan (Exhibit A-1) will be pulled back five feet. The only time the applicant will go beyond the silt fence is for landscaping purposes. The site plan shall be revised to reflect this change, subject to the review and approval of the Board Engineer. This would also be a condition of approval.
24. As to drainage at the site, Mr. Zuenger assured the Board that the applicant would revise its drainage plan, subject to the review and approval of the Board's Engineer, so as to ensure there would no encroachments on to neighboring lots. It was the intention that absolutely no water run-off would transfer from the subject property onto neighboring ones. This would be a condition of approval.
25. The applicant also agreed to work with the Board Engineer and Alan T. Younker, the owner of adjacent property located at 28 Washington Street which is officially designated as Block 20, Lot 10, so as to construct a retaining wall and fence which would better protect that lot. Such a retaining wall would also be constructed between the applicant's site and adjacent property located at 16 Washington Street, officially designated as Block 20, Lot 8, if the owner of that lot consented to same. All of this was of course subject to approval from the State Department of Environmental Protection (DEP). This would be a condition of approval.
26. Further related to the construction of the project, it was agreed, as a condition of approval, that all improvements made to support the proposed project would be at the expense of the applicant. Additionally, any damage caused during the course of construction project would be repaired or replaced at the applicant's expense. This included, but was certainly not limited to, the requirement that if any damage is done in bringing a new water main to the

site, it would be repaired from curb to curb, where warranted, as determined by the Borough's Engineer. The applicant would work with the Borough Engineer to ensure the water main is properly installed at the site. These conditions would also be made part of the developer's agreement to be entered into between the Borough and the applicant.

27. It was also agreed as a condition of approval that during the construction phase of the project all access to the site would be via the main driveway off of West Front Street. Broadway would not be utilized for construction purposes unless absolutely necessary. This would be a condition of approval and would be made part of the developer's agreement to entered into between the Borough and the applicant.
28. Finally, with respect to the construction of the project, it was agreed that the applicant would survey all surrounding properties prior to the commencement of work on the site. If any damage was done to those properties as a consequence of the construction, the applicant would be responsible for making repairs to those neighboring properties.
29. The applicant also agreed, as a condition of approval, to revise all of its plans to make sure they are consistent with regard to the applicable flood zones. This revision shall be reviewed and approved by the Board Engineer.
30. With respect to the engineering and planning review letter (**Exhibit B-2**), the applicant agreed that it would comply with all of the recommendations contained therein with the following exceptions:
  - (A) Point 1.6 - The letter recommends that a sidewalk proposed along the west side of the main driveway be extended along the east side of the driveway to West Front Street. After much conversation, it was agreed this recommendation would not be necessary.
  - (B) Point 1.7 - The letter recommended that the applicant replace all of the sidewalk along Broadway, Northwest First Street, Washington Street and West Front Street. The applicant agreed, and the Board and its professional's accepted, that the applicant would only be required to replace sidewalk in those areas which were actually disturbed during the course of the project.
31. With respect to outside approvals that will be required for the project, the applicant agreed that it would obtain same. If any outside approval, including but not limited to those from the Borough's Fire Sub Code Official and the State Department of Environmental Protection (DEP), requires material changes to the subject site plan, the applicant would be required to return to the Board for a revised site plan application. This would be a condition of approval.
32. On the subject of outside approvals, it was agreed that the applicant would remove all of the bamboo and other debris located at the end of Broadway provided that State DEP approval was not necessary to effectuate that cleanup. This would be a condition of approval.

33. An approval would also be subject to the dedication of a public access and conservation easement to the Borough as required by the State DEP. Said documents to be subject to the review of the Board Attorney, the Board Engineer and Board Planner prior to their submission to the Borough Council for its consideration. This would be a condition of approval.
34. The applicant also assured the Board that, as a condition of approval, it would copy the Board's Engineer and Planner on all correspondence it sent to outside agencies relative to the application.
35. The applicant further agreed as a condition of approval that it would design and develop the site in conformance with all applicable codes so as to protect it from the impact of moderate wave action.
36. Based upon all that had been presented and all of the conditions agreed to, Mr. Zuenger believed that the site had been properly designed and would function appropriately.
37. Beyond the testimony of Mr. Zuenger, the applicant also presented testimony from its Architect, David Minno, P.A.
38. Mr. Minno described the facilities which would be located within the building itself. These included, but were not limited to, the following:
- A) A meeting area which will be available to residents to reserve as parties
  - B) A fitness center available to all residents
  - C) A dog wash room
  - D) A trash collection room with trash compactor
39. Mr. Minno explained that the property owner would hire a private trash hauler to collect garbage from the site at least twice a week. The building would not be utilizing the Borough's trash collection services. This would be a condition of approval.
40. It was also noted that all units would have central air included, there would not be any window air conditioners.
41. Each unit would also have its own dryer vent and its own electrical meter.
42. Mr. Minno commented that in his opinion the building had been designed in such a fashion that the parking deck was completely hidden from outside view. Looking at the building from the outside, one would not know that there was a parking structure on site. This was all detailed in the architectural drawings submitted into evidence.
43. Additionally, Mr. Minno noted that all the mechanicals associated with the building would be installed on the roof, also be hidden from public view. This would be a condition of approval.
44. It was Mr. Minno's professional opinion that from an architectural perspective the building fit on the subject property and would be aesthetically pleasing to those from the outside. It would not be a detriment to the surrounding neighborhoods.



45. No one else testified on behalf of the applicant in this matter.
46. The following members of the public did speak with respect to the application and voiced concerns over the development relating to its size, adequacy of parking, and location on a property prone to flooding.
- 1) **Michael Lane - 51 First Street, Keyport** - He submitted what was marked into evidence as **Exhibit L-1** which was the applicant's "Grading and Utility Plan" from **Exhibit A-1**, as marked up by Mr. Lane.
  - 2) **Andrew Kelsey - 29 St. Peter's Place, Keyport**
  - 3) **Nicole Leising - 16 Broadway, Keyport**
  - 4) **Heather Walsh - 254 Beers Street, Keyport**
  - 5) **Alan T. Yunker - 28 Washington Street, Keyport**
  - 6) **Nicholas Vecchio - 36 Broadway, Keyport**
  - 7) **Albert De Gracia - 23 West First Street**
  - 8) **Kathleen McNamara - 162 Broadway, Keyport**
  - 9) **Michael Palmisano - 86 First Street, Keyport** - Mr. Palmisano is the Vice Chairman of the Keyport Environmental Commission
47. Another member of the public, **Elmer Graham of 22 St. Peter's Place, Keyport**, also appeared and indicated his support for the application.
48. The Board's Professionals, Francis W. Mullan, 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 provided the applicant adhered to the comments of their review letter (**Exhibit B-2**), with the exceptions noted above in Paragraph 30 of this Resolution, and adhered to all of the testimony given during the course of the public hearing.
49. After considering the testimony and evidence presented, and assuming all representations are adhered to, the Board finds the proposed site will function properly as proposed under the site plan (**Exhibit A-1**) once it has been revised to meet the conditions of this Resolution.
50. The Board finds that the applicant has conformed to all of the requirements of the Borough's Redevelopment Plan (**Exhibit B-1**) and as there are no variances required, believes it should now be approved subject to the agreed upon conditions.
51. It seems clear to the Board that the benefits of granting this application and approving the proposed preliminary and final site plan is in the best interest of the Borough, as per the Redevelopment Plan, and such an approval far outweighs any detriments that might occur.
52. Based upon all of the above, the Board finds that the applicant has met its burden in establishing that it is entitled to the requested subdivision and preliminary and final site plan approval, and therefore such should be granted.

**NOW THEREFORE**, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Mariner's Village at Keyport, LLC seeking Subdivision and Preliminary and Final Site Plan Approval for property commonly known as 357 West Front Street and also designated as Block 20, Lots 1,2,3,5,6,6.01,7,9,11.01,13&14 on the official tax map of the Borough of Keyport, be granted subject to the following conditions:

1. Subject to substantial compliance with the site plan and all other exhibits submitted into evidence unless otherwise modified by this resolution.
2. Subject to the applicant's compliance with the Engineering and Planning Review letter marked into evidence as **Exhibit B-2** with the exception of items 1.6 and 1.7 as noted in paragraph 30 of this Resolution above.
3. Subject to the condition that condition that the applicant return to the Board to obtain site plan approval for proposed Lot 15 before any construction work on proposed Lot 16 may commence.
4. Subject to the applicant entering into a developer's agreement with the Borough which must contain the following items, all of which are also conditions of this approval:
  - (A) All improvements made to support the proposed project shall be at the sole expense of the applicant.
  - (B) Any damage caused during the course of construction project shall be repaired or replaced at the applicant's expense. This includes, but is certainly not limited to, the requirement that if any damage is done in bringing a new water main to the site, it shall be repaired from curb to curb, where warranted, as determined by the Borough's Engineer.
  - (C) The applicant shall work with the Borough Engineer to ensure the water main is properly installed at the site.
  - (D) During the construction phase of the project all access to the site shall be via the main driveway off of West Front Street. Broadway shall not be utilized for construction purposes unless absolutely necessary.
5. Subject to the Borough Council approving the vacating of a portion of Washington Street as detailed within the Redevelopment Plan (**Exhibit B-1**) and upon the Site Plan (**Exhibit A-1**).
6. Subject to the following modes of transportation being made available to residents of the approved apartment building:
  - (A) Shuttle Service will be available to the residents, Monday through Friday, providing transportation to and from the Aberdeen/Matawan train station. This service will operate twice in the morning and twice in the evening.

- (B) The property owner will employ electric low-powered vehicles so that the residents of the building can be shuttled in and out of downtown Keyport to get to the local restaurants and shops. These "electric low-powered vehicles" were described as very efficient golf cart style vehicles which would not leave the Borough.
  - (C) The property owner will also contract with a "Zip Car" like company so as to give residents access to automobiles by subscription on an hourly basis. There must be at least two (2) such vehicles housed on site for use by the residents.
  - (D) The property owner will participate in the Borough's Bicycle Share program, ensuring that bicycles are available on site for the use of residents.
7. Subject to the condition every apartment unit will be assigned one (1) parking space within the parking garage. The remaining spaces shall be left open for the guests of the residents.
  8. Subject to the condition the site plan (Exhibit A-1) be revised, subject to the review and approval of the Board's Engineer and Planner, so as to reflect the placement of a call box along the main driveway off of West Front Street. This call box must be situated in such a location as to be safe for guests of the residents to utilize and thereafter be able to safely turn their vehicles around and exit the driveway in the event the resident they are looking to visit is not home.
  9. Subject to the condition all residential leases would limit the size of moving trucks to 30 feet maximum.
  10. Subject to the condition that there shall be an on-site property manager who will reside at the premises.
  11. Subject to the condition the property owner hire a private trash hauler to collect garbage from the site at least twice a week. The building shall not utilize the Borough's trash collection services.
  12. Subject to the condition that the applicant will obtain the approval of the Board's Engineer and Planner as to the proper intensity of all outside lighting associated with the project so as to ensure it does not disrupt neighboring properties.
  13. Subject to the condition that a final landscaping plan shall be submitted for the review and approval of the Board's Engineer and Planner. Said landscaping plan shall take into account the opinions of the immediately adjacent property owners.
  14. Subject to the condition the silt fence depicted upon sheet 12 of the site plan (Exhibit A-1) will be pulled back five feet. The only time the applicant will go beyond the silt fence is for landscaping purposes. The site plan shall be revised to reflect this change, subject to the review and approval of the Board Engineer.

15. Subject to the condition that a final drainage plan be submitted for the review and approval of the Board's Engineer. This plan shall ensure that there are no encroachments on to neighboring lots. Water may not be allowed to run-off on to neighboring properties.
16. Subject to the condition that the applicant work with the Board Engineer and Alan T. Younker, the owner of adjacent property located at 28 Washington Street which is officially designated as Block 20, Lot 10, so as to construct a retaining wall and fence which would better protect that lot. Such a retaining wall shall also be constructed between the applicant's site and adjacent property located at 16 Washington Street, officially designated as Block 20, Lot 8, if the owner of that lot consents to same. Retaining walls shall be subject to approval from the State Department of Environmental Protection (DEP).
17. Subject to the condition the applicant's site plan (**Exhibit A-1**) be revised so that it is consistent with regard to the applicable flood zones. Plans subject to the review and approval of the Board's Engineer.
18. Subject to the condition that if any outside approval, including but not limited to those from the Borough's Fire Sub Code Official and the State Department of Environmental Protection (DEP), requires material changes to the subject site plan, the applicant would be required to return to the Board for a revised site plan application.
19. Subject to the condition that the applicant remove all of the bamboo and other debris located at the end of Broadway, provided that additional State DEP approval is not necessary to effectuate that cleanup.
20. Subject to the dedication of a public access and conservation easement to the Borough as required by the State DEP. Said documents to be subject to the review of the Board Attorney, the Board Engineer and Board Planner prior to their submission to the Borough Council for its consideration.
21. Subject to the condition that the Board's Engineer and Planner be copied by the applicant on all correspondence sent to outside agencies relative to the application.
22. Subject to the applicant being required to design and develop the site in conformance with all applicable codes so as to protect it from the impact of moderate wave action.
23. Subject to all mechanicals associated with the building being installed on the roof, so as to be hidden from public view.
24. Subject to all units being served by central air. There shall be no window air conditioners at the property.
25. 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.

26. 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.
27. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
28. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
29. This approval shall be deemed void by abandonment if a building permit is not applied for within one year of the date hereof.
30. 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.
31. 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.
32. 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.

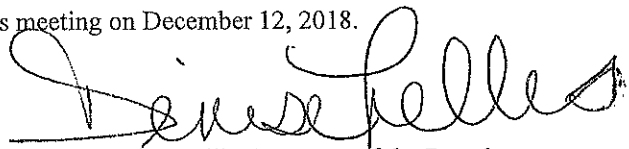
The foregoing was moved by Councilman Goode, second by J. Kovacs

Affirmative: Councilman Goode, M. Sessa, R. Benedict, L. Davidson, K Howe

Negative:

Abstentions: N. Vecchio

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 12, 2018.

A handwritten signature in black ink, appearing to read "Denise Nellis", written over a horizontal line.

Denise Nellis, Secretary of the Board