The Keyport Unified Planning Board held a Regular Meeting on May 27, 2021 which was called to order at 7:03 PM via zoom conference call. The meeting was called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL: Mayor Kennedy, Councilmember Davidson, H. Aumack, K. Howe, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, W. McDermott, G. Kotzas
ABSENT: J. Oviedo

RESOLUTION: ERIN HEILESEN
KUPB 21-08 Variance Relief
BLK 82 LOT 8 and 9

Motion made by H. Aumack, second by N. Vecchio
Ayes: Mayor Kennedy, Councilmember Davidson, H. Aumack, D. Pacheco, J. Royster, M. Sessa, N. Vecchio
Abstain: K. Howe

APPLICATION: ROBERT DEVINO
KUPB # 21-06
5 THERESE AVENUE
BLK 9, LOT 35 & 36
USE VARIANCE

Mayor wanted to let the Board to be aware that there may be residents that would want to participate in this application but may not be able to since June 24th is the high school and central school graduations.

Mr. Sessa stated that June 24th is the regular planning board meeting; Mayor Kennedy understands she wanted to make sure that the applicant put in enough notice and that we didn't block any application to come before the Board.

Motion to carry to the June 24, 2021 at 7PM meeting without further notice was made by K. Howe, second by N. Vecchio with ayes by all.

APPLICATION: 31 WEST FRONT STREET
KUPB # 21-04
31 WEST FRONT ST
BLK 21.01 LOT 41
PRELIMINARY AND FINAL SITE PLAN

There was discussion regarding having the applicant have a special meeting, a special meeting was not granted by the Board. There was discussion regarding the applicant asked to be carried the same day as the meeting because their professionals were not prepared. The Board agreed to carry them to the July 22nd meeting with full re-notice to the paper and residents.

Motion to carry to the July 22, 2021 meeting with full re-notice to the newspaper and residents was made by L. Davidson, second by K. Home with ayes by all present.

Mr. Leckstein announced if anyone from the public was attending the meeting for this application they can leave and they will receive re-notice regarding the July 22nd meeting at 7pm.

APPLICATION: KEYPORT FOOD MINISTERIUM (Carried from previous meeting)
KUPB 21-05 Variance Relief
BLK 77 LOT 1

Mr. Leckstein explained that this application was carried because the applicant didn't have an attorney present. Mr. Leckstein stated their attorney is present; he asked that Mr. Herbert introduced himself.

Michael Herbert with the law firm of Parker/McKay he explained he represents Keyport Food Ministerium with regarding to the application before the Board regarding placement of a generator.

Mr. Herbert stated that he also had Mr. Dennis Fotopoulos and Isaiah Cooper and possibly Natalie Smith present. Mr. Leckstein stated that at the last meeting there was a couple of issues that had to be dealt with. Mr. Leckstein stated that the zoning officer was present at the meeting to address the issues. Mr. Leckstein explained that the first issue is that the zoning officer had found that this was a use variance. Mr. Leckstein explained to Mr. Dave Olsen (Zoning Officer), that the Keyport Ministerium came before the Board in 2011 and by of application 11-01, at that time there was an objection made by Michael Lane that it required a use variance. The Board rejected that opinion and found it to be a permitted use in the zone. The Board has previously ruled that this is a permitted use in the zone in the way of that application. Mr. Leckstein stated that unless he hears an objection he feels that the Board will want to stay with that precedent that they set.

Mr. Leckstein asked if Mr. Olsen agreed to that; Mr. Olsen agreed.

Mr. Leckstein stated that the second issue is whether they would have to be before the Board since they no longer need a use variance. The ruling was that the generator was an accessory structure in the front yard which would require a bulk variance. Mr. Leckstein stated that the professionals were going to research that. Mr. Leckstein asked Mr. Mullan if he had anything to add.

Mr. Mullan stated that they did take another look and compared notes with the zoning Officers report and he feels in their view after re-reading the ordinance definition it is not crystal clear. However, he stated when they did look at the definition of the front yard that is written in the ordinance, and try to apply the accessory structure provisions it is there view in the final analysis it doesn't fall under the Board jurisdiction. The Board approved a front yard setback of 5.84 feet back from the right of way line in the prior approval for the building expansion. Mr. Mullan explained that is the line that they will measure the front line back from the street. Mr. Mullan stated that it is a new accessory structure but it is physically located back at least 5.84 feet from the street line. Mr. Mullan stated that it doesn't encroach on the newly defined front yard along Osborne. Mr. Mullan explained that is their opinion based on further research, but he doesn't want the Board to take that it is black and white finding by reading the ordinances. He suggested that this could be found that it is not something that requires a Board decision.

Mr. Slachetka stated that he added that no accessory structure shall be submitted in the front yard area. Mr. Slachetka spoke about what the ordinance stated as a front yard. There was further discussion regarding the previous approval and the front yard setback.

Mr. Fotopoulos wanted to correct the record, the applicant of the application is Isaiah Cooper. Mr. Fotopoulos explained that he was one of the Boardmembers on the food pantry. Further discussion regarding who the applicant was Mr. Leckstein explained that the applicant is the Keyport Food Ministerium.

Mr. Leckstein stated that the question to the Board without going any further into the application. The Board has the power to interrupt the ordinance. Mr. Leckstein stated that they can go to Mr. Olsen if he has an opinion after hearing the professional's testimony. Mr. Olsen stated that he is concerned for the residents that live across the street from where the generator will be running. He stated he was concerned about the noise and doesn't feel it is adequate to put the generator in that location. Mr. Leckstein confirmed that Mr. Olsen was sticking to his denial; yes.

Mr. Leckstein explained that one of the Board's power is to interpret the ordinance and to hear appeals of the zoning officer's decision. The Board can either interpret the ordinance the same manner as the zoning officer or do they want to adopt the position stated by the Boards professionals.

Mr. Aumack mentioned that Mr. Olsen is also the fire sub code official. He explained that the fire house on First Street has the same generator. Mr. Aumack stated that he believes that there is a distance that the generator has to be away from the building. Mr. Aumack stated as long as it meets that he doesn't see any problem with the location. Mr. Olsen stated that it is usually 5 to 6 feet.

Mr. Slachetka explained that the suggestion that T&M was discussing in regards to the ordinance was specifically if the generator was situated 5.84 feet from the front yard lot line. If it extends further or if the generator is located closer to the street they would then need a variance. Mr. Slachetka asked for confirmation that the applicant can locate the generator at that location. Mr. Leckstein asked Mr. Herbert if any of the witnesses could speak about the location.

Mr. Fotopoulos stated that they were following the requirements of the Manufacturer and that their installer, check electric was going to make that happen. There was discussion regarding whether the applicant was using the street line or the lot line. Mr. Fotopoulos stated that they are within the manufacturing guidelines as far installation.

There was further discussion regarding the location of the generator. Mr. Mullan's opinion the Generac requires 18inches away from the building and they are going to remove the window in the building to go in this location and 5.8 feet from the street line. Mr. Mullan feels there should be enough room to achieve the location.

Mr. Leckstein stated that there is a two-step process. The Board should have a vote to interpret the ordinance to permit the generator if it is in the setbacks; that would be step number one and then the applicant can proceed into the general application for its approval which will be conditioned upon a plan that shows the exact location of the generator.

Further discussion regarding the setback on the generator from the building as well as from the property line.

Mr. Leckstein recommends that the Board take the two-step process and rule if the location of the generator is within the 5.8-foot setback they do not need to be before the Board. That would be step one and since they are before the Board already then they can proceed with the application.

Mr. Leckstein stated understands the he does know there is another issue that they will have to deal with before moving forward with the application.

Mayor Kennedy asked Mr. Olsen where his suggestion would be to have the generator located. Mayor Kennedy feels that it is an asset to the community and is needed especially with the power outages that we receive. Mr. Olsen suggested to place the generator away from the neighbors as far as possible. Mayor Kennedy asked if the neighbors that Mr. Olsen was speaking about was across the street. Mayor Kennedy stated the only neighbor on the property was the fellowship hall; correct.

Mayor Kennedy asked if they placed the generator by the back entrance where the garage door from the pantry, wouldn't that be closer to a resident as the parish hall where people sleep; Mr. Olsen stated he was not familiar with the location of the parish hall. Mayor Kennedy stated that it is the only home located on that lot. Mayor felt that moving the generator to this location it would be closer to a resident home; Mr. Olsen understands her concern.

Councilmember Davidson asked Mr. Aumack and Mr. Olsen how loud is the fire house generator, do they feel it would be an issue to the neighbors across the Street and what is the distance of the generator to the nearest home across the street. Mr. Aumack stated that Mr. Lane lives across the street from the fire house. It runs once a week on Tuesday, Mr. Lane is the nearest neighbor from their generator. Mr. Lane stated that he hasn't recently heard it. When it was first installed it he did hear it. Mr. Aumack stated that they put attenuator on it to knock the sound down. Mr. Lane also mentioned that they also have placed a fence around the generator.

Councilmember Davidson stated she liked the idea to buffer the noise if this was the location that was agreed upon.

Mr. Leckstein mentioned that if this is permitted because they have been granted what the professionals have suggested you can't condition it with sound definers unless there is something in the ordinance that states it as a variance issue. If it is permitted than it is permitted.

Mr. Herbert mentioned that if this generator is running because of a storm and they are running for weeks they need breathing area around them. There are also other generators in the area so if the power goes out they would be running as well. More important if the generator is permitted than everything else goes away, there are no conditions imposed. Further discussion whether this compliant or not compliant.

Discussion regarding the lot line on the property on the diagram. Mr. Mullan stated it is not a survey and does not show the right of way line further discussion on the diagram and the site plan that was included in the package as well as what is being asked of the Board to approve.

Mr. Howe suggested that we follow the guidelines of the Boards Professionals, if they can't make the 5.84 feet then they have to come back before the Board.

Motion to open to the public at 7:50pm was made by Mayor Kennedy, second by J. Royster with ayes by all present.

Michael Lane, 51 First Street, spoke about the definition of a yard. The planning board has had application where a porch in front of the house didn't go the full with of the house and the Board granted variances for the porch to encroach on the front yard requirement of 20 feet. He never envisioned that they could put a hot tub or generator right next to the side of the side of the porch. That part of the house is still in the front yard. The front yard extends the full length of the building like when you have a house where the porch doesn't extend the whole width of the building the front yard still goes to the end of the porch and to the end of the rest of the house.

Mr. Lane stated the second issue is in his property the property line goes to the house side of his sidewalk. Two things the Board needs to consider is you will have people walking down on the sidewalk feet from the generator and Mr. lane agrees with Mr. Olsen it would be better location to place it in one of the parking spaces on the inside where the food pantry is located.

Motion to close to the public at 7:52pm was made by Mayor Kennedy, second by Councilmember Davidson with ayes by all present.

Mr. Howe asked if the people within the 200 feet were notified; Mr. Leckstein explained the public would not need to be notified for an interpretation. Interpretations or an appeal the applicant does not need to be notice. For a variance the application would have to be noticed. The Mayor asked the last time they were on the agenda was the application noticed; Mr. Leckstein stated not for this issue. Mr. Leckstein explained that there are two different issues, there is the actual application for the variance, that was noticed. What the Board is doing is an interpretation of the zoning ordinance or an appeal of the zoning officer's decision and that does not have to be noticed. The Board has original jurisdiction to make those decisions.
Mayor Kennedy confirmed that the 200-foot notice did go out for the original application last week; yes, but not for this issue because they don't have to notice for this. Mayor just wanted to make sure that the residents did know that the application for the generator was going to be heard; yes, that is correct.

Motion to accept the interpretation of Fran Mullan was made by Mayor Kennedy, second by Councilmember Davidson

Ayes: Mayor Kennedy, Councilmember Davidson, J. Royster, M. Sessa

Abstain: H. Aumack, D. Pacheco

Nay: K. Howe, N. Vecchio

Motion passes if the generator is within the setbacks that were approved in the 2011 resolution the applicant does not have to be before the Board.

Mr. Leckstein stated now we go to the 2nd part of the application. Mr. Herbert explains that if they comply they don't have to be before the Board. Mr. Leckstein explained that is correct but if it doesn't than you need to be before the Board.

Mr. Herbert explained that he believes there was an issue with the notice so they would like to be carried to another date. Mr. Leckstein asked if the attorney would like to hear the objection to the notice; yes.

Mr. Leckstein explained that Mr. Lane had an objection to the notice, he was asked if he would like to put that on the record. Mr. Lane stated the notice failed to identify that this is a proposal to allow the use or location of the generator on the side of the building. There was no mention of a generator at all.

Mr. Herbert stated that he reviewed the notice and agreed with Mr. Lane. At this point the applicant asks for a new date to notice for. Mr. Leckstein read the notice and agreed that Mr. Lane is correct but will make very clear that only applied for the newspaper notice. The notice that was sent to 200-foot list did include the generator. Mr. Leckstein stated that the applicant would only have to re-notice the newspaper.

Mr. Leckstein stated that the public will not get further notice and this application would be carried to June 24th meeting without further notice.

Motion to carry to the June 24, 2021 meeting with re-notice to the newspaper (Asbury Park Press) was made by Councilmember Davidson, second by D. Pacheco with ayes by all present.

CARRIED APPLICATION: **KUPB 17-07**
MARINERS VILLAGE AT KEYPORT LLC
357 WEST FRONT STREET, LLC
BLK 20, LOTS 1,2,3,5,6,6.01,7,9, 11.01, 13 & 14
REQUEST FOR EXTENSION OF PREVIOUS APPROVAL
WHICH EXPIRED ON DECEMBER 12, 2020

Mr. Leckstein asked the Chair to hold off on that application since that already have approval by the permanent extension act. Mr. Leckstein still wants to ask questions regarding this one and he feels that it is more important to go to the other application and start with that one.

APPLICATION: KUPB 20-01 (CONTINUED FROM THE FEBRUARY 25, 2021 MEETING)
MARINERS VILLAGE AT KEYPORT LLC
357 WEST FRONT STREET, LLC
BLK 20 LOT 9,11.01, 13, 14 & 14.01

Mr. Vecchio stepped down because he lives within the 200 feet of the project.

Mr. Pape spoke about the extension ruling that was made due to COVID. The applicant did give information the information that was requested to Mr. Leckstein to review. He agrees with Mr. Leckstein to move forward with this application.

Mr. Pape gave an overview regarding what was discussed the last time the applicant was before the Board.

Mr. Pape mentioned at the last meeting there was a question regarding parking and traffic that would be associated with the business. Mr. Pape stated that there was a request made that the applicant supply a traffic report to the Board that report was delivered to the Board, the author of the report Lou Disario who is a traffic expert is present his findings to the Board.

Mr. Pape stated with the Boards permission he would like to begin with each of their professionals to briefly speak about the application. There was a request made by one of the Boardmembers to Mr. Radoski to prepare a cross section of the building which he has done and then to Mr. Disario presentation.

Mr. Pape mentioned that the application received a report from Mr. Anthony Vecchio yesterday that report requires work to address the issues. They anticipate that they will have to meet with Mr. Vecchio to address these issues. Mr. Pape stated it has always been there goal to come to the meeting prepared to make their presentation. They did not have the opportunity to be prepared on this point but they will address the concerns before they conclude with the application.

Mr. Leckstein stated that he will note on the record that the letter was only received today. So it would have been impossible for the applicant to speak to Mr. Vecchio.

Mayor Kennedy asked if we knew when the Fire Marshal received the plans to review; Mr. Pape stated that the plans have been changed since February. Mayor Kennedy asked the new plan with the fire truck entrance she just reviewed and has questions with the new packet. This was a newly added piece it wasn't submitted at the last meeting. Mr. Sessa stated it was dated May 17^{th}.

Mr. Leckstein marked the following Exhibits:

Exhibit B4 – Anthony Vecchio Letter
Exhibit B5 – CME Letter dated 5/26/2021

There was discussion regarding the CME letter. Mr. Pape stated that he didn't see this letter but will look forwarded to the letter.

Further discussion regarding the Fire Marshall review letter. Mayor Kennedy asked if they are moving forward since there are a few items.

Mr. Taylor stated that he wanted to make clear that it is a CME letter; Mr. Pape said he did have that letter. They did get yesterday as well as received a courtesy call to go over the letter.

Mr. Louis Zuegner gave overview of the site plan. Mr. Zuegner shared on the screen the color rendering dated 3.25.21 titled site rendering. Mr. Leckstein stated that what is being shown is Exhibit A-14. Mr. Zuegner spoke about the goals for the Maria. Mr. Zuegner spoke about the new building, the racks that will remain, be modified and added. He spoke about the relocated trash dumpster as well as the food delivery and drop off location. They also have a section with picnic tables, there would be a screen section that would hold the fuel tank for fueling of boats. The boats would be fueled off the docks. The upper portion of the site is the service area, that is where they will have fork lifts, boat operations, access in an out of the building and in the lower half they would have customer access. Parking and circulation for customers. Mr. Zuegner spoke about the slips and numbers that are at the Maria as well as the racks for storage. The parking they are proposing 80 spaces, 5 spaces would be employees and the service area. With a better set up they feel they are able to manage the parking. They have not submitted a revised plan they have shown how different vehicles can turn in and out of the site from West Front Street and make their way into the site.

Mr. Leckstein marked in the revised plans as Exhibit A-15 dated 5/12/2021.

Mr. Steven Radoski, Architect gave an overview of the building design and the purpose of the building. Mr. Radoski spoke in detail regarding the revised Exhibit A-15 which is the cross section of the building that the Board had requested previously.

Mr. Radoski spoke about the items that are on the bottom floor would be mounted so they would not move.

Mr. Pape spoke about the variance relief that is being requested by the application and understands that if this was approved by the Board they would still have to get approval from the construction department.

Motion to open to the public at 8:36pm was made by Councilmember Davidson, second by H. Aumack with ayes by all present.

Mr. Michael Lane, 51 First Street, asked the height of the building; Mr. Radoski the building height is 34 feet 3 inches to the medium of the roof. Mr. Lane stated that would meet the code; yes.

Mr. Lane asked mentioned about the bathrooms being on the first floor when the elevation being 6 feet and you can have a flood level of 7 to 8 feet or higher. Mr. Lane asked how will they deal with that. Mr. Pape stated that they discussed that at the previous meeting. Mr. Leckstein stated that Mr. Lane raised the exact concern at was noted at the last meeting. At the last meeting it was said that it would have to be approved by the Board Engineer so as to ensure there were no issues with toilet flooding elsewhere. That was how the Board resolved this issue. That if they grant the application it would be subject to the Board Engineer's review. Mr. Lane replied that the applicant didn't come back with a suggestion for pump up toilets and sewer lines above the base flood elevation.

Mr. Lane mentioned that the bathrooms are going to have electrical fixtures and electric switches, how is the applicant going to pass when the flood damage ordinance states that you cannot have any electrical switches or outlets below the base flood elevation. Mr. Radoski stated that the bathrooms will have occupancy sensors to turn the lights on and off when people enter the bathrooms. Mr. Lane stated that the flood prevention ordinance states you cannot have any utilities in the bathroom below base flood elevation. Mr. Radoski explained the top of the bathroom is above the high water mark line and the occupancy sensors are at the ceiling height so that would be above it. Mr. Lane asked if there would be any outlets for people to utilize and there wouldn't be any switches for people to turn on and off with in the bathroom; Mr. Radoski stated that they will comply with the building code. Mr. Pape stated that there is no relief from the building code and it is outside the Board's jurisdiction. Mr. Pape stated that they acknowledge that any relief that is granted in the form of a variance is subject to the construction official and DEP to further review.

Mr. Leckstein explained that the Board does not have authority to grant variances from the construction office or building code. The Board is strictly a Zoning Board; it grants zoning relief. It cannot grant relief from building code and if the Board grants something which the building department determines cannot be built because it does not meet the building code they couldn't build it and they would have to come back to the Board with a new plan. The Board should not concern themselves with building code issues.

Mr. Lane mentioned that the Board has to deal with the Flood Damage Prevention Ordinance requirements, Mr. Leckstein agreed regarding the Ordinance but not building code issues.

Motion to close to the public at 8:50pm was made by Mayor Kennedy, second by J. Royster with ayes by all present.

Dan Disario, Engineer- Master Science Traffic – Mr. Disario stated he was asked to evaluate the traffic and parking aspects of the Maria. Mr. Disario is familiar with this Maria and he often utilizes the fishing charters. Mr. Disario stated that he prepared a traffic statement that is dated May 14, 2021. Mr. Leckstein stated he would mark that as Exhibit A-16. Mr. Disario stated he would go over any detail of the statement. Mr. Disario spoke about the existing driveway along West Front Street that was reconstructed during the bridge replacement project. That driveway will continue with the new Maria. The Maria currently has 80 slips; 64 boat racks the boat racks are allocated for in water use. The boat racks that are currently at the Maria are not being used for storage. Mr. Disario spoke about the boats that were waiting to be repaired were stored currently around the site. Mr. Disario feels that the improvements that are being proposed would rectify the parking. Mr. Disario spoke about the break down between the boat slips and boat racks that are being proposed. The applicant is asking the Board to allow some of the boat racks to be used for storage, staging of boats that are waiting for service or storage of boats that would be undergoing repossession. Everything that Mr. Disario has evaluated for traffic and parking they are assuming 110 boat racks in use. If they were used by the owner for storage, there would be a reduction in traffic and parking demand. Mr. Disario stated it would be 115 in water slips, 110 boat racks slated for in water use, but some the applicant has requested be used for storage which would not create any negative impact and then 42 boat racks would be slated specifically for storage. The increase of the in water usage would go from 144 slips/racks to 225 slips/racks. There would be an increase of 81 berths where the boat could be launch in the water.

Mr. Disario spoke about trip rates to estimate how much traffic particular land use would generate. Mr. Disario stated that the information is published in the Institute Transportation Engineers (ITE) which he will refer to throughout the presentation.

Mr. Disario stated that in his opinion the changes would not increase the traffic impact. Mr. Disario spoke about the parking aspect of the application he feels that last year was unique. The Maria added a jet ski rental and there was some negative impact to the surrounding area. The were lessons learned from last year that will not happen this year.

Mr. Disario spoke about the traffic statement that he included in the package. Mr. Disario stated that the charter boats at the Maria now are six people and he feels they people basically share vehicles. The jet ski owner has revamped the operations so that times will be staggering time frames for the Maria where there are fifteen minutes' overlap.

The jet ski owner has set up a website for the rentals where it states to only park at the Maria. The applicant has hired a parking attendant that will be used during busy times. The Maria applicant has owned the Maria for 17 years and would be able to tell a few days in advance when they will be busy so he will make sure the parking attendant is available.

Mr. Disario feels that the change being made with the parking being delineated would be a great improvement. Mr. Disario understands that the ordinance states .6 parking spaces per slip he looked at ITE to see the data they have and they have data from one Maria which is much larger. Mr. Disario feels that since the Maria doesn't have restaurants, or big charter boats he would like the Board to take that into consideration regarding the parking.

Mr. Disario stated that after he reviewed looks at all the data and the 80 delineated parking spaces he came to a conclusion that his opinion is that the 80 parking spaces will accommodate the parking demand that is generated by the improved Maria. There would be on occasion that there might be over that number of vehicles, there will be a parking attendant on site to help manage the parking. There will be times that cars would be park on spots that are not delineated. Mr. Disario spoke about where the extra cars would be able to be parked.

Mr. Leckstein asked what would trigger the parking attendant to being there; Mr. Disario stated that they look at the weather, normally they can tell four to five days before they go out. The owner would decide two or three days prior. Mr. Leckstein doesn't know how to put that as a condition in the resolution. Mr. Taylor asked whose employee the parking attendant was going to be the Maria or the Jet ski. Mr. Disario stated the parking attendant is employed by the Maria. The parking attendants contact information will be given to the Borough. Mr. Leckstein explains that he doesn't want the town to receive complaints if the Code Officer feels there should be an attendant and then the property owner disagrees.

Mr. Leckstein stated he is looking for help to codify this so they don't run into this problem. Mr. Pape stated he would work with Mr. Leckstein on the wording. The individual has already been hired and is a fulltime employee of Mr. Perlman and they are prepared to identify those individuals and to supply the Borough with their contact information. They will agree to defer to the Borough their determination to high use days. Mr. Leckstein asked if that employee would be on site even if it wasn't a high traffic day. Mr. Pape stated that she is on site most days but there are other employees there that can serve as parking attending as well. Mr. Leckstein explained that he doesn't want to shift the burden to the town to decide when they need to have the parking attendant available.

Mr. Leckstein will put in the resolution, if the Board approves application, that if the borough feels it is a high traffic day they can have a traffic attendant present. Mr. Pape feels that wouldn't be an issue.

Mr. Pape feels that they have become comfortable with the parking design will work.

Mr. Sessa stated that they are going to have an emergency vehicle map out on this site, how will they be assured that you are not going to park vehicles there. Mr. Pape stated that one of the comments from the Fire Marshal is to strip the Fire lanes.

Mayor Kennedy stated that it was mentioned that it was reduced from a larger party boat to four smaller boats. The party boat that was eliminated would have been 16 people but now they have four smaller boats with six people that would be 24 people. How does that calculate going from one larger charter boat to the smaller; Mr. Disario stated that the four smaller boats were already there. The larger charter boat plus the four smaller boats the larger boat is removed. How does the board know that would be the size in the future; Mr. Pape stated they stipulated that.

Councilmember Davidson asked at one point Mr. Disario mentioned that towards the east side of the building there is black top; Mr. Disario stated the driveway to the Maria on the east side there is an area of pavement that they are not using for parking. Mr. Taylor asked that is the area that the employees were going to park in. Ms. Davidson asked if that would be one of the proposed fire lanes; Mr. Disario stated they have to work that out with the Fire Marshal.

Mr. Howe asked about the plan for the overflow for the cars when it does happen; Mr. Disario stated that looking at the data applied to this Maria it would be 160 vehicles on a fourth of July in perfect condition. There is a pavement between the building and the rack, you have two way aisles that can be converted to one way aisles with parking along the aisles, you have the area to the east by west front street the combination of those areas along with the parking attendant he feels they can fit the overflow.

K. Howe the traffic plan that was submitted to the Board; if they were to change to one-way aisle the fire apparatus would not be able to navigate. In the Fire Marshals letter it says that the fire trucks should not have to back up and there should be an ingress/egress to the back parking lot. He feels there should be maps for the fire trucks. Further discussion regarding the overflow and what the plan is for overflow.

H. Aumack stated he is familiar with the Maria, the left of the building there is parking spaces and then a line of boats in various stages along the edge of the paved area; yes, he believes they are in a rack. Mr. Aumack stated there is a large area that there is an unpaved road that takes them to a wooden walkway that is there for emergency vehicles to utilize how would they get out there if it is closed off. Mr. Pape stated the area he is speaking about is the area that Mr. Perlman was required to restore as damaged wetlands. Further discussion regarding this area.

Mayor Kennedy asked if they marked in the Exhibit with the fire truck apparatus. Mr. Leckstein stated that would be Exhibit A-17 the turning lane for the apparatus.

Mayor Kennedy stated that her understanding of the forty feet fire truck coming from Aberdeen, is there anything showing Keyport accessing that area. K. Howe stated that she is correct they might be able to shift on the right down the aisle. Further discussion regarding the parking of the vehicle in this area.

Mr. Pape stated that this is the exhibit requested in March and they will work with the Fire Marshal regarding his letter. Further discussion regarding the turning radius for the fire apparatus.

Mr. Taylor asked about the trash enclosure or the fuel tank area he wanted to make sure the vehicles can access those areas. There was discussion regarding the fork lifts and the locations.

Mr. Taylor mentioned he went to the Maria one item that remains is that there are still boats in the area that will be utilized for the parking spaces are being proposed. If the boats are gone there should be more parking spaces he feels that the parking spaces have to be designated as parking spaces. Mr. Pape stated that they are working on getting the boats off the property and the boats that are on the ground will be stored in the racks.

Mr. Sessa asked if there will be a layout for the parking attendant to park the cars; Mr. Taylor stated he feels that there should definitely be a plan. Mr. Pape stated he will meet with the Fire Marshal to go over all the parking issues.

Motion to go to a 15-minute break at 9:42 pm was made by K. Howe, second by Mayor Kennedy with ayes by all present.

Roll call at 9:50PM

Mayor Kennedy, Councilmember Davidson, H. Aumack, K. Howe, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, W. McDermott, G. Kotzas

Motion to open to the public at 9:51PM was made by Councilmember Davidson, second by J. Royster with ayes by all present.

Brian Gelburd, asked the numbers that are presented are taken into consideration of the employees and staff as well as the high tides; Mr. Disario stated that it would include the people working at the Maria. Mr. Gelburd asked when he referred to the party boat you were referencing the customers not including the crew, so really it is four cars per boat. Further discussion regarding the amount of people that would use the same vehicle.

In reference to the high tide there are parking spots closer to the water become unusable unless it was raised the customers would come back with their cars submerged with water. With the radius required by the fire trucks the overflow is going to be limited, one item he feels that is not fully address is when the overflow happens where are the vehicles going to park. Mr. Disario stated that it is understanding that all the vehicles will be on site. Mr. Gelburd would like that be placed in the resolution.

Mr. Leckstein stated as a condition of approval it will state that there is no parking on residential street.

Mr. Lane, 51 First street, Mr. Disario asked what the duration of the fishing trips; Mr. Disario stated they go out normally around 6am and return 2:30 so approximately 5 to 6 hours. There was discussion regarding the parking demand, traffic and trip rates. Mr. Lane feels that the data needs to be model to the Maria and the jet ski operation. He feels that there is a real parking lot problem and suggested they look into that. Mr. Lane stated that the ordinance still requires .6 parking space per slips; Mr. Trevor stated that was correct and that is what the board would have to consider. Mr. Lane stated he had exhibits that he has been waiting to discuss on the parking problems.

Mr. Leckstein stated that Mr. Lane would have to wait until the applicant completes their case.

Mr. Lane state that there should be a model of this Maria based on trip duration, number of trips and when the trips occur.

Motion to close to the public at 10:00pm was made by K. Howe, second by Mayor Kennedy by all present.

Mr. Pape stated that the applicant was not able to prepare for the Fire Marshall comments. They will have to meet with the Fire Marshall. Mr. Pape asked to come back before the board at the earliest convenience.

There was discussion regarding having a special meeting. Mr. Pape is willing to pick up the expense for a special meeting.

Mr. Taylor is available on the 29th, Mr. Van Den Kooy will not be available but will have someone there to represent him. Councilmember Davidson has a conflict on that day.

Motion to have a special meeting on June 29th at 7pm as made by J. Royster, second by G. Kotzas by all present.

Mr. Taylor asked that they have their expert for the above ground fuel tanks; Mr. Pape stated they will make sure they are available.

Mr. Taylor reported that the Waverly project the issue still remains regarding the underground utility. He did speak to the applicant; the applicant did mention that he will to return to the board asking for relief for that condition. Mayor asked about the deed and the home owners association; the home owners associations deed was recorded with the county. Mayor asked if that would enable them to create the home owner's association; yes, that was filed in 2020. Mayor asked whose responsibility it was to create the Home owner's association; that document created the homeowner's association and then there is a document transition from the developer's ownership to the association. Mayor Kennedy asked about the curb to curb paving; Mr. Taylor stated that they would have to wait until they return to the Board. Mayor Kennedy was concerned that it would go into the fall and would be to late for them to pave. Mr. Taylor stated that he will follow up with him next week to make sure he is still working on the application. They do have a bond in place and they can always start putting pressure on the bond company.

Motion to adjourn at 10:18pm was made by Mayor Kennedy, second by W. McDermott with ayes by all present.