

# Keyport Environmental Commission (KEC) Minutes for July 24, 2023 – Conducted in Keyport’s Borough Hall

## Call to Order

Meeting called to order at 8:00pm by Chair Joe Sheridan.

## Sunshine Law was Read

## Salute to the Flag

## Roll Call

|    | NAME                  | STATUS                              | TERM EXPIRES | PRESENT  | ABSENT   |
|----|-----------------------|-------------------------------------|--------------|----------|----------|
| 1  | JOE SHERIDAN (JS)     | COMMISSIONER,<br>CHAIR/SECRETARY    | 12/31/2023   | <b>X</b> |          |
| 2  | MIKE PALMISANO (MP)   | COMMISSIONER, VICE<br>CHAIR         | 12/31/2024   | <b>X</b> |          |
| 3  | ROY JIMENEZ, Sr. (RJ) | COMMISSIONER                        | 12/31/2024   |          | <b>X</b> |
| 4  | DON PACHECO (DP)      | COMMISSIONER                        | 12/31/2025   | <b>X</b> |          |
| 5  | JAMES AUMACK (JA)     | COMMISSIONER                        | 12/31/2023   |          | <b>X</b> |
| 6  | MATT TEVIS (MT)       | COMMISSIONER                        | 12/31/2025   | <b>X</b> |          |
| 7  | MIKE LANE (ML)        | COMMISSIONER                        | 12/31/2025   | <b>X</b> |          |
| 8  | HEATHER BRADY (HB)    | COMMISSIONER,<br>2 YEAR ALTERNATE   | 12/31/2024   | <b>X</b> |          |
| 9  | DOUG WEIDER (DW)      | COMMISSIONER,<br>2 YEAR ALTERNATE   | 12/31/2024   | <b>X</b> |          |
| 10 | CATHY REILLY          | KEYPORT BOUROUGH<br>COUNCIL LIAISON | 12/31/2023   |          | <b>X</b> |

### **Corrections to May 22, 2023 KEC Minutes:**

- 1. Page 7: At the end of Dr. Cheng's selection – Rutgers issues a 'sediment' management report, not a 'sentiment'.**
- 2. Page 6: sediment is from "Chingarora Creek", not 'Matawan Creek'.**
- 3. Page 3: Mike Lane's statement should be "...all eight (8) items identified in these Minutes as the "Keyport Borough Council (KBC) Updates:" header are "required to be reviewed by the Borough's Flood Plain Manager to comply with the Borough of Keyport's Flood Plain Regulations."**

### **Review/Approval of Meeting Minutes:**

There were no Minutes from the June 26<sup>th</sup> KEC Meeting as there was no Quorum.

Minutes of the May 22nd, 2023, meeting; Motion to Accept by Mike Palmisano (MP); Matt Tevis (MT) 2<sup>nd</sup>; Three (3) revisions were requested (see above); DP Abstained due to recent KEC Meeting absences; Minutes Unanimously Approved as Revised.

### **Keyport Environmental Commission Business:**

Dr. Ken Degroat has regrettably resigned from the Keyport Environmental Commission effective June 25, 2023, as he has relocated to Holmdel. His presence, sage insight, and effective guidance will be missed!

Joe Sheridan was appointed Chair by Mayor Araneo on July 12, 2023. The letter has been attached.

Roy Jimenez, Sr. was appointed to fill the vacancy left by Dr. Ken DeGroat by Mayor Araneo on July 18, 2023. RJ fills an unexpired term ending December 31, 2024. The letter has been attached.

## **Keyport Borough Council (KBC) Updates:**

The Agenda offered the following eight (8) KBC items for KEC discussion:

- 1. Mariner's Village**
- 2. Deputy Ventures (formerly Mystic at Keyport (44 Beers Street)**
- 3. 31 W. Front Street (restaurant and Residential Units)**
- 4. Aeromarine Issues (water quality testing by NY/NJ Baykeeper – needed: previous test well results on sites)**
- 5. 317 Beers Street (wetland/swale infringement)**
- 6. Beach Park Outfall Pipe/Flooding Issues**
- 7. Port 149 Bulkhead Progress**
- 8. Former Pedersen's Marina property (multi-story building proposal)**

(JS):

- No updates received, but stated that we are expecting updates from these agenda items from the Borough Administrator in the future.

## **Mike Lane's Concerns:**

- Please see attached document, entitled 'Mike Lane's Concerns', written by him personally from his viewpoint.

## **New Business:**

### **(DP):**

- Stated there was discussion Union Beach's flood mitigation plans at the latest Planning Board Meeting.

### **(ML)**

- Discussed the measuring of transects to build up the database for soil erosion from future tidal action caused by neighboring flood mitigation activities.
- There is still nuisance flooding in Keyport that could be helped with assistance from Congressman Pallone.
- Flood Insurance is based on elevation above sea level.

### **(MP)**

- Will Union Beach's flood insurance costs drop or the requirements lessen due to the capital flood mitigation projects currently going on?
- There was no answer to this question.

### **(JS)**

- Had no update status regarding the Veteran's Park Drainage Letter (submitted 5/24/2023), the Second Street Demolition Letter (submitted 6/01/2023), and the Spotted Fly Grant Request (applied for by BA Humphrey on 6/13/2023).
- Will continue to try to get statuses on the above communications.

### **(MT):**

- Recommended some success using a combination of Dawn detergent and rubbing alcohol as a spray against the spotted lantern flies themselves.

(DP):

- Recommended that we ask the Keyport Borough Council again about funding the removal of several ailanthus trees as they are an invasive species as well as a favorite of the spotted lantern flies.

(JS):

- **ACTION** to recommend to KBC about the removal of several ailanthus trees at Cedar Street Park woods beyond the softball field fence, as requested.

(MT):

- Eventually, the spotted lantern flies will face a natural predator.

(MP):

- Recommends a strategy of taking down ALL the invasive ailanthus trees *except one*. Then use insecticide to eliminate all the spotted lantern flies that gather on the lone tree.

(MT):

- Added there is effective insecticides that work against spotted lantern flies, but it also is harmful to other useful insects.

(MP):

- Had the concern that the insecticide spray will also get in the water, causing harm to other living things.

(MP):

- Also said that Ailanthus trees are difficult to do away with.
- Added that the Keyport Green Team has been trying to educate people on spotted lantern fly elimination using traps and fly paper.

(MT):

- There is talk about a new gazebo being erected at Beach Park-if an earth-moving device is used, it could also assist with straightening out the stormwater drainage path over at nearby Veteran's Park.

(JS):

- **ACTION** - Will e-mail the KBC to ask about a new gazebo at Beach Park and if an earth moving device is used, can it also be driven over to Veteran's Park to straighten out the stormwater drainage path and to help fill the hole at the stormwater drain.

(MT):

- There is a Shade Tree Commission Open Space Inventory List that the KEC can acquire to assist in planting native plants on Borough property.

(JS):

- **ACTION** - Will e-mail the KBC to ask about the Keyport Open Space Inventory List and the feasibility of planting native plants on these properties.

(MP):

- Just took a Municipal Excess Liability Joint Insurance Fund (MEL) Safety Institute on-line course on hazardous materials.
- **ACTION on All** Commissioners to take the on-line training and pass the test given on-line after the training.



(MP):

- **ACTION on ALL** to elect a new Keyport Environmental Commission Secretary.

(JS):

- **ACTION on ALL** to come up with at least one project/idea for the KEC to run with in 2024. That Commissioner would head up a small sub-committee in charge of making monthly progress and providing verbal status on their project.
- Discussed the KEC's normal November Beach Grass planting...may be replaced in 2023 by a clean-up effort within the Cedar Street Park Dune area.
- Reiterated MP's call for someone to take over the Secretary position.

### **Open to the Public**

9:08pm: JS opened the meeting to the Public.

### **Close to the Public**

9:09pm: JS closed the meeting to the Public.

## **ACTION ITEMS LIST**

1. **JS:** Work on providing current updates on the eight-item Keyport Borough Council Update List and correspondences.
2. **JS:** Ask the Keyport Borough Council to assist combating the spotted lantern flies by removing several invasive ailanthus trees at the Cedar Street Park Dune woods area.
3. **JS:** Ask the Keyport Borough Council about the Keyport Open Space Inventory List and the feasibility of planting native plants/shrubs within those areas.
4. **ALL:** To complete the assigned MEL Safety Institute on-line courses.
5. **ALL:** To elect a new Keyport Environmental Commission Secretary.

## **ATTACHED ITEMS LIST**

1. Mike Lane's Concerns for the 7/24/2023 Environmental Commission Meeting.
2. Letter regarding Joe Sheridan being appointed to KEC Chair by Mayor Araneo, Dated July 12, 2023.
3. Letter appointing Roy Jimenez, Sr. to fill the Commissioner vacancy left by Dr. Ken DeGroat by Mayor Araneo on July 18, 2023. RJ fills an unexpired term ending December 31, 2024.

**Meeting Adjourned 9:11pm:** Motion to Adjourn by **KW; MP 2<sup>nd</sup>**; Unanimous Approval.

Next meeting will be on **Monday, August 28<sup>th</sup>, 2023, at 8:00pm, at Keyport Borough Hall Council Chamber.**

Minutes submitted by Joe Sheridan.



# Mike Lane's Concerns

Att 1

## Input for KEC Mtg. 7/24/23

### Projects Under Construction

Port 149 Bulkhead not presently built to permitted specs with: 1.) splash pad and ground at elevation top of bulkhead, 2.) ~5 feet of vinyl sheeting patched on top of old steel sheeting, and 3.) old piles still in last ~50 feet. Need removal of multiple transformers by JCPL before additional work on the last 50 feet.

333 First Street – Units are for sale. Walnut St side of site flooded by 12/23/22 high tide. Flood warning signs in driveway for the units.

Raritan Cove – Units are for sale. Concrete floor recently poured for third building. For new bottom floors in SFHA their elevation needs to be recorded and checked against BFE+3. Retaining wall installed parallel to the creek will not serve as a CHHA bulkhead due to its footing height above the creek.

31 West Front St – Condition of approval was delineation of flood zone (VE, LIMWA, and AE) in this SFHA. CAFRA permit and Floodplain Development Permit are required. New requirement for the developer file a Floodplain Development application followed by the Floodplain Manager review of the project. Need a report from a certified Flood Plain Manager. Gas, sewer and water were recently disconnected.

BPM Pier Expansion - New pier expansion was/is missing required standpipe for fire protection. Fire hydrant on site was/is not operational. New application to KUPB engineer for review (fuel facility - tanks and dock).

### Proposed/Approved Projects

FP Bulkhead – Grant application submitted to elevate bulkhead and parking lot. Estimate of \$4M for new bulkhead and to raise parking lot. No fix for Am Legion Drive flooding by Post Office. Will only deal with tidal flooding, not a 100-year storm.

Keyport Towers and Marina – Reportedly, updated plans given to Council Redevelopment Committee with one less story and some minor front changes. Notice for environmental study and remediation activities was posted, 8/3/22. This project in a SFHA will require a Floodplain Development Permit.

*Suggest that KEC chair request all the LSRP reports generated by this investigation. Having these reports for Aeromarine has been very beneficial for the Borough.*

Browns Point Marina - New requirement for the developer to file a Floodplain Development Permit application followed by the Floodplain Manager review of the project. Notice for new CAFRA application issued 8/3/22 covering office and maintenance building, boat rack expansions, fueling tanks, and additional docks. Plans show fuel tanks unanchored and on ground in SFHA and the wellhead area. Applicant withdrew fueling facilities from KUPB consideration. According to the latest status report from the applicant, CAFRA is requiring a refiling.

Mystic at Keyport/Deputy Ventures – New requirement for this site in a SFHA is that the developer file a Floodplain Permit application followed by the Floodplain Manager review of the project. Issued CAFRA permit requires these homes be built on piles with breakaway walls, etc. Updated plans need to be generated and certified by a qualified professional. Requirement that deeds advise buyers of flood risk.

Mariner's Village, Browns Point Marina Contamination - New requirement for this site in a SFHA is that the developer file a Floodplain Development Permit application by the Floodplain Manager review of the project. Roger Miller's 2/4/22 status report identifies dirt pile at end of Washington St as 'historic fill to be used on the lot by EOY 2022. KEC letter regarding contaminated fill at the north end of Washington Street is still not answered.

The developer's 6/29/23 status report to the KUPB indicates that the 2 new lots (15.01 and 16.01) were filed with the County Clerk. A check of the County Tax Board MODIV data still shows the 12 pre-existing lots listed in the KUPB Resolutions for this project. Further, multiple owners continue to be listed for these 12 lots. The KUPB engineer, Fran Mullins, stated he would investigate and report on this inconsistency.

25 E Front – New FDPO requirements for this project in a SFHA require the developer to file a Floodplain Development Permit application followed by the Floodplain Manager review of the project. During the 11/2022 KUPB meeting, the

KUPB approved a 5-story structure with a 16 parking space deficiency for 50 apartment units and a sidewalk level commercial area.

105 Hwy 35 On 6/24/23 KUPB approved a one-story Commercial building at this site. Cannabis retail at this site requires an additional KUPB review.

### **Nuisance Flooding**

Division and East Front Basin Flooding – The Beach Park 30-inch Outfall Pipe problem with the significantly restricted outfall pipe capacity due to the duckbill on the end of the pipe remains. Without a pump to push the water through the duckbill flooding continues. A fix is not a 2023 budget item. Note that, multiple pump stations will be part of the ACE Union Beach flood mitigation project.

East Third St Flooding – The drainage-ditch/floodway along Henry Hudson Trail (HHT), between Atlantic and Manchester, flows to the pipe under the HHT just east of Manchester Street instead of continuing down the floodway to Chingarora Creek. This 20-inch pipe dumps water into the street below the HHT, resulting in flooding of homes on East Third and East Fifth Streets. Hudson Pointe is now approved to discharge their stormwater into the pit abutting this pipe under the HHT, which will further intensify the flooding issue on East Fifth and East Third. This stormwater should flow down the HHT drainage-ditch past Fulton to Chingarora Creek. County and Borough officials have still taken no action to clear the HHT drainage-ditch between Manchester and Fulton Streets.

### **Waterfront and Waterways**

Kean U Survey – A second set of beach/waterfront elevation measurements were made on 7/20/23. Transects were recorded every ~100 feet from Beach Park to Walnut Street. Will repeat measurements every couple of months.

Aeromarine Landfill – No update on efforts to end the pollution of Keyport Harbor due to toxins leaking from the landfill site at Aeromarine. Council review of Aeromarine lawsuit was a closed session item at the 7/19/22 KBC meeting. Still no update on efforts to eliminate the continuing erosion that is silting in the adjacent bay and creek. This erosion is also exposing landfill trash.

is there on-going sampling in the test wells on the site and have the reports been provided to the Borough?

317 Beers Street – No update regarding continuing wetland infringement in violation of 8/25/2005 NJDEP FILL Permit. No enforcement action by the Borough.

**Mayor**

Rose P. Araneo

**Councilmembers**

Lori Ann Davidson, President

J. Christopher Demarest

Kathleen McNamara

Ron Peperoni, Jr.

Cathleen Reilly

Melissa S. Vecchio

**Borough Administrator**

Kimberly Humphrey

**Borough Clerk**

Michele Clark, RMC

**Chief Financial Officer**

Thomas P. Fallon, CPA, RMA

July 12, 2023

**Re: Designation of Environmental Commission Chairman**

Honorable Councilmembers:

**Whereas**, the Mayor and Council of the Borough of Keyport have established, by Ordinance, an Environmental Commission consisting of seven members; and

**Whereas**, the Ordinance provides that the Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission.

**Now, Therefore, Be It Determined**, that I, Rose P. Araneo, Mayor of the Borough of Keyport, do hereby designate Joseph Sheridan to serve as Chairman and presiding officer of the Environmental Commission.

Mayor Rose P. Araneo

Att 3

Mayor

Rose P. Araneo

Councilmembers

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J. Christopher Demarest

Kathleen McNamara

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Chief Financial Officer

Thomas P. Fallon, CPA, RMA

July 18, 2023

**Re: Appointment of Environmental Commission Member**

Honorable Councilmembers:

**Whereas**, the Mayor and Council of the Borough of Keyport have established, by Ordinance, an Environmental Commission consisting of seven members; and

**Whereas**, the Ordinance provides that the Mayor shall appoint all members of the Commission.

**Now, Therefore, Be It Determined**, that I, Rose P. Araneo, Mayor of the Borough of Keyport, do hereby appoint Roy Jimenez, Sr., a member of the Environmental Commission to fill an unexpired term ending December 31, 2024.

  
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Mayor Rose P. Araneo