

KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on June 27, 2013 which was called to order at 7:00 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor Harry Aumack, Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, Allen Hudson (arrived 7:03pm), John Kovacs, Terry Musson, Juan Carlos-Oviedo Jacqueline Kovacs-Olsen, Planning Board Attorney Marc Leckstein; Engineer Donald Norbut; Engineer, Planner Martin Truscott

Absent: Councilman Sheridan

VOUCHERS:

M. Leckstein for June 27, 2013 meeting 250.00

Motion made by D. Fotopoulos, second by R. Burlew with ayes by all present

Minutes: May 23, 2013 meeting

Motion made by R. Benedict; second by R. Burlew

Ayes: Mayor Aumack, R. Burlew, A. Hudson, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Oviedo, J. Kovacs-Olsen

Abstain: J. Kovacs

Absent: J. Sheridan

SCHOOL BOARD PRESENTATION – ATHLETIC FIELD

Mike Millemann, Engineer from French & Parrello explained what the School Board is looking to accomplish with the athletic field on Jackson Street.

Mr. Sessa explained that we had a chance to look at the plan at the last meeting. Would like to know the life expectancy of the track; Mr. Millemann replied approximately a decade.

Mr. Kovacs asked about having a helicopter land on the field and if the track would withstand the fire trucks weight. Mr. Kovacs explained that this is where they land the helicopters for medical traumas.

Mayor Aumack stated that the fire trucks park and use their lights on the four corners of the field to help the helicopter land.

Mr. Burlew asked if they ever developed a field where it was also used for medevac.

Mr. Millemann stated he would have to look into that and get back to the Board. They would take that into consideration and that there would be an additional cost to accommodate the ability to have the helicopter land.

There was discussion on the parking spaces and the increase of twenty spaces and the lighting impact on the residents that live by the field.

Mr. Norbut asked about the storm water, what they had planned for drainage when there is a heavy rain.

School Board Planner replied that they will comply with storm water plan.

There was discussion of the cost of the field and if the school board looked for any grants or other way to raise some of the money.

Mr. McManus, Director School Board said the grant does not target athletic fields with synthetic materials. Mr. Fotopoulos asked about private fundraising.

Motion made to have Planning Board secretary write a letter with the Boards recommendations by D. Fotopoulos, second by R. Benedict

Ayes: Mayor Aumack, A. Hudson, J. Kovacs, M. Sessa, R. Benedict, T. Musson,
D. Fotopoulos, J. Oviedo, J. Kovacs-Olsen

Nay: R. Burlew

Absent: J. Sheridan

INFORMAL

Buccaneer Realty LLC
6 Broad Street, Block 21.01 Lot 52
Site Plan Application
KUPB 13-03

Stephen Raciti, Architect for the project explained that the applicant would like to rebuild after the storm with original structure. The applicant would have to raise to new flood elevation. The bottom part can be used by the borough for events, flea market or to any person willing to use it. Possibly a shower or bathhouse for the people using the beach. The space can also be used for parking for special events.

Mr. Fotopoulos asked about parking; Mr. Burlew stated that a restaurant does not have to have parking.

Mr. Musson asked if the Council passes Ordinance on the Height would anything have to come before the board. Mr. Leckstein replied they would for a site plan.

Mr. Burlew stated that the adjacent property is owned by the Borough; Mr. Leckstein replied that it is up to the Mayor and Council if the applicant can use the Borough's property.

The applicant was thinking of going to the Mayor and Council regarding their property that is next to his building.

Mr. Leckstein stated that if the borough was willing to accept their using the property it would be placed in the resolution. That would have to be worked out with the Borough.

Mr. Hudson spoke about the exit and entrance from Broad Street, the architect spoke about doing a cut out so that there wouldn't be an issue, also put a cross walk for pedestrians.

Mr. Kovacs stated that there used to be a cut out where the historical museum was.

Mr. Hall stated that he is willing to work with the Borough as well as the Planning Board Engineer.

The applicant will be back to the board with a full application for site plan, Mr. Hall thank the Board for their time.

COMMUNICATIONS:

Letter from Borough Clerk dated June 12, 2013 requesting a report from the Planning Board by Friday, July 12, 2013 so that the Ordinance may be considered for adoption.

Motion to have Board Secretary write a letter to the Mayor and Council stating that the Planning board has no additional recommendations to add to the Ordinance made by J. Kovacs, second by D. Fotopoulos with ayes by all present.

Tricon – 322 Beers Street, Block 35 Lot 2 letter dated April 11, 2013

Ms. Petrizzo is requesting change in the decorative light fixtures that were originally approved by the Board.

Mr. Norbut explained that the applicant did adhere to his request on house shields for the fixtures. Mr. Norbut stated that he approves the change with the house shields.

Motion to have Board Secretary write a letter to applicant stating the Board approved administrative changes moved by J. Kovacs, second by B. Burlew with ayes by all present.

APPLICATIONS:

Application No. 13-01 Alaric Properties
 45 Beers Street
 Blk 39 Lot 12, 13 and 14
 Use Variance

Mr. Leckstein stated that everything is in order for the Board to hear this application.

Mayor Aumack was asked to step down from the dais since this application was a use variance.

Mr. Gary Rosensweig, attorney for the applicant was sworn in.

The following are exhibits that were marked in for board.

A1 – Survey by Charles Sumonte dated 2/20/13
A2 – Use Variance Plan dated 4/9/2013
A3 – Architectural Plans dated 3/12/2013
A4 – Letter from Maser revised plan dated 6/12/2013
A5 – Alaric Properties LLC, Color Version of site plan dated 6/27/2013
A6 – Aerial on area dated 6/27/2013
B1 – T&M Letter dated 5/20/2013

Mr. Talarico the owner of 45 Beers Street was sworn in. Mr. Talarico gave background to the property and how he became involved with Keyport. The storm had a devastating effect instead of rebuilding like it was he would like improve.

Mr. Leff, Maser Consulting, Planner was sworn in. Mr. Leff spoke about the location of the property. The property had 15 units that were contained in two buildings that was deemed uninhabitable because of super storm sandy. The applicant Alaric properties would like to Redevelopment the property but would like to go from 15 units to 24 units and combine in one building instead of two. By only being one building it would allow emergency vehicles to access the property. The elevation will be two feet above what is required.

There was further discussion regarding the redevelopment of the property and how it would impact the neighborhood.

There was further discussion on the amounts of units for the property and the density variance. Mr. Leckstein confirmed that they are seeking a D5 variance. There was further discussion as to why the applicant should be approved for a density variance.

The Planner discussed that the traffic will not be increased with the number of units. The applicant will comply with any storm water rules, there will be parking in the rear with up to eighteen parking stalls.

There was discussion regarding the master plan and the re-examination plan.

Ms. Kovacs spoke about the trash and where the containers will be placed. The applicant said there was two options on to how this can be taken care of. Mr. Hudson asked who would be taking care of that, and who would the complaints go to. Mr. Talarico explained that there would be a property manager. The idea of putting a dumpster in the back would be better. Mr. Leckstein explained to go for a use variance you would have to address this. Mr. Talarico stated that he could get rid of some parking spaces. There was further discussion regarding the trash enclosure.

Ms. Kovacs asked where the original set back is now; right at the twenty foot. Ms. Kovacs other issue they are two bedroom where there will be children and there is no place for them to play. Feels it is unsafe. Mr. Talarico stated that he can't say yes or no to that, he can give less parking spots.

Mr. Burlew stated that he has gone over the application they can rebuild exactly the way it was. They wanted to see what would be the best for the borough. Mr. Burlew spoke of the codes and elevation. Wants to make sure that they can get emergency vehicles to be able to have access that is why they went to one building to help with egress and ingress. Mr. Burlew spoke different apartment buildings that does not have parking he also spoke about the amount of parks that are in Keyport. Mr. Burlew stated he is favor of an apartment building if they have to increase in size something to be proud and have someone there to supervisor the building. Mr. Burlew would like to get the property cleaned up.

Mr. Norbut spoke about the variances presented there will always be discussion on density. There should be a beautiful streetscape and we should ask the applicant to consider pavers, heavy landscaping. We will get into sewer and utilities when we get into site plan we have a sanitary sewer system that is falling apart and they are sure that they will come back with some suggestions.

Mr. Fotopoulos is in agreement to the structure with Mr. Norbut buy is concerned about increasing the amount of units, spoke about Beers street stated it is beautiful until you get to this property and since the storm it has not been maintained. The building was KUPB

destroyed by the storm but before when the building was occupied there was garbage all around what kind of extra effort will be taken to not have this happen in the future. There was further discussion regarding the maintenance of the building.

Mr. Hudson stated if there was issues before the storm and is sure that it will look great when it is opened but what happens six months after. Mr. Talarico stated it can go into the developers agreement that it has to be maintained.

Mr. Fotopoulos asked if 15 the amount of units; the applicant stated the application is for twenty-four. Mr. Leckstein asked if they would go any less; if was denied then yes but the application is for twenty-four.

Mr. Sessa stated that we have to look at the full impact on the community that it will have nine extra rental units, two bedroom that will most likely have children which will have impact on the school system. The apartment across the street doesn't have an impact on the school. The entire residents of Keyport pays for the school system. Feels we have a tough job here with that increase. Mr. Sessa feels it is a positive impact but has to see if the tradeoff is worth it. Mr. Kovacs asked if they can make the other nine units age restricted.

Mr. Slachetka commented that it is his experience that they can grant a use variance without a number and have them come back with a site plan with more details.

Open to the public was moved and carried. Mr. Leckstein explained that the public will come up and be sworn in.

Doreen Minutella, 34 Kearney Street, asked about the parking spots against the wall where are they going that is her yard and her fence. The applicants architect explained where the parking would be. Ms. Minutella asked about putting a wall up since there fence has been knocked down a couple of times. Architect explained that he can place landscape there to prevent that. Ms. Minutella also asked about the trash and having someone on site; yes there will be a manager on site. Mr. Talarico came up and explained that they will have someone local someone living in the unit. Mr. Leckstein asked if that would be of the resolution; Mr. Talarico said yes he could do that.

Rita Smith, 36 Kearney Street lived there for 26 years, spoke about the noise, garbage and tenants that have no respect for the property around the complex. Applicant stated that he has had two property managers but has had issues. Applicant stated that he will establish rules he doesn't want to have issues.

Robert Laughlin, Representative for 50 Beers Street, lives at 382 Broadway. Mr. Laughlin stated he is not representing the board just himself as the property maintenance. Spoke of the garbage Mr. Laughlin said he picks up the trash. Mr. Laughlin stated he spoke with Mr. Talarico today likes the site not sure of the size feels that if he switches to town house/condos they would have an invested interest to not taking a baseball bat to their property. Not certain he is planning to do that, if it stays a rental and if the board approves the amount that would have certain other issues. Thanked the board for change in zones. Is happy with the property maintenance present this way he can have someone to go to if there is a problem. Lastly once the board approves call him so he can help.

Joe Minutella, 34 Kearney Street, understands concerns to preserve integrity of Keyport manager failed, Borough of Keyport failed, spoke about things that happened in his neighborhood. Many calls into the Borough regarding 45 Beers Street. The neighbors are the managers they make the phone calls to the Borough. Nothing has been in the papers regarding 45 Beers Street. Mr. Minutella stated he is tired of everything, it is time that applicant steps up and takes care of the property.

Mike Lane, 51 First Street, the plan to elevate the building to put two units in a stack thinks it is a step forward relative to density with parking underneath. If the density increased only to sixteen what would the density be. Applicant Planner stated it is an arbitrator question it depends on the units. Mr. Lane spoke about reducing the units and reducing the space and the length. Planner stated that it would be best answered by the architect. For the owner Alaric Property, who purchased the property in 2006 asked if he did his due diligence were you aware that was a non-conforming structure per the 1989 master plan when you purchased the building it is either a yes or no. Mr. Talarico said he did not know that it was a non-conforming until he went to the building department to rebuild. Mr. Lane asked if he was aware of the flood plan, Mr. Talarico stated yes but never in his wildest dream anticipated 3 feet of water.

Mr. Lane spoke of the parking area and about the amounts of time the building was flood in the past; twice.

Mr. Talarico explained what he did for his tenants when the storm destroyed the property. Mr. Lane spoke about the latest flood maps and elevation. He asked how many feet you would have to raise the parking lot to go to meet the flood elevation about six feet correct. There was further discussion on raising the parking lots. Mr. Talarico stated that they will do whatever the ordinance states to do he will raise the property to what the standards.

Mr. Lane spoke about other properties that were elevated and that the parking area would be six or seven feet he is asking the applicant to raise the parking area; Mr. Talarico stated no and that it is not required.

From a planner point of view and you look at schedule B from Keyport ordinance for multifamily there is none; Planner replied correct. There was discussion of the size of a two family lots size, asked the planner to help him understand why they are not asking for a variance for lot size. There was discussion on what variance they are seeking for this application.

Mr. Leckstein asked for the board to take a five minute break.
Back on the record

Roll call: Mr. Burlew, Mr. Sessa, Mr. Benedict, Mr. Hudson, Mr. Musson, Mr. Fotopoulos; Mr. Kovacs, Ms. Kovacs ,Mr. Oviedo(arrived five minutes later)

Mr. Leckstein stated before we go back to the application asked if anyone is here for 108 Broad Street application; no one replied. They are going to carry that to the July 25th meeting without further notice.

Motion made by Mr. Kovacs, second by Mr. Hudson with ayes by all present.

Mr. Leckstein thanked Mr. Telymonde.

Mr. Sessa asked if Mr. Lane had any further questions.

Mr. Lane continued asking the planner questions regarding the lot size and the density variance. Planner stated that is why they are asking for the variance.

Mr. Jack Jeandron, 80 Main Street, asked how you plan to support the elevated building, would it be pilings or cinder block. That would be answered by the architect. Mr. Jeandron said that he would wait until later.

Mr. Ed Burlew, 59 West Front Street, asked right now Beers Street still floods to the catch basin. Mr. Burlew asked about how Mount Laurel is involved and low housing. Absentee landlords there has been issues with 45 Beers Street, asked the applicant how to get a better clientele. Mr. Talarico tried to explain that the building will be beautiful; Mr. Burlew wants to know about better clientele.

Mr. Leckstein reminds the public to please speak one at a time.

Mr. Lawrence Kurk, Architect gave his credentials and was sworn in.

Mr. Kurk stated that they love this town; this piece of property because of the storm was sort of a blessing. They are hoping with the new building it would draw a higher income clientele. He stated he noticed that some of the restaurants were opened, the band KUPB

playing on the waterfront. Maybe someone listening to that band will see the building and want to live there. Mr. Kurk explained that there is only going to be six door facing beers street, which is a plus. The way it is designed it looks more like townhouses than an apartment building.

Mr. Kurk spoke about the space in the front yard for the children to play, they can actually play under the building and be able to go outside during the rain. Mr. Kurk described the apartments and how the layout is for each apartment. Also spoke of the parking area.

Mr. Burlew asked the same question regarding clientele, Mr. Kurk stated that they couldn't afford it. Mr. Burlew stated if they were section 8 they could. Stated that they put in a lot of money before but the clientele never got better. Mr. Burlew asked about the stairways. There was further discussion regarding the clientele that lived in the building. Mr. Burlew stated why don't you tear it down and put what you have.

Mr. Talarico explained why he wants to add nine additional units, he is looking to do it economically. One option is to rebuild what is there. Mr. Talarico stated he is looking to make it better. Mr. Talarico explained how much money he is losing every day and how much it will cost to knock down and rebuild.

Mr. Burlew stated he is well aware how much things cost. There was discussion between Mr. Talarico and Mr. Burlew.

Mr. Burlew spoke about the opened stairwell stated they are not a good idea. Mr. Angelo Masia, 23 Beers Street, less than 100 feet from proposed project. Concerned about the building and the clientele. Then he heard there was going to be whole new building. If they adhere to the demands that need to be taken care of it he looks forward to seeing the project and feels they should be given a chance.

Mr. Mike Cummins, 44 Beers Street, directly across and next door for fourteen years. Feels that we have two choices, one stay the way it was or take a risk and do a major improvement if he had to make a choice he would love to see something beautiful and possible be able to do something to his property across the street. Mr. Cummins feels that there is a lot of thought that went into the application and is all for it.

John Murphy, 54 Kearney Street, the property in question has been a total warzone the letter he received by certified mail. He would love to see high end condo's going on there something like First Street. When he looked at the letter and saw that there are seven variances in order to take a problem 15 problems to 24 problems just think it is bad news.

John Hila, 30 Kearney Street, mixed feels because of the residents in the complex. Like Joe called the police numerous times. One issue he had is his retaining wall he replaced his part but the other part was not taken care of spoke to the applicant today and he will look at it. If they are going to make it better he is all for it, is 24 units better not sure. Wants to know what his view is going to be after it is built. Wanted to know why the inspectors take care of it. Mr. Leckstein explained that this board has no jurisdiction to answer that question. Mr. Hila asked who he should speak to.

Ms. Doreen Minutella, when the building gets ripped down will the residents be notified. She is concerned what will come out of the building. Mr. Leckstein explains that there will be another application made for site plan.

Applicant stated it was gutted and sprayed for mold.

The meeting was closed by Mr. Hudson, second by Mr. Kovacs with ayes by all present.

Mr. Leckstein asked about the exhibit on the board and wanted to make sure that it was already marked in.

Mr. Sessa wanted to let the public be aware that there curfew is 11:00pm.

Exhibit A3, showed the shared stairwell and explained that there is three entrances to the stairways. Mr. Kurk explained the setup of each apartment. Mr. Leckstein asked if every apartment is going to have two bedrooms and every apartment will have a washer and dryer; yes.

Mr. Kurk feels that this is better than it was and will help the retiree's.

Ms. Kovacs asked about the stairwell and that there is only one way up and down; yes she stated as a firefighter she had a major concern. Mr. Leckstein stated that if this was approved it would have to meet the fire code or it will not be built.

Mr. Musson spoke about the two bedroom, you talk about better clientele with two bedroom, and one bath thinks it might be a problem. Mr. Musson spoke about what we pay per child for education. Mr. Musson thinks about Mr. Burlew's question about open stairways it actually isn't open.

Dennis Fotopoulos feels that the conversation about clientele was teetering towards inappropriate. Mr. Fotopoulos also wanted to put on record that he knew plenty of people that lived there that had the same issues. Just wanted to make sure that everyone knows that it wasn't everyone in the complex that was an issue. Regarding the stairwells, the doors are going to be locked

with common locks; yes. Are they going to be buzzer locks; they haven't gotten that far yet.

Mr. Kovacs spoke of the garages, front is that wrought iron and that will be opened all the way. That means someone could hop over it; yes. Will there be cameras in case of anything; no.

Motion made to open to the public by Mr. Hudson, Mr. Musson by ayes all present

Mr. Jack Jeandron, asked about the support of the building would it be cement pilings; yes. At this point will look into alternatives. Mr. Jeandron asked what the pilings will rest on; they go down five-six feet. Mr. Jeandron explained that he is Keyport historian and explained that the piling should probably go down more than five feet, it would be necessary to see where you would hit solid ground; Mr. Talarico appreciated the comment and will look into it.

Mr. Fotopoulos asked about the pilings needing to hit something solid is that true; yes.

Mr. Jeandron asked if there is something that we will be given to make sure the findings are true. Mr. Norbut explained what will happen.

Mr. Lane, has the existing building been declared substantial damage, Mr. Burlew stated that the first floor is declared uninhabitable. Mr. Lane asks that they have no option, Mr. Talarico explains that the new ordinance has new market value there was discussion on the ordinance.

There was discussion about eliminating space and reduced the density to sixteen units you can get rid of 16 parking spaces. Those spaces could be used for recreational use there hasn't been any plans in town that has not had some type of recreational use for the tenants. There was further discussion on this issue.

Mr. Leckstein asked Mr. Lane if he was planning on putting on a full objector case; Mr. Lane replied yes.

Mr. Leckstein stated that the application will be carried over without further notice to the July 25, 2013 meeting.

OLD BUSINESS (carried over from April meeting)

Having Planning Borough Attorney look at updating Borough Ordinances with Mayor and Council approval.

Mr. Leckstein stated he was waiting on the Administrator to get back to him

Motion to adjourn the meeting at 10:47 was made by Mr. Hudson, second by Mr. Musson with ayes by all present.

PUBLIC SESSION

Motion: Second: Ayes: Nays: Ab:

Mayor Aumack, J. Sheridan, R. Burlew, M. Sessa, R. Benedict, A. Hudson, T. Musson, D. Fotopoulos, J. Kovacs

Alternates: J. Oviedo, Ms. Kovacs

The next regularly scheduled Planning Board Meeting will be Thursday, July 25, 2013 .

ADJOURNMENT: PM