

RESOLUTION

**KEANSBURG PLANNING BOARD OF ADJUSTMENT
KEANSBURG PLAZA ASSOCIATES, LLC
199 MAIN STREET
KEANSBURG, NJ
BLOCK 94, LOT 54.01
APPLICATION NO.: KPBA-2013-16**

INTRODUCTION

WHEREAS, Keansburg Plaza Associates, LLC has submitted an Application to the Keansburg Planning Board of Adjustment for the property designated as Block 94 Lot 54.01, commonly known as 199 Main Street, Keansburg, NJ, within the Borough's RMF and B-1 Zones, for the following approval: Amended Site Plan Approval (or Waiver thereof), Change of Use Approval, and Bulk Variance Approval to effectuate the following:

- Change of Use for a portion of the existing 2nd Floor at the site from a "Office Use" to a "Medical Office" Use; and
- Change of Use for a portion of the existing 2nd Floor at the site from a "Storage / Warehouse" Use to a "Studio" Use (for Wrestling and Cheerleading purposes); and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 21, 2013, Applicant having filed proper proof of service and publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE/EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Planning Board of Adjustment Application Package, dated October 9, 2013 introduced into Evidence as A-1;*
- *Denial of Development Permit, dated September 20, 2013, introduced into Evidence as A-2;*
- *Copy of the prior final Site Plan, prepared by RC Engineering and Management Associates, dated January 4, 2003, last revised August 20, 2004, introduced into Evidence as A-3;*
- *Resolution of Approval from the Planning Board (regarding the subject property) dated July 26, 2004, introduced into Evidence as A-4;*
- *T&M Associates Review Memorandum, dated October 21, 2013, introduced into Evidence as A-5;*
- *Communication from the Applicant's Attorney, to the Zoning Officer, dated October 9, 2013, introduced into Evidence as A-6;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Howard Shulman, Member of Keansburg Plaza Associates, LLC, and the Owner of the Keansburg Pharmacy;
- Margo Galvin, representative of Titan Zone, a prospective Tenant at the site, and the Cheerleading Coordinator for the Titan Zone Organization;
- Shaun Alt, President of the Titan Zone Organization, a prospective Tenant at the site, and the Wrestling Coordinator for the Titan Zone Entity;
- James F. Clarkin, III, Esq., appearing;

WHEREAS, Ed Herrman, P.E., CME, the Board Engineer, was also sworn with regard to any testimony he would provide in connection with the Application; and

WHEREAS, Edward Striedl, the Borough's Zoning Officer, was also sworn with regard to any testimony / information he would provide in connection with the Application; and

TESTIMONY AND OTHER EVIDENCE SUBMITTED ON BEHALF OF THE
APPLICANT'S REPRESENTATIVES

WHEREAS, testimony and other evidence presented on behalf of the Applicant's representatives revealed the following:

- The Applicant herein is Keansburg Plaza Associates, LLC, a Limited Liability Company of the State of New Jersey.
- The principals of the said entity are Howard Shulman and George Gromet.
- The site contains a 2 story commercial building, with approximately 34,000 sq. ft. of total floor area, along with various site improvements.
- Per prior Planning Board Approval, the existing 2 story building is currently approved to be utilized as follows:

1st Floor

Commercial Office and Retail, including Dunkin Donuts, Valley National Bank, and the Keansburg Pharmacy

2nd Floor

Office space and Storage space

- The above-referenced mixed use has been in operation at the site for approximately 7 ½ years.
- There is no change proposed for the existing 1st Floor Uses at the site.

However, the Applicant's representatives would like to change the Uses on the 2nd Floor of the building. Specifically, the Applicant is proposing to utilize the 2nd Floor as follows: a) Medical Office Use and b) Studio Use (Wrestling and Cheerleading).

In conjunction with the said Uses, the Applicant's representatives intend to Lease a portion of the 2nd Floor of the building to a Medical Office and, the Applicant's representatives also intend to Lease the remaining portion of the 2nd Floor of the building to the Titan Zone, a non-profit entity designed to promote Cheerleading and Wrestling within the Borough of Keansburg.

Details pertaining to the proposed 2nd Floor Uses include the following:

Proposed Medical Office Use

Size of Medical Office:	2,500 SF
Patients to hail from?:	The greater Keansburg Area
Total Number of Doctors associated with the practice:	3
Total Number of Doctors at the site at any one time:	1
Type of Medical Practice:	Cardiologist Pediatrician Internist
	There will be no pain management or addiction recovery services provided at the site.
Total Maximum Number of Medical Staff associated with the Medical Use:	5

Hours of Operation:

Monday-Saturday
9:00 a.m. – 5:00 p.m.
(Perhaps earlier hours on
Saturday, if there is a need)

Anticipated length of medical
appointments:

Cardiologist
30 minutes

Pediatric
15 minutes

Internist
15 minutes

Garbage Storage / Collection:

The garbage will be stored in
the existing garbage
enclosure at the site, and
collected via private hauler.
An additional trash enclosure
will be provided at the site, if
necessary.

Medical Waste:

The same will be collected
via a private hauler. The
same will be collected 1 time
per week, or 1 time per
month, as necessary. (The
said obligation will be
memorialized in the Lease
Agreement between the
Owner and the subject
Tenant).

Delivery frequency:
(To the site)

Minimal, and as necessary.

Type of delivery vehicles
utilized:

There will be no tractor trailers associated with the within proposal. Rather, items will be delivered to the site, as necessary, by standard / small UPS and Federal Express types of vehicles.

Ambulance Delivery:

There will be no ambulance delivery to or from the site (in the absence of emergent circumstances).

Drugs / Medication stored in the on-site Medical Office:

There will be no prescription medicine or narcotics stored in the on-site Medical Office.

Oxygen Tank:

There will be no oxygen tanks stored on / at the premises.

Studio Use (Cheerleading)

Purpose:

The designated area will be a place where Program Cheerleaders can practice.

Size of Cheerleading practice space:

2,000 SF
(Note: The said area is shared with the Wrestling Program as well.)

Age of Cheerleaders:

5 - 16

Cheerleading Season:

Fall and Spring

Total Number of
Cheerleading Teams to
utilize the facility:

3 Teams

Maximum Number of
Cheerleaders on any one
Team:

20 Cheerleaders

Maximum Number of
Cheerleading Teams at the
site at any one time:

1 Team

Maximum Number of
Cheerleaders at the site at any
one time:

20 Cheerleaders

Maximum Number of
Cheerleading Coaches on site
at any one time:

4

Hours of Operation:

Mondays – Friday
5:00 p.m. – 9:00 p.m.

Saturday
9:00 a.m. – 1:00 p.m.

Sunday
CLOSED

Cheerleading Practice
Restrictions:

Cheerleading parents /
guardians are not permitted to
watch Cheerleading Practice
Sessions

Other Cheerleading Practice
Locations:

The Keansburg Middle School

Practice limitations:

The Cheerleaders will not practice at the site while the Wrestlers are practicing, and vice versa.

Competitions / Events / Tournaments to take place at the site:

There will be no competitions / events / tournaments to take place at the site. Rather, the subject studio area is just a place where Cheerleaders can practice Cheerleading, in accordance with the limitations set forth above.

Studio Use (Wrestling)

Purpose:

The designated area will be a place where Program Wrestlers can practice.

Size of Wrestling practice space:

2,000 SF
(Note: The said area is shared with the Cheerleading Program as well.)

Age of Wrestlers:

5-14 years old

Wrestling Season:

Late Fall and Winter

Total Number of Wrestling Teams to utilize the facility:

2 Teams (one beginning team
and one advanced team)

Maximum Number of
Wrestlers on one Team:

24 Wrestlers

Maximum Number of
Wrestling Teams at the site at
any one time:

1 Team

Maximum Number of
Wrestlers at the site at any
one time:

24 Wrestlers

Maximum Number of
Wrestling Coaches:

8

Maximum Number of
Wrestling Coaches at the site
at any one time:

4-5

Hours of Operation:

Mondays – Friday
5:00 p.m. – 9:30 p.m.

Saturday
CLOSED

Sunday
CLOSED

Wrestling Practice
Restrictions:

Wrestling parents / guardians
are not permitted to attend /
watch Wrestling Practice
Sessions

Practice limitations:

The Wrestlers will not
practice at the site while the

Cheerleaders are practicing
and vice versa.

Competitions / Events /
Tournaments to take place at
the site:

There will be no competitions
/ events / tournaments to take
place at the site. Rather, the
subject studio area is just a
place where Wrestlers can
practice Wrestling, in
accordance with the
limitations set forth above.

VARIANCE

WHEREAS, the Application as presented requires approval for the following Variance:

OFF-STREET PARKING: 197 spaces required; whereas 84 parking spaces exists (as approved in 2004 by the Keansburg Planning Board). In the within situation, the proposed Change of Use will increase the parking demand by 34 spaces (from that approved in 2004) and thus, a Parking Variance is necessary.

PUBLIC COMMENTS

WHEREAS, no members of the public expressed any questions, comments, objections, or concerns regarding the Application.

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of Adjustment of the Borough of Keansburg, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted with conditions**.

In support of its decision, the Board of Adjustment makes the following Findings of Fact and Conclusions of Law:

1. The Keansburg Planning Board of Adjustment has proper jurisdiction to hear the within matter.
2. The subject property is located at 199 Main Street, Keansburg, NJ, within the Borough's RMF and B-1 Zones.
3. There is an existing 2 story building at the site.
4. As a result of a prior Planning Board Approval, the existing site is authorized to be utilized as follows:

1st Floor:

Dunkin Donuts
Valley National Bank
Keansburg Pharmacy

2nd Floor:

Office Space
Storage Space

5. The Applicants propose to utilize the site as follows:

1st Floor:

Dunkin Donuts
Valley National Bank
Keansburg Pharmacy

2nd Floor:

Medical Office Use
Studio Office Use (Cheerleading and Wrestling)

6. Such a proposal requires Amended Site Plan Approval (or Waiver thereof), Change of Use Approval, and Bulk Variance Approval.

7. The Keansburg Planning Board of Adjustment is statutorily authorized to grant such relief and therefore, the matter is properly before the said entity.

8. With regard to the Application, and the requested relief, the Board notes the following:

- The Medical Use approved herein is a permitted Use in the subject Zone.
- It is anticipated that the majority of patients who will utilize the Medical Offices will hail from the greater Keansburg Area.
- Providing Keansburg residents with more / greater access to Medical Offices is a positive, recognized, and legitimate development goal.
- The Medical Office Use approved herein will be a nice compliment to the existing Pharmacy Use at the site.
- There is a likely need for additional Cardiologist, Pediatric, and Internist Services in the Keansburg Area.
- Some Board Members had concerns with respect to the type of Medical Offices to operate from the site – and whether the same would include Pain Management Services, Addiction Recovery Services, and the like. Among other things, the Board Members were concerned about the intensity of such uses, the personnel / staff associated with such services, security needed to accommodate such services, the hours of operation associated with such services, and the parking demands associated with such services. The Applicant's representatives did not provide testimony / information to satisfactorily address the Board concerns in the said regard. After discussion, the Applicant's representatives agreed that the only type of Medical Office Use approved / authorized at the site would include a Cardiologist, a Pediatrician, and an Internist. Such a concession / restriction was a material factor in the Board deciding to conditionally improve the subject Application.
- The Studio Use approved herein is a permitted Use in the Zone.
- The Cheerleading / Wrestling Studio Uses approved herein will promote the public health, safety, and general welfare.

- The Cheerleading / Wrestling Studio Uses approved herein will help promote the Cheerleading / Wrestling Recreational Programs within the Borough.
- Though not affiliated with the Borough's Recreation Department, the Cheerleading / Wrestling Studio Uses approved herein will presumably serve as a nice feeder program for the Borough's Cheerleading / Wrestling Programs.
- The Cheerleading / Wrestling Studio area will be utilized as a practice facility only – and only in accordance with the parameters as set forth in the testimonial chart contained herein.
- The 2,000 SF Studio portion of the 2nd Floor of the building can appropriately, comfortably, and safely accommodate such a limited Studio Use.
- The Cheerleading / Wrestling Studio portion of the site will not be utilized to host Cheerleading / Wrestling Tournaments / Competitions, etc. The Board positively notes the within, as the site cannot accommodate the parking demands which would otherwise be associated with Competitions / Tournaments, etc.
- The Cheerleading and Wrestling Uses approved for the site have different / non-competing seasons. Specifically, the Cheerleading season occurs in the Fall and Spring; whereas the Wrestling season occurs in late Fall and Winter.
- The Cheerleading and the Wrestling Groups will not be utilizing the Studio at the same time.
- There will only be a maximum number of 24 Wrestlers at the site at any one time. Additionally, there will only be a maximum of 20 Cheerleading participants at the site at any one time. (Additionally, as noted, the Cheerleading participants and Wrestling participants will not be at the site at the same time.)
- The on-site parking can accommodate the above uses.
- Approval of the within Application will better serve the existing and future Titan Zone members.
- Subject to the conditions contained herein, the use of the Studio facility will not interfere with the surrounding uses.

- It appears that a portion of the 2nd Floor of the building has been utilized as a Cheerleading / Wrestling Studio for quite some time – and there have been no known complaints associated with such uses.
- Subject to the conditions contained herein, continued Studio Use at the site will not interfere with the surrounding uses.
- One of the recognized purposes of the New Jersey Municipal Land Use Law is to provide a sufficient space for a number of recreational uses – and, subject to the conditions contained herein, approval of the within Application will advance such a purpose.
- Generally speaking, statistics reference the many adverse health effects associated with younger children in an increasingly sedentary society – including:
 - Increased episodes of childhood obesity; and
 - Increased episodes of diabetes, etc.

Approval of the within Application will create one small way in which the Applicant's representatives can better prevent area children from suffering the effects of the aforementioned health concerns.

- One of the recognized purposes of the New Jersey Municipal Land Use Law is to approve Applications which promote the public health, safety, and welfare. For the reasons set forth in the proceeding point, the Board finds that approval of the within Application will advance such a purpose.
- The site can physically accommodate the Change of Uses approved herein.
- The existing / approved / authorized Uses at the building result in a 39 space parking demand, calculated as follows:

6,000 SF Storage Space	1.2 Spaces
8,400 SF Office Space	37.8 Spaces
=	39 Spaces

- The Change of Use approved herein will result in a 73 space parking demand for the building, calculated as follows:

4,000 SF Storage Space8 Spaces
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2,000 SF Studio Use	20 Spaces
5,872 SF Office Space	26.4 Spaces
2,528 SF Medical Office Use	25.3 Spaces
=	73 Spaces (rounded up)

- As referenced above, approval of the within Application will result in a net increased demand of 34 parking spaces for the building (as compared to what was approved by the Planning Board in 2004.) (73-39:34)
- In 2004, the Planning Board granted a Parking Variance; whereas 197 spaces were required, and only 84 spaces provided. As referenced above, the Change of Use approved herein will result in a net increased parking demand of 34 parking spaces.
- There are a number of parking spaces at the site which can be shared – because of the nature of the other uses, and the differing operating hours of some of the other uses, etc. Specifically, the existing Bank Use at the site closes at approximately 4:00 p.m. each day; whereas the Cheerleading / Wrestling Studios will only be utilized from approximately 5:00 p.m. to 9:00 p.m. / 9:30 p.m.
- The concept of shared parking at the site is appropriate – as the same will allow non-competing uses to share parking spaces in a safe and efficient fashion.
- The Cheerleading and Wrestling Studio Uses will not be utilized for Tournament / Competition purposes, thereby further reinforcing the concept that the existing shared parking at the site is appropriate for the Mixed Uses approved herein.
- The fact that parents, guardians, and general visitors are not permitted to attend the Cheerleading / Wrestling Sessions at the site further reinforces the concept that the proposed parking will be sufficient for the uses approved herein.
- The testimony from Mr. Shulman (who works in the Keansburg Pharmacy and is present at the site most every day) indicated that the existing parking lot at the site has never been three-quarters filled (except during the Holiday seasons). The testimony presented furthermore indicated that on average, the parking lot at the site is only half-full. Based upon the said information, and per the other testimony and evidence presented, the Board is of the opinion that the Parking Variance can be granted without causing substantial detriment to the public good.

- Per the testimony evidence presented, the parking lot at the site complies with the prevailing provisions of the Americans with Disabilities Act.
- Approval of the within Application will not change the height or footprint of any of the existing structures at the site.
- There were no known public objections associated with the within Application.
- The benefits associated with approving the within Application substantially outweigh any detriments associated with the same.
- Given the limited amount of site work associated with the within approval, the requested Site Plan Submission Waivers can be granted without causing substantial detriment to the public good.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques, and sufficient space in an appropriate location for medical and recreational uses to meet the needs of New Jersey citizens
- Subject to the conditions set forth herein, the Application as presented satisfies the Site Plan requirements of the Borough of Keansburg.

Based upon the above, the Board is of the unanimous opinion that the Application can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant's representatives have agreed, to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Board has specifically approved the subject medical use/studio use because of the testimony and evidence demonstrating and confirming the non-intense nature of the same (relative to the limited hours of operation at the site, the limited number of employees/doctors at the site, the limited on-site activity (described in the testimonial chart herein), the absence of tournaments/official competitions at the site, limited deliveries to the site, limited parking demands associated with the use/site, etc. But for the said testimony and representations, the within Application would not have been approved. Thus, in the event the Applicant (or any successor Owner/Applicant) desires to materially increase or intensify the nature of activity at the site, the Applicant (or Successor Applicant) shall be required to return to the Zoning Board so as to petition the Board for further review/relief/approval.
- b. The Applicant shall only utilize the site in conjunction with the testimonial chart reference herein. Furthermore, if any on-site activities materially differs from the testimony presented to the Land Use Board, then, in that event, the Applicant shall be required to re-petition the Board for further formal relief.
- c. To the extent necessary, the Applicant shall obtain any and all necessary approvals from the Borough Council of the Borough of Keansburg (which serves as the Re-development Agency for the Municipality).
- d. If necessary, the Applicant's representatives shall arrange for additional/more frequent private garbage pickup to be scheduled for the site.
- e. The medical office use shall be limited to the following medical uses:
 - i. Cardiology
 - ii. Pediatric
 - iii. Internist
- f. In conjunction with the above point, there shall be no pain Management Medical Services provided at the site or Addiction Recovery Services (or similar services) performed at the site.
- g. There shall be no prescriptions or narcotics stored in the medical use portion of the building.

- h. Per the testimony presented, there shall only be one doctor at the site at any one time.
- i. Prior to the issuance of any building permits, the Applicant's representatives shall submit new floor plans, officially designating the uses/spaces approved herein.
- j. The Applicant shall comply with the terms and conditions of the T&M Associates review memorandum, dated October 21, 2013 (A-5).
- k. The medical office portion of the building shall not be sub-leased.
- l. There shall be no cheerleading/wrestling tournaments / competitions (or other similar activities) at the site.
- m. The Applicants shall comply with all applicable Affordable Housing related Ordinances of the Borough of Keansburg, as the same may be amended from time to time.
- n. The Applicant shall comply with Prevailing Building / Construction Regulations, as may be required / necessary.
- o. Unless otherwise waived, the Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
- p. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other Agency having jurisdiction over the matter.
- q. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay (or arrange for the satisfaction of) all appropriate/required fees, taxes, and inspection fees.
- r. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Keansburg.
- s. Unless otherwise agreed by the Zoning Board, the within approval shall be deemed abandoned, unless, within 18 months from

adoption of the within Resolution, or any agreed upon extension, the Applicant obtains a Certificate of Occupancy for the uses approved herein (if necessary).

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicants and/or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant's representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Keansburg, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of Adjustment of the Borough of Keansburg, the Borough of Keansburg, or their agents/representatives accept any responsibility for the proposed development / construction.

FOR THE APPLICATION: Mrs. Foley, Mr. Preston, Mr. Donohue, Mr. McKenna, Mr. Flynn

AGAINST THE APPLICATION: None

ABSTENTIONS: None

The foregoing Resolution was offered by: Mr. Flynn and Seconded by Mr. Preston, and adopted by Roll Call Vote:

IN FAVOR: Mr. Preston, Mr. Donohue, Mr. McKenna, Mr. Hoff, Mr. Flynn

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Mr. Cocuzza, Mr. Foley, Mrs. Strydio

ABSENT: Mrs. Rogan, Mrs. Foley, Mr. Strydio

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Keansburg Planning Board of Adjustment on this 18th day of November, 2013.


Kathy Burgess, Zoning Board Secretary

RESOLUTION

**KEANSBURG PLANNING BOARD OF ADJUSTMENT
RESA TREATMENT CENTER, INC.
199 MAIN STREET, SUITE 2A
KEANSBURG, NJ
BLOCK 94, LOT 54.01
APPLICATION NO.: KPBA-2016-21**

INTRODUCTION

WHEREAS, Representatives of RESA Treatment Center, Inc. have submitted an Application to the Keansburg Planning Board of Adjustment for a portion of the property designated as Block 94 Lot 54.01, commonly known as 199 Main Street, Suite 2A, Keansburg, NJ, within the Borough's RMF and B-1 Zones, for the following approval: Site Plan Approval, Waiver of Site Plan Approval, Change of Use Approval, and Use Variance Approval to operate a Substance Abuse Treatment Center in a portion of the existing 2nd Floor at the site; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 17, 2016, Applicant's representatives having filed proper proof of service and publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Zoning Officer Denial Letter, dated August 29, 2016, introduced into Evidence as A-1;*

- *Keansburg Planning Board of Adjustment Application Package, dated on or about October 5, 2016, introduced into Evidence as A-2;*
- *Certification of taxes, introduced into Evidence as A-3;*
- *Boundary and topographic survey, prepared by Herbert G. McDonald, dated July 15, 2004, last revised January 4, 2005, introduced into Evidence as A-4;*
- *Architectural Plans, prepared by Keith S. Mazurek, AIA, dated August 4, 2016, consisting of one sheet, introduced into Evidence as A-5;*
- *Resolution of Keansburg Planning Board of Adjustment, regarding the subject property (Application No. 2013-16), introduced into Evidence as A-6;*
- *T&M Associated Review Memorandum, dated October 17, 2016, introduced into Evidence as A-7;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Michael Palmireri, Officer of the Corporate Applicant;
- Anthony Palmireri, the Applicant's representative;
- Howard Shulman, Member of Keansburg Plaza Associates, LLC, the Owner of the subject property;
- Philip J. Onorato, Esq., Legal Counsel to the Applicant;

WHEREAS, Francis W. Mullan P.E. CME, the Board Engineer, was also sworn with regard to any testimony he would provide in connection with the Application; and

TESTIMONY AND OTHER EVIDENCE SUBMITTED ON BEHALF OF THE
APPLICANT'S REPRESENTATIVES

WHEREAS, testimony and other evidence presented on behalf of the Applicant's representatives revealed the following:

- The Applicant herein is RESA Treatment Center, Inc., a Corporation of the State of New Jersey.
- The Applicant is a prospective tenant at the site. Specifically, the Applicant is seeking to lease an approximate 3,000 square foot portion of the existing 2nd floor at the site.
- The Owner of the property is Keansburg Plaza Associates, LLC.
- The Owner's representatives have consented to the filing of the within Application.
- The site currently contains a two-story commercial building, with approximately 34,000 square feet of total floor area, along with various site improvements.
- The first floor of the existing building is currently utilized as commercial office and retail space, including a Dunkin Donuts, a Valley National Bank, and the Keansburg Pharmacy.
- There is no change proposed to / for the existing 1st floor use.
- By Resolution dated on or about July 26, 2004, the 2nd floor of the existing 2-story building was approved for office and storage use. Subsequent thereto, by Resolution adopted on or about November 18, 2013, the Borough's Land Use Board approved a change of use for the 2nd floor to storage use, studio use (wrestling and cheerleading), office use, and medical office use.
- The Applicant's representatives now seek to utilize the 2nd floor as follows:
 - Medical Office use (to continue)
(Approximately 2, 500 square feet)
 - Storage use (to continue)
(Approximately 5, 800 square feet)

- Owner's personal / business use (to continue)
(Approximately 3,000 square feet)
 - Substance Abuse Treatment Center (new proposed use)
(Approximately 3,000 square feet)
- The Applicant herein is the proposed operator / manager of the proposed Substance Abuse Treatment Center.
 - The proposed Substance Abuse Treatment Center will essentially provide individual and group counseling sessions to individuals suffering from alcohol and / or drug addiction / dependence.
 - In order to operate the proposed Substance Abuse Treatment Center, the Applicant needs to obtain (and maintain) a license from the New Jersey Department of Human Services.
 - The Applicant's license in the said regard is currently pending before the referenced State Agency.
 - In the event a license from the State of New Jersey is not issued, the Applicant will not operate a Substance Abuse Treatment Center at the site.
 - Details pertaining to the proposed Substance Abuse Treatment Center use include the following:

Type of Services Provided:	Substance Abuse Treatment Center, to Operate on an out-patient basis only. That is, the proposed Substance Abuse Treatment Center will only include individual and group counseling sessions for addiction-related services.
Additional Services:	No additional services will be provided herein. To the extent potential attendees or patients need / desire additional services, the said individuals will be directed elsewhere (offsite).
Anticipated Attendees at the site:	It is anticipated that 45% of the proposed attendees will suffer from drug / heroin dependence. It is also anticipated that 39% of the proposed attendees will suffer from alcohol addiction / dependence.
Residential / Overnight	There will be no residential or

Services to be Provided:	overnight services provided at the site. Rather, as indicated, the Substance Abuse Treatment Center proposed herein will merely offer outpatient individual and group counseling sessions for people suffering from the referenced addictions / dependence.
Maximum Number of Group Sessions per Day:	There will be a maximum of 3 group sessions per day; namely 1 in the morning, 1 in the afternoon, and 1 in the evening.
Length of Group Sessions:	45 minutes to 1-1/2 hours.
Length of Individual Sessions:	1/2 hour to 1 hour.
Simultaneous Group Meetings / Session Details:	There will be no simultaneous group meetings / sessions, as there is not sufficient space for the same.
Maximum number of individuals attending any one particular group session:	15 individuals.
Treatment details:	The average attendee will attend counseling sessions for a 6-month period.
Total number of employees of the facility:	6 to 7
Type of employees:	A receptionist, two counselors, a Director of Substance Abuse Counseling, and the Owner.
Total number of employees at the site at any one time:	4
Attendees to hail from:	It is anticipated that the attendees will hail from Keansburg and the greater Monmouth County area.
Method for scheduling sessions:	Sessions will be scheduled by a pre-scheduled appointment.
Walk-in policy:	Walk-in attendees will not be admitted / accepted. Rather, as indicated, all attendees will attend counseling sessions via pre-scheduled appointments.
Prescription / Medication issued to / at / from the site:	There will be no prescription / medications issued to / at / from the site.
Emergency Care Provided at the facility:	In the absence of medical emergencies, no emergency care, let alone any medical care, will be

	provided at the facility.
Prescriptions / Medications consumed at the facility:	There will be no prescriptions / medications consumed / taken at the facility.
Medical Treatment offered from / at the facility:	There will be no medical treatment whatsoever offered to / at / from the Applicant's facility.
Medication kept / maintained / stored at the facility:	There will be no medication kept, maintained, or stored at the facility.
Laboratory Details:	There will be no laboratory associated with the proposed Substance Abuse Treatment Center.
Medical Waste Generated:	There will be no medical waste generated at the facility, because no medical services will be performed. Rather, as indicated, the Applicant is only proposing to offer outpatient individual / group counseling sessions at the facility.
Oxygen Tank Storage Details:	There will be no oxygen tanks stored / maintained at the facility in conjunction with the proposed Substance Abuse Treatment Center.
Hours of Operation:	Mondays – Fridays: 9:00 a.m. – 9:00 p.m. Saturdays: 9:00 a.m. – 3:00 p.m. Sundays: Closed
Psychology / Psychologist presence on site:	A Psychologist / Psychiatrist will be present in the facility one time per month.
Pre-entry screening process:	In order to attend a counseling session, attendees must successfully pass a urine analysis indicating the absence of opiates in an attendee's system.
Post-entry screening process:	Attendees who attend the individual / group counseling sessions will be screened / tested on a weekly basis, so as to confirm the absence of any alcohol / opiates in the attendee's system. Individuals continuing to use drugs or alcohol will not be permitted to participate in the

	individual / group sessions.
Hospital affiliation:	The proposed Substance Abuse Treatment Center is not affiliated with any particular hospital.
Insurance information:	The proposed Substance Abuse Treatment Center will generally accept all forms of insurance.
Public / private?	The proposed private facility will be open to the public.
Delivery frequency to the site:	Deliveries will only be minimal, and only as necessary.
Type of delivery vehicles utilized:	Standard box trucks / UPS / Federal Express vehicles.
Facility amenities:	The proposed facility will include 4 offices, a general office, a kitchen, 4 exam rooms, an accounting room a reception area, a waiting room, 2 storage areas, and a sitting area. As referenced, the facility will also include a waiting room (with television) so as to accommodate attendees who arrive early (so as to avoid any loitering outside.)
Loitering:	There will be no loitering permitted at the site. In fact, the Applicant submitted an anti-loitering plan to the State of New Jersey as part of its Application / licensing process. Moreover, as indicated above, there will be a waiting room (with television) at the facility so as to internally accommodate any attendees who arrive early for a counseling session.
Sub-leasing details:	The portion of the facility dedicated to the proposed Substance Abuse Treatment Center will not be sub-leased.
Expansion details:	There are no expansion plans proposed – and no expansion will occur unless or until the same is formally approved by the Keansburg Planning Board of Adjustment.

- The Applicant's representatives anticipate opening the Substance Abuse Treatment Center at the site in the very near future.

VARIANCE

WHEREAS, the Application as presented requires approval for the following Variance:

USE VARIANCE: Substance Abuse Treatment Center is not specifically permitted in the Zone / Zones and thus, the within proposal requires use variance approval.

PUBLIC COMMENTS

WHEREAS, statements, questions, comments, objections, or concerns regarding the Application were presented by the following:

- George Hynes

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of Adjustment of the Borough of Keansburg, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted with conditions**.

In support of its decision, the Board of Adjustment makes the following Findings of Fact and Conclusions of Law:

1. The Keansburg Planning Board of Adjustment has proper jurisdiction to hear the within matter.
2. The subject property is located at 199 Main Street, Suite 2A, Keansburg, NJ, within the Borough's RMF and B-1 Zones.

3. There is an existing 2 story building at the site.

4. As a result of a prior Planning Board Approval, the existing site is authorized to be utilized as follows:

1st Floor:

Dunkin Donuts
Valley National Bank
Keansburg Pharmacy

2nd Floor:

Medical Office Use
Studio Office Use
Storage Use
Office Use

5. The Applicant's representatives now wish to lease a portion of the 2nd Floor (approximately _____ square feet) to utilize the same as a Substance Abuse Treatment Center.

6. The details pertaining to the proposed Substance Abuse Treatment Center use are set forth elsewhere herein.

7. Such a proposal requires Site Plan Approval, Waiver of Site Plan Approval, Use Variance Approval, and Change of Use Approval.

8. The Keansburg Planning Board of Adjustment is statutorily authorized to grant such relief and therefore, the matter is properly before the said entity.

9. With regard to the Application, and the requested relief, the Board notes the following:

- The Substance Abuse Treatment Center approved herein will only serve as a location where individuals adversely affected by alcohol / drug addiction can engage in individual or group counseling sessions, on an outpatient basis.

- The extensive details regarding services to be provided at the facility, and services not to be provided at the facility, were provided to the Board.
- There will be a maximum of 3 groups counseling sessions per day; namely, one in the morning, one in the afternoon, and one in the evening.
- Additionally, a maximum of 15 people will attend each group counseling session.
- Simultaneous group counselling sessions shall not occur.
- As indicated, the Substance Abuse Treatment Center approved herein will merely serve as a place where individual and group counseling sessions will be offered so as to help individuals recover from, and / or otherwise deal with, alcohol / drug related addictions.
- Per the testimony presented, no medical services will be provided at the proposed Substance Abuse Treatment Center.
- Per the testimony and evidence presented, no medications will be prescribed from the Substance Abuse Treatment Center approved herein.
- Per the testimony and evidence presented, no medications will be kept, stored, or otherwise maintained at the Substance Abuse Treatment Center approved herein.
- Per the testimony and evidence presented, no medication will be consumed at the Substance Abuse Treatment Center approved herein.
- The Substance Abuse Treatment Center approved herein will be licensed by the State of New Jersey.
- Per the testimony and evidence presented, there is an extremely rigorous licensing procedure which the Applicant must successfully undergo in order to operate at the site – and the said licensing procedure includes, but is not limited to, a) maintaining the qualifications / licenses of the counselors, b) confirming the sufficiency of the physical facility, and c) the existence of an anti-loitering policy, etc.

- The within approval is conditioned upon the Applicant obtaining, and maintaining, any and all licenses required by the United States of America, the State of New Jersey, the County of Monmouth, the Borough of Keansburg, and any other Agency having jurisdiction over the matter.
- The proposed Substance Abuse Treatment Center will provide a number of life-sustaining, life-enhancing, and life-affirming services, including individual / group counseling sessions for those individuals suffering from, or who have already overcome, alcohol / drug dependence.
- The substance abuse treatment services provided herein will be for those area individuals who need the same (including members of the greater Keansburg community.)
- Per the testimony and evidence presented, the Substance Abuse Treatment Center approved herein will work with mostly all types of insurance programs, thus ensuring greater use by the general public.
- The testimony presented during the Public Hearing reflected a troubling and sobering analysis of the nature / extent of the substance abuse treatment services needed. Specifically, the Applicant's representatives testified that since 2014, there has been a 53% increase in overdoses in Monmouth County.
- Per the aforesaid statistics, there is a need for such substance abuse treatment services in the community / greater Monmouth County area.
- The absence of such substance abuse treatment services will be detrimental to the overall interests of some members of the community.
- The interests of society are detrimentally affected by the increased number of individuals who suffer from drug / alcohol dependence.
- The Substance Abuse Treatment Center approved herein will help minimize the possibility that individuals will re-lapse into alcohol / drug addiction.
- The interests of society are not advanced if former addicts become re-addicted to drugs and / or alcohol.

- The essential fabric of the family is compromised when individuals fall into drug / alcohol dependency – and the sanctity of the family unit is detrimentally affected if individuals lapse, or re-lapse into such alcohol / drug dependency.
- New Jersey Municipal Land Use Law classifies some uses as inherently beneficial uses, with special benefits associated therewith. Specifically, N.J.S.A. 40:55D-4 defines “inherently beneficial use” as a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar, or photovoltaic energy facility or structure.
- Per the testimony and evidence presented, it appears that the Applicant’s proposed Substance Abuse Treatment Center could, under certain circumstances, be considered to be an inherently beneficial use.
- In the event a reviewing Court, or subsequent case law were to find / determine that the Applicant’s proposed use does not constitute an inherently beneficial use, the Board would nonetheless still approve the within Application, based upon the Findings set forth elsewhere herein, and subject to the explicit conditions set forth herein.
- Per the testimony and evidence presented, the Applicant’s representatives will provide the aforesaid substance abuse treatment services in a dignified, compassionate, conscientious, licensed, and professional fashion.
- It is important and socially humane for the Applicant’s representatives to provide such substance abuse treatment services in a dignified, compassionate, conscientious, licensed, and professional fashion.
- The physical parameters / confines of the Applicant’s proposed facility are sufficient so that the referenced substance abuse treatment services can be provided in a dignified, compassionate, conscientious, licensed, and professional fashion.
- As indicated, there was extensive testimony presented as to what substance abuse services will be provided at the facility, and, importantly, what substance abuse services will not be provided at the facility. Specifically, the testimony indicated that the substance abuse treatment services provided at the site are

essentially limited to individual and group counselling sessions (with a maximum of 3 group sessions per day, and with a maximum of 15 attendees per each group session). Additionally, there will be no medication prescribed from, stored at, distributed from, and / or otherwise consumed at the facility. Likewise, there will be no medical doctors examining individuals at the site or rendering medical advice at the facility. The Board finds that the said use, as described and approved herein, is a non-intense use. Additionally, the Board finds that the said non-intense use will not have an adverse impact on the surrounding uses or the community.

- There was a concern that more intense activity at the site (beyond what was specifically testified to herein) could affirmatively affect and / or otherwise detrimentally impact the community.
- The Applicant's representatives did not present any professional testimony or any lay testimony to address or assuage concerns regarding more intense activity at the site (then testified to during the Public Hearing Process). As such, based upon the testimony / information presented, more intensive activity would not have been approved.
- The Application granted herein is conditioned upon the specific and limiting testimony presented – and any expansion / intensification of uses (beyond what was specifically testified to during the Public Hearing Process) will be grounds for voiding or rescinding the subject approval.
- There was a potential concern that the storing of medications / prescriptions at the site could generate potential security concerns, etc. However, as indicated, per the testimony presented, there will be no medications / prescriptions stored at the site. Moreover, as indicated, the on-site activity is limited to the individual / group counselling sessions – and, as such, the Board Members are satisfied that there will be no security issues.
- There was also a concern regarding potential loitering at the site. The Applicant's representatives testified that there will be no loitering, particularly in that there is a waiting room where early arrivals can be accommodated (with a television, etc.) Additionally, the Applicant's representatives presented an anti-loitering plan to the State of New Jersey (as part of the licensing process). As a result of the above, the loitering concerns have been successfully addressed.

- The uses surrounding the subject facility include: various commercial uses, such as a Pharmacy, a Bank, a Medical Office, and a Firehouse. The Board finds that the use approved herein will not adversely impact the surrounding uses.
- One purpose of the New Jersey Municipal Land Use law is to encourage Municipal actions to guide the appropriate use of development of lands in a manner which will promote the public health, safety, and general welfare. Towards that end, the testimony presented during the Public Hearing process indicated that drug and alcohol abuse is a rampant problem in our society. Additionally, specific testimony indicated that since 2014, the County of Monmouth has experienced a 50% increase in overdose episodes. As such, the Board comfortably and confidentially asserts that approval of the within Application will, in fact, promote the public health, safety and general welfare.
- One purpose of the New Jersey Municipal Land Use law is to provide significant space in appropriate locations for a variety of uses in order to meet the needs of all New Jersey citizens. Per the testimony and statistics referenced during the Public Hearing process, there is a need for such services to be provided.
- Per the Board Engineer's Review Memorandum, 197 off-street parking spaces are required for the entire site.
- Per the Board Engineer Review Memorandum, by Resolution dated July 26, 2004, the Borough's Land Use Board approved a Parking Variance for the site (197 off-street parking spaces required, whereas only 84 parking spaces existed).
- Per the Board Engineer's Review Memorandum, by Resolution dated November 18, 2013, the Borough's Land Use Board issued another approval increasing the parking demand by approximately 34 spaces.
- Per the Board Engineer's Review Memorandum, the parking demand associated with the proposed use will result in a net decrease in the overall parking demand for the site.
- Per the testimony and evidence presented, the Board's prior approvals for the site had a higher parking demand than the mixed use approved herein.
- The mixed use approved herein will have a less intense parking demand (for the entire site) than that which currently exists.

- There is no new Parking Variance required in conjunction with the within Application.
- Per the testimony and evidence presented, parking at the site is sufficient for the Applicant's proposed use.
- There will only be a maximum of 3 group sessions per day, with a maximum of 15 attendees at each group session. Moreover, per the testimony presented, there will be no simultaneously-occurring group sessions. Thus, as indicated, the number of attendees (associated with the proposed use) will be evenly strewn throughout the day, thereby preventing any intense / concentrated parking demand associated with the Applicant's proposed use.
- Per the testimony / evidence presented, and per prior Board approvals, parking at the site is sufficient for the use approved herein.
- The on-site parking is sufficient to accommodate the Applicant's proposed use, as well as the other existing uses at the site.
- Per the testimony and evidence presented, it is anticipated that some attendees at the Applicant's facility might not travel to the site via automobile. Rather, it is anticipated that some attendees might walk to the site, or otherwise utilize public transportation.
- One purpose of the Municipal Land Use Law essentially encourages the coordination of private and public resources to advance / promote societal goals when appropriate. Per the testimony presented, because of overflowing and overtaxed hospitals and jails, the State of New Jersey has essentially encouraged the creation / use of private facilities to help address the exponentially increased addiction rates, and the adverse impacts associated therewith. The within approval advances such a goal.
- Some of the submitted Application materials suggested that the Applicant's proposed use would operate like a "professional office" use, which is a permitted use in the subject Zones. However, the Applicant's representatives did not provide any sufficient testimony in the said regard, and, as such, the Board has not endorsed / adopted any such finding / determination.
- The use approved herein will not generate offensive noise.

- Subject to the conditions set forth herein, the change of use approved herein will not be detrimental to the overall operations of the site, the neighborhood, or the Borough of Keansburg as a whole.
- There is no new construction approved herein.
- Approval of the within Application will not change the height / location of the existing structure.
- Approval of the within application will not change the footprint of the existing structure.
- There are no new driveways / curb-cuts proposed in connection with the within Application / Approval.
- There are no storm-water management and / or grading issues associated with the subject Application (per the testimony and evidence presented).
- Given that there is no new construction proposed, the Board finds that a Waiver of Site Plan Approval is warranted.
- The Application as presented (and in conjunction with the requested design waivers) satisfies the site plan requirements of the Borough of Keansburg.
- Subject to the conditions contained herein, the size of the proposed facility is appropriate.
- There was no know public opposition associated with the Application.
- Approval of the within Application will not materially change the lighting scheme at the site.
- Per the testimony and evidence presented, approval of the within Application will not impact the run-off / drainage patterns at and around the site.
- Sufficiently detailed testimony / plans were presented to the Board.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.

The foregoing Resolution was offered by: Mr. Preston and Seconded by Mr. Grasso, and adopted by Roll Call Vote:

IN FAVOR: Mr. M. Flynn, Mr. Donaldson, Mr. Preston, Mr. Mankowski, Mr. Grasso, Mr.

Donohue, Mr. Flynn

OPPOSED: None

ABSTAINED: None

INELIGIBLE: None

ABSENT: Mrs. Rogan, Mr. Cocuzza, Mr. McKenna

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Keansburg Planning Board of Adjustment on this 14th day of November, 2016.


Kathy Burgess, Zoning Board Secretary

- a. The Applicant's representatives shall comply with all terms, conditions, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with the terms and conditions of the T&M Associates Review Memorandum, dated October 17, 2016 (A-7).
- c. The Board has specifically approved the subject Substance Abuse Treatment Center use because of the testimony and evidence demonstrating and confirming the non-intense nature of the same (relative to the limited hours of operation at the site, the limited number of employees at the site, the limited number of group counseling sessions, the limited number of individuals attending each group session, the limited on-site activity (described in the testimonial chart herein), the absence of medical services associated with the proposed Substance Abuse Treatment Center use, the limited deliveries to the site, limited parking demands associated with the use/site, etc. But for the said testimony and representations, the within Application would not have been approved. Thus, in the event the Applicant (or any successor Owner/Applicant) desires to materially increase or intensify the nature of activity at the facility, the Applicant (or Successor Applicant) shall be required to return to the Land Use Board so as to petition the Board for further review/relief/approval.
- d. The Applicant shall only utilize the facility in conjunction with the testimonial chart reference herein. Furthermore, if any on-site activities materially differs from the testimony presented to the Land Use Board, then, in that event, the Applicant shall (without any guarantees) be required to re-petition the Board for further formal relief.
- e. To the extent necessary, the Applicant shall obtain any and all necessary approvals from the Borough Council of the Borough of Keansburg (which serves as the Re-development Agency for the Municipality).
- f. There shall be no medical services provided / offered at the site.
- g. There shall be no prescriptions, medicine, or narcotics stored / maintained in the Substance Abuse Treatment Center portion of the site.
- h. Unless obviated herein, the Applicant shall comply with the terms and conditions of all prior approvals for the site. However, the Board is aware that a prior approval provided that there would be

no addiction recovery services provided at the site. Clearly, by virtue of the within Resolution, the Board is allowing such addiction recovery services to be provided, in strict accordance with the within Resolution.

- i. The Applicant shall obtain and maintain any and all applicable / necessary licenses as required by the United States of America, the State of New Jersey, the Borough of Keansburg, and any other Agency having jurisdiction over the matter. (Proof of such compliance shall be presented to the Board Secretary.)
- j. A copy of the State License for the facility shall be provided to the Board Secretary.
- k. Per the testimony and evidence presented, if the State of New Jersey (and any other required Agency) does not issue the necessary license / licenses, the Applicant shall not operate at the site.
- l. The Applicant shall obtain any necessary Municipal Board of Health approval as may be required.
- m. There shall be no residential component / overnight accommodations associated with the use approved herein.
- n. The Substance Abuse Treatment Center shall operate in accordance with the hours of operation as testified to during the Public Hearing Process, and as referenced herein.
- o. There shall be no prescriptions / medications, nor narcotics prescribed from, or otherwise consumed at, the facility.
- p. There shall be no more than 3 group sessions per day (i.e. 1 in the morning, 1 in the afternoon, and 1 in the evening). Additionally, there shall be no more than 15 attendees per each group session.
- q. There shall be no simultaneously-occurring group sessions (associated with the Applicant's proposed use).
- r. The Applicant's representatives shall provide the Board with a copy of its Anti-Loitering plan.
- s. The Applicant's representatives shall comply with the terms and conditions of the Anti-Loitering plan as submitted to, and presumably approved by, the State of New Jersey.
- t. There shall be no sub-leasing of the Substance Abuse Treatment Center portion of the site.

- u. The Applicant shall comply with all Prevailing Sign Regulations (as no Sign Variance is granted herein).
- v. The Applicant's representatives shall cause the Plans to be revised so as to portray and confirm the elimination of the "lab." Rather, the Plans shall be modified to reflect that the "lab" area (on the previously submitted Plans) shall be utilized for "storage" purposes.
- w. The Applicant's representatives shall, in good faith, work with the Borough of Keansburg, and the Borough of Keansburg Police Department, to address any necessary health, safety, public welfare-related issues.
- x. There shall be no further expansion / intensification of the use approved herein, absent further approval of the Land Use Board.
- y. The Applicant shall comply with all applicable Affordable Housing related Ordinances and Contributions as mandated by the Borough of Keansburg, the State of New Jersey, the Court system, COHA, and / or any other Agency having jurisdiction over the matter.
- z. The Applicant shall comply with Prevailing Building / Construction Regulations, as applicable.
- aa. Unless otherwise waived, the Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
- bb. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other Agency having jurisdiction over the matter.
- cc. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay (or arrange for the satisfaction of) all appropriate/required fees, taxes, and inspection fees.
- dd. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Keansburg.

ee. Unless otherwise agreed by the Land Use Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, or any agreed upon extension, the Applicant obtains a Certificate of Occupancy for the use approved herein (if necessary).

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or its agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant's representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not have been approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Keansburg, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of Adjustment of the Borough of Keansburg, the Borough of Keansburg, or their agents/representatives accept any responsibility for the proposed use.

FOR THE APPLICATION: Mr. McKenna, Mr. Donohue, Mr. Flynn, Mr. Mankowski, Mr. Flynn, Mr. Preston, Mr. Donaldson, Mr. Grasso

AGAINST THE APPLICATION: None

ABSTENTIONS: None