

The Keyport Unified Planning Board held Regular Meeting on August 23, 2018 which was called to order at 7:04 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, N. Vecchio, D. Fotopoulos, J. Kovacs, L. Davidson, K. Howe, M. Sessa, J. Kovacs-Olsen

ABSENT: J. Oviedo

Marc Leckstein, Planning Board Attorney, Donna Miller, Planner, Robert Yuro, Engineer

MINUTES: July 26, 2018

Motion to approve minutes made by D. Fotopoulos, second by R. Benedict with ayes by all present.

COMMUNICATION: Letter from St Joseph's – SVDP Pantry regarding resolution conditions item 10 & 12 relating to refrigeration.

Discussion regarding the refrigeration being included in the resolution. Resolution only change was to take out the section stating no refrigeration.

RESOLUTION AMENDED:

**ST. JOSEPH CHURCH
KUPB 18-05
BLK 5 LOT 18
SITE PLAN**

Motion to approve was made by D. Fotopoulos, second by J. Kovacs

Ayes: M. Goode, N. Vecchio, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos, J. Kovacs, K. Howe

Abstain: Mayor Aumack

**RESOLUTION: RBSM CONSULTING
KUPB 17-08
22 VAN DORN ST
BLK 99, LOTS 13 – 15
USE VARIANCE / SITE**

Motion to approve Resolution was made by J. Kovacs, second by N. Vecchio

Ayes: Mayor Aumack, M. Goode, N. Vecchio, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos, J. Kovacs

Abstain: K. Howe

NEW BUSINESS:

**APPLICATION: Mariners Village
 KUPB 17-07
 Blk 20, Lots1-3, 5, 6, 6.01, 7, 9, 11.01, 13, 14, & 14.01
 Site Plan**

Mr. Vecchio recused himself since he lives within the 200 feet of the application.

Exhibit A1 – Preliminary and Final Site Plan dated 7/31/17 revised 1/22/18
Exhibit A2 – Major Subdivision plan dated 1/24/18
Exhibit A3 – Turning analysis plan dated 1/22/2018
Exhibit A4 – Boundary & Topographic survey dated 9/16/2017 revised 7/11/2017
Exhibit A5 – Architectural elevations dated 7/18/2018
Exhibit A6 – Traffic Impact Statement for Mariners Village 7/31/2017
Exhibit A7 – Storm water management dated 8/1/2017 revised 2/13/2018
Exhibit A8 – Operating and Maintenance manual for storm water management dated 7/18/2018
Exhibit A9 – Sanitary Sewer Engineers report dated 10/18/17
Exhibit A10 – Engineer Report for water Service dated 11/5/2017
Exhibit A11 – Environmental Impact report dated 8/1/2017
Exhibit A12 – Fiscal impact Analysis dated 6/1/2018
Exhibit A13 – Mariners Village overlay of aerial dated 8/20/2018
Exhibit A14 – Line enhancement of Exhibit A2

Exhibit B1 – Browns Point Redevelopment Plan dated 1/20/2017 revised 4/12/2017
Exhibit B2 – T&M letter dated 7/11/2018
Exhibit B3 – T&M version of A2 enhanced showing the property lines and existing lot lines that will be eliminated

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

Mr. Ken Pape introduced himself as the applicant's attorney. Mr. Pape confirmed that all notices were received; yes. Mr. Pape asked if all items from T&M letter were addressed; there was discussion regarding the completeness letter.

Mr. Pape explained that the application is for a preliminary and final site plan for an apartment building which was part of the redevelopment plan. There is also a subdivision that the applicant will be seeking. He explained that they want to take nine properties and subdivided into two. One for the building that is being present to the Board at this meeting and the other for the Marina.

Mr. Pape spoke about the redevelopment plan there is language that states that there is a provision for land use plan, Mr. Pape is asking for relief from this board this evening the second step would be to come before the board would be subdivision. There was further discussion regarding what is needed for this application.

Mr. Pape spoke about the professionals that will come before the Board.

Mr. Pape mentioned there were three items that the applicant would have to go to Mayor and Council for enter into the developers agreement, the pilot program and the applicant would have to ask Mayor and Council about vacating a small portion of one of the streets that on the property.

Mr. Louis Zuegner, Engineer for the applicant described exhibit A13 and the properties surrounding the project and how it conformed to the redevelopment plan.

Mr. Zuegner explained what properties were included in the subdivision application. He explained that there will be 120 residential apartments in the one building, he described the areas around the building and the parking. He stated that there would be nine (9) public parking spaces and there would be a public pier for kayak or canoe launching with a floating deck. There would be a trail that would go out to the water and there would be a dock gate with a pad lock to the Marina. Mr. Zuegner spoke about the drive isle for the building and the access to the building. Mr. Zuegner also mentioned that there is an outdoor area which is pet friendly which would be done in artificial turf they would place planters. Mr. Zuegner described the rest of the area around the building.

Mr. Pape spoke about the two separate reports the redevelopment plan establishes the goals and responsibility of the applicant and the site plan has certain elements like signage, landscape and grading. Mr. Pape asked Mr. Zuegner to describe the grading for the apartment building. Mr. Zuegner explained that the building is 16 ½ feet above the flood elevation. There was further discussion regarding the grading and drainage of the building.

There was discussion regarding the way storm water management was going to be handled and the design of the plan. Mr. Pape asked if he can and will satisfy all comments the board professionals have; yes.

There was discussion regarding the driveway and the drop off of the tenants. Mr. Zuegner described the circular drop off zone. The applicant will be having a van that brings the tenants to the train station and this would be the area that would pick up the tenants. They are also having battery operated vehicles available to the tenants. Mr. Leckstein asked if the van service is part of the condition of approval; yes.

Further discussion regarding the van service and zip cars for the tenants of the building. They are not sure about the number of zip cars that are available.

Mr. Kovacs asked about going to the bus station; right now it was stated the train station. If it is needed to have service to the bus they will accommodate the tenants. There was further discussion regarding the zip cars and van service.

Mr. Fotopoulos asked for clarification the public regarding the redevelopment plan that was approved by Council. He stated that the density was approved by the Borough Council; Mr. Pape stated the redevelopment plan has the number of units the location and the bulk standards. There was discussion regarding the bulk standards. Mr. Leckstein stated that the plan was completed on 1/20/17 last revised 4/12/2017, adoption would be May.

Mr. Pape asked about the landscape elements of the plan, Mr. Zuegner explained that there is over 10,000 square feet of wetland reconstruction which is a major element of the landscape plan. There will be plants by the drive isle. They are going to use native indigenous plants there was further discussion regarding the plan.

There was discussion regarding the lighting plan and what type of light would be used for the site. Mr. Zuegner explained that the light poles will be approximately 12 feet and there would be lights on the exterior of the building, there was discussion regarding the led lighting.

Mr. Fotopoulos asked for confirmation as to whether the Marina was public or private; Mr. Pape stated that it is separate. Mr. Fotopoulos asked if they would see the plans at a future date; yes. There was further discussion regarding the gate. Mr. Mullan asked if the gate to the Marina going to have a code; Mr. Zuegner stated that would be left to the building management

Mr. Pape asked about the type of signage that was going to be on the property; Mr. Zuegner stated that there would be a two foot by 4 foot sign mounted by pillars. There would be landscaping around the sign.

There was discussion regarding the number of onsite parking spaces for the apartment complex. Mr. Kovacs asked about emergency lighting; Mr. Pape stated that Mr. Mino would be addressing that.

Mr. Pape asked Mr. Zuegner if there was anything except for the one item on the T&M letter that he cannot address; no.

There is a request in the report that asks the applicant to make repairs to roads that are not part of the project. Mr. Leckstein stated it is 1.7 in the letter. Mr. Mullan stated it was on page 1.4 on page 11. Mr. Pape asked that condition be removed. Mr. Mullan explained that the traffic in the area for the project will affect the curbs and the sidewalk and asks that the curbs be fixed as well as mill over the roadway after the project is complete. Mr. Pape stated that if any of these items are damaged during construction the applicant will be willing to repair. There was further discussion regarding the repairs to the road, sidewalks and curbs.

Mr. Mullan stated that he wanted to note that he believed the applicant is willing to comply with all items except for 1.7. Mr. Mullan spoke about the conditions in the T&M Report. Mr. Mullan asked Mr. Zuegner to turn to page 22 in the report, item 9.4 NJDEP approval for projects, he asked for a summary of that application. Mr. Zuegner explained what permits would be needed. Mr. Mullan asked if there design applies to all the criteria required and you feel you will be able to obtain all the permits; yes.

Mr. Mullan had one comment, should the permits go forward and DEP required any changes to the plan that the applicant come back to the board for approval or amended approval. Mr. Leckstein stated he would make that as a condition of approval.

There was further discussion regarding the approval of the permits. Mr. Pape stated they agree if there are any substantial changes to the plans they will return to the Board.

Mr. Mullan mentioned item 7.6 regarding the Marina property if there are any improvements; Mr. Pape stated that they have under the obligation of the redevelopment plan to come back to the Board for site plan and at that time these issues will be addressed.

Mr. Mullan mentioned the landscape and lighting plan he asked that the adjoining property owners should have some impact on that. Mr. Mullan asked how they would report back to the Board how this will be taken care of. There was discussion regarding what area Mr. Mullan was speaking about. Mr. Pape stated that they will meet with the neighbors as well as professionals to make sure the landscape meets the approval.

There was discussion regarding the synthetic grass area in the dog park.

Mr. Mullan asked about the sanitary sewer lines and the water pressure. If something needs to be changed Mr. Mullan wanted to make sure it would not be the responsibility of the Borough and the applicant would be responsible; yes.

There was further discussion from the Board regarding the water pressure and how they feel it would be affected with the additional apartments and the fire system.

Mr. Fotopoulos asked what professional would be addressing the traffic flow, truck sizing and construction debris; Mr. Pape stated that they are relying on the traffic study they weren't planning on providing and further explanation. Mr. Fotopoulos mentioned a drawing that was included in the application, Mr. Fotopoulos stated that he has question regarding the drawing. Mr. Zuegner stated he would be the correct person. There was discussion regarding the size of the truck that they are going to allow to enter the apartment. Mr. Zuegner stated usually it is a thirty foot truck. The truck would be controlled by the lease and conform to the plans.

Mr. Fotopoulos asked about access for the fire trucks, the Mayor stated that the trucks are longer than thirty feet. There was discussion regarding what access point the fire truck would use. There was further discussion regarding getting a fire truck to the building. Mr. Zuegner stated that there was a couple of means they can access by the sidewalk over the mountable curb.

Mr. Leckstein stated that they would have to meet all the fire sub code conditions for the approval. There was further discussion regarding the fire access.

Mr. Fotopoulos asked about the run off of construction debris; Mr. Zuegner explained what they would be doing to prevent the construction debris on their property. There was further discussion regarding this area.

Mr. Leckstein stated that they will pull the silk fence back five foot fence. There was discussion regarding the height of the soil stock pile.

Mayor Aumack asked for clarification regarding the new street that is coming off of West Front street elevation. Mr. Zuegner stated at the lowest point is 7 or 8 feet. Mayor stated that there will be water on the roadway with the tide. He asked if they will open the emergency access open to the residents when that road gets flooded. There was discussion regarding the roadway.

Mr. Howe spoke about shuttle service for the train, if more people take the bus would that be addressed. He asked that instead of specifying the train can we say transportation. Mr. Leckstein stated that they would have to say train since that was part of the plan. If the applicants wants to provide service to the bus as well that is fine. The resolution would have to have a place.

Mr. Howe asked if they have any concern regarding the overhead wiring; Mr. Zuegner stated that all their wiring will be underground there are rules regarding what they can and cannot do.

There was discussion regarding if the Borough chose to vacate part of Broadway if they checked to see if there is any sewerage. They will check and see if the Borough agrees to vacate it will remain public right of way. There was further discussion regarding what street was going to be vacated.

Mr. Howe asked if the storm water was going to be a natural filter and who would be maintaining it; Mr. Zuegner explained how the process was going to work.

Mr. Benedict asked about water regarding the access road, he wondered if it would be an advantage to raise the road so the tenants would have to deal with the flooding. There was further discussion regarding the access road flooding and raising the grading for that area and adjoining properties.

Motion to open to the public at 8:46pm was moved by K. Howe second by L. Davidson with ayes by all present.

Nicole Leising, 16 Broadway, asked how high the fence along the property was going to be and what was it going to look like; it will be six foot solid white vinyl fence long the property with landscaping. Ms. Leising asked how the construction impact will affect her house. She lives close to the project and her property is a historic home. Mr. Zuegner stated it would low impact, there will be no work on her property. They are five feet off her property line. They are only going to go the property line for the fence and landscape. Ms. Leising asked what if something did happen; Mr. Leckstein explained if anything gets damaged during construction the applicant would be responsible for repairs.

Mr. Mullan stated that in the redevelopment agreement it would spell out all details, it would give all contact information for complaints and noise. Mr. Leckstein stated that the contractor would have to obey all construction codes and regulations. There was further discussion regarding Ms. Leising concerns regarding the start time for construction. Mr. Leckstein stated that could be part of the developer's agreement.

Michael Lane, 51 First Street, spoke about the First Street construction. Mr. Lane asked about the proposal for future driveway access off West Front to the apartment building. Mr. Lane if there is any reason that area couldn't be used for construction vehicles? He asked that the board make it as a condition for all vehicles to access that way; Mr. Zuegner explained that they cannot make that the only access. Mr. Pape stated he will meet with the police department to discuss the access to the building. There was further discussion regarding the construction noise and the dirt that would be left from the trucks. Mr. Leckstein stated that all that would be part of the developer's agreement.

Mr. Lane asked about the elevation for the cinder path; will vary it would follow ground level. There was further discussion regarding the elevation. Mr. Pape stated that they have zero chance to get permission to pave that area. Ms. Miller stated she can make some suggestions on other products. There was further discussion regarding alternative materials as well as the wave action to this part of the project.

There was discussion regarding what part of lot six was staying with the Marina. Mr. Lane feels that the lot lines are not clear. Mr. Zuegner asked that exhibit A14 be submitted he explained that A14 is the line enhancement of A2. Mr. Zuegner described the lots on this exhibit. Mr. Mullan asked that Exhibit B3 – T&M version of A2 - enhanced showing the property lines and existing lot lines that will be eliminated be entered. Mr. Mullan explained the exhibit and what lots were going to be eliminated. Further discussion regarding the lots continued. Mr. Benedict stated that they will have to come before the board for a site plan for the Marina. Ms. Miller explained the reason for that.

Mr. Mullan confirmed that the public pier, public walkway, kayak would be cared for and operated by the building; yes and the public access. There was discussion regarding the gate that is by the marina and the public access.

Mr. Lane stated that as a condition of approval there would be a site plan for Marina. Mr. Lane asked for clarification as to if this would have to be done before any permits were issued; Mr. Leckstein stated that would have to be done as part of the application.

There was discussion regarding the AE zone of the project, Mr. Lane was concerned that the drawings showed an inconsistency and wasn't the same as what was in the engineers report. Mr. Mullan asked if all maps would be revised for consistency; yes.

Mr. Leckstein stated that they will have to comply with all building codes. Ms. Miller stated that the architect will be able to address some of the issues that Mr. Lane has.

There was discussion regarding driving piles into the ground, Mr. Leckstein explained that is part of the building codes. Mr. Leckstein explained that his concern regarding discussing the way the project would be built, the Board cannot deny an application because they don't like the way it is being built as long as they follow the building codes.

Mr. Pape asked for a five minute recess. Motion made and carried.

Mr. Benedict called the meeting back to order at 9:52pm

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

Mr. Benedict stated that we are still open to the public.

Mr. Pape stated that he understood the Board has an 11pm curfew and he has other witness. He would like to let the other professionals leave. The engineer will remain to answer any question from the public and the Board.

Heather Walsh, 254 Beers Street/16 Washington Street. Ms. Walsh stated that right now when it snows it gets pushed to the end of the street where will it go when the building is built and curbs are added; Mr. Zuegner stated that the municipality will have to have a plan.

Ms. Walsh asked when the traffic study was done when the bridge was out or prior to the bridge being out; 2017. Mr. Leckstein explained that the witness did not do the traffic study.

Ms. Walsh asked about the nine (9) public parking spaces she asked if there was going to be visitor parking for the residents as well in that area or does that include the nine (9) spaces; Mr. Zuegner stated they are required one space per unit in the garage so there would be visitor spaces in the garage. There was discussion regarding the number of vehicles each unit would have. Mr. Pape explained that is why they included the zip cars and vans. Mr. Leckstein asked if there would be a way to limit parking in the garage residents only. Mr. Pape stated that the lot is only for the residents. Mr. Leckstein asked if visitors to the residents be able to access the garage; yes they would call up to the tenant. There would be some type of gate at the garage. There was further discussion regarding the amount of parking spots. Mr. Zenger stated that there are 55 spaces for either visitors or second cars.

Ms. Walsh stated that now her property has a water view when the building is built the only view she will have is the building; Mr. Zuegner stated that the view back yard will not change. There was further discussion regarding the views from her property.

Alan Yunker, 28 Washington Street, at the first meeting he understood the building would be a three story building and they would enter and exit through the Marina; Mr. Zuegner stated that the entrance would be West Front Street. The Marina is separate; Mr. Leckstein confirmed that there would be no access.

There was discussion regarding the height of the building. Mr. Yunker stated he feels there will be a lot more parking problems.

Mr. Sessa stated that the redevelopment plan regarding the parking spaces and the Board was convinced that the items they were doing would elevate some of the issues. One example they gave was Red Bank. The Council has the right restrict parking so they can place residential parking permits on the streets.

Councilman Goode stated that the Council would definitely look into parking permits.

Nicholas Vecchio, 36 Broadway, Resident – asked if they were going to have to eliminate parking will a truck be able to pull out; yes.

The foot of Broadway is heavily overgrown; they were not going to touch that area. There was further discussion on clean up the area and replacing some of the plants as long as it doesn't trigger and DEP limit.

Councilman Goode stated that they are going to make the grounds as nice as possible.

Andrew Kelsey, 29 St. Peters Place spoke about the tidal flooding and moon tides for this property. There was discussion regarding the flood elevation of the building.

Al Degracia, 23 W. First Street, asked if the height ordinance was 35 feet. Mr. Sessa explained that this is a redevelopment project. In the redevelopment they eased some of the requirements; Mr. DeGracia confirmed that it is just for this property; yes that is correct.

Mr. Degracia main concern is parking, he questioned the amount of spots allowed per unit. Feels there will be an overflow asked to keep that in mind. Understands that this has already been decided but for future applications.

Elmer J. Graham, Jr., 22 St Peters Place, stated he would recommend this application to be approved.

Kathleen McNamara, 162 Broadway, challenges the traffic study that there will be no impact on Broadway. There was discussion regarding the traffic. Ms. McNamara feels it is encouraging using the van with only two (2) van rides in the morning, and two (2) options in the evening. Mr. Leckstein asked if there were van hours. Mr. Pape stated that they have agreed to have a minimum of two (2) rides per day Monday through Friday. There was further discussion regarding the amount of trips to the train. Mr. Pape stated once it is started it will be adjusted to the need of the community.

Ms. McNamara stated that she heard a few people say that they thought the building was going to be three (3) stories. She stated that is what she thought it was as well Ms. McNamara asked if they could explain what is proposed; five (5) stories. There was further discussion regarding the stories of the building.

Ms. McNamara asked if 3/15/2017 is the most recent Browns point plan; Mr. Leckstein stated the most recent is 4/12/17. There was further discussion regarding the changes in the plan regarding the amount of stories of the building. Mr. Pape stated that the architect will explain the height of the building.

There was discussion regarding what constitutes a high density project. Ms. Miller explained that in the Master Plan they did create those thresholds, Ms. Miller stated that this is a redevelopment plan and with a redevelopment area there are special needs. Ms. Miller explained further why certain items are allowed in the redevelopment area.

There was further discussion regarding the developing of a Master Plan and redevelopment areas.

Mr. Fotopoulos stated that the density of the project was an issue for the Board.

Andrew Kelsey asked if the applicant would be willing to unbundle that the parking and possibly rent them separately. There was discussion regarding the possibility of doing this. Mr. Pape stated that he will explore it. Mr. Leckstein stated he doesn't think it should be done separately. Further discussion regarding renting the spots separately.

Ms. Davidson asked for clarification regarding the number of spaces; 185 spaces which that includes the spaces on the street.

Al Degracia one comment regarding parking he visit someone that lives in a building like this and what they do is the tenant parks on the street and the visitor parks in their assigned spot.

Councilman Goode stated that he believes it will be a management issue, if it spills out on the street then the Council can do permit parking.

Mike Lane asked about the gates, when he looks at the roadway how are people going to turn around; Mr. Zuegner stated they created a turn around. There was discussion regarding the gates and how the tenants will get in the parking area.

Motion to close to the public at 10:42pm was made by K. Howe, second by L. Davidson with ayes by all present.

K. Howe asked if the Traffic Planner be available for the next meeting he has a few questions that he would like to have addressed. Also, Blk19 Lot 3 when a van exits it will be in the front lawn would it be possible to reverse the flow.

Mr. Leckstein suggested that before the next meeting they should meet with the fire sub code official, police, recycling.

D. Fotopoulos asked if the 30' right of way includes the side walk; yes. That makes the right of way 20'. There was further discussion regarding the turn radius and parking.

Motion to continue to the October 25, 2018 at 7pm without further notice was moved by M. Goode, second by J. Kovacs with ayes by all present.

PLANNING BOARD PROFESSIONALS: Progress on applications

D. Miller gave update on 333 First Street – T&M meet with professionals

Motion to adjourn the meeting 10:50pm was made and carried.