

The Keyport Unified Planning Board held Regular Meeting on October 25, 2018 which was called to order at 7:02 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.

PRESENT: Mayor Aumack, Councilman Goode, R. Benedict, D. Fotopoulos, J. Kovacs, L. Davidson, K. Howe, M. Sessa, J. Kovacs-Olsen

ABSENT: N. Vecchio, J. Oviedo

Marc Leckstein, Planning Board Attorney, Donna Miller, Planner, Francis Mullan, Engineer

PROFESSIONALS SWORN IN

MINUTES: September 27, 2018

Motion to approve was made by L. Davidson, second by D. Fotopoulos

Ayes: M. Goode, M. Sessa, L. Davidson, D. Fotopoulos, K. Howe

Abstentions: Mayor Aumack, J. Kovacs-Olsen, J. Kovacs, R. Benedict,

COMMUNICATION

Letter from Mr. Mirabelli asking for extension for six months for KUPB 17-01, Mystic at Keyport, 44 Beers Street

Mr. Sessa stated that Mr. Mirabelli is the attorney for Deputy Venture who purchased the property from Mr. Cummins. Mr. Mirabelli is asking the Board to grant an extension.

There was a motion made by J. Kovacs, second by R. Benedict with ayes by all present with the exception of Mayor Aumack and Councilman Goode to grant Mr. Mirabelli a one year extension for application 17-01.

Mr. Sessa poled the Board regarding two meeting dates for 2019. The Board agreed that November 7, 2019 and December 5, 2019 would be acceptable dates for the Planning Board meeting.

The Planning Board Secretary, Denise Nellis will publish the 2019 dates as required by state law.

Communication from Borough Administrator regarding reviewing the attached Ordinances for Master Plan Consistency.

Mr. Sessa explained that the Governing Body realizes that the Planning Board is quite busy and has agreed to waive the 45 day deadline. The Board will discuss the ordinances after next month. The Board agreed to carry the Ordinances to the December 13th meeting.

OLD BUSINESS:

KUPB 17-07 Mariners Village
357 West Front Street
Blk 20 Lot 1,2,3,5,6,6.01,7,9,11.01,13,14
Major Site Plan, Preliminary Site, Final Site

PLEASE NOT THE VERBATIM NOTES FROM THE COURT REPORTER WILL BE ATTACHED TO THE MINUTES FOR THE PUBLIC TO VIEW.

Additional Exhibits: A-15 Brown Point Mariner Concept Plan dated 8/3/17 revised 10/11/18
A-16 Overall Layout dated 7/31/ 2017 revised 8/2017
A-17 Turning Analysis Plan dated 10/8/18
A-18 Revised Physical Impact Statement Analysis dated 7/31/2018
A-19 Colored version of the Architectural drawings
A-20 Colored rendering of the site plan dated 10/25/18
A-21 Colored version of A-15
B4 – Environmental Report dated 9/24/18
B5 – Email from Police Chief
L1 – Mark up of ground elevation map

Kenneth Pape, Attorney for applicant discussed what happened at the last meeting and explained the changes that were going to be discussed at this meeting. Mr. Pape explained that Louis Zuegner, Engineer would speak about the changes.

David Minno, licensed architect in the State of New Jersey was sworn in. Mr. Pape asked Mr. Minno to introduce the exhibit he will be describing to the Board. Exhibit A-19 is a colored architectural version, there are a total of seven (7) sheets for this exhibit. Mr. Minno described the building and spoke about the internal parking spaces and the access to the garage. He explained that the building is a going to be a luxury rental building.

Mr. Minno explained how the residents would enter the garage and how they would be able to park on all five levels. The main floor would have a package area for the residents to get their packages. Also on the first floor there will be a dog wash room for the tenants to use. Mr. Minno stated that each unit will have a washer and dryer. The building and garage have a sprinkler system and each apartments can be made handicapped adaptable. The Fire Marshall asked that they separate the buildings with a two hour fire wall. Each unit will have a one (1) hour fire wall in between them.

Mr. Minno described the building as a shore looking apartment building. He described each of the floors and how they were going to look on the outside as well as the elevation of the building.

Mr. Pape asked about building mounted lighting; the entrances and the garage will have low level lighting. Mr. Minno stated that it would not spill out to the neighboring homes. There would be lighting around the pool deck but that would go off around 10pm.

Mr. Pape asked if Redevelopment Plan is compliant with the Ordinances; yes. Mr. Pape had no further questions.

Mr. Sessa asked if any members of the Board had any questions for Mr. Minno.

Mr. Kovacs asked if the package room was going to be manned; Mr. Minno stated that he wasn't exactly sure. If not manned than there would be a vestibule where you can drop off package. There would be a package locker system Mr. Minno explained what that was.

Mr. Kovacs asked if the trash chute would have a sprinkler; not exactly in the trash chute. He explained that there is a two (2) hour fire wall in the room. There was further discussion regarding having a sprinkler for the trash chute.

Mr. Kovacs asked if the parking garage would be able to accommodate a SUV; yes also the first floor is accessible for a handicapped van.

Mr. Kovacs confirmed that every apartment was going to have their own washer and dryer; yes. Will the units have a shower or tub. Mr. Minno explained typically large shower in Master bath and tub shower in the secondary bath. There was further discussion regarding tubs for a handicapped person.

Mr. Kovacs asked if there was going to be an elevator; yes two (2).

Mr. Howe asked the height of the first floor; Mr. Fotopoulos stated he wanted all the floor heights. Mr. Minno stated the first floor is 8.2 feet upper floors a little less. Mr. Howe asked if the garage would have any windows; no. Further discussion regarding type of sprinkler systems.

There was discussion regarding the mechanics being on the roof and if the residents would have access. Mr. Minno stated that there would be no access further discussion regarding access to the mechanics.

Mr. Kovacs asked if there would be a freight elevator; one would be small 2500 pounds, the other would be oversized for the furniture. They would both fit a gurney lying flat.

Mr. Fotopoulos asked for height of all floors and the garage; first floor would be a minimum of 8.2 the total height of the building is 54 feet 6 inches. There was discussion regarding the floor heights and the building height.

Mr. Fotopoulos asked about the trash pickup room size; approximately 22 feet long 15 feet wide. Mr. Fotopoulos asked if that was sufficient to hold trash for the 120 units. Mr. Minno explained that they are using a private hauler and the frequency would increase as the building residents increased. Once the building was fully occupied they would set up pick on a regular basis. Mr. Minno added that the trash room has a compactor.

Ms. Davidson asked if there were two (2) firewalls separating the buildings; not sure, they didn't do the construction drawings yet. There was further discussion regarding the firewalls.

Ms. Davidson asked about the lighting in the back of the building for the walkway and around the building actually a question from Mr. Zuegner; low lighting with low fixtures.

Ms. Davidson asked about the trash doorway to the room; the room is just a termination room each level has a smaller trash room with a chute. Further discussion regarding the trash chutes and how it would work. Ms. Davidson asked if there was any way for the residents to go into the garage from each level; yes.

Mr. Kovacs asked if there was going to be assigned parking in the garage; Mr. Pape replied that each unit will have one parking stall per unit.

Ms. Kovacs asked for clarification regarding the process of the garbage disposal. Mr. Minno explained the process, there was further discussion regarding the trash and the upkeep of the containers.

Mr. Howe asked about accent lighting on the building; nothing is planned right now possibly have some in the landscaping.

Ms. Davidson asked if there was going to be a super living at the building; that was a question for the owner.

Mr. Mullan asked for clarification regarding the mechanics and where they were going to be mounted. Mr. Minno described the set up and stated there would be no ground mounted equipment.

Mr. Mullan asked if they would prohibit the use of window air conditioners; yes.

There was discussion regarding the size and locations of signs as well as further discussion regarding the hauling of the trash.

Mayor asked for clarification regarding washer and dryer for each apartment. There was discussion regarding the vents for each apartment.

Mr. Kovacs asked if each unit would have their own electric meter; Mr. Minnon stated that each unit would have an electric meter but it would be common hot water. There was discussion regarding the appliances being electric instead of gas.

Mr. Fotopoulos stated that he cannot find the ordinance regarding the height; they read the ordinance and discussion the height.

Ms. Davidson asked about the color of the siding stone; Mr. Minno described the colors of the facade.

There was discussion regarding the garage having a dry system and where the pumper truck hook up would be. Mr. Minno stated that they have the fire official review plan.

Motion to open to the public at 8:12 pm was moved by K. Howe, second by J. Kovacs with ayes by all present.

Michael Lane, 51 First Street, asked if Mr. Minno had a chance to review the Environmental report; not yet. Mr. Lane spoke about the concerns from the environmental commission. There was discussion regarding the BFE and elevation of the building. Mr. Lane asked if they would be willing to do a survey of neighbor's properties before the construction begins. Mr. Pape stated he would speak to the owner.

Mr. Leckstein asked who would be handling the retaining wall; Mr. Pape stated it would be Mr. Minno

Alan Yunker, 28 Washington Street, asked about the water run off on his property and the removal of the water that has been sitting in his yard. Mr. Pape stated that Mr. Zuegner would be able to explain the process.

Michael Palmisano, 86 First Street, Co-Chair of the Environmental Commission, stated he has questions regarding CAFRA, Title Permit who would address them; Mr. Pape replied Louis.

Mr. Lane mentioned the parking of cars on the top floor and asked if there was an SUV on the top would you be able to see it from the street; no.

Elmer J. Graham Jr., 22 St. Peters Place, heard enough of the application, approve it.

Motion to close to the public at 8:21 was made by R. Benedict, second by J. Kovacs with ayes by all present.

Motion to take a five (5) minute break at 8:21pm was moved by R. Benedict second by J. Kovacs with ayes by all present.

Back in session at 8:31pm

Roll Call: Mayor Aumack, Councilman Goode, R. Benedict, D. Fotopoulos, J. Kovacs, L. Davidson, K. Howe, M. Sessa, J. Kovacs-Olsen

Mr. Pape stated that he reached out to Mr. Perlman and there will be a super on site. Mr. Leckstein stated that would be a condition of approval; yes.

Mr. Pape stated that the applicant will comply with code applicant will comply with code in effect at the time they apply for building permits.

There were questions regarding the walls and moderate wave action Mr. Pape explained that the engineer and planner will comply with the code.

Mr. Pape stated that the application has agreed to survey the properties around the project before construction. Look to Mr. Leckstein or Mr. Mullan for drafting that wording.

Mayor stated that he lives behind 45 Beers street and they did a survey of surrounding properties and there was no damage to his property.

Mr. Benedict asked about the fire department connection on each floor. There was discussion regarding the system. Mr. Minno mentioned that they would have a further discussion with the Fire Sub code Official to satisfy any concerns. Mr. Pape stated that they met with Mr. Vecchio and they would agree to follow his concerns.

Motion to open to the public at 8:41pm was made and carried.

Michael Lane, would building be built to code; Mr. Pape stated it would be built to the code at the time permit is granted.

Michael Palmisano spoke about the current BFE +1 and the Master Plan is BFE+3 next month the ordinances will be approved. Question if the applicant is going to file to code its BFE+1 the environmental recommendation is BFE+3. Mr. Pape stated that they will build to the code.

Area of need or Redevelopment does the master plan not apply; Mr. Leckstein explains it the master plan is a suggestion. It goes by the ordinance which is BFE+1. Further discussion regarding ordinances that were sent to the Board.

Motion to close to the public at 8:46pm was made by J. Kovacs, second by K. Howe with ayes by all present.

Mr. Minno was excused from the meeting at 8:41pm.

Mr. Pape asked Mr. Zuegner introduced Exhibit A-20 "Colored rendering of site plan 10/25/18"

Mr. Zuegner described and explained the revisions on Exhibit A-20 which include the water supply, stormwater, concerns from the Fire Marshall, and elements of N.W. First Street and the access to the garage from the main entry. Mr. Zuegner spoke about the water service to the building, they spoke to the Borough Engineer and they have developed levels of hydrants and they are planning to run tests to see where the high pressure is, and working with the Borough Engineer figure out where the best pressure is and what needs to be done to get water to the building. Mr. Pape asked that this will be condition of approval to work with Trevor Taylor the Borough Engineer to meet this.

Mr. Mullan suggested to the Board that the roads be replaced where any damage has been made. There is further discussion regarding what part of the road needs to be made, the Board stated that street was just paved. Mr. Mullan suggested they paved the roads that they trench; Mr. Pape stated that they will curb to curb where warranted but would like to meet with the Engineer in the field. Mr. Leckstein stated that if the Board approves the application the

resolution will read curb to curb as warranted by the Borough Engineer.

Mr. Zuegner spoke about the stormwater and tidal area for this project.

Mr. Zuegner spoke about the recommendations from the Fire Marshall, the applicant has made the walk way wider as directed by the Fire Marshall. The Police Chief wrote a short email to Denise, (Mr. Pape read the email) regarding the traffic. Mr. Zuegner gave his suggestions to accommodate the Chief's recommendation. Mr. Zuegner stated that they can turn the larger vehicles out either way. Immediately across from the area they would suggest make a no parking. Mr. Fotopoulos asked in front of someone's house? Mr. Sessa stated that is not the Boards decision that would be up to the Council.

There was discussion regarding the water connections for the fire department.

Discussion regarding the location for gate for the garage for the ability to turn the vehicle around if resident was not available. There will be two gates, if application is approved the applicant will have to work with Board Engineer for approval, this will be a condition in the resolution.

Mr. Zuegner introduced exhibit A-21 which was a colored version of A-15 and described the exhibit. Mr. Pape stated that the applicant knows that he has to come back before the Board with a site plan application for the Marina to accommodate the parking.

Mr. Pape went through the conditions in the T&M letter dated 7/11/2018. Mr. Pape stated that there was a part that asked for considerable road improvement, they are willing to make the recommendations previously mentioned. Mr. Pape asked Mr. Zuegner if he feels he can comply with all the conditions left in the T&M letter; yes. Mr. Leckstein asked about 1.7, there was discussion regarding that item. Mr. Mullan read that item, Mr. Pape agreed to do the roadways that they damage not all the roads. Further discussion regarding this item. Everything else the applicant agreed to.

Mr. Pape asked if all the applications and permits required by DEP obligations would be secured; yes.

Mr. Howe asked if they did two traffic studies turning of the turning area to the left and one to the right. The one to the left would be if there was a one way traffic flow, is the plan to design a plan A and a plan B. Right now it is to turn either way. There was further discussion

regarding the turning radius if the Council changed the street to one way.

Ms. Kovacs-Olsen asked about the fire hydrant on N.W. First Street. If the street was going to be made one way, what would be the impact on that hydrant. Mr. Zuegner stated that there wouldn't be any parking there anyway.

Mr. Fotopoulos asked about the redevelopment agreement. There was discussion regarding what is in the redevelopment agreement; Mr. Pape stated it is still a work in progress and with the Governing Body. Ms. Miller stated that anything on the plan not on the property would be off site, Ms. Miller explained why we would have a development agreement. There was discussion regarding item 1.7 and the redevelopment area.

Mr. Mullan asked for clarification of page 7 of 16 regarding the draining on lot 8. Mr. Zuegner explained the drainage for lot 8 for a 50 or 100 year storm. Further discussion regarding the drainage for lot eight (8) and lot ten (10). Mr. Leckstein stated as part of the resolution that they are to revise the drainage plan subject to Board Engineers approval. Further discussion regarding drainage and the 100 year storm water.

Mr. Kovacs asked if there was a duck bill or flapper valve on pipe; currently no. They can place a duck bill on the pipe.

Mr. Howe asked about 1.6 on T&M letter regarding sidewalk along the left side, there was discussion regarding the sidewalks along the project.

Mr. Leckstein stated it looked like the applicant agrees to everything except for 1.6 and only some of 1.7 in the T& M letter.

Motion to open to the public at 9:40pm was made by J. Kovacs, K. Howe with ayes present.

Alan Yunker concerned about the water problem since they put the road where the marina is (lot 10) he has lived there 40 years and never had a water problem until they put fill in the back lot. His lot has water there most of the time, he was told by the previous owner of the mariner that there is a valve. Part of his property is starting to sink. Mr. Pape asked if it was rain water or tidal water. Mr. Yunker stated that he can dig a foot and there is water it is definitely coming from the ground. Mr. Pape stated the agreement that they made is to have a pipe and pipe size to make certain that any water is drained properly and to place a valve so none of the water could flow back. Improvements would be made by the drain. Further discussion regarding the water issue on his property and possibly raising his property and putting a retaining wall. Mr. Pape agreed to the recommendation as long as he receives DEP approval.

Ms. Davidson asked Mr. Mullan if any other property that would have the same issue; not at this time put suggested that the same approach would apply for lot eight (8). Mr. Pape stated as long as the owner is in agreement with the recommendation he will comply.

Michael Lane, indicated have package together for DEP; any reason it is not submitted; Mr. Zuegner explained they would normally wait to see the outcome of the meeting. Mr. Lane stated that may change the plan.

Mr. Lane asked about documentation with the Board regarding wave action or flood boundaries; Ms. Miller they did state they say they would supply an updated subdivision plan with the information. There was discussion regarding the submission of documents for the public to view. Mr. Leckstein stated that if DEP makes them change to the site plan they would have to come back to the Board for approval.

Mr. Lane asked if there is any fencing to protect the wet lands; they can't disturb any of the wet lands. Mr. Lane asked that the Board require fencing to protect the wetlands. Mr. Fotopoulos asked does Mr. Lane mean after the finished product. There was further discussion regarding protecting the wetlands and what easements would be needed.

Mr. Lane spoke about the environmental report regarding the county regulations of flooding. Mr. Pape stated they would challenge sub agency, he is not aware of it.

Mr. Lane wanted to speak about a marked up version of flood elevations, Mr. Leckstein asked Mr. Lane to bring the document to the applicant's attorney to look at before marking it in. Mr. Pape stated that he wasn't sure if the mark up is accurate. Mr. Lane explained all he did was make the numbers larger so that he could see them. Mr. Lane spoke about the flooding. Mr. Leckstein marked exhibit in as L1. Further discussion regarding the flood elevation and sea level rise.

Mike Palmisano, have you looked at the Coastal Act, there is a federal area that sits on the property by Cliffwood Beach, Mr. Palmisano spoke about that area. Mr. Zuegner stated that he is not familiar with that piece. Discussion regarding the areas that would fall under this.

Mr. Kovacs asked if CAFRA would know, no. Discussion regarding what the CAFRA would know.

Discussion regarding the Fiscal Analysis Impact report and who is responsible to deal with the financial impact of the development. Mr. Leckstein explained that is the Governing Body's responsibility.

Motion to close to the public at 10:14pm was made by J. Kovacs, second by R. Benedict with ayes by all present.

Mr. Pape stated that he has the author of the Traffic report available if anyone needs to hear from her, if not he will not call her as a witness. Councilman Goode stated that the changes that were made addressed his concerns.

Ms. Davidson asked about the construction traffic coming into the area; Mr. Pape stated they would work that out with the Police Chief.

Mr. Fotopoulos stated that no significant impact on traffic in West Front Street and in the neighborhood; Mr. Pape stated that the findings are in the report that is filed with the Board.

Mr. Pape stated that is the applicant's presentation.

Motion to open to the public at 10:24pm was made by K. Howe, second by R. Benedict with ayes by all present.

Andrew Kelsey, 29 St. Peters Place gave presentation on the coastal flood and the building with BFE+3.

Motion to close to the public at 10:33pm was made by J. Kovacs, second by L. Davidson with ayes by all present.

Motion to approve site application with conditions was made by J. Kovacs second by R. Benedict

Ayes: Mayor Aumack, Councilman Goode, R. Benedict, , J. Kovacs, L. Davidson, K. Howe, M. Sessa, J. Kovacs-Olsen

Nays: D. Fotopoulos

PLANNING BOARD PROFESSIONALS: Nothing to report

Motion to adjourn at 10:40 was made and carried.

The Special Planning Board Meeting will be Monday, October 29, 2018.