The Keyport Unified Planning Board held a Regular Meeting on November 3, 2022 which was called to order by Mark Sessa at 7:05 PM, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present**:** Mayor Kennedy, Councilmember Davidson, M. Sessa, N. Vecchio, H. Aumack, J. Oviedo, D. Pacheco J. Royster, W. McDermott, C. Dickerson

Absent: G. Kotzas

Professionals: Planning Board Attorney Marc Leckstein, Board Engineer Fran Mullan, Board Planner Kendra Lelie

RESOLUTION: KUPB #22-01
ARJIKA PROPERTIES
108 BROAD ST
BLK 60, LOT 6
VARIANCE RELIEF

Motion made by H. Aumack, second by D. Pacheco

Ayes: N. Vecchio, M. Sessa, H. Aumack, J. Oviedo, D. Pacheco J. Royster, W. McDermott, C. Dickerson

Abstain: Mayor Kennedy, Councilmember Davidson (Mayor and Councilmember abstained not because they didn't want to participate but because this application started as a use variance application)

Application KUPB 22-07, Katherin Chanduiv, 117 Broadway will not be heard at this meeting. The applicant didn't notice the paper in time, there will be a new notice sent to the paper with the January 26th hearing date. The applicant will not send out any further notice to the residents. Mr. Leckstein stated if anyone was present for this application they must come back on January 26th at 7pm to hear this application.

APPLICATION: KUPB 22-05
PINE BELT NISSAN, INC
111 HIGHWAY 36
BLK 51 LOT 22, 22.02, 23.02, 24, 25 & 25.03
BLK 52 LOT 1 & 2
SITE PLAN

Mayor stated that she would recuse herself since she is a customer of Nissan and recently purchased a vehicle from them. Mayor stepped down from dais.

Exhibit A1 – Application
A2 – Preliminary Site plan dated 7/14/22
A3 – Storm Water Management dated 5/17/22
A4 – Electrical Service Plans dated 7/13/22

A5 – Architectural Plans dated 1/13/22
A6 – Color rendering of site plan dated 11/3/22
A7 – Signage Exhibit dated 11/1/22
A8 – Survey
B1 – T&M review letter dated 10/18/22
B2 – Fire Official review dated 8/25/22
B3 – Traffic Officer review dated 8/29/22

John Giunco applicant's attorney explained that there are two phases for this application, one is the removal and demolition of the existing signs and the replacement if an existing building monument sign and the construction of new signs on Route 36. Also in that phase there would be construction of the EV stations on the dealership property.

The second phase would be the demolition of a building to make it a paved parking area for vehicles to be displayed. Mr. Giunco explained that Nissan updated their logo and the dealership had to become compliant with the company.

Mr. Andrew Comi, Engineer for the applicant.

Mr. Mullan spoke about the review letter and explained there was an outline on page 3 – completeness review. There are a number of items that the applicant has asked for waivers and in each case they have indicated that they had no objection with granting the waivers that the applicant has been seeking. One item (2K) was that a survey was requested for their review and that has been submitted to them.

Mr. Comi introduced Exhibit A6 which was the color rendering of the site plan. Mr. Giunco asked Mr. Comi to identify the property and to confirm the current use of the property. Mr. Comi spoke about the property he explained that it is located in the highway commercial district. The address is 111 Highway 36, the current use is a commercial use with a two story car dealership with sales and service. Mr. Comi stated that the building is set back approximately 72 feet from the highway. There is also an existing one-story building on the site that is set back 46.2 feet from the highway. The site complies with all the ordinances with the exception of two existing non-conformities relating to a metal shed at the rear of the site the rear set back is 3.3 feet to the property line were 16 feet is required and the building height is 18.3 feet where 16 feet is required for an accessory building. Mr. Giunco confirmed that those conditions remain from the 2014 site plan approval so it is an existing non-conformity; correct.

Mr. Comi explained Phase I consists of the demolition and removal of signs along of Route 36, the removal and replacement of the building mounted signs and an EV charging stations that will be constructed west of the existing building. Mr. Comi stated that they will be restriping the pavement.

Phase II would consist of the demolition of the one-story brick building and replacing it with a paved inventory parking area. The whole area will be restriped after the removal of the building and they are also proposing a larger inventory parking in the rear of the site which is currently a gravel parking area. They are planning on paving and stripping this area. The parking will increase from 234 to 289 parking spaces.

The landscaping is not changing they will to agree to replace and dead or dying landscape that is currently on site.

As far as storm water management they made sure they were compliant with the ordinance and the amount of new pavement does not trigger the storm water management regulation for additional measures. Most of the site drains toward Route 36 or the rear of the site.

Mr. Comi stated he had another exhibit which would show the new sign that is being proposed. Mr. Leckstein marked as A-7 Signage dated 11/1/22. Mr. Comi described the exhibit and the sign that is being removed and the sign that is being proposed. Mr. Giunco asked if the signs require any of variance; Mr. Comi stated that the pile sign the 35-foot-high brand sign does require a variance. Mr. Giunco confirmed that sign is replacing the sign that is currently on the site with the same height; yes.

Mr. Mullan asked if the existing sign that is 35 feet high part of the previously approved application. Mr. Comi stated that they did find a resolution from 2004 that had been part of that application. Mr. Mullan confirmed that the sign that was previously approved by the Board. There was further discussion regarding the change in the sign.

Ms. Lelie asked if the banners on the light pole are they going to be replaced; the light pole is not being replaced just the light fixture. Ms. Lelie stated that she didn't notice in the previous resolution if the banners were permitted as part of the original site plan approval. She asked if that was something the applicant is asking approval for; Mr. Comi stated he assumed so. Mr. Giunco stated that his client would like to have the opportunity from time to time to post the banners as required for their sales. It is his understanding that they obtain permits for them. Ms. Lelie stated that she wanted to have that testimony on the record.

There was further discussion regarding the banners on the sign and that they receive permits from the Borough.

Mr. Giunco asked regarding phase I there would be changes to the interior and exterior, yes. Mr. Giunco confirmed that there was no relief requested from the Board; no. Mr. Giunco stated that would be subject to the building permits; yes, that is correct.

Mr. Giunco asked if Phase II creates any variances; no, it is the removal of the building and the construction of the additional inventory parking.

Mr. Giunco asked if Mr. Comi had reviewed the T&M letter; yes. Mr. Giunco asked he could meet those requirements or have any discussion; Mr. Comi stated that they can agree to comply to all the remaining comments in the letter.

Mr. Comi explained that they are keeping the existing light pole replace with downward fixtures with led lights and providing outside shields this would be part of Phase I. The EV installation is part of Phase I as well.

Mr. Giunco spoke about the fire lanes in regards to the EV stations, they are not changing anything regarding that.

Mt. Mullan asked if the new pavement that is being proposed exceed the ¼ acre which would trigger the storm water; Mr. Comi stated that they are under the ¼ acre, so it complies with the storm water. There was further discussion regarding the storm water requirements.

Councilmember Davidson asked if the proposed sign was going to be a two pillar like it is presently; Mr. Comi stated that it will be solid. Councilmember Davidson asked if it would cause any visibility issue, no they are set far enough back. Councilmember Davidson asked if there would be lighting on the sign; there would be interior lighting. Mr. Giunco stated that all the changes would have to be approved and that his client is not seeking any further variances.

Motion to open to the public at 7:27Pm was made by Councilmember Davidson, second by N. Vecchio with ayes by all present.

Susan Simmons, 132 Ely Avenue, Laurence Harbor asked if the sign was going to be lite; yes, internal lighting. Mr. Giunco stated it is not digital and would be subject to building permit. There was further discussion regarding the lighting of the sign as well as the light poles.

Michael Lane, 51 First Street, spoke about the Borough's lighting ordinance that was adopted on August 16 he asked if the application has been reviewed based on that ordinance; Mr. Mullan stated he would double check. There was further discussion regarding the light ordinance for this application.

Mr. Lane mentioned that the ordinance has landscape or fence requirements; Mr. Giunco stated that they have agreed to replace dead or dying plants as indicated in the T&M letter.

Mr. Lane spoke regarding the site plan the tax map that was used is from 1995. He explained that there has been a lot of changes since 1995. Members of the Board sat through hearings regarding the Nissan lot being subdivided and that is not indicated in the plan. Mr. Mullan stated that he would ask the applicant's engineer to attest to that but the survey that was provided is dated 10/25/22 that is signed and sealed by a licensed surveyor. He believes that it shows the property as it exists both for the tax map lot number and lot lines. He asked that all to be verified by the applicant; Mr. Comi stated that Mr. Mullan was correct the survey is from this year. He added that it is pretty common that the tax maps are not updated regularly.

There was further discussion regarding the tax map updates and the date of the survey that was posted. Mr. Mullan stated the original date of the map was 4/18/22. Mr. Giunco stated the survey is signed and sealed.

Motion to close to the public at 7:39PM was made by Councilmember Davidson, second by N. Vecchio with ayes by all present.

Mr. Giunco stated that the architect is present but he doesn't feel they have to call him to testify because there is nothing changing on the building; Mr. Leckstein agreed he mentioned unless one of the Boardmembers had a question for him.

John Taikina, Planner for the applicant. Mr. Taikina spoke about the updates to the facade, lighting and adding EV stations. Mr. Taikina stated that they do need two variances one is to replace the 35-foot sign which was previously approved for 37.5 feet was installed at 35 feet and they are replacing at the same height 35 feet. He stated it is a solid sign opposed to one with two legs. The logo on top will be internally illuminated with LED.

The second variance is for the area of wall sign that are on the façade of the building. They are proposing approximately 320 square feet of signage whereas the Borough ordinance requires no more than 10% which would be 390 square feet but it also has an additional factor where it says no more than 100 square feet. Mr. Taikina stated 100 feet is the cut off. That are the two variances that are necessary which are C2 variances. Mr. Taikina gave the reasons for each of the variance that are needed as well as the benefits for the variances.

(Mr. Aumack left the meeting at 7:45PM due to a previous engagement.)

Mr. Taikina spoke about the positive and negative criteria as well as the Master Plan.

Mr. Giunco asked if he feels that replacement of the dead or dying plants an addition to the site; yes, he stated that the site is heavily landscaped, if there is something missing from the previous approval they will replace it.

Ms. Lelie asked about the existing signs that are on the building; yes. There was further discussion regarding the amount of signage that is currently on the building.

Motion to close to the public at 7:50PM was made by N. Vecchio, second by Councilmember Davidson with ayes by all present.

There being no comments or question it was closed to the public at 7:50PM by Councilmember Davidson, second J. Royster with ayes by all present.

Mr. Giunco stated that he feels the application is straight forward it is an existing business. The applicant is making the site more attractive. The lighting is a significant improvement and feels that the Board to approve the application.

Mr. Leckstein marked in the survey as Exhibit A-8.

Councilmember Davidson asked about the banners that are on the light post, she asked that they are following proper procedure for approval of the banners. She feels they are doing a great job improving the building and modernizing it and they are needed but she also wants to make sure that they receive the proper approval. Mr. Leckstein stated that he has in his notes as a condition of approval that they are following all proper procedures regarding the banner signs.

Mr. Vecchio asked what color the lights were; Mr. Comi stated that they are white. There was further discussion regarding the lighting on the building Mr. Pacheco asked if the lights were facing downward; yes.

Motion to approve the application was made by Councilmember Davidson, second by N. Vecchio

Ayes: Councilmember Davidson, Chairman Sessa, W. McDermott, J. Oviedo, D. Pacheco,
J. Royster, N. Vecchio, C. Dickerson

APPLICATION: KUPB 22-04
OYSTER BAY URBAN RENEWAL INC
50 BEERS STREET
BLK 22 LOT 32
SITE PLAN

Exhibit A1 - Application
A2 – Site plan dated 6/4/22
A3 – Storm Water Management dated 3/17/22
A4 – Architectural dated 4/1/22
A5 – Gazebo elevations dated 10/28/22
A6 – Photos (consisting of 4 pages)
A7 – Colorized site plan dated 11/3/22
B1 – T&M Letter dated 8/11/22
B2 – Traffic Officer report dated 6/16/22
B3 – CME letter dated 10/25/22

Mayor returned to the dais.

Jordon Gale, Attorney for the applicant – Mr. Gale stated that they are seeking to expand the kitchen area, to replace a gazebo, to construct a workshop building, to relocate and construct a trash enclosure and to replace the existing sign that is in front of the building. On one side of the new sign, it would be signature with lights there would be nothing on the rear of the sign.

Mr. Jordan stated that he had two witnesses the engineer Mr. Andrew Comi, the architect Jack Purvis and Mr. Robert Laughlin who is the manager at Oyster Bay.

Mr. Comi introduced exhibit A7 which is the colorized site plan for Oyster Bay apartments, it also has some other elements included. Mr. Comi described the property before the Board. He spoke about the properties that surround the property. Mr. Comi spoke about the parking lot as well as how the driveway works with this complex.

Mr. Comi explained that the workshop is going to be 900 square feet and would be located behind the building. The building will be 36 x25 feet it will be one story which measures 17 feet tall. Mr. Comi stated that the Board would hear from the property manager regarding the need for this building. Mr. Comi explained that he building would be used for minor repairs, to store materials and snow plows.

The next building would be the 10 x 23 pump out for the kitchen that is being proposed in the back of the building which is over existing concrete sidewalk which would have to be reconstructed to put a circulation around the back of the building. The building is approximately 12 feet tall at the highest point. The property manager will speak about the need for this change.

The existing trash enclosure which is located where the workshop building is being proposed so they have to relocated the enclosure. It will be relocated to the west of the workshop building which would be a 14 x 15-foot enclosure, there will be a concrete slab on the bottom and a six-foot fence on all four sides. The current plans show a board fence but after discussing with the property manager they would like to change the fence to a chain link fence with privacy slats like which currently exists. The Board engineer questioned how the trash pick up works; currently it is four times a week, three times for trash one time for recycling by a private hauler. The trucks enter from Beers Street they park across from the workshop building being proposed. The dumpsters are wheeled out from the enclosure to the trash truck, emptied and then wheeled back into the enclosure. This is the same way it is currently the only change is that the trash enclosure would be to the west. The flood plain manager had a comment about the fencing around the enclosure and that it should be designed to meet the coastal high hazard areas, they will satisfy that requirement as a condition of approval.

The gazebo is going to be 10x10 feet in the lawn area behind the building, there was a comment in the review letter regarding the current gazebo. The current gazebo would be eliminated once the permanent structure is installed. Mr. Gale confirmed that there will only be one gazebo; yes.

The new sign to replace the existing sign would be 74 x 76 inches, it would be internally illuminating with scrolling for announcements on one side. He believes the letters measure approximately 16 inches.

Mr. Gale asked for Mr. Comi to got through the variances. Mr. Comi spoke about the existing non conformities that will not change because of the application. Mr. Comi did state that there were two non-conformities that will change with this application. One is the impervious coverage where 60 percent is allowed, the existing coverage is 64.1 percent they are increasing that to 64.7 percent, that is a result of the new structures that were described. There is approximately 700 square feet of additional impervious coverage that is proposed. Mr. Leckstein asked if he would say that is de minimis; yes. There was further discussion regarding the additional impervious coverage.

The minimum usable open space is being reduced by the same amount where 83,200 square feet of open space is required for this site based on the number of units the existing conditions has 33,555 square feet of open space and they are reducing that again by the 700 square feet in the proposed condition.

Regarding storm water management, the site drains directly into the creek and that would not change. The only change is that they are adding that small amount of impervious coverage which has a de minimis impact to the creek.

They are not proposing any additional landscaping or lighting. There is one light pole within the footprint of the proposed workshop that would be relocated to the lawn area. In the gazebo they are proposing low level canopy lighting. The parking lot lighting will not change. Mr. Gale stated that there would also be lighting on the workshop; possibly some low-level lighting surrounding the building for safety. Mr. Mullan asked if they would be building lighted lights; correct.

Mr. Comi spoke about the comment in the engineer letter regarding NJDEP permit for the workshop building and the trash enclosure are in the riparian zone which is adjacent to the creek. He stated that is a regulated area and they have submitted permits months ago. They will provide those permits once they have received them. They do require a CAFRA permit and a flood hazard permit for the riparian zone disturbance.

Mr. Comi stated that they have reviewed the T&M letter and they could address all the remaining comments in the letter. Mr. Gale confirmed that the new trash enclosure would keep the bins out of sight; correct. Ms. Lelie confirmed that the gate would be the same as the fence enclosure. There was discussion regarding the photo's that were submitted regarding the shipping container in the picture.

Ms. Lelie mentioned that the sign does require a variance and wanted to make the Board aware that they would need a variance for this; Mr. Gale stated that in their notice they did say any other variances that the Board may require. There was further discussion regarding the existing size of the sign that is currently there and what is being proposed.

Ms. Lelie asked if they would be providing a walkway to the gazebo; Mr. Comi stated that they did have a discussion regarding stepping stones or something similar. Ms. Lelie confirmed that it wouldn't be a concrete walkway; no, possibly pavers. There was discussion regarding the amount of impervious coverage; Mr. Leckstein asked to have the impervious coverage and the sign information to him and Ms. Lelie.

Mr. Mullan asked for confirmation regarding the impervious coverage being less than ¼ acre; yes. The 115 parking spaces is that sufficient with the additional of employees associated with the workshop and kitchen. Mr. Gale stated that Mr. Laughlin would speak about that. Mr. Mullan confirmed that all new utilities would be underground; yes. Mr. Mullan added that they had no concern or objection to the five waivers that the applicant has requested.

Mayor Kennedy mentioned currently the sign is a triangle sign which can be seen either way on Beers Street. If the sign is only facing forward to the street with the back facing the residents. The residents wouldn't be able to see it or the traffic because you would be passed it when you are trying to see what is scrolling on the sign. Mayor asked if the sign is going to stay where the current sign is located with the landscape; yes. Mayor suggested that the sign be a double sided board so that it could be seen both ways. Mayor asked about the brightness of the sign, she explained that there was one recently installed that might be against the new light ordinance. She stated she would prefer to have a darker tone for the backdrop if possible. The one that was recently installed at the high school when driving down Broad Street is almost blinding. She feels it would be better to serve the town if this is going to have a scrolling message to be a double sided board. Mr. Leckstein explained that they cannot talk about the sides until the applicant speaks. As far as the lighting, there could be a condition that the applicant will work with the Code Enforcement Officer. Mr. Gale agreed to the condition.

Ms. Dickerson mentioned that she understands that they are not doing new landscaping but when they take out any dead plants that they be replaced; agreed.

Ms. Royster asked if there were any trees in the back of the building; Mr. Comi stated that he didn't observe any trees.

Motion to open to the public at 8:27PM was made by N. Vecchio, second by Mayor Kennedy with ayes by all present.

Michael Lane, 51 First Street, asked Mr. Mullan if he was going to deal with the flood ordinance; Mr. Mullan stated they did mention it in their letter and they also have the report from the flood plain manager. Mr. Lane spoke about the survey for the site he stated that the construction for the workshop would be located in the coastal high hazard area; correct. Mr. Lane stated that for construction in a high hazard area will the design be certified by an architect; yes, Mr. Comi stated that they will work with the flood plain manager.

Motion to close to the public at 8:30PM was made by N. Vecchio, second by Mayor Kennedy

Jack Purvis, Architect for applicant spoke about the gazebo and it would be a Home Depot product. It would be tied down. He did mention that he does like the concrete sidewalk. Mr. Purvis spoke about the two areas that the sidewalk could be placed. Mr. Leckstein recommended that Mr. Gale ask Mr. Laughlin to address the gazebo before moving forward.

Robert Laughlin, Building Manager of Oyster Creek – there was a discussion regarding the size of the gazebo which is a 10 x 10. After discussion it was decided that the size being proposed would be sufficient with a walkway.

Mr. Gale asked what the need a workshop; Mr. Laughlin spoke about the different phases that the building has been through in years that he has been the manager. He mentioned that there are no vacant apartments, their community room has been used for storing some of their equipment that they use daily. Mr. Gale asked the purpose of the workshop was to move all the equipment out of the community room and give that back to the residents and that you are able to do day to day activities in the workshop; yes, also by having the workshop it gets rid of the gray container which currently houses their winter equipment. The temporary trailer that is next to it will also be removed once there is a structure to house all the materials that is currently being stored in side the container. Mr. Gale confirmed that those two items would remain on the property until the work shop is completed and once the workshop is finished those two items would be removed; yes, during construction the gray container might have to be moved until they can unload it and the mobile trailer might have to be moved but their intent once the workshop is completed that these two items would be removed. There was further discussion why the workshop needs for this site.

Mr. Gale asked for Mr. Laughlin to address the need for the kitchen. Mr. Laughlin spoke about the transition that happened in 2019 along with the change there was a management company. The management company has other properties and many of the other properties have a small store for convenience for the tenants and also a working small kitchen which allows the them to hire a chef and serve meals. Being a nonprofit, the cost of the meals is just to cover some of the cost of having a chef who works with a nutritious to make sure the meals are healthy. It also allows the tenants that couldn't get around or that don't have enough money be able to feed themselves. There have been discussions regarding possibly having the chef put together some cooking classes because some of the residents might have forgotten how to cook. Mr. Leckstein asked if the kitchen was open to the public; it would be for the residents and their families not the public. The current kitchen area would be used as a store area and the bump out would be the cooking area. There was further discussion regarding what the store area would consist of.

Mr. Gale asked if the gazebo being proposed is an upgrade to what is currently on the site; yes.

Mr. Gale stated that one thing the applicant has to look at is if any of the neighboring properties would be impacted by these improvements. To the left of the property are condos; correct. Mr. Gale asked if there is anything behind the property; Luppatatong creek is behind the property. Mr. Gale mentioned to the right of the property is vacant land; yes, and in front of the property is a condo complex; yes. From Beers Street the only improvement that you would see is the side of the workshop and the new trash area; you would be able to see it at the far corner.

Mr. Gale mentioned that there were questions regarding the signage in front, the application shows a one sided straight forward sign and there was a question regarding having a two-sided sign so you would be able to see it going both directions of Beers Street; Mr. Laughlin stated that would not be an issue, he isn't sure of the dimension that would change the sign. They would have to check with the sign company. Mr. Gale asked if that was a condition of approval would they have any issue with trying to obtain that; no.

The question regarding the parking lot and how many additional employees would the kitchen and the workshop bring to the site; no more than two. Most of the other properties are ran by the chef and either a volunteer cashier or tenant cashier not adding to the parking. Further discussion regarding the possible two additional cars causing any issues with the parking at Oyster Bay.

Mr. Vecchio asked if the hours of operation for the kitchen; it would be 9am to 5pm, so they could do a breakfast, lunch, dinner menu.

There was further discussion regarding the double sign for the site. Councilmember Davidson asked why electronic. Mr. Laughlin explained that it is not only for the tenants but it would also help the residents know what is going on in town. Mr. Leckstein asked if there was going to be an advertising; no. Mr. Leckstein asked if that could be a condition of approval; yes. Mr. Gale stated that they would adhere to the ordinance. Ms. Lelie stated that the ordinance prohibits the flashing of the letters. Further discussion regarding what the lighting for the sign would be.

Mr. Vecchio stated that he can agree that there is no space for storage in the building that this there only option.

Motion to open to the public at 8:56PM was made by N. Vecchio, second by Mayor Kennedy with ayes by all present.

There being no comments or questions, motion to close to the public at 8:56PM was made by Mayor Kennedy, second by Councilmember Davidson with ayes by all present.

Mr. Purvis spoke about the bump out to the existing kitchen he stated that currently the kitchen that is being used is more of a residential kitchen if they were going to use that kitchen, they would have to bring it up to code. The current kitchen will be used as a store and the bump out that is being added will be a commercial kitchen with the correct equipment. It is not very large it would be a two-person operation.

The workshop garage area would be used for snow removal equipment, they would have a table saw and some other equipment to do repairs. It would have electric there is no water. They will have a unit for heat and air in the office area, no sure what type of heating. Mr. Leckstein asked who would be in the workshop; only employees. There was discussion regarding what type of materials would be used for the workshop. Mr. Vecchio asked if it would match in color; yes. Mr. Leckstein stated that would be a condition of approval.

Mr. Mullan asked if Mr. Purvis has read the flood plain manager's letter; yes. He asked Mr. Purvis to discuss what they are planning to do. Mr. Purvis stated that they were planning are doing flood proofing. Mr. Mullan asked if that they comply to the zone; Mr. Purvis stated when they go for the building permits, they would have to be to code.

Ms. Dickerson asked if there was no water in the workshop where would the employees wash their hand. Mr. Laughlin stated in the main building in the public restrooms.

Motion to open to the public at 9:04 PM was made by Mayor Kennedy, second by N. Vecchio with ayes by all present.

Michael Lane mentioned that the present survey shows that the workshop is the special flood hazard area and he feels that the structure has to be built with breakaway walls and on built on piles all the way up to secure the roof. These criteria have been applied to 45 Beers Street and 44 Beers Street as well as other properties. He doesn't understand why the architecture for the workshop is not in alignment with that construction. Mr. Purvis explained that there are two different methods for building in a flood zone, one is the one that Mr. Lane mentioned. The other is where you have the pilings that go up to the flood elevation plus three, you would still have to put in vents for the water to flow in and out. You would also have to build walls that could be knocked out by the water pressure or waves. They are using the first method they are building the structure to hold the water out; they are putting gates where every door is so the water cannot come in. There was further discussion regarding the flood ordinance and whether this method meets the ordinance.

Mr. Lane stated that the architectural drawings for the flood area you have to delineate the plans; Mr. Purvis stated that they are not on the drawings. Mr. Lane asked about the CME report that it would approve flood plain permit. Mr. Mullan added that the project has to meet the criteria for the permit. Further discussion regarding what Mr. Taylor's letter says regarding issuing a permit.

Motion to close to the public at 9:14PM made by Mayor Kennedy, second by Councilmember Davidson with ayes by all present.

Mr. Gale stated that his client is looking to improve this property and he asked the Board to approve the application.

Motion to approve application with conditions that were cited by Mr. Mullan and Mr. Leckstein was made by Mayor Kennedy, second by N. Vecchio

Ayes: Mayor Kennedy, Councilmember Davidson, Chairman Sessa, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio, C. Dickerson

PLANNING BOARD PROFESSIONALS: Mr. Mullan stated that we have full agendas for the rest of this year and we are starting to schedule applications for 2023.

Motion to adjourn the meeting at 9:18PM was made by Mayor Kennedy, second by Councilmember Davidson with ayes by all present.