

Keyport Environmental Commission Minutes for February 28th, 2022 – Conducted in Keyport’s Borough Hall

Call to Order

Meeting called to order at 8:03pm by **Vice Chairman Mike Palmisano** (in Ken Degroat’s excused absence)

Sunshine Law was Read

Roll Call

The following participants present:

- Mike Palmisano (Vice Chairman) (MP)
- Delia Sosa McDermott (Council Liaison) (DSM)
- Don Pacheco (Member) (DP)
- Joe Sheridan (Secretary) (JS)
- Doug Weider (Member) (DW)
- Roy Jiminez (Member) (MT)
- Michael Lane (Public) (ML)

Review/Approval of Meeting Minutes:

Minutes of the January 24, 2022 meeting; Motion to Accept by Roy Jiminez (RJ); Don Pacheco (DP) 2nd; No comments/edits/revisions; Unanimously Approved.

Keyport Unified Planning Board (KUPB) Updates:

Mike Palmisano (MP) offered the following nine (9) KUPB items for KEC discussion:

1. Brown's Point Marina (Mariner's Village); letter (attached) was sent to Mayor and Council by the KEC on 8/09/2021

(DP):

- KUPB project is in progress.

(DSM):

- Believed the KEC Letter was Received and Filed.

(DP):

- Asked what the next step is after the letter?

(MP):

- Reiterated the contents of the Letter (see attached)-said the intent of the letter was not to warrant a violation, but to test the contaminated pile now so the Keyport taxpayers do not bear the full testing costs at some future date.

(ML): (acknowledged by MP)

- The Mariner's Village Project is anticipated to come before the Planning Board in March.
- The CAFRA permit was just submitted.
- Clay Pearlman came before the Mayor & Council recently and said that he was still a year or two away.

(RJ):

- Is surprised that the contaminated pile is allowed to exist "as is", with no fencing, cover, or capping.

(ML): (acknowledged by MP)

- Stated the Letter has never been listed on the Keyport Borough Council Minutes as being Received and Filed.

(DSM):

- **ACTION** to check on whether the Letter was Received and Filed.

2. 333 1st Street (additional construction past foundation?)

(DSM):

- There was a garbage issue addressed by the Borough Engineer with the project.
- Stated the bridge project should be completed in April of 2022.

3. Draining and Ditch on Henry Hudson (H.H.) Trail:

(DSM):

- Slow progress is being made.
- Council approved the spraying for mosquitos along the H.H. Trail.
- There will be a tire collection by the County soon. Date and time to be announced.

(JS):

- Requested a copy of the maps that the County is working on concerning the H.H. Trail drainage issue. The maps would help the KEC better understand the intent of the County's drainage work.

(DSM):

- Will ask for copies of the maps for the KEC.

(ML): (acknowledged by MP)

- Offered the attached photos of the H.H. trail flooding/drainage.

(MP):

- Spoke of "MS3" stormwater, located on the Borough's website, to see Keyport's stormwater drainpipes-each with its own unique number.
<https://www.keyportonline.com/filestorage/4031/5682/7599/16276/17-05 - Keyport Storm Sewer Infrastructure and Outfall Map.pdf>

- Voiced concern over flooding getting more severe.

(RJ):

- Stated that Arthur Rooke made sure the County cleaned the drainage ditches of debris and excessive vegetation, but that these ditches have not been cleaned for some time.

4. Port 149 Bulkhead Damage:

(ML): (acknowledged by MP)

- Location's ownership is still a question.

(DSM):

- Owner applied for a permit to the Department of Environmental Protection (DEP) on the subject.

5. Aeromarine/Landfill Bayfront Erosion Issues:

(MP):

- Fallen trees are still a risk-problem may be worthy of contacting the Coast Guard regarding the problem.

(ML): (acknowledged by MP)

- The landfill needs to be properly capped and the eroding shoreline should have a bulkhead erected.

6. 317 Beers St:

(ML): (acknowledged by MP)

- 317 Beers Street is a designated wetland, yet the Owner is cutting the grass and living on the property – No progress.

7. 25 E. Front Street (5-story Apartment Building, 54 Units)

- No progress.

8. 31 W. Front Street (restaurant and 9 Residential Units):

- No progress.

9. Mystic at Keyport (44 Beers Street):

- No progress.

KEC Ordinance Review:

(MP):

- Discussed his mark-ups of the 2-page Ordinance

(KW):

- Asked about recent amendments to the State Ordinance.

(MP):

- Checked recent amendments-none apply to the KEC-only apply to joint commissions (two or more municipalities).

(KW):

- Was appreciative of section including Alternat Member responsibilities.

(RJ):

- Motioned to approve MP's revised Ordinance (attached); JS 2nd; No comments/edits/revisions; Unanimously Approved. MP to e-mail version to DM.

Keyport Re-Purposed Evergreen Tree Program:

(JS):

- Discussed the “planting” of all the re-purposed evergreen trees at the Cedar Street Park Dune and Veteran’s Park beach access ramp on February 12, 2022, by a group of KEC Volunteers to assist in the building of sand dunes to help mitigate flooding and to minimize sand blowing onto the handicapped ramp.
- Offered the following photos of Volunteers at the February 12, 2022 evergreen tree event.



Photos of Keyport Cedar Street Dune evergreen “plantings” courtesy of J. Sheridan on Saturday, February 12th, 2022.

(JS)

- Discussed the need for new fencing and offered the new fencing map courtesy of KEC President Ken Degroat (attached) for the pleasure of the KEC.

(RJ)

- Offered if fencing posts are needed, that the KEC should contact the Keyport School as they have many.
- DPW has installed the fencing in the past and needs to know what to maintain.
- Said that snow fencing would help keep sand off the handicapped ramps if placed right against the railing.

(DSM)

- Asked the KEC when they would like to have the beaches cleaned, either by Keyport's own beach cleaner, or perhaps a shared service with Union Beach.

(KEC Members)

- The beaches should be cleaned on a regular schedule in the Summer.

Spring Planting of Shrubs at Cedar Street Park Dune:

(MP):

- Discussed Spring planting of shrubs at Cedar Street Park Dune-date TBD. Matt Tevis looking into prices for indigenous species.

(MT):

- Provided attached Quote before the meeting.

(DSM)

- There is a budget for the Environmental Commission for items like shrubs/plants-just need advanced notice for the purchase.

Beach Park Outfall Pipe Flow Restriction:

(MP):

- Problem is with defective duckbill – no progress.

25 MPH Signage:

(DSM):

- County agreed to install a 4-way stop sign at Atlantic and First Ave – No timetable.

Tree Seedling Program/Giveaway:

(MP):

- Need to acquire trees/bushes to participate in this Arbor Day (Friday, April 29, 2022) Program.

(MT):

- **ACTION on MT** to check into shrubs/tree saplings to assist in acquisition.
-

Save Coastal Wildlife (SCW) Beach Clean-Up

(JS):

- Attached information on the Save Coastal Wildlife sponsored event that took place on February 27, 2022.

Open to the Public

9:23pm: MP opened the meeting to the Public.

Mike Lane (ML):

- Appreciated the new style KEC Agenda identifying all the Keyport Environmental Commission concerns.

Public Portion - Closed 9:38pm

Meeting Adjourned 9:38pm: Motion to Adjourn by J. Sheridan; R. Jiminez 2nd; Unanimous Approval.

Next meeting will be on **Monday, March 28th, 2022, 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 fill 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.

§ 2-7.7 Environmental Commission.

[Ord. No. ~~18-93~~; Ord. No. ~~8-07~~]

- a. Creation. The municipality of Keyport Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1 to 40:56A-12), as amended by Chapter 35, P.L. 1972.
- b. Members. A Commission shall consist of seven members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the municipality of Keyport; the members shall serve for terms of 3 years without compensation except as hereinafter provided. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission. ~~The terms of the two, or three years, to be designated by the Mayor in making his appointments, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms:~~

~~Two members for the one year term expiring December 31, 1993,~~

~~Two members for the two year term expiring December 31, 1994,~~

~~Three members for the three year term expiring December 31, 1995.~~

The Mayor may appoint not more than two alternate members who shall be residents of the municipality of Keyport. The members shall serve without compensation except as hereinafter provided. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and Alternate No. 2."

The terms of the alternate members shall be for two years. ~~except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2. so that the~~ The term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.

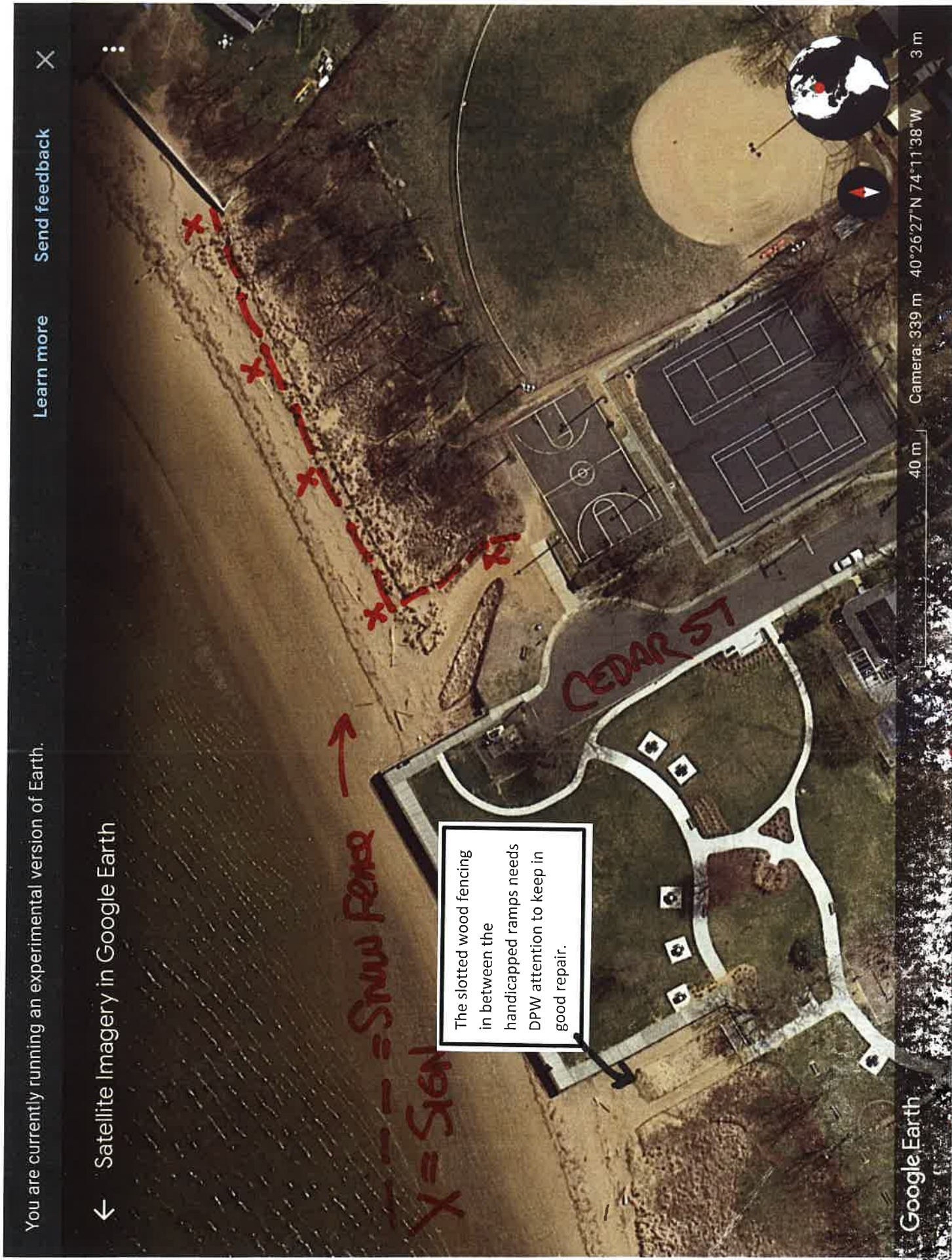
An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

The Mayor or governing body may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be

entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

- c. Powers of Commission. The Commission is established for the protection, development or use of natural resources [including water resources](#), located within territorial limits of the municipality of Keyport. The Commission shall have power to conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.
- d. Acquisitions by Commission. The Environmental Commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality.
- e. Records and Annual Reports. The Environmental Commission shall keep records of its meetings and activities and make an annual report to the governing body.
- f. Appropriations. [The governing body of a municipality may appropriate funds for the expenses incurred by the Environmental Commission.](#) The Commission~~er~~ may appoint such clerks and other employees and incur such expenses as it may from time to time require, providing the same shall be within the limits of funds appropriated to it by the governing body or otherwise available to it.
- g. Studies and Recommendations. The Environmental Commission shall have power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.



Proposed Snow fence & Signs - Cedar St Dunes.



The Shoreline Restoration signs can be wired onto the slotted wooden snow fencing like how they were affixed the last time.



Pinelands Nursery
 323 Island Road
 Columbus, NJ 08022
 TEL: 609-291-9486
www.pinelandsnursery.com

Quote #Q-1492533

Feb 28, 2022

Contact Details	Order Note
Name: Matt Tevis Company: Environmental Landscape Design Email: mtevis@eldlandscape.com Phone: 7329747215	UNAVAILABLE ITEMS HAVE BEEN REMOVED

Addresses	
Billing: 2040 Highway 35 Suite 4 Wall Township, NJ 07719 US	Shipping: 2040 Highway 35 Suite 4 Wall Township, NJ 07719 US

Image	Description	Price	Qty	Tax	Total (ex Tax)
	MORELLA PENSYLVANICA (Northern Bayberry) 72 Tubeling Item Code: MOPENSJ00 Pack Size: 1/EA	\$ 1.69	× 72	\$ 0.00 (0%)	\$ 121.68
	PRUNUS MARITIMA (Beach Plum) #1 Pot Item Code: PRMAR1J18 Pack Size: 1/EA	\$ 9.99	× 10	\$ 0.00 (0%)	\$ 99.90

Payment:		Subtotal	\$ 221.58
Shipping Note:		Shipping Fee	\$ 0.00
PO Reference:		Tax	\$ 0.00
Shipping:		Total	\$ 221.58

Joe Sheridan

From: Michael lane <mslane@att.net>
Sent: Tuesday, March 1, 2022 10:21 AM
To: Joe Sheridan
Cc: Roy Jiminez; Doug Weider; Joe Sheridan; Michael Palmisano; Kenneth DeGroat; Matt Tevis; Delia McDermott; Don Pacheco; James Aumack; Heather Brady
Subject: Pictures HHT Floodway

Joe

As requested, attached are the pictures of the HHT floodway/drain-ditch that I shared at last night's KEC meeting. As noted at the meeting, all stormwater from Hudson Pointe and the section of the HHT drain-ditch between Atlantic and Manchester will pond in front of the culvert under the HHT. This culvert discharges this stormwater into the area of E Fifth and E Third Streets.



**Culvert
under
Fulton**



**Culvert
under
HHT**



**Drainage
Ditch
East of
culvert
under
HHT**

Michael

Joe Sheridan

From: Save Coastal Wildlife NonProfit <jreynolds@savecoastalwildlife.org>
Sent: Tuesday, March 1, 2022 3:59 PM
To: Joe Sheridan
Subject: Our Volunteers are Awesome!! 😊



***THANK YOU FOR THE GIFT OF TIME AND
ENERGY!***



OUR VOLUNTEERS ARE AWESOME!!!



On a breezy and chilly Sunday morning, over 35 people participated to help conduct a public cleanup of Cedar Street Park and nearby beach overlooking Raritan Bay in the Borough of Keyport, NJ.

Thanks to everyone who gave up a little bit of their valuable weekend time on Sunday morning, February 27, to help remove many bags of glass and plastics (both big and small), and tires, Styrofoam and other trash from the bay beach.

We Removed Over 1,100 Pounds (over half-a-ton) of Trash! This Amount Included Several Large

Items That Would Have Impacted Wildlife This Spring, Such as Mating Horseshoe Crabs!

Amount of Litter Collected:	# of Bags	Weight
Trash:	<u>31</u>	<u>525 lbs</u>
Recyclables:	<u>21</u>	<u>355 lbs</u>
Bulky Waste:	<u></u>	<u>220 lbs</u>
<u>Styrofoam block, shopping cart , hip waders</u>		
<u>plastic pipe , boat cushions , 5 tires</u>		
MCCC Representative	<u>Anthony Morrell</u>	

Print
[Signature]

Thank you for your participation, and
helping to keep our coast clean and
livable for all species to enjoy!



We are so very grateful to Brita Schmitz and Harprett Malhi, World Language Teachers, and their students from [Old Bridge High School](#) for their wonderful and amazing help!!!

A special thank you goes to Anthony Morrell & William Johnson from [Monmouth County](#) Clean Communities, for providing gloves, trash bags and tools to pick up the trash; and then a big truck to haul it all away to the landfill in Tinton Falls that same day. THANK YOU!!

A Very Special BIG Thank You to Blair Nelsen and volunteers with [WaterSpirit Nonprofit](#) for their amazing help to remove trash. The cleanup would not have been so successful without your wonderful help and assistance! Thank you!

Another very special thank you to members of the [Keyport Environmental Commission](#) for having us in their community and for helping to remove lots of trash including several heavy tires that were located deep in a wet area of a mudflat. Thank you!





Copyright © 2022 Save Coastal Wildlife, All rights reserved.

You are receiving this email because you opted in via our website & because you care about the protection and preservation of coastal wildlife. Save Coastal Wildlife nonprofit has been dedicated to educating people about the biodiversity of the Jersey Shore since 2018.

Our mailing address is:

Save Coastal Wildlife
PO Box 541
Navesink, NJ 07752-0541

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

