

1 BOROUGH OF KEYPORT UNIFIED PLANNING BOARD

2 COUNTY OF MONMOUTH - STATE OF NEW JERSEY

3 - - - - -  
4 REGULAR MEETING FOR:

5 357 WEST FRONT STREET, LLC  
6 BROWN'S POINT MARINA  
7 BLOCK 20, LOT 9, 11.01, 13, 14 & 14.01

8 APPLICATION NO. KUPB 20-01  
9 - - - - -

10 THURSDAY, APRIL 28, 2022  
11 COMMENCING AT 7:00 P.M.

12 TRANSCRIPT OF PROCEEDINGS  
13 PUBLIC HEARING - CONTINUATION

14 BOARD MEMBERS PRESENT:

15 MARK SESSA, Chairman  
16 LORI ANN DAVIDSON, Councilmember  
17 COLETTE KENNEDY, Mayor  
18 WILLIAM McDERMOTT  
19 JUAN CARLOS OVIEDO  
20 DONALD PACHECO  
21 JOANNE ROYSTER  
22 NICHOLAS VECCHIO (recused)

23 ALSO PRESENT:

24 MARC LECKSTEIN, ESQUIRE, Board Attorney  
25 TREVOR TAYLOR, P.E., board and Municipal Engineer  
26 DENISE NELLIS, Planning Board Secretary

27 STENOGRAPHICALLY REPORTED BY:

28 ANGELA BUONANTUONO, CCR, RPR, License No. 30XI00233100

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1   A P P E A R A N C E S:

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HEILBRUNN PAPE, LLC

3   BY:   KENNETH L. PAPE, ESQUIRE

          JARED PAPE, ESQUIRE

4           516 State Highway 33

          Millstone Township, New Jersey 08535

5           T:   (732)-679-8844

          F:   (732)-679-6554

6           Email: kpape@hpnjlaw.com

7   --Counsel for the Applicant

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A L S O       P R E S E N T:

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Clay Perlman, Owner

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WITNESSESPAGE

Louis Zuegner, P.E.  
MidAtlantic Engineering Partners  
  
Steven Radosti, AIA  
Radosti + Perez Associates, P.C.

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PUBLIC COMMENT:

| NAME          | ADDRESS              | PAGE |
|---------------|----------------------|------|
| Alan Yunker   | 28 Washington Street | 71   |
| Robert Yunker | 26 Washington Street | 79   |
| Michael Lane  | *not stated          | 88   |

## 1 E X H I B I T S

2  
3 BY THE APPLICANT:4  
5

| <u>EXHIBIT</u> | <u>DESCRIPTION</u>                                              | <u>PAGE</u> |
|----------------|-----------------------------------------------------------------|-------------|
| A-18           | Revised Site Plan, dated 10/6/22,<br>11 sheets                  | 7           |
| A-19           | Turning Template, last revised<br>3/7/22, 3 sheets              | 9           |
| A-20           | Overall Rendering, dated 3/24/22                                | 17          |
| A-21           | Site Rendering, dated 3/24/22                                   | 18          |
| A-22           | Alternate Conceptual Floor Plans,<br>Sheet SK-1A, dated 3/15/22 | 63          |

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16 E X H I B I T S

17 BY THE BOARD:

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| <u>EXHIBIT</u> | <u>DESCRIPTION</u>                                            | <u>PAGE</u> |
|----------------|---------------------------------------------------------------|-------------|
| B-6            | CME review letter, dated 3/14/22                              | 9           |
| B-7            | Review email from Fire Marshal<br>Tony Vecchio, dated 3/17/22 | 9           |

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25 EXHIBITS NOT RETAINED BY REPORTER

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">5</p> <p>1 (Time noted, 7:30 p.m.)</p> <p>2 CHAIRMAN SESSA: Next we have case</p> <p>3 17-07, 357 West Front Street, LLC.</p> <p>4 ATTORNEY LECKSTEIN: Mr. Chairman,</p> <p>5 there are two of those. We're going to request that</p> <p>6 the site plan be heard first, which is 20-01.</p> <p>7 CHAIRMAN SESSA: 20-01. This is</p> <p>8 357 West Front Street, LLC, Brown's Point Marina,</p> <p>9 Block 20, Lot 9, 11.01, 13, 14 and 14.01.</p> <p>10 ATTORNEY LECKSTEIN: And,</p> <p>11 Mr. Chairman, if I may, Denise is just pointing out</p> <p>12 that the mayor and councilwoman are not back yet.</p> <p>13 If you can just hold off for a second.</p> <p>14 MEMBER VECCHIO: And I need to...</p> <p>15 ATTORNEY LECKSTEIN: Thanks,</p> <p>16 Mr. Vecchio.</p> <p>17 (Discussion is held off the record.)</p> <p>18 CHAIRMAN SESSA: Let the record show</p> <p>19 that mayor and councilwoman have returned. And</p> <p>20 Mr. Vecchio, who lives within 200 feet of the</p> <p>21 property, has stepped down.</p> <p>22 ATTORNEY LECKSTEIN: Mr. Chairman, if</p> <p>23 I may, I think the Board knows that this is a very</p> <p>24 prolonged application. It's had a history which is</p> <p>25 not -- I don't think they have been back since -- is</p> | <p style="text-align: center;">7</p> <p>1 appear before the board tonight. So I'm just -- I'm</p> <p>2 just saying this so that it's not held against the</p> <p>3 applicant that they're not -- that we're first</p> <p>4 hearing them for the first time since July. And I</p> <p>5 think that's important to know. It's not the</p> <p>6 Board's fault either, but it's not the applicant's</p> <p>7 fault. And I think that's needed to be said.</p> <p>8 So with that said, Mr. Pape, if I may,</p> <p>9 I have two new exhibits that I have. I believe</p> <p>10 we're up to A-18?</p> <p>11 ATTORNEY PAPE: What's the --</p> <p>12 ATTORNEY LECKSTEIN: A-18 is the</p> <p>13 revised site plan, last revised October 6, 2021; is</p> <p>14 that accurate? Is that your latest site plan? All</p> <p>15 right. And that consists of 11 sheets.</p> <p>16 (Exhibit A-18, Revised Site Plan, dated</p> <p>17 10/6/22, is marked.)</p> <p>18 ATTORNEY LECKSTEIN: Okay. And then I</p> <p>19 have Exhibit A-19, which is the turning template,</p> <p>20 last revised -- I believe the date on it -- it was</p> <p>21 hard to read -- is August 8, 2021? Is that</p> <p>22 accurate?</p> <p>23 I just want to make sure we get it</p> <p>24 right. It was difficult to read the date.</p> <p>25 THE WITNESS: I can't read it. The</p> |
| <p style="text-align: center;">6</p> <p>1 it March 25th the last meeting?</p> <p>2 ATTORNEY PAPE: July.</p> <p>3 MR. LECKSTEIN: July.</p> <p>4 ATTORNEY PAPE: August is the meeting</p> <p>5 that you took us off.</p> <p>6 ATTORNEY LECKSTEIN: Okay. So that</p> <p>7 was July. What was the last date? What was the</p> <p>8 actual date that we were here? July -- does anybody</p> <p>9 know?</p> <p>10 ATTORNEY PAPE: I will have it in a</p> <p>11 second.</p> <p>12 ATTORNEY LECKSTEIN: Thank you, sir.</p> <p>13 Denise, do you have it?</p> <p>14 BOARD SECRETARY: July 22nd.</p> <p>15 ATTORNEY LECKSTEIN: July 22nd was the</p> <p>16 last time the applicant was here. It has not been</p> <p>17 the applicant's fault. There were a couple of</p> <p>18 issues that have transpired in the interim that</p> <p>19 yanked jurisdiction away from the Board, then gave</p> <p>20 it back. Then there was a publishing notification</p> <p>21 error which was not the applicant's fault where they</p> <p>22 noticed in the paper, but the paper noticed it in</p> <p>23 the wrong paper.</p> <p>24 It's just been, like, a calamity of</p> <p>25 issues that have led to them not being able to</p>                                                                                      | <p style="text-align: center;">8</p> <p>1 7th?</p> <p>2 ATTORNEY LECKSTEIN: It's August 7?</p> <p>3 THE WITNESS: Oh, no --</p> <p>4 ATTORNEY PAPE: I think it's March.</p> <p>5 March 7 is what I have.</p> <p>6 MR. LECKSTEIN: No, no. There's</p> <p>7 March 17th for the main date, and then in the</p> <p>8 revisions --</p> <p>9 ATTORNEY PAPE: March 7, '22.</p> <p>10 THE WITNESS: Correct.</p> <p>11 ATTORNEY LECKSTEIN: Oh, there's a</p> <p>12 newer one?</p> <p>13 ATTORNEY PAPE: March 7, '22.</p> <p>14 ATTORNEY LECKSTEIN: March 7, 2022.</p> <p>15 And how many sheets is that? Does the Board have</p> <p>16 that one in front of them?</p> <p>17 MR. LECKSTEIN: Okay, so March 7,</p> <p>18 2022. Is it three sheets? It says six sheets, but</p> <p>19 I only see three.</p> <p>20 MR. PAPE: It's three.</p> <p>21 ATTORNEY LECKSTEIN: It's three</p> <p>22 sheets, okay. And assuming this application is</p> <p>23 approved, can that be corrected to make sure that it</p> <p>24 says, "three sheets," because it's misleading.</p> <p>25 ATTORNEY PAPE: Yes.</p>                                                                                                                                                                                                                                                  |

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| <p style="text-align: right;">9</p> <p>1 MR. LECKSTEIN: I don't want anyone to</p> <p>2 think that there are three extra sheets. Okay.</p> <p>3 All right, so that's A-19. Last</p> <p>4 revised March 7, 2022, the turning template.</p> <p>5 (Exhibit A-19, Turning Template, last</p> <p>6 revised 3/7/22, is marked.)</p> <p>7 ATTORNEY LECKSTEIN: And then I have</p> <p>8 as B-6, the CME review letter, dated March 14, 2022.</p> <p>9 Trevor, that's your last letter,</p> <p>10 correct?</p> <p>11 BOARD ENGINEER: That's correct.</p> <p>12 ATTORNEY LECKSTEIN: Okay.</p> <p>13 (Exhibit B-6, CME review letter, dated</p> <p>14 3/14/22, is marked.)</p> <p>15 ATTORNEY LECKSTEIN: And then I have</p> <p>16 as Exhibit B-7, the review email from the fire</p> <p>17 marshal, Tony Vecchio, dated March 17, 2022.</p> <p>18 (Exhibit B-7, Review email from Fire</p> <p>19 Marshal Tony Vecchio, dated 3/17/22, is</p> <p>20 marked.)</p> <p>21 ATTORNEY LECKSTEIN: That's everything</p> <p>22 that I have.</p> <p>23 And, Mr. Pape, you are in receipt of</p> <p>24 that email from the fire marshal, correct? I know</p> <p>25 it was sent to you more than once.</p>                                             | <p style="text-align: right;">11</p> <p>1 ATTORNEY LECKSTEIN: I'm sure it's</p> <p>2 going to come up.</p> <p>3 And I believe the board all has that</p> <p>4 email, correct?</p> <p>5 CHAIRMAN SESSA: Correct.</p> <p>6 MR. LECKSTEIN: All right.</p> <p>7 Mr. Chairman, that's all I have as far</p> <p>8 as procedural things to take care of.</p> <p>9 CHAIRMAN SESSA: Welcome back,</p> <p>10 Mr. Pape.</p> <p>11 ATTORNEY PAPE: Thank you,</p> <p>12 Mr. Chairman, board members.</p> <p>13 Good evening, all. Kenneth Pape of the</p> <p>14 firm of Heilbrunn, Pape on behalf of your applicant.</p> <p>15 We're doing the marina site plan</p> <p>16 application first.</p> <p>17 ATTORNEY LECKSTEIN: Yes.</p> <p>18 ATTORNEY PAPE: For the record, we</p> <p>19 have a court reporter here this evening to create a</p> <p>20 transcript. With your permission, we will offer the</p> <p>21 transcript to you, and it could be the official</p> <p>22 record of the hearing if that is your pleasure. We</p> <p>23 will at our cost and expense promptly, after the</p> <p>24 hearing, get you the transcript.</p> <p>25 This is an application for site plan</p>                                                                                                                                                                                                                                                                              |
| <p style="text-align: right;">10</p> <p>1 ATTORNEY PAPE: I know what it says</p> <p>2 because I met with him and went over all of it, but</p> <p>3 as I sit here, I don't have it in front of me.</p> <p>4 ATTORNEY LECKSTEIN: Okay. I just</p> <p>5 wanted to make sure you had seen it.</p> <p>6 ATTORNEY PAPE: Yeah. I'm sure that</p> <p>7 it was sent to me.</p> <p>8 MR. LECKSTEIN: Okay. That's fine.</p> <p>9 ATTORNEY PAPE: And as we add to the</p> <p>10 anomalies, Denise Nellis sends me things, when she</p> <p>11 does, and my computer, one of my computers, calls it</p> <p>12 spam.</p> <p>13 ATTORNEY LECKSTEIN: I have been</p> <p>14 there.</p> <p>15 ATTORNEY PAPE: We have had that</p> <p>16 happen a number of times. If I recall, I came here</p> <p>17 in November and I was upset that I had not received</p> <p>18 a whole bunch of documents and Denise was able to</p> <p>19 show that she had sent every one of them to me, and</p> <p>20 every one of them had gone to spam.</p> <p>21 ATTORNEY LECKSTEIN: I have an extra</p> <p>22 copy of that email, just so that you have it in</p> <p>23 front of you.</p> <p>24 ATTORNEY PAPE: Okay.</p> <p>25 BOARD SECRETARY: Thank you, Mr. Pape.</p> | <p style="text-align: right;">12</p> <p>1 approval. It's a site plan approval for the marina.</p> <p>2 As everyone here knows, the marina exists. It has</p> <p>3 been in existence for a very long time.</p> <p>4 The reason that we are before the board</p> <p>5 is that when the apartment complex was reviewed and</p> <p>6 approved by this Board, there was a condition that</p> <p>7 the marina be preserved. We would not close the</p> <p>8 marina, and that we were directed to return to this</p> <p>9 board with an amended application for the marina.</p> <p>10 And that is what we're presenting to you.</p> <p>11 The marina that we're presenting to</p> <p>12 you, we are -- our goal is, and I think it's a very</p> <p>13 similar goal to the Borough, and that is to have a</p> <p>14 vibrant, successful, full-service marina as part of</p> <p>15 the community. And that's what we have been working</p> <p>16 on presenting to you.</p> <p>17 When we last made the presentation to</p> <p>18 you, we had moved to a point where there was some</p> <p>19 questions that we were to address with the fire</p> <p>20 official. There was some open issues that we had</p> <p>21 with the county. And there was, I am going to call</p> <p>22 it, a short list of specific requests/requirements</p> <p>23 that members of the board placed in front of the</p> <p>24 applicant.</p> <p>25 By way of an outline, the County</p> |

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| <p style="text-align: right;">13</p> <p>1 planning board application took the applicant a full<br/> 2 two years to complete. We had issues with the<br/> 3 County planning board.</p> <p>4 This property had been the subject of<br/> 5 litigation, condemnation, litigation. And there was<br/> 6 a court order that directed the applicant and the<br/> 7 county as to how the access to the site was to be<br/> 8 configured. The planning board didn't get the memo<br/> 9 and we were with them for an extended period of time<br/> 10 when the attorney who handled the litigation came to<br/> 11 the hearings and there was an understanding, and it<br/> 12 all got worked out. And the county planning board<br/> 13 application for subdivision and site plan was<br/> 14 granted in final form. That took place since we<br/> 15 last saw you.</p> <p>16 ATTORNEY LECKSTEIN: Do you know the<br/> 17 date of that?</p> <p>18 ATTORNEY PAPE: It was in September<br/> 19 of 2021. And in your files are copies of it. I<br/> 20 have made certain.</p> <p>21 MR. LECKSTEIN: Okay.</p> <p>22 ATTORNEY PAPE: But, again, there's no<br/> 23 fault; no good guys, no bad guys. But it was<br/> 24 complicated, and we finally got it worked out.</p> <p>25 The result of that was that the county</p>                                                                                                                                         | <p style="text-align: right;">15</p> <p>1 created a Grubhub parking space so orders could be<br/> 2 brought to the site.</p> <p>3 That's pretty much a summary of the<br/> 4 site plan revisions. We also had presented all of<br/> 5 the architecture of the proposed new building to<br/> 6 you. It had a nautical scheme. The building was<br/> 7 designed to serve as the sanitary facilities for the<br/> 8 marina as well as the garage space.</p> <p>9 There was an issue that we had<br/> 10 discussed kind of at length about the sanitary<br/> 11 facilities being at -- below the flood level. We<br/> 12 had spent quite a bit of time discussing how we<br/> 13 could make that work.</p> <p>14 Our client and our architect have<br/> 15 changed that. We have lifted the sanitary<br/> 16 facilities. They are no longer on the ground floor.<br/> 17 They're on an elevated, I want to call it, a<br/> 18 mezzanine above the flood limit. So there's no<br/> 19 relief requested for that building.</p> <p>20 The presentation that we intend to<br/> 21 make, with your permission, is to go through those<br/> 22 site revisions through Louis Zuegner, the<br/> 23 professional engineer. His credentials are on the<br/> 24 record. You have accepted him as an expert. And<br/> 25 then to follow with Steve Radosti, the architect,</p> |
| <p style="text-align: right;">14</p> <p>1 gave minor modifications to the site that resulted<br/> 2 in an additional parking stall and what we believe<br/> 3 is superior on-site circulation that addresses, in<br/> 4 part, the issues that are raised in Mr. Vecchio's<br/> 5 March 17th memo.</p> <p>6 We also met in August of last summer<br/> 7 with Mr. Vecchio at the site. And we spent -- we<br/> 8 spent the afternoon with him going over his brief<br/> 9 concerns. He had some very important concerns,<br/> 10 things like adding sprinkler systems to all of the<br/> 11 racking systems. He wanted sprinkler heads at the<br/> 12 top of all the racks as well as control of on-site<br/> 13 circulation. Those revisions driven by the<br/> 14 county and by Mr. Vecchio have been incorporated<br/> 15 into the plan, and they'll be presented to you.</p> <p>16 There was also some questions that were<br/> 17 asked about the placement of the trash receptacle,<br/> 18 the orientation of picking up the trash. And those<br/> 19 have been incorporated into the plan.</p> <p>20 And there was a recommendation, a<br/> 21 suggestion, guidance that on-site food was not --<br/> 22 was something that the board was looking to see as<br/> 23 part of the site plan. The preference was to create<br/> 24 a method where the existing restaurants in town<br/> 25 could benefit from the marina. So what we did is we</p> | <p style="text-align: right;">16</p> <p>1 and just to testify to those points.</p> <p>2 And that, Mr. Chair, board members, is<br/> 3 what we believe is the remaining issues to be<br/> 4 presented to the board before asking the board to<br/> 5 consider the application favorably.</p> <p>6 With that as the outline and with your<br/> 7 permission, I would like to begin. Yes?</p> <p>8 Acceptable?</p> <p>9 CHAIRMAN SESSA: Yes.</p> <p>10 ATTORNEY PAPE: Thank you very much.</p> <p>11 Mr. Zuegner is a professional engineer. His<br/> 12 credentials are on the record. He has been sworn<br/> 13 and placed under oath.</p> <p>14 I will remind him this evening that he<br/> 15 is under oath and ask that he, in a narrative<br/> 16 fashion, initially just do an executive overview,<br/> 17 knowing that July was the last time a substantive<br/> 18 presentation was made to the board, and just, I'll<br/> 19 call it, a three- to five-minute refresher course of<br/> 20 the site. And then we'll go into the proposed<br/> 21 revisions that have been developed since we were<br/> 22 last here.</p> <p>23 L O U I S Z U E G N E R, P.E.,<br/> 24 previously sworn, continued testifying as<br/> 25 follows:</p>                                                                                                                     |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">17</p> <p>1 THE WITNESS: Will your microphone</p> <p>2 pick me up if I...</p> <p>3 ATTORNEY LECKSTEIN: And do we need to</p> <p>4 mark this in as A-19? A-20, I'm sorry.</p> <p>5 THE WITNESS: Yes. So there are two.</p> <p>6 This is A-20. This is entitled "Overall Rendering,"</p> <p>7 and it's dated March 24, '22.</p> <p>8 (Exhibit A-20, Overall Rendering, dated</p> <p>9 3/24/22, is marked.)</p> <p>10 COUNCILMEMBER DAVIDSON: I'm sorry.</p> <p>11 Is there any way you can you turn it slightly this</p> <p>12 way so I can see it?</p> <p>13 MR. LECKSTEIN: You don't have smaller</p> <p>14 versions of it to hand out, do you, by any chance?</p> <p>15 COUNCILMEMBER DAVIDSON: Then you guys</p> <p>16 can't see it over there.</p> <p>17 ATTORNEY PAPE: I have one more</p> <p>18 administrative matter.</p> <p>19 COUNCILMEMBER DAVIDSON: I can share</p> <p>20 so they can see this.</p> <p>21 ATTORNEY PAPE: Although this board</p> <p>22 did not impose on the applicant an obligation to</p> <p>23 re-publish or notice for tonight's hearing, in order</p> <p>24 to be certain that our comfort level was</p> <p>25 100 percent, we did re-notice and re-publish and</p>                                                                                         | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">19</p> <p>1 focused in as I showed before. And just as a quick</p> <p>2 recap, because I know it has been some time, in sort</p> <p>3 of a burnt orange to the right of this plan, that's</p> <p>4 the proposed building. And you will see a little</p> <p>5 more on that. That's a 5,500-square-foot footprint</p> <p>6 building. We talked about that previously.</p> <p>7 And then the site, we talked at length</p> <p>8 about how we have sort of two parcels to it. One is</p> <p>9 more the service parcel. You can see that in the</p> <p>10 aerial image where boat operations would typically</p> <p>11 happen. And then in a lighter gray is where we</p> <p>12 would reconstruct a new striped parking area. That</p> <p>13 would be primarily parking. Of course, wintertime</p> <p>14 that can serve as winter storage as well.</p> <p>15 You can see the two driveways at the</p> <p>16 bottom of Front Street. Of course, one is not part</p> <p>17 of this parcel. There's a property line there. The</p> <p>18 other one, this is our single access point to the</p> <p>19 site before the road ramps up into the new bridge,</p> <p>20 and the one access point.</p> <p>21 And then, of course, all the operations</p> <p>22 of the marina we talked about previously in terms of</p> <p>23 slips and different services in the marina and how</p> <p>24 in and out would work.</p> <p>25 In terms of changes -- and there was a</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">18</p> <p>1 provided that packet to your secretary before the</p> <p>2 hearing.</p> <p>3 ATTORNEY LECKSTEIN: Thank you.</p> <p>4 ATTORNEY PAPE: You're welcome.</p> <p>5 THE WITNESS: Again, Louis Zuegner.</p> <p>6 And I just wanted to as I got into this -- of</p> <p>7 course, Mr. Pape gave you the introduction. And the</p> <p>8 goal here was to create a full-service marina after</p> <p>9 prior changes to the site and the apartments</p> <p>10 development. A-20 is the overall rendering.</p> <p>11 I wanted to show it to sort of allow</p> <p>12 you to get a focused -- my next rendering is going</p> <p>13 to be focused in on the marina itself. You can see</p> <p>14 on the bottom of this is West Front Street,</p> <p>15 Luppataatong Creek. This is blocking my view here.</p> <p>16 It's down in this corner, of course. Everyone, I'm</p> <p>17 sure, knows the site. But because the blowup</p> <p>18 doesn't show where the slips are, I wanted to put</p> <p>19 that up quickly.</p> <p>20 I'll move to the next one. I guess</p> <p>21 this is A-21. This is entitled "Site Rendering,"</p> <p>22 same date March 24th, '22.</p> <p>23 (Exhibit A-21, Site Rendering, dated</p> <p>24 3/24/22, is marked.)</p> <p>25 THE WITNESS: So this is obviously</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">20</p> <p>1 little bit of a discussion on that. When we were in</p> <p>2 front of the county, there were a couple of changes</p> <p>3 which actually worked very well. But the entrance</p> <p>4 didn't move. It is going to get a little wider than</p> <p>5 existing to make it a little bit easier to get in</p> <p>6 and out in terms of all turning movements, not just</p> <p>7 for emergency vehicles but any vehicles coming in</p> <p>8 and out.</p> <p>9 Previously in this green area, there</p> <p>10 were two parking spaces put in there. The county</p> <p>11 asked us to remove that, but in turn, we changed</p> <p>12 some of the circulation. Unfortunately this is</p> <p>13 printed a little bit dark, but we are planning to</p> <p>14 have parking along here perpendicular with a two-way</p> <p>15 lane.</p> <p>16 In front of this brown section is a</p> <p>17 boat rack. You can come in and be one way along the</p> <p>18 bottom, and there would be parallel spaces and</p> <p>19 angled spaces. This did two things, actually it</p> <p>20 improves circulation through the site in terms of</p> <p>21 how you maneuver in the parking lot. But it</p> <p>22 actually ended up giving us, even with the loss</p> <p>23 here, one more parking space than we had before. So</p> <p>24 we're now at 81 striped spaces.</p> <p>25 We also mentioned, and obviously we</p>                                                  |



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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">21</p> <p>1 talked about the certain boat racks. Those are in<br/> 2 the plan, and it's been designed now. They would<br/> 3 actually have sprinklers, fire sprinklers for<br/> 4 suppression in those. That was your fire official's<br/> 5 recommendation. It was implemented obviously for a<br/> 6 number of safety reasons.</p> <p>7           Additionally, we worked with the fire<br/> 8 official on not just circulation for his emergency<br/> 9 vehicles but showing in some of the turning template<br/> 10 plans how we could park and maneuver additional<br/> 11 vehicles onto the site in addition to the striped<br/> 12 spaces, always making sure that he could maintain<br/> 13 positive access.</p> <p>14           And then here at this board, there were<br/> 15 a couple of things which I don't believe we came<br/> 16 back and presented. One, and I believe it was the<br/> 17 mayor's recommendation, the trash has been more<br/> 18 centrally located. We moved that where it could be<br/> 19 buffered better into a corner.</p> <p>20           And then nearby there -- originally<br/> 21 there had been an idea for food service on-site, and<br/> 22 that has been eliminated. And we crafted a<br/> 23 15-minute delivery spot, the idea being that Grubhub<br/> 24 or some service could bring food or amenities into<br/> 25 the downtown. So if you were here at the marina and</p>                    | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">23</p> <p>1 controlled keys of vehicles, 143 vehicles could be<br/> 2 parked here on those holiday weekends.</p> <p>3 BY ATTORNEY PAPE:</p> <p>4           Q. I'm going to interrupt here just for<br/> 5 one second, because there is a comment in Mr.<br/> 6 Vecchio's letter that -- and as soon as the letter<br/> 7 was put in front of us, we had this, we had actually<br/> 8 prepared for the March meeting on this -- there was<br/> 9 certain portions of what was proposed as valet<br/> 10 parking that are to be eliminated in accordance with<br/> 11 Mr. Vecchio's comments. If you can just make<br/> 12 certain that you speak to that elimination of those<br/> 13 offensive elements. &amp;&amp;&amp;</p> <p>14           A. So we actually had gotten above the<br/> 15 143 in terms of potential stacking of vehicles. And<br/> 16 those additional spaces, Mr. Vecchio thought,<br/> 17 impeded access and circulation. So those have been<br/> 18 eliminated.</p> <p>19           So the 143 number, sort of potential,<br/> 20 managed, controlled parking, would still satisfy his<br/> 21 concerns for safety on-site.</p> <p>22           Q. Thank you.</p> <p>23           BOARD ENGINEER: Can we just stay on<br/> 24 this real quick. The 22 that are being eliminated<br/> 25 would be the ones that are between the angled</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">22</p> <p>1 you wanted to order in food or supplies, there's<br/> 2 that dedicated use spot for it. So those are both<br/> 3 good ideas that have been implemented.</p> <p>4           Of course, one of the key discussion<br/> 5 points throughout all of our prior hearings has<br/> 6 always been parking on the site. We talked about<br/> 7 this at great length. We really believe that in<br/> 8 this arrangement, with these striped spaces being<br/> 9 better organized, is a tremendous benefit to the<br/> 10 site. And that based on how the marina would<br/> 11 operate and how we would generate parking, that we<br/> 12 have sufficient spaces. And we're confident in<br/> 13 that. We expressed that before.</p> <p>14           But as a follow up to that in sort of<br/> 15 the rare case or the circumstance that may come<br/> 16 about -- say, it's a holiday weekend, the weather is<br/> 17 perfect, everybody wants to show up. The way that<br/> 18 we intend to handle those scenarios is we will not<br/> 19 have vehicles off the property. All the vehicles<br/> 20 shall be maintained on the property.</p> <p>21           This is not uncommon in marinas where<br/> 22 it takes an operational procedure that management<br/> 23 and the site would have in place. And that's what<br/> 24 all the circulation plans were showing. And with<br/> 25 those circumstances, with controlled parking, and</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">24</p> <p>1 parking and the parallel parking?</p> <p>2           THE WITNESS: That's correct, yes.</p> <p>3           ATTORNEY PAPE: Since I have already<br/> 4 interrupted, I'm just going to stay in the<br/> 5 interruption.</p> <p>6           Mr. Vecchio points out that -- he says,<br/> 7 "I'm in receipt of the parking layout for the above<br/> 8 and have reviewed same. The vehicle access has not<br/> 9 changed and approve as submitted." I don't think we<br/> 10 need to speak to that further.</p> <p>11           The second point is the one where he<br/> 12 pointed out to our attention that he wanted those<br/> 13 valet areas to be eliminated. And you have.</p> <p>14           And the last point is "with increased<br/> 15 parking of vehicles under all racks, the sprinkler<br/> 16 system to be installed must be calculated to<br/> 17 increase hazard of additional vehicles and sized<br/> 18 appropriately." I think we placed on the record<br/> 19 we'll comply?</p> <p>20           THE WITNESS: Correct, yes.</p> <p>21           ATTORNEY PAPE: Thank you. My<br/> 22 interruption is over.</p> <p>23           THE WITNESS: Apparently the only<br/> 24 other item I would sort of note or mention,<br/> 25 obviously, county approval. We do have Soil</p>                                                      |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">25</p> <p>1 Conservation District approval for this site. There</p> <p>2 is sufficient utility service here. Those would</p> <p>3 need connection permits at the time of construction.</p> <p>4 The only outstanding permit pending</p> <p>5 with this board would be CAFRA approval for the</p> <p>6 marina approvals.</p> <p>7 ATTORNEY PAPE: Final county</p> <p>8 subdivision, final county site plan, Freehold Soil</p> <p>9 Certification letter in hand.</p> <p>10 If you can just speak to water and</p> <p>11 sewer, I think those are local connections not</p> <p>12 formal applications.</p> <p>13 THE WITNESS: That's correct. It's</p> <p>14 still a construction-level permit to be serviced to</p> <p>15 the new building, which would then supply the</p> <p>16 sprinkler systems for the water, same as the sewer.</p> <p>17 So those are not technically permits. They are</p> <p>18 construction conditional permits.</p> <p>19 ATTORNEY PAPE: And no -- and the</p> <p>20 CAFRA permit is the only permit that then would be</p> <p>21 outstanding?</p> <p>22 THE WITNESS: Yes, which is prepared.</p> <p>23 We have done work for it. It's sort of pending this</p> <p>24 Board's approval on the project, and that would go</p> <p>25 forward.</p>                                                                                         | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">27</p> <p>1 BOARD ENGINEER: Two slips?</p> <p>2 ATTORNEY PAPE: Two slips.</p> <p>3 MAYOR KENNEDY: So it's no longer four</p> <p>4 charter boats?</p> <p>5 ATTORNEY PAPE: It's two. It's two.</p> <p>6 THE WITNESS: One other thing I forgot</p> <p>7 to mention, this had come up at some point, is that</p> <p>8 this marina would have pump-out services for boats.</p> <p>9 And based on -- a lot of this is driven on the size</p> <p>10 of the boats, which is driven by the size of the</p> <p>11 slips. We don't actually think it's a tremendously</p> <p>12 high demand here, but those services would be part</p> <p>13 of the marina. It could pump out the sanitary tank</p> <p>14 of the boats, and then it's taken through the marina</p> <p>15 and into the sanitary system.</p> <p>16 ATTORNEY PAPE: We would be very</p> <p>17 comfortable with that being a requirement.</p> <p>18 MAYOR KENNEDY: Is that a mobile one</p> <p>19 or is that stationary?</p> <p>20 THE WITNESS: The proposal is for a</p> <p>21 mobile one. We just don't think the demand is so</p> <p>22 high here with the boats. And it would be a</p> <p>23 requirement of CAFRA either way.</p> <p>24 MAYOR KENNEDY: Okay.</p> <p>25 ATTORNEY PAPE: Lastly, on the plans</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">26</p> <p>1 ATTORNEY PAPE: Two points that I</p> <p>2 wanted to make before we rested on the site plan</p> <p>3 presentation for Mr. Zuegner.</p> <p>4 We had talked with the board about jet</p> <p>5 skis. And we had indicated for every jet ski that</p> <p>6 we had, we would dedicate one of the slips so that</p> <p>7 the jet ski demand on the parking field would be</p> <p>8 identical to the parking of a boat. We would agree</p> <p>9 that there would never be more than 20 jet skis</p> <p>10 there. In fact, we don't think we'll ever get to</p> <p>11 20, but that was --</p> <p>12 CHAIRMAN SESSA: Yeah, I think that</p> <p>13 was 30 at one time. So we have gone down to 20 on</p> <p>14 that?</p> <p>15 ATTORNEY PAPE: Yes. I was going</p> <p>16 through the minutes that Ms. Nellis had provided to</p> <p>17 us -- thank you -- 30 was the number. There was</p> <p>18 that first year, that first unusual year, and then</p> <p>19 life became normal after that. 20 is fine.</p> <p>20 And there are two charter boats that</p> <p>21 we're asking. They expressly permitted uses. We</p> <p>22 indicated two charter boats and that they would be</p> <p>23 six-packs, no more than six-passenger charter boats.</p> <p>24 And that for every charter boat that there is</p> <p>25 on-site, there would be dedicated two slips.</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">28</p> <p>1 are a fueling station. And our client does have an</p> <p>2 interest in pursuing a fuel station on the site. We</p> <p>3 withdraw it from this application.</p> <p>4 We will -- we are hoping that we are</p> <p>5 able to address all of your concerns on this and</p> <p>6 work on resolution compliance with you on this, and</p> <p>7 then, at a later date, our client will work on a</p> <p>8 fueling station and we'll be back before this board</p> <p>9 with that. But we're not prepared this evening to</p> <p>10 ask you for that relief.</p> <p>11 ATTORNEY LECKSTEIN: But that appears</p> <p>12 on the plans right now, the fueling portion? Or it</p> <p>13 does not?</p> <p>14 ATTORNEY PAPE: It's on the plans.</p> <p>15 THE WITNESS: Right now there</p> <p>16 is -- I'll show you. The plans show in this top</p> <p>17 corner an area set aside for the tank for the</p> <p>18 storage of the fuel and the addition of a small dock</p> <p>19 to install the pumps on the dock.</p> <p>20 ATTORNEY LECKSTEIN: All right. So if</p> <p>21 the update is approved, that will be removed from</p> <p>22 the plans?</p> <p>23 THE WITNESS: Correct.</p> <p>24 ATTORNEY PAPE: Correct.</p> <p>25 MR. LECKSTEIN: Okay.</p>              |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">29</p> <p>1 MAYOR KENNEDY: The restroom is being</p> <p>2 relocated to the mezzanine. Are they going to be</p> <p>3 accessible?</p> <p>4 ATTORNEY PAPE: Steve Radosti will</p> <p>5 present that plan to you, Mayor.</p> <p>6 CHAIRMAN SESSA: Any board members</p> <p>7 have questions of Mr. Zuegner?</p> <p>8 Trevor?</p> <p>9 BOARD ENGINEER: Just two minor</p> <p>10 questions, Mr. Chairman.</p> <p>11 The valet service -- we have spoken</p> <p>12 about this last time, but is that going to be</p> <p>13 someone from the marina; is it an outside service</p> <p>14 when that is going to be in place?</p> <p>15 And then it looks like there is parking</p> <p>16 of vehicles under the boat storage racks when you're</p> <p>17 going to be doing the valet parking. Is that --</p> <p>18 just explain that; is that the storage racks or is</p> <p>19 that the racks that are being utilized for boats?</p> <p>20 Just need an explanation on that.</p> <p>21 ATTORNEY PAPE: Sure. Mr. Broman, who</p> <p>22 is here, who is the operator of the marina, has</p> <p>23 considerable personnel who are on-site. The valet</p> <p>24 parking would be conducted by his employees on-site.</p> <p>25 And as to the operation of the parking</p>                                                                                   | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">31</p> <p>1 THE WITNESS: Repair has to happen in</p> <p>2 a specified building.</p> <p>3 BOARD ENGINEER: But just no</p> <p>4 out-of-service boats; they may be waiting for repair</p> <p>5 will be waiting there, right?</p> <p>6 THE WITNESS: That's correct.</p> <p>7 CHAIRMAN SESSA: Open to the public?</p> <p>8 ATTORNEY LECKSTEIN: If the board</p> <p>9 doesn't have any other questions, sure.</p> <p>10 CHAIRMAN SESSA: May I have a motion</p> <p>11 to open to the public, see if the public has a</p> <p>12 question of Mr. Zuegner?</p> <p>13 MAYOR KENNEDY: Motion.</p> <p>14 CHAIRMAN SESSA: Is there a second?</p> <p>15 COUNCILMEMBER DAVIDSON: Second.</p> <p>16 CHAIRMAN SESSA: All in favor?</p> <p>17 BOARD MEMBERS IN UNISON: Aye.</p> <p>18 CHAIRMAN SESSA: Any opposed?</p> <p>19 Okay. Is there anyone from the public</p> <p>20 who wants to come forward and have a question of the</p> <p>21 engineer, Mr. Zuegner, on what he just presented to</p> <p>22 us?</p> <p>23 Seeing as no one is -- oh, there we go.</p> <p>24 Come forward please, sir.</p> <p>25 ATTORNEY LECKSTEIN: I'm just going to</p>                |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">30</p> <p>1 in the rack area, Mr. Zuegner?</p> <p>2 THE WITNESS: These racks, in their</p> <p>3 entirety, have been designed so that the bottom row</p> <p>4 does not have a crossmember. It's stabilized in</p> <p>5 other ways. So that it's paved like a parking lot</p> <p>6 underneath. And the bottom rack then is just like</p> <p>7 any winter storage rack you would see, where it sits</p> <p>8 on, you know, a V-bump or something like that. A</p> <p>9 number of the spaces are dedicated for parking all</p> <p>10 the time, and that's shown on the plan.</p> <p>11 In terms of the overflow parking, it</p> <p>12 would be on land when it's a very busy day, and so</p> <p>13 boats could be moved out from the bottom rack.</p> <p>14 There would either be people on the water, or they</p> <p>15 could be moved to an empty rack. And then that</p> <p>16 would make those bottom rows available as additional</p> <p>17 parking.</p> <p>18 ATTORNEY PAPE: Is that responsive,</p> <p>19 Mr. Taylor, to your question?</p> <p>20 BOARD ENGINEER: And obviously those</p> <p>21 bottom racks would not be used by any -- last time</p> <p>22 we spoke about boats being stored for repair or for</p> <p>23 storage. Those bottom racks would not be used for</p> <p>24 that purpose?</p> <p>25 ATTORNEY PAPE: Correct.</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">32</p> <p>1 swear you in. Do you swear the testimony you are</p> <p>2 about to give will be the truth, the whole truth,</p> <p>3 and nothing but the truth, so help you God?</p> <p>4 ALAN YUNKER: I do.</p> <p>5 MR. LECKSTEIN: And just state your</p> <p>6 name, spelling your last name, and give us your</p> <p>7 address.</p> <p>8 ALAN YUNKER: Yes. My name is Alan</p> <p>9 Yunker, A-L-A-N, Y-U-N-K-E-R.</p> <p>10 ATTORNEY LECKSTEIN: Thank you. And</p> <p>11 your address?</p> <p>12 ALAN YUNKER: It's 28 Washington</p> <p>13 Street.</p> <p>14 ATTORNEY LECKSTEIN: Thank you, sir.</p> <p>15 Go ahead.</p> <p>16 ALAN YUNKER: Okay. I have a few</p> <p>17 things. I have lived in my home for 45 years. I</p> <p>18 have been here since 1976. I have watched -- from</p> <p>19 the time that I came here, it was Edward Erickson</p> <p>20 who owned this marina, this small little marina.</p> <p>21 Okay? It was very casual, very -- very natural.</p> <p>22 Okay?</p> <p>23 You could walk from my yard or</p> <p>24 Erikson's yard right down to the water. It was</p> <p>25 beautiful. There used to be a time when we had</p> |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">33</p> <p>1 natural -- you know, natural wildlife that would<br/> 2 come up from the water. Again, it was a very<br/> 3 natural, casual setting. A small marina, nothing<br/> 4 much to it.</p> <p>5 Ed Erickson, again, he owned it for<br/> 6 quite some time. He was a commercial fisherman. At<br/> 7 that time, he sold the marina to Mr. Dickinson,<br/> 8 Jimmy Dickinson, I think it was. At that time it<br/> 9 was still a beautiful marina, still a beautiful<br/> 10 neighborhood, nice area to be at.</p> <p>11 From there, Greg Bloom(ph) and Jim<br/> 12 Moore took over the marina. That's when things<br/> 13 started to change. There was a lot of problems.<br/> 14 They started -- again, it was a quiet little marina.<br/> 15 All of a sudden they started working on boats and<br/> 16 motors and -- well, I would like to show you what it<br/> 17 transpired to at that time, if that's possible. Is<br/> 18 there -- can I --</p> <p>19 ATTORNEY LECKSTEIN: So what are<br/> 20 you -- so exactly you're going to show us<br/> 21 photographs from how long ago?</p> <p>22 ALAN YUNKER: I'm sorry?</p> <p>23 ATTORNEY LECKSTEIN: How long ago were<br/> 24 these photographs taken?</p> <p>25 ALAN YUNKER: Well, Fred Blum and Jim</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">35</p> <p>1 witness to go after this, and then at the end of the<br/> 2 application we open it up to the public again for<br/> 3 your -- your input as far as the end of the<br/> 4 application is concerned.</p> <p>5 I don't know if where you're going has<br/> 6 anything to do with the engineer, what he just<br/> 7 presented to us as far as the changes they made and<br/> 8 what they're going to do, what their plans are.</p> <p>9 You may want to sit and wait until both<br/> 10 witnesses have testified? And then at the end, when<br/> 11 you're given the opportunity, you can come forward<br/> 12 and present what you think of the entire<br/> 13 application.</p> <p>14 ALAN YUNKER: Well, the thing that I'm<br/> 15 very concerned about right now at this time is the<br/> 16 fact that -- because of the fact that there has been<br/> 17 a lot of filling that has been done over the years,<br/> 18 okay, it just keeps continuing.</p> <p>19 And the stuff that has been done<br/> 20 illegally doesn't seem to get recognized. And we're<br/> 21 going forward on that same -- you know, the things<br/> 22 that were wrong before are not fixed. They're just<br/> 23 going -- continuing, adding to it. Okay?</p> <p>24 And that's where I have a problem<br/> 25 because, again, over the time that the marina has</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">34</p> <p>1 Moore owned it.</p> <p>2 ATTORNEY LECKSTEIN: All right, so --</p> <p>3 ALAN YUNKER: I don't know the --</p> <p>4 MR. LECKSTEIN: -- the only thing I<br/> 5 would suggest is that we focus on what's happening<br/> 6 there today --</p> <p>7 ALAN YUNKER: Okay.</p> <p>8 MR. LECKSTEIN: -- and not what -- not<br/> 9 what was going on a few years ago.</p> <p>10 ALAN YUNKER: Okay. Well, what's<br/> 11 happening today has led up to what has been ignored<br/> 12 over the years. Okay? And that's where the problem<br/> 13 comes in.</p> <p>14 ATTORNEY PAPE: Mr. Leckstein, if I<br/> 15 could? Examination of the witness at this stage.<br/> 16 I believe there is a time and place for<br/> 17 this that would be appropriate, but I don't think<br/> 18 this is examination of the witness.</p> <p>19 ATTORNEY LECKSTEIN: Mr. Chairman,<br/> 20 it's up to you. Do you want to limit it to<br/> 21 questions?</p> <p>22 CHAIRMAN SESSA: Yeah, the way we<br/> 23 usually do things is we have a witness present<br/> 24 things. And then we'll give the public a chance to<br/> 25 ask questions of the witness or -- they have another</p>                                                                                              | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">36</p> <p>1 expanded and changed, I have had damage to my<br/> 2 property. Okay? Also with the filling that they<br/> 3 did illegally, in my opinion, there's an underground<br/> 4 waterway of some sort there because when they did --<br/> 5 back, again, when Fred Blum and Jim Moore had the<br/> 6 marina, I had a foot of water in my basement. Okay?</p> <p>7 And when I drained it out -- I have a<br/> 8 sump pump, a sump hole in the basement. And after I<br/> 9 drained water out, there was water pressure coming<br/> 10 up from the bottom of the sump hole. That indicates<br/> 11 to me that there's some kind of an underground water<br/> 12 system. Okay?</p> <p>13 And I mentioned to Mr. Weseloski, or<br/> 14 the engineer, I think, about when they had piled the<br/> 15 dirt back there to start building the other -- the<br/> 16 Mariner's Village, that I had water in my basement<br/> 17 again.</p> <p>18 At the time that I had the water in the<br/> 19 basement the first time, I wasn't aware of what<br/> 20 was happening. But then after the pile of dirt was<br/> 21 put there, then I realized it was coming up -- you<br/> 22 know, when the ground is being disturbed, it's<br/> 23 changing something. Okay? There's some kind of<br/> 24 water there.</p> <p>25 And I'm concerned about my property</p>   |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">37</p> <p>1 being more damaged because, again, it got overlooked</p> <p>2 for many years and nothing was done. It just --</p> <p>3 things just keep building more and more. But it's</p> <p>4 not like -- the problems that were created before</p> <p>5 are ignored, you know. There's things that are</p> <p>6 continuing to develop that the original problems are</p> <p>7 not being taken care of. That's what I'm concerned</p> <p>8 about.</p> <p>9 CHAIRMAN SESSA: Yeah. Well, thanks.</p> <p>10 Thanks for bringing that to our attention. As I</p> <p>11 said, I think that at the end, you can come up again</p> <p>12 and reiterate what you're saying here. And then</p> <p>13 we'll see if there's anything that can be done at</p> <p>14 this point.</p> <p>15 ALAN YUNKER: Thank you.</p> <p>16 CHAIRMAN SESSA: Thanks for coming</p> <p>17 forward. Is there anyone else that would like to</p> <p>18 come forward to ask a question of the engineer,</p> <p>19 Mr. Zuegner?</p> <p>20 Mr. Lane, would you like to come</p> <p>21 forward again?</p> <p>22 ATTORNEY LECKSTEIN: Mr. Lane, you</p> <p>23 have been previously sworn in this application, and</p> <p>24 you're still under oath.</p> <p>25 MICHAEL LANE: Yes, sir.</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">39</p> <p>1 CHAIRMAN SESSA: He's got it right</p> <p>2 here.</p> <p>3 THE WITNESS: I don't believe I need</p> <p>4 to mark this.</p> <p>5 ATTORNEY LECKSTEIN: If it's identical</p> <p>6 to what we have, you do not. So this is Exhibit</p> <p>7 A-18? No, A-19.</p> <p>8 THE WITNESS: This is Scenario A of</p> <p>9 the turning template.</p> <p>10 MICHAEL LANE: Where is the valet</p> <p>11 parking spaces?</p> <p>12 THE WITNESS: So all of the parking,</p> <p>13 we would double-park vehicles. We would have</p> <p>14 parking within these aisles and added parking back</p> <p>15 in here and parking under the racks.</p> <p>16 MICHAEL LANE: You had a drawing that</p> <p>17 had this all in blue in this area in here.</p> <p>18 THE WITNESS: I think it's blue. It's</p> <p>19 just not printed very dark.</p> <p>20 MICHAEL LANE: Blue along here.</p> <p>21 THE WITNESS: What we talked about is</p> <p>22 here along the one-way. This is the one-way drive</p> <p>23 closest to Front Street. That, at the request of</p> <p>24 the fire official, was eliminated.</p> <p>25 MICHAEL LANE: So you would not park</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">38</p> <p>1 Marc, I must admit you threw me off my</p> <p>2 pace on the last input I gave. I should have</p> <p>3 mentioned that we have a Chapter 29 Site Plan</p> <p>4 Subdivision Ordinance which requires well-delineated</p> <p>5 floodplain boundaries for all of the floodplains,</p> <p>6 which was in my exhibit and which was not in the</p> <p>7 applicant's exhibit.</p> <p>8 CHAIRMAN SESSA: You're talking about</p> <p>9 the previous one?</p> <p>10 MICHAEL LANE: Yes. And actually I'm</p> <p>11 thrown off a little bit on this one because I didn't</p> <p>12 have the latest set of drawings. I didn't realize</p> <p>13 there was a 3.4 set.</p> <p>14 Can you show me where this valet</p> <p>15 parking is going to be?</p> <p>16 ATTORNEY LECKSTEIN: There was a</p> <p>17 question, Mr. Zuegner. He's asking you where the</p> <p>18 valet parking is going to be.</p> <p>19 MICHAEL LANE: I have an earlier</p> <p>20 drawing that shows the valet parking in blue.</p> <p>21 Apparently there's a new set in the drawings.</p> <p>22 CHAIRMAN SESSA: You're going with</p> <p>23 Scenario A, basically the one that was -- of the</p> <p>24 three was Scenario A.</p> <p>25 ATTORNEY PAPE: Yes, Mr. Chairman.</p>         | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">40</p> <p>1 any cars in that driveway?</p> <p>2 THE WITNESS: Correct.</p> <p>3 MICHAEL LANE: Okay. Just down here</p> <p>4 in this area?</p> <p>5 THE WITNESS: In there and underneath</p> <p>6 the racks.</p> <p>7 MICHAEL LANE: And you changed the</p> <p>8 design so that all the racks support parking</p> <p>9 underneath --</p> <p>10 THE WITNESS: Correct.</p> <p>11 MICHAEL LANE: -- at the first level.</p> <p>12 THE WITNESS: Correct.</p> <p>13 MICHAEL LANE: Thank you for the</p> <p>14 insight.</p> <p>15 ATTORNEY LECKSTEIN: And you'll make</p> <p>16 it very clear on the plans, if the application was</p> <p>17 approved, exactly where the valet parking is going</p> <p>18 to be so that it's actually noted on the plans?</p> <p>19 THE WITNESS: We can integrate those</p> <p>20 two so the final site plan set shows this -- shows</p> <p>21 where all those spaces are. That's a good idea.</p> <p>22 BOARD ENGINEER: I think it's</p> <p>23 recommended that every sheet that's presented is</p> <p>24 included in the site plans --</p> <p>25 MR. LECKSTEIN: Yes.</p>                                         |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">41</p> <p>1 BOARD ENGINEER: -- so we have a good</p> <p>2 record of what is included in the site plans.</p> <p>3 ATTORNEY LECKSTEIN: Exactly my point.</p> <p>4 Thank you.</p> <p>5 MICHAEL LANE: Following up on the</p> <p>6 fire marshal's input, you're going to have a rigid</p> <p>7 Class 1 standpipe attached. How is that going to be</p> <p>8 attached to the floating pier or the pilings?</p> <p>9 ATTORNEY PAPE: We don't have building</p> <p>10 plans or construction plans for that. We'll just</p> <p>11 agree that it will be built to code and will be</p> <p>12 subject to the Borough's approval and acceptance.</p> <p>13 MICHAEL LANE: I don't know that we</p> <p>14 have any code.</p> <p>15 I'm just curious because you have a</p> <p>16 floating dock that goes up and down, multiple</p> <p>17 sections is in flux, and you're going to have a</p> <p>18 rigid standpipe. And you don't have any drawings</p> <p>19 yet.</p> <p>20 THE WITNESS: The standpipe itself,</p> <p>21 the functional connection, is what's rigid. It's</p> <p>22 the element the fire officials use to connect into</p> <p>23 whether it's on-site or off of a building.</p> <p>24 But water systems are run onto docks</p> <p>25 and floating docks all the time, there's no...</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">43</p> <p>1 is we don't have any design for the standpipe?</p> <p>2 ATTORNEY PAPE: No, we do not have</p> <p>3 design for the standpipe. We have agreed to install</p> <p>4 it per Mr. Anthony Vecchio's request.</p> <p>5 MICHAEL LANE: Okay. That's a gap.</p> <p>6 And how will the standpipe be accessed</p> <p>7 in terms of -- are you going to have a restricted</p> <p>8 parking area where the emergency vehicles can get to</p> <p>9 it, and it's going to be well marked and delineated?</p> <p>10 ATTORNEY PAPE: There will be fire</p> <p>11 lanes, but nothing further than that.</p> <p>12 MICHAEL LANE: And so how do we know</p> <p>13 that these emergency vehicles are going to be able</p> <p>14 to get to the point to tie up a tanker and pump</p> <p>15 water to the standpipe?</p> <p>16 ATTORNEY PAPE: We will do it as</p> <p>17 Mr. Vecchio has directed. We met on the site for</p> <p>18 that purpose. We agreed to do it as he directed.</p> <p>19 MICHAEL LANE: That's not in the site</p> <p>20 plans either, and it's not delineated where parking</p> <p>21 is going to be prohibited on the site plan.</p> <p>22 ATTORNEY PAPE: I don't know that</p> <p>23 there will be parking prohibited. That was not the</p> <p>24 request that he made. The request that he made was</p> <p>25 that we have fire lanes, and we agreed that there</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">42</p> <p>1 MICHAEL LANE: The pipe is going to go</p> <p>2 the full length of the dock. That's my</p> <p>3 understanding.</p> <p>4 THE WITNESS: There would be water on</p> <p>5 the dock, and then there would be a rigid standpipe</p> <p>6 for fighting fire on the dock.</p> <p>7 MICHAEL LANE: Right. The rigid</p> <p>8 standpipe, how long is it going to be?</p> <p>9 ATTORNEY PAPE: How long is the</p> <p>10 standpipe?</p> <p>11 MICHAEL LANE: Is it going to go the</p> <p>12 full length of the dock?</p> <p>13 ATTORNEY PAPE: When we met with</p> <p>14 Mr. Vecchio, we said that we would place them where</p> <p>15 he directed. And when we were walking out on the</p> <p>16 docks, he said he would tell us where he wanted</p> <p>17 them. And we said that we would place them where he</p> <p>18 directed. And the number would be as he directed,</p> <p>19 and it would be where he directed.</p> <p>20 MICHAEL LANE: I'm trying to</p> <p>21 understand the plumbing. Is the plumbing going to</p> <p>22 go through the wetlands and then there will be T's</p> <p>23 that come off to the dock?</p> <p>24 THE WITNESS: So --</p> <p>25 MICHAEL LANE: So what you're saying</p>                                                                                   | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">44</p> <p>1 would be.</p> <p>2 MICHAEL LANE: There's nobody here</p> <p>3 from the fire department. My experience, in my</p> <p>4 lifetime, is that firemen -- you're going to need,</p> <p>5 just like in front of those stores in town, marked</p> <p>6 fire protection area and striped -- that you are</p> <p>7 going to have to protect this area in front of the</p> <p>8 standpipe hookup so that you can be assured that</p> <p>9 emergency vehicles can get to it.</p> <p>10 ATTORNEY LECKSTEIN: Mr. Lane, if the</p> <p>11 application is approved -- and I don't know whether</p> <p>12 it will be or won't be -- it's going to be subject</p> <p>13 to the fire marshal's final approval. So if they're</p> <p>14 doing something that is not approved by him, the</p> <p>15 approvals -- they're going to have to come back</p> <p>16 here. And we could -- this board cannot waive fire</p> <p>17 code.</p> <p>18 MICHAEL LANE: The applicant hasn't</p> <p>19 worked that problem out with the fire marshal at</p> <p>20 this point, is what you're saying?</p> <p>21 ATTORNEY LECKSTEIN: That's what</p> <p>22 they're saying.</p> <p>23 ATTORNEY PAPE: We met with the fire</p> <p>24 official on the property, spent the better part of</p> <p>25 an afternoon going through all of his concerns. All</p>                                                    |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">45</p> <p>1 of the concerns that he brought to our attention we<br/>2 found them to be reasonable and we agreed to it.<br/>3 We do know that he will be part of the<br/>4 final review of the plan. And we're not making any<br/>5 misrepresentations to you.<br/>6 MICHAEL LANE: Okay. Sounds like you<br/>7 have eliminated all boats on the ground level of the<br/>8 racks.<br/>9 THE WITNESS: We made it possible so<br/>10 that, as they had described earlier, that you could<br/>11 have a boat on the bottom level with a bunk like you<br/>12 would have in a winter storage or parking lot, or<br/>13 they could be made available to park a car.<br/>14 MICHAEL LANE: In light of that, these<br/>15 racks are in the B Zone and Coastal A Zone. Those<br/>16 boats would have to be anchored if they're below the<br/>17 base-flood elevation plus 1 foot. All right?<br/>18 So you commit that there will be<br/>19 anchoring on all those boats on the bottom level of<br/>20 the rack?<br/>21 ATTORNEY PAPE: That's not a<br/>22 regulation with which any of us are familiar. If,<br/>23 in fact, that is the regulation, then we'll agree to<br/>24 it. None of us have been exposed to that as a<br/>25 regulation.</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">47</p> <p>1 those things. So we don't need to go over every<br/>2 single construction code or flood-prevention<br/>3 ordinance code because this board is not -- this is<br/>4 a board of zoning. It is not a board of<br/>5 construction; it is not a board of property<br/>6 maintenance. It's a Zoning board. So we're dealing<br/>7 with zoning and site plans and things of that<br/>8 nature.<br/>9 MICHAEL LANE: The board approves the<br/>10 structures.<br/>11 ATTORNEY LECKSTEIN: The board<br/>12 approves -- the board approves structures subject to<br/>13 the code, which it cannot grant waivers to. And<br/>14 they're not asking for any waivers from that code.<br/>15 MICHAEL LANE: So a certified<br/>16 floodplain manager will have to sign off on these<br/>17 plans. That's in our ordinances.<br/>18 And, Trevor, are you the certified<br/>19 floodplain manager?<br/>20 BOARD ENGINEER: There will be a<br/>21 review performed by the certified floodplain<br/>22 manager, whoever that may be, at the time that they<br/>23 submit final plans.<br/>24 MICHAEL LANE: There's a 1/17/22<br/>25 application to the Keyport Borough Council for a</p>                                                                                 |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">46</p> <p>1 MICHAEL LANE: Containers have to be<br/>2 anchored in a Coastal A Zone and in special flood --<br/>3 in the B Zone.<br/>4 ATTORNEY LECKSTEIN: And, Mr. Lane,<br/>5 where is that? That's in the construction code,<br/>6 correct?<br/>7 MICHAEL LANE: The flood damage.<br/>8 MR. LECKSTEIN: The flood damage. And<br/>9 they're going to have to comply with that. We're<br/>10 not waiving any of the provisions of that code. If<br/>11 they're in violation of that, then they would be in<br/>12 violation of that. That has nothing to do with this<br/>13 board.<br/>14 MICHAEL LANE: So we can't do a<br/>15 condition of approval that the boats --<br/>16 ATTORNEY LECKSTEIN: I don't have --<br/>17 the board does not need to put down conditions that<br/>18 they have to do specific things for the code. If we<br/>19 did that, we would be sitting here all year going<br/>20 through the code book saying, "Are you going to<br/>21 comply with this ordinance? Are you going to comply<br/>22 with this ordinance? Are you going to have to<br/>23 comply with this ordinance?"<br/>24 They have to comply with all of the<br/>25 ordinances. And this board can't give variances to</p>                     | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">48</p> <p>1 permit to expand the piers, docks, and slips. Is<br/>2 that application in alignment with the piers, docks,<br/>3 and slips in these drawings?<br/>4 THE WITNESS: That application is a<br/>5 requirement in your ordinance. So that is<br/>6 presenting to the governing body what you're seeing<br/>7 here, showing them the proposal for the marina.<br/>8 MICHAEL LANE: All right. So there's<br/>9 no increase in slips other than in the present plan?<br/>10 THE WITNESS: That application is for<br/>11 what's before you here. That's not a difference or<br/>12 a change from what's before you.<br/>13 MICHAEL LANE: So that's no change.<br/>14 An interesting issue is the parking lot elevation.<br/>15 One of the things you talk about is parking lot<br/>16 capacity. But your capacity is impacted by nuisance<br/>17 flooding.<br/>18 Now since the two existing conditions<br/>19 in the Brown's Point Marina site plan, dated<br/>20 3/15/21, indicates that the parking lot level is 5<br/>21 feet or less in elevation, I assume that's still<br/>22 true?<br/>23 ATTORNEY PAPE: The parking lot -- we<br/>24 had this discussion at length with this board -- the<br/>25 parking lot is subject to flooding. Its location</p> |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">49</p> <p>1 is -- as the marina is right there at the water and<br/> 2 the parking lot is right next to it, it's part of<br/> 3 the marina, so it does flood.<br/> 4 And anyone who parks there will be<br/> 5 informed that they're parking their vehicle in a<br/> 6 flood area, as they are now. There's nothing<br/> 7 further that we can or we will do.<br/> 8 MICHAEL LANE: With sea level rise,<br/> 9 which is a requirement in our Master Plan that you<br/> 10 take that into account, in 15 or 20 years, do you<br/> 11 recognize the fact that this parking lot will be<br/> 12 flooded weekly instead of a couple of times a month?<br/> 13 And have you given any consideration to raising the<br/> 14 parking lot level?<br/> 15 ATTORNEY PAPE: The parking lot level<br/> 16 as designed is the offer to the town.<br/> 17 MICHAEL LANE: No change. That may be<br/> 18 an issue if you don't -- if you don't get the<br/> 19 construction permits before the new Flood Damage<br/> 20 Prevention Ordinance comes out.<br/> 21 All right. So you have no plans to<br/> 22 deal with sea level rising.<br/> 23 Okay, the valet parking. The board, I<br/> 24 think, needs to evaluate the plans for the valet<br/> 25 parking in light of their experience with valet</p>                                                                                             | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">51</p> <p>1 Generally speaking, we think we have more than<br/> 2 enough parking to operate this marina without any<br/> 3 valet parking.<br/> 4 ATTORNEY PAPE: So that's the whole<br/> 5 answer. The answer is keys are maintained on-site<br/> 6 for all of the cars that are there, so that cars can<br/> 7 be moved by management.<br/> 8 MICHAEL LANE: So in the worst case,<br/> 9 you might have to move a half dozen cars?<br/> 10 ATTORNEY PAPE: I don't know what the<br/> 11 worst case is. It may be more than that. But the<br/> 12 cars will be moved so that cars can be removed.<br/> 13 MICHAEL LANE: So you've got these<br/> 14 cars parked in the driveway. And then you're going<br/> 15 to move five or six of them; where are you going to<br/> 16 move them to? Because you're already full.<br/> 17 And how long is it going to take to do<br/> 18 that?<br/> 19 ATTORNEY PAPE: I don't have the<br/> 20 answers to those questions. It's a valet program<br/> 21 that has been -- we have all seen it on many, many<br/> 22 different sites and it works.<br/> 23 MICHAEL LANE: My experience with<br/> 24 valet parking is that they take and park my car, but<br/> 25 they don't park it in a way it's not mixed in with</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">50</p> <p>1 parking at different facilities, like airports,<br/> 2 train stations, the Bayshore Hospital, the Salt<br/> 3 Creek Grill.<br/> 4 You know, how will multiple cars be<br/> 5 rotated in order to unlock a regular space and<br/> 6 provide an exit path? Because you're going to be<br/> 7 parking these cars side by side in the driveway.<br/> 8 And I come in in the morning, and I park in one of<br/> 9 the regular spots. And I have been out on my boat<br/> 10 for four or five hours, and I get out, out of my<br/> 11 boat, and I find that the driveway behind my car is<br/> 12 completely clogged with five, eight cars. What's<br/> 13 the process? How do I get my car out?<br/> 14 ATTORNEY PAPE: All of the keys are<br/> 15 with the marina management and you say, "That's my<br/> 16 car," and marina management takes the keys and moves<br/> 17 the cars that are in the way so that you can pull<br/> 18 out. The same as any other parking lot that<br/> 19 functions with valet staffing.<br/> 20 THE WITNESS: One thing I would add to<br/> 21 that is, as I said before, we don't think this is a<br/> 22 standard procedure, like some of the other items<br/> 23 Mr. Lane noted. We think this is unlikely, but just<br/> 24 in case of the holiday season, you know, a beautiful<br/> 25 day where the numbers are really, really high.</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">52</p> <p>1 non-valet cars. And in this plan, the valet cars<br/> 2 are parked in the same area as non-valet cars.<br/> 3 And so that brings up a whole set of<br/> 4 questions. Are you going to number all the car<br/> 5 spaces, parking spaces, in the parking lot?<br/> 6 ATTORNEY PAPE: Number them? No.<br/> 7 MICHAEL LANE: Well, if I come out and<br/> 8 I park my car in one of the regular spots and I'm<br/> 9 hot and bothered, and my car -- how do I tell the<br/> 10 valet where my car is so and he can identify what<br/> 11 cars have to be moved?<br/> 12 ATTORNEY PAPE: I think you're going<br/> 13 to point at it; you're going to say, "It's red" and<br/> 14 "It's a Ford" and "It's right there."<br/> 15 MAYOR KENNEDY: Mr. Chairman, can I<br/> 16 comment?<br/> 17 CHAIRMAN SESSA: Yeah, sure.<br/> 18 MAYOR KENNEDY: I just think that<br/> 19 we're going down a road that -- or a parking space<br/> 20 -- that we don't really need to go down. My<br/> 21 personal opinion on this is if someone isn't happy<br/> 22 with the management of the marina and it becomes an<br/> 23 inconvenience, they can take their boat somewhere<br/> 24 else.<br/> 25 I don't -- that's a management decision</p>                   |



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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">53</p> <p>1 and that's a lessee of a spot. If they're not happy<br/> 2 with the way it takes them 45 minutes to get their<br/> 3 car when they come back, they're either going to<br/> 4 call when they're out on the water and ask for it to<br/> 5 be ready, just like if your boat is on the third<br/> 6 tier of the rack, you have to call ahead to tell<br/> 7 them that you want their -- there's only certain<br/> 8 operations, from my understanding of other hearings<br/> 9 we've had with this application before us, that<br/> 10 these types of things will be taking place. As far<br/> 11 as if you want to drop your boat in the water, you<br/> 12 have to call in advance, and it's only done on<br/> 13 certain days.</p> <p>14 I understand that you're not the site<br/> 15 manager, Mr. Pape, but that's what, I believe,<br/> 16 testimony -- that's what has been presented to us<br/> 17 before on this case. Am I incorrect?</p> <p>18 ATTORNEY PAPE: No, no, that's<br/> 19 correct. Mr. Perlman indicated that the facilities<br/> 20 are for people who use -- you can't come to this<br/> 21 facility and just say, "I would like to drop my boat<br/> 22 in the water."</p> <p>23 If you want your boat put into the<br/> 24 water, you have to notify Mr. Perlman's employees or<br/> 25 Mr. Perlman himself, and he then -- and it's best to</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">55</p> <p>1 are renting boat slips will be notified of that and<br/> 2 that they have to turn their keys in. If they don't<br/> 3 turn keys in, then that's going to be an indicator<br/> 4 that they are not parked on the premises.</p> <p>5 MICHAEL LANE: I'm sorry. The marina<br/> 6 has no enforcement power for people parking on Broad<br/> 7 or Washington or Broadway. And the keys -- the<br/> 8 valet operation will not have keys to the cars<br/> 9 parked on those streets.</p> <p>10 And what will happen -- I believe that<br/> 11 what will happen is that people will get fed up and<br/> 12 they won't even bother to park in the parking area<br/> 13 at the marina on busy days because they don't want<br/> 14 to get blocked in.</p> <p>15 And there is the issue of if you have a<br/> 16 really busy holiday weekend and you get a storm and<br/> 17 all of a sudden a dozen or two dozen people want to<br/> 18 leave, how long is it going to take them to get<br/> 19 through the process and where are they going to get<br/> 20 out of the weather in the meantime while they're<br/> 21 waiting for the valet parking to clear up?</p> <p>22 And, again, if you don't number all the<br/> 23 spaces, the valet people will not know where your<br/> 24 car is.</p> <p>25 ATTORNEY LECKSTEIN: But, Mr. Lane, I</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">54</p> <p>1 do it in advance so that he can have your boat down<br/> 2 and in the water when you arrive. And that was his<br/> 3 testimony.</p> <p>4 MAYOR KENNEDY: Thank you.</p> <p>5 MICHAEL LANE: I'm not talking about<br/> 6 boat launches. I'm talking about access to a car.<br/> 7 And one of the experiences will be -- and, Mayor,<br/> 8 you indicated, "Well, if you're unhappy, you will<br/> 9 just go to a different marina."</p> <p>10 I think if you're unhappy, what you do<br/> 11 is go back and park on Washington Street or Broad<br/> 12 Street where the firemen park. And that's the<br/> 13 problem we were trying to eliminate.</p> <p>14 And I think this valet parking scheme,<br/> 15 where cars get blocked in, doesn't satisfy the<br/> 16 needs. As a matter of fact, I think it will<br/> 17 contribute to people -- they'll get back, find they<br/> 18 can't get back to their car. They want to go<br/> 19 immediately. What is their solution going to be?<br/> 20 Not to park in the marina parking lot but to park in<br/> 21 the areas that we don't want them parking in.</p> <p>22 MAYOR KENNEDY: I understand that<br/> 23 concern. But I also think that the applicant and<br/> 24 the application, testimony has been that they will<br/> 25 not allow parking on the street. And people that</p>                                    | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">56</p> <p>1 mean, basically every single car today, click-click<br/> 2 with my little fob and it goes "beep-beep" and<br/> 3 that's how I find my car. I lose my car in an<br/> 4 unnumbered parking lot --</p> <p>5 MAYOR KENNEDY: You're on record, sir.</p> <p>6 ATTORNEY LECKSTEIN: -- outside my<br/> 7 house where I live, and I click the key chain, it<br/> 8 goes "beep" and it tells me where it is. And that's<br/> 9 the -- I think that's how 90 percent of the people<br/> 10 today find their cars. I don't think there's much<br/> 11 of a chance of someone losing their car or not being<br/> 12 able to locate their car in the parking lot.</p> <p>13 MICHAEL LANE: And the valet --</p> <p>14 ATTORNEY LECKSTEIN: I mean, let's<br/> 15 just -- and the valet will have the key. But the<br/> 16 valet can't get the car unless he's been handed the<br/> 17 key.</p> <p>18 MICHAEL LANE: No, the valet will not<br/> 19 have the key. The valet would --</p> <p>20 ATTORNEY LECKSTEIN: Then how is the<br/> 21 valet going to get a car if he doesn't have the key?</p> <p>22 MICHAEL LANE: The valet only has keys<br/> 23 for the cars that are parked in the driveway of the<br/> 24 valet parking area. 80 parking spaces the valet<br/> 25 does not have the key for.</p>                                              |

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| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">57</p> <p>1 ATTORNEY LECKSTEIN: So then what does<br/> 2 it make a difference, in that scenario what you're<br/> 3 saying, what does it make a difference whether the<br/> 4 parking spaces are numbered or not?<br/> 5 MICHAEL LANE: Because if I go to my<br/> 6 car and I see there's a car parked behind me --<br/> 7 ATTORNEY LECKSTEIN: Yes.<br/> 8 MICHAEL LANE: -- and I can go back to<br/> 9 the valet and say, "I am being blocked in. I can't<br/> 10 get out of my space" --<br/> 11 ATTORNEY LECKSTEIN: Yes.<br/> 12 MICHAEL LANE: -- "because you parked a<br/> 13 car behind me in Space 44."<br/> 14 I have no idea who owns that car. I<br/> 15 can tell them it's a green Honda.<br/> 16 ATTORNEY LECKSTEIN: Okay.<br/> 17 MICHAEL LANE: But the valet guy hasn't<br/> 18 kept track of the fact that it's a green Honda.<br/> 19 ATTORNEY LECKSTEIN: And if they're<br/> 20 numbered, does it make a difference?<br/> 21 MICHAEL LANE: Yes. Because normally<br/> 22 the valet puts the keys on a board where the key is<br/> 23 relating to the number of the spot.<br/> 24 ATTORNEY PAPE: I don't know that<br/> 25 that's the normal procedure.</p>                                                                                                                                               | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">59</p> <p>1 property the best so that it doesn't spill out into<br/> 2 our streets. This is the solution they came up with<br/> 3 and I think we need to give it a shot, you know.<br/> 4 ATTORNEY PAPE: We have a high comfort<br/> 5 level in it. As Clay has shared with you, his<br/> 6 clientele are established. There's a relationship<br/> 7 between him and his clientele. This is not someone<br/> 8 coming once on Father's Day. The people who come<br/> 9 here are the people who have their boats here and<br/> 10 have a relationship with the marina and with Clay.<br/> 11 We're very comfortable that the system is going to<br/> 12 work.<br/> 13 THE WITNESS: To add to that, not just<br/> 14 from the design perspective, which we have other<br/> 15 experience, I have personal experience with marinas<br/> 16 with valet and with rack spaces and as a customer,<br/> 17 you, just like the mayor had said, you understand<br/> 18 that program. You understand that you have to call<br/> 19 ahead for your boat. You understand how the parking<br/> 20 works. And it does work without hitches.<br/> 21 MICHAEL LANE: My perception -- and I<br/> 22 owned a boat, sailboats and power boats for about, I<br/> 23 believe, 50 years -- that a number of the people<br/> 24 that joined me on my boat are not familiar with the<br/> 25 marina and have no experience and they will be using</p> |
| <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">58</p> <p>1 ATTORNEY LECKSTEIN: I don't either.<br/> 2 CHAIRMAN SESSA: And this parking lot<br/> 3 is not huge.<br/> 4 ATTORNEY LECKSTEIN: Right. It's not<br/> 5 a huge lot. It's not like this is like a huge mall<br/> 6 parking lot.<br/> 7 BOARD ENGINEER: I think the other<br/> 8 issue too with the valet parking is that there's<br/> 9 three phases of the valet parking; two of the phases<br/> 10 none of the cars are going to be blocked into any<br/> 11 other spaces because they're a satellite away from<br/> 12 the other parking spaces. It's only in the third<br/> 13 scenario where you have -- it's about 20 spaces<br/> 14 maybe that are in that far part of the lot, the<br/> 15 western part of the lot, that if you're already<br/> 16 parked in those spaces the only cars that are going<br/> 17 to be blocking those space are valet parking. So if<br/> 18 you say, "My car is the third one in," it's only<br/> 19 valet cars that are going to have to be relocated to<br/> 20 get to the car that was blocked in, so I don't think<br/> 21 it's much of an issue.<br/> 22 CHAIRMAN SESSA: See, this is<br/> 23 a -- this is a solution to get more cars onto this<br/> 24 property and keep all of the operations on this<br/> 25 property. And the more cars we can put on this</p> | <p style="text-align: center;">L. Zuegner, P.E.</p> <p style="text-align: right;">60</p> <p>1 these parking facilities and I think that the valet<br/> 2 parking will contribute to parking on Broadway and<br/> 3 on Washington Street the way -- the way you<br/> 4 described it, with the cars being blocked in and<br/> 5 thank you for the opportunity to give that input.<br/> 6 And I think the members of the planning<br/> 7 board really need to reflect about how would I react<br/> 8 and what -- what would be my learned experience.<br/> 9 Thank you.<br/> 10 CHAIRMAN SESSA: Thanks, Mr. Lane.<br/> 11 Anyone else from the public have a question of Mr.<br/> 12 Zuegner? If not, do I hear a motion to close to the<br/> 13 public?<br/> 14 COUNCILMEMBER DAVIDSON: Motion.<br/> 15 CHAIRMAN SESSA: Is there a second?<br/> 16 MEMBER ROYSTER: Second.<br/> 17 CHAIRMAN SESSA: All in favor?<br/> 18 BOARD MEMBERS IN UNISON: Aye. All.<br/> 19 CHAIRMAN SESSA: Opposed?<br/> 20 Thank you, Mr. Zuegner.<br/> 21 ATTORNEY PAPE: Thank you. Mr. Chair,<br/> 22 the second and final professional witness is Steven<br/> 23 Radosti, the architect who presented the building.<br/> 24 The architecture of the building has<br/> 25 been presented. The nautical scheme and the colors</p>                                                                                                                                                                                                     |

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| <p style="text-align: center;">S. Radosti, AIA</p> <p style="text-align: right;">61</p> <p>1 have been presented. The change that we want to</p> <p>2 present to you is how the sanitary facilities will</p> <p>3 be incorporated into the building.</p> <p>4 But I remind Mr. Radosti that he is</p> <p>5 under oath. I remind the board that he is qualified</p> <p>6 as an architect and that's his area of expertise.</p> <p>7 CHAIRMAN SESSA: Yes.</p> <p>8 S T E V E R A D O S T I, AIA,</p> <p>9 previously sworn, continued testifying as</p> <p>10 follows:</p> <p>11 ATTORNEY PAPE: I'm going to ask if</p> <p>12 you have hard exhibits to present to the board if</p> <p>13 they are exhibits that were previously -- some of</p> <p>14 these exhibits, Mr. Chair, are ones that were</p> <p>15 presented electronically, but they're still the</p> <p>16 same, and then there is one.</p> <p>17 THE WITNESS: I have one exhibit that</p> <p>18 I plan on reusing today that I had presented</p> <p>19 electronically. And I believe that was Exhibit</p> <p>20 A-12.</p> <p>21 And then I have a new exhibit that I</p> <p>22 would like to introduce today also.</p> <p>23 ATTORNEY PAPE: So if, with</p> <p>24 permission, Mr. Radosti can approach the easel with</p> <p>25 his exhibits and if you could identify that which is</p> | <p style="text-align: center;">S. Radosti, AIA</p> <p style="text-align: right;">63</p> <p>1 THE WITNESS: Sheet SK-1A. And that</p> <p>2 exhibit is A --</p> <p>3 ATTORNEY PAPE: A-22.</p> <p>4 ATTORNEY LECKSTEIN: That is correct.</p> <p>5 (Exhibit A-22, Alternate Conceptual</p> <p>6 Floor Plans, Sheet SK-1A, dated 3/15/22, is</p> <p>7 marked.)</p> <p>8 ATTORNEY PAPE: Mr. Chair, board</p> <p>9 members, after receiving the written report from Mr.</p> <p>10 Taylor we met with him and we discussed the contents</p> <p>11 of it and one of the points that we discussed at</p> <p>12 that time was that we didn't -- we had come to a</p> <p>13 conclusion that relief was not available for</p> <p>14 sanitary facilities in the flood zone. So we</p> <p>15 directed -- we asked Mr. Radosti to revise his plans</p> <p>16 so that this building's sanitary facilities were</p> <p>17 outside of the flood zone.</p> <p>18 And if you could, Mr. Radosti, identify</p> <p>19 where on the plan and how it was accommodated, and</p> <p>20 the question from the mayor earlier was is it -- I</p> <p>21 think it was, is it handicap accessible.</p> <p>22 THE WITNESS: Yes. So what we did is</p> <p>23 we kept the upper floor the same and the lower floor</p> <p>24 the same, except for this area here on the north</p> <p>25 portion. We took the bathrooms and we raised them</p>                                                                                    |
| <p style="text-align: center;">S. Radosti, AIA</p> <p style="text-align: right;">62</p> <p>1 A-12 for the board to review.</p> <p>2 And then if you could identify the new</p> <p>3 exhibit, and I believe we're up to A-22.</p> <p>4 THE WITNESS: I have here Exhibit</p> <p>5 A-12, which is Sheet SK-1, Conceptual Floor Plans &amp;</p> <p>6 Elevations, dated 2/11/2021. I'll mark that A-12.</p> <p>7 ATTORNEY PAPE: And it is exactly the</p> <p>8 same one that was electronically provided --</p> <p>9 THE WITNESS: That is correct.</p> <p>10 ATTORNEY PAPE: -- at the virtual</p> <p>11 hearing last spring?</p> <p>12 THE WITNESS: And then I have a new</p> <p>13 exhibit that I would like to present today, and this</p> <p>14 is Sheet SK-1A, and it's called "Alternate</p> <p>15 Conceptual Floor Plans," and it is dated March 15,</p> <p>16 2022.</p> <p>17 ATTORNEY LECKSTEIN: What's the date?</p> <p>18 I'm sorry.</p> <p>19 THE WITNESS: March 15, 2022.</p> <p>20 ATTORNEY LECKSTEIN: Thank you. And</p> <p>21 it is the alternate...</p> <p>22 THE WITNESS: And it's called</p> <p>23 Alternate Conceptual Floor Plan.</p> <p>24 ATTORNEY LECKSTEIN: Conceptual Floor</p> <p>25 Plans. Thank you.</p>                                                                                                                      | <p style="text-align: center;">S. Radosti, AIA</p> <p style="text-align: right;">64</p> <p>1 up so that the structure for the bathrooms would be</p> <p>2 at least 1 foot above the flood -- flood level. We</p> <p>3 have here an entrance at this rear of the building</p> <p>4 where someone who needs to use the restroom can come</p> <p>5 in and take the stairs up to the restrooms, or</p> <p>6 there's a barrier-free handicap-accessible lift that</p> <p>7 they could take here. They would take it up to this</p> <p>8 intermediate level and then we have a men's room and</p> <p>9 a women's room here.</p> <p>10 Both bathrooms have the same number of</p> <p>11 fixtures that I had when they were on the lower</p> <p>12 level, but they would be adequate for the 115 inward</p> <p>13 slips that we previously designed for. Women's room</p> <p>14 would have at least four toilets, three sinks, two</p> <p>15 showers, and the men's room, at least two toilets,</p> <p>16 three urinals, two showers and a janitor's closet as</p> <p>17 well as three laboratories.</p> <p>18 ATTORNEY PAPE: Just so the record is</p> <p>19 clear, no relief from any of the flood hazard</p> <p>20 regulations or construction code will be required</p> <p>21 for this design?</p> <p>22 THE WITNESS: That is correct.</p> <p>23 CHAIRMAN SESSA: That is a mezzanine;</p> <p>24 it doesn't go up as high as the office level?</p> <p>25 THE WITNESS: The office level is up</p> |

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| <p>S. Radosti, AIA</p> <p>65</p> <p>1 pretty high. This would be -- actually, I have one<br/> 2 more -- maybe I could -- you know what, I can just<br/> 3 give you these numbers here. The high water mark<br/> 4 would be at 14 feet, so we would have the bottom of<br/> 5 the structure for this mezzanine at 115. So maybe<br/> 6 it would be 116 -- yeah, 16 or 17 feet level, and<br/> 7 the upper floor is actually 20 feet above the ground<br/> 8 level at 25.87 feet.</p> <p>9 CHAIRMAN SESSA: So to access it from<br/> 10 the offices you just step down a little bit?</p> <p>11 THE WITNESS: Right. So you couldn't<br/> 12 access it from the offices. So the offices have a<br/> 13 separate entrance that go up from the<br/> 14 front -- excuse me, from the front here to this<br/> 15 vestibule, up the steps to the offices here. This<br/> 16 level is kind of an intermediate level that would<br/> 17 only be accessible from the north side of the<br/> 18 building from the outside. There will also be a<br/> 19 door from the inside maybe that would, you know, in<br/> 20 case someone from -- in the repair shop would need<br/> 21 to go in maybe to clean the bathrooms or something<br/> 22 like that.</p> <p>23 But we have a door here that goes<br/> 24 directly to the outside. You can go up the stair to<br/> 25 that level or you can take the handicap-accessible</p> | <p>S. Radosti, AIA</p> <p>67</p> <p>1 these would be -- these would be for users of the<br/> 2 marina where this one would be users of<br/> 3 the -- employees of the office.</p> <p>4 MAYOR KENNEDY: So the employees still<br/> 5 only can access their workspace by stairs?</p> <p>6 THE WITNESS: Correct. And that --<br/> 7 and that complies with the International Building<br/> 8 Code. Because of the size of the floor there is no<br/> 9 requirement for elevators.</p> <p>10 ATTORNEY PAPE: Mr. Chair and board<br/> 11 members, I have no further questions of Mr. Radosti.<br/> 12 We're most pleased that he was able to -- after<br/> 13 hearing from Trevor -- was able to come up with a<br/> 14 solution.</p> <p>15 CHAIRMAN SESSA: Do you have any<br/> 16 questions, Trevor?</p> <p>17 BOARD ENGINEER: I just have a<br/> 18 clarification. I think, I'm looking at our May 26,<br/> 19 2021, letter where we describe the variance<br/> 20 procedure. I believe that -- with the removal of<br/> 21 the bathrooms, obviously that doesn't require a<br/> 22 variance, but we still need a variance for the<br/> 23 water-dependent use, which is the boat repair, which<br/> 24 would be on the low -- the lower level of the<br/> 25 building. So they technically do need a variance</p> |
| <p>S. Radosti, AIA</p> <p>66</p> <p>1 lift.</p> <p>2 MAYOR KENNEDY: So the lift is only<br/> 3 going to the mezzanine?</p> <p>4 THE WITNESS: That is correct.</p> <p>5 MAYOR KENNEDY: And what size -- is<br/> 6 it -- is it going to be accommodatable to both<br/> 7 accessible mobility devices as well as, perhaps, a<br/> 8 family coming off of the boat that might have, you<br/> 9 know, a double stroller that is trying to, you know,<br/> 10 get into the lift as well?</p> <p>11 THE WITNESS: Yes, it would meet ADA<br/> 12 requirements. It would meet ANSI requirements,<br/> 13 which is subcode -- barrier-free subcode of New<br/> 14 Jersey.</p> <p>15 MAYOR KENNEDY: And where would the<br/> 16 mechanism for the operative parts of that lift be;<br/> 17 would they be above flood level as well?</p> <p>18 THE WITNESS: Yes, they would be.</p> <p>19 MAYOR KENNEDY: And restrooms for the<br/> 20 offices, if they needed --</p> <p>21 THE WITNESS: The offices have their<br/> 22 own restrooms, which is --</p> <p>23 MAYOR KENNEDY: Okay. I just wanted<br/> 24 to make sure that wasn't being removed.</p> <p>25 THE WITNESS: That is still there. So</p>                                                                                                                                                                                                                         | <p>S. Radosti, AIA</p> <p>68</p> <p>1 still for that use, but not the bathroom levels.<br/> 2 The bathrooms would be above.</p> <p>3 And granting them the variance, they<br/> 4 still would have to get CAFRA approval for the<br/> 5 building. They still have to meet all the building<br/> 6 code requirements. And they still have to build the<br/> 7 building to the V Zone standards because they're in<br/> 8 a Coastal A Zone, so we'll still need the variance<br/> 9 and obviously it will be conditioned upon them<br/> 10 getting those approvals from the building department<br/> 11 and CAFRA.</p> <p>12 ATTORNEY PAPE: All of which is<br/> 13 understood by the applicant.</p> <p>14 CHAIRMAN SESSA: Any board members<br/> 15 have questions of Mr. Radosti? No?</p> <p>16 Open it to the public?</p> <p>17 BOARD MEMBER: Motion.</p> <p>18 CHAIRMAN SESSA: Do we have a second?</p> <p>19 BOARD MEMBER: Second.</p> <p>20 CHAIRMAN SESSA: All in favor?</p> <p>21 BOARD MEMBERS IN UNISON: Aye.</p> <p>22 CHAIRMAN SESSA: Opposed?</p> <p>23 Okay, anyone have a question of Mr.<br/> 24 Radosti on what he just presented to us?</p> <p>25 Seeing there is no one that is coming</p>                                                                                                       |

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| <p style="text-align: right;">69</p> <p>1 forward, a motion to close.</p> <p>2 Is there a second?</p> <p>3 MEMBER ROYSTER: Second.</p> <p>4 CHAIRMAN SESSA: All in favor?</p> <p>5 BOARD MEMBERS IN UNISON: Aye.</p> <p>6 ATTORNEY PAPE: Mr. Chair, that is</p> <p>7 your applicant's direct presentation of the site</p> <p>8 plan. I would only ask before the hearing</p> <p>9 concludes, and I know that the public will have an</p> <p>10 opportunity, but before you conclude, if I can just</p> <p>11 have a brief opportunity to sum before any vote.</p> <p>12 CHAIRMAN SESSA: Sure.</p> <p>13 ATTORNEY PAPE: Thank you.</p> <p>14 CHAIRMAN SESSA: Any questions or</p> <p>15 comments at this point?</p> <p>16 COUNCILMEMBER DAVIDSON: I have a</p> <p>17 question. If -- if approved, where would the</p> <p>18 construction staging area be? And is the marina</p> <p>19 going to be operational throughout the duration of</p> <p>20 construction for either of the properties?</p> <p>21 ATTORNEY PAPE: We anticipated that</p> <p>22 the construction activity would be conducted during</p> <p>23 the offseason. And yes, we do intend to keep the</p> <p>24 marina operational during the construction period.</p> <p>25 We will meet with either your construction officials</p> | <p style="text-align: right;">71</p> <p>1 If not, we should open to the public for their</p> <p>2 guidance.</p> <p>3 MAYOR KENNEDY: Motion.</p> <p>4 CHAIRMAN SESSA: Is there a second?</p> <p>5 COUNCILMEMBER DAVIDSON: Second.</p> <p>6 CHAIRMAN SESSA: All in favor?</p> <p>7 BOARD MEMBERS IN UNISON: Aye.</p> <p>8 CHAIRMAN SESSA: Opposed? All right.</p> <p>9 So this would be final opportunity for</p> <p>10 the public to voice their opinion on this project.</p> <p>11 And I know Mr. Yunker, you wanted to</p> <p>12 come forward?</p> <p>13 ALAN YUNKER: Again, over the years I</p> <p>14 have different situations with the -- with the</p> <p>15 marina there. Okay? They have caused me some</p> <p>16 problems. I'm just not happy with the general</p> <p>17 situation, the flooding.</p> <p>18 That's a -- a problem because basically</p> <p>19 what they did is they changed the -- the floodplain</p> <p>20 so that it -- it doesn't drain out like it used to,</p> <p>21 okay. That causes my backyard to be a problem as</p> <p>22 far as, you know, water in there. When they started</p> <p>23 filling in the areas of the wetlands there, I had an</p> <p>24 infestation of water rats for two or three years</p> <p>25 actually and then they finally dissipated and they</p>                                                                                                                                                                         |
| <p style="text-align: right;">70</p> <p>1 and the engineer and most likely will ask for</p> <p>2 assistance from the police department to make</p> <p>3 certain that we can keep the site -- safe site</p> <p>4 during construction.</p> <p>5 COUNCILMEMBER DAVIDSON: And then the</p> <p>6 gas tanks, are they diesel tanks? I don't remember</p> <p>7 what you said, I apologize. Are they still on the</p> <p>8 revised plans, even though you're waiting for it to</p> <p>9 come back to that piece?</p> <p>10 ATTORNEY PAPE: We're not asking this</p> <p>11 board to approve the fueling facilities this</p> <p>12 evening. We're removing it from the application.</p> <p>13 And if Mr. Perlman elects to come back, it will be</p> <p>14 a new application to this board for those</p> <p>15 facilities.</p> <p>16 COUNCILMEMBER DAVIDSON: So they have</p> <p>17 been removed from the site plan?</p> <p>18 ATTORNEY PAPE: We're going to remove</p> <p>19 it completely from the plans. That was the</p> <p>20 statement that was made at the beginning.</p> <p>21 ATTORNEY LECKSTEIN: Councilwoman,</p> <p>22 yeah, they're on there now. They will remove them</p> <p>23 as a condition of approval.</p> <p>24 ATTORNEY PAPE: Yes.</p> <p>25 CHAIRMAN SESSA: Any other questions?</p>  | <p style="text-align: right;">72</p> <p>1 left. But that was a problem there.</p> <p>2 Like I said, I had water in my basement</p> <p>3 because of the illegal dumping that was done again</p> <p>4 at the time when Fred Bloom and Jim Moore owned the</p> <p>5 marina, okay. I know that it was done because of</p> <p>6 the fact it -- it was large earth-moving machines</p> <p>7 that they would bring in 2:00 or 3:00 o'clock in the</p> <p>8 morning and dump it down there and then go back.</p> <p>9 Okay? And all of that filling -- that changing and</p> <p>10 shifting things around changed the whole -- the</p> <p>11 whole -- how can I say it? The whole --</p> <p>12 MAYOR KENNEDY: Topography?</p> <p>13 ALAN YUNKER: Part of the -- part of</p> <p>14 the -- part of the land around that area, okay.</p> <p>15 There is some kind of a -- some kind of an</p> <p>16 underground water system, and that is where I ended</p> <p>17 up getting, water in the basement. Okay?</p> <p>18 And then again, like I said, when they</p> <p>19 put the pile of dirt in the back to start with the</p> <p>20 marina, the Mariner's Village, I had water again in</p> <p>21 my basement, okay? But it didn't -- again, the</p> <p>22 water came -- came up from underground. It</p> <p>23 didn't -- it didn't -- you know -- one thing that</p> <p>24 Mr. Weseloski was saying was that he thought it was</p> <p>25 because we had a lot of heavy rain, but the water</p> |

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| <p style="text-align: right;">73</p> <p>1 came up, not down. Okay? That is what I was<br/> 2 concerned with there.<br/> 3               Again, as far as the backyard, when<br/> 4 they changed the floodplain, there was no<br/> 5 drainage -- well, here, let me give you some kind of<br/> 6 an idea what I'm talking about here. Is there<br/> 7 someone -- can I --<br/> 8               ATTORNEY LECKSTEIN: So Mr. Yunker,<br/> 9 this is -- this is the issue.<br/> 10              ALAN YUNKER: Excuse me?<br/> 11              ATTORNEY LECKSTEIN: The problem is<br/> 12 for tonight, we're dealing with the application that<br/> 13 is before the board tonight.<br/> 14              ALAN YUNKER: Okay.<br/> 15              ATTORNEY LECKSTEIN: We're not dealing<br/> 16 with past issues that you may have experienced with<br/> 17 previous owners of the property.<br/> 18              ALAN YUNKER: Okay, but see, here is<br/> 19 the thing that I have the biggest concern with,<br/> 20 okay? Those things that happened didn't change.<br/> 21 They continued to build on that. Okay?<br/> 22              ATTORNEY LECKSTEIN: So why don't<br/> 23 you -- what is your concern here tonight? They're<br/> 24 allowed to operate a marina on the site.<br/> 25              ALAN YUNKER: Okay.</p> | <p style="text-align: right;">75</p> <p>1 fact that it's so -- it's so -- they're planning<br/> 2 such a dense population there, okay, that the things<br/> 3 that I have enjoyed over the years, they're taking<br/> 4 that away. Okay? They're certainly -- they don't<br/> 5 have any -- any reserve as far as abusing the shared<br/> 6 resources of the town. Okay?<br/> 7               I mean that's -- that has been obvious.<br/> 8 Was it last year or whatever when they put an ad in<br/> 9 the paper to -- to have everybody park on Washington<br/> 10 Street?<br/> 11              ATTORNEY LECKSTEIN: Right, which<br/> 12 they're not going to do again. I mean, they're<br/> 13 prohibited from doing that.<br/> 14              ALAN YUNKER: So when they did that,<br/> 15 they also had a whole bunch of people come down<br/> 16 here. They had had people come down and strip naked<br/> 17 in the street and put their bathing suits on. Okay?<br/> 18 To me that -- that shows no concern for any of the<br/> 19 people in the neighborhood.<br/> 20              ATTORNEY LECKSTEIN: So Mr. Yunker,<br/> 21 what you have to understand is that this board can't<br/> 22 stop them from having a marina.<br/> 23              ALAN YUNKER: Okay.<br/> 24              ATTORNEY LECKSTEIN: Which seems to be<br/> 25 what you're concerned about. You don't like the way</p> |
| <p style="text-align: right;">74</p> <p>1               ATTORNEY LECKSTEIN: The board can't<br/> 2 stop that.<br/> 3               ALAN YUNKER: Okay.<br/> 4               ATTORNEY LECKSTEIN: So what is your<br/> 5 concern about this application?<br/> 6               ALAN YUNKER: Because<br/> 7 they're -- they're adding so much stuff to what<br/> 8 they're doing in the marina it's going to affect the<br/> 9 rest of the land around that. That's the way that I<br/> 10 see it. Okay. It has affected me physically.<br/> 11 Again, when -- when the Eriksons were there, okay,<br/> 12 we had beautiful -- beautiful yards, beautiful<br/> 13 homes. You know, the property went right out to --<br/> 14 right out to the water. Okay? There was no<br/> 15 problem.<br/> 16              ATTORNEY LECKSTEIN: So just -- just<br/> 17 to summarize, your concern is that they're adding to<br/> 18 the site. And you're afraid the -- the<br/> 19 intensification of the site will cause further<br/> 20 issues for your property; that's essentially what<br/> 21 you're saying?<br/> 22              ALAN YUNKER: Well, that's one of the<br/> 23 things.<br/> 24              ATTORNEY LECKSTEIN: Okay.<br/> 25              ALAN YUNKER: The other thing is the</p>                                    | <p style="text-align: right;">76</p> <p>1 they're operating the marina right now. Now what<br/> 2 they're trying to do -- what they're trying to do<br/> 3 and what you've heard a lot of testimony about is<br/> 4 that they're trying to increase the parking on the<br/> 5 site, increase the facilities on the site so that<br/> 6 the concerns that you're expressing aren't going to<br/> 7 happen, and that's what the entire application has<br/> 8 been about.<br/> 9               ALAN YUNKER: Okay. But when they're<br/> 10 putting the marina on the site, they're not adding<br/> 11 to it to change the whole structure?<br/> 12               ATTORNEY PAPE: If I may?<br/> 13               ATTORNEY LECKSTEIN: Go ahead, Mr.<br/> 14 Pape.<br/> 15               ATTORNEY PAPE: The area that is<br/> 16 disturbed is the area that is disturbed. There is<br/> 17 no new areas that are disturbed. There is no<br/> 18 grading on the site. We are repurposing the area of<br/> 19 the site that is already the marina that has already<br/> 20 been disturbed. We're putting improvements in it,<br/> 21 but we're not expanding that footprint at all.<br/> 22               From the lawyer, those are statements.<br/> 23 If you can testify that those statements are<br/> 24 accurate.<br/> 25               LOUIS ZUEGNER: That's correct.</p>                             |

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| <p style="text-align: right;">77</p> <p>1 There's not earth movement. There's not excavation<br/> 2 or fill. This is taking the marina property and --<br/> 3 ALAN YUNKER: And compounding the<br/> 4 amount of -- the amount of stuff that you're going<br/> 5 to put in that area. That's what it boils down to.<br/> 6 LOUIS ZUEGNER: Well, we're organizing<br/> 7 what's within that area.<br/> 8 ALAN YUNKER: Well, you're organizing<br/> 9 it in a situation that -- in a way that is going to<br/> 10 affect anybody else in the neighborhood.<br/> 11 ATTORNEY PAPE: And that would be your<br/> 12 statement to the board and your opinion and we'll<br/> 13 respect it, but the statements that the applicant<br/> 14 makes is that we are standing within the four<br/> 15 corners of the disturbance and we're reorganizing<br/> 16 and repurposing those areas, period.<br/> 17 CHAIRMAN SESSA: They're paving.<br/> 18 They're paving the parking lot, which means that<br/> 19 there's going to be runoff someplace. They're<br/> 20 putting a building there, which means that there is<br/> 21 going to have gutters that are going to have runoff<br/> 22 someplace. They're -- they're telling us that<br/> 23 there's not going to be any effect on any of the<br/> 24 adjoining properties, that it's going to go out to<br/> 25 the water, that they're going to contain everything</p> | <p style="text-align: right;">79</p> <p>1 Nellis, maybe if you can stop over and see what this<br/> 2 water table issue in his basement is?<br/> 3 BOARD ENGINEER: Sure.<br/> 4 ALAN YUNKER: Well, there's no water<br/> 5 in the basement now.<br/> 6 MAYOR KENNEDY: I'm just asking I<br/> 7 think on behalf of the borough if the engineer can<br/> 8 see what the issue is, if there's a water table or a<br/> 9 stream issue going on, then let's see what that<br/> 10 situation is.<br/> 11 ALAN YUNKER: Okay.<br/> 12 ATTORNEY LECKSTEIN: Thank you.<br/> 13 ALAN YUNKER: Thank you.<br/> 14 CHAIRMAN SESSA: Anyone else like to<br/> 15 come forward and give us guidance on this<br/> 16 application? Yes, sir.<br/> 17 ROBERT YUNKER: My name is Robert<br/> 18 Yunker, 26 Washington Street.<br/> 19 ATTORNEY LECKSTEIN: And, Mr. Yunker,<br/> 20 you had previously testified before the board on<br/> 21 this application. You're his son, correct?<br/> 22 ROBERT YUNKER: Correct. So --<br/> 23 ATTORNEY LECKSTEIN: Yes, go ahead.<br/> 24 You're still under oath.<br/> 25 ROBERT YUNKER: Okay. One of the</p>                                                                                                                                      |
| <p style="text-align: right;">78</p> <p>1 on their property. That is what they're telling us.<br/> 2 ATTORNEY PAPE: Thank you.<br/> 3 CHAIRMAN SESSA: And we're going to<br/> 4 hold them to that.<br/> 5 ALAN YUNKER: Well, yeah, that would<br/> 6 be -- that would be nice if it happens that way.<br/> 7 CHAIRMAN SESSA: We'll do the best we<br/> 8 can.<br/> 9 ALAN YUNKER: Okay. Well, thank you.<br/> 10 MAYOR KENNEDY: Actually, before you<br/> 11 go, can I just ask you a question?<br/> 12 ALAN YUNKER: Sure.<br/> 13 MAYOR KENNEDY: Before you go, Trevor,<br/> 14 have -- have these concerns that the gentleman is<br/> 15 raising come before the borough at all as far<br/> 16 as -- it sounds like an increased water table in<br/> 17 that area? Are you familiar with what he's<br/> 18 referring to, as far as this underground waterway<br/> 19 due to the pilings that were dropped years ago; are<br/> 20 you familiar with it?<br/> 21 BOARD ENGINEER: I am not familiar<br/> 22 with that, no.<br/> 23 MAYOR KENNEDY: So I am going to ask<br/> 24 that -- Mr. Taylor is also our municipal engineer --<br/> 25 so if you can get the contact information from Ms.</p>                                                                                                                                                                                                               | <p style="text-align: right;">80</p> <p>1 things Mr. Lane asked -- and I think we got an<br/> 2 answer to it, that the parking lot will not be<br/> 3 raised. And, you know, we'll have a full moon and a<br/> 4 new moon and it floods, it's going to be an issue<br/> 5 for that time.<br/> 6 Coincidentally on the May 28th meeting,<br/> 7 I think Mayor Kennedy had -- had voiced her concern<br/> 8 about the dumpster positioning so it's not visible<br/> 9 to the road. It actually floated up and flipped<br/> 10 over and garbage was on the ground for four days.<br/> 11 So to me that was not a great indicator that they're<br/> 12 concerned or -- you know, how things go there.<br/> 13 MAYOR KENNEDY: What date was that?<br/> 14 ROBERT YUNKER: May 29th.<br/> 15 MAYOR KENNEDY: Last year?<br/> 16 ROBERT YUNKER: Were we doing the Zoom<br/> 17 meetings then?<br/> 18 ATTORNEY LECKSTEIN: No, no, no. I<br/> 19 think she's asking you what day did the -- you're<br/> 20 asking what day the dumpster was overturned, not the<br/> 21 day of the meeting?<br/> 22 ROBERT YUNKER: Yeah, that was the<br/> 23 29th, I think, is when it overturned. I think the<br/> 24 meeting was the 28th.<br/> 25 CHAIRMAN SESSA: After it overturned?</p> |

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| <p style="text-align: right;">81</p> <p>1 ROBERT YUNKER: Right.</p> <p>2 ATTORNEY LECKSTEIN: Wow.</p> <p>3 ROBERT YUNKER: We were just talking</p> <p>4 about this last night.</p> <p>5 ATTORNEY LECKSTEIN: Yeah, the meeting</p> <p>6 was on May 27th.</p> <p>7 ROBERT YUNKER: Oh, okay, so that was</p> <p>8 that date, I'm sorry.</p> <p>9 ATTORNEY LECKSTEIN: No, that's okay.</p> <p>10 No, that's okay. It's just that's not a good look.</p> <p>11 ROBERT YUNKER: Yeah. And then, like</p> <p>12 I said, if -- okay, stuff happens, if they were --</p> <p>13 you know, if they went out and picked it up, okay,</p> <p>14 they're -- they're showing that they're concerned.</p> <p>15 But I pick up trash that flows over the fence on a</p> <p>16 regular basis, you know.</p> <p>17 They put up tarps and things and they</p> <p>18 deteriorate and, you know, it is what it is. But as</p> <p>19 far as --</p> <p>20 MAYOR KENNEDY: Excuse me, before you</p> <p>21 go forward, again, who puts up tarps?</p> <p>22 ROBERT YUNKER: Personnel in the</p> <p>23 marina.</p> <p>24 MAYOR KENNEDY: Can we put up some</p> <p>25 kind of agreement that there will be something</p>                                                                                            | <p style="text-align: right;">83</p> <p>1 versus, you know, some boats are still in storage,</p> <p>2 not in the water yet. And then, of course, when you</p> <p>3 get a high tide and a full moon that just adds to</p> <p>4 the problem, so --</p> <p>5 CHAIRMAN SESSA: We're hoping that is</p> <p>6 going to change when they actually build their</p> <p>7 parking lot and have their -- their spaces. Right</p> <p>8 now they don't have that, I guess.</p> <p>9 ROBERT YUNKER: Well, the</p> <p>10 configuration of the parking lot won't have much of</p> <p>11 an effect. It's still going to be underwater during</p> <p>12 those times, so --</p> <p>13 CHAIRMAN SESSA: You're talking about</p> <p>14 the one end of it, yeah.</p> <p>15 ROBERT YUNKER: Right. It comes up</p> <p>16 almost to the building a lot of times so that -- the</p> <p>17 office for the marina so --</p> <p>18 MAYOR KENNEDY: Can I --</p> <p>19 ROBERT YUNKER: It's a good amount of</p> <p>20 spots.</p> <p>21 MAYOR KENNEDY: Can I ask in the lease</p> <p>22 agreement for the boaters that it actually be put</p> <p>23 into the lease agreement that they're not allowed to</p> <p>24 park off the premises onto any of the local</p> <p>25 roadways?</p>                                                                                                                                                         |
| <p style="text-align: right;">82</p> <p>1 better than tarps put up?</p> <p>2 ROBERT YUNKER: Well, it sounds like</p> <p>3 if their, you know, the whole big project goes</p> <p>4 through, they're talking about eliminating that all</p> <p>5 together and putting a road there.</p> <p>6 MAYOR KENNEDY: Okay. So that's where</p> <p>7 you're talking about the tarps then. Okay.</p> <p>8 ROBERT YUNKER: Yes.</p> <p>9 BOARD ENGINEER: The tarps are on the</p> <p>10 ground or --</p> <p>11 ROBERT YUNKER: No. Like the</p> <p>12 structure, like I think the jet ski people,</p> <p>13 designated the work area.</p> <p>14 MAYOR KENNEDY: Can we agree that</p> <p>15 there's no temporary tarps on-site?</p> <p>16 ATTORNEY PAPE: Yes. Yes, Major.</p> <p>17 MAYOR KENNEDY: That's good.</p> <p>18 ROBERT YUNKER: But yeah, as far as</p> <p>19 the parking I noticed already the past few weekends</p> <p>20 we have had people parking on Washington Street and</p> <p>21 walking through the yards back to the marina and</p> <p>22 although they're not for the jet skis and they're</p> <p>23 not just, you know, getting undressed, it's still --</p> <p>24 it kind of says, okay, they still have like a</p> <p>25 problem with the amount of parking that they have</p> | <p style="text-align: right;">84</p> <p>1 ATTORNEY PAPE: Sure, Mayor. Those</p> <p>2 statements were made at an earlier meeting. We'll</p> <p>3 repeat them: People who come to the marina, people</p> <p>4 who are visitors to the marina will be instructed</p> <p>5 they can't park off-site; there will be signage</p> <p>6 on-site that says you can't park off-site; and the</p> <p>7 lease agreements will include the statement that you</p> <p>8 must park on premises, you can't park off-site.</p> <p>9 We're comfortable with that.</p> <p>10 MAYOR KENNEDY: Thank you.</p> <p>11 BOARD ENGINEER: Okay. One other</p> <p>12 issue too was with the -- the boats that are</p> <p>13 currently stored in the parking lot. I know there</p> <p>14 are boats that are stored in the parking lot</p> <p>15 currently which prevent people from parking on-site.</p> <p>16 That was a statement that you guys made previously,</p> <p>17 that the boats will not be stored in the parking lot</p> <p>18 once the parking lot is in, and that's what the boat</p> <p>19 rack was for. So obviously if there's no boats</p> <p>20 parked on the parking lot, there will be much more</p> <p>21 parking spaces.</p> <p>22 ATTORNEY PAPE: There is winter</p> <p>23 storage they could be on the parking lot.</p> <p>24 BOARD ENGINEER: Winter, but not...</p> <p>25 ATTORNEY PAPE: Just winter storage.</p> |



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| <p style="text-align: right;">85</p> <p>1 The appearance that you see now of</p> <p>2 boats, I'm going to just say, a little bit all over</p> <p>3 the place, that's over; that's what the racks</p> <p>4 are for. But the parking lot will have winter</p> <p>5 storage.</p> <p>6 BOARD ENGINEER: Do we want to set a</p> <p>7 date of when winter storage is going to start, so</p> <p>8 that we have something that we can enforce when we</p> <p>9 need it to have on the property?</p> <p>10 ATTORNEY PAPE: What Mr. Perlman has</p> <p>11 told me is that the season begins May 1st. Not</p> <p>12 every person comes May 1st and takes their boat and</p> <p>13 puts it in the water, but by June 1st all of the</p> <p>14 boats are in the water.</p> <p>15 So if that is acceptable to you we will</p> <p>16 indicate to you that the winter season is officially</p> <p>17 concluded at May 1st and that by June 1st all of</p> <p>18 the -- all of the stored boats are out of the</p> <p>19 parking lot and into the racks or into the water.</p> <p>20 MAYOR KENNEDY: Okay, but just to</p> <p>21 re-emphasize what the resident is saying now, for</p> <p>22 instance, we recently had a three-day weekend for</p> <p>23 Easter, right, for Good Friday. It was nice</p> <p>24 weather. And a lot of the things that you're</p> <p>25 talking about that a lot of people, all the MLUL</p> | <p style="text-align: right;">87</p> <p>1 ROBERT YUNKER: Pretty much, yeah. It</p> <p>2 was a few weekends around Easter.</p> <p>3 And I know it's a -- it's a transition</p> <p>4 period, but I know I'm just, you know, taking into</p> <p>5 consideration that the jet skis are going from 10 to</p> <p>6 20 and I'm not sure how much -- how many slips the</p> <p>7 marina is increasing by, it sounds like we're</p> <p>8 expanding the -- the operations of the marina and</p> <p>9 shrinking the size that they had to do it with</p> <p>10 prior.</p> <p>11 ATTORNEY PAPE: Our goal was to reduce</p> <p>12 the jet skis from 30 to 20 and to reduce the</p> <p>13 charters from four to two. It wasn't an intention</p> <p>14 to increase.</p> <p>15 CHAIRMAN SESSA: Okay, would you like</p> <p>16 to take a ten-minute -- a five-minute break; do I</p> <p>17 hear a motion?</p> <p>18 MAYOR KENNEDY: Motion.</p> <p>19 CHAIRMAN SESSA: Second?</p> <p>20 MEMBER PACHECO: Second.</p> <p>21 CHAIRMAN SESSA: All right. We're</p> <p>22 going to go strict on this. Five minutes we'll be</p> <p>23 in recess.</p> <p>24 (A recess is taken at 9:04 p.m.)</p> <p>25 (The record resumes at 9:09 p.m.)</p>                                           |
| <p style="text-align: right;">86</p> <p>1 were full, as well as the former museum, there were</p> <p>2 plenty of both trailers and it was an active water</p> <p>3 weekend. Granted, the holiday itself fell when it</p> <p>4 fell, mid-April. Obviously if it's mid-March and</p> <p>5 it's snowing, no one is going to be putting their</p> <p>6 boat in the water. But I do believe that that's</p> <p>7 probably the weekend you're referring to and I know</p> <p>8 how busy the municipal boat ramp was.</p> <p>9 And if that's the case and here it was</p> <p>10 April, where were the people able to park in that</p> <p>11 situation? So I -- I think that concern is valid,</p> <p>12 so from April to June, what happens?</p> <p>13 ATTORNEY PAPE: Mr. Chairman, Mayor,</p> <p>14 and board members, if we could, I think that if,</p> <p>15 when it's appropriate soon, if we could take a</p> <p>16 five-minute recess, I think I would like an</p> <p>17 opportunity to speak to Mr. Perlman a little more</p> <p>18 in-depth.</p> <p>19 MAYOR KENNEDY: Thank you.</p> <p>20 ATTORNEY PAPE: You let me know when</p> <p>21 it's appropriate.</p> <p>22 ATTORNEY LECKSTEIN: Do you want to do</p> <p>23 it now, Mr. Chairman?</p> <p>24 MAYOR KENNEDY: I mean, am I correct</p> <p>25 in -- am I reiterating your concern correctly?</p>                                                   | <p style="text-align: right;">88</p> <p>1 ATTORNEY LECKSTEIN: For the record,</p> <p>2 all we did was just take a roll. Everyone is here.</p> <p>3 ATTORNEY PAPE: Mr. Chair, Mayor, Mr.</p> <p>4 Perlman came up with a better answer, because their</p> <p>5 racking system will be in place, we anticipate the</p> <p>6 season begins May 1st. By May 15th any -- any boat</p> <p>7 that has not been moved by the owner/customer into</p> <p>8 the water and out of the parking lot, Mr. Perlman</p> <p>9 will move into the rack system or into the water of</p> <p>10 his own volition.</p> <p>11 So by May 15th the parking lot winter</p> <p>12 storage has completed, and he has the tools and</p> <p>13 method to do it.</p> <p>14 ATTORNEY LECKSTEIN: Okay.</p> <p>15 ATTORNEY PAPE: I'm comfortable making</p> <p>16 that representation to you.</p> <p>17 CHAIRMAN SESSA: Thank you.</p> <p>18 ATTORNEY LECKSTEIN: Okay.</p> <p>19 CHAIRMAN SESSA: Mr. Yunker, were you</p> <p>20 finished with those questions?</p> <p>21 ROBERT YUNKER: I was. I was.</p> <p>22 CHAIRMAN SESSA: Is there anyone else</p> <p>23 who has guidance for us before we vote?</p> <p>24 Yes, Mr. Lane. Come forward.</p> <p>25 MICHAEL LANE: I want to address some</p> |

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| <p style="text-align: center;">89</p> <p>1 environmental issues first. Do the board members<br/>2 have the Keyport Environmental Commission report<br/>3 regarding the contaminated fill at the Brown's Point<br/>4 Marina site?</p> <p>5 ATTORNEY LECKSTEIN: So Mr. Lane, that<br/>6 is an issue -- the board does have that memo, but<br/>7 that is an issue for the borough council and the<br/>8 municipality. It is not an issue for this planning<br/>9 board to be dealing with.</p> <p>10 MAYOR KENNEDY: And I just want a<br/>11 record that that letter was on our September, 2021,<br/>12 agenda for the Keyport governing body. And it was<br/>13 on to receive the file, which is what was done. And<br/>14 no action was taken by the governing body.</p> <p>15 ATTORNEY LECKSTEIN: So Mr. Lane,<br/>16 we're not going to discuss that letter because<br/>17 really it has no bearing on this application as far<br/>18 as the planning board is concerned.</p> <p>19 The letter is not addressed to the<br/>20 planning board. It's not proper to be before the<br/>21 planning board.</p> <p>22 MICHAEL LANE: The borough -- the<br/>23 borough administrator directed that it go to the<br/>24 planning board.</p> <p>25 ATTORNEY LECKSTEIN: The borough --</p>         | <p style="text-align: center;">91</p> <p>1 the site.</p> <p>2 ATTORNEY LECKSTEIN: Which the<br/>3 applicant has stipulated that there is flooding on<br/>4 the site.</p> <p>5 MICHAEL LANE: And I think it's<br/>6 important for the board to recognize the future<br/>7 frequency of this flooding.</p> <p>8 ATTORNEY LECKSTEIN: Which -- which<br/>9 everyone has recognized and we will stipulate to it.<br/>10 We don't need to go over it.</p> <p>11 MICHAEL LANE: The other issues<br/>12 are -- it was also brought up the issue of anchoring<br/>13 of containers.</p> <p>14 ATTORNEY LECKSTEIN: Which again,<br/>15 Mr. Lane, we already discussed that, and the<br/>16 anchoring of the boats and containers, if that is<br/>17 part of the code, they are going to have to do it.<br/>18 This board can't waive that, so it's going to have<br/>19 to be complied with. If that is actually what the<br/>20 code had said, which I -- for the sake of the<br/>21 argument here, let's say it is, they have to do it.<br/>22 We don't need to discuss it.</p> <p>23 MICHAEL LANE: Well, I just want to<br/>24 share with you that I have even had Brown's Point<br/>25 Marina containers hammering my bulkhead in the</p> |
| <p style="text-align: center;">90</p> <p>1 the borough administrator directed that it be copied<br/>2 to the planning board. That does not -- that does<br/>3 not mean it's -- so a lot of things come to the<br/>4 planning board. As I said, the board members have<br/>5 it. But it's not an issue for the planning board.<br/>6 It's not a zoning issue.</p> <p>7 MICHAEL LANE: Interesting, because it<br/>8 is an issue that was well-documented in the<br/>9 applicant's status report of January.</p> <p>10 ATTORNEY LECKSTEIN: As far as getting<br/>11 permits from the state and everything like that,<br/>12 which they're required to get all those permits,<br/>13 yes, we're aware. But it's not an issue for this<br/>14 board.</p> <p>15 MICHAEL LANE: Okay. I have<br/>16 some other environmental issues I would like to<br/>17 bring up relative to this application.</p> <p>18 ATTORNEY LECKSTEIN: Mr. Lane, I'm<br/>19 going to ask you that the environmental issues, how<br/>20 do they pertain to zoning and planning?</p> <p>21 Now, understand, this is a permitted<br/>22 use on the site.</p> <p>23 MICHAEL LANE: Environmental issues<br/>24 have to do with the issues that we talked -- a<br/>25 number that the residents had mentioned, flooding at</p> | <p style="text-align: center;">92</p> <p>1 storm.</p> <p>2 ATTORNEY LECKSTEIN: Well that's not<br/>3 good, but that has nothing to do with this<br/>4 application.</p> <p>5 MICHAEL LANE: It has to do with how<br/>6 they run the marina.</p> <p>7 ATTORNEY LECKSTEIN: Okay.</p> <p>8 MICHAEL LANE: They have withdrawn the<br/>9 fueling issues, so that's not an item.</p> <p>10 One question I have is the boat rack,<br/>11 is that an accessory structure? And do we need<br/>12 variances for that accessory structure?</p> <p>13 BOARD ENGINEER: I believe we covered<br/>14 that in one of the first meetings that there was a<br/>15 "C" variance required for that because it is an<br/>16 accessory structure that exceeded the building<br/>17 height.</p> <p>18 MICHAEL LANE: So I assume, Marc,<br/>19 before you wrap up you're going to go over all the<br/>20 variances?</p> <p>21 ATTORNEY LECKSTEIN: I am not going to<br/>22 go over all the variances tonight. The variances<br/>23 are filed. This has been an extremely long<br/>24 application. We're not going to sit down and recap<br/>25 every single thing about this application. The</p>                                                            |

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| <p style="text-align: right;">93</p> <p>1 board has heard the application over -- I think this</p> <p>2 is the fourth night -- and the board is well aware</p> <p>3 what this application is. And they're going to take</p> <p>4 the whole entire application and decide whether or</p> <p>5 not they are in favor of it or not.</p> <p>6 I'm not going to go over every</p> <p>7 single -- every single aspect of the application</p> <p>8 again. I'm not going to do it.</p> <p>9 MICHAEL LANE: The reason I think it's</p> <p>10 an issue is only about four members of the present</p> <p>11 board that have been here for the previous hearings.</p> <p>12 ATTORNEY LECKSTEIN: Every board</p> <p>13 member here has read the -- either has listened to</p> <p>14 the tapes, I did this in my prep, every single board</p> <p>15 member here has listened to the tapes. Whether they</p> <p>16 were physically here or not, they are aware of every</p> <p>17 aspect of this application.</p> <p>18 MICHAEL LANE: Did they also certify</p> <p>19 that they looked at the exhibits while they were</p> <p>20 listening to the tapes?</p> <p>21 ATTORNEY LECKSTEIN: They did, Mr.</p> <p>22 Lane. That's part of -- that's part of their -- I</p> <p>23 mean, I don't know specifically what the</p> <p>24 certification says, but yes, everyone has done that;</p> <p>25 they have listened to the tapes and they have looked</p> | <p style="text-align: right;">95</p> <p>1 know what the -- do you know what the variances are</p> <p>2 off hand?</p> <p>3 ATTORNEY PAPE: It's 160.</p> <p>4 ATTORNEY LECKSTEIN: 160?</p> <p>5 ATTORNEY PAPE: 81 is provided and 160</p> <p>6 is -- is your ordinance calculation.</p> <p>7 BOARD ENGINEER: Yes, I concur that</p> <p>8 that is what is on the site plan.</p> <p>9 MICHAEL LANE: I thought we had</p> <p>10 identified 40 more spaces.</p> <p>11 ATTORNEY PAPE: It's 81 spaces. And</p> <p>12 if we calculate, there is testimony about we -- if</p> <p>13 you count every single rack space, every slip,</p> <p>14 including all the racks in this storage, all of</p> <p>15 them, then the ordinance would require 160. And we</p> <p>16 provided the testimony that 81 would work, except on</p> <p>17 a couple of days of the year. And that's why the</p> <p>18 valet system is available to take that up to --</p> <p>19 ATTORNEY LECKSTEIN: 143 is what you</p> <p>20 testified to.</p> <p>21 There are 81 striped parking spaces and</p> <p>22 143 total parking when you add in the stacking. And</p> <p>23 180 -- sorry, 160?</p> <p>24 ATTORNEY PAPE: 160 is the --</p> <p>25 ATTORNEY LECKSTEIN: 160 is required.</p>                                                                        |
| <p style="text-align: right;">94</p> <p>1 at the exhibits.</p> <p>2 I don't know if the certification</p> <p>3 actually says that they looked at the exhibits, so I</p> <p>4 don't want to be caught in saying, "Hey, the</p> <p>5 certification doesn't say that," but that's part of</p> <p>6 their job when they do the certifications.</p> <p>7 MICHAEL LANE: These are -- these are</p> <p>8 some exhibits I have been looking forward to giving</p> <p>9 for a long time.</p> <p>10 It sounds like the applicant has made</p> <p>11 substantial changes to solve the parking problem.</p> <p>12 So Trevor, are we to the point where he doesn't need</p> <p>13 any parking variance?</p> <p>14 BOARD ENGINEER: They need a parking</p> <p>15 variance in accordance with their -- with the site</p> <p>16 plans.</p> <p>17 MICHAEL LANE: Pardon?</p> <p>18 BOARD ENGINEER: They still need a</p> <p>19 parking variance in accordance with their site</p> <p>20 plans.</p> <p>21 MICHAEL LANE: And what does the</p> <p>22 variance include?</p> <p>23 BOARD ENGINEER: That it was increased</p> <p>24 from 80 to 81 spaces where...</p> <p>25 ATTORNEY LECKSTEIN: Mr. Pape, do you</p>                                                                                                                                                                                                                                          | <p style="text-align: right;">96</p> <p>1 ATTORNEY PAPE: Strict -- strict</p> <p>2 calculation if every single rack slip and water slip</p> <p>3 was counted as a slip generating a parking stall.</p> <p>4 MICHAEL LANE: I guess I'm a little</p> <p>5 slow. I thought we were eliminating boat storage on</p> <p>6 the lowest level of the racks and parking cars onto</p> <p>7 the lowest level of the racks?</p> <p>8 ATTORNEY PAPE: That is an option that</p> <p>9 we -- the design accommodates that. We indicated</p> <p>10 that if the parking is required in those spaces, the</p> <p>11 boats would be removed. Any boats that were in</p> <p>12 those space would be removed to create those parking</p> <p>13 spaces.</p> <p>14 MICHAEL LANE: So that is not a</p> <p>15 standard space available?</p> <p>16 ATTORNEY PAPE: You can describe it in</p> <p>17 your -- your words, sure.</p> <p>18 MICHAEL LANE: So we still have a</p> <p>19 major parking deficiency variance.</p> <p>20 ATTORNEY PAPE: We don't believe so at</p> <p>21 all. We think that the parking is more than</p> <p>22 adequate. And that the two levels, standard striped</p> <p>23 ones and valet more than take --</p> <p>24 ATTORNEY LECKSTEIN: I count 17, if</p> <p>25 I'm doing my math correctly, right? 160 minus 143</p> |

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| <p style="text-align: right;">97</p> <p>1 is 17?</p> <p>2 ATTORNEY PAPE: Yes.</p> <p>3 BOARD ENGINEER: 17 deficient spaces.</p> <p>4 ATTORNEY LECKSTEIN: Right, 17 spaces.</p> <p>5 I mean, the board can be the judge of whether</p> <p>6 that's sufficient -- I mean, whether that's a great</p> <p>7 parking deficiency or not.</p> <p>8 MICHAEL LANE: Okay. I have an</p> <p>9 exhibit that is based on the notice information that</p> <p>10 went out.</p> <p>11 ATTORNEY LECKSTEIN: And what is that</p> <p>12 exhibit, Mr. Lane? Will you please...</p> <p>13 MICHAEL LANE: I guess it has to do</p> <p>14 with parking, so I may not give it. So are you just</p> <p>15 saying we're only short 17 spaces?</p> <p>16 ATTORNEY LECKSTEIN: That is what --</p> <p>17 that is what is being stated.</p> <p>18 BOARD ENGINEER: Including the striped</p> <p>19 parking and the valet parking, we're short 17</p> <p>20 spaces. And those plans with the valet parking</p> <p>21 spaces will be included with the site plans, so we</p> <p>22 have record of the number of parking spaces that are</p> <p>23 included in the application.</p> <p>24 MICHAEL LANE: This is good news.</p> <p>25 There has been major changes since these exhibits</p>                         | <p style="text-align: right;">99</p> <p>1 And there was all the issues with -- in the past jet</p> <p>2 skis being directed to park on Washington Street.</p> <p>3 And so now the applicant is coming</p> <p>4 before you with a plan that has substantially more</p> <p>5 parking, assuming it's comfortable and fits and is</p> <p>6 in harmony with the users. And that is my real</p> <p>7 concern. And I guess I will summarize it with that.</p> <p>8 The Environmental Commission, I was at</p> <p>9 their meeting, very concerned about the</p> <p>10 contamination at the site. I'm surprised it's not</p> <p>11 an issue for the planning board.</p> <p>12 Thank you.</p> <p>13 ATTORNEY LECKSTEIN: Thank you,</p> <p>14 Mr. Lane.</p> <p>15 CHAIRMAN SESSA: Anyone else from the</p> <p>16 public like to come forward and give us guidance?</p> <p>17 Seeing there's no one has put their hand up, would</p> <p>18 you like me to close to the public?</p> <p>19 MAYOR KENNEDY: Motion.</p> <p>20 CHAIRMAN SESSA: Do I hear a second?</p> <p>21 COUNCILMEMBER DAVIDSON: Second.</p> <p>22 CHAIRMAN SESSA: All in favor?</p> <p>23 BOARD MEMBERS IN UNISON: Aye.</p> <p>24 CHAIRMAN SESSA: Opposed?</p> <p>25 Okay, Mr. Pape, you wanted to</p>                                                                                                                             |
| <p style="text-align: right;">98</p> <p>1 were put together last year.</p> <p>2 CHAIRMAN SESSA: Isn't that the truth?</p> <p>3 MICHAEL LANE: You can credit it to</p> <p>4 public input.</p> <p>5 MAYOR KENNEDY: And board input.</p> <p>6 CHAIRMAN SESSA: Yeah, give us a</p> <p>7 little credit there.</p> <p>8 MAYOR KENNEDY: Yeah, a little bit.</p> <p>9 MICHAEL LANE: The members of the</p> <p>10 board and the public and the residents of Keyport,</p> <p>11 the applicant is not...</p> <p>12 Let me look at the third exhibit.</p> <p>13 This is also on parking.</p> <p>14 ATTORNEY LECKSTEIN: Mr. Lane, why</p> <p>15 don't you just tell us, rather than looking for an</p> <p>16 exhibit, why don't you tell us what it is that you</p> <p>17 are trying to establish for the board right now?</p> <p>18 MICHAEL LANE: I think the key is --</p> <p>19 the mayor may remember, I think it was on the first</p> <p>20 meeting on this application -- multiple residents</p> <p>21 came in and complained about, very vocally, the</p> <p>22 overflow onto Broad and Washington.</p> <p>23 And Mayor Kennedy, I believe you talked</p> <p>24 about the fact that this is one area that you have</p> <p>25 gotten a significant number of complaints regarding.</p> | <p style="text-align: right;">100</p> <p>1 summarize?</p> <p>2 ATTORNEY PAPE: Thank you very much,</p> <p>3 Mr. Chair and board members.</p> <p>4 This is an application for a site plan</p> <p>5 for an existing marina. The goal is to create a</p> <p>6 viable, economically secure, full-service marina</p> <p>7 that services this community.</p> <p>8 It has been -- it has taken a number of</p> <p>9 hearings. The comments that this board and the</p> <p>10 board professionals and the public shared with the</p> <p>11 applicant were all listened to. The plans that</p> <p>12 you're looking at tonight are the evolution of those</p> <p>13 plans. We consider the guidance that was provided</p> <p>14 to be very helpful and very valuable.</p> <p>15 We also consider the plans that we</p> <p>16 present to you to be a viable plan and one that can</p> <p>17 be implemented and which will result in a marina</p> <p>18 that is economically secure and will remain a part</p> <p>19 of your community.</p> <p>20 One of the comments, just there was</p> <p>21 comments about historic filling. I don't know about</p> <p>22 prior owners. I do not know about prior filling. I</p> <p>23 do know that when Mr. Perlman purchased the</p> <p>24 property, he learned that there had been disturbance</p> <p>25 on the property and he wasn't responsible. He</p> |

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| <p style="text-align: right;">101</p> <p>1 didn't disturb the property. He just happened to be<br/> 2 the owner when the DEP spotted it. And he entered<br/> 3 into an Administrative Consent Order with the State<br/> 4 of New Jersey and did all of the environmental<br/> 5 restoration on-site. No filling, no grading, but he<br/> 6 did that environmental -- and I'm going to say it<br/> 7 was a positive step and it's complete.</p> <p>8 For all of the reasons that are on the<br/> 9 record and all of the commitments that are<br/> 10 memorialized in the record, and we expect that Mr.<br/> 11 Leckstein will categorize each of them so that they<br/> 12 become a matter of permanent record, for all of<br/> 13 those reasons we ask that this board consider<br/> 14 favorably the application for the site plan with the<br/> 15 limited variance relief that has been identified to<br/> 16 the board as presented.</p> <p>17 Thank you for listening to the<br/> 18 application.</p> <p>19 CHAIRMAN SESSA: Thank you, Mr. Pape.<br/> 20 MAYOR KENNEDY: Can I ask a question?<br/> 21 CHAIRMAN SESSA: Yes.<br/> 22 MAYOR KENNEDY: Mr. Pape, one of the<br/> 23 earlier hearing dates had asked if it would be<br/> 24 possible, because there was going to be fuel on the<br/> 25 location, if there could be one or two slips</p> | <p style="text-align: right;">103</p> <p>1 just wanted to make sure. I just wanted to make<br/> 2 sure because that was contingent upon a request I<br/> 3 made because of the fueling being there, but now<br/> 4 that we're removing the fueling, I just want to make<br/> 5 sure that that option is still available to our<br/> 6 emergency services.</p> <p>7 ATTORNEY PAPE: Sure.<br/> 8 CHAIRMAN SESSA: Okay. Board members,<br/> 9 do you have any discussion? It's been a long<br/> 10 process.</p> <p>11 MEMBER ROYSTER: It sure has.<br/> 12 CHAIRMAN SESSA: We've learned a lot<br/> 13 through it and listened to a lot. I appreciate the<br/> 14 public's comments. I think they helped shape -- I<br/> 15 think our professionals, the board's, the public's<br/> 16 comments, and the board has helped shape this into<br/> 17 something that -- you know, I think we should give<br/> 18 it a shot. I really do.</p> <p>19 MEMBER ROYSTER: I agree.<br/> 20 CHAIRMAN SESSA: I think it has come a<br/> 21 long way. One of the tenets of our Master Plan is<br/> 22 to protect and preserve our marinas, and I think we<br/> 23 have done the best we could here for -- toward that.</p> <p>24 Any other comments?<br/> 25 MAYOR KENNEDY: Mr. Chair, just</p>                                                                                                                                                                                                                 |
| <p style="text-align: right;">102</p> <p>1 allocated for emergency watercraft. For instance,<br/> 2 our fire department has a water rescue vehicle.<br/> 3 There is also discussions with -- recently with New<br/> 4 Jersey State Police as well as the sheriff's --<br/> 5 Monmouth County sheriff's office, and then the yacht<br/> 6 club has offered them moorings, but we had -- I had<br/> 7 asked for that on record because of the fueling and<br/> 8 I believe that you were -- that it was going to be<br/> 9 in favor of that, but now that we're removing the<br/> 10 fueling, would it still be --</p> <p>11 ATTORNEY PAPE: Surely.<br/> 12 MAYOR KENNEDY: It would be my request<br/> 13 just because our emergency services are all<br/> 14 volunteer and they can't really afford to pay for a<br/> 15 boat slip to store an emergency vehicle.</p> <p>16 ATTORNEY PAPE: Mr. Perlman is giving<br/> 17 me the high sign and the commitment to have two<br/> 18 slips dedicated for public purposes as the governing<br/> 19 body directs, whether it's police or fire. It will<br/> 20 be incorporated into the final plan.</p> <p>21 MAYOR KENNEDY: Thank you. I just<br/> 22 wanted to make sure that it happens.<br/> 23 ATTORNEY PAPE: There is no parking<br/> 24 for them.<br/> 25 MAYOR KENNEDY: That's correct. I</p>            | <p style="text-align: right;">104</p> <p>1 because it has been brought up a couple of times<br/> 2 this evening, I would just like to state for the<br/> 3 record that there was a letter, as we already<br/> 4 referred to, from the Environmental Commission that<br/> 5 was addressed to the mayor and council. It was put<br/> 6 onto the governing body agenda in September of 2021,<br/> 7 but it is also important to note that according to<br/> 8 State Statute 40:55D-27 that should there be -- I'll<br/> 9 read Section B for the record: "Whenever the<br/> 10 Environmental Commission has prepared and submitted<br/> 11 to the Planning Board and the Board of Adjustment an<br/> 12 index of natural resources of the municipality" --<br/> 13 which we do have on file -- "the Planning Board or<br/> 14 Board of Application/Adjustment shall make available<br/> 15 to the Environmental Commission an informational<br/> 16 copy of every application for development."</p> <p>17 This is a site plan approval. This is<br/> 18 not development. So although they did submit a<br/> 19 letter, it is -- it is not contingent and I do<br/> 20 believe it's applicable. I just want that --<br/> 21 And also, as you mentioned, the Master<br/> 22 Plan does say that, you know, we should do<br/> 23 everything to maintain the marinas. We are a<br/> 24 waterfront municipality. You know, I know when I<br/> 25 purchased my home there were two other operational</p> |

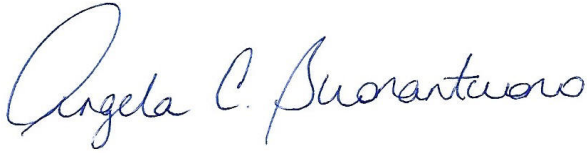
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| <p style="text-align: right;">105</p> <p>1 marinas in this municipality, none of which could<br/> 2 find a purchaser to maintain a marina operation. So<br/> 3 we are down to our last marina and we are a<br/> 4 waterfront municipality with a marina that is<br/> 5 choosing to continue to operate.<br/> 6 As the mayor of a borough of a<br/> 7 waterfront town, I am trying to create and establish<br/> 8 as many water activities as we can for our youth.<br/> 9 We're hoping to promote a nautical camp so that we<br/> 10 can get people back out on the water. So I'm<br/> 11 actually commending the fact that a marina is trying<br/> 12 to stay a marina.<br/> 13 So I just want that on record.<br/> 14 ATTORNEY LECKSTEIN: Do you want to<br/> 15 turn that into a motion, Mayor?<br/> 16 CHAIRMAN SESSA: Here, here.<br/> 17 COUNCILMEMBER DAVIDSON: I'll second<br/> 18 it.<br/> 19 ATTORNEY LECKSTEIN: I didn't mean to<br/> 20 put you on the spot, but it sounded like you were<br/> 21 reading something.<br/> 22 MAYOR KENNEDY: It's a long motion for<br/> 23 you to have to say that, so --<br/> 24 ATTORNEY LECKSTEIN: You could just<br/> 25 make a motion to approve the application, if you</p>                                                                  | <p style="text-align: right;">107</p> <p>1 CHAIRMAN SESSA: Anyone else?<br/> 2 If not, do I hear a motion?<br/> 3 MEMBER OVIEDO: Motion to approve.<br/> 4 CHAIRMAN SESSA: Juan Carlos.<br/> 5 MEMBER ROYSTER: I'll second that.<br/> 6 CHAIRMAN SESSA: And that is with all<br/> 7 of the...<br/> 8 ATTORNEY LECKSTEIN: Yes, with all of<br/> 9 the -- with all of the conditions and everything.<br/> 10 Yes, of course.<br/> 11 CHAIRMAN SESSA: Is there a second?<br/> 12 MEMBER ROYSTER: I'll second that.<br/> 13 CHAIRMAN SESSA: Okay. Can we have a<br/> 14 roll-call, please?<br/> 15 BOARD SECRETARY: Mayor Kennedy?<br/> 16 MAYOR KENNEDY: Yes.<br/> 17 BOARD SECRETARY: Councilmember<br/> 18 Davidson?<br/> 19 COUNCILMEMBER DAVIDSON: Yes.<br/> 20 BOARD SECRETARY: Chairman Sessa?<br/> 21 CHAIRMAN SESSA: Yes.<br/> 22 Board CLERK: Mr. McDermott?<br/> 23 MEMBER McDERMOTT: Yes.<br/> 24 BOARD SECRETARY: Mr. Oviedo?<br/> 25 MEMBER OVIEDO: Yes.</p> |
| <p style="text-align: right;">106</p> <p>1 wish.<br/> 2 CHAIRMAN SESSA: Lori, did you have<br/> 3 something you wanted to say?<br/> 4 COUNCILMEMBER DAVIDSON: I did. I<br/> 5 just want to say, again, it's been -- I'm one of the<br/> 6 original people who have been on this application<br/> 7 and it has been incredible to watch it come this<br/> 8 far. And if it does continue and it does get<br/> 9 approved tonight, I would hope that the business is<br/> 10 run in such a way that our neighbors can look on it<br/> 11 favorably and we can be proud to have a business<br/> 12 like that in this town and not worry that the<br/> 13 neighbors that surround it are going to be not<br/> 14 feeling well or comfortable with what they have to<br/> 15 look at.<br/> 16 It is an important property, if this<br/> 17 goes through. I am also very happy to have a marina<br/> 18 in town to see if it -- if it continues, but I think<br/> 19 being good neighbors, running a smart business with<br/> 20 consideration for all, including your customers,<br/> 21 your neighbors, municipality, et cetera, is<br/> 22 extremely important as well. So I hope that if this<br/> 23 does pass, that is all taken to heart and considered<br/> 24 daily.<br/> 25 Thank you.</p> | <p style="text-align: right;">108</p> <p>1 BOARD SECRETARY: Mr. Pacheco?<br/> 2 MEMBER PACHECO: Yes.<br/> 3 BOARD SECRETARY: Ms. Royster?<br/> 4 MEMBER ROYSTER: Yes.<br/> 5 ATTORNEY PAPE: Mr. Chairman, board<br/> 6 members, all, thank you on behalf of the applicant<br/> 7 and personally. And usually this is where I stand<br/> 8 up and go home --<br/> 9 ATTORNEY LECKSTEIN: But you're not<br/> 10 going anywhere yet?<br/> 11 ATTORNEY PAPE: -- but I'm not going<br/> 12 anywhere yet. We have the follow-through<br/> 13 application for the extension of the site plan.<br/> 14 ATTORNEY LECKSTEIN: So if I can, and<br/> 15 Mr. Chair, if you just want to call that application<br/> 16 in. I'll try to make it easy and quick.<br/> 17<br/> 18 (Application concluded at 9:34 p.m.)<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p>                                                                                                      |

## C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were previously sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceeding as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative, nor employee, nor attorney, nor counsel of any of the parties to this action, and that I am neither a relative, nor employee of such attorney or counsel, and that I am not financially interested in the action.



Angela C. Buonantuono, CCR, RPR, CLR  
NJ State Board of Court Reporting  
License No. 30XI00233100

Dated: May 16, 2022

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