

The Keyport Unified Planning Board held a Regular Meeting on February 25, 2021 which was called to order at 7:02 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

ABSENT: H. Aumack

Mr. Leckstein asked everyone to please turn on their video to be able to participate with the applications.

MINUTES: January 28th Re-Organization

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

Email from Borough Clerk regarding reviewing the Stormwater Management and Control Ordinance for Master Plan Consistency

Mr. Leckstein explained that the state of New Jersey has enacted new regulations that are requiring every municipality in the state of New Jersey to re do their Stormwater Management regulations ordinances to meet the new standards that have been implemented by the state. That is why Council has put this through. Mr. Sessa asked if it was the Board's job to instruct their professionals to review and make sure it is consistent with the Masterplan. Mr. Leckstein mentioned that presumably the professionals have looked at the ordinance and it is in conformation with the State regulations and the Masterplan. Mr. Leckstein asked Mr. Taylor and Mr. Van den Kooy if they were involved with the ordinance. There was further discussion regarding the state regulation and the consistency with the Master Plan.

Motion made to send a letter to Mayor and Council stating that the ordinance is consistent with the Master Plan was made by Councilmember Davidson, second by N. Vecchio

ROLL CALL:

Ayes: Mayor Kennedy, Councilmember Davidson, J. Oviedo, D. Pacheco, J. Royster, M. Sessa, N. Vecchio, W. McDermott

Nays:

Abstain: K. Howe

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

Exhibit A1 - Application

Exhibit A2 – Final and Preliminary minor subdivision plan

Exhibit B1 – CME letter dated 2/5/21

Mr. Leckstein stated that it is understanding that there are no new variances being created, that all the variances are pre-existing. Mr. Leckstein asked if they could go visual, Ms. Lebanksy stated that they were having issues. The applicant is looking to move a lot line. Mr. Leckstein sworn in the applicant.

Mr. Lebanksy described the application, he stated that they were moving the property line that his mother in law owns. The property line approximately 40 feet which has a shed on it. Mr. Lebanksy stated that he has inherited the tools and moving the lot line would give them a little more property. Mr. Leckstein confirmed that they are moving the lot line so that the shed would be on their property; yes. Mr. Lebanksy stated that his mother in law was also in attendance in case the Board has any questions for her.

Mr. Leckstein asked if Mr. and Mrs. Lebanksy was lot 3.01; Ms. Lebanksy replied yes. Mr. Leckstein stated that was all the questions he had.

Mr. Sessa asked if any of the Boardmembers had any questions for the applicant.

Councilmember Davidson asked if the shed that is existing on the property was going to remain the in current format or are you going to change it or updating. Mr. Lebanksy stated it was going to stay as storage that is their intent. They are not going to add any utilities. There were no further questions from the Board.

Motion to open to the public at 7:15pm was made by K. Howe, second by Mayor Kennedy with ayes by all present.

Dwight Rogers, 39 Kearney Street, stated that they were there because they received a letter from the applicant and wasn't sure why they received it. Mr. Leckstein explained that the applicant had to send out letters to the residents within 200 feet from their property. He continued explaining that nothing would be happening on Mr. Rogers property.

Michael Lane, 51 First Street – the applicant indicated that there are utilities to the shed, Mr. Lane asked about the utilities to the shed and where are they fed by the Main Street home or the Kearney Street home; Mr. Lebanksy stated that are from the Main Street home. He also indicated that they would be disconnected. There was confirmation that they would be disconnected.

Motion to close to the public at 7:15pm was made by N. Vecchio, second by W. McDermott with ayes by all present.

Motion to approve application was made by K. Howe, second by N. Vecchio

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

NEW BUSINESS:

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 mentioned that he understood that an email was sent by Michael Lane to some of the Boardmembers about this application as well as the subsequent application that we are going to have. Mr. Leckstein explained that he has requested in the past that Mr. Lane not send these emails but Mr. Lane continues to do so. Mr. Leckstein stated that he is asking the Board once again that when you receive emails from Mr. Lane do not to open the emails about applications. Do not open the emails because it is improper for a Boardmember to consider materials from a resident from the public or the applicant that isn't before the public. Mr. Leckstein addressed Mr. Lane, when you send an email to the Board you potentially set the Board for something that is exactly what the opposite of what you are trying to do. What will happen one day is that you will send one of the emails and a Boardmembers and if the Board denies the application then the applicant will take it to court, the judge will send the application back to the Board. The Board would have to hear the application again at the cost of the tax payers. Mr. Leckstein asked Mr. Lane to stop sending emails and reminded him anything that needs to be said needs to be addressed in public hearing in front of everyone. Mr. Leckstein asked the Board if anyone has received this email please disregard it.

Mr. Leckstein spoke about the application that is before the Board. Mr. Leckstein explained process for the extension on this application regarding the permanent extension act because of the COVID epidemic. Mr. Leckstein further explained the extension act to the Board. Mr. Leckstein stated that no matter what the Board decides today the application is granted the extension. Mr. Leckstein stated that the law read that the extension would continue six months after the Governor declares that the epidemic is over.

The application before the Board they are requesting an old fashion application and Mr. Pape will be able to discuss their request. Further discussion regarding the two types of extensions that can be asked for.

M. Sessa asked if the Board grants the extension does that get tacked on to the what is approved by the legislation; Mr. Leckstein stated that it potentially could. Mr. Leckstein stated it depends on when the pandemic ends. Further discussion regarding the extension time frame.

N. Vecchio recused himself from the application since he lives within 200 feet.

Exhibit A1 – Application for extension

Exhibit A2 – Executive Summary submitted by K. Pape dated 2/19

Exhibit B1 – Resolution of the Board dated 12/12/2018

Exhibit B2 - Resolution of the Board granting extension to the site plan approval dated 12/20/20

Mr. Pape stated that he was there before the Board for both the extension application as well as the 357 West Front Street site plan application. Mr. Pape stated that he had a conversation with Mr. Leckstein during the day regarding the extension application. Mr. Pape stated that it was their understanding that as a result of the Governor's executive order and COVID 19 related permanent extension that there is in place an extension of the approval that was granted by this Board. There was further explanation regarding the extension act.

Mr. Pape stated that the application before the Board was not mindful of the extension granted by COVID 19. Mr. Pape stated that they are not sequential they don't take one to the other, they don't know which one would be longer. Mr. Pape stated that because they did file the application with the Board because their client will be respectful to the Board and the Board's concerns he would like to make presentation. The request that the applicant is making is an extension based on due diligence. Mr. Pape stated that they have not stopped trying to get all the outside approvals. Mr. Pape stated that he spoke to Mr. Leckstein earlier and feels that the best way to present the information to the Board is not by verbal testimony or outline by Mr. Pape or by the experts. Mr. Pape stated that they started assembling all the communications over the last three (3) years with the county and with the DEP relating to CAFRA. Those documents put together sequentially will show a clear demonstration of the diligence that has been expanded by their client pursuing approval. Mr. Pape offered that to be together to Mr. Leckstein in a binder and give to Mr. Leckstein to review. Mr. Pape stated that the most difficult approval that they have been trying to get was DEP and CAFRA. Mr. Pape stated that the professionals have worked to get the approval and approximately six months ago they received notification that they were going to receive their permit. Mr. Pape stated waiting the six months when they were four months (4) into the wait they received a list of new requirements, new studies and new investigations which the applicant is working on. Mr. Pape stated that in 2018 they filed with the county the applicant has received nine different review letters and the received their first hearing from the county in February 2021. Mr. Pape stated that at the meeting they gave them a letter with a short list of requirement, they asked the applicant to move five (5) parking stalls and put them back on the agenda for March. Further discussion regarding the different conditions that the county was requesting.

Mr. Pape asked if the Board would please carry the application to the next meeting so Mr. Pape can get the information into the binder that he spoke to Mr. Leckstein about. This way the Board has the information and at the next meeting the Board can vote. Mr. Pape stated he is not asking the Board to vote without having the package.

Mr. Leckstein stated that if the Board was inclined to carry this application to the next meeting, he would ask Mr. Pape to give the information at least digitally so that each Boardmember can review it before the meeting. Mr. Pape stated that they will provide the information digitally. Mr. Leckstein will report at the next meeting his interpretation of the documents.

Mr. Sessa asked if any Boardmembers had any questions.

Councilmember Davidson concerned about her sitting on the Monmouth County Planning Board and Keyport Planning Board; Mr. Leckstein stated that he really wasn't sure of the answer. Mr. Leckstein feels that the answer would be no that there was no conflict in Keyport, he suggested that Councilmember Davidson bring it to the County Board Attorney to make sure they don't have any conflict.

K. Howe understands that we are getting a diligence package which he is looking forward to review. He mentioned that the application is coming up to three years since the application has been approved. Mr. Howe wanted to make sure we aren't holding anything up and feels that the Board should postpone the extension. Mr. Leckstein explained that is what the applicant is asking the Board to carry this application to the next meeting. Further discussion regarding the extension.

Mayor Kennedy asked that about a time line for the demolition of the abandoned property; K. Pape stated he didn't know the answer to that question, he would have to speak to Mr. Perlman and will have an answer at the next meeting.

Motion to carry to the March 25, 2021 meeting without further notice was made by D. Pacheco, second by Mayor Kennedy

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

Mayor mentioned to Mr. Leckstein that prior to this meeting there was a discussion regarding the cleanup on property was discussed at the Green Team meeting by Mr. Lane, Mayor Kennedy wanted to make sure that wouldn't cause any conflict since she attends that meeting. Mr. Leckstein stated he didn't believe so. Mr. Leckstein stated that as the Mayor and Councilwoman Davidson are in unique positions because they serve dual capacities, it is understood in the law that there is an apparent conflict there and stated they are fine. Mr. Leckstein stated that they would hear things at the council meetings. If something wanted to conflict you out of a planning board application they would go speak about it a council meeting, and they could just recuse you out of everything. Mr. Leckstein stated that the legislature understood that and it is an apparent conflict and under the law and you and Councilwoman Davidson is fine.

Mayor Kennedy mentioned about Mr. Howe not being on video, Mr. Leckstein asked Mr. Howe to please join with video.

**APPLICATION: KUPB 20-01
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 B1 – CME letter dated 12/17/20
Exhibit B2 – CME supplemental letter dated 2/24/21

Mr. Pape asked that the Board acknowledge that they have received everything and has jurisdiction over the application; Mr. Leckstein acknowledged that the Board has received everything.

Mr. Vecchio confirmed that he still has recused himself from this application; Mr. Leckstein confirmed.

There was discussion regarding the sharing of the screen for the application.

Mr. Pape spoke about the application for site plan approval for the new of the Marina as a result of the Boards approval of the apartment complex next to it that was approved three (3) years ago. There were a number of requirements that were proposed on the applicant in regards to the remainder property. Mr. Pape stated that the Board and the Board's professionals had requested that the applicant maintain the Marina and not close the Marina. At that meeting the Board made points that there were marinas that were closing in the area and preserving the marina was important. The applicant has done that with this application. Mr. Pape spoke about the driveways and further explained what was needed for Mr. Perlman to run a successful Marina as well as what they had to do for the County. Mr. Pape spoke about the importance regarding the main traffic route be from West Front Street so it didn't create a burden for the on the small municipal street that were immediately in front of the building, because of this there is a slight reduction of property on the Marina. Mr. Pape stated what is presented to the Board is a new Marina on the amended property.

Mr. Leckstein questioned the comment regarding the separation of the properties was because the Board requested it; Mr. Pape explained when they came before the Board they were asked to preserve the Marina and they were asked to put the driveway on West Front Street exactly where it is. Mr. Pape stated that by doing that they have lesser amount of land. Mr. Leckstein stated just for clarity the separation of the two projects was not the Board's determination and that it was the applicant's decision. Mr. Pape stated doing the subdivision was a request of the applicant.

Mr. Louis Zuegner, Planner and Engineer for the applicant. Mr. Zuegner spoke about the area of the Marina and went over what Exhibit A10 was showing.

Mr. Taylor asked that they confirm that Exhibit A10 is the same as the plan that the Board has received; yes.

Mr. Zuegner spoke about the section that is coming from the property which is a boulevard entrance that was part of the approval from the apartment application. This part overlays part of the existing marina. Mr. Zuegner explained that marina site plan was a condition of approval but intent of this application is to improve the marina and make it viable. The intent for the design was to

modify the existing marina and the land to create a viable business, and be efficient with the use of the property. They wanted to make sure the marina was full service; which includes slips for boats, maintenance of boats, fuel service; launching, providing parking for customers and maintaining winter storage. Mr. Zuegner spoke about the zone the property is in and how they meet the criteria.

Mr. Zuegner spoke about the entrance into the building and the removing of the existing building. The existing office trailer and the bath house would be demolished. That would make way for one new building. The new building would be a two story building with 5500 square feet.

Mr. Leckstein confirmed that the existing service building was being removed and asked what other building was being removed; Mr. Zuegner stated that office trailer building and the building that provides the bathroom facilities are being removed.

Mr. Zuegner stated that would make room for the new two story building. The new building would provide an area for service, baths and office. Part of the process is to modify and add some rack storage to the marina. There is a separate area for operational area for the forklift to be used for boats to be moved in and out of service. They kept it separate from West Front Street where there is customer parking. Mr. Zuegner spoke about the dimension of the plan to make sure that the operation site worked. Mr. Zuegner stated right now there are 80 in water slips, they will be adding 35 in water slips totaling 115 in water slips. Mr. Zuegner spoke about the existing racks and the changes that would be made to them. The parking would be underneath the racks. Further information regarding the rack storage.

The service will be inside the building, there are doors that allow the boats to be brought in for service. In the Borough's ordinance it mentions service being away from the water which Mr. Zuegner feels they accomplished.

There would like to provide fuel service to the boats at the marina. The tank storage would be set up alongside the racks and the pump would be on a floating dock. The site would maintain the existing launch operation. Mr. Zuegner stated that forklift launch is the most commonly used launching. The boat ramp will be kept but it is a private launch and not used that very often

The parking they increased the number but the plan also includes more organized parking. There would be paved areas, striped and identified. The proposal is for 80 spaces further information regarding the parking and what the ordinance requires. They are going to be asking for a parking variance. The ordinance would require 160 parking spaces but Mr. Zuegner feels that is not appropriate to what the applicant is doing. Mr. Zuegner stated that they are hopeful that they gain customer from the apartment building where there would be no parking needed. Another use for the marina would be winter storage. The customers either store their boats at the marina or they bring their boats by trailer launch the boats and then remove the trailers. The customers do have to make appointments to launch the boats.

Mr. Leckstein asked how many parking spaces were required for the in water slips; just the in water slips it is 69.

Mr. Taylor asked how many dry rack storage; existing on site there is 64 rack spaces on the site plan after being reconfigured there is 152.

Mr. Zuegner spoke about the dumpster site as well as other areas for the trash. The office entrance is from the street side. There is a gravel area by the water that they would like to put tables and potentially put a food truck in that area.

Mr. Leckstein questioned that they are planning to have a picnic area and a food truck on the site; yes. Mr. Leckstein asked how will they deal with the parking from the food truck and dine at the picnic tables. Mr. Pape stated that this is private property and the general public is not invited to utilize this. Only the people that have boats on the site are welcome to utilize this. There was discussion regarding how they would be able to control people to go to the food truck. Mr. Pape stated that they would not have the food truck.

Mayor stated that she would rather see their customers utilize the restaurants in town, possible using Uber or door dash. Maybe have a parking space for drop off of the food from the town restaurants instead; Mr. Pape stated it was a good idea and would designate a spot for food drop off. Mr. Sessa and Councilmember Davidson agree with this idea.

Mr. Leckstein stated that would be a condition of approval not to have a food truck and to have a designated spot for a drop off.

Mr. Zuegner spoke about the drainage and the grading, they are not changing it. The only thing they will do is repave and make sure there is no low points. The site is served by public utilities. The proposal does have some new lights; all new lights would be LED. Landscaping will be improved what is shown in the plans. Few other areas they will work with the professionals with the landscaping plans. There is an existing sign that they intend to keep. They would like to add one sign on the building façade.

Circulation and parking they do believe they have good circulation to the site. There was discussion regarding both entrances. The second entrance would become access to the apartments. To accommodate the parking, they have spaces that are 9 feet by 18 feet deep, when the ordinance states 18 feet. There are two items that require variances of relief one is the parking.

Mr. Pape stated that he would offer to the Board for their consideration is using a hair pin stripe instead of a single strip. Mr. Zuegner explained what a hair pin stripe was. The other variance that they would need is the parking count. The ordinance requires .6 spaces per slip inclusive of in water slips and rack spaces. The applicant has 80 spaces; the requirement is 160 spaces; Mr. Zuegner stated they would need a variance for that. Further discussion regarding the parking and how it is laid out.

Mr. Taylor asked if they can talk about the fork lift coming in and out of the storage, also speak about how many users are at the marina at any given day. Mr. Zuegner spoke about the forklift they separated the area from customer parking. The area between the racks is where the boats would be lifted and used by the fork lift. Further discussion regarding the forklifts and the amount of forklifts on the site. Mr. Perlman spoke about the parking with the forklift use. Mr. Perlman stated that the marina is closed on Monday. Mr. Leckstein asked if someone wanted to take the boat out on Mondays they are not allowed because they are closed; the slip customers can take the boats out but the rack customers cannot unless they make arrangements before. There was discussion regarding taking the boats off the racks.

Mr. Pape asked Mr. Perlman to speak about the ramp; Mr. Perlman stated that the ramp has zero public lodging. He stated it was for their own private use. He explained they are only used when taking the boats off of trailers. Mr. Taylor asked if they had any idea of how many boaters they have daily. Mr. Perlman stated they don't track the number of users, further discussion regarding the number of boaters are there. Mr. Leckstein asked if the DEP has given them any problems with the marina being private; Mr. Pape responded no. Mr. Leckstein asked no problem with public access. Further discussion regarding public access for the marina.

Mr. Oviedo asked if they would be able to have parking lifts for the cars on the busy times. Mr. Leckstein clarified that Mr. Oveido was asking if they could do racks of cars. Mr. Pape mentioned that currently the parking lots are not striped or lined. Mr. Pape asked Mr. Perlman what the parking capacity is; the days that would be parking issues are one or two days a year. Further discussion regarding the parking in the marina.

Mr. Taylor asked what the hours of operation are; Monday closed, Tuesday through Friday open 8am to 5pm, weekend 7am to 6pm they are proposing to stay open an additional hour or two. Mr. Taylor asked how many employees they have; three full time mechanics, the amount of people on the site including himself right now is seven but would be increasing to eight. Office and forklift are closed on Monday.

Mayor Kennedy asked if the jet ski operation was remaining because of the parking issues that it caused last year; Mr. Perlman replied yes. Mr. Perlman spoke about the jet ski business and feels that they will be able to take care of all the issues. Further discussion regarding the jet ski business as well as the parking availability. T. Taylor asked if the eight (8) jet ski slips were included in the site plan or are you anticipating more; they will be converting some of new slips into allowing them to be used for the jet ski. Mayor Kennedy mentioned that it was indicated that they were putting a trailer on the site, the Mayor asked Mr. Taylor if it was permissible; Mr. Taylor spoke about the number of slips and parking. There was further discussion regarding the trailer on the site.

Mr. Leckstein stated that after the conversation there are a few issues that have come up regarding the jet ski. Mr. Leckstein asked how that would work and if they just show up to rent the jet ski it throws the parking off; Mayor stated that she believes the book on line but with the overlap there could be up to twenty people. The Mayor stated if they believe that the business is going to grow she has concerns. Mr. Leckstein asked if there are signs that say jet ski rental; Mayor stated that there was no parking supplied they were told to park by the endeavor house and the over flow went onto Broadway, West First Street and other neighboring streets and then walking through the woods to get to the trailer. Further discussion regarding the renting of the jet skis, parking and other issues. Mr. Oviedo stated that it is not private anymore and this would have to show on the site plan. Mr. Trevor stated that he believes they can get 6-8 jet ski slips into one boat slip and if they take away two boat slips it will change your parking and increase your variance request.

Mr. Leckstein believes he Board needs a lot more information about the jet ski operation before they could move forward with the application. There was further discussion regarding the jet ski operation. Mr. Perlman stated that the marina is his main concern if the jet ski operation is getting in the way then he will remove it. Mr. Leckstein stated that he was not suggesting that they shouldn't have the jet ski, that is up to the Board, the only thing Mr. Leckstein was stating is that if you are going to have the jet skis they need to show it on the site plan on how that business is going to

operate. Further discussion regarding the jet ski parking and operation of the jet ski. Mr. Perlman stated that he proposes to do away with the jet ski operation, there main business is the Marina. Mr. Leckstein explained the choices that Mr. Perlman had to move forward with the jet ski operation.

Mayor Kennedy stated that she is not against the jet ski operation. Mayor just wants to know how it will work, she also mentioned that the municipal lot is for public parking and they can't tell people they cannot park there. The main idea was to have people come to town. She reminded everyone that there would be times when the lots could be used for events and that would reduce the parking. Mayor just stated that the Board would just need a plan regarding parking.

Mr. Leckstein asked if Mr. Perlman wanted to withdraw the jet ski operation or come back for it. Mr. Pape asked if they could take a five or ten-minute break to discuss the jet ski operation. Mayor asked if they could confirm that the jet ski operation is on the plan, Mayor stated that she didn't remember seeing it on the application. Mayor asked Mr. Leckstein if he had seen it; Mr. Leckstein didn't remember seeing it. If he overlooked it he apologies the only reference is in the CME letter for eight jet ski slips. Mr. Taylor believes that the eight jet ski slips were intended to be for seasonal rentals for jet skis opposed to daily/hourly rental.

Mayor just wanted to confirm that the jet ski operation is not on the application; Mr. Pape thanked the Mayor.

Councilmember Davidson mentioned that on the map it has another business that says "Just Fishing and charters. Councilmember Davidson asked if that was a business where people would park for the day and take charter boats out and would that interfere with the parking. Mr. Perlman stated that he thinks the charter is gone; the charter would take approximately five (5) people and they would go out for the full day. Mayor asked if that was operated out of the same property; Mr. Perlman stated that he rents a slip to them. Mr. Perlman mentioned that he rents a slip to two (2) different charters. Mr. Perlman spoke about the charter boats because of the parking. Councilmember Davidson asked about the parking for the people that rent out the charter boats; Mr. Perlman stated that they park at the marina.

Mr. Leckstein mentioned that having residents on the Board is a good thing because they know the business. Mr. Leckstein stated that the Board needs to know every single business that is operating on the property. Mr. Leckstein stated they need know all the business that are operating because that adds to the final equation of what is being spoken about. Mr. Taylor stated that he believes in the application or traffic report it indicates that charter boats are not going to be permitted as part of the application going forward. Mr. Taylor spoke about one of the items in the CME letter regarding testimony of not having charter boats going forward. Mr. Leckstein asked Mr. Perlman if that was his intent; Mr. Perlman stated that he thought they were going to have one or two that he was planning on keeping but if this would cause an issue he is willing to not have the charter boats.

Mr. Leckstein suggested taking a break so that Mr. Pape and Mr. Perlman can discuss the operations of the marina. Mr. Leckstein asked that they come back to the Board with every use that is operating at the marina.

Motion for a five-minute break at 9:05 pm made by J. Oviedo, second by K. Howe with ayes by all present.

Reconvened at 9:15pm

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

Mr. Pape stated that he and Mr. Perlman had a discussion and Mr. Perlman believes that the jet ski and the charter boats have a value to the community but they are plan is not prepared to address these at this meeting. The plan before the Board is to advance the marina operation and that is Mr. Perlman main goal would be. What the applicant would like to do is to return to the application exactly as submitted. Mr. Pape is informing the Board that they plan on coming back to the Board with a modification to incorporate one or both of the uses at a later time. They are going to go forward with the application to complete the plan with the marina for their consideration. Discussion regarding coming back to the Board to add the two operations instead of carrying the application to the next meeting. Mr. Pape stated that they don't know if they can accommodate parking. His clients goal is to modify the marina and start operations.

Mr. Leckstein stated that there will be conditions in the resolution stating that there are to be no jet ski on the premises for rentals or charter boats. If the applicant wants to remove those conditions he will have to go back to the Board with a new application for site plan approval. Mr. Leckstein confirmed that this is what the applicant is asking for; Mr. Pape stated yes.

Mr. Howe stated that he had a few questions regarding the traffic flow, he wanted to know if he should hold them; Mr. Pape replied yes.

Mr. Pape asked if Mr. Taylor had any more questions for Mr. Perlman. Mr. Taylor replied that anything else is for the engineer and architect.

Mr. Leckstein stated that his only question for Mr. Perlman is under oath that there are not any other businesses on the site besides the jet skis and charter boats; that is correct.

Mr. Pape asked if they will comply with the lighting comments from the report; yes. Mr. Pape spoke about the existing parking lot. Mr. Zuegner stated that the lot is not stripped, his professional opinion is that the parking that is proposing for the marina is adequate. Further discussion regarding the number of parking spaces for the marina.

Mr. Taylor mentioned that they spoke about the boat rack height; Mr. Zuegner because of the coastal zone there needs to be proper footing as well as tied down. Mr. Zuegner stated that the height for the three (3) tier rack was 35 feet, and the height for the four (4) tier is 45 feet. Mr. Taylor asked if 45 feet was to the top of the structure; yes. Mr. Taylor stated the maximum height in the ordinance in the GMC zone is 35 feet, if the structure is 45 feet you will need a variance for the structure. Mr. Pape stated the structure itself meets the ordinance, the placement of the boat which is not part of the structure did not appear to them to be regulated by the ordinance. Mr. Taylor stated that he will have to go on the testimony and will take a look at that.

There was discussion regarding the circulation for emergency service and garbage trucks. Mr. Zuegner feels that they have a good circulation and will present to the emergency services. Mr. Taylor stated that would be a condition of any approval.

Mr. Taylor spoke about a contingency plan for operation for the fuel. Mr. Taylor stated that any condition of the Board moving forward would have to include a contingency plan must be submitted for the above ground fueling station that is being proposed. Mr. Leckstein asked who would review the plan; Mr. Taylor stated it would be the Board Engineer.

Mr. Howe asked about the safety concerns regarding the fire hydrant location is on the south side of Keyport Marine Basin. IF they could get a fire truck into the back behind the rack there is no water supply there. If there was a fire on any of the docks, you are talking about laying and dragging up to 2,000 feet of hose. Mr. Howe stated that they couldn't access it from Broadway because they would have to drag the hose through the woods to the marina area. Mr. Howe asked if there was any consideration as to possibly adding a hydrant on the premises or possibly an FDC or fire pump from the building that he having a sprinkler installed. Mr. Zuegner stated that they want to satisfy the town and fire department requirements and will work with them. Discussion regarding a number of solutions for this. Mr. Howe stated that they can follow the Fire Marshal recommendation. Mr. Howe spoke about the turning radius on the plan in the north end as well as how they will get a truck in the back to get fuel tanks.

Mr. Howe mentioned the drainage regarding high tide and flooding; Mr. Zuegner stated it would be higher but not above flood elevation. There was discussion regarding possibly losing spots during high tide due to flooding. Mr. Howe spoke about the parking spots for the employees as well as losing spaces for flooding. Mr. Zuegner stated that the spaces include employees the reason that they labeled the employee parking is so that they can move their cars. Further discussion regarding the winter parking during winter storage. Mr. Pape stated that Mr. Perlman will agree that there will be no winter parking in the parking spaces. Mr. Howe asked that would include the parking of trailers and the spaces would only be for vehicles; yes.

Mr. Howe asked Mr. Pape if they were going to have someone testify regarding the fuel storage area; yes Mr. Duffy

Mr. Howe also asked about some of the vacant offices that are an eye sore and maybe able to be used for parking since we have a shortage of parking.

Mr. Kotzas asked about the outstanding lighting asked if they would hear more about it; Mr. Zuegner stated that the outstanding is meant that they have not yet addressed. What they have testified tonight is that they will meet Mr. Taylor's requirements on some areas that are not properly lit as well as controlling the lights so they are not on all night or disturbing residents. Further discussion regarding the lighting and the security lights. Mr. Pape stated he will work with the engineer and police department regarding the security lighting. Mr. Leckstein stated as a condition of approval that the lighting will be turned off after dusk, this would not include the security lighting.

Mayor mentioned that Mr. Howe brought up that most of the parking lot is in the flood zone and floods with coastal storms and the area does flood, the Mayor is requesting that there be proper markings for anyone that parks in those areas that it is known for flooding. Mayor Kennedy asked if

overnight parking is going to be allowed. The other comment is it possible to move the dumpsters since that would be the first thing that you would see when you enter Keyport. Mayor asked if they could be moved to the northern part of the lot and if the trucks could access it. Mr. Zuegner felt that the Mayor's suggestions were good and he could think of a few areas that the dumpster could be moved and not lose parking spaces and possibly gain spots.

The building that is being proposed Mayor understood that the repair shop is a non-livable area but if there is large storm what about the bathrooms, Mayor asked Mr. Taylor if they were allowed to have those facilities in the back of the building in a flood zone. Mayor feels that possibly have a slip there for fire rescue, Mayor stated possibly reach out to the fire department regarding this. Mr. Taylor stated he has questions regarding this that he will be asking the architect.

Councilmember Davidson asked if the fuel pumps currently exist; no. Is there any way to propose to have two pumps in the middle and two by the floating docks? The other question is if there are going to be picnic tables in that area; yes, in the area there are picnic tables being proposed. Councilmember Davidson asked if the fuel tanks were underground; concerned about the smell of gasoline. Mr. Zuegner stated that the fuel tanks are not underground but he believes the fuel smell would be at the pump itself. He would let someone else speak more about that. Further discussion regarding possibly placing some landscaping in the area. Discussion regarding the location of the slips for the fueling of boats.

Motion to open to the public at 9:50pm was made by Councilmember Davidson, second by K. Howe with ayes by all present.

Brian Gelburd, 16 Washington Street, located at the end of Washington Street directly opposite of North West First Street. His house is the most affected by this project. Mr. Gelburd referred to one of the exhibits being shown directly behind his home it looks as though there are parking spaces, he asked if they can confirm they are parking spots; Mr. Zuegner stated that is part of the redevelopment application for public parking and that was approved in that application. Mr. Gelburd stated that he is concerned about the flooding and whether the road way was going to be raised, if not then the roadway would be useless at times. Mr. Leckstein stated that parcel that Mr. Gelburd is referring to is not part of this application so it really isn't appropriate to be discussing in this application because it is a completely separate application. Everything dealing with that application was approved by the Board in 2018.

Mr. Gelburd stated that he was never able to get an explanation as to whether the area would be elevated or not. Mr. Gelburd feels that this is all tied in to that area. Mr. Leckstein asked Mr. Zuegner if he had the answer. Mr. Zuegner stated that the design and access of the road did take into account flooding elevation. It is raised from existing grade and there were other elements in there to make sure the grading and drainage would work for all the areas around. Mr. Gelburd is waiting on receiving a call from the Borough Engineer regarding that area.

Mr. Gelburd asked if the Marina provides boat rentals service in addition to the jet ski operation? That is still on the website, wondering if that is still an operating business; Mr. Perlman stated that they phased it out, they had four small 16 foot skips. They do very few of them they still have it but it is almost nonexistent. Mr. Gelburd stated that business was not mentioned. Mr. Leckstein told Mr. Perlman that they need to know every business that is operating at the site. Mr. Leckstein asked if Mr. Perlman was going to continue to do boat rentals or not continue to do boat rentals; Mr.

Perlman stated that he would like to make that part of what they would be coming back for. Mr. Leckstein stated that he would make that a condition along with the jet ski and charter boat rentals that there are no boat rentals on site.

Mr. Gelburd asked if there is still any sales of parts or supplies like a marina store; Mr. Perlman stated that they do not have a marina store, they don't sell parts they just do repair work.

There was discussion regarding parking for people having their boats serviced and where the trailers would be stored for the boats needing repair that came in on the trailers. Mr. Perlman stated that they have removed all trailer parking, he stated that the trailers are parked on the upper rack.

Mr. Gelburd mentioned that he understands that Mr. Perlman is putting the jet ski operation on hold but what would actually stop any business to start or continue; Mr. Leckstein explained that they are not allowed to do any other business other than the marina and if anyone sees them doing any other business they can call the town and the town would send out code enforcement and they would site the business for operating a business that has not been approved.

Mr. Gelburd spoke about the issues with the parking last year. He explained that the problem was solved because the customers were told not to park at the marina. They were directed to park on Washington Street on the website when they come to use the jet skis. Since this is going to be considered in the future one item that the applicant has to think about the constant overflow of litter which was not addressed by the marina and the public works department had to clean up the litter. Is there any way of ensuring that could be taken into consideration? Also, Mr. Gelburd mentioned that he had people going through his yard to get to the marina because they couldn't figure out how to get to the jet ski launch, he did give them direction on how to get to the launch.

Mr. Leckstein explained that in the future if they do decide to move ahead with the jet ski operation they would have to come back to the Board and notice the residents within the 200 feet of the application and at that time he could address those issues.

Further discussion regarding the parking issues that overflow onto the residents especially during the summer holidays.

Michael Lane, 51 First Street, asked about the environmental issues regarding the site, compliment Mr. Perlman that the wet lands restoration looks nice and also about removing the trailers from the flood zone. One thing that was not spoken about was the presentation that Mr. Perlman and the engineer gave at the Environmental Commission meeting. They spoke about the contaminated soil at the end of Washington Street that will be moved over to the location of the new apartment complex. It will be capped and overlaid with asphalt, and that he has been working with NJDEP since 2004 and since it hasn't been done is under intense pressure. Further discussion regarding the contaminated site and environmental issues. The other issue is the pump out issue for the boats and clean marina. When they pull the boat out of the water and power wash the bottom you have to recycle the water and clean it and not let it flow back into the bay. Mr. Lane stated he doesn't see anything regarding that.

Mr. Zuegner explained that there is a mobile pump out unit that goes way back that was approved by the state, and that is how the pump out is done as opposed to a fix unit. Terms of clean marina Mr. Zuegner doesn't believe it is guidelines, he believes it is their suggestion but it is not their requirement to meet all of them. There was discussion regarding getting the boats out of the water and away from the water, but there is not a recycled water station.

Mr. Leckstein confirmed that Mr. Perlman will be following all state regulations regarding the pump out and keeping the marina clean; yes.

Mr. Lane spoke about the number of spaces regarding the slips. There was discussion regarding the parking spaces requirements in regards to in water parking slips. Mr. Lane spoke about the engineer traffic study report in regards to the parking. Mr. Lane stated that when he shows his exhibits it will show the significant amount of overflow of parking. Further discussion regarding the amount of parking spaces.

Mr. Lane asked about the private boat ramp compared to the Keyport public boat ramp. Mr. Lane explained that the public ramp has a huge parking demand, Mr. Lane as if the applicant is willing as a condition of approval not to have any private boats to use the ramp. Mr. Pape stated that was agreed upon by Mr. Perlman.

Mr. Leckstein explained that this is a private marina and the public could not access it. There was discussion regarding the applicant advertising the use of the boat ramp if that condition was not listed on the resolution. Mr. Leckstein stated that if the applicant was going to change the use he would have to come back to the Board for that use. Further discussion regarding who can use the boat ramp. Mr. Leckstein stated that would be up to the Board for that condition.

Mayor Kennedy asked if they are a customer of Mr. Perlman why couldn't they go in with a trailer to use the ramp; Mr. Leckstein replied that he didn't know why they wouldn't be able to use it. It is a customer of the marina. Mr. Sessa stated that it is not a public use. Mayor said that Mr. Lane is asking that not even a customer would be allowed to use the ramp. Mayor asked Mr. Lane to clarify what he is asking the Board to consider.

Mr. Perlman stated that if a customer comes in with a boat they put it in the water in house with their machines.

Mr. Lane asks if a customer comes in with a trailer to put the boat in that commands parking space for both the trailer and the vehicle, and he feels it is no different than the jet ski restriction. Mr. Perlman stated that they don't allow that they come in drop the boat and leave. The ramp is only used to commission boats in the summer and in the winter. They put the big boats in the summer and take them out in the winter using the ramp. There is no parking for the trailer or vehicle. Mr. Lane feels that is a description that needs to be put in as a condition of approval.

Mr. Lane spoke about the site plan drawings being introduced. First, site plan identifies the flood zone boundaries are based on 2014 there are new flood zone characteristics There was further discussion regarding the flood zones and the plans.

Mr. Lane spoke about the parking lot exhibits as well as the engineer spoke about a number of deficiencies that have not been addressed. Mr. Taylor stated that they did supply for the subdivision map as part of a previous application. Mr. Pape stated that there are plans that have been submitted to the Board. There was discussion regarding the plans and the updates. There is confirmation that the most updated plans are on the webpage.

Mr. Leckstein stated that he is pretty sure that they are not going to finish this application tonight and it will be carried and that everything will be up to date. Mr. Lane stated that he will hold off on the other comments until the next meeting. He also spoke about the presentation that he will share at the next meeting.

Mr. Pape stated that they are still giving their presentation and Mr. Lane will have an opportunity after they finish.

Motion to close to the public at 10:30pm was made by Councilmember Davidson, second by G. Kotzas with ayes by all present.

Steven Radoski, Licensed Architect, spoke about exhibit A-12 which is the colorized version of February 11, 2021 which is a colorized version of exhibit A-5 that was dated 2/4/21. The proposed building is a two story structure with a total 5,489 square feet and a second floor of 1,968 square feet. The first floor consists of a repair garage and an entry that leads to the second floor, also there is are bathing rooms. They designed the bathing rooms to meet the requirements for the in water slips, they didn't design the rooms for boat racks. The applicant has stated that what is being proposed is more significant then what they have now and feels the number would be adequate. The second floor consists of offices for the marina and is located above the flood elevation of 20 feet above the first floor. They are requesting variance relief from section 15-5.4-4C from the ordinance in order to have boat repair and toilets on the first floor. Mr. Taylor stated that was referenced in their report but feels this is the first time they are presenting it as a variance because they did not have architectural plans until recently, that is why it wasn't flagged in his report.

Mr. Radoski stated that the building will be on structural piling as required and will have break away walls with flood vents on the first floor in order to meet the requirements of chapter 15 Flood damage prevention. Mr. Radoski described the exterior of the building, there would be large overhead sliding doors so to allow the boats into the repair garage on the west elevation has a sliding door and south elevation they have an overhead door. The front entrance of the building is in the front, you enter and there are stairs that go up to the offices. There are two building signs on one the south which is 4x10 total of 40 square feet, and another sign on the east which is 4 x 15 totaling 60 square feet. The two signs combined total 100 square feet which meets the ordinance. The buildings would be illuminated by goose neck LED down lights.

Mr. Taylor spoke about the 2/24/21 letter regarding the architectural building, a couple of items. The building will be built on piling and will have break away walls with flood vents on the lowest floor which is below the flood elevation. Currently it is in a zone AE14 the structure is in a moderate wave action within the building is in coastal A zone. Since it is in the A zone it has to meet the V zone construction, which includes the pile construction and the breakaway walls. The requirement that the only items that can be stored in the lowest floor could be storage access and parking. Their testimony is that they are looking for a variance have the bathrooms on the first floor; correct. Mr.

Pape also added the service area also on the first floor. Mr. Taylor stated that he would have to check the ordinance, he is not sure if the applicant has to submit anything besides what has been submitted to request that variance.

Discussion regarding what else may be needed for the next meeting for these variances. Mr. Taylor confirmed that the building is less than 35feet; yes, slightly less.

Mr. Taylor asked what was the intent of the seven offices on the second floor; the offices are for the employees use. Discussion regarding the amount of employees versus the amount of offices and what the additional offices would be used for. Mr. Radoski stated they are open cubicles that could be used by employees and mechanics.

Mr. Oviedo suggest for the next meeting to have a section showing the location of the building with relationship to the land. Mr. Pape explained that the building is shown on exhibit A-10 and A-11.

Mr. Taylor asked where the utilities would be housed; at the second floor line above the entry vestibule. They have a mechanical loft which is above the flood plain, which is 20 feet above the first floor. Mr. Taylor asked if there was a fire suppression system proposed for the building; yes.

Mr. Taylor asked about the access to the second floor if they needed an elevator; based on the size of the second floor it is not required. Mr. Oviedo stated that the handicapped bathroom is proposed on the second floor; in the state of New Jersey all bathrooms are required to be handicapped accessible in an office building.

Mr. Van de Kooy asked regarding the service area on the ground floor, what type of equipment, liquid and other items would be stored, how would they be stored. Mr. Radoski stated that Mr. Perlman would have to explain what would be stored. Typically, in the mechanic garage any liquid stored would have to meet the building codes. Mr. Pape stated they would have a complete list for the second hearing.

Mr. Oveido spoke about the parking when the customers are bringing in their boats, the parking in front of the garage doors are for the employees and they would be asked to move their vehicles. Further discussion regarding the walkway to the building and the parking spots. Mr. Radoski feels that discussion would be for the site engineer.

Mr. Howe confirmed that the building would be have a sprinkler that the building would need something more than a one-inch waterline which is there right now. Second item the bottom floor where the repair shop is the applicant looking into any lifts or overhead cranes for this building; they would have to discuss that with his client and get back to the Board. Mr. Howe asked Mr. Van den Kooy to include that in his comments. Mr. Howe mentioned that in the original plans there was talk about a tackle shop, he does see a vacancy in the plans just wanted to see if that was something that the applicant might still be considering; no that hasn't been discussed.

Mr. Howe asked if the rest rooms would be locked or open. If locked how they would be locked and what would the lighting situation be with that, Mr. Radoski stated he would have to discuss that with his client. As far as lighting they will have LED censored lights in the bathrooms would go on with movement.

Mr. Oviedo would like to see some design on the facade because it is a large building maybe to break up the building.

Mr. Taylor asked about the roll up door purpose; that is for bringing boats into the building. There curbside on the south side of the building so there will have to be some modification.

Mayor Kennedy asked about whether there would be an elevator in the building, are there any reasons for the customers to go upstairs; the client intent was that there would be no need for the customers to go upstairs. There would be a monitor or screen in the vestibule area and come down to the first floor. The Mayor confirmed that the vestibule area would be the only space that the customers would be coming in and door way would be ADA compliant; yes.

Mr. Leckstein asked if that could be condition of approval for them not to come upstairs; Mr. Pape stated he didn't really want to make that a rule. There was discussion regarding the customers going upstairs and the building being ADA compliant. Mayor asked Mr. Taylor to make sure that information is looked into and researched; yes.

Mr. Leckstein recommends that they do not open to the public because there is still questions from the Board that has to be answered.

Motion to carry to the March 25, 2021 meeting without further notice was made by J. Oviedo, second by D. Pacheco with ayes by all present.

Motion to adjourn meeting at 10:55pm was made by Mayor Kennedy, second by K. Howe with ayes by all present.