The Keyport Unified Planning Board held a Regular Meeting on May 23, 2024, which was called to order by Joseph Merla at 7:00 PM, the Sunshine Law Notice was read followed by the Flag Salute. Chairman Merla asked for a moment of silence for Mr. Demarest's father a lifelong Keyport resident.

Present: Mayor Araneo, Chairman Merla, D. Pacheco H. Aumack, M. Sessa, J. Oviedo, W. McDermott C. Demarest, J. Kovacs-Olsen

Absent: Councilmember Peperoni

Professionals: Board Attorney Marc Leckstein, Fran Mullan, Raymond Savacool, T&M Associates

MINUTES: APRIL 25, 2024

Motion made by M. Sessa, second by D. Pacheco with ayes by all present

Communication: Email from Clerk regarding Resolution #2024-133 for Submission to Planning Board (Post Office Property)

RESOLUTION: KUPB 24-04
DENISE NELLIS
BLK 11 LOT 1
ZONING APPEAL – 171 THERESE ST
BLK 14 LOT 8

Motion to approve resolution was made by Chairman Merla, second by Mayor Araneo

Ayes: Mayor Araneo, Chairman Merla, M. Sessa, H. Aumack,

Request for extension**: MARNIERS VILLAGE KUPB 17-07**
357 WEST FRONT STREET KUPB 20-01
REQUEST FOR ONE YEAR EXTENSION

This request will be carried to the June 27th meeting because the applicant attorney was not available for the May meeting.

APPLICATION: TODD AND AMY LIEBMAN (will be carried to June 27th)
ZONING OFFICER APPEAL OF
39 MAPLE PLACE
BLK 76 LOT 8

This application has been carried to the June 27th meeting; the zoning officer was not available for this meeting.

APPLICATION: KEYPORT YACHT CLUB
93 FIRST STREET
KUPB 23-14
MINOR SITE PLAN

Exhibit A8 – Site Plan revision dated 5/10/24

Mr. McDermott and Chairman Merla recused themselves from this application. Mr. McDermott is a member of the Yacht Club and Chairman Merla lives with 200 feet of the application.

Vice Chair Aumack continued with the meeting.

Board Secretary stated that Mr. Oviedo did listen to the previous meeting and is eligible to participate with the application.

Mr. Alfieri explained that at the last meeting the Board voted to have a positive resolution prepared for this meeting. He continued to explain that the Board wanted to see the parking layout and requested that they limit the discussion for only that issue.

Mr. Leckstein noted that the plans had the incorrect revision date, the date should be May 10, 2024. Mr. Leckstein marked into evidence Exhibit A8 which is the updated parking plans.

Mr. Kee explained the changes that were made to the plan per the Board's request at the last meeting.

John Zieman, 89 First Street asked if there was something on the plan that was different would he be able to have it addressed; yes.

Mr. Leckstein confirmed that there were three ADA spaces; yes.

Mr. Mullan asked about landscape improvements; Mr. Alfieri agreed that they would have Mr. Mullan review the landscaping.

Mr. Mullan asked about the east side of the property he mentioned that the grass would be replaced with stone, and the fence would be relocated to be on the Yacht Club property line. Mr. Mullan asked confirmed that the fire pit was propane; yes. He also asked approximately how many chairs would be at the fire pit; Mr. Kee stated he wasn't sure.

Mr. Mullan asked the number of parking spaces; 63 spaces, one EV space and three ADA spaces.

Vice Chair Aumack asked about possibly a three-foot buffer of some type, possibly bushes; Mr. Kee suggested arborvitaes. Mr. Vecchio suggested that they should be limited with three feet. Mr. Mullan explained that the applicant has agreed to have T&M review what they will be planting.

Motion to open to the public at 7:20PM was made by

Mr. Zieman, 89 First Street, spoke about the front corner of lot 18 he feels that the landscape should be limited to two feet when matured; Mr. Alfieri agreed. Mr. Zieman spoke about the existing fence is 147 feet and the fence being proposed is 122 feet he explained that 25 feet are uncovered. He continues to state that at the leaves would drift on the one section. Mr. Mullan asked the applicant if he would add an additional 8-foot section. Mr. Alfieri stated that they were going to place 6foot arborvitaes. There was further discussion regarding the additional fencing. It was decided to take out the landscaping in that area and add a new section of fencing.

Mr. Zieman stated that he still objects to the Gazebo.

MD Abramowitz, 75 First Street, was asking about the parking on Front and Atlantic; Mr. Leckstein explained that those issues were closed at the last public portion of the previous meeting.

John Fahey stated he appreciated that they moved the parking spaces, he requested that they move spaces 38 and 39 as well. Mr. Fahey asked if they are reducing any grass; Mr. Kee clarified Mr. Fahey's concern. Mr. Fahey stated he would rather have black top instead of stone.

There was discussion regarding the new parking lot and what would be allowed to be parked in that area. Mr. Leckstein confirmed that at the last meeting it was agreed that no boats would be stored in the lot. The existing operation would to continue.

There was discussion regarding the wildlife, Mr. Leckstein explained that is a Code Enforcement Issue and that the Board has no authority regarding that.

Mike Lane, 51 First Street explained that he came to the hearing with objections to the over flow parking. Mr. Alfieri objected, he explained that these issues were already discussed. There was further discussion regarding whether the Yacht Club was a marina, Mr. Leckstein explained that the Board voted that it was not a marina. Mr. Alfieri stated that this was already dealt with.

Mr. Lane asked that there be restriction to parking; Mr. Alfieri stated that the Yacht club purchased the property to make additional parking. There was further discussion regarding the parking,

Mr. Leckstein explained that anyone from the public can file an appeal with the superior court if they do not agree with the Planning Board's decision.

George Walling, 54 Second Street, stated that Mr. Alfieri told the Board what they were going to do, the plans were wrong. Mr. Leckstein explained what happened at the previous meeting and that the only thing that was asked of the applicant was to have a clear parking plan. Mr. Walling mentioned that if the parking lot wasn't paved it would have weeds growing. There was further discussion regarding the parking lot and the turning radius.

Motion to close to the public at 8:30PM was made by Mayor Araneo, second by D. Pacheco with ayes by all present.

Motion to approve application was made by M. Sessa, second by N. Vecchio

Ayes: Mayor Araneo, H. Aumack, J. Oviedo, D. Pacheco, M. Sessa, N. Vecchio, C. Demarest, J Kovacs-Olsen

Motion to approve resolution with amendments was made by J. Oviedo, second Mayor Araneo

Ayes: Mayor Araneo, H. Aumack, J. Oviedo, D. Pacheco, M. Sessa, N. Vecchio, C. Demarest, J Kovacs-Olsen

Motion to take a five-minute break was made and carried.

Roll Call: Chairman Merla, H. Aumack, J. Oviedo, D. Pacheco, M. Sessa, N. Vecchio, C. Demarest, J Kovacs-Olsen

APPLICATION: PAUL MILLER
80 WEST FRONT ST
KUPB 23-12
USE VARIANCE

Exhibit A1 – The change of use plan dated 7/25/23
Exhibit A2 – By Laws of the Peter J. Miller Foundation
Exhibit A3 – Color change of use plan 11/7/23
Exhibit B1 – T&M letter dated 9/28/2023
Exhibit B2 – Colliers letter dated 8/18/2023
Exhibit B3 – Chief Torres email dated 8/28/23
Exhibit B4 - Tony Vecchio Fire Marshal email dated 9/19/2023

Salvatore Alfieri Attorney for applicant. He explained that they have two witness and also Paul Miller was present if there were any questions from the Board.

Mark Zelina, Engineer for the applicant. Mr. Zelina described the area located around the property. They are not proposing any site improvements or changing to the property. Mr. Zelina stated that the property is approximately ½ acre the rear of the runs to Kearney Street, there is a stone driveway into the property.

Mr. Leckstein asked if you can utilize the driveway. Mr. Zelina stated that Kearney Street is a one-way street. Mr. Mullan asked if Kearney was one way how do cars go to and from. There was discussion regarding the way the residents access their homes from Kearney Street.

Mr. Mullan stated that on page 4 of their letter there is a list of waivers, he has no objection to the Board granting the waivers. Mr. Mullan spoke about possible easement's that may overlap the property. Mr. Zelina stated that there may be at the end that was submitted to Monmouth County. They have agreed to any changes that may have to be added to the plans as a condition of approval.

Mr. Leckstein asked if they agree with everything in T&M letter; yes. Mr. Leckstein asked about the driveway, he understood that off street parking which they ask for a use variance. There was discussion regarding the driveway being used as parking. Mr. Leckstein suggested if the application was approved that they don't use the driveway for parking because you don't want to have people backing out of a one-way street. Mr. Alfieri confirmed that was correct. The driveway would only be used for maintenance reasons. Mr. Alfieri stated it would not be used for patrons.

There was discussion regarding how people would access the location and where they would park. Mr. Mullan confirmed that there would not be any buses or vans bring people to the location; no. Mr. Leckstein asked if that would be a condition; yes.

Mr. Leckstein stated that only variance before the board is a use variance.

Mr. Mullan asked if any one was going to present to the Board about deliveries and hours of operation. Mr. Alfieri stated that their planner would.

Motion to open to the public at 9:50PM was made by Chairman Merla, second by D. Pacheco with ayes by all present.

George Walling, 54 Second Street stated if this was approved it would be removed from the tax role. Mr. Leckstein explained that was not something that the Board could consider.

Motion to close to the public at 10:10PM was mad by M. Sessa, second by W. McDermott with ayes by all present.

Justin Auciello, Planner for the applicant. Mr. Auciello described what the location would be used for, he explained that it would be for spiritual discussion, art and meditation. They would have tours of the structure like a museum. The hours of operation would be Monday, Wednesday and Friday from 11am to noon and Sunday's from 1pm to 4pm. There was discussion regarding the hours of operation. After the discussion the applicant decided to change hours of operation to Monday, Wednesday and Friday from 10:00AM to 1:00PM and Sundays from 12:00 PM to 5:00PM.

Mr. Auciello stated that the only overnights that may happen is possibly the owner of the property or an occasional instructor. They would not be renting the property out; they have no employees. They have a few volunteers that will have the key for the property for when they have people interested in viewing the home.

Mr. Vecchio confirmed that there would be no short-term leases; no.

Mr. Auciello stated that there was a kitchen at the location but the applicant was not planning on cooking in the kitchen.

Mr. Auciello described the home, he stated that the second floor would be used as library and office space, the third floor had two bedrooms. Mr. Mullan confirmed that there was a total of five bedrooms; yes. Mr. Alfieri stated that the second floor would have no bedrooms it would be only used for storage and an office.

There was discussion regarding the restrooms for visitors; Mr. Alfieri explained that there was a rest room on the first floor.

Paul Miller, current owner of the property. He spoke about when his Uncle Ted Miller purchased the property. Mr. Alfieri asked what the target audience was for the property. Mr. Miller stated teenager to adult. There was discussion regarding the art work that his uncle had collected. Mr. Mullan asked if it is the same activities that his uncle had at the house; yes.

Ms. Kovacs-Olsen, stated that Mr. Miller's uncle used to have fundraisers sometimes. Mr. Leckstein asked if the applicant was going to have small groups of people for fundraising. Mr. Miller stated that there wasn't going to be, if they did decide to do that they would come back before the board.

There was discussion regarding the upkeep of the property and Mr. Aumack asked for clarification of the by-laws. Mr. Aumack stated that if this became a non-profit it would make this property tax exempt. Mr. Leckstein reminded the Board that they cannot deny the application because of that.

Mr. Auciello spoke about the positive criteria and the negative criteria of the application. Mr. Auciello stated that he felt there was no substantial negative detriment. There was discussion regarding Keyport having a Historic Society Committee.

Mr. Sessa asked if the foundation was going to take care of the house; yes. There was discussion regarding the house being placed on the national registry.

Mr. Leckstein confirmed that there would be no signage.

There was discussion regarding how people would be able to access the building. Mr. Leckstein asked how it would be advertised; Mr. Miller stated by word of mouth.

Motion to open to the public at 9:50PM was made by Chairman Merla, second by D. Pacheco with ayes by all present.

Mr. Walling asked if the structure was ADA compliance; no. Mr. Walling asked that the Board get that before they consider the application. Mr. Walling's second issue if people are staying on the third floor how would they access that if they are not compliant; Mr. Auciello spoke about historic structures and fire code there is the similar code for historic structure. They will have to comply with the construction code. There was further discussion regarding what would happen if the property cannot meet ADA accessibility.

Nancy Smalling, 107 Maple Place, speaking as a resident and lover of the house. She thinks it is an amazing opportunity for keeping the house the way it is. She wants the express her concern to the owner that they should not limit themselves to ten people and not having a fundraiser. His uncle opened the home for various fundraiser and she would hate to see that limited. There was discussion regarding having possibly having fundraiser at this location. Ms. Smalling stated that there were possibly 60 people at one of the fundraisers. Mr. Alfieri asked to amend to have four fundraisers per year, the occupancy would be based on the what the UCC standard. Ms. Smalling would like to see the application approved.

Mike Lane, 51 First Street, spoke about the notice of hearing. There was discussion regarding the notice. Mr. Lane spoke about the fundraisers as well as the other activities on the site. He asked about security. Mr. Miller stated that they have dead bolt locks. Mr. Lane asked if everyone was a volunteer; Mr. Alfieri stated yes except for the caretaker. Mr. Lane mentioned that the Yacht Club was a 501C3 and they didn't get removed from tax record; Mr. Vecchio stated that would be up to the tax assessor.

Paul McKeefry, 107 Maple Place mentioned that the Fire Museum is all volunteer and have posted hours but they aren't always there. Mr. McKeefry feels that the house is an asset to the town and would not want it torn down to build condos. He feels that the Board should vote in favor of the application.

Motion to close to the public at 10:10PM was made by M. Sessa, second by J. Kovacs-Solen with ayes by all present.

There was discussion from the Board regarding the uses. Mr. Sessa feels that the house is a gem to the community.

Motion to approve application was made by J. Oviedo, second by W. McDermott

Ayes: Chairman Merla, H. Aumack, J. Oviedo, D. Pacheco, M. Sessa,

Nays: N. Vecchio

Motion to Adjourn at 10:15PM was made by D. Pacheco, second by J. Oviedo with ayes by all present.