

Keyport Environmental Commission Minutes for August 23rd, 2021 – Conducted in Keyport’s Borough Hall

Call to Order

Meeting called to order at 8:08pm by Chairman **Ken DeGroat**.

Sunshine Law was Read

Roll Call

The following participants present:

- Ken DeGroat (Chairman)
- Mike Palmisano (Vice Chairman)
- Dennis Fotopoulos (Council liaison)
- Don Pacheco (Member)
- Joe Sheridan (Secretary)
- Jim Aumack (Member)
- Doug Weider (Member)
- Michael Lane (Public)

Review/Approval of Meeting Minutes:

Minutes of the July 26, 2021 meeting; Motion to Accept M. Palmisano; D. Pacheco 2nd; No comments/edits/revisions; Unanimously Approved.

Ongoing Projects:

Brown’s Point Marina Letter (actual KEC letter attached):

Dennis Fotopoulos (DF):

Stated the following:

- The Brown’s Point Marina’s Pilot and Redeveloper’s Agreements have been pulled.

- An extension was requested for 24 months.
- The Keyport Environmental Commission Letter was received by the Developer.
- The abandoned buildings on the property need to be maintained.
- The excavator in the front yard of one of the houses needs to be removed.
- There has been no movement on the Redevelopment portion.

Mike Palmisano (MP):

- Lot 5 goes with Mariner's Village. The "pile" is currently located in Lot 5.

(DF):

Provided the following opinion:

- The issue of the "pile" creeping into Lot 5 should be addressed. The Redevelopers are not acting like a good neighbor.

(MP):

- Thinks that it is a pretty significant thing that the "pile" is already on Lot 5, as the Redevelopers may desire to use the contaminated "pile" to count for Lot 5 when contamination levels of both sites are determined.

(DF):

- Believes we have the Redeveloper's attention to have them meet the conditions desired by the Borough of Keyport.

Don Pacheco (DP):

- Can the Borough of Keyport exert other ways to motivate/apply leverage on the Redeveloper?

(DF):

- It has been too long to apply any leverage. The pilot program is just a tax abatement plan.

Ken DeGroat (KD):

- Is there any reason as to why there is a delay with the Redeveloper?

(DF):

- Said there is no reason for the delay, but noted that communication between the Keyport Planning Board and the Borough of Keyport Council could have been better.

(DF): Port 149

- Requested that the Port 149 Update be tabled until the next meeting. Motion to table by D. Fotopoulos; D. Pacheco 2nd; No comments/edits/revisions; Unanimously Approved.

(DF): 25 MPH Speed Limit Sign Installation

- The signs have yet to be installed. The Borough is looking to put the 25 MPH signs onto Broad and First Streets, and added that there will be more speed traps by the Keyport Police Department due to a grant for that.

(DP): Port 149

- Noticed traffic signs being “spruced up” all over.

Doug Weider (DW):

- Opined that First Street is bad due to the speed of the traffic.

(DF):

- Added the extra Keyport Police Officers and Specials will assist in this endeavor to reduce the speeding in Keyport.

(MP)

- Asked if there was any damage to the Cedar Street Dune due to recent heavy storm action?

(DF):

- There was no damage to the Borough of Keyport from Hurricane Henri.

(DF): Complete Streets

- The first implementation of the Keyport Complete Streets Program is bike lanes being painted onto Church Street.

(All):

Discussion was had by several Commissioners regarding widths of streets in Keyport and the concern with adding a bike lane, and the possibility of making some of the narrower streets able to have parking on one side of the street, as is the case on several narrow Keyport streets.

(DP):

- Stated that intersections in Newark utilizing four-way stop signs really work well.

(DW):

- Expressed his worry over the lack of visibility due to cars parking so close to the corners.

(MP):

- Articulated experiencing considerable difficulty in turning from Atlantic Street onto Maple due to the inability to see the oncoming traffic.

(DF):

- Proposed a question to the Keyport Environmental Commission, if the KEC would consider areas in need of four-way stop signs to be taken from the database that MP and Dr. Mo had originally created?

(MP):

- Recommended to just go onto Google Maps to look at each intersection.
- Told the story of the audit performed by students in Holmdel on crosswalk safety.

(DF):

- Suggested that the KEC should do an analysis of the Complete Streets program while also re-visiting the Master Plan Circulation group proposals to submit ideas.

(MP):

- Liked DF's suggestion and said it would be helpful if a projector could be used to shine on the wall to discuss future Complete Streets project ideas.

Jim Aumack (JA):

- Said that Atlantic and Third Street **NEEDS** a 4-way stop.

(KD): 44 Beers Street

- Flooded badly during Hurricane Henri.

(DF): 333 1st Street

- Building in process.

(MP):

- Clean Ocean Action Cleanup on Saturday, October 23rd, is happening, and will need people to register ahead of time.

New Business:

(JS):

- Discussed the idea of Keyport acquiring a pull-behind beach combing machine, similar to the one operated by Old Bridge pictured below.



Photo of beach combing device courtesy of J. Sheridan on Saturday, August 7, 2021

(DF):

- Liked the beach combing machine idea, accepted the photos of the machine, and said if a shared service agreement on a beach cleaning machine with a neighboring town does not work out, perhaps Keyport can get its own beach cleaning machine.

(KD):

- Brought up the Cedar Street Park Dune Second Path idea.

(DF):

- The second path at the Cedar Street Park Dune has been added to a recent Grant Application put in for by the Borough of Keyport.

Open to the Public

8:53pm: KD opened the meeting to the Public.

M. Lane:

- Recommended that the KEC Minutes should be posted on the Keyport Borough website.
- Said that there were a couple logs endangering the Keyport Yacht Club that may have come from the Aeromarine's erosion problem.
- Stated that Mariner's Village is on the Agenda for the September Keyport Planning Board Meeting.
- (M. Lane was kind enough to provide the following summaries of his concerns):

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Aeromarine Site –The Borough settled its lawsuit, which focused on obtaining a landfill cap plan from owner. The erosion is now a bulkhead code enforcement issue for the Boro Administrator.

Beach Park Outfall Pipe – Duckbill is creating a significant restriction in the outfall pipe flow capacity. Review of Internet flood mitigation documents and discussion with Ryan Burlew, Magic Touch Construction, indicated a pump station, capable of pushing flood water through the duckbill, a backflow preventer and emergency generator are needed.

Firemen's Park and Port 149 Bulkheads – An application for bulkhead funding of \$500K was submitted for a Firemen's Park development grant. Port 149 has submitted an application for an NJDEP permit for its bulkhead. Bulkhead projects require proof of lot ownership via a deed. Ownership of Lots 20 and 21 appears to still be an unresolved issue between the Borough and Port 149 owner.

KUPB Hearings

Mariner's Village – Application for another year extension of variance approvals could be heard at the Sept. KUPB meeting. If and when an extension is granted, it will only be good until December 2021. No KBC support for new water main capacity, an escrow issue.

Browns Point Marina - Site plan will possibly be heard at the Sept. KUPB meeting. Proposing 2 large fuel tanks in a VE Zone below the BFE and located in the wellhead protection area. Needs Parking Deficiency variance for 135 required spaces versus 80 proposed spaces. Need delineation of the contamination restrictive fence location, height and type.

31 West Front St – Application for mixed use for 2 restaurant levels and 9 residential units approved at 7/22/21 KUPB meeting. Condition of approval was delineation of flood zone boundaries (VE, LIMWA, and AE) in this SFHA. There was no report from a certified Flood Plain Manager.

Hudson Pointe at Keyport – KUPB site plan hearing this Thursday 8/26 covering the Environmental Impact Statement and the Stormwater Management Report. The Borough Site Plan Subdivision Ord Section C Exhibits Required for Major Developments requires a written report from the KEC. A quick scan of these two reports disclosed failure to address possible impact on major drainage ditch paralleling the south side of the Henry Hudson Trail. This ditch is a Floodway for the area south of the HHT between Atlantic and Fulton. Previous Engineers reports have designated

the ditch as a wetland area. This ditch appears to be overgrown, impacting its flow capacity

Approved Projects

Raritan Cove – Excess fill added to compact the fill below the future buildings has been removed. The Borough owned lot next to the site is badly eroded by the Creek and in the future without a bulkhead the Creek may undermine the site's new retaining wall.

Mystic at Keyport – 44 Beers St – No final grading plan, required architectural changes and a notice of flood risk for buyers exist to meet KUPB resolution conditions. Variances have lapsed since no extensions requested to date. Newly adopted Monmouth County Multi-Jurisdictional Hazard Mitigation Plan Item 24-12 aligns with Borough Strategic Recovery Planning Report recommendation to acquire this flood prone site for Open Space.

Public Portion - Closed 9:20pm

(DF): Fireman's Park Ospreys

- When the Fireman's Park ospreys have left their nest, the Fireman's Park light pole will be made "un-nestable". DF said that the Keyport Environmental Commission is in agreement on this issue.

(JS):

- All the light poles at Fireman's Park should be made "un-nestable" lest the ospreys find another light pole to nest upon.

(JA):

- Expressed that he was very happy that we were all able to get together in person...Nice Job!

Meeting Adjourned 9:25pm: Motion to Adjourn by J. Sheridan; K. DeGroat 2nd;
Unanimous Approval.

Next meeting will be on **Monday, September 27th, 2021, at 8:00pm, at Keyport
Borough Hall Council Chamber.**

Minutes submitted by Joe Sheridan.

The Letter

We are asking the Mayor and Council to address the historic fill pile on the Browns Point Marina site. We believe the historic fill pile represents a hazard to the environment and request that it be removed.

At the Keyport Environmental Commission meeting on 22 February 2021, John Kerber, Licensed Site Remediation Professional (LSRP) and Clayton Perlman, Person Responsible for Completing Remediation (PRCR) for Browns Point Marina (BPM) presented a status of ongoing remedial activities at the BPM site and discussed related activities planned for the Mariners Village (MV) Site. We were told that the historic fill from the BPM site was to be used on the MV site as fill beneath paved areas, theoretically allowing the pavement to provide engineering controls to contain the contamination.

Based on our review of NJDEP Technical Requirements for Site Remediation and NJDEP "Fill Material Guidance for SRP Sites", we do not think the proposed disposition of the historic fill on the MV site to be appropriate given the current lack of information about the MV site. Instead, we believe the historic fill pile should either be removed from the site entirely or used on the BPM site in such a way as to allow for engineering controls subject to DEP approval.

Our concern is that use of historic fill on the MV site assumes that MV site soil contamination tests will be performed, and results of those tests will show that the MV site contains a greater contamination level than the historic fill pile. According to NJDEP fill guidance, the historic fill pile is designated as "restrictive use fill" due to its contamination levels and thus it cannot be moved to a site with lesser contamination levels. The MV site has yet to be tested, so no one knows whether or to what extent the soil is contaminated. The MV site is, according to tax records, located for the most part, if not entirely, on residential lots with housing that predates 1909. As such, it is unlikely to have historical fill issues or history of industrial uses that would suggest high contamination levels. The historic fill pile "was used to raise the grade on the BPM site while filling coastal wetlands from 1970 through mid-1980's" according to the Mazer Site Investigation Report of August 2004.

The owner has the option of obtaining a Certificate of Authority to Operate a beneficial use project from the DEP so that he can move historic fill pile to an off-site location having a higher concentration of contamination. In fact, the Mazer Site Investigation Report of August 2004 concluded "The majority of the sampling locations with elevated levels of constituents above the Residential Direct Contact Soil Cleanup Criteria (RDCSCC) are located within the restoration areas. Excavation of the fill material is required to lower the grade and allow tidal influences to reclaim these areas as wetlands. Based on analytical results to date, and once debris is screened, this material most likely be accepted as landfill cover." A landfill is defined by NJ DEP as a solid waste facility.

The Keyport Environmental Commission strongly recommends that the Mayor and Council obtain third party professional assistance in reviewing this matter as this contamination not only is a threat to the environment but also the public. Unless the Council directs the owner to perform the appropriate soil tests on the MV site without delay, the owner may not do so in a timely manner. Further, since we suspect that the historic file pile cannot be used on the MV site due to the extent of contamination, any delay in testing leaves this environmental hazard in our community unnecessarily. If the Council delays

in pursuing this action, the historic fill pile may forever be forgotten and remain an eyesore and environmental threat to Keyport.

Our recommendations are that soils samples be taken at both the historic fill and MV building sites. Once the relative contamination levels at each site have been determined, an informed choice can be made as to the ultimate disposition of the historic site contents. This is the only way to assure that this fill is properly handled consistent with current regulations and that any environmental risks associated with disturbing this fill is minimized.

We appreciate your consideration of this matter and look forward to hearing from you.