

Keyport Environmental Commission Minutes for July 26th, 2021 – Conducted Telephonically

Call to Order

Meeting called to order at 8:00pm 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)
- Heather Brady (Member)
- Matt Tevis (Member)
- Joe Sheridan (Secretary)
- Jim Aumack (Member)
- DJ Pacheco (Member)
- Doug Weider (Member)
- Michael Lane (Public)

Review/Approval of Meeting Minutes:

Minutes of the June 28, 2021 meeting; Request by DJ Pacheco to Amend the June 28, 2021 Minutes to indicate that he joined the Meeting at 8:18pm. No other comments were made. Motion to Accept the June 28, 2021 Minutes as Amended made by DJ Pacheco; H. Brady 2nd; No additional comments/edits/revisions; Amended Minutes were Unanimously Approved.

Ken DeGroat (KD):

- Requested a Keyport Environmental Commission Member Vote to be taken regarding whether the next Environmental Commission Meeting, Monday,

August 23, 2021, shall be held in person or virtual (by telephone). The results are as follows:

Member	Preference
Ken DeGroat (Chairman)	In-Person
Mike Palmisano (Vice Chairman)	In-Person
Dennis Fotopoulos (Council liaison)	In-Person
Heather Brady (Member)	No Preference
Matt Tevis (Member)	Virtual
Joe Sheridan (Secretary)	Virtual
Jim Aumack (Member)	In-Person
DJ Pacheco (Member)	In-Person
Doug Weider (Member)	Did Not Vote

The final tally was **5-2-1** in favor of having the next Environmental Commission Meeting in person.

Ongoing Projects:

Brown's Point Marina Letter:

Mike Palmisano (MP):

Presented the following information for the Environmental Commission about the letter:

- Summarized the letter...how the Builder's plan is to use the pile to be mixed in below ground of the new-build parking lots and driveways, but it is not allowed to move contaminated fill into a LESS contaminated fill area.

(KD):

- Both the fill site and the projected new-build site must be tested to determine contamination levels before any fill is moved.

(MP):

- The Mariner's Village site contamination levels needs to be determined.

(KD):

- KD stated that "We are flying blind without knowing the contamination levels of both sites."

(MP):

- Test borings were limited due to the inability to bore deeper- contamination results are inconclusive.

(KD):

- The DRAFT Letter shall be distributed to all Commissioners for feedback before the final Letter is submitted.

Joe Sheridan (JS):

- What is the timeline associated with the Letter?

(KD):

- The DRAFT Letter will be sent to the Commissioners within 1-2 weeks.

Dennis Fotopoulos (DF):

- Said the Mariners Village Project is moving at a snail's pace-it's pilot program is in peril-the Builders have been requested to move the contaminated pile.

(KD):

- The Letter's intent is not impacted by the status of the Mariner's Village Project.

(DF):

- The Letter is appropriate. It will be able to be added onto the August Keyport Council's Agenda if received by Tuesday, August 10th.

(KD):

- Said he is Ok with the deadline to submit the Letter being August 10, 2021.

(MP):

- Is also agreeable with the deadline to submit the Letter being August 10, 2021.

(KD):

- Will move forward with the Letter within the discussed timeline.

Keyport Unified Planning Board (KUPB) Update:

DJ Pacheco (DJP)

- Things are moving forward with the Keyport Planning Board.

Ongoing Projects Update:

Keyport Re-Purposed Evergreen Tree Program Update:

(JS)

- The trees are still tied together, but can use more sand.

Matt Tevis (MT):

- The sand dune is at a higher elevation causing blown sand to bypass the trees-manual assistance will be needed to cover the trees with sand.

(JS):

- Agreed with statement by MT.

(KD):

- "We are a victim of our own success" with the sand dune gaining such height with the flourishing of the KEC's beach grass planting program.

Osprey Nest Update:

(KD)

- The Asbury Park Press called KD asking the question if the Keyport Environmental Commission closed down the 2021 Keyport Fireman's Fair, to which KD responded, "No, that did not happen."

Full APP article (by Dan Radel; 5:01 am EDT; July 14, 2021):

<https://www.app.com/story/news/local/animals/2021/07/14/osprey-nest-forces-keyport-postpone-firemans-fair/7957546002/>

KEYPORT - They probably didn't mean to spoil the fun, but two ospreys did just that when they chose Fireman's Park to make their nest.

Now the borough's popular Fireman's Fair, which was supposed to be happening this week, has been postponed in order to not disturb the birds and their fledglings.

Dave Olsen, the fair's chairman and member of the borough's volunteer fire department which puts on the event, still has hope the fair may go off later this summer, perhaps at Fireman's Park or another location if one can be found.

"I think the majority of people were upset when they heard the news," Olsen said, referring to the fire department's July 2 announcement of the fair's postponement.

The birds chose to build a nest on a tall light pole in the center of Fireman's Park, where the fair is held. For the birds, whose diet consists mainly of seafood, the location is ideal at the mouth of Matawan Creek and a short flight to Raritan Bay's baitfish.

It's not so great for people trying to put on a fair, because the bird is a state-protected and threatened species and it's against state law to disturb or make loud noises near their nests.

Olsen said several of the fair rides are taller than the light pole on which the birds are nestled.

The fair usually attracts several thousand people over the week it is held. Though, with the state just coming out of COVID-19 social distancing protocols, Olsen said they weren't sure what the crowds may look like this summer.

Nonetheless, it has always been a major fundraiser for the several volunteer ladder companies, raking in about \$40,000, Olsen estimated.

David Wheeler, executive director of the Conserve Wildlife Foundation of New Jersey, said osprey fledglings are usually out of the nest by August at the latest. That would still leave the department some time to organize the fair.

The birds could also stand in the way of future fairs because they use the same nest for years. A permit is required to build a platform and move the birds. Olsen said they are actively pursuing a permit through the state's Division of Fish & Wildlife.

The state's osprey population was nearly wiped out by pesticides such as DDT and from loss of habitat. In 1973, the bird was listed as endangered by the state's Division of Fish & Wildlife.

Since then, a federal ban on DDT, coupled with state conservation efforts, nest building and transfer of eggs and chicks from Maryland has led to a recovery of one of the state's largest raptors, according to the Conserve Wildlife Foundation of New Jersey.

The state now counts 600 nesting pairs, which is near but not back to 1950 population levels.

When Jersey Shore native Dan Radel is not reporting the news, you can find him in a college classroom where he is a history professor. Reach him @danielradelapp; 732-643-4072; dradel@gannetttnj.com.

Future KEC Meetings:

(KD)

- By an earlier vote of the Commissioners, all future KEC meetings will be held **in person** until circumstances dictate differently.

New Business

(KD)

- Asked if there were any other issues that the Commissioners wanted to bring up. No responses were made.

(KD)

- Asked if there were phone connections in the council chambers?

(DF)

- Council Meetings are currently in person only - do not know if there are phone hook-ups possible – such an option would allow KEC meetings to be more assessable to Commissioners and to the Public.

(KD)

- Does not want to re-invent the wheel with in-person/on phone option that would have to be Noticed properly and be reasonably attended by the Public.

Open to the Public

8:38pm: MP opened the meeting to the Public.

M. Lane (ML):

- Stated that the Keyport Borough Council rescinded the agreements with the Brown's Point Marina - will be discussed again in September.
- The Letter from the KEC should be submitted.
- Discussed his 2016 Pedestrian Safety Walk with MP-opined that the Borough did not receive much bang for the buck from the \$750k grant.

(MP):

- Remembered the 2016 Pedestrian Safety Walk with ML – disappointed with the progress of the pedestrian safety grant. Stated that the County has agreed to lower speed limits on County roads in Keyport to 25 mph, but that action of changing the speed limit signs has not taken place.

(DF):

- Has agreed that signage has not followed the reduction in the speed limit to 25 mph. **ACTION** on himself to follow up with the Keyport BA.

(ML):

- Said that MP was working on a Safety Letter, and that the Keyport Yacht Club has already submitted a Safety Letter.

(MP):

- Voiced that the Safety Letter was backed off on due to the apparent progress being made by the Keyport Council – recommended asking Red Bank Mayor Pat Menna for his recommendations on the subject.

(DF):

- Likes the idea of contacting Mayor Pat Menna. **ACTION** on himself to ask Mayor Menna for recommendations.

(KD)

- Will assist DF in his Action Items.

(ML)

- Additionally, **Mike Lane** requested that the KEC be cognizant of the issues listed below (M. Lane was kind enough to provide the following summaries of his concerns):

KEC Mtg. 7/26/2021

KBC Initiatives

Browns Point Marina – KBC approved Resolution R175-21 rescinding: 1.) Mariner's Village at Keyport Urban Renewal, LLC as the Redeveloper and 2.) The financial agreement for the 30-year LTTE. The Resolution stated that the developer had abandoned the project. The fate of the contaminated fill at the north end of Washington Street needs to be addressed.

Aeromarine Site – A status report at the 7/20/21 KBC meeting indicated that the Borough settled its lawsuit, which focused on obtaining a landfill

cap plan from owner. But there was no focus in the lawsuit on the major erosion problem along the bayfront at the site, a NJ State Hazard Mitigation issue. This erosion is now a code enforcement issue for Boro/ Administrator.

Beach Park Outfall Pipe – Intense rain storms continue to generate significant flooding on Division and E Front, again demonstrating that the current design with a duck-bill does significantly restrict the outfall pipe capacity. Review of Internet flood mitigation documents and discussion with Ryan Burlew at Magic Touch Construction indicated a pump station with a backflow preventer is capable of pushing flood water through the duckbill. Magic Touch contact info was provided to Borough Administrator.

TAP PSIP - It has been five years since this KEC initiative for traffic calming on First Street was launched. It has been a couple of years since a \$770K grant was received for PSIP. Only visible result to date is some white survey marks on the sidewalk on First Street. Need KEC refocus on PSIP.

Complete Street Requirement for 6 foot wide sidewalks and sidewalk setbacks multiple feet from the curb will only apply to new developments, not the historic areas. CSDG suggestion to drop RSIS parking standards does not align with residential parking overflow into lots on First and Church, Second and Church, Church and Atlantic, and Terry Park.

Firemen's Park Bulkhead – An application for bulkhead funding of \$500K was submitted for a park development grant. Total expense will be multiple millions. The grant application raised the issue of where the park property line is located.

KUPB Hearings

Browns Point Marina - Site plan on agenda for both June and July KUPB meetings not heard. Will possibly be heard at the September KUPB meeting. BPM needs Parking Deficiency variance for 135 required spaces versus 80 proposed spaces. Revised marina plan proposes major expansion of facilities while transferring Lots 6 and 6.01 to Mariner's Village LLC. New BPM document is changing the input the KUPB based their

Mariner's Village decision of approval on. MidAtlantic Engineering is managing plans for contamination remediation. Based on KEC presentation, EOY timeline for BPM remediation. Fences to keep humans out of contaminated area. No delineation of fence location, height and type.

Mariner's Village – Application for another year extension of variance approvals was not heard at the June and July KUPB hearings. If and when an extension is granted, it will only be good until December 2021. New water main capacity needed. KBC Resolution in support of water main replacement not approved due to an escrow issue. Developer has not checked for contamination on MV owned Lots 1-3 on NW First St. Cannot put contaminated fill there unless verified site of contaminated fill.

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 engineer reported on 6/24/21 that he is working on a new package. CAFRA noticed on 12/2/20. The CAFRA application contains an Environmental Impact Statement and a Stormwater Management Report. A quick scan of the Environmental Report disclosed failure to address possible impact on abutting Henry Hudson Trail (HHT) and major drainage ditch paralleling the trail with culverts under Manchester, Fulton, and the trail to Third Street. This ditch is a Floodway for the area south of the HHT between Green Grove and Fulton. Previous Engineers reports have designated the ditch as a wetland area.

Approved Projects

Port 149 Continuing bulkhead deterioration and frequent site flooding.

333 First Street – Piles being driven for foundation for townhouses in AE Zone, filled wetland area.

Raritan Cove – Excess fill added to compact the fill below the future buildings is being removed. Borough owned lot next to the site is badly eroded by the Creek and in the future may undermine the new retaining wall.

Mystic at Keyport – 44 Beers St – No final grading plan, required architectural changes and a notice of flood risk for buyers to meet KUPB resolution condition. 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.

317 Beers - continuing wetland infringement in violation of 8/25/2005 NJDEP FULL Permit. Not an enforcement action for the Borough.

Public Portion - Closed 8:57pm

(DF):

- Expressed sincere gratitude for the outpouring of support that he received on his recent loss.

(KD):

- Agreed with feeling that type of overwhelming support from Friends and Family after suffering a loss – we live in a great little town!

Meeting Adjourned at 9:00pm: Motion to Adjourn by J. Sheridan; K. DeGroat 2nd; Unanimous Approval.

Next meeting will be on **Monday, August 23rd, 2021, at 8:00pm, at Keyport Borough Hall.**

Minutes submitted by Joe Sheridan.