

RESOLUTION OF APPROVAL
GRANTING FINAL MINOR SUBDIVISION AND MAJOR SITE PLAN APPROVAL
FOR
"THE BOATWORKS AT KEYPORT"

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 22 LOTS 12.01, 19 and 20
Application # 16-03
PRC-ES ASSOCIATES, LLC
160 WEST FRONT STREET and 156-158 WEST FRONT STREET

WHEREAS, PRC-ES Associates, LLC has applied to the Unified Planning Board of the Borough of Keyport for Final Minor Subdivision and Major Site Plan Approval for redevelopment of the "The Boatworks at Keyport" site which is located at 160 West Front Street and 156-158 West Front Street which is officially designated as Block 22, Lots 12.01, 19 and 20 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 have caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter during a regularly scheduled meeting of the Unified Planning Board held on October 27, 2016 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 applicant, PRC-ES, Associates, LLC, is seeking approval for Final Minor Subdivision and Major Site Plan Approval for "The Boatworks at Keyport" site which is located at 160 West Front Street and 156-158 West Front Street and is officially designated as Block 22, Lots 12.01, 19 and 20 on the official Tax Map of the Borough of Keyport.
2. This subject property is the subject of an official redevelopment plan titled "Longview-Boatworks Redevelopment Plan" which is dated April 28, 2016. The Plan was amended May 6, 2016 per Planning Board comments. (Exhibit A-2) Said Plan has previously been adopted by the Borough Council and currently governs zoning for the site.
3. The application is in compliance with the redevelopment plan and there are no variances required for the approval of this project.
4. The applicant intends to consolidate the three lots which are part of this application and then create two new lots from that consolidation. The new lots would be identified as Lot 20.02 and Lot 20.03. Lot 20.02 would house 26 new townhomes which are being proposed while Lot 20.03 would be a riparian lot which would be the responsibility of a newly formed homeowners association to maintain. (Exhibits A-3, A-4 and A-5)

5. Throughout the course of this application, the applicant was represented by Chad Warnken, Esquire of the law firm Archer & Greiner, P.C. which has offices at Riverview Plaza, 10 Highway 35, Red Bank, New Jersey 07701.
6. In support of the application, the applicant marked into evidence the following exhibits:
 - Exhibit A-1:** Application package dated September 2, 2016
 - Exhibit A-2:** "Redevelopment Agreement" dated August 31, 2016 and "Redevelopment Plan" dated April 28, 2016, as amended May 6, 2016 per Planning Board comments
 - Exhibit A-3:** "Minor Subdivision Plan" dated August 9, 2016 as prepared by Kenneth P. Frank, PLS of KF2T, Professional Land Surveyors (consisting of one sheet).
 - Exhibit A-4:** "Boundary & Topographic Survey" dated August 8, 2016 as prepared by Keith B. Smith, P.E., P.P. of KF2T., Professional Land Surveyors (consisting of one sheet).
 - Exhibit A-5:** "Final Minor Subdivision and Major Site Plan" dated June 23, 2016 as prepared by Keith B. Smith, P.E., P.P. of French & Parrello (consisting of 15 sheets)
 - Exhibit A-6:** Architectural rendering dated April 20, 2016 as prepared by Feinberg and Associates.
 - Exhibit A-7:** "Environmental Impact Statement" dated June 22, 2016 as prepared by Keith B. Smith, P.E., P.P. of French & Parrello.
 - Exhibit A-8:** "Stormwater Management Summary" dated June 17, 2016 as prepared by Keith B. Smith, P.E., P.P. of French & Parrello.
 - Exhibit A-9:** Aerial photograph of the applicant's property dated October 20, 2016 which includes 200 foot area around site.
 - Exhibit A-10:** Monmouth County Planning Board Development Review Committee letter dated October 11, 2016 requesting additional information from applicant with regard to French and Parrello Plans dated October 11, 2016.
 - Exhibit A-11:** Monmouth County Planning Board Development Review Committee letter dated October 11, 2016 requesting additional information from applicant with regard to KF2T Professional Land Surveyor plans dated August 9, 2016.
 - Exhibit A-12:** Color rendering of Landscaping Plan dated October 27, 2016 as prepared by French & Parrello.

Exhibit A-13: Resume of Michael LaMana, the applicant's arborist.

7. In addition to the exhibits presented by the applicant, the Board also marked its own **Exhibit B-1** which was the "Initial Completeness Review, Engineering Review, Fee Determination and Remaining Conditions Review" letter dated October 21, 2016 and authored by the Board's Engineer, Francis W. Mullan, P.E., C.M.E. and its Planner, Stan Slachetka, P.P., both of T&M Associates.
8. Mr. Slachetka was not present for the meeting. In his place as Board Planner was Donna Miller, P.P., also of T&M Associates.
9. Mr. Mullan and Ms. Miller were placed under oath as to any testimony they might give during the course of the application and as to the accuracy of the review letter marked into evidence as **Exhibit B-1**. It was agreed that the references in the review letter to variances being needed for the application were now moot as the applicant had addressed all of the issues raised in letter which would have led to variance conditions. The application was now fully conforming with the adopted redevelopment plan. (**Exhibit A-2**)
10. The applicant presented sworn testimony from its site engineer, Keith B. Smith, P.E., P.P. of French & Parrello Associates which has offices located at 1800 Route 34, Suite 101, Wall, New Jersey 07719.
11. Mr. Smith noted that the applicant intended to record the proposed subdivision with the Monmouth County Clerk's Office by way of deed. It was agreed as a condition of approval that the subdivision deed would need to be reviewed and approved by the Planning Board's Attorney and the Planning Board's Engineer prior to its recording with the Monmouth County Clerk's Office.
12. With regard to the project itself, Mr. Smith testified that the applicant would be developing a townhouse community consisting of 26 units. There will be five buildings. Building "A" will have seven (7) units, building "B" will have five (5) units, building "C" will have four (4) units, building "D" will have seven (7) units and building "E" will have three (3) units.
13. Each dwelling unit will have at least one attached one-car garage as well as a driveway. The driveways would be 22 feet in length. This driveway/garage configuration would accommodate two vehicles for each residence.
14. Each of these dwellings will be constructed pursuant to the required flood elevation levels. This would be a condition of approval.
15. With regard to the interior road and parking pavement cross section detail included in the applicant's site plan (**Exhibit A-5**), it was agreed as a condition of approval that rather than the 1.5 inch thick surface proposed, the applicant would instead use 2 inches of top pavement over 4 inches thick stabilized base.

16. It was noted that while there were no variances associated with the project, the applicant was proposing a waiver from the R.S.I.S. (Residential Site Improvements Standards) relating to the entrance driveway. Pursuant to the R.S.I.S., residential access intersections must have a curb radii of 25 feet. The applicant is proposing 30 foot curb radii entering the site. The applicant believes the 30 feet curb radii will allow for better access to the site. The Board's Engineer, Fran Mullan, P.E., C.M.E., indicated he believed such a difference was *de minimis* in nature and that he had no issues with the Board granting such a waiver.
17. The applicant will construct a trash enclosure area to the north east of the site so that a trash hauler can easily access it. During discussion before the Board it was agreed that the applicant would ensure the trash enclosure gates will match the gating around the enclosure and that it would have a solid back with solid doors so that the dumpsters can not be seen from the outside. It was also agreed that the applicant would provide a man door leading into the enclosure area. Additionally, the submitted plans (**Exhibit A-5**) depicted a sidewalk in the rear of the enclosure area. It was agreed that this sidewalk would be removed. As a condition of approval, it was understood that the trash enclosure area would need to be modified on the plans to meet the specifications testified to. Said modifications would be subject to the review and approval of the Board's Engineer and Planner.
18. It was noted that the site plan had been designed so as to ensure vehicle headlights would not negatively impact neighboring lots. There would be a retaining wall constructed by the applicant which would also serve to effectively block the shine of headlights. It was understood that the retaining wall would utilize a "flexible wall system". It was agreed as a condition of approval that the retaining wall design would need to be submitted to the Board's Engineer and Planner for their review and approval.
19. With regard to the landscaping of the property, Mr. Smith stated that the site is presently covered by gravel. Referring to **Exhibit A-12**, it was indicated that the applicant would be introducing greenery throughout the site. The plantings would be both salt and drought tolerant so as to promote maximum growth. The applicant testified that there would not be any sprinkler systems employed in the landscaping plan. After some discussion, it was also agreed that the applicant would eliminate the wrap-around sidewalk shown on the site plan (**Exhibit A-5**) and replace it with the landscaping shown on **Exhibit A-12**. It was specifically agreed that there was no need for the sidewalk depicted on the site plan as being past the gazebo. Landscaping would be installed in that location instead. The site plan would have to be modified to incorporate the landscaping depicted on **Exhibit A-12**. As a condition of approval, such modifications would have to be submitted to the Board's Engineer and Planner for their review and approval.

20. With regard to concerns raised by the Board's Engineer as to whether the applicant would be preserving four (4) mature trees which were located on the site, the applicant agreed to hire Michael LaMana of Heartwood Ecological Consulting (**Exhibit A-13**), who is an arborist, to inspect the trees and see if they can be salvaged. Mr. LaMana's report would have to be forwarded to the Board's Engineer for his review. The applicant pledged to save the trees if they were salvageable, if not, they would be removed from the site. The Board did not wish to have the trees remain during the construction if they would only end up dying after the fact. If any of noted trees needed to be removed, the applicant agreed to plant a replacement tree on site to compensate for it. The replacement trees, which do not have to be identical to those removed, and the location where they will be planted, would be subject to the approval of the Board's Planner and Engineer.
21. With regard to the water swale area, it was represented by the applicant that its maintenance would be the responsibility of the homeowner's association. The Master Deed for the Association would contain a blanket easement permitting the Borough to access and maintain the swale if the Association failed to do so. If the Borough needed to exercise its rights under this easement, all costs incurred by the Borough toward such maintenance would be billable back to the Association. The inclusion in the Master Deed of the homeowner association's responsibility to maintain the swale, as well as the blanket easement to the Borough, would be conditions of approval. The Master Deed would need to be submitted to the Board's attorney and its Engineer for their review and approval prior to the document's recording with the Monmouth County Clerk's Office.
22. Mr. Smith indicated that the applicant was prepared to comply with all conditions contained within the T&M Review Letter (**Exhibit B-1**) unless otherwise indicated during the course of the application.
23. With regard to signage, Mr. Smith stated the applicant was not currently proposing any community sign. If such a sign was sought, it would either comply with the existing ordinances or the applicant would return to the Board for proper approvals.
24. It was acknowledged that the proposed development would require CAFRA approval before construction could commence.
25. Mr. Smith believed the site plan, as proposed, would function correctly without difficulties.
26. The applicant also presented testimony from its architect, William Feinberg, P.A. of Feinberg & Associates, P.C. which has offices at One Echelon Plaza, 227 Laurel Road, Suite 201, Voorhees, New Jersey 08043.

27. Mr. Feinberg referenced his architectural plans which had been marked into evidence as **Exhibit A-6**. He noted that the buildings would all have three stories and be between 2,200 and 2,300 square feet. They would have three bedrooms and three and a half bathrooms. None of the buildings would have basements. Four of the buildings would have one (1) car garages, while one of the buildings would have two (2) car garages. He noted that the plans depicted the buildings as being 35.5 feet high, however they would actually be only 35 feet. Additionally, it was noted the plans depicted a setback issue with the steps at Building "B". This condition would also be eliminated. There would not be any variances associated with this application. As a condition of approval, the plans would be revised to reflect this fact.
28. Referencing the architectural elevations for Building "E", Mr. Feinberg noted that there are two lower windows depicted in the drawings for the right side elevation. (**Exhibit A-6, last page**) The applicant did not plan to construct these windows on the building. As a condition of approval, the architecturals would be revised to reflect this fact and submitted to the Board's Engineer and Planner for their review and approval.
29. Mr. Feinberg indicated the proposed architecturals demonstrated the development would be aesthetically pleasing and act as a tremendous upgrade for the surrounding community.
30. With regard to the Board's concerns over a lack of lighting on Front Street, Mr. Feinberg explained that the Monmouth County Planning Board had expressed some concerns over such an installation as it felt they would create a distraction. The applicant agreed to take photographs of lights which the County had previously approved on First Street and present them to the County for its review as the Board believed such lights should also be installed on Front Street. Ultimately however, the Board agreed to follow whatever the County ultimately determined on the issue and did not believe the lack of same would be detrimental to the functionality of the proposed development.
31. The following members of the public were sworn and spoke with respect to the application:
- (a) **Bob Ludwig - 50 Beers Street:** Mr. Ludwig expressed concerns over whether the homeowners association could be compelled to honor its obligations. The Board advised that the Borough would be able to enforce its ordinances against the Association as it would any other property owner.
 - (b) **Michael Lane - 51 First Street:** Mr. Lane spoke in favor of the application. However he encouraged the applicant to look into placing all of the first floor mechanicals on a pad. The applicant, through its attorney, indicated they would consider this.
 - (c) **Collette Kennedy - 421 Atlantic Street:** Ms. Kennedy wished to confirm whether there will be livable space there would be on the first floor of the proposed dwellings. The applicant confirmed there would be living space on the first floor.

(d) **Robert Gonzales, 91 Fulton Street** - Mr. Gonzales indicated that he was the property manager for the "Seabrook House" located at 162 West Front Street, a neighboring property to the proposed development. He indicated that he fully supported the proposed plan and believed it would act as a benefit for the community.

32. The Board's Professionals had no objections to this application being granted from an engineering and planning standpoint.
33. No one else testified with respect to the application.
34. In considering this application, the Board agrees with the testimony of the applicant's professionals and with the testimony of the Board's own professionals, that the proposed site plan will function correctly as envisioned. In fact, when considering the modifications that the applicant agreed to implement during the course of the application process, the Board finds that the site plan will function even better than originally designed.
35. Provided that the applicant to adhere to all of the conditions contained within this Resolution, the Board can find no reason whatsoever as to why the applicant's application for Major Site Plan Approval should not be approved.
36. The Board also has no issues granting the applicant its requested waiver of the R.S.I.S. standard relating to a 25 foot curb radii being required, whereas the applicant is seeking a 30 foot curb radii so to provide easier access to the site. The Board agrees with its Engineer that such a waiver request is *de minimis* in nature and should be granted.
37. The Board also finds that the application for minor subdivision approval is also warranted as all it seeks to do is separate the developable part of the property from the environmentally sensitive component. The Board believes this makes complete sense and as a result can think of no reason why the request should be denied.
38. The Board concludes the benefits of granting this application outweigh the detriments and can therefore be granted without impairing the public good, Zone Plan and Ordinance.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of PRC-ES Associates, LLC, for premises officially known as Block 22, Lots 12.01, 19 and 20 on the tax map of the Borough of Keyport, be granted subject to the following conditions:

1. Subject to the applicant adhering to all plans and reports marked into evidence unless otherwise modified by this Resolution.
2. Subject to the applicant complying with all conditions contained within the T&M Review Letter which was marked into evidence as **Exhibit B-1** unless otherwise modified by this Resolution or deemed unattainable due to a ruling by a body of superior jurisdiction. All revisions to the plans as required by this condition shall be submitted to the Board's Engineer and Planner for their review and approval.

3. Subject to the approved subdivision being recorded by deed which shall be reviewed and approved by the Planning Board's attorney and the Planning Board's Engineer prior to its recording with the Monmouth County Clerk's Office.
4. Subject to each of the proposed dwelling being constructed pursuant to the required flood elevation levels.
5. Subject to the interior road and parking pavement cross section detail being revised to use 2 inches of top pavement over 4 inches thick stabilized base rather than the 1.5 inch thick surface shown in the plans. Said modification to be reviewed and approved by the Board's Engineer.
6. Subject to the proposed trash enclosure area be modified so as to meet the specifications indicated in Paragraph 16 of this Resolution. Said modifications must be shown on a revised site plan and will be subject to the review and approval of the Board's Engineer and Planner.
7. Subject to the specifications for the proposed retaining wall being submitted to the Board's Engineer and Planner for their review and approval.
8. Subject to the landscaping plan being revised as per Paragraph 18 of this Resolution. Said modifications must be shown on a revised site plan and will be subject to the review and approval of the Board's Engineer and Planner.
9. Subject to the applicant submitted a report from Michael LaMana of Heartwood Ecological Consulting, or another arborist having similar credentials (**Exhibit A-13**), as to the salvageability of the four (4) mature trees located on the site. The arborist's report must be forwarded to the Board's Engineer for his review. If the trees can be salvaged, they will be saved. If they cannot be salvaged, they must be removed from the site prior to construction and applicant shall provide a replacement tree for each lost as compensation. The choice of the replacement trees, which do not have to be identical to the ones removed, and their planting locations would be subject to the approval of the Board's Planner and Engineer.
10. Subject to the Master Deed of the Homeowners' Association containing a provision requiring the association to properly maintain the water swale area. The Master Deed shall also contain a blanket easement permitting the Borough to access and maintain the swale if the Association fails to do so. The language shall state that if the Borough needs to exercise its rights under this easement, all costs incurred by the Borough toward such maintenance would be billable back to the Association. This provision of the Master Deed may not be amended by the Association without first receiving the approval of the Borough of Keyport. The Master Deed would need to be submitted to the Board's attorney and its Engineer for their review and approval prior to the document's recording with the Monmouth County Clerk.
11. Subject to the applicant's plans being revised to show that the proposed buildings will only be 35 feet high. Said plans to be reviewed and approved by the Board's Engineer.

12. Subject to the applicant's architectural plans (Exhibit A-6, last page) being revised so as to eliminate the two lower windows shown on the right side elevation of Building "E". The revised architectural shall be submitted to the Board's Engineer and Planner for their review and approval.
13. Subject to the applicant attempting to have Monmouth County approve the installation of lighting along Front Street which is similar to the lighting previously approved by the County along First Street. A refusal by the County to approve such lighting shall not be detrimental to this approval.
14. All representations made under oath by the applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval.
15. 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.
16. 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.
17. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations, including but certainly not limited to, CAFRA approval.
18. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the filing of a subdivision deed or signing of a subdivision map.
19. 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 of the Borough of Keyport 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.
20. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at his sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved by J. Kovacs, Second by M. Sessa and on Roll Call, the following vote was recorded:

Affirmative: Mayor Aumack, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs, G. Sappah

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on December 8, 2016.



Denise Nellis, Secretary of the Board