



Dear Applicant:

There is a Planning Board Procedure that must be followed: You must submit twenty-two (22) collated packages of the full application including plans and survey to the Planning Board Secretary as well as placing everything submitted on a thumb drive or send PDF to dnellis@keyportonline.com.

The Planning Board Secretary will send copies of application to Board's professionals. The Board professionals will submit a letter to the Board Secretary as to whether the application is complete for a hearing date. If so, the secretary will inform the applicant as to the next available date.

Once the applicant receives the hearing date, notice must be placed in the newspaper ten days prior to the meeting this notice must be emailed to app.legals@gannett.com. Applicant must also send out letters to the surrounding neighbors within 200 feet of the site. Neighbors must be notified by certified mail ten days before the meeting date. If they are NOT noticed within that ten (10) day period, jurisdiction will not be taken at the hearing and notice will have to be done all over again.

All applicants must make sure the notice is correct before being processed by checking with their attorney, surveyor or planner.

If you have any questions, please call me.

Denise Nellis

Denise Nellis
Certified Planning Board Secretary
732-739-5123
dnellis@keyportonline.com



KEYPORT UNIFIED PLANNING BOARD APPLICATION

BOROUGH OF KEYPORT
70 WEST FRONT STREET
KEYPORT, NEW JERSEY 07735

KEYPORT UNIFIED PLANNING BOARD
CHECKLIST

1. Copy of Denied Zoning Permit from Zoning Officer
2. Copy of 200 Foot radius list from the Tax Assessor's Office
3. Application Packages must include:
 - 20 copies of the Application
 - 20 copies of the Maps or Drawings
 - 20 copies of the Corporate Disclosure (if Applicable)
4. Certification from Tax Collector that property taxes have been paid
5. Sewer Connection Application Submitted to:
6. Copy of Notice to County of Monmouth Planning Board
7. Copy of Notice to DOT
10. DCA Application (property exceeds 150 acres or 500 dwelling units)
11. Original affidavit of publication prior to hearing:

Asbury Park Press
P.O. Box 1550
Neptune, NJ 07754
12. Original affidavit of service (prior to hearing) certified mailing return receipts to Board Secretary
13. Meetings held: Regular meetings for the Keyport Unified Planning Board are held on the 4th Thursday of each month except in the event of a holiday. All meetings are held at 7:00 PM in the Council Chambers of the Borough Hall 70 West Front Street, Keyport, NJ 07735
14. Meeting time 7:00 p.m.
15. Fees must be paid to Board Secretary no later than 10 days before your hearing date. Checks are made payable to the Borough of Keyport.

Checks: One (1) check for application fees
One (1) check for escrow fees for the professionals
16. Applicant is responsible for publishing the Board's decision after the resolution is memorialized.
(sample enclosed)
17. All escrows and bonds must be paid to the Planning Department.

FILING THE APPLICATION

1. Each application package must include the following:
 - a. Application forms, fully completed and signed --20 copies
 - b. Zoning Officer's denial letter --20 copies
 - c. Survey --20 copies of a certified survey of the property. If a present building exists, the survey shall be a certified "location survey" and shall clearly indicate such buildings thereon with all front, side and rear yard dimensions, together with setback dimensions required by ordinance.
 - d. Plot Plan -- 20 copies (if new building). Clearly indicate all new and existing buildings and front side and rear yard dimensions, with a comparison to the zoning ordinance requirements.
 - e. Any other supporting reports and documents, if applicable. -- 20 copies
 - f. Required fees and escrows.
 - g. Affidavit of Disclosure, if applicable. -- 20 copies
 - h. Certification of Tax Collector.
 - i. Present and proposed easements.
 - j. Applicants doing renovations, alterations or new construction must provide drawings to scale.
2. A sample Notice of Hearing is attached. The following information MUST be in your notice:
 - a. Date, time and place of hearing.
 - b. Nature of matters to be considered.
 - c. Identification of property proposed for development by street address, tax block and lot number, as shown on tax map.
 - d. Zone classification.
 - e. Where and when maps, blueprints, specifications and other documents for which approval is sought are available for public inspection.
3. At least 10 days prior to hearing date, notice of the hearing must be:
 - a. Published in the Asbury Park Press.
 - b. Served by certified mail on:
 1. All property owners within 200 feet of the property.

4. After you have notified all parties listed above, the following items must be submitted to the Board Secretary at least two (2) business days prior to the meeting:
 1. Affidavit of Publication of Notice of meeting as published in the newspaper.
 2. Certified mail receipts
 3. A copy of the notice you served on all property owners.
 4. Both notice to the property owners and the notice in the newspaper must be legally correct and published at least 10 days before the hearing in order for the hearing to occur.

After the Board hears the case, and adopts a Resolution, notice of the decision of the Board must be advertised in the Asbury Park Press not more than 10 days after decision.

1. SUBJECT PROPERTY

2. APPLICANT INFORMATION

3. OWNER IF DIFFERENT FROM APPLICANT

Telephone Numbers: DAY _____ EVENING _____

4. ADDITIONAL PROPERTY INFORMATION

Restrictions, covenants, easements, homeowners/condo association by-laws, existing or proposed on the property:

X YES (attach copies and/or copy of deed) ___ PROPOSED (attach description) ___ NONE

NOTE: All Deeds Restrictions, covenants, easements, association by-laws, either existing or proposed, must be submitted for review, and must be written in easily understandable English in order to be approved.

Present use of the premises and proposed use (describe in detail): _____

Planning Board review requested for recording subdivision associated with NJDEP Green Acres Division/ Compensation agreement approved by Statehouse Commission 2/21/17. Existing Waterfront Park (Green Acres Listed on ROSI). Proposed Lot 49.01 (Waterfront Park) and 34.01 (Mini Park) restricted for recreation and open space. Remainder of lots will be retained by Borough for parking.

5. APPLICANT'S EXPERTS / REPRESENTATIVES

Applicant Attorney: Andrew Ball, Esq. Davison, Eastman, Munoz, Paone, PA
(Name and Firm if Applicable)

Address: 100 Willow Brook Rd, Ste 100. Freehold NJ 07728
(Street) (City) (State) (Zip)

Telephone: 732-410-2322 Fax 732-810-1523

Applicant Engineer: Trevor J. Taylor, PE, PP, CME - CME Associates
(Name and Firm if Applicable)

Address: 1460 Route 9 South Howell NJ 07731
(Street) (City) (State) (Zip)

Telephone: 732-462-7400 Fax 732-409-0756

Applicant Planning Consultant: N/A
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

Applicant Traffic Engineer: N/A
(Name and Firm if Applicable)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

6. OTHER EXPERTS

List any other expert(s) who will submit a report and/or testify on behalf of the Applicant.

Name: N/A Field of Expertise: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____ Fax _____

7. RELIEF BEING REQUESTED

SUBDIVISION APPROVAL

_____ Minor Subdivision

_____ Major Subdivision X Major Subdivision – Final

22 new Number of Lots to be Created 0 Number of Proposed Dwelling Units
24 total

Note: A "Plan of Subdivision" must be submitted in accordance with the submission requirements set forth in the Submission Checklist and the Borough of Keyport Ordinance.

SITE PLAN APPROVAL N/A

_____ Major Site Plan Approval _____ Minor Site Plan Approval

_____ Preliminary Site Plan Approval (phases – if applicable) _____

_____ Final Site Plan Approval (phases – if applicable) _____

_____ Amendment or Revision to an Approval Site Plan (Area to be disturbed – square feet)

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

OTHER

_____ Informal Review of _____

_____ Appeal Decision of the Zoning Officer (N.J.S.A. 40:55D-70.a.) Describe nature of appeal: _____

_____ Interpretation of Map or Ordinance, or Decisions upon Special Questions (N.J.S.A. 40:55D 70.b.) Explain: _____

_____ Variance Relief-Hardship (N.J.S.A. 40:55D-70c (1)) Provide Reasons: _____

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

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

N/A	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
Minimum lot area:*	_____	_____	_____
Building coverage limit:*	_____	_____	_____
Front yard setback:*	_____	_____	_____
Side yard setback:*	_____	_____	_____
Rear yard setback:*	_____	_____	_____
Roadway setback:	_____	_____	_____
Impervious coverage limit:	_____	_____	_____
Parking spaces:*	_____	_____	_____
Building height:*	_____	_____	_____

*DENOTES ITEMS REQUIRED ON THE SITE PLAN.

7. SUBMISSION REQUIREMENTS

The Applicant is required to submit each of the following, unless otherwise noted:

- A. Application: An Original and nineteen (19) copies to the Board Secretary (Total 20) must be submitted (with attached site plan, plot plan, survey and/or other pertinent documents).
- N/A B. Escrow Agreement (Form #1): Sign and submit with original copy of application
- C. Notice of Public Hearing (Form #2): DO NOT MAIL TO PROPERTY OWNERS UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY. Submit a draft copy (leaving date of hearing blank) and submit with original application. *(Not required for minor subdivision where no variances are requested)*
- C. Affidavit of Publication – Asbury Park Press: Evidencing that the Notice of Public Hearing (Form #3) was published at least ten (10) days prior to the hearing date: (DO NOT PUBLISH NOTICE IN NEWSPAPER UNTIL AUTHORIZED TO DO SO BY THE BOARD'S SECRETARY) Submit to the Board's Secretary as soon as received by the newspaper. (Not required for minor subdivision where no variances are requested)
- D. Affidavit of Service – with attachments (Form #4). Submit to the Board's Secretary along with Original copies of Certified Mail Receipts stamped by the US Post Office as to the date of mailing, and a copy of the Notice of Public Hearing (Form #2) with hearing date.
- N/A E. Tax Payment Certification (Form #5). Submit with Original copy of Application.

8. **OTHER APPROVALS, WHICH MAY BE REQUIRED, AND THE DATES THAT PLANS/APPLICATIONS WERE SUBMITTED:**

AGENCY OR PERMIT	YES	NO	DATE PLANS SUBMITTED
Borough of Keyport Health Dept		X	
Borough of Keyport Planning Board	X		
Freehold Soil Conservation District		X	
NJ Dept. of Transportation		X	
JCP&L		X	
Other: Monmouth County Planning Board	X		2/7/25

*NJ Dept of Environmental Protection

*Check nature of approval(s) needed on next page:

____ Sewer Extension Permit; ____ Sanitary Sewer Connection Permit; ____ Potable Water Construction Permit;
____ Stream Encroachment Permit; ____ Wetlands Permit; ____ Tidal Wetlands Permit; ____ Other _____

List of Maps, Reports and other materials accompanying this application (attach additional pages as required for complete listing): _____

Final Major Subdivision Plat, Lots 34, 49-51, Block 21-01 & Lots 20-22, Block 21.01
Keyport Waterfront Park, Tax Map Page 7, Borough of Keyport, Monmouth County, New Jersey,
dated 11/13/24, Prepared by Robert K. Sanchez, PLS, CME Associates

9. OTHER INFORMATION ATTACHED IN SUPPORT OF YOUR APPLICATION.

(List specific information attached and its importance/significance to your application): _____

Statehouse Commission Agreement, dated 2/21/17, including
Green Acres Diversion/Compensation Map exhibit

10. CERTIFICATIONS

APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant that I am authorized to sign the application for the Corporation, or that I am a general partner of the partnership applicant. (If the Applicant is a corporation; this application must be signed by an authorized corporate officer as indicated in a resolution of the corporation which must be attached hereto. If the applicant is a partnership, this must be signed by a general partner).

Sworn to and subscribed before me this

8th day of November, 2024

Michele Clark

NOTARY PUBLIC

MICHELE L. CLARK

ID # 50052582

NOTARY PUBLIC

STATE OF NEW JERSEY

My Commission Expires January 12, 2027

X

Kimberly Humphrey
SIGNATURE OF APPLICANT

Kimberly Humphrey

Borough Administrator

Applicant's Name (Print)

OWNER (IF DIFFERENT FROM APPLICANT)

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made by the applicant, and the decision of the Board in this matter.

Sworn to and subscribed before me this

____ Day of _____, 20____

NOTARY PUBLIC

X

SIGNATURE OF OWNER

Owner's Name (Print)

N/A

ESCROW AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this _____ day of _____ 20____ by and between the KEYPORT UNIFIED PLANNING BOARD (the "Board") and _____ (the "Applicant").

1. PURPOSE. The Board authorizes its professional staff to review, inspect, report to the Board, and study all plans, documents, statements, improvements and provisions submitted by the Applicant to the Board or pursuant to relief granted to the Applicant by the Board. The Board is entitled to reimbursement from an Applicant for all reasonable costs/fees incurred by the Applicants in accordance with N.J.S.A 40:55D-8, and N.J.S.A 40:55D-53 et seq. of the New Jersey Municipal Land Use Law ("MLUL").

2. ESCROW ESTABLISHED. The Board, Borough and Applicant, in accordance with the provisions of this Agreement, hereby create an escrow deposit account to be established with the finance office of the Borough of Keyport.

3. ESCROW FUNDED. The Applicant, by execution of this Agreement, shall pay to the Borough to be deposited in the account referred to in paragraph 2 above.

4. INCREASE IN ESCROW AMOUNT DEPOSITED. If, during the existence of this escrow agreement, the funds deposited into said escrow account are insufficient to cover any voucher or bill submitted by the Board's professional staff, the applicant shall, within fourteen (14) days of receipt of a notice from the Board or the Borough that a deficiency in the escrow exists, provide such funding as required to fund the existing deficit as well as to pay for projected costs and fees associated with the ongoing professional reviews, inspections, etc., pursuant to applicable Borough ordinances governing the same, as well as the MLUL.

5. DISPUTES AND APPEALS. Should any disputes arise by and between the applicant and the Borough and/or the Board with respect to either the funding of, or payment from, the escrow account established herein, then the settlement of any and all disputes, including appeals from any decisions made by the Borough and/or the Board regarding such escrow account shall be made as called for by the applicable ordinance of the Borough of Keyport and the provisions of the MLUL.

6. COLLECTION OF DELINQUENT ESCROW BALANCES. Should the Applicant fail to adequately and on a timely basis fail to fund its escrow account so that the payment of necessary fees of the Board's professionals can be made in accordance with the law, then the Borough and/or Board shall be entitled to pursue all remedies available at either law of inequity, including but not limited to all amounts due, and simple interest at a rate of 18% per annum on all sums unpaid, beginning from 30 days after the applicant received notice of such deficiencies, if permitted by law. The Borough and/or Board shall be permitted to place a lien against any and

all properties within the Borough owned by the Applicant until such time as all sums due and owed have been paid. The Borough shall also have the right to withhold and/or suspend any building permits, the conduct of construction inspections, the issuance of certificates of occupancy, and other actions, unless and until all escrow deficiencies have been satisfied by the Applicant.

Date: _____

X _____
SIGNATURE OF APPLICANT

Owner's Name (Print)

Sworn to and subscribed before me this
_____ day of _____, 20__

NOTARY PUBLIC

Date: _____

BOROUGH OF KEYPORT

Date: _____

BOROUGH OF KEYPORT
UNIFIED PLANNING BOARD

**FORM #2 – NOTICE SERVED ON PROPERTY OWNERS WITHIN 200 FEET OF
SUBJECT PROPERTY:**

**BOROUGH OF KEYPORT, COUNTY OF MONMOUTH
STATE OF NEW JERSEY
NOTICE OF PUBLIC HEARING**

TO: _____ OWNER OF PREMISES LOCATED AT:

Also known as Block _____ Lot _____ in the Borough of _____.

PLEASE TAKE NOTICE, that the undersigned has filed an application with the Unified Planning/Zoning Board of the Borough of Keyport for the following appeal or form of relief: _____

On the premises at _____ in the Borough of Keyport, also known as Block _____ Lot _____ on the tax maps of the Borough. This notice is being sent to you because you are a property owner within 200 feet of the property that is the subject of this application. A public hearing has been set for this application on _____, 20____ at 7:00 PM in the Keyport Borough Municipal Building, 70 West Front Street, Keyport, NJ 07735. You may appear either in person, or by agent, or by attorney, and present any objections to the granting of the relief being sought. Copies of the application and all documents, maps or other papers filed in connection with this application are on file in the Office of the Board Secretary in the Borough's Municipal Building and are available for inspection during the Borough's regular business hours.

BY ORDER OF THE KEYPORT BOROUGH
UNIFIED PLANNING BOARD

(Name of Applicant)

**FORM #3 – NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE
BOROUGH OF KEYPORT**

NOTE: Publication of this notice must appear at least ten (10) days prior to the scheduled hearing date.

**NOTICE OF PUBLIC HEARING
Borough of Keyport Unified Planning Board**

TAKE NOTICE that on the _____ day of _____, 20____, at 7:00 PM, a hearing will be held before the Keyport Unified Planning Board ("the Board") in the Council Chambers at Keyport Borough Hall, 70 West Front Street, Keyport, NJ 07735 on the application of the undersigned for the following form of relief: _____

Regarding premises known as _____ in the Borough of Keyport, also known as Block _____ Lot _____ on the tax maps of the Borough. This application, along with all maps, papers and supporting documents filed with the application are on file in the Office of the Board Secretary in the Borough Municipal Building and are available for public inspection during the Borough's regular business hours. Any interested party may appear at the hearing in this matter and participate therein, either in person, by attorney, in accordance with the Rules and Regulations of the Board.

**By Order of the Borough of Keyport
Unified Planning Board**

(Applicant-Print Name)

FORM #4

AFFIDAVIT OF SERVICE

State of New Jersey :
: S
County of _____:

_____, being of full age and duly sworn according to law, on
his/her oath deposes and says that he/she resides at _____
(Street Address)

in the _____
(City) (County) (State)

And that he/she did on _____, 20____, at least ten (10)
days prior to the hearing date scheduled before the Unified Planning Board of the Borough of
Keyport set for _____, 20____, give personal notice to all property
owners within 200 feet of subject property of the application known as _____,
(Street Address)

and being further known as Block _____ Lot _____ on
the Tax Maps of the Borough of Keyport. Said notice was given by sending said notice by
certified mail, return receipt requested. Notices were also served upon: _____ the Clerk of the
Borough of Keyport, _____ the Monmouth County Planning Board, _____ Utility Companies.

A copy of the NOTICE OF PUBLIC HEARING is attached hereto, along with the CERTIFIED
LIST OF PROPERTY OWNERS within 200 feet of the subject property provided to me by the
Keyport Borough Tax Assessor's Office. All original CERTIFIED MAIL RECEIPTS are also
attached hereto.

(Signature of Applicant)

(Name of Applicant – Print)

Sworn and subscribed to before me
This _____ day of _____, 20____

NOTARY PUBLIC

N/A

FORM #5

TAX PAYMENT CERTIFICATION

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

SECTION I (To be completed by applicant):

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

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

DATE OF REQUEST: _____

(Applicant's Signature)

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

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

Date: _____ (Tax Collector) _____

FORM #6

REQUEST FOR 200 FOOT LIST

Date: _____

I, _____, am requesting a 200 foot list for property at
_____, which is located in the Borough of Keyport.

Block: _____ Lot(s) _____

When the list is completed, I would like to be contacted by:

_____ Phone: _____

_____ Fax: _____

_____ Mail: _____

List is \$10.00 per Lot.

PAID BY:

_____ Cash

_____ Check

FORM #7

NOTICE OF ACTIONS TAKEN BY THE BOARD
BOROUGH OF KEYPORT

Take notice that on the _____ day of _____, 200__ the Keyport
Unified Planning Board in the County of Monmouth took the following actions:

(Granted / Denied) to (Name) _____ for the property located at

(Address) _____

Block _____, Lot _____

Approval to (a variance, site plan, preliminary subdivision, minor site plan, etc.) describe
development

**COMPLETION CHECKLIST
UNIFIED PLANNING BOARD**

Application Number: _____ Date Received: _____

Applicant: _____

Property: Block _____ Lot(s) _____

Street Address: _____

RECEIVED:

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

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

_____ Certification of Taxes Paid

_____ Proposed "Notice of Public Hearing"

_____ Signed Escrow Agreement

_____ Certified List of Property Owners Within 200 Feet

ACTION TAKEN:

_____ Copy of Application to Board Attorney on: _____

_____ Copy of Application to Board Engineer on: _____

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

_____ Hearing Date Set for: _____

NOTES: _____

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SHC APPROVAL SUMMARY SHEET

PARK NAME: Keyport Waterfront Park (formerly American Legion Drive and Unnamed Waterfront Parkland)

PARK OWNER: Borough of Keyport

COUNTY: Monmouth

MUNICIPALITY: Borough of Keyport

REASON FOR REQUEST:

Disposal ☒
Diversion ☐
Lease ☐

Acres: **1.219**
Block: 21.01; portion of Lots 49 and 50
Value: N/A (see below)

COMPENSATION:

Land ☒

Acres: **1.221**
Block/Lot: N/A (road right-of-way)
(to be consolidated into Block 21.01, Lot 49 and Block 21.02, Lot 22)

Cash Payment ☐
Park Improvements ☐

Value: N/A (see below)

SYNOPSIS: OLD BUSINESS: ORIGINALLY APPROVED DECEMBER 15, 2003 (CHANGES IN BOLD):

On December 15, 2003, the State House Commission approved a request by the Department of Environmental Protection on behalf of the Borough of Keyport, to allow the Borough to realign a segment of American Legion Drive within an unnamed waterfront park (now known as Keyport Waterfront Park) in order to maximize shoreline, pedestrian and vehicular safety and to improve the overall function of the future park development. A copy of the original SHC Approval Summary Sheet is attached as Exhibit A.

At the time of the approval, the Borough estimated the disposal area as 1.0 acre and the proposed replacement land as 1.02 acres. After construction, the Borough developed an "as-built" survey which more precisely delineated the disposal and compensation areas. As a result, the total area of disposal was determined to be 1.219 acres. The compensation lands were also under reported; the accurate compensation lands figure is 1.221 acres. (It was always intended that the disposal and compensation land be of similar acreage.) An Existing Conditions Map is attached as Exhibit B.

The NJDEP now seeks to amend the original approval to correct the acreage of the disposal area and compensation land, and to accommodate proposed block/lot renumbering of this area by the Borough in connection with a planned major subdivision to clearly delineate the new American Legion Drive right-of-way, disposed areas to the south of American Legion Drive and Keyport Waterfront Park to the north of American Legion Drive.

PUBLIC HEARING:

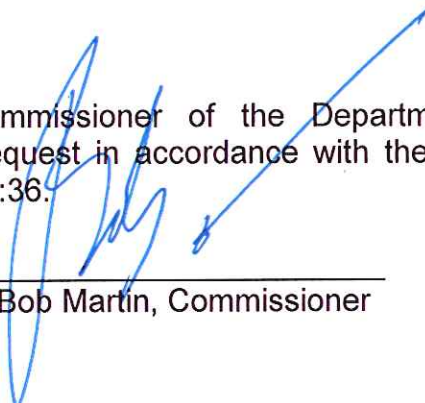
Dates: November 14, 2003

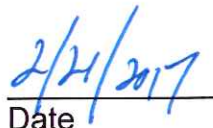
Comments: No adverse public comment.

APPLICABLE STATUTE: N.J.S.A. 13:8A-47(b)

APPROVAL:

I, Bob Martin, Commissioner of the Department of Environmental Protection, approve this request in accordance with the provisions of N.J.S.A. 13:8A-47(b) and N.J.A.C. 7:36.



Bob Martin, Commissioner

Date

SHC FACT SHEET

The New Jersey Department of Environmental Protection, on behalf of the Borough of Keyport, requests approval to allow the realignment of a segment of American Legion Drive within Keyport's waterfront park area (Block 21.01, Lots 49 and 50).

Description of Property and Proposed Diversion/Disposal:

In the 1970's, the Borough of Keyport listed a 3 ½-acre parcel on its waterfront on its Recreation and Open Space Inventory as unfunded parkland. The park is bounded to the north by the Raritan Bay and the municipal pier, to the south by the Front Street commercial district, and to the east by Broad Street, the boat launch and a park. American Legion Drive, a local road, crosses the waterfront park in a north-south direction along the existing Raritan Bay bulkhead. At present, the road is separated from the Bay by a paved walkway. Since its Green Acres designation, the parkland area has not been developed and has been used as a multipurpose unpaved parking lot.

The Borough is receiving funding from the DEP's Coastal Engineering Program for bulkhead replacement project. The existing bulkhead along the Raritan Bay has lost its structural integrity in the waterfront park area. The bulkhead failure threatens to accelerate shoreline erosion and cause further deterioration to the adjacent paved walkway and American Legion Drive. In order to proceed with this project, the Borough needs to remove American Legion from the bulkhead. Therefore, the Borough proposes to relocate American Legion Drive within the waterfront park area. The road relocation will increase its distance from the new bulkhead for flood control purposes and will maximize recreational opportunities within the park.

After receiving State House Commission approval in 2003, the Borough received a Green Acres grant for the development of Keyport Waterfront Park (Green Acres Project No. 1324-05-022). The Borough formally vacated American Legion Drive by resolution dated December 21, 2010 and began developing the park under the Green Acres contract. After construction, the Borough produced an "as-built" plan for the area. The plan indicates that the disposal and compensation areas were not correctly estimated for purposes of the original approval. As a result, the area of disposal was under reported by 0.219 acres. The total area of disposal is 1.219 acres. An Existing Conditions Map is attached as Exhibit B.

In addition, the Borough now proposes to undertake a major subdivision to clearly delineate the new American Legion Drive right-of-way, disposed areas to the south of American Legion Drive and Keyport Waterfront Park to the north of American Legion Drive. This major subdivision will aid in

Green Acres future park inspection cycles. However, at the time of the original approval, the compensation land had not been assigned any block/lot designation.

Public Need:

As discussed above, it is necessary for the Borough to remove American Legion Drive from the existing bulkhead in order to construct the new bulkhead. In addition, the proposed relocation will maximize public shoreline access and pedestrian and vehicular safety.

Public Benefit:

The proposed realignment will enable the Borough to create an enhanced passive recreation greenway in the space that becomes available from the removal of American Legion Drive and the vacation of its right-of-way. The new greenway will include enhancements that will augment adjacent recreational and transportation facilities, including the nearby boat launch, New York City Ferry terminal and recreational fishing uses. The realigned road will also provide improved rear access to existing Front Street commercial uses and greater delineation of these uses from the waterfront park area. Safety, recreation opportunities, and aesthetics will be enhanced by the proposed project.

Alternatives:

Due to the existing orientation of the waterfront park, the existing bulkhead alignment and condition, the impact of the bulkhead project upon the existing walkway and roadway and other uses at the site, no alternative roadway relocation plan is viable. The Borough worked with the Green Acres Program to minimize the area of proposed diversion and to configure the new road in the most park-friendly fashion possible. The Green Acres Program did explore with the Borough the alternative of closing this segment of American Legion Drive, but this option would have had too great an impact on traffic circulation in the Borough and access to adjacent commercial uses.

Public Hearing:

The Borough of Keyport held a public hearing on the proposed diversion on November 14, 2003. There was no public opposition to the proposal.

Compensation:

As compensation for the taking of approximately **1.219 acres** of parkland for the new American Legion Road right-of-way, the Borough **vacated the** existing road right of way (**1.221 acres**) and **consolidated** this area **within the now developed Keyport Waterfront Park (Block 21.01, Lot 49 and**

Block 21.02, Lot 22 (Block 21.01, Lot 50 will be consolidated into Lot 49 as part of the proposed major subdivision)). The road bed will be removed as part of the bulkhead project, and a new 40-space parking lot will be constructed to serve the waterfront park area. In addition, the Borough anticipates that once the bulkhead project is completed it will be able to create some lawn areas and install other recreational facilities in this underused park area.

Because the Borough proposes to swap a roughly equal area within the same block and lot, the Green Acres Program has determined that the proposed diversion represents an equitable exchange of property.

MAPS ☒

STATEMENT OF VALUE ☒

DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES SHC APPROVAL SUMMARY SHEET

PARK NAME: American Legion Drive and Unnamed Waterfront Parkland

PARK OWNER: Borough of Keyport

COUNTY: Monmouth

MUNICIPALITY: Borough of Keyport

REASON FOR

REQUEST: Disposal ☒

Diversion ☐

Lease ☐

Acre(s): 1.00

Block: 21.01; portion of Lots 49 and 50

Value: N/A (see below)

COMPENSATION:

Land ☒

Cash Payment ☐

Park Improvements ☐

Acres(s): 1.02

Block/Lot: N/A (road right-of-way)

Value: N/A (see below)

PUBLIC HEARING:

Date: November 14, 2003

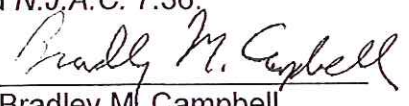
Comments: No adverse public comment.

APPLICABLE STATUTE: N.J.S.A. 13:8A-47(b)

COMMENTS: The New Jersey Department of Environmental Protection, on behalf of the Borough of Keyport, requests approval to allow the realignment of a segment of American Legion Drive within Keyport's waterfront park area (Block 21.01, Lots 49 and 50).

APPROVAL:

I, Bradley M. Campbell, Commissioner of the Department of Environmental Protection, approve this request in accordance with the provisions of N.J.S.A. 13:8A-47(b) and N.J.A.C. 7:36.


Bradley M. Campbell
Commissioner

11/19/03
Date

SHC FACT SHEET

The New Jersey Department of Environmental Protection, on behalf of the Borough of Keyport, requests approval to allow the realignment of a segment of American Legion Drive within Keyport's waterfront park area (Block 21.01, Lots 49 and 50).

Property:

In the 1970's, the Borough of Keyport listed a 3 ½-acre parcel on its waterfront on its Recreation and Open Space Inventory as unfunded parkland. The park is bounded to the north by the Raritan Bay and the municipal pier, to the south by the Front Street commercial district, and to the east by Broad Street, the boat launch and a park. American Legion Drive, a local road, crosses the waterfront park in a north-south direction along the existing Raritan Bay bulkhead. At present, the road is separated from the Bay by a paved walkway. Since its Green Acres designation, the parkland area has not been developed and has been used as a multipurpose unpaved parking lot.

The Borough is receiving funding from the DEP's Coastal Engineering Program for bulkhead replacement project. The existing bulkhead along the Raritan Bay has lost its structural integrity in the waterfront park area. The bulkhead failure threatens to accelerate shoreline erosion and cause further deterioration to the adjacent paved walkway and American Legion Drive. In order to proceed with this project, the Borough needs to remove American Legion from the bulkhead. Therefore, the Borough proposes to relocate American Legion Drive within the waterfront park area. The road relocation will increase its distance from the new bulkhead for flood control purposes and will maximize recreational opportunities within the park.

Public Need:

As discussed above, it is necessary for the Borough to remove American Legion Drive from the existing bulkhead in order to construct the new bulkhead. In addition, the proposed relocation will maximize public shoreline access and pedestrian and vehicular safety.

Public Benefit:

The proposed realignment will enable the Borough to create an enhanced passive recreation greenway in the space that becomes available from the removal of American Legion Drive and the vacation of its right-of-way. The new greenway will include enhancements that will augment adjacent recreational and transportation facilities, including the nearby boat launch, New York City Ferry terminal and recreational fishing uses. The realigned road will also provide improved rear access to existing Front Street commercial uses and greater

delineation of these uses from the waterfront park area. Safety, recreation opportunities, and aesthetics will be enhanced by the proposed project.

Alternatives:

Due to the existing orientation of the waterfront park, the existing bulkhead alignment and condition, the impact of the bulkhead project upon the existing walkway and roadway and other uses at the site, no alternative roadway relocation plan is viable. The Borough worked with the Green Acres Program to minimize the area of proposed diversion and to configure the new road in the most park-friendly fashion possible. The Green Acres Program did explore with the Borough the alternative of closing this segment of American Legion Drive, but this option would have had too great an impact on traffic circulation in the Borough and access to adjacent commercial uses.

Public Hearing:

The Borough of Keyport held a public hearing on the proposed diversion on November 14, 2003. There was no public opposition to the proposal.

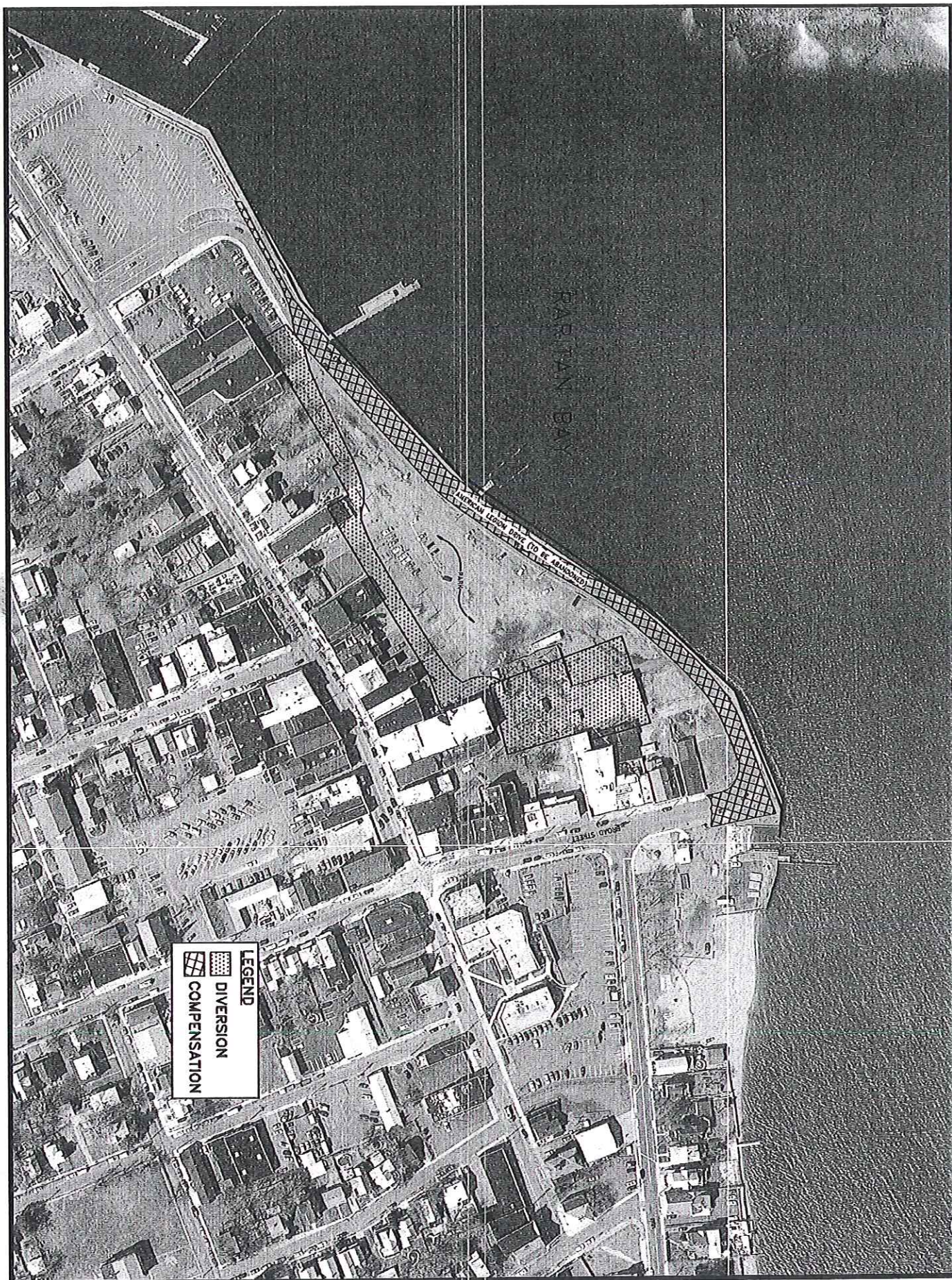
Compensation:

As compensation for the taking of approximately 1.00 acre of parkland for the new American Legion Road right of way, the Borough proposes to vacate the existing road right of way (1.02 acres) and consolidate this area with the park (Block 21.01, Lots 49 and 50). The road bed will be removed as part of the bulkhead project, and a new 40-space parking lot will be constructed to serve the waterfront park area. In addition, the Borough anticipates that once the bulkhead project is completed it will be able to create some lawn areas and install other recreational facilities in this underused park area.

Because the Borough proposes to swap a roughly equal area within the same block and lot, the Green Acres Program has determined that the proposed diversion represents an equitable exchange of property.

MAPS ☒

STATEMENT OF VALUE ☒



Plotted: 11/18/03 - 1:45 PM, By: clettini

File: P:\jobs\207348400009\dwa\airial.dwa, ---> 8.5x11 Line Titleblock

MEMORANDUM

Date: November 14, 2003

To: Leilani Hershey, Compliance Officer
Bureau of Legal Services & Stewardship

From: Diane Ross, Supervisor
Appraisal and Review Section



Subject: Keyport Borough American Legion Drive re-alignment

I have reviewed the information you provided on the above referenced project.

The property to be diverted is identified as Block 21.01 part of Lot 49 in Keyport Borough, Monmouth County. The diverted area is located at the easterly border of lot 49. It will consist of the re-aligned American Legion Drive containing 1 acre.

There is no Block and Lot designation for the replacement parcel. The replacement land is located at the westerly border of lots 49 and 50 bordering the Raritan Bay. The replacement will be the vacated portion of the existing American Legion Drive containing 1.02 acres. In addition, there is a paved walkway along the existing bulkhead.

In addition to the replacement land, the Borough will create connecting walkways, improve landscaping, install lighting and seating and create parking for accessing the waterfront.

Since the diverted parcel and replacement parcel are located near each other essentially within the same block and lot, the diversion is merely removing one portion of the road at the westerly portion of the lot and replacing it with a roadway at the easterly portion of the lot. The diverted area contains 1 acre and the replacement area contains 1.02 acres. Both parcels are essentially equal in value with the replacement land slightly higher due to its location closer to the bayfront. Therefore, since the parcels are basically the same size and command essentially the same value, the land swap represents an equitable exchange.

