

The Keyport Unified Planning Board held a Regular Meeting on April 25, 2024, which was called to order by Joseph Merla at 7:00 PM, the Sunshine Law Notice was read followed by the Flag Salute. Chairman Merla asked for a moment of silence for Michael Leckstein.

Present: Mayor Araneo, Councilmember Peperoni, Chairman Merla, H. Aumack, M. Sessa, C. Demarest, J. Kovacs-Olsen, D. Pacheco

Absent: W. McDermott, J. Oviedo

Professionals: Board Attorney Marc Leckstein, Fran Mullan, Aaron Kardon T&M Associates

MINUTES: MARCH 28, 2024

Motion to approve was made by R. Peperoni, second by N. Vecchio

Ayes: Mayor Araneo, Councilmember Peperoni, Chairman Merla, D. Pacheco, M. Sessa, N. Vecchio, C. Demarest J. Kovacs-Olsen

Abstain: H. Aumack

**RESOLUTION: KUPB 24-04
DENISE NELLIS
BLK 11 LOT 1
ZONING APPEAL – 171 THERESE ST
BLK 14 LOT 8**

Resolution was carried to the May meeting.

**RESOLUTION: KUPB 24-03
24 BROAD STREET, LLC
BLK 21.01 LOT 54
MAJOR SITE PLAN/VARIANCE RELIEF**

MOTION TO APPROVE RESOLUTION

Motion to approve resolution was made by Councilmember Peperoni, second by Mayor Araneo

Ayes: Mayor Araneo, Councilmember Peperoni, M. Sessa, N. Vecchio, C. Demarest, J. Kovacs-Olsen

Abstain: Chairman Merla, H. Aumack D. Pacheco

**APPLICATION: TODD AND AMY LIEBMAN (request to be carried to the May 23 meeting)
ZONING OFFICER APPEAL OF
39 MAPLE PLACE
BLK 76 LOT 8**

Application carried to the May 23rd meeting at the request of the Attorney

**APPLICATION: KEYPORT YACHT CLUB
 93 FIRST STREET
 KUPB 23-14
 MINOR SITE PLAN**

Chairman Merla stepped down from the dais because he lives within 200 feet of the application. Vice Chairman Aumack continued with the meeting.

Exhibit A-6 7/5/23 revised plan with Fire Lane 3/18/24
Exhibit A-7 Email from T. Vecchio
Exhibit Z1 – four pages
Exhibit Z2 – concerns about the Gazebo
Exhibit Z3 - six-page document regarding parking lot
Exhibit F1 – five pictures
Exhibit F2 – three photos of back view
Exhibit L1 – nine pages
Exhibit L2 - KYC site plan

Mr. Alfieri summarized what occurred at the previous meeting regarding the application. He reminded the Board that the Police are in favor of the application.

Mr. Kee explained that they had a discussion with Mr. Vecchio regarding his concerns and what they needed to change for the fire lane. Mr. Kee described the changes of the fire exhibit. He explained that the planters were removed from the right a way and the additional parking would be at an angel. Mr. Kee explained that is where Mr. Vecchio wanted the twenty-foot emergency access easement all the way to the street. They added the no parking fire lane signage so that no one would park in the space. Mr. Leckstein confirmed that it is not a formal easement and just a fire lane; yes. Mr. Kee stated that they reinstalled parallel parking by the fire lane so that they would not lose parking.

Mr. Alfieri explained that was all the changes that were made to the plans. Mr. Leckstein confirmed that was the only change from what was being presented to the old plan; correct.

Ms. Kovacs-Olsen asked if there was any improvement to the road; yes, they are going to be striping the layout plan. Ms. Kovac-Olsen asked if they were going to pave this area; yes. Mr. Leckstein explained that would be a condition of approval.

Motion to open to the public at 7:15PM was made by Councilman Peperoni, second by J. Kovacs-Olsen with ayes by all present.

John Ziemian, 89 First Street explained that he had a number of concerns. Mr. Leckstein asked if he was opposing the application; pieces of the application. Mr. Ziemian handed out exhibit Z1, he explained the first picture showed the back of his yard. The Yacht Club property extends further than the fence. Although they put a privacy fence down the side of his yard, they didn't get rid of the old stockade fence and they did not add anything to stop their patrons from going into his

property leaving him with an insurance liability. Mr. Leckstein asked if he is requesting the applicant to extend the fence to the street line; not the street line. There was discussion regarding the fence extension; Mr. Mullan explained to the end of lot 15; yes. Mr. Alfieri stated that the Yacht club was proposing to plant six-foot high arborvitaes in lieu of the fence; Mr. Ziemian agreed that would be fine.

There was discussion regarding the existing fence, Mr. Alfieri has agreed to move the fence to the Yacht club's property line. Mr. Leckstein confirmed that the fence would be moved and if damaged; Mr. Alfieri stated that they would replace it. Mr. Mullan added that the fence would be same fence and size.

Mr. Ziemian spoke about the noise from the gazebo, he asked if there would be loud music and drinking. Mr. Alfieri explained that they would not have bands, dancing it is just for them to sit and admire the view. The Yacht Club would not be selling alcohol. If a member wants to bring a drink from the club to the gazebo that would be allowed but they will not be selling alcohol at the gazebo. Mr. Alfieri stated that it would close when the club closes, they would not stay opened past that. Mr. Alfieri stated that there is not room for a band and that there is no electricity at the gazebo. Vice Chair Aumack stated that it is an eight-foot gazebo, which is very small.

Mr. Mullan stated that the applicant has already represented that there will be no music or any kind, there is no electric at the gazebo. He confirmed that there would be no light in the center of the gazebo there would be no table service. The members would just carry their refreshments to the gazebo; that is correct.

Mr. Ziemian stated that the second item on his exhibit is privacy. The gazebo is 8 feet and 14 1/2 feet high. Mr. Ziemian asked how far off from the ground would the gazebo be, he is concerned once the foundation is under the gazebo that people would be able to see inside his home and yard. Mr. Alfieri stated that the gazebo would be above ground as much as needed but not the height of the fence. Mr. Mullan explained that the plans currently state that the gazebo has a floor surface he believes is 2x6 that would be laid flat, which are set by a 2x6 inch floor joist. It will be one six-inch step up from the lawn into the floor of the gazebo. They are not proposing and T&M will restrict that the floor cannot be raised a foot or two. There was further discussion regarding the elevation of the gazebo. Mr. Ziemian also was concerned about the debris left by the party goers at the gazebo, he is requesting that they place trash receptacles along the old Atlantic Street with easy access for people leaving the gazebo and the fire pit. After discussion the Club agreed to have a garbage can at this location.

Mayor Araneo asked about the light poles that are being proposed, she wanted to know if they were existing lights; Mr. Alfieri stated that they are being proposed. Mayor asked if the lights were facing into the street or into where the gazebo area; Mr. Kee stated it was all for the parking.

Mr. Ziemian stated his last concern is regarding the parking lot. He is asking that the applicant go by the Land Use regulations and town ordinances. Mr. Alfieri stated to his knowledge there are no variances associated with the new parking lot except that they are asking for gravel instead of blacktop, he stated that there is no set back. Mr. Ziemian stated if you look at the design you have eliminated the five-foot boundary between the fence against his lot and the club's parking lot.

There was discussion regarding the set back of the parking and the Land Use regulations; Mr. Alfieri stated that Mr. Ziemian was correct and that variance was mentioned in the T&M report. Mr. Alfieri stated that to do that they would have to eliminate half the parking spaces and then the club would be better off leaving it the way it is and he isn't sure who would benefit if that was done. Mr. Alfieri continued to explain that is why they put the fence to buffer it. Mr. Ziemian stated that if you look at his page three, his drawings showed the parking to make it angle parking instead of straight in parking. Mr. Alfieri stated that you would have the driveway going out to the street. Mr. Alfieri stated that the applicant has eliminated the curb cut for the driveway where the house was and they no longer have the proposed access there. There was further discussion regarding the parking spaces being changed to angle. Mr. Alfieri stated he would have to have their engineer look at that plan before he commented. Mr. Alfieri stated the proposed new design would require a new driveway onto First Street which would be very close to the other driveways. That would probably need a variance or waiver, he also mentioned a tree that the Club is trying to save. Mr. Ziemian stated that there is no tree on First Street. He stated that he put a subcompact size space at the location near the tree so the tree would not be disturbed. Mr. Ziemian stated that since this was going to be over flow parking it should not be a problem. Mr. Alfieri stated that everyone agrees that there is a need for parking. Mr. Alfieri stated he does not believe his client cares one way or another it depends on what kind of relief is needed. Further discussion regarding the different angle of parking.

Mr. Alfieri asked if there was anything else that Mr. Ziemian was concerned about. Mr. Ziemian spoke about the lot being paved by ordinance, he explained that if you look at existing parking lot all but three spaces are already paved. Mr. Ziemian stated that the applicant knows that there is a need for paving. Gravel lots are muddy and dirty. They tend to throw up dust, get rutted which causes on going maintenance. He feels the only thing that makes sense is to stay with the Land Use regulations and pave the parking lot. He feels gravel makes it look low class in the neighborhood. Mr. Alfieri stated that they are looking for the relief for the gravel. Mr. Alfieri asked Mr. Mullan if he had any comments regarding the parking layout that Mr. Ziemian is proposing. Mr. Mullan stated that he would hold off his comments until the Board has a chance to review the plan. The first response would be from the applicants engineer and then he would give his input. Mr. Alfieri stated that as long as engineering states that the alternate plan would work, they would need the relief to have the extra driveway that would be required. They have no issue with working with the board professionals to come up with a design that would be substantially like the layout they proposed. Mr. Leckstein confirmed that they wanted gravel; Mr. Alfieri stated definitely gravel.

Commodore Dietz explained that there are a few reasons for the gravel. Gravel is impervious so rain water would soak through rather than the run off goes into the bay and that is what they are trying to prevent. They were also approached after demolishing the house by the Monmouth County Soil Conservation District and they highly discouraged them from paving that area. The club was told that they would come out to visit the site again in a couple of years to make sure it was not paved. Mr. Leckstein explained that the applicant is asking for the variance relief.

Mr. Ziemian explained that they have not been using the parking lot because they are waiting for approvals so there is only one boat and trailer that has been parked for a little while. He explained that there is grass growing in the gravel and it hasn't been maintained. Commodore stated that they had a meeting last week with the grounds people and they are getting estimates for the work.

Where the house used to be continued to settle so they must have it recompacted and have additional truck loads of gravel put in. Once they can start using it the grass will not be as big of an issue. They have not been touching the property except for mowing the lawn because they are not allowed to use the property. They have been maintaining the property to the best of their ability without using it. They understand that gravel is more maintenance but they also know that it is what should be used.

There was discussion regarding the alternate plan that was submitted by Mr. Ziemian and the previously submitted plan by the applicant. Mr. Alfieri stated that First Street is a county road they don't know if the driveway would be approved. Mr. Alfieri stated if they have to come back to another meeting and have the engineer do a new design, the applicant would prefer the Board vote on what they presented to the Board. The other issue, is even though the Club is trying to be good neighbors it forces them to bring the parking spaces closer to the water and the grass area that they were hoping to leave they would have additional gravel. If the County denies this then he couldn't do it. Mr. Vecchio stated that he would like to vote on what was given by the applicant with the changes that were agreed on.

There was discussion regarding what type and height of lighting was going to be added to this location. Mr. Alfieri stated that they might be able to lower the light pole and still meet all of the requirements.

Ms. Kovacs-Olsen asked if the lights were on a timer; Mr. Alfieri explained that the lights would go off when the Club closed at midnight. Mr. Mullan confirmed that the lights would come on at dusk and go off by a timer at midnight; yes.

Mayor Araneo asked about #13 it stated that there was no proposed lighting; Mr. Alfieri explained that was a typing error.

Mr. Ziemian stated that #23 stated that there is no change to the loading zone, proposed stone parking lot is for over flow parking. Mr. Ziemian explained that he knows that is not going to happen. Mr. Aumack asked if they were going to prefer patrons of the Yacht club to park on the paved area first; Commodore replied yes.

John Fahey, asked if the Board approves the entire application would the current site drawings showing all the parking spots will that become legitimately approve. If there were never parking spots and the Board approves the drawings would that be saying that they are parking spots. Mr. Leckstein replied yes, whatever is on the site plan will become part of the site.

Mr. Fahey stated that the applicant is talking about parking, he asked how many boats are there and how many spots are needed. For 200 boats you would need 120 spots he feels that there are too many boats. Mr. Fahey asked if they have considered that there are too many boats. He would like the Board to consider all these issues, if they keep expanding the number of boats, they would need additional parking. He feels that number has to be addressed. Mr. Leckstein explained what happened at the last hearing was that Mr. Lane raised these issues and what he believes the applicant said was if that had to do that, they would withdraw their application. The question becomes does the Board want the additional improvements, including having the cars removed

from in front of Mr. Fahey's house. Does that out weigh the lack of complete parking; Mr. Alfieri also stated that it was said that they are not expanding the use.

Mr. Fahey asked the number of boats out in the mooring wouldn't that be a state statute. Commodore explained her understanding is the state requires a certain amount of parking spaces for slips. For moorings there are no requirements. Mr. Fahey asked that be clarified for future use. Mr. Alfieri stated that the Board is here to vote on a new parking lot, they club is not going away they are adding a parking lot.

Mr. Fahey on his Exhibit F1 the parking lot on the easter side of the property has never been approved. There is also a grass strip that has never been approved for parking, he mentioned this at the last meeting. The first picture of the pilings was a rope recently the ropes were removed and the grass is being used as a parking area. Mr. Fahey stated he spoke with the zoning official and there is no parking on grass. All the spaces along the easterly side of the property should be eliminated. Mr. Leckstein explained that the applicant is asking for that as part of the application. There was further discussion regarding the parking by Mr. Fahey's house and parking on the grass.

Commodore stated that the first photo you look at with the pilings, that side of the drive never had pilings, the pilings were on the other side which you can see in the other photo. They have plants and shrubs and agreed to have the required fencings. Commodore stated that the fire lane is accessed from Atlantic Street for service. Mr. Leckstein reminded the Board that they are there for a parking lot which this location is zoned for.

Mr. Fahey spoke about the back off the property which has propane tanks, fork lift and floating docks which was claim for parking. Commodore stated that they store the docks there because there is no other location available. After Memorial Day the docks are removed, the fork lift is used for docks. There was discussion regarding storing this in the new parking lot, after discussion as part of the resolution if application was approved one of the conditions would be that there is no boat storage or dock storage on this lot.

Christian Bolte, 205 Broadway explained that the Yacht club has been there for 116 years. Er family has been members for years; the club has donated to many community events. Ms. Bolte read part of the Master Plan. The property is zoned GMC, what the neighbors are requesting would be a financial burden on the club. She explained that there was a lot of people interested in purchasing the property when it was up for sale.

There was discussion regarding having music at the gazebo; Mr. Leckstein stated that they agreed to not having music. Mr. Mullan mentioned to possibly place in the resolution that there would be no amplifier or speaker. Mr. Leckstein explained that if the resolution states no music there would not be able to be any music. Mr. Alfieri stated that the Yacht Club would have no music. There was further discussion regarding playing of music.

Mike Lane, 51 First Street spoke about the space between a commercial and residential property. Mr. Lane spoke about the comments regarding the parking, driveway lane and the fence on the property. Mr. Vecchio stated that it would have to be six inches from the property line.

There was discussion regarding the parking spaces, Mr. Leckstein stated that they can withdraw the application and they would stay the way it is today.

Mr. Lane asked that they have someone to manage the parking spaces. Mr. Lane stated that the fire Marshall eliminated spaces. The space next to the dumpster cannot be used. There is only 55 spaces, when the club has parties where would the people and staff park. Mr. Alfieri asked if Mr. Lane was against the application for additional parking.

Mr. Lane explained that the second picture has boats next to Mr. Ziemian's house he explained that this is a historic district. Commodore explained that the boats will be moved. There was discussion regarding the parking. Mr. Leckstein asked that the applicant come back to the next meeting with plans that show all the parking spaces. Mr. Alfieri explained the only thing that changed was where the fire lane was.

Mr. Leckstein recommended that the Board vote on the application at the next meeting when they can see the revised plans, he also suggested that he will have a resolution prepared so that it doesn't hold up the applicant another month.

Mr. Lane described the final sheet which had the boat mooring. There are boat slips on the water to provide members to get to boats. Mr. Mullan stated that was in their letter. Mr. Alfieri explained the plan shows 63 spaces; Mr. Mullan agreed. There was discussion regarding the number of spaces.

Mr. Aumack commented that they are not building a club the application for the new property and what they are proposing there. Mr. Sessa added that the parking on the club property is an existing condition.

George Walling, 54 Second Street requested clarification about what the applicant is looking for; parking lot. Mr. Walling asked what the boating season was; Commodore replied May 25 to October or November depending on the weather.

Mr. Walling asked if there was a conflict with Mr. Vecchio voting on application because of his job in Borough Hall, Mr. Leckstein explained it is not a conflict.

Mr. Walling mentioned that Mr. Lane gave an exhibit at the last meeting that was entered in the minutes; Mr. Leckstein stated he asked Mr. Lane if he wanted to give testimony on the exhibit being questioned.

There was a discussion regarding where to store the loading docks and supplies.

Motion to close to the public 9:30PM was made by Councilman Peperoni, second by J. Kovacs-Olsen with ayes by all present.

The applicant will come to the next meeting with a revised plan showing all the parking spaces.

Motion to carry to the next meeting and for the Attorney to prepare a positive resolution was made by H. Aumack, second by N. Vecchio with ayes by all present.

Board asked that the applicant come in with two plans one showing with 45-degree parking and one without.

**APPLICATION: PAUL MILLER
 80 WEST FRONT ST
 KUPB 23-12
 USE VARIANCE**

Application will be carried to the May 23rd meeting without further notice.

The Thursday, April 25th meeting has been canceled the next meeting will be May 23, 2024 at 7pm.

Motion to adjourn at 9:45pm was made by D. Pacheco, second by Councilmember Peperoni with ayes by all present.