KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on October 27, 2016 which was called to order at 7:00 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Roger Benedict, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

PRESENT: Mayor Harry Aumack II, Councilman Goode, R. Burlew, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs (arrived 7:06pm), G. Sappah, M. Sessa , J. Kovacs-Olsen

Fran Mullan, Engineer, Donna Miller, Planner, Marc Leckstein, Planning Board Attorney

ABSENT: J. Carlos Oviedo

MINUTES: September 22, 2016 meeting

Motion to approve minutes moved by G. Sappah, second by D. Fotopoulos

Ayes: Mayor Aumack, R. Benedict, D. Fotopoulos, J. Kovacs, G. Sappah, M. Sessa

Abstain: Councilman Goode, R. Burlew, T. Musson, J. Kovacs-Olsen

Absent: J. Oviedo

OLD BUSINESS: ANTOUN GREISS
KUPB 16-01
Blk 51, Lot 18.2
317 Beers Street
D Variance, Site Plan

Mr. Leckstein stated that he received an email from applicant's attorney at 5:38pm asking for the application to be carried to the next meeting a letter was sent to Mayor and Council to address this matter.

Mr. Kovacs made a motion not to carry application. Mr. Leckstein explained that he recommended the Board carry it over without notice to the next meeting and he will speak to Mr. Breitman and advise him that if he is not at the next meeting the Board will dismiss it without prejudice.

Mayor Aumack asked for clarification as to why the letter was written to the Mayor and Council. Mr. Leckstein explained that he had not seen the letter so he wasn't sure what Mr. Breitman was asking for. There was further discussion regarding this matter.

Motion to carry to the next meeting with the condition that Mr. Leckstein explained was made by T. Musson, second by M. Sessa.

Ayes: M. Sessa, R. Benedict, T. Musson, D. Fotopoulos
Nays: R. Burlew, J. Kovacs, G. Sappah, J. Kovacs-Olsen
Abstain: Mayor Aumack, Councilman Goode (application is a D variance and mayor and council are not able to vote)

Mr. Leckstein will notify applicant's attorney that this will be carried over to the next meeting without notice or it will be dismissed without prejudice. Mr. Leckstein explained to the residents that anyone who was there for this application would not receive further notice and should attend the next Planning Board meeting.

COMMUNICATION FROM BOROUGH CLERK ASKING FOR BOARDS AND PUBLIC COMMENTS AND RECOMMENDATION:

B**orough Ordinance 22-16 – Ordinance of the Borough of Keyport, county of Monmouth, NJ, Amending Chapter IV, section 2 (noise) and Chapter XXV (land use regulations on entertainment) of the revised general ordinances of the Borough of Keyport)**

Mr. Leckstein explained that the Mayor and Council is asking to amend the zoning ordinance to allow live entertainment in the Borough. Councilman Goode stated that the Mayor and Council is trying to delete part of the Ordinance that states that you are not allowed to have live entertainment in the Borough.

Mr. Burlew asked what is trying to be done; Councilman Goode explained right now the ordinance omits any live entertainment in the entire Borough. This zoning ordinance will allow live entertainment in town.

Ms. Kovacs-Olsen asked if there are any limits. Mr. Fotopoulos stated he believes it is limited to the noise ordinance. There was discussion regarding limits to the ordinance.

Mr. Fotopoulos stated that we already have live entertainment in town and feels it adds to the town; feels the ordinance should be changed to allow it.

There was further discussion regarding the ordinance and what effect the change would have on the Borough.

Motion to open to the public at 7:09pm was made by J. Kovacs-Olsen, second by M. Sessa with ayes by all present.

Bob Ludwig, 50 Beers Street, disagrees with Councilman Goode interpretation. Feels revisions to ordinance would be a good idea.

Mike Lane, 51 First Street, stated the ordinance will legalize live entertainment in town and feels that is a great move forward. Feels there should be one exception the neighborhood commercial district. Examples are Broadway and Front, Maple and Broad, across from the school. In the master plan the neighborhood commercial district are set up to be low intensity areas. These areas that couldn't handle the parking. The music that McDonough's pub has can be heard all the way to Cedar Street which is good for the town. The neighborhood commercial area cannot handle that kind of use. Feels this should be an exception in the ordinance.

There was discussion regarding what this change would do to this area in town and what can be added to the Master Plan regarding this change.

Motion to close to the public at 7:29pm was made by J. Kovacs, second by J. Kovacs-Olsen with ayes by all present.

Motion to approve ordinance as is reads was made by J. Kovacs, second by R. Burlew
Ayes: Mayor Aumack, Councilman Goode, R. Burlew, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs, G. Sappah

NEW BUSINESS: PRC-ES ASSOCIATES, LLC
KUPB 16-03
Blk 20, Lot 12.01, 19 and 20
160 West Front, 156-158 West Front Street
Minor Subdivision, Site Plan

Mr. Benedict mentioned the curfew for the meeting is 11pm.

COMMUNICATION FROM MONMOUTH COUNTY PLANNING BOARD

Letters from Monmouth County Planning Board requesting additional information from applicant.

Exhibits: A1 – Application dated 9/2/2016
A2 – Signed Redevelopment agreement and plan
A3 - Minor Sub division dated 8/9/2016
A4 – Boundary & Topographic Survey dated 8/8/2016
A5 – Final Minor subdivision and major site plan dated 6/23/16
A6 – Architectural renderings dated 4/20/2016
A7 – Environmental Impact Statement dated 6/22/16
A8 – Storm water Management Summary dated 6/17/16
A9 – Aerial dated 10/20/2016 showing 200ft aerial
A10 – Letters from Monmouth County Planning Board Dated 9/26/16
A11 – Letter from Monmouth County Planning Board dated 10/11/16
A12 – Colored rendering landscape plan last revised dated 10/27/2016
A-13 – Michael LaMana resume

B1 – T&M Letter dated 10/21/2016

Chad Warnken is the attorney for the applicant. Mr. Warnken explained the application and what is being presented before the Board. Mr. Warnken stated they are going to consolidate the three lots and divided into two lots. One of the lots will house the 26 townhomes that are being proposed and the other is a riparian lot and would be the responsibility of the homeowners association. The development is in alignment with the redevelopment plan which was adopted 4/2016 are revised 5/2016.

Mr. Warnken stated that there are no variances being requested the applicant spoke to the engineer and all issues have been addressed. The application meets all the requirements in the redevelopment plan as well as the RSI standards except for one that we are going to seek out for the turning radius for emergency vehicle access.

Spoke about the Engineers letter and stated that they will comply with any of the comments in the letter that is required. Mr. Warnken explained instead of going through the letter line by line he felt it would be better for Mr. Smith to testify and then answer any questions/concerns the Board may have.

Mr. Smith was sworn in as a licensed Planner and Engineer. Mr. Smith explained the property that surrounded the proposed project. Mr. Warnken confirmed that the minor subdivision is going to be perfected by deed; yes. A copy was supplied for the Board to review. Mr. Warnken asked to confirm that there is no variances needed and the subdivision and site plan conforms to the redevelopment plan.

Mr. Smith was asked to describe the site plan and what surrounded the project. Mr. Smith described the landscape plan and the road way for the project, and he also explained the rest of the exhibits that were submitted to the Board. The project will have 26 units, there will be five buildings. Building A will have seven units, building B will have five units in, building C will have four Units and building D will have seven units and building E will have three units. They would raise the site of the where the dwellings will be built above flood elevation as required. The site is right now covered by gravel they would like to introduce green throughout site. All landscaping is going too modified to be both salt and draught tolerant for maximum growth in the area. Each building will have at least a one car garage and driveway, sidewalk will be provided for the interior of site. The trash enclosure will be located to the north east of site so that the trash hauler can access it. The enclosure was described to the Board as well as the size of the containers that will be used.

Mr. Warnken asked Mr. Smith about the lighting in regards to the neighbor's property. Mr. Smith stated they contacted a lighting designer to accommodate the properties surrounding the area as well as the headlights from the vehicles. There was further discussion regarding the lighting for this area.

There was discussion regarding the layout of the site triangle; applicant will work with the county and take their recommendations.

Mr. Smith spoke about the driveway length which is going to be 22 feet in width.

Mr. Warnken asked about the CAFRA permit and stated that any changes that would need to be made they would comply with in order to get the permit for this application.

There was discussion regarding the trees on the property and if any trees could be saved. Mr. Warnken stated he was going to contact Michael LaMana, licensed Entomology, to look at the tree in question. Mr. Burlew stated if the tree is in the way of progress then it would have to go and then just plant another tree in its place. Mr. Mullan tried to clarify the issues regarding the trees on the site. There was further discussion regarding the trees on the property as well as what is going to be plants are going to be used in the landscape plan.

Mr. Mullan asked about the trash enclosure, the applicant stated they were going to place a sidewalk around it one suggestion Mr. Mullan would ask the Board to consider is to remove the sidewalk in the back of the enclosure because no one will be walking behind the enclosure. Instead have a green buffer behind the enclosure. Mr. Fotopoulos agrees that would be a good idea. Mr. Warnken said he would work with the engineer to come up with a mix of plants. There was further discussion regarding eliminating the wrap around sidewalk. Mr. Mullan pointed out one other issue with one of the sidewalks past the gazebo to remove that and place additional landscaping. Mr. Fotopoulos stated that any time you can remove impervious and add something else he is for it. Mr. Leckstein stated that if the Board approves the application as a condition that the site plan be revised to conform to the landscape plan subject to Engineers & Planners review. Mr. Leckstein asked if that is acceptable to all; yes.

Mr. Fotopoulos asked about the wetland buffer if CAFRA will be governing that; yes. There was discussion regarding the buffer and trash enclosure.

Mr. Fotopoulos asked about soil test line; Mr. Mullan explained that in the storm water management summary done if you go to Exhibit A it will show nine test pit locations that were dug approximately seven feet deep in nine different locations for the designers to come up with the soil quality as well as other information. Mr. Smith further explained this process and stated that this would be approved by DEP. There was further discussion regarding the CAFRA permit process. Mr. Fotopoulos asked that when it is complete does the Board get to see it; yes. Mr. Mullan explained if it is a condition of approval it would be required to be mailed to the Board. If any changes have to be made it would come back to the Board for approval.

Mr. Fotopoulos asked for confirmation regarding whether the landscape plan is included in the package; no but we can get a copy to the members. Mr. Fotopoulos would like a copy to go to the environmental commission.

Mr. Mullan asked if the Board would like input from him or for the Board to ask questions. Mr. Benedict asked the Board's pleasure, they decided to ask questions.

Mr. Musson asked about the maintenance of swale area, the water quality is there maintenance required; that would be the responsibility of the homeowners association. Mr. Fotopoulos pointed out that was included in the storm water management plan; correct.

Mr. Fotopoulos asked Mr. Mullan if he reviewed the storm water plan; yes. What they are doing isn't it similar to green grove; yes. Do you know how much pipe is being used; Mr. Mullan replied that the amount of pipe is adequate they defer this to the DEP qualifications and soil erosion that will meet Boroughs standards.

Mr. Warnken mentioned in regards to Mr. Musson's question that if the homeowners don't take care of it they will have a blanket easement so the Borough can maintain it at the homeowners cost. Mr. Leckstein asked that be placed into the master deed that all costs that the Borough incurs will be the responsibility of the Home Owners Association.

Mr. Kovacs asked about the testing was there any into the ground to hold the buildings up; yes. There was further discussion regarding the test piles for holding up the building. Mr. Mullan asked if there are going to be any basements; no all slab concrete.

Mr. Mullan stated that he will not go through the letter if anyone has questions will address them. He asked if they will comply with everything in the letters. One thing Mr. Mullan wanted to point out is there plan have 1 ½ deep pavement for the driveway, T&M requested 2" and applicant agreed with that (page 8 – K).

The other thing Mr. Mullan wanted to point out was regarding the trash enclosure gates that will match the gating and it would be a solid back and solid doors so that the dumpsters are not seen; yes agreed.

There was clarification regarding the pavement two inches of top pavement over four inches of stabilize base pavement in the parking area and drive lane. In the driveway it would be two inches of top payment over four inches of DGA which the applicant agreed to and it's to the Borough favor.

There was discussion regarding the size of the driveway and sidewalk and the ADA accessibility on the size of the driveway.

Mr. Mullan asked the site engineer to describe the retaining wall; there was discussion regarding the retaining wall as well as the height of the wall.

Mr. Mullan asked if there was no proposed sign for the site; not at the moment if they want one they will come back before the Board.

Mr. Fotopoulos asked about the recreation area; Mr. Smith stated that the recreation will be the waterfront as well as other parks in town. Mr. Fotopoulos asked how many bedrooms; two and three.

Motion to open to the public at 8:33pm was made by J. Kovacs, second by R. Burlew with ayes by all present.

Bob Ludwig, 50 Beers Street, traditionally there is concern regarding compensation with the Home Owners Association responsibility you can't take action against them; Mr. Leckstein asked why you can't take action against them. Discussion regarding what can be done regarding making the Home Owners Association responsible and who are members of the Association. This would be handled the same way any home owner is held responsible.

Who would take responsible of the dredge site; it would be the responsibility of the Home Owners Association.

Mike Lane, 51 First Street, stated that it is a great improvement on the plan. One comment regarding the dumpster enclosure would it be possible to have a man door placed on the enclosure as Mr. Burlew did at the Green Grove project. Applicant is willing add this. Mr. Mullan asked that this be added to the plans.

There was a discussion regarding the flood elevation and the retaining wall. Mr. Lane asked if the retaining wall would be able to with stand wave action; this will be taking care of when the go to DEP for CAFRA permit. Further discussion regarding retaining wall. Mr. Leckstein will put as part of the resolution that the plans for the retaining wall be submitted to T&M for approval.

Motion to close to the public at 8:47pm was made by M. Sessa, second by G. Sappah with ayes by all present.

William Feinberg, Licensed Architect in New Jersey. Mr. Feinberg described the five buildings. There are two different types all are three stories, none will have basements. They are between 2200 and 2300 square feet, three bedrooms and three and a half bathrooms, four buildings has one car garages one building has two car garages. Mr. Feinberg went through the living space on each floor in each unit. He also described what the outside of each building would look like.

Mr. Burlew asked what the elevation is for the first floor. There was discussion regarding what the elevation is for the first floor living space.

Mr. Kovacs confirmed that the third floor has the laundry room; yes.
Councilman Goode asked if there was going to limitation in the Master Deed regarding changing color of the unit; Mr. Feinberg stated that it would have to be approved by the Home Association.

Mayor Aumack asked if the building will be fully suppressed; Mr. Feinberg explained that they don’t have to do that. It will have to be approved by the Construction Official. There was discussion regarding the fire walls that will be placed in between each unit.

Mr. Kovacs asked about the water heater being on the first floor; Mr. Feinberg stated that was correct. Mr. Kovacs asked if they were going to put instant hot water heaters on the other floors water is not wasted. Mr. Feinberg stated that they will look into this.

Mr. Mullan confirmed that the building height proposal meets the variance and doesn’t exceed it; yes that is correct. Mr. Feinberg stated that they will comply with the ordinance.

Motion to open to the public at 9:04pm was made by M. Goode, second by T. Musson with ayes by all present.

Mr. Ludwig, 50 Beers Street, stated he liked the plan.

Mr. Lane, 51 First Street, would like it if they looked into the mechanics being placed on the first floor; yes. Mr. Lane stated that the mechanics on first floor was placed on a pad. Mr. Feinberg replied that they will look into it.

Collette Kennedy, 421 Atlantic Street, just wanted to clarify that the application was presented back in April, always been livable space on the first floor; yes. There was discussion regarding the livable space.

Motion to close to the public at 9:08pm was moved by J. Kovacs, second by D. Fotopoulos with ayes by all present.

Mr. Burlew asked about the lighting on Front Street; Mr. Feinberg explained that they are waiting on getting input from the County.

Mr. Fotopoulos asked if what County objection was; they felt the lights are a distraction.

Ms. Kovacs-Olsen stated the County allowed lights on First Street. There was further discussions regarding the lighting on First Street. It was asked that the applicant take a picture of the lights on First Street and bring them to the County.

Motion to open to the public at 9:11pm was made by M. Sessa, second by T. Musson.

Mike Lane, 51 First Street, stated fantastic job on the check list.

Robert Gonzales, 91 Fulton Street, Property Manager of 162 West Front Street, feels that this project is perfect for this property.

Motion to close to the public at 9:15pm was made by J. Kovacs, second by R. Burlew with ayes by all present.

APPLICATION VOTE:

Motion to approve was made by M. Sessa, second by D. Fotopoulos

Ayes: Mayor Aumack, M. Goode, R. Burlew, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs, G. Sappah

MOTION TO ADJOURN MEETING:

Motion to adjourn meeting at 9:19pm was moved by J. Kovacs, second by G. Sappah with ayes by all present.

The next regularly scheduled Planning Board Meeting will be Thursday, November 10, 2016.