

The Keyport Unified Planning Board held a Regular Meeting on March 25, 2021 which was called to order at 7:01 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, K. Howe, J. Oviedo, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, W. McDermott, G. Kotzas (arrived 7:21pm)

ABSENT: H. Aumack, N. Vecchio,

MINUTES: February 25, 2021

Motion to approve minutes was made by Councilmember Davidson, second by J. Royster with ayes by all present.

**RESOLUTION: JAMES & MARGOT LEBANSKY
ANGELA JEANDRON
KUPB 21-01
MINOR SUBDIVISION
BLK 40 LOT 3**

Motion to approve resolution was made by K. Howe, second by Mayor Kennedy

Ayes: Mayor Kennedy, Councilmember Davidson, K. Howe, J. Oviedo, D. Pacheco, J. Royster, M. Sessa

**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 that this be carried to the next meeting. He didn't have a chance to thoroughly review the package that was sent by the applicant.

Motion to carry without further notice was made by K. Howe, second by Councilmember Davidson with ayes by all present.

**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**

Exhibit A1 – Application

Exhibit A2 – site plan dated 2/20/20 revised 11/12/2020

Exhibit A3 – Boundary and topographic survey dated 12/16/2011 revised 1/22/2020

Exhibit A4 – Subdivision dated 1/24/18 revised 3/8/19

Exhibit A5 – Architectural 2/4/21

Exhibit A6 – Environmental Impact report dated 2/20/20
Exhibit A7 - Stormwater narrative dated 2/20/20
Exhibit A8 – Marina Shop specification consisting of ten (10) pages
Exhibit A9 – Traffic statement dated 2/20/20 revised 11/12/2020
Exhibit A10 – Overall rendering of the project site dated 2/25/2021
Exhibit A11 – Colorized site rendering version of dated 2/25/2021
Exhibit A12 – Colorized version of Exhibit A5
Exhibit A13 – Revised plans dated 3/15/2021
Exhibit A14 – Revised color rendering dated 3/24/2021- site rendering

Exhibit B1 – CME letter dated 12/17/20
Exhibit B2 – CME supplemental letter dated 2/24/21
Exhibit B3 – CME letter dated 3/22/21

Mr. Pape explained that the meeting was continuation from the February meeting. Mr. Pape gave an overview of the previous meeting testimony.

Mr. Pape spoke briefly regarding the extension for the Mariners Village extension application. He stated that at the next meeting they would demonstrate all communications that the applicant has had with all the outside agencies so the Board can see the efforts that the applicant has made since 2017.

Mr. Pape asked Mr. Zuegner to go over the revisions to the plan that were made that included the comments from the Board at the last meeting. Mr. Pape also stated that he wanted to describe certain modifications to the applicant's business operations. Mr. Pape stated that his client would like to include the jet ski operation and four (4) charter boats. Mr. Perlman will eliminate the rentals of approximately 25 of the boat slips to accommodate the additional business operations.

Mr. Pape spoke about the client's professionals, first he would have Mr. Zuegner speak regarding the revisions on the plan, second would be Stephen Radoski and the third professional would be Mr. Duffy who would talk about the fuel.

Mr. Zuegner, gave a brief overview on the site that was discussed at the February 25, 2021 meeting. Mr. Zuegner described Exhibit A-14, he explained that the applicant heard the concerns from the last meeting and they addressed some of the items from that meeting. Mr. Zuegner stated that the applicant did want to show the key revisions to what the applicants professionals came up with due to the last hearing. One item was the landscaping, Mr. Zuegner spoke about the types of plants that would be able to handle the wind and water. They have changed some species of plants and found some areas where they could add landscape.

Mr. Zuegner explained at the last meeting the Mayor suggested the location of the trash enclosure be moved. The applicant understood the concern and has relocated the enclosure so it wasn't seen as soon as the public came over the bridge. They relocated the dumpster to a corner spot and added a fence around the enclosure. The applicant also removed the food truck and added a 15 minute drop off spot for delivery. The picnic table area would have landscape to make it more appealing.

At the February meeting there was discussion regarding five (5) employee parking spaces in the front of the building and how it would work; Mr. Zuegner stated that they have moved these spaces into the operations area and the employees parking was moved by the long term storage area. The changes that were made did not change the number of parking spaces. Mr. Leckstein asked how many parking spaces there was; Mr. Zuegner stated that there were 80 parking spaces, not including the 15-minute parking space. Mr. Taylor asked if there was any change for the parking from the initial site plan; no.

That concluded Mr. Zuegner description of the changes on the plan. Mr. Pape spoke about the parking lot, he pointed out that the design is well organized. Mr. Pape stated that the plan before the Board is an improvement to what is there currently. Mr. Zuegner testified that they have both increased and organized the parking for the Marina. Mr. Zuegner feels that with the organization that has been created it will effectively help with the parking. He explained the way the lot is currently there are boats that are stored on the ground, the new organization will be that they move the boats to racks and that is how the additional parking was created.

Mr. Pape stated that the business operation that is being proposed are listed in the Borough Ordinance as permitted uses for the Marina businesses. Mr. Pape stated to accommodate those businesses they have authorized to propose the following: the jet ski tenant currently has 17 jet skis and he is prepared to lease 17 slips. Mr. Pape feels that the 17 slips are not necessary but by leasing them they are taken out of the pool that could be leased for boat owners, which will reduce the parking demand. The current jet ski business currently has 17 they have discussed with the owner of the business and the jet ski business would never exceed 30. Mr. Pape explained if there are 30 jet skis there would be 30 water slips dedicated to the jet skis to make certain there is no an over burden on the parking.

The second business that Mr. Perlman is requesting would be the charter boats, the request is to have four (4) charter boats. The charter boats have two (2) employees, the boat has a maximum of six (6) people on the boat. The proposal is for the four (4) charter boats to each have two (2) water slips that would total eight (8) slips associated with the charter boats. Mr. Pape stated that would be an additional eight (8) slips that would not be available to rent to boat owners. Mr. Pape stated the combination of the two business which would be 25 slips that would not be rented to boat owners.

Mr. Pape spoke about the hours of operation; the Marina would be five (5) days a week from 8am to 5pm, weekends are a little earlier and a little later. On Sundays and Mondays, the office is not open but people are permitted to use their boats.

The charter boats usually leave between 5 and 6am and typically return around 3 or 4 pm. The jet ski hours of operation are seven (7) days a week weather permitting from 8am to 8pm depend on the rising and setting of the sun. That information can be incorporated into the resolution that Mr. Perlman would agree to.

Mr. Leckstein asked for confirmation that for every jet ski the owner would rent one boat slip; correct. Mr. Pape added that there may be one or two jet skis that are not in the water. There will be 17 in the water it could go up to 30 and the jet ski tenant will be required to rent one slip for every jet ski in the water. Mr. Leckstein asked Mr. Pape to clarify what is happening to the two jet skis out of the water. Mr. Pape stated that they are being serviced.

Mr. Leckstein stated that the answer would be for every jet ski in the water there will be one slip rented; that is correct. Mr. Leckstein added that the owner could not send out another jet ski because the slip was not rented; correct. Further discussion regarding the slips and the jet skis.

Mr. Leckstein asked for confirmation regarding the charter boats, he asked for every charter boat there would be two (2) slips rented; yes. Are you limiting yourself to four (4) charter boats; Mr. Pape stated that is the number that Mr. Perlman is capping it at. Mr. Leckstein stated that in the resolution if the Board approves it will state that there would be no more than four (4) charter boats. correct, if that number was to change the applicant would go back to the Board to ask for the addition. There was further discussion regarding the hours of operation.

Mr. Taylor asked about the eight (8) jet ski slips that are currently shown on the plans are the 17-30 an addition to the eight (8); Mr. Pape stated that the owner now leases eight (8) he will be leasing 17. Mr. Pape explained there is one slip to every jet ski. Further discussion regarding the jet ski and the slips and how they fit into the slips. Mr. Leckstein asked if they are capping the number of jet skis to 30; yes.

Mr. Taylor asked where the business will be operated out of, he asked if they would be out of trailers or the marina building. Mr. Pape stated that the jet ski operations have a total of five employees, one does paper work, one owner and three people that go out on the water with the customers. The paper work would be done in the Marina building. The charter boat operation is done on the boat.

Mr. McDermott asked if they know how long they typically rent the jet skis; Mr. Pape stated the gentleman that owns that business states it is generally an hour or a little more.

Mayor Kennedy asked about the update to the plan, she didn't account for the 80 spaces. She asked that they put the image back up so she can see the parking. Mayor Kennedy stated that she appreciated that they moved the trash enclosure but is concerned that it is in an area that consistently floods. The Mayor asked if that would rot out the bottom of the dumpster; Mr. Zuegner stated there would not be anything in the structure that would rot out, the closure would be vinyl fencing and concrete, the dumpster is made of steel.

The planting they selected are capable of withstanding the occasionally flooding of salt water. Mr. Zuegner stated that there is nothing that would rot out or would not be able to survive the occasional flooding. Mayor asked when there is flooding would they be able to get the hauling company in to have the dumpster emptied; the amount that it floods normally yes. Further discussion regarding getting the truck into the area during flooding.

Mayor asked that they resend the document showing the eighty spaces and label the spots with the 15-minute parking. Mr. Zuegner showed on the screen the exhibit where the 15-minute parking would be. Mayor asked if there was only one of those spots; yes. Mr. Leckstein asked if the four handicapped spaces part of the 80; yes.

Councilmember Davidson asked about the 17 jet ski slips; we have some existing jet ski slips already. Are the jet skis going into the boat slips or are the boat slips going to be converted to jet ski slips and made smaller to fit one jet ski; Mr. Pape stated that the slips would not be modified. The jet ski operator will continue to operate from the eight slips that he does right now. What they are doing is taking the slips out of boat circulation, if the jet ski operation goes away the slips will then be available for boat owners. Mr. Leckstein asked how many slips in total there were; Mr. Zuegner stated there was 115 proposed in water slips.

Mayor asked Mr. Taylor if there needs to be any traffic study with the additional jet ski operation; there was discussion regarding the amount of jet ski being rented per hour including the additional time for the training.

Mr. Taylor stated that the traffic impact statement that was submitted did not include the increase of jet skis. Mr. Taylor stated that the traffic report would need to be updated so it shows the number of trips coming in and out just for the jet skis and charter boats. Mr. Taylor doesn't think the 6am for the charter boats is an issue but does feel that the 3pm or 4pm might be. As well as on the weekend when there is another 40 trips coming in and out at the peak time at the Marina.

Mayor Kennedy also mentioned that on the original plan there was no discussion regarding a jet ski business so the eight that was referenced in the original traffic statement were for people that just left them in the water for their own personal use. There wasn't anything in the plan for a jet ski business; Mr. Taylor stated that is correct. Mr. Pape stated agreed to have a Traffic study done.

Mr. Pape mentioned that the jet ski owner is available and can speak about the experiences that he has had with the business. The training isn't done in a classroom where you go hour to hour.

Mr. Corey Orazem, owner of Jersey Jet Ski Inc. explained that he has adjusted the gap so that when the customers come back there is a fifteen-minute window that will give the customers the time to gather there belongs and leave before the next group arrives. Most people do car pool with four people. Mr. Leckstein asked if Mr. Orazem is stating that two different groups would not be on the site at the same time; yes. They created a 15-minute gap so there is no overlapping. Mr. Leckstein stated that would be a condition if the Board approves the; Mr. Orazem replied okay.

Mayor thanked Mr. Orazem for being on the call and explained she has nothing against jet skis, but he has to understand that last summer the traffic and parking situation in the area with only one quarter of what is being proposed was a lot. At the last meeting the Board was told the applicant was not coming forward with the charter boat or jet ski and if they considered that later on they would come back to the Board for a variance in the future for this use. Mayor stated that she feels that is was a shocking update to the Board, she asked if the other Boardmembers felt the same.

Mr. Orazem stated that he feels they will have the same amount of people as last year. Mr. Orazem explained that last year was an extraordinary year because people were not going away, there were no amusement parks open and this was a service that a lot of people were able to socialize this way.

Mr. Orazem explained typically the weekends are the prime time and weekdays are not as busy. Mayor asked how many they operated last year; they operated eight last year and had two that were on land for maintenance. Mayor confirmed that they are asking to be allowed to triple the amount from last year if you go up to 30 which was just presented by Mr. Pape; correct Mr. Orazem stated he would like to have the ability to go up to that point in Keyport.

Mayor explained that would be a significant amount of motorized boats on the waterway as well. Mayor asked Mr. Taylor if he was aware of the number of jet skis that were being proposed tonight and what his or the Boardmembers thoughts on this.

Mr. Taylor stated he was not aware of the numbers that were being proposed at the meeting, he feels it is a significant increase in the amount from last year. They are going from eight (8) to 30 Mr. Taylor understands that they may not be using all 30 all the time. Mr. Taylor explained that the use of 30 jet skis would have to take it into consideration especially around the holiday weekends and weekends. Between the jet skis and the boats there would a significant amount of cars that would need to park and the overflow would go on the streets and that is what happened last year. Mr. Taylor believes they need to take a look at possibly dedicating some of the spots for the jet ski users so that if people come in there are designated spaces for them.

Mr. Taylor asked if there would be another area on the site that could be used for parking the vehicles for the charter boats since their customers would be going out from 8am to 4pm, this way they are keeping the easy accessible spaces for the customers that are coming and going. Mr. Sessa agrees with these recommendations.

Councilmember Davidson asked if there have ever been studies done with the jet ski regarding the environmental impact and the noise of possibly 30 jet skis going around on a very busy day. What would that do to the neighbors and the proposed apartments that are going to be built. There would be more traffic on the water. During low tide Keyport has a lot of historic pilings she is concerned that they are not marked very well. Councilmember Davidson is concerned about what kind of accidents could happen. Mr. Leckstein explains that under the Borough Ordinance this type of operation is allowed so that sort of negates the Councilmembers concerns about the number of jet skis because they are permitted. The Board really can't get into whether or not jet skis on the site are good or bad because it is a permitted use.

Mr. Leckstein explained that this application that is before the Board is all about the parking spaces. It is if the intensity of the what is being proposed to be on the site can be adequately support with parking. That is what Mr. Leckstein believes this application is about. Mr. Leckstein spoke about the ordinance.

Mr. Taylor stated that the jet ski is a permitted use in the GC zone, it does come down to the parking. You don't want to have people parking on the residential streets and coming to the site for any reason. Mr. Pape added that they had an obligation to come before the Board with a Marina site plan that came from the new apartment complex approval. The approval specifically stated that the Marina was to be preserved and the redesign for the Marina was an obligation of Clay Perlman.

Mr. Pape stated that the Town ordinance allows the proposed uses that Mr. Perlman has in the application. The ordinance also has a specific parking requirement. The parking requirement is .6 spaces per slip. The parking requirement does not change based on the uses that are on the site.

The testimony that is going to be presented by Mr. Louis Zuegner will give an analysis on the impact that these changes would have and also to confirm his opinion that the onsite parking is adequate. At 115 stalls with 80 parking spots, the calculation is that they have 11 more stalls than the ordinance requires for the slips.

Mr. Pape stated that all the Board's concerns are understood but they are before the Board with a permitted use. They are before the Board with the understanding that it was the express direction of the Planning Board to come forward with a site plan application and he feels that Mr. Perlman is doing everything he can knowing there is a substantial capital improvement cost to create a viable business.

Mr. Leckstein asked Mr. Taylor to remind the Board how many parking spaces are required by this application. Mr. Taylor stated on his last report he stated that 160 and they are providing 80 spaces. There is a deficiency of 80 spaces. Mr. Leckstein understands that Mr. Pape will argue why 80 spaces are sufficient but Mr. Leckstein wanted the Board to understand that you are asking for a significant variance for the parking. Further discussion regarding the parking and the use of the racks. Mayor Kennedy confirmed that the 80 spaces included the five employee parking spaces; correct.

Mr. Howe mentioned that even though the parking requirements state is .6 spaces per each wet slip, you are offering 115 wet slips and he believes at the last meeting they were proposed to be boats. On this application they are looking to swap some of the slips for jet skis but you really didn't swap anything. Mr. Howe stated if you have no jet skis you still have 115 wet slips for boats which means you would need 80 spaces. When you reduce 30 slips for the jet skis that would mean you have 85 boat slips which means you would have to have 80 parking spaces for the boats that are in the water.

Mr. Howe also mentioned the number of boats on the rack, there was further discussion regarding the amount of parking spaces including the additional employees that would be parking in the Marina. Mr. Pape stated that they are following the ordinance. Mr. Leckstein explained that the parking is not calculated off of 115 slips the ordinance does not differentiate between in-water slips, that is why Mr. Taylor is coming up with his number which is 160 parking spaces which is what is required.

Further discussion regarding the number of spaces that are required by ordinance and what number of spaces that are at the Marina and what the number of spaces for the variance. Mr. Pape stated that it was Mr. Zuegner's opinion that dedicating ten (10) stalls to the rack area was adequate.

Mr. Pape understands that everyone is trying to do the same thing, everyone is trying to preserve the Marina one that is economically viable. They came before the Board with a parking lot design and plan that they feel will work with the parking that is being proposed. They have made it clear that there will be no parking in the community they are to park on the site.

Mr. Pape gave an overview on the parking spaces and slips. Mr. Zuegner explained that there are two elements one is the operations and the other is parking criteria. The ordinance does allow Marina's to operate different businesses at the same time and these uses are permitted. The ordinance also speaks of the .6 spaces per slip, this is also very similar to the State of New Jersey created in the CAFRA rules. The State looks at it as an overall and that is the guideline that they use. The State does not include rack storage; the Borough Ordinance does set it up that the rack spaces do count. Further discussion regarding the use of racks.

With the different operations on the site they will adjust the slips rentals for boats and that would help with the parking demands. They created organization with having the racks as part of the storage which has increased parking from the initial plan. Mr. Zuegner stated that for most of the year the parking lot is probably empty. Further discussion regarding how the operations would fit on the Marina with having all the parking on the site.

Mayor Kennedy commented that the winter storage of the boats is phenomenal, she doesn't feel that you can fit anything more on the site right now. Her concern is that if you are adding the additional slips where could they possibly add the winter storage. One other item is that she wanted to go back to the permitted uses in the ordinance everyone understands that. The issue is the application that was reviewed by the volunteer Board and before the professionals is not what is being presented at this meeting. Mayor Kennedy feels that some respect should be shown to that this application is a complete change to what was presented to anyone to review and the Mayor feels that was a waste of people's time.

Mayor understands all the uses are permitted in the ordinance and she respects that but also hopes that the applicant respects all the time that the volunteers put in to review the application they received. Also, this isn't the application that the traffic study was done for and what was not worked up for as far as the professionals to do a proper review.

Mr. Leckstein agreed with the Mayor 100 per cent, he continued that the application that was being presented was not initially reviewed. Mr. Taylor has indicated that he was not anticipating this application at this meeting. Mr. Taylor's review letter was not written for this application and if the Board wanted to have further studies completed based upon what is being proposed to the Board at this meeting that is totally in order. The Board is able to request that this application be carried to another meeting so that they can get that information for Mr. Taylor to properly review for this project.

Mr. Sessa agreed that it is in the Masterplan to have a viable Marina, but he feels they need to be convinced that this plan will work in regards to the parking. Mayor added also the winter dry dock storage.

Mr. Howe mentioned that Mr. Zuegner said that there would be parking lot “enforcement”. Mr. Howe asked who will manage the enforcement, is there going to be somebody from the Marina. Mr. Howe stated that the police department would not be asking the customers to leave the Marina. Further discussion regarding the parking enforcement and who would be responsible. Mr. Pape stated that the owner of the property would be responsible to have the people leave. Also, the zoning officer has the power to issue violations to the property if needed.

Mayor Kennedy asked for clarification regarding where the jet ski and charter boats were going to be run the business since they can’t operate out of a trailer. Mayor asked where on the site plan is that located, for people who are going to check in, register and watch their training video. Mayor asked where would all that be happening on the site plan. Mr. Orazem explained that he will be using the offices with Mr. Perlman and the operate the jet ski operation from there. Most of the safety instructions are done face to face not really by video which is done by the water by the jet ski so that this way the customers have more of a hands on training with the machinery.

Mr. Pape stated that the paper work business is done in the office and the training is done by the jet ski. The charter boat business is done completely on the boat. There was further discussion regarding the timeframe the full process takes.

Mr. Taylor asked where is the 17 slips are located that are going to be dedicated; Mr. Pape stated that the slips have not been identified. Mr. Pape stated that those slips would be removed from the rental pool and Mr. Orazem’s business would be responsible for the leasing of those slips. Mr. Pape added if the Town had a specific location that they feel should be not used they will accommodate the Towns recommendation.

Mr. Leckstein reminded Mr. Taylor that they could be going to designating up to 30. Mr. Taylor felt they should be designated for the zoning officer just in case there was an enforcement issue. Mr. Pape stated that they can all be labelled. Mr. Leckstein confirmed that they would do the same for the four (4) charter boats which is a total of eight (8) slips.

Mayor stated she understands that everyone has to make a living, she stated that she does appreciate that the applicant is trying to keep a waterfront business that’s vibrant for the community, she continued to say that the Board is required to protect the community at the same time regarding the parking demands and traffic. Mayor stated she is not against having jet skis, boats or charter boats she stated that the Board has to do their due diligence for the community.

Mr. Pape stated that one of the questions that could be addressed is in regards to the winter storage. Last month he communicated with Mr. Perlman advised him that during the winter season the parking lot is essentially empty and he can use the parking lot for the winter storage. Mr. Perlman explained how the winter storage would happen, he stated that there is enough storage on the property. They also added racks for winter storage as well as a lot of their customers do not store their boats at the Marina in the winter. During the winter they are 100 percent closed so they utilize all the space for storage.

Mayor thanked Mr. Perlman for his explanation, she also thanked Mr. Orazem for his understanding. Mayor stated they have to take into consideration the future business if Mr. Orazem retires the approval stays with the property.

Mr. Howe mentioned that the new parking area will be paved. Mr. Howe asked Mr. Zuegner if there was any drainage proposal, he asked where the water would go. Mr. Zuegner stated that it is overland drainage that would go to the water just like it does now. Mr. Zuegner stated that he would discuss with Mr. Taylor the drainage and if there are any improvements that need to be made they would work on with Mr. Taylor. Mr. Howe stated that his concern was the tidal flooding and water coming up and possibly not being able to go back out. Mr. Howe stated that he understands that it is overland drainage so when the tide goes down the water would leave; correct.

Mayor Kennedy asked if there are any updates regarding if the bathrooms are going to be moved to higher ground for flood purposes; Mr. Pape stated that the next witness would present proof that is required by the Board. Mr. Pape reminded the Board that they have jurisdiction over granting a variance relief for the flood methodology, they are going to make that presentation to the Board.

Motion to open to the public at 8:21pm was made by K. Howe, second by Mayor Kennedy with ayes by all present.

Brian Gelburd, 16 Washington Street, asked Mr. Orazem if he did any rentals this year; just training. Mr. Gelburd explained that there are people already parking on the Washington Street and walking down to the Marina. Mr. Orazem stated that no one is permitted to do that and there is no direction from him to do that. Mr. Gelburd stated that currently on the website there are a couple of comments that have been spoken, it states that participants must arrive 35 minutes early prepared to go on the water with requirements below on hand to be checked in, it states that parking at the location is free and you can park in the lot in front of 357 West Front Street, or easily on Washington Street. Mr. Gelburd stated that they are being directed to park on Washington Street. Mr. Orazem stated he will update that information immediately, he thought he had recently cleared all that information. Mr. Orazem stated that he is in the process of updating the website and will make sure that information is corrected. Further discussion regarding parking at the Marina and the website.

Mr. Gelburd also mentioned that people not familiar with the area come in advance and he has had loads of debris in front of his home. The town has sent workers to clean it up, Mr. Gelburd hasn't seen anyone from the Marina doing any of the cleanup. Mr. Gelburd continued to comment that the residents have to live with the mess that comes on their lawn as well as people taking out their lawn chairs and sitting at the dead end playing music and hanging out waiting for their appointment. Mr. Gelburd asked if any accommodations are being made for the customers that are waiting; yes. Mr. Orazem explained that there will be a picnic area that people would be able to utilize as well as making the adjustment of buying all the slips from Mr. Perlman in order to assure that he will have all the parking spaces that are needed. Mr. Orazem spoke about the modification he is making to the schedule so there wouldn't be an overlap of people. Further discussion regarding the use of town while customers wait for their appointment Mr. Orazem will add to the information the customers receive that there will be no loitering. Mr. Gelburd explained that the residents might not be opposed to the variance or the adjustment if they didn't have the experience they had last year. He is fully in favor of it being a viable business and supports as long as it is not at the expense of the residents that leave near the Marina. Mr. Gelburd is concerned with the additional operations at the Marina that are being requested that the parking will overflow even more on to the residential streets.

Further discussion regarding what can take place so that the overflow doesn't affect the parking on the residential streets. Mr. Gelburd asked if this application is approved how can he be sure that the parking on Washington Street doesn't happen after the approval. Mr. Orazem suggested possibly have permit parking on Washington Street, as well as possibly have the vehicles get ticketed. Mr. Gelburd stated it isn't just Washington Street it is the neighboring streets as well. Mr. Orazem stated that possibly down the line they could purchase car lifts to make more spaces, he stated he is willing to do everything he can to help out.

Mr. Gelburd stated his request to the Board is that if approved they put some kind of safety in for the residents in regards to the parking.

Mr. Leckstein explained that one of the conditions that Mr. Pape had agreed to at the last meeting that all parking associated with the use would be done on site; yes. Mr. Leckstein explained that would remain a stipulation, so if there is a violation of that the property and the companies of the jet ski business, charter boat business or just the Marina would be subject to zoning violations by the zoning officer, the Board does have the power to issue violations but the Board can have this as a condition in the resolution and that would eliminate anyone parking on Washington Street. If anyone sees customers parking on the residential streets for the Marina they can call the zoning officer and the Marina would be issued a summons of violations. Further discussion regarding the enforcement of the conditions on the resolutions.

Michael Lane, 51 First Street, asked if the solid waste location is in a V zone; Mr. Zuegner replied yes. Mr. Lane asked how would the dumpster be anchored; it is not on the design but it can be anchored by a bolt or plate in the ground with a chain that can be removed for lifting of the dumpster.

Mr. Lane spoke about the statement that was made about the minimum of parking spaces per slip was .6, he stated if you look at the State documents that criteria were defined in it mentions that the number of parking spots per slip could be significantly higher than the minimum based on the nature of the business. Mr. Lane stated that was has been spoken about is the nature of the business. Mr. Lane asked if the Charter Boat operation was going to go out twice a day; Mr. Pape stated that the they are once a day but that doesn't mean that there aren't going to be times when they twice a day. Mr. Lane stated that he has put together some exhibits regarding the parking problems and the commitment that this applicant has made and he would like to give the presentation.

Mr. Leckstein explained he would have to wait until the applicant is finished before he can put up an objective case.

Further discussion regarding the amount of parking spaces they are asking for with the variance.

Alan Yunker, 28 Washington Street, not happy with the way things were working, very disappointed with the way they were treated last year in regards to the trash and the parking. He felt he was being harassed and intimidated because of it, his first reaction for the plans was that anything that was done on their property should stay on their property and no effect neighboring properties and that is not what has happened. Mr. Yunker feels that things have gotten worse; he would like to

know when things fall apart who should he go to. Mr. Leckstein explained if the Board approves the application and there is an issue you would complain to the zoning officer or code official officer and it is their job to go out and investigate the complaint and issue summons.

Mr. Yunker stated that he also has a problem with the filling for his property he stated the way it was presented there was an offer to fill his property with the Mariners Village. The main thing the dirt pile has contaminants and that would end up in the fill he has a garden and lives off the property. The Mariner over the years have done things to fill and nothing has been resolved. When he spoke to Mr. Radoski he mentioned the pile in the back he was getting flooding in his basement and he was told it was probably because of the heavy rains at that time further discussion regarding the flooding in Mr. Yunker's basement. He feels that he is having issues with his property that have nothing to do with him that have never been addressed. Mr. Pape mentioned that they had communications with him when they were doing the apartments and offered to do a topographic investigation and to work with him for a regrading plan and it was his recollection that Mr. Yunker didn't want the applicant or the professionals on his property. For that reason, nothing was ever performed. As far as this site Mr. Zuegner mentioned that there is no proposed filling for the Marina. They are separated by the design of the entry way for the apartments, nothing that is being discussed in this application will affect his property. Mr. Yunker stated over time there was filling that happened that there was supposed to be a drain that was either removed or damaged that has added to the flooding on his property. Further discussion regarding the drainage on Mr. Yunker's property.

Robert Yunker, 28 Washington Street, last month there was a discussion regarding the jet skis and the bathroom facilities he remembered they were going to be a key entry for boat owners only. What will happen with the Jet Ski; Mr. Pape explained the bathroom facilities are for the customers that are on the site.

Mr. Yunker stated he has concern about the size of the building and the racks, he believes he heard they stand about 35 feet as it is now to the top without trailer; Mr. Pape stated that was testimony from the last meeting it has not been discussed at this meeting so far. Mr. Pape asked Mr. Leckstein and the Chairman to see if they want those questions to be addressed tonight. Mr. Sessa asked if the plans of the building are under the 35 feet; Mr. Zuegner stated that the existing racks that are currently on the site are 30 feet the proposed ones are at 40 feet it is not his understanding that falls under the same category of the building. Mr. Zuegner added that there is a building coming down, the proposed building will be further away from the homeowners. Mr. Sessa confirmed that the height of the new building will not need a variance; that is correct.

Mr. Van Den Kooy mentioned that the boat racks will be at 45 feet even though they are not a principal use they are an accessory use. At 45 feet the exceed the maximum height in the zone and they would need a C2 variance.

Mr. Yunker stated that it may be minor but one thing they enjoy in the yard is seeing the sunset and the water and it seems that they will eliminate that as well as eliminating the front view since the apartment building will have a five story building. Further discussion regarding the relationship between the Marina and the residents.

Mr. Yunker asked how far out do the jet ski customers go out before they rev their engine; Mr. Orazem they are guided out to a rental zone that is a designated area. It is past the no wait zone; they are not operating by other boats. Mr. Yunker asked at the end of Broadway, yes give or take. Mr. Orazem offered Mr. Yunker to come and view the safety instructions given to the customers. Further discussion regarding designated area for the jet skis.

Motion to close to the public at 9:00 was made by K. Howe, second by K. Howe, second by Councilmember Davidson

Motion to take a five-minute break at 9:01pm was made by K. Howe, second by Mayor Kennedy with ayes by all present.

Back in session at 9:10pm

Mr. Leckstein asked Mr. Pape how many additional witness do they have tonight; Mr. Pape stated he had two more witnesses. Mr. Pape stated that they will present the architect and wait for the guidance of the Board and professionals to hear the fuel expert testimony at the next meeting.

Mr. Pape asked if it would be a good time to find out what other documents the Board is looking for besides the traffic report; Mr. Leckstein stated that would have to come from the Board's professionals. He believes there should be some off line communication with the professionals. Mr. Pape will reach out to the Board's professionals to discuss what will be needed; Mr. Taylor agreed.

Roll Call: Mayor Kennedy, Councilmember Davidson, K. Howe, J. Oviedo, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, W. McDermott, G. Kotzas

Mr. Pape stated he has a question for Mr. Zuegner if know the current grade level of sea level of the property where the building is going to be proposed; Mr. Zuegner explained that these are elevations based on data at the building it is above five (5) to six (6) feet above elevation. Mr. Pape asked if they are proposing to keep the existing grade; yes.

Mr. Pape asked Mr. Stephen Radoski to describe to the Board the nature of relief they are requesting. Mr. Leckstein stated that they are showing Exhibit A-14 on the screen, the rendered replacement plan. Mr. Radoski stated that are asking variance relief from section 15-5.4-4c in order to have boat repair and toilet rooms on the first floor since the first floor is below the flood plan.

Mr. Pape stated they just heard from Mr. Zuegner that the grading in the area will remain between five (5) and six (6) feet above sea level. What is the flood elevation that the applicant would have to achieve if we did not need this variance relief or if the variance relief was not available to them; Mr. Radoski stated he believe it would be 14 feet and they have their second floor at 20 feet. Mr. Pape confirmed that there is no issue with the second floor, but the first floor is greater than five (5) but under 14 and it is for that purpose they are asking for relief; correct.

Mr. Pape stated the ordinance says the Board has the jurisdiction to hear this type of application and grant relief. Mr. Pape stated that the ordinance has a number of points most appear to be safety related, Mr. Pape asked Mr. Radoski if the building was to have break away walls as proposed in the design and if there were to be a maintenance shop and bathrooms on the floor, do

you believe there would be any danger created to the surrounding property owners; no there would be little danger to the properties nearby and the materials would not be swept over other lands since there is no nearby neighbors. Mr. Pape asked if Mr. Radoski saw any danger to life or property if this type of building was permitted to be constructed; no the proposed lower level of the building would only be used for the toilet room and boat repair.

Mr. Radoski stated that for this building he would recommend wet proofing with breakaway walls and flood vents. Further discussion regarding damage to the property or danger to life in regards to the way the building would be constructed.

Mr. Pape asked if there was any other alternative location in the building where boat maintenance could occur; that would be the only level it would not be feasible to have the boat maintenance on the second floor. Mr. Pape spoke about the purposes of a Marina, he asked Mr. Radoski if he felt that no reasonable alternative to have boat maintenance at a Marina without this relief being granted; no he doesn't see any alternative site at the location.

Mr. Pape asked if the toilets what are the draw backs on having the toilets on the second floor of the facility; the people that will be using the toilet rooms would be coming back from the boats they would be wearing flip flops, bare foot then could have wet feet while climbing stairs, they would have concerned with someone slipping and falling. They would need an elevator which would be get wet. Mr. Radoski stated it wouldn't be ideal for someone returning from a boat to have to go upstairs to use the rest rooms. Mr. Pape asked if is his opinion that the facilities should be located on the first floor; yes. Further discussion regarding the facility uses of the Marina as well as the risks to the building being constructed at this location.

Mr. Taylor stated that they did issue a letter dated 3/22/2021 which did have the appeal requirements, the variance requirements for the relief. Note for the Board that the location of the building is in a AE14 zone but it is in a coastal A zone. A coastal A zone is different it where the wave height in the coastal A zone is between 1 ½ and 3 feet where in a V zone the height of the wave is 3 feet and greater. When they looked at the flood maps the entire property is in the Coastal A Zone so there is no other spot on the site where they would able to have a building outside the Coastal A zone. To build in a Coastal A zone, they have to build on piles, have break away walls the area lower than the flood elevation which is BFE plus 1 foot based on construction code further discussion regarding building on this site and what would be needed.

Mr. Taylor asked if the applicant has received any comment back from DEP regarding the building.

Mr. Pape asked Mr. Radoski if he could confirm the question regarding the utilities and back flow preventer; yes, they can be addressed in the design.

Mr. Van Den Kooy asked if the applicant investigated having an elevator; Mr. Pape stated they did not explore having an elevator. The applicant was thinking that the second floor was going to be used for business owner's offices only. There was discussion regarding having the bathrooms moved to the second floor, Mr. Pape stated that they would then have an elevator on the first floor.

Mr. Oviedo asked if there was a drawing for the building; Mr. Radoski described what the building would look like. Mr. Oviedo recommended that they have a drawing so that all the Boardmembers could understand what the building would look like. Mr. Radoski stated they can provide the drawing that Mr. Oviedo is requesting.

Mr. McDermott asked how often does the water get to the level that preventive measures would be tested; Mr. Taylor it happened during hurricane sandy when the elevation was between 11 and 12, so it that circumstance you were looking at 7 feet of water against the building. That was the most recent major flooding that we had.

Mayor Kennedy asked to confirm something, Mr. Taylor stated that if this was built to BFE+ 1 the building should be built on top of pilings raised above, they are building on piling but not being raised; Mr. Taylor stated the finished floor would be on pilings about 11 feet off ground. Mr. Taylor explained that it would be like Up the creek where they have an elevator and storage below the finished floor and they don't have any break away walls. Typically, what an applicant would do with the building is enclose it with breakaway walls so in theory when the flood waters come up the walls either break away or raise and go back in place, which the applicant will still have to meet. What Mr. Taylor believes they are trying to do with the wet proofing is to put materials that are below the finished floor could get wet and not get damaged which is different than the dry proofing. Mr. Taylor believes the dry proofing would not be permitted in the V zone because of the wave action. Further discussion regarding the wet proofing and the breakaway walls.

Mayor Kennedy asked if Mr. Taylor was comfortable with leaving the bathrooms on the first floor with a back flow preventer; Mr. Taylor stated a back flow preventer and regarding the repair shop what type of equipment would be on that level that can move and drift away and cause damage to neighboring properties.

Mr. Sessa stated at the last meeting he believes that the applicant was going to come back to the Board with what was going to be inside the repair shop; Mr. Pape stated that is on his list he does have additional testimony that will be given by Mr. Perlman.

Mayor Kennedy mentioned at the last meeting Mr. Oviedo or Mr. Howe asked about entering the building since there are concrete pillars in the original set of plans. Mayor asked if they can explain the entering and exiting the building; Mr. Zuegner explained the parking lot in that area of the building and then Mr. Radoski could explain the overhead draws.

Mr. Zuegner referred to Exhibit A-14, the area in front of the building on West Front street was used for employee parking, they removed the employee parking but left the paved section in front of the building. The created a driveway there so they can get vehicles or equipment through there. Mr. Zuegner explained that they don't see that area as the primary entrance that is why they left the curb there so it still looks like parking but it is completely accessible.

MR. Radoski stated on the southern portion of the building they have a 25-foot door which is 25 feet in height where they can bring in trailers with boats and then on the west side of the building they have 35-foot-wide barn doors that split open so boats on trailers can be brought in. There is no office space above so they can work on the boats. Mayor thanked them for clarifying the types of doors.

Motion to open to the public at 9:44pm was made by Mr. Howe, second by Councilmember Davidson with ayes by all present. These question should be for Mr. Radoski.

Mike Lane, three pieces of information was present by the applicant expert one was back flow, one was Coastal A zone and the other was grading. Mr. Lane asked if the back flow would prevent sewage from being pushed back into the toilet; Mr. Radoski stated it stops from traveling reverse into the pipes. Mr. Lane asked how will they deal with the fact that above the toilet you can have six feet of flood water and pressurizing the whole sewer system in the Borough because you didn't put the toilets above the base flood elevation plus one. Mr. Radoski stated they can look into that they still have to design the system so they can look into that. Further discussion regarding the design for the flood water and toilets.

There was discussion regarding the Coastal A zone in the drawings, Mr. Taylor feels that should be added the plans to show where it is on the drawings.

The grading at the site was five feet, the subdivision site plan ordinance requires a topographical map and there is no topographical map how can they proceed on the site plan; Mr. Pape stated that the plans do include these. There was further discussion regarding the flood plan boundaries. the flood zones and topographical map.

Motion to close to the public at 9:54pm was made by Councilmember Davidson, second by Mayor Kennedy with ayes by all present.

Motion to carry to the May 27th meeting without further notice was made by K. Howe, second by D. Pacheco with ayes by all present.

Motion to adjourn the meeting at 10pm was made and carried with ayes by all present.