

The Keyport Unified Planning Board held a Regular Meeting on May 26, 2022 which was called to order by Mark Sessa at 7:02 PM, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mark Sessa, H. Aumack, W. McDermott (arrived 7:08pm), J. Oviedo,
D. Pacheco, C. Dickerson, G. Kotzas

Absent: N. Vecchio, J. Royster

Also in Attendance: Marc Leckstein, Planning Board Attorney, Fran Mullan, Board Engineer,
Trevor Taylor (Board Engineer for Brownspoint Marina)

EXCUSED (use variance application): Mayor Kennedy, Councilmember Davidson

MINUTES: April 28, 2022

Motion to approve was made by D. Pacheco, second by M. Sessa with ayes by all present.

**REQUEST FOR EXTENSION: KUPB 21-09
DOMINIQUE FEMIA
123 CHURCH ST**

Mr. Leckstein explained that this was for the above ground pool and the deck.

Motion to approve extension for one year was made by D. Pacheco, second by J. Oviedo with ayes by all present.

Planning Board Secretary will send Ms. Femia a letter regarding the approval for a one-year extension.

**APPLICATION: KUPB # 21-10
KEYPORT PROFESSIONAL PLAZA, LLC
25 EAST FRONT STREET
BLK 80, LOT 1.02
USE VARIANCE (Mayor and Councilmember recused from application)**

Mr. Alfieri summarized what was discussed at the previous meeting when the application was before the Board.

Mr. Marinelli explained having heard the Board's concerns previously they have addressed some of the items. Mr. Marinelli described the circulation that was previously before the Board he explained that it was discussed that the common drive between the proposed building and the town homes would be two-way and then a full access to drive off of Front Street. Mr. Marinelli stated to access the under storage parking for the apartment building there is a driveway in the northeast corner and it is a one way through that would exit north bound on the north east corner. It was contemplated at the last meeting if they could possibly bring the driveway out to the parking area that directly access Front Street to eliminate the traffic going across the rear garages of the town homes.

Mr. Marinelli entered Exhibit A-12 which is titled Alternate Parking dated 5/26/22. This exhibit demonstrates if they were to provide a ramp access on the north west corner of the existing parking area, they would have enough run to get up to the required finished floor. The finished floor is set by FEMA because of the flood hazard mitigation. In order to do this, they would lose two external parking spaces and two internal spaces. Because the eliminated that on way exit on the north east corner of the proposed structure, they would be able to gain the four spaces back. They would be able to accommodate a driveway for the underground parking to exit to the east. Mr. Leckstein confirmed that they still would have the same amount of parking spaces; yes, they would have the 85 spaces.

Another item was the existing parking area there contains two municipal lines one being a storm sewer and a sanitary sewer. There was discussion previously that the applicant would be proactive and have the lines checked to make sure they are in good condition so that they could address any concerns before construction. The applicant did have it done and the video inspection report was submitted to the Board Engineer for review. Both lines are in good condition during the inspection the contractor found some sandbags in one of the man holes that probably blocked some to the drainage from the system; they did remove the sandbags. There was further discussion regarding where the sandbags were located. Mr. Marinelli mentioned one of the items discussed was the effect the construction would have on the existing municipal system. He explained there was certain things that could be done. He stated it was requested and the applicant has agreed to relocate the municipal storm sewer that is closest to the proposed building to the eastern side of the existing storm sewer main. Mr. Marinelli explained that this would provide additional distance for construction and protect the municipal system. It would require modification to the easement.

Mr. Leckstein asked if this was the preferred parking exhibit; Mr. Alfieri replied yes. He stated that they have had discussions with T&M and it was their preference. Mr. Mullan mentioned what they had heard from the public at the last meeting was some of their concerns was the only way vehicles could leave the parking structure was through the exit previously designed and the headlights would be directed right at the town houses. They felt with the noise, exhaust and the headlight impact to the homeowners if they could exit the structure where the headlights were pointed to the adjacent commercial property that would eliminate those negative impacts to the town houses. T&M felt it was a good idea, it is not the only way to do this Mr. Mullan feels this would be the most positive arrangement. This would have no loss of on-site parking. Further discussion regarding having the vehicles exit the structure using this plan and that the town home owners have agreed with this change.

Mr. Leckstein confirmed the following the exit ramps will not be facing the town homes and Broad Street will be an entrance only into the subject property. There was clarification regarding the number of spaces that are available, Mr. Leckstein stated that the applicant needs 99 spaces; Mr. Marinelli stated per the RSIS but the municipality doesn't have a parking requirement for this type of use. Mr. Marinelli stated the RSIS requires 99 spaces but they have 85 which is a deficiency of 14; Mr. Leckstein asked if that included the six dedicated for the townhomes; yes. Mr. Marinelli stated there would be 79 spaces for the development and the offices.

Mr. Marinelli stated they met with the Board Engineers in the field to discuss the existing pump station. During the field investigation it was apparent that it is not salvageable. It was confirmed that it only collects the 1.5 acres of the existing site runoff that goes to it. Mr. Marinelli stated he provided testimony that their proposed pump station would be sufficient to pump the same drainage area because it is collecting the same drainage area that the existing pump station collects. That would be located on the island on the northeast corner of the building and pump a 12" force main to the west to connect into the system on Broad Street. There was further discussion regarding a new pump station. Mr. Mullan looked at the existing pump station has not functioned since super storm Sandy. There is a report that an engineer did after the hurricane Sandy and it showed all the damage and the pump station has not pumped any water since Sandy. There is a pipe that crosses Front Street and goes through the property and out through the bay, that pipe doesn't go through to pump station. The pump station that has been damage since Sandy is only pumping water from this property. It doesn't pump the Borough's drainage water that comes off the 30 acres south of Front Street. It runs off a gravity main storm drain that is pitched out to the bay and discharges out to the bay under gravity condition it does not pump.

After analysis this Mr. Mullan thought it might be a strategic location for a municipal pump station for storm water to help drain the water that comes off this particular property. He just wanted to raise the topic at the meeting so the Board can think about it and possibly run it by the Mayor and Council to see if they want to investigate and see if it would be worth having a pump station at this location. He feels that the applicant could be in a position to consider if they think it is in the Borough's favor to have a municipal pump station, is it a reasonable request of the applicant to consider a drainage easement and dedication of the space on their property and their dedication of their money that they are going to put into their private pump station to do a joint venture with the Borough. It would be a municipal owned pump station and the Borough would be responsible for the maintenance and operation and the one acre of drainage from the project site would go into the municipal pump station but they would gain a force main that would pump 30 acres of this part of town into the bay. There was further discussion regarding what the possible percentage would be between the Borough and the applicant and what the cost would be. Mr. Alfieri stated that the applicant would be willing to pay their share for the pump station.

Mr. Mullan mentioned that they raised the concern that the building foundation was going to be within a few feet of the existing drainage trunk line that the Borough currently uses to take all the Borough water through the site and out to the bay. The applicant agreed to remove or abandon the existing Borough drainage line which is 27" and move it where they want them to move it and install a new pipe at the applicant's expense to replace the existing Borough's pipe of equal size. Mr. Leckstein asked if they would need Borough approval; yes. Mr. Mullan feels that they should not be able to build the proposed building as close to the existing drainage pipe as they are proposing. Mr. Alfieri confirmed that they are abandoning the old pipe and installing a new pipe with a new easement area. Mr. Leckstein asked if the Borough says no that they are not interested in this what would happen. Mr. Alfieri explained then the applicant has construction mechanism in place that they believe could build the building and not cause any impact. Further discussion regarding the reason why Mr. Mullan feels that building by the old pipe is not a good idea. Mr. Leckstein asked if the Borough says no does the applicant have to come back before

the Board or is that something that can be figured out. Mr. Mullan stated if it is approved and the condition is that they will take us up on the offer to install the pipe away from the building and the Borough decides they like the pipe where it is they could build the multi-story building foundation within a few feet of the existing pipe and they wouldn't have to come back before the Board. Mr. Mullan recommendation would be if the Borough doesn't agree to moving the pipe the applicant would have to come back with a new plan. Mr. Leckstein explained he can make that a condition in the resolution if the application is approved. Mr. Leckstein stated if that was the case they would only have to come back before the Board for the drainage pipe not the full application; yes.

Mr. Leckstein asked Mr. Alfieri what the time frame would be three to six months. Mr. Leckstein said that the Borough will have six months to decide.

Motion to open to the public at 7:43PM was made by D. Pacheco, second by W. McDermott with ayes by all present.

Mr. Femenella, feels that this is a better plan than before but now you have to go down Broad Street and go down. You used to be able to go in from either side; Mr. Marinelli explained that is the exact opposite. Previous approval was that all traffic would move from eastern direction so any of the town houses that were on the western side of the site, the only way they could get to their unit would be too entire on Broad Street. They heard at the last meeting that is not how they did it and wasn't sure why that was a condition on the resolution and asked that it be removed. In exhibit A-12 you can now go in either direction, exactly as it is today. Mr. Femenella stated the only other issue is the parking spaces; yes. Mr. Femenella stated that there is no parking in Keyport the way it is, there is no parking for commercial businesses and there is no parking for the town homes and they are asked to approve going from 99 spaces to 79. Mr. Leckstein explained they are asking for 85 spaces. Mr. Femenella stated six of the spaces are the town homes. There was further discussion regarding the amount of parking spaces and the spaces that are dedicated to the town homes.

Mike Coughlin stated he was referring to the letter dated 8/12 from T&M item D #1. Mr. Alfieri explained that they didn't present variance testimony yet.

Page 6 regarding the flood plan manager review was that completed; Mr. Marinelli stated that Mr. Taylor, the Borough Engineer has done a study and corresponded with the applicant regarding the condition of the pump station.

Letter 10/20/21 (Exhibit B2) page 2 - that the eastern side of the building the stair tower as well as the trash room is below the BFE, it states additional information is required for the trash room including if and any equipment. Mr. Marinelli stated that would be part of the architect's testimony. Mr. Marinelli read the comments it states that the enclosure area below the base flood elevation will only be used for building access and storage. You are allowed to have access and storage at that elevation.

There was discussion regarding where the transformer is currently located and where the proposed location would be.

Page 4 item #2 – regarding the emergency backup for the pump in case of storm, Mr. Coughlin asked if that was the transformer. Mr. Marinelli stated it would be a back up generator it would also be required to power the pump station. Further discussion regarding the backup generator.

Item #3 there was discussion regarding the existing storm water pump station and what would be done for the new storm water pump station. Mr. Mullan explained if a new pump station is not preferred by the Borough, he would still recommend that they would still have to install a new 30-inch pipe to carry all the Borough's water through their property. Mr. Mullan continued to state if the Borough did decide to do a new pump station the 30-inch pipe would still be required but it would connect into the pump station and then to the new force drain that would go out to the bay. Further discussion regarding the two possibilities for the pump station and where it would be located, as well if there would be any disturbance to the townhomes.

Mr. Coughlin spoke about the roof run off he explained when it rains there is significant water runoff through out the entire lot. He is hoping that it would be recommended that they take include that additional water; Mr. Marinelli stated that the application has. Further discussion regarding the water runoff from the town homes.

Mr. Coughlin asked if the Borough doesn't do the municipal pump station, there was discussion regarding putting in a new pump station that would force pump out to the 30-inch existing pipe on Broad Street; yes. Mr. Coughlin continued and stated the pipe is currently located in an easement would that be a new pipe or jetted; Mr. Marinelli stated it would be a new pipe that would run along the access easement towards Broad Street. Mr. Coughlin asked who would they install the new pipe and still allow the town homes to have access to the property; Mr. Marinelli stated it would have to be discussed during the construction. Further discussion regarding the location of the force main and how much of an inconvenience would it be to the town home owners as well as lose some of the parking spaces during the construction of the storm drain.

Mr. Coughlin asked for the record that he suggests that the applicant provide space for the owners to access the garages safely during the construction. Mr. Alfieri stated the parking spaces are owned by the applicant; Mr. Coughlin stated that six of them are the townhomes. There was discussion regarding the parking spaces for the townhomes. Mr. Mullan suggested that the engineer realign the force main to run through the parking stalls and not anywhere within the 24-foot two-way vehicle access lane so it doesn't impede the town homes access; Mr. Marinelli stated that they would agree to that. Mr. Mullan stated that would be a condition of the contractor and would have to abide by that. Mr. Leckstein asked to have it repeated. The proposed force drain would be realigned to run through the proposed parking stalls so that the construction of the force main would not overlap the existing 24-foot-wide two-way drive isle providing vehicle access to the town homes during construction. Discussion regarding the amount of parking stalls that would be affected by the construction.

Mr. Coughlin asked when they tie the 12 inch into the 30 inch is Mr. Mullan comfortable that the 30 inch could handle the additional water volume; Mr. Mullan stated he is. If the Borough doesn't do the municipal pump station their pump station will only collect and pump the same water that was flowing through the pump station of the existing force drain to the to the pump that flowed before Sandy. This is replacing the old pump station and the old force main to higher ground closer to their building for the same purpose of what is there currently.

Mr. Coughlin asked when this is being done is there any plans to change the grading of the parking lot; Mr. Marinelli stated in general no, the existing 24-foot drive isle and grade area are to remain exactly how they are currently. In the new parking area (Exhibit A-11) some of the new parking spaces will be paved and the grade will change in those areas but won't be significant. There was discussion regarding the area that the grades will change; Mr. Mullan asked if Mr. Coughlin felt that the existing drive isle needs to be repaved; yes. Mr. Mullan stated based on the feedback from the public he would suggest that the applicant discuss with the Board an approach that would include base repairs where there are pot holes, sink holes, puddles and where the pavement is deteriorating, T&M will help access that. He continued if there are any sink holes or pot holes they should be completely excavated out and built back with the proper material and he doesn't feel it is unreasonable for a project like this to have the applicant discuss with the Board that all the surface pavement be new when all the construction is completed. Mr. Mullan feels that milling and overlaying all of the existing pavement be considered by the Board. Mr. Leckstein asked Mr. Alfieri if they would agree to that condition; Mr. Alfieri stated before they leave this evening, they would give Mr. Leckstein an answer. Mr. Coughlin asked if that condition is agreed that he suggests that the pavement be directed away from the townhouses so there is no potential of any water going into their garage area. Mr. Leckstein asked if there is water in the garages now; Mr. Coughlin stated if it rains hard enough there is. He continued that if the black top when they are done is slightly higher that would exasperate the issue. Mr. Mullan would ask that the design engineer of the applicant if they would consider a provision that no pavement through the drive lane or where it meets the garage floors would be raised at all. It would all be at the same elevation and pitch away from the town houses toward their proposed drainage inlets properly no less than one percent cross pitch away from the town houses in every direction; Mr. Marinelli stated they would have to match the existing. He doesn't feel the applicant is in a scenario where he wants to rebuild the full paved section to create more pitch than what exists today. If the applicant was to concede on the item, it would be to mill and overlay at the existing grade of that driveway. Mr. Mullan stated that they would have to commit to adequate cross pitch to prevent any flooding or back pitching of any water towards any of the properties. Mr. Marinelli stated they would commit to not back pitching but to match what is currently there. Mr. Leckstein stated that he believes the condition should be that any new pavement that the applicant does pitch towards the townhomes; Mr. Mullan stated in a grading scheme as long as it is acceptable to T&M then he would be good with that.

Mr. Coughlin asked if Front Street would be a two-way exit; yes, it is the same as it is currently. Mr. Coughlin stated one of the issues that they have is recently there has been four way stop signs added. Exiting that driveway when there is a van or a truck parked on the right-hand side you cannot see oncoming vehicles. He explained there are three parking spaces directly

across from Italian touch before they fire hydrant in his opinion should be eliminated for safety reasons, he understands that would affect current business owners but the safety of exiting that lot. There was discussion regarding the removal of the parking spaces; Mr. Leckstein explained that would not be up to the Board. Mr. Mullan asked if the traffic professional should look at the space in question; Mr. Marinelli stated what the applicant would agree to do is to provide the Board information regarding the site triangles and leave it up to the Borough. Mr. Marinelli stated that they don't have rights to remove the parking spaces. Mr. Leckstein stated one point was to see if they could have the exit at this location; Mr. Marinelli stated it is an existing exit. Mr. Mullan stated that the exit would have to continue, he questioned if the parking space should continue to exist. Further discussion regarding the space and the location of the exit. Mr. Marinelli stated that they would provide the professionals the site triangles and then the Borough would have to act on that information. Mr. Leckstein stated that they give the information to the professionals and they find it is inadequate then what would happen. Mr. Mullan stated then it would go to the appropriate people to see if that space could be eliminated. Mr. Leckstein stated that it wouldn't have any impact if the approval was granted; Mr. Mullan stated he understood.

Mr. Coughlin asked if they were going to use any pilings in the project; Mr. Marinelli stated he didn't believe so but would refer to the architect for that answer.

Dr. Barbara Currie, Business Owner on East Front Street, stated that businesses are challenged now with the lack of street parking. Mr. Leckstein mentioned that they haven't testified regarding the parking, he asked that she hold that question until they get to the parking testimony.

Kathleen Shaw, 95 Elizabeth Street, question for the Engineers and the Board with regard to the pump station. The Borough's Master Plan has identified the Division Street basin as a complex repetitive flooding area, it is not just the town homes. It is repetitive loss with the businesses, she would like to challenge the Board, the Governing Body and the Engineer to work with Monmouth County and FEMA and do a repetitive loss claim analysis before the decision is made about the pump station. She doesn't feel the pump station should be taken lightly, she wants it on the record she feels that they should gather some data and work with FEMA, she feels Monmouth County could work with Keyport to get funding from FEMA for a pump station. Mr. Leckstein explained that the Board has no authority to do any of those items. Ms. Shaw stated she understood and wanted it on the record. Mr. Leckstein suggested that she put this on the record at the Borough Council meeting because they are the only ones that could do what she just asked.

Michael Lane, mentioned at a previous meeting that some of the parking spaces were counted in the 84 are at 35 Broad Street. Mr. Lane asked how many of the 35 Broad Street parking spaces are in the count; Mr. Marinelli stated ten. Mr. Leckstein asked is there 84 or 85; 85.

Mr. Lane asked how will the users of those spaces access the apartments; Mr. Marinelli stated that there is sidewalk access along Broad Street, should the residents of the apartment building utilize those spaces they would use the sidewalk to the entrance on Front Street.

Mr. Lane asked if the Visiting Nurse Association has use of those parking spaces; yes. Mr. Lane continued to state that the VNA is open on Saturday's and Sunday's; Mr. Marinelli stated he didn't know what their hours were; Mr. Lane shared the hours of operation for the business. Mr. Alfieri stated if the question is leading to if there is adequacy of parking, he suggested that Mr. Lane wait for their traffic expert.

Mr. Lane asked about the new pipe for the stormwater discharge, where will the water service from this property come from; Mr. Marinelli stated the utility for water, fire and gas is located in the southwest corner of the proposed structure. The utilities are immediately available in Front Street location, the lower west corner has the utility room which has the water and fire pump as well as the gas meters. Mr. Lane asked if the fire marshal had a chance to review the application; D. Nellis stated that she did give the fire official the application to review. There was discussion regarding the fire official seeing the application. Mr. Marinelli stated that the building would meet all fire codes.

Mr. Lane asked about connecting to the existing sewer line, and if they were going to have to do some trenching; yes. There was discussion regarding where the trenching would be taking place.

Mr. Lane stated he attended a meeting with the Borough Engineer and the Administrator with detailed discussions regarding the Division Street flooding problems and what could be done to deal with that issue. One input that was discussed was what if they moved the pipe further away from the building. He feels that would align with a previous discussion.

There are some issues with the pump station, if they place the pump station on the south side of First Street and you charge that 30-inch line there will be more water on First Street because there are storm drains on First Street in front of the townhomes. The second issue is the pump station needs to be in Beach Park and FEMA has a number of designs for pump stations but you would have to build a building. The same thing would be true if you put the pump station where the existing First Street chamber is currently. You would have to build a building with an emergency generator in it and all the facilities. He suggested going to the FEMA network to see the size of the structure. Mr. Leckstein stated that is not before the Board, he explained what he is saying is interesting but it has nothing to do with the application. Further discussion regarding whether the Borough would be interested in having a municipal pump station the applicant would have to come back for a review hearing but it is not part of this application.

Further discussion regarding what would have to be done if the Borough chose to do a municipal pump station.

Mr. Lane referred to CME report dated 10/21 identifies the proposed pit for the building is undersized and it only has 30 percent capacity of the present First Street chamber and an inspection verified would need to include to town house roofs, all the gutters come out at the back. Mr. Taylor pointed out in his report the size of the pit is not sufficient; Mr. Marinelli clarified that it was an observation by the engineer that the proposed wet well where the pumps would reside is smaller than the existing one. Further discussion regarding the fact that what is being proposed

will accommodate this site. Mr. Alfieri added that they will work out the details with the Borough Engineer before it gets built.

Mr. Lane stated that it would not be going into a 30 inch main, only a section of the main that is 30 inches is from First Street to where the outfall pipe enters into the bay. Further discussion regarding the size of the main and where it runs. Mr. Leckstein stated that they will have to comply with CME as the flood plain manager as well as T&M, further discussion regarding what is required and what is being proposed. They would have to confirm any size of the pipes and the adequacy of the drainage. Mr. Marinelli stated that they will confirm the pipe size. Mr. Alfieri stated he would get in contact with Mr. Taylor regarding this. Mr. Alfieri stated that Trevor would have to sign off on anything since he is the Borough Engineer.

Mr. Lane some statements were made the Sandy knocked out the pump station, he clarified that the pump station was knocked out before Sandy. Mr. Leckstein asked it doesn't matter when the pump station was knocked out, he believes he heard from a previous meeting that the pump stations never worked. The applicant is going to replace them. Mr. Lane agrees that you have to replace the pumps and provide emergency power but you can drill a pipe to provide emergency power to the existing pump station and you would have greater capacity and natural flow. The statement that the existing pump station could not be used in not fact. Mr. Alfieri stated that they are proposing a new pump station and new pipe. Mr. Leckstein stated that he believes a new pump station in 2022 would be better pump station then is currently there. Mr. Lane asked that they need to meet with Trevor before the application is closed; Mr. Leckstein stated he is involved. Mr. Alfieri mentioned that they would not be finished with the application at this meeting, he will reach out to Trevor before the next meeting.

Jodi Wishner asked if they are running the pipe between the town houses; they are currently proposing not to disturb the property. There was discussion regarding if there was a regional pump station that would be placed at the location.

Mr. Wishner mentioned running the pipe along the backend where all the parking spaces are which will potentially disturb the use of the parking spaces while that work is being done. First thing to consider, and he understands that the applicant is counting those spaces into the count but his two spaces are his private property. Mr. Alfieri stated that would be for the traffic engineer. Mr. Marinelli stated that they have an easement on the applicant's property to use the driveway and the parking spaces but he owns the property that they are on. When he purchased the property it was his understanding that he owned those spaces that are directly opposite his property. Mr. Leckstein explained that he didn't he stated that it is an easement, they don't pay taxes on them the applicant does. Mr. Wisher stated he was given incorrect information.

Motion to close to the public at 8:59PM was made by D. Pacheco, second by H. Aumack with ayes by all present.

Mr. Aumack stated a lot of rain comes down on this site at times, if this building happens would you be increasing the impervious area that already exist; yes. There was discussion regarding what would be going away with building area and what would be added to the project.

Ricardo Perez, Architect for the applicant. Mr. Alfieri asked if he was involved in the first application; yes. Mr. Alfieri asked him to describe what was involved with the first application and what is being proposed currently.

Mr. Perez stated he believed the first application was before the Board in 2018, it was half of this building. It consisted of a four-story building same construction with 24 apartments, parking underneath he believes it also included parking deck which also needed a parking variance. When the building became vacant, they considered adding a second building. The architect felt it would be better to be one building as opposed to two smaller buildings. The proposed building is larger it has 54 apartments it is the same four stories; same height of the building the sidewalk goes downhill. It was originally designed with the exit going out through the back which has now been redesigned on the site they are now going to be exiting differently. Mr. Leckstein stated that the Exhibit A3, the exhibit that Mr. Perez is referring to is a colorized version which would make this Exhibit A13 SK1 -7 dated 6/14/21. Mr. Perez described the building first floor lobby with two elevators, he explained where the trash room, generator and utilities would be located. The generator for the pump station would be gas. The trash room would be inside and would serve the apartments as well as the VNA. The stairs would be fire stairs. There would be a court yard and an indoor bike rack. There was discussion regarding the size of the trash room it was stated it could accommodate six, six-yard dumpsters.

Ms. Dickerson asked on garbage day would they be rolled out; they would be rolled out to the truck and emptied and put back in. Discussion regarding the number of pickups would be needed to accommodate the apartments as well as the VNA. This area would also be used for deliveries as well as moving trucks. Mr. Leckstein mentioned in the original resolution the private hauler at least two times a week with additional pickups if needed is that condition still going forward; yes. There was also a condition that the hauler would not be permitted to travel the entire property to avoid interference with the area covered by the town houses; Mr. Alfieri stated same they would be in and out. Mr. Leckstein confirmed that none of that had changed.

Mr. Leckstein stated that since it is all in doors the masonry enclosure would be going away; yes. Further discussion regarding the number of containers and how the pick up would be handled. Mr. Leckstein confirmed that they are proposing four containers for the trash room. There was discussion regarding the times that the garbage truck would be picking up the containers so it doesn't interfere with the townhomes.

Mr. Perez stated that there would be a bike rack in the parking area of the building. Mr. Leckstein stated that was part of the previously approved application.

Mr. Perez described the inside of the building, each floor would have a trash room which the superintendent would be responsible for, there would be a laundry room on each floor. Each of the floor are similar to each other.

The roof top would have a small community space and an exercise room. The patio area is 16 x 30 with concrete patio blocks, there would be some potted plants as landscaping. There would be two to three benches they don't believe there would be any gatherings.

Mr. Mullan asked Mr. Perez to describe the ground floor parking area. Mr. Mullan asked if they would be able to see the vehicles from the street; there would be a three-foot concrete wall so the headlights would not be seen. Mr. Mullan asked about the fencing; Mr. Perez stated it would be aluminum.

There was discussion regarding the lighting for the garage and Mr. Mullan asked if the lights would be able to be seen across the street; they would be surface mounted lights and would provide ample lighting as required. He doesn't believe that they would be able to see the lights from the outside.

Mr. Perez described the rear of the building, there would be a courtyard in the center, there would be stairs coming down and there would be an entry door.

Mr. Mullan stated that Mr. Perez mentioned the existing building with the medical tenant would there be any renovation at that building; when they knock down a portion of it; yes. They will have to re-stucco part of it to repair that one wall. Mr. Mullan asked if the proposed improvements were limited to the repair of the building; yes. Mr. Alfieri stated it would be consistent with the existing building.

Mr. Perez explained that the materials of the building would be concrete panels, brick and stucco. Mr. Leckstein stated that it would be a condition of approval that the building will look like what is being shown to the Board. Mr. Mullan asked if he would explain the building foundation, the depth and construction technics. There was a question before regarding pile driving; Mr. Perez stated he didn't expect to pile driving, they did a soil test for the first building, they did find that had a lot of bad soil. Mr. Mullan confirmed that bad meant not constructional sound. Further discussion regarding the soil. They believe it would be traditional footings. There was something on the report regarding the trash rooms being below flood plain; that is correct. They are allowed to be and they would have flood mitigation vents to meet the requirements for FEMA.

Mr. Perez described the front of the building (exhibit A7). Mr. Mullan asked if there was going to be any signs mounted or lights at the entrance. Mr. Perez stated there will be building mounted lights, recessed lights by the entrance and the only signage would be the address on the building. Mr. Leckstein stated if there was any signage that they would conform with the ordinances.

Mr. Perez described the back of the building. Mr. Mullan asked if there were any balconies; none. Are the going to be sliding glass doors; no just windows.

Mr. Mullan asked if all units would have central air; yes. He asked if there would be any prohibition to having any window units being put in. Mr. Perez stated that there would be no window units. They have sleeves in the grill so the a/c units would go in there. Further discussion regarding what type of air and heat units would be installed. Mr. Mullan asked if all the units are going to be for rent; yes. Mr. Mullan asked for Mr. Perez to describe what activities would be in the courtyard; they don't expect any social activities it would be like a park to read a book or listen to music. The lighting would be with ballads just to light the paths. Mr. Mullan confirmed the size would be 3 to 3.5 feet tall just to light the sidewalk; yes. Mr. Mullan asked if there was any building mounted lighting; Mr. Perez stated like the front they will mount these around the building. Mr. Mullan asked if the lights would be down and up; yes, they are residential scale not commercial. Further discussion regarding the lighting around the building and in the parking garage.

Mr. Mullan asked if there was going to be any landscape, picnic tables in the court yard; no just a few benches and a few plants in pots that are designed to be on a roof with a small amount of dirt.

Mr. Mullan asked if there would be a concierge at the front door; no, but there would be an onsite superintendent.

Mr. Mullan asked if there is a free access on the stairs for anyone that walks into the site; currently there is but they can gate it off. They couldn't access the building but they could access the courtyard. There was further discussion regarding accessing the courtyard, the building and the garage.

Mr. Leckstein stated in the previous approval the applicant had to have a superintendent live on the site, which would carry over.

Mr. Mullan asked how many units are on the upper floor; 18 units per floor.

Mr. Pacheco asked how many units were proposed; 24 and now there are 54. Further discussion regarding the amount of building and what was proposed the last time.

Mr. McDermott asked if they have the previous renderings; Mr. Perez handed them out. Mr. Slachetka mentioned that there was going to be apartments on top of the medical building. Mr. Perez stated after they found out about the soil, they revised it.

Mr. Leckstein marked A-14 what was previously approval of the 24 units. Mr. Perez described the exhibit. There was discussion regarding the amount of parking needed for the previously approved application and the one that is before the Board.

Motion to open to the public at 9:43PM was made by D. Pacheco, second by W. McDermott with ayes by all present.

Mike Coughlin asked if pets were going to be allowed; Mr. Alfieri stated he would have to let him know.

Mr. Coughlin asked about the air condition decimal; Mr. Alfieri stated he will find out and let them know.

The lighting in the back currently don't work correctly they flicker, is there anyway the lights can be pointed down. Discussion regarding what the lights are going to look like, Mr. Perez explained that it would be no different then the lights on a house. They will be LED so there would be no flickering. Mr. Coughlin asked anything they can mute to the lights would be helpful.

There was discussion regarding the lighting coming from the garage and the headlights.

Joanne Clark, stated she was concerned regarding the stairs they get lot foot traffic. Right now people sit and gravitate there. Mr. Alfieri stated that they have no issue with having a FOB access.

There was discussion regarding granting all the townhomes an easement so they can access their mailboxes and the location of the mail boxes.

Mr. Mullan asked if there is a package room for the apartment; yes, they have a room it would be accessed with an intercom. Further discussion regarding package delivery.

Art Femenella spoke about the traffic issues that already exist, he stated that he is concerned how the trucks will be accessing the entrance with blocking that area he feels it should be studied; Mr. Alfieri stated that Mr. Mullan mentioned that and they will look into it.

Jodi Wishner asked about the parking lot lighting; Mr. Marinelli stated it was recommended by the professionals that they provide new fixtures and the applicant has agreed.

Mr. Mullan asked if the recycling is included in the four containers; yes. The recycling may not be as often. Further discussion regarding the trash and recycling pick up.

Barbara Currie stated the 2017 Master Plan required that there would be businesses on the first floor and apartment above. She stated right now as a business owner there is a shortage of parking spaces and there are trucks that come down West Front Street. She continued stating any Friday that you come down there are no parking spaces. Mr. Leckstein stated that this is not the witness that could answer these questions.

Ms. Currie stated that the applicant mentioned people going to work and that would help with the parking, but now people are working from home so there will still be an issue with parking. There was discussion regarding what was approved previously and what the applicant is seeking approval for now.

Mr. Leckstein suggested that she comes back to the next meeting when the Planner testifies.

Mr. Lane, 51 First Street, applicant is asking for C bulk variance for height exceeding 70 feet; yes. This application proposes to break that height with a gym and meeting room, there was an application Behar that Mr. Mullan worked with the applicant to eliminate that issue. Mr. Mullan stated that they have brought it up and feels all the variances have been mapped out.

Mr. Lane asked if the applicant wasn't willing to change; Mr. Mullan stated that it remains to be seen. Mr. Leckstein asked if Mr. Lane is asking if the applicant is willing to eliminate the elevator, the meeting room and the gym; yes in the roof top. Possibly move them down to the first floor but not exceed the glass ceiling that is set in the Master Plan and Land Use Requirements. Mr. Leckstein stated that they are not willing to do that because they have not changed their proposal. Mr. Mullan stated that the proposal is 75.5 feet. What options could be reduced or eliminated to get this back to 70'. Mr. Perez stated the bulk of that is the elevator. Mr. Mullan asked what the height was for everything else. Mr. Perez stated it was 72.5 feet. Mr. Mullan asked what elements would have to be removed to get to 70 feet. There was further discussion what would need to be removed or reduced to meet the 70 feet. Mr. Lane suggested possibly using two of the apartments on the top floor for the meeting room and exercise room.

Mr. Kotzas stated if you remove two apartments that would help with the parking deficiency. Further discussion regarding where the gym and meeting room can move. He feels the Board needs to take this into consideration,

Mr. Lane mentioned the issue of piling that there is a national resource document that the Borough has. He feels that this would have to be settled before any approval.

Mr. Lane asked if the containers are going to be anchored since they are below the flood elevations; Mr. Perez stated it is not a requirement. Further discussion regarding the dumpsters, Mr. Perez stated that will comply with the rules.

Motion to close to the public at 10:06 PM was made by W. McDermott, second by D. Pacheco with ayes by all present.

This application will be carried to the July 28th meeting without further notice anyone that would like to be heard regarding this application must be present at that meeting.

Motion to adjourn the meeting at 10:12pm was made and carried.

The next regularly scheduled Planning Board Meeting will be Thursday, May 31, 2022