

Resolution prepared by:
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**RESOLUTION
GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH BULK VARIANCE RELIEF**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

**BLOCK 20, LOTS 9, 11.01, 13, 14, 14.01
Application # 20-01
357 WEST FRONT STREET, LLC
(BROWNS POINT MARINA)
357 WEST FRONT STREET**

WHEREAS, 357 West Front Street, LLC has applied to the Unified Planning Board of the Borough of Keyport for Preliminary and Final Site Plan Approval with associated bulk variance relief so as to allow for certain improvements to be made to the existing Browns Point Marina which is located at 357 West Front Street and is officially designated as Block 20, Lots 9, 11.01, 13 14 and 14.01 on the official Tax Map of the Borough of Keyport; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, public hearings were held in the within matter at a regularly scheduled meetings of the Unified Planning Board held on February 24, 2021, March 25, 2021, May 27, 2021 and April 27, 2022; and

WHEREAS, due to the ongoing covid-19 pandemic, the February 24, 2021, March 25, 2021 and May 27, 2021 meetings were held utilizing an online virtual format which ensured all persons having an interest in said application were heard; and

WHEREAS the April 27, 2022 meeting was an in person meeting held at borough hall where again all persons having an interest in said application were given an opportunity to be heard; 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 for Preliminary and Final Major Site Plan approval with associated variance relief for 357 West Front Street, LLC to make improvements to the existing Browns Point Marina which is located at 357 West Front Street and is officially designated as Block 20, Lots 9, 11.01, 13 14 and 14.01 on the official Tax Map of the Borough of Keyport.

2. The subject property is situated just east of the West Front Street/Amboy Road Matawan Creek Bridge. It has a total area of 86,863.4 square feet (1.99 acres) and is completely situated within the Borough's General Marine Commercial (GMC) District.
3. The subject site currently consists of a boat storage area, a boat storage building and two small frame structures used for offices, restrooms and storage.
4. It is important to note that Lot 9 of the property is also located within the Browns Point Redevelopment (B-P RDV) District which was adopted by the Borough, via a redevelopment ordinance, on May 16, 2017.
5. The Planning Board previously granted Preliminary and Final Site Plan and Subdivision approval to Mariner's Village At Keyport, LLC to develop the properties located within the aforementioned Browns Point Redevelopment district. (Block 20, Lots 1, 2, 3, 5, 6, 6.01, 7 and 9) That approval was memorialized by a Resolution dated December 12, 2018. Pursuant to condition # 3 of that resolution, obtaining site plan approval for the lots at issue in this application was required before construction on the approved development could proceed.
6. In furtherance of that earlier requirement, 357 West Front Street, LLC has now come before the Planning Board looking to reconfigure the existing marina layout so as to provide for improved boat storage and construction of a new 5,500 square foot two story maintenance and office building.
7. Under the new proposal, there will be a total of 115 boat slips, whereas only 70 previously existed.¹ Two (2) of the slips would be dedicated for charter boat rentals and two (2) of the slips would be dedicated to "public purpose use" as determined by the Borough's Governing Body. With respect to jet ski operations, one slip would be dedicated to each jet ski located on the site. These would all be conditions of approval.
8. The proposed uses, both current and as proposed, are permitted within the General Marine Commercial (GMC) District where the property is located.
9. Bulk variance relief is required by this application relative to parking. Specifically, the ordinance requires a total of 160 spaces whereas the applicant is only proposing 81 striped parking spaces. Additionally, parking spaces are required to be 9' x 20' whereas the applicant is proposing spaces of 9' x 18'.

1. The submitted plans indicate that 80 "in water" boat slips currently exist at the site. In 2015, the applicant received approval from the Borough Council (pursuant to Borough Ordinance 12-5, titled "Wharfs and Piers") for the expansion of the piers, docks and slips for the addition of forty-nine (49) new recreational boat slips. Based upon on those 2015 plans, which never came before the Planning Board for site plan approval, the applicant proposed constructing 49 new slips, in addition to what was shown as 70 existing slips, for a new total of 119 slips. The current conditions at the marina, wherein 80 slips exist, does not conform with the plans approved by the Council in 2015. This also means that pursuant to Ordinance 12-5, the applicant needs to seek amended approval from the Council if the within site plan application is granted.

10. The applicant also requires variance relief to allow boat maintenance within the newly proposed building as such work would be conducted below the flood hazard level.
11. During all portions of these proceedings, the applicant was represented by its legal counsel, Kenneth L. Pape, Esquire of the law firm Heilbrunn Pape, LLC, which has law offices located at 516 Route 33, Millstone, New Jersey 08535.
12. The following exhibits were marked into evidence by the applicant:

Exhibit A-1 :	Application to Land Use Board, dated February 28, 2020.
Exhibit A-2 :	Site Plan Package, dated February 20, 2020, last revised November 12, 2020 as prepared by Louis L. Zuegner IV, P.E. of MidAtlantic Engineering Partners, LLC (consisting of 10 sheets)
Exhibit A-3 :	Boundary and Topographic Survey, dated December 16, 2011, last revised January 22, 2020, as prepared by Suzanne E. Warren, PLS, of MidAtlantic Engineering Partners, LLC (consisting of 1 sheet)
Exhibit A-4 :	Major Subdivision Plan, dated January 24, 2018, last revised March 8, 2019, as prepared by Suzanne E. Warren, P.L.S. of MidAtlantic Engineering (consisting of 1 sheet)
Exhibit A-5:	Architectural Plans For New Marina Building, dated February 4, 2021, as prepared by Perez & Radosti Associates, PC (1 sheet)
Exhibit A-6:	Environmental Impact Report, dated February 20, 2020, as prepared by Louis L. Zuegner IV, P.E. of MidAtlantic Engineering
Exhibit A-7:	Stormwater Management Narrative, dated February 20, 2020, as prepared by Michael V. Weseloski, P.E. of MidAtlantic Engineering
Exhibit A-8:	Browns Point Marina Shop Specifications (consisting of 10 pages)
Exhibit A-9:	Traffic Statement, dated February 20, 2020, last revised November 12, 2020 as prepared by Louis L. Zuegner, IV, P.E. of MidAtlantic Engineering
Exhibit A-10:	Colorized Overall Rendering of Site Plan dated February 25, 2021
Exhibit A-11:	Colorized "Site Rendering" dated February 25, 2021
Exhibit A-12:	Colorized version of Sheet SK-1 of Exhibit A-5
Exhibit A-13:	Revised Site Plan Package (Exhibit A-2), dated March 15, 2021
Exhibit A-14:	Colorized "Site Rendering" dated March 25, 2021
Exhibit A-15:	Revised Cross Section Plans
Exhibit A-16:	Traffic Statement For Brown's Point Marina, dated May 14, 2021, as prepared by Daniel D. Disario, P.E., PTOE of Langan Engineering
Exhibit A-17:	Turning Template Plans, dated May 17, 2021, prepared by MidAtlantic Engineering
Exhibit A-18:	Revised Site Plan Package (Exhibit A-13), dated October 6, 2021 (consisting of 11 sheets)
Exhibit A-19:	Revised Turning Template Plans (Exhibit A-17), dated March 7, 2022 (consisting of 3 sheets)
Exhibit A-20:	Revised Colorized "Overall Rendering" (Exhibit A-10)
Exhibit A-21:	Revised Colorized "Site Rendering" (Exhibit A-11)
Exhibit A-22:	"Alternate Conceptional Floor Plans SK1-A", dated March 15, 2022 as prepared by by Perez & Radosti Associates, PC (Exhibit A-5)

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

- Exhibit B-1:** Review letter dated December 17, 2020 authored by Trevor J. Taylor, P.E. & P.P. and Peter Van den Kooy, P.P. of CME Associates.
- Exhibit B-2:** Review letter dated February 24, 2021 authored by Trevor J. Taylor, P.E. & P.P. and Peter Van den Kooy, P.P. of CME Associates
- Exhibit B-3:** Review letter dated March 22, 2021 authored by Trevor J. Taylor, P.E. & P.P. of CME Associates.
- Exhibit B-4:** Letter from the Borough of Keyport Fire Prevention Bureau dated May 26, 2021 as prepared by Anthony Vecchio, Fire Marshal
- Exhibit B-5:** Review letter dated May 26, 2021 authored by Trevor J. Taylor, P.E. & P.P., and Peter Van den Kooy, P.P. of CME Associates
- Exhibit B-6:** Review letter dated March 24, 2022 authored by Trevor J. Taylor, P.E. & P.P. of CME Associates.
- Exhibit B-7:** E-mail from the Borough of Keyport Fire Prevention Bureau dated March 17, 2022 by Anthony Vecchio, Fire Marshal

14. Board and Borough Engineer, Trevor J. Taylor, P.E. & P.P. of CME Associates was sworn and present throughout the public hearings so as to certify as to the accuracy of his various review memorandum.

15. In support of the request for approval, the following witnesses were presented on behalf of the applicant:

- (a) Louis L. Zuegner IV, P.E. of MidAtlantic Engineering Partners, LLC who testified as to technical aspects of the site plan.
- (b) Clay Pearlman, the principal of the applicant, who testified as to the general operations of the marina.
- (c) Stephen L. Radosti, AIA of Perez + Radosti Associates, P.C., who testified as to the specifics surrounding the new building being proposed.
- (d) Corey Orazem, principal of Jersey JetSki Inc., who testified as to the general operations of the jetski rental business at the site.
- (e) Dan Disario, P.E., PTOE of Langan Engineering and Environmental Services, Inc., who testified as to the traffic impact of the newly proposed site plan.

16. It should be recognized that the specifics of the subject application changed throughout the course of the public hearings as is evident from the various revisions of the plans marked into evidence. Nevertheless, the particulars of the project remained the same throughout as noted in Paragraph 6 above.² Accordingly, rather than go through the several revisions, this resolution will focus upon the final submitted plans. (Exhibits A-18 through A-22).

2. Initially the applicant had proposed a fueling station upon a floating dock. This proposal was abandoned as part of this application. Any references to such a station must be removed from the final plans.

PARKING PLAN

17. The primary concern of the Board in this application was the availability of sufficient parking. It was recognized by all parties that the marina has a history of insufficient parking amenities which has led to customers of the operation parking in nearby neighborhoods. It was the commitment of the applicant that if the requested site plan approval were granted, all parking for the marina would be kept on site. Vehicles would never be directed to park off-site. This would be a condition of approval.
18. As previously noted, the zoning ordinance requires a total of 160 striped parking spaces for the marina operations. The applicant is only proposing 81 such spaces, including four (4) handicapped spaces. However, as testified to by the applicant's site engineer, Louis L. Zuegner IV, P.E., the applicant would be employing a stacked parking system which would ultimately provide a total of 143 spaces.
19. In order to ensure that the stacked parking plan would work appropriately, and limit the amount of customers that would come to the site at only one time period, the applicant agreed to a series of conditions. These were as follows:
 - (a) Food trucks would be specifically prohibited from the site.
 - (b) A five (5) minute drop off parking space would be designated for food deliveries.
 - (c) A fifteen minute drop off space for deliveries (non-food related) would be provided.
 - (d) There would never be more than twenty (20) jet skis available for rental at the site. One slip would have to be dedicated for each jet ski made available.
 - (e) There will be a minimum of a fifteen (15) minute gap created between jet-ski rentals in order to ensure that the next renting group would never be on site at the next time.
 - (f) No more than two (2) charter boats would be permitted at the site. These would be limited to six passenger boats. One slip would be dedicated for each charter boat.
 - (g) A parking attendant will be employed by the marina to direct parking during heavy traffic days or whenever requested by Borough officials.
 - (h) The Borough will be provided with the phone number of the parking attendant, as well as the manager of the marina, so as to be able to call them if an issue arises.
 - (i) Valet parking services will be run at the site by on-site employees.
 - (j) All leases for boat storage will include a provision mandating that customers and their guests must park on site. No one may park offsite.
 - (k) By May 15th of each year, any boats stored in the parking lot would be removed to ensure space for automobiles. From that point forward, until the end of the marina season, all boats would have to either be within the water or upon the storage racks.
 - (l) Boat rentals at the marina would be prohibited.

20. Mr. Zuegner also indicated that he felt the proposed 9' x 18' parking spaces were more than adequate for parking vehicles coming to the site.
21. The applicant's traffic expert, Dan Disario, P.E., PTOE, testified that he believed the concessions being made by the applicant would ameliorate the past parking concerns associated with the marina. He did not believe the site would typically require more than eighty (80) spaces, although he acknowledged more might be necessary on occasion.
22. It was Mr. Disario's opinion that the eighty-one (81) spaces being provided, or 143 stacked spaces which would be available, were more than sufficient for the proposed operations.
23. Mr. Disario also testified he further did not believe the improvements being proposed would create any noticeable difference in overall traffic to the site.
24. It was recognized that several of the eighty-one (81) parking spaces being provided by the applicant were located in areas that flood during high-tide events. Accordingly, it was agreed as a condition of approval that appropriate signage would be placed on site to warn visitors to the site that those areas do flood.
25. With respect to concerns expressed by the Borough's Fire Marshal, Anthony Vecchio, by way of his e-mail dated March 17, 2022 (**Exhibit B-7**) as to the proposed valet parking operations on the site, it was agreed that the applicant would only utilize what was indicated as "Scenario A" on **Exhibit A-19**. Mr. Vecchio had not approved of proposed Scenario B or C. It was further agreed that this "Scenario A" would be added to the final site plan (**Exhibit A-18**) with specific labeling as to where the valet parking spaces would be located.
26. A significant component of the aforementioned "Scenario A" (**Exhibit A-19**) is that parking will be available underneath the boat storage racks. This will require those racks to be empty during times when those parking spaces are being utilized.

BOAT STORAGE

27. Turning from the parking situation, the Board also heard testimony from Mr. Zuegner with respect to the proposed new boat racking system the applicant was looking to employ.
28. Currently there are two boat racks on site which each store 32 boats for a total of 64 boat rack slips. The racks are two level racks.
29. Under the proposed plan, one of the existing racks will be removed and replaced. The other rack will be incorporated into the new racking system which will include two new racks.
30. Pursuant to the revised racking system, a total of 152 boat rack storage slips will be created. This will be accomplished as follows:
 - (a) The first new rack is proposed to be four levels and contain 56 boat slips. These slips are proposed to store boats that will be placed in the water at the customer's request.

- (b) The second new rack is proposed to be four levels and contain 54 boat slips. 42 of these slips will be dedicated for winter storage and boats under maintenance. The remaining 12 slips will store boats to be placed in the water at the customer's request.
- (c) The already existing storage rack which will remain at the site will also utilize the upper racks for a total of three levels that will store 42 boats. This rack is proposed to store boats that will be placed in the water at the customer's request.³

31. In total, if the application were granted, the marina would theoretically have 267 available slips which are broken down as follows:

"In-Water" Slips	115
"Boat Rack" In-Water Slips	110
"Boat Rack" Winter Storage/Maintenance Slips	42
Total Slips =	267

32. The Board does recognize that simply because 267 slips are available, does not mean there would be that many boats at the site at one point in time. As noted, 42 of those slips are for winter storage and maintenance. This translates to a more reasonable number of 225 slips (267-42=225) being available at any one time. Additionally, boats would not remain in the water during the "winter storage" period. Also, as noted in Paragraph 26 of this resolution, the bottom rack would have to be used sparingly in order to provide space for the under-rack parking if it became necessary. Finally, several of the "in-water" slips have been dedicated to other uses as indicated in Paragraph 7 of this Resolution above.
33. During testimony provided by the principal of the applicant, Clay Pearlman, it was stated that the marina is closed on Mondays and therefore rack customers cannot access their boats on that day of the week.
34. It was also established that boats would be retrieved from the racks by forklifts operated by marina employees. There are two (2) such machines located at the site.

THE NEW BUILDING

35. The Board also heard testimony from the applicant's architect, Stephen L. Radosti, AIA, relative to the testimony regarding the proposed new building at the site.
36. Mr. Radosti explained the building would consist of two stories. The first floor would provide bathroom facilities for customers as well an area for boat maintenance. The second would house office space for the marina as well as private bathroom facilities for the staff,
37. It was made clear that all bathroom facilities would be located above the required flood hazard level and that all ADA requirements would be met.

2. It should also be noted that a portion of this existing rack will be removed so as to provide clearance for the new building which is proposed.

38. The customer bathrooms would be accessed from the exterior of the building by way of stairs or a barrier-free handicap-accessible lift. There would also be interior stairs and a doorway available for workers to access the public bathroom if necessary.
39. All mechanicals for the building would also be located above flood levels.
40. The applicant understood that variance relief was required in order to allow boat maintenance in the building to occur at below the approved the flood hazard level. However, Mr. Radosti believed this was appropriate due to the nature of the work being performed.
41. It was Mr. Radosti's opinion that the building had been properly designed with its location and function in mind. He recognized that CAFRA approval would be required in order to allow the boat maintenance to take place in its proposed location but felt comfortable such an approval would be achievable.

GENERAL SITE CONSIDERATIONS

42. In discussing general site considerations, the applicant's engineer, Louis L. Zuegner IV, P.E., testified that all water run off issues had been taken into account and there would be no run-off onto neighboring properties.
43. He further noted that the site would be paved with proper striping, something which did not currently exist, thereby demonstrating a significant improvement to the site.
44. The applicant agreed that all lighting at the site would be subject to the final review and approval of the Board's professionals.
45. The specifics of the site's trash enclosure area would be subject to final review and approval of the Board's professionals.
46. It was further noted that there would be a new "picnic" area constructed for people to wait if they were waiting for a jet-ski or a charter boat to arrive.
47. The marina would be keeping its existing sign along west front street. A new sign, which would comply with all ordinances, would also be added to the new building.
48. Mr. Zuegner believed that the site had been designed appropriately would function much better than the current site ever has.
49. Clay Pearlman, the principal of the applicant indicated that the hours of operation for the marina were 8 to 5 Tuesday to Thursday, 7 to 6 Friday to Sunday. It is closed on Mondays.
50. It was also confirmed that the applicant would comply with all technical comments raised within the various engineering/planning review letters as well as comply with all of the concerns raised by the Borough's Fire Marshal.
51. In response to concerns raised by members of the public over tarps having blown away from the site in the past, it was agreed, as a condition of approval, that temporary tarps would not be utilized at the site.

MEMBERS OF THE PUBLIC

52. The following members of the public spoke with respect to the application, all of whom expressed concerns over the sufficiency of the parking being proposed and whether the site was being overbuilt from what it could actually sustain:
- (a) Michael Lane of 51 First Street, Keyport
 - (b) Brian Gelburd of 16 Washington Street
 - (c) Alan Yunker of 28 Washington Street
 - (d) Robert Yunker of 28 Washington Street

BOARD PROFESSIONALS

53. The Board Professionals, who had been sworn, indicated that they had no objections to the requests made by the applicants. They agreed that the site should function as intended provided all representations made during the hearing were followed.

CONCLUSIONS

54. After considering all of the testimony and evidence placed into evidence, and also assuming all representations are adhered to, the Board finds that the proposed site will function properly as proposed under the plans that have been submitted to the Board. There has not been any evidence presented to the Board as to why the site would not function as designed.
55. The Board also specifically finds that one of the goals of its Master Plan is to help ensure that marina uses, such as the applicant's survive, within the Borough.
56. With respect to the parking variance required for the application, the Board accepts the testimony of the applicant's professionals, that sufficient parking is being provided and that the proposed valet system will further alleviate problems which have occurred in the past.
57. The Board believes the fact that the applicant will be obligated to hire a parking attendant who will be subject to call by Borough officials will also help ensure that the on-site parking situation will be kept under control.
58. Provided everything proceeds as intended, the off-site parking which had crowded the nearby residential neighborhoods will be eliminated. This will act as an extreme benefit for those surrounding areas.
59. The Board notes that if the application were to be denied, no relief would come to the residential areas and the situation which has existed in the past would likely continue.
60. With respect to the creation of 9' x 18' parking spaces rather than 9' x 20' spaces, the Board has not heard any argument as to why a space with such a minor deviation from the standard will not function appropriately. Accordingly, there is no reason to believe they will not. This will also allow for the striping of more spaces than would otherwise be possible.

61. Finally, the Board sees no reason why a variance should not be granted to allow maintenance of boats to occur on the ground level of the newly proposed building. It is difficult to imagine boat maintenance being forced to occur from a raised position. It is only logical that the maintenance work occur where it is being proposed.
62. Based upon the above, the Board finds that the requested variances may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) as the benefits of allowing the proposed deviations will lead to an improved marina facility. This will not only further the goals of the Borough's Master Plan by ensuring an existing marina will survive, but also help alleviate problems with neighboring residential areas are currently experiencing. As a result, the Board feels confident that the benefits of granting the application far outweigh the benefits of strictly complying with the provisions of the municipal ordinance. An approval will lead to a better result for the entire Borough than a denial would provide.
63. 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 preliminary and final site plan approval, with associated variance relief, 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 357 West Front Street, LLC seeking preliminary and final major site plan approval, along with variance relief, should be granted subject to the following conditions:

1. Except as required to be revised within this Resolution, subject to the applicant's substantial adherence to the plans and reports submitted into evidence by the applicant.
2. Subject to the removal of all references to a fueling station from the plans.
3. Subject to two (2) slips being dedicated for charter boat rentals and two (2) slips being dedicated to "public purpose use" as determined by the Borough's Governing Body.
4. With respect to jet ski operations, one slip must be dedicated to each jet ski on the site.
5. Subject to the applicant following Ordinance Section 12-5 and obtaining amended approval from the Borough Council for its proposed dock, slip and piers configuration.
6. Subject to all parking associated with the site, being kept on-site. Customers may never be directed off-site to park.
7. Subject to all leases and/or contracts with customers containing prohibitions against parking off-site for either the customers or their guests.
8. Subject to all of the following conditions:
 - (a) Food trucks are specifically prohibited from the site.
 - (b) A five (5) minute drop off parking space must be designated for food deliveries, said location to be indicated on the site plan subject to the review and approval of the Board's Engineer and Planner.

- (c) A fifteen minute drop off space for deliveries (non-food related) must be provided, said location to be indicated on the site plan subject to the review and approval of the Board's Engineer and Planner.
 - (d) There shall never be more than twenty (20) jet skis available for rental at the site.
 - (e) There must be a minimum of a fifteen (15) minute gap created between jet-ski rentals in order to ensure that the next renting group would never be on site at the next time.
 - (f) No more than two (2) charter boats shall be permitted at the site. These shall be limited to six passenger boats.
 - (g) A parking attendant shall be employed by the marina to direct parking during heavy traffic days or whenever requested by Borough officials.
 - (h) The Borough shall be provided with the phone number of the parking attendant, as well as the manager of the marina, so as to be able to call them if an issue arises.
 - (i) Valet parking services shall be run at the site by on-site employees.
 - (j) All leases for boat storage will include a provision mandating that customers and their guests must park on site. No one may park offsite.
 - (k) By May 15th of each year, any boats stored in the parking lot shall be removed to ensure space for automobiles. From that point forward, until the end of the marina season, all boats shall either be within the water or upon the storage racks.
 - (l) Boat rentals at the marina shall be prohibited.
9. Subject to the condition that signage be installed identifying those parking spaces which are subject to flooding so as to warn customers. Said signage shall be subject to the review and approval of the Board's Engineer and Planner.
 10. The site shall be properly paved and striped, subject to the approval of the Board's Engineer.
 11. Subject to all site lighting being subject to the Board's Engineer review and approval.
 12. The trash enclosure area shall be subject to review and approval of the Board's professionals.
 13. Subject to the site plan being revised to specifically detail "Scenario A" of **Exhibit A-19**.
 14. Subject to temporary tarps not being utilized at the site.
 15. Subject to compliance with all of the comments contained within the Board Engineer and Planner's Review Letters as well as those comments raised by the Borough's Fire Marshal.
 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 those representations shall be deemed a violation of this amended approval.
 17. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within amended application would not be approved.

18. Subject to any and all other approvals as may be required by the Borough, County, State (including CAFRA approvals) or Federal regulations, including, but certainly not limited to, all applicable building and construction codes.
19. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
20. This approval shall be deemed void by abandonment if building permits are not applied for within one year of the date hereof.
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 Councilmember Davidson, second by W. McDermott and on Roll Call, the following vote was recorded:

Affirmative: Mayor Kennedy, Councilmember Davidson, M. Sessa, W. McDermott, J.Oviedo

D. Pacheco

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 May 31, 2022.



Denise Nellis, Secretary of the Board