

Approved 11/11/05

October 4, 2005
Keyport, New Jersey

Minutes of the Special Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Council Chambers, 70 West Front Street, Keyport, N.J. pursuant to the adoption of Resolution 302-05, in accordance with the Open Public Meetings Act. Notices were faxed to the Courier, Asbury Park Press, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Boards.

Mayor Merla called the meeting to order at 6:00 P.M. and read the Sunshine Law Notice. The Mayor requested a Moment of Silence for ex-Councilman Hyer who passed away this evening.

ROLL CALL

On Roll Call the following were present: Councilmembers Doyle, Bergen, Walling and Hassmiller. Absent: Councilmembers Atkins and Wedick. Others present: Ken Ebner, Borough Attorney's Office; Gordon N. Litwin, Special Counsel; Ken Bowers, Phillips Preiss Shapiro and Thomas Antonucci, Borough Administrator.

HEARING ON ORDINANCE

1. Ordinance No. 14-05, Adoption of Redevelopment Plan/Aeromarine Site

The Clerk reported that the Ordinance was published in the Courier, issue of September 22, 2005 that the Affidavit of Publication is on file in here office, that a copy was posted on the Bulletin Board and made available to the public.

The Clerk read the Ordinance by Title:

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN
PURSUANT TO N.J.S.A. 40A:12A-7 FOR THE AEROMARINE SITE
LOCATED IN THE BOROUGH OF KEYPORT**

Mayor Merla said this Ordinance will not be adopted this evening. The public will be given the opportunity to speak and the adoption will be carried over to another meeting. The Mayor turned the meeting over to Gordon N. Litiwn, Esq., Special Counsel.

Mr. Litwin gave a synopsis of the process and the information regarding redevelopment and the status of the Aeromarine site. He distributed a copy of the charts to Mayor and Council that he would be presenting to the public. The charts were a time line of what has taken place. Redevelopment is the most extensive plan for a municipality. Requests for proposals would be sent out if the Redevelopment Ordinance is approved by Mayor and Council; it is a testing of the waters.

At 6:10 P.M., Mr. Litwin turned the meeting over to Ken Bowers, Phillips Preiss Shapiro. Mr. Bowers said he would give a more detailed overview in response to public comment. The Planner's report was given to the Planning Board and the Board adopted a Resolution with further recommendations. Mr. Bergen requested Mr. Bowers give his background to the public. Mr. Bowers said he is a principal with the firm of Phillips Preiss Shapiro who has offices in Shrewsbury and New York City. He has an extensive background as a Planner. He was involved with the Keyport Business Alliance and securing grants for their projects and he is also involved with Sea Bright and developing their municipality.

Mr. Bowers capped the overall recommendations from the Planning Board. He said 40% of the units at the Aeromarine will be townhouses or single family residences. Building height would be capped at 5 stories (4 stories with ground floor parking or 60 feet). Mr. Bowers reviewed each recommendation given as follows:

1. With regard to environmental clean up, potentially hazardous conditions would be remediated, including a larger, former garbage dump that is purportedly leaching contaminants into the Keyport Harbor on the Raritan Bay.
2. With regard to Open Space, half of the entire 62 acre site (31 acres) would be the minimum amount of acreage set aside as Open Space. The minimum amount of Open Space for public use and amenities is 20 acres.

4. With regard to Public Facilities and Amenities, there would be a 30 foot wide Baywalk Promenade spanning the entire length of the Site's waterfront along the Raritan Bay, providing public access for walking, jogging, biking or simply enjoying the site's spectacular views of the Keyport Harbor or New York City skyline. There would be 12 wide walkways along Chingarora Creek that will provide the entire community with enhanced opportunities for exercise, bird-watching and interaction with nature. The Plan envisions the construction of active recreation facilities, including various sports and athletic fields, a community center for youth and adult gatherings and activities and other public facilities (possibly a museum) intended to celebrate the Site's history.
5. With regard to Potential Residential Housing, the maximum number of units would be 310 units. This would be consistent with the lowest residential density zoning in Keyport (5 units per acre). The Maximum Number of Bedrooms, would be capped at two bedrooms to reduce any potential impact on Borough schools. At least 10% and not more than 50% of all residential units would be age restricted housing. The minimum percentage of residential units in Single Family Homes or Townhouses would be 40%. The maximum residential building heights would be:
 - a. Single Family Homes: 2.5 stories
 - b. Townhouse: 2.5 stories (3.5 stories with ground floor parking)
 - c. Multi-Unit Buildings: 3.0 stories (4 stories with ground floor parking)
6. With regard to Mixed Use, Commercial/Retail Development, the total amount of Commercial Space would be 50,000 square feet. The intended permitted uses would be retail business, restaurants, water dependent uses to highlight Keyport's tradition as a marine community and light fabrication (i.e. artisan studios, craft shops, cabinet and furniture making, woodworking and pottery). As far as Live-Work Units, up to 15 units for artists, craftsmen and other to have studios/shops where they reside. The maximum commercial building height is 4 stores (5 stories with ground floor parking).

The Department of Community Affairs has given their input and recommendations on the Planning. The Monmouth County Planning Board has submitted their comments as well. All of the information on the handout is consistent with Keyport's Master Plan. There was a language change with regard to Open Space.

Mr. Bowers reviewed page 14 of the spiral bound plan. The Municipal Land Use is created for development of districts and references uses to include multi use. The present plan is in compliance and follows the statutory requirements.

Mr. Litwin said the plan would remediate hazardous conditions. Proposals are needed. He clarified the rumor of the violation of law; the incorrect copy was given. Tom Thomas, the Planning Board Planner, is more than welcome to appear before Mayor and Council at the Borough's expense.

Mayor Merla reminded everyone that there would not be any action taken by Council this evening. The meeting will be opened to the public and there will be a time limit of 5 minutes per person.

Mr. Bergen said he would like to hear from the residents of the Lockport section first.

The Hearing was opened to the public for comments or questions at 6:33 PM. Mark Hollingsworth, 4 Ash Street, Union Beach, said he is concerned about the toxic waste underground. Mr. Litwin said the site would be cleaned up with DEP supervision and permits obtained through the State and a work plan followed. There will be a reduction of the contamination not spread.

Nancy Phillip, Ash Street, said that the site was a garbage dump. Century Land would have to clean up 300 cubic square yards of garbage. It was asked if it was cleaned, how high the "mountain" would be and it was asked how it will affect the residents of Union Beach now and later. Mr. Litwin said the residents health would be improved. The fill would be lined which would prevent leaks. No analysis has been done. The Aeromarine

was a municipal landfill that has batteries with no mercury or chromium. Mr. Litwin said this is outside the Borough's jurisdiction and the residents should check with the DEP. There are deposits at the site from the 1960's and 1970's that have been sealed off. The DEP will ensure that it is a safe site. Mrs. Phillips asked why the material is not going to be removed. Mr. Litwin said the Borough would have to see what the proposals bring. Mr. Bergen said the Borough would be involved to evaluate the remediation; redevelopment would help with this. The Mayor said the Borough views its progress before and during development. Mr. Litwin said there is no definitive answer on the height of the remediation site. The area would be used for recreation, but the site would not be a ski lift. The Mayor said the area is not capped properly now, but will be. Everyone's fear is that it would be a mountain and look like trash.

Carol Wright, Ash Street, Union Beach, said her house is along Chingarora Creek and she is concerned with the health and welfare of the residents. She has spoken with the DEP, EPA, Congressman Pallone's Office and Senator Kyrillos' Office to have water samples done. Mrs. Wright said she resents the fact of something being dumped in front of her house; she requested anything on site be taken elsewhere. She said she does not want one toxic site moved to another site. The development of the Aeromarine property would bring great ratables to Keyport. Mrs. Wright said she is concerned for the welfare of Union Beach's residents and that property values will plummet. She would like a written guarantee that no one will become sick and she does not want a dump across from her house.

Rowland Seckinger, Walnut Street, requested Mr. Litwin expand on his encapsulation comment. The Aeromarine Area is a serious flooding area and evacuation is a serious problem in the area. He asked if there would be further testing by the Borough on the soil besides what Century Land has done. Mr. Seckinger said there has not been any testing done behind the berm. He asked what happened with the Flood Control Meeting with the Army Corps of Engineers? He asked what their proposal is for flooding and where the water will go? Concerns need to be addressed. Mr. Bergen said a meeting was held with the Army Corps of Engineers whose preliminary options were given to the Harbor Commission and Environmental Commission. The Developer must address water quality and where it goes. Some raising may have to be done.

Mr. Litwin said conditions will continue to exist unless something is done. The Project will go to the Planning Board for site plan hearings. The Developer would not want problems for its buyers.

Bob Wright, Ash Street, requested the Ordinance state that if the Project is not done properly, it cannot be done. It was asked if any tests are being done? The rumor is Century Land Group cannot release the results of the testing until they own the property; this is not necessarily true.

The Mayor said there is a site condition when the matter goes before the Planning Board. There are environmental issues on and off site. All professionals have been involved (the Attorney, Engineer, Planner, etc).

Sam Minor, 330 First Street, Keyport, asked if Council would be voting on the Ordinance this evening; no. It was asked if the DEP would have the final say on what is done with the site and the landfill. Mr. Litwin said the Borough is setting up the framework for the Developer. Mr. Minor asked how many units there would be. Mr. Litwin said the Redevelopment Plan must be adopted and Requests for Proposals sent out and a few proposals should be received and the Borough would then select the developer based on what is in the best interest of the Borough. The Mayor said Council has done the procedural action and sent the plan to the Planning Board and they responded back to Mayor and Council with their comments. Mr. Bergen clarified what has been discussed; there would be 310 units and the Borough is not building it. Mr. Minor recommended the Borough find out what it can handle; he is concerned for the Fire, Police, EMS, Schools, etc. Mr. Minor asked why the Superintendent of Schools is not here this evening.

Melissa Koenig, Ash Street, Union Beach, asked if the dump is moved, would the Borough be putting recreational equipment on it? Mr. Litwin said all conditions have to be disclosed. She asked if Council would allow their children on the equipment? She requested Council have the dump carted away and bear the disposal expense. Mr. Litwin said remediation is expensive and it must be done responsibly. Mr. Bowers said the

Redevelopment Plan does not call for how to remediate the site. The Plan would be to move the dump to another location, if feasible. Mr. Bergen said this is a process the Borough is going through and Council needs to find out certain information. Mrs. Koenig said Council should take into consideration who votes for them.

Carl Franz, 48 Walnut Street, said he is not in favor of this plan; the traffic in town will be unbearable. The area where the Aeormarine property is would not be conducive for children. Mr. Franz said the whole area would have to be bulkheaded to prevent flooding. Tenants of the townhomes would get a lot of water in their home if there was no bulkheading. Mr. Franz said this matter should be listed on a ballot to be voted upon at an election. Mr. Bergen said the Borough should do research before putting anything on a ballot. Children should not be the main concern right now. Mr. Franz recommended the Mayor and Council check with the Environmental Commission first and then move on.

Mr. Wisniewski, Borough Attorney, arrived at the meeting at 7:08 P.M. and Mr. Ebner of his office left.

Robert Ludwig, 50 Beers Street, said he is in favor of redevelopment, but is concerned about the details of it. Mr. Bergen said Mr. Ludwig is inaccurate on some of the information. The Borough Planner states that the Plan is inconsistent with the 1989 Master Plan. Mr. Ludwig said Council should be careful and precise since it is already in litigation with Century Land. Redevelopment should be done by the numbers and conservatively. Mr. Ludwig said the plan, as proposed, is a sloppy legal document (the bound book). He asked how the errors can be corrected. Mr. Wisniewski said there would not be a debate between Mr. Ludwig and Mr. Litwin. Mr. Litwin invited Mr. Ludwig to submit his recommendation to the Borough Clerk and she will forward them on. Mr. Litwin said the corrections that were made were announced at the beginning of the meeting. Mr. Ludwig asked if the public can review the final changes and a hearing; yes. Mr. Litwin said if there a substantial amount of changes made, then the Ordinance would be readvertise, but if there are not any changes Council would move forward.

Sidney Becnel, 225 First Street, said traffic is a concern and asked how the people would evacuate from that area? He asked how the traffic patterns would be worked out. Mr. Bergen said this is a critical aspect and Mayor and Council have to be confident.

Barbara Pearce, 132 First Street, agreed with Mr. Becnel. Keyport cannot take anymore traffic or kids in the school system. First Street is a mess as it is. Mr. Bergen said taxes would be reduced by \$2,800 if 310 units were contracted and sold for \$750,000 each.

Glenn Eastmond, Atlantic and Church Streets, said that the improvements would not be for a town dump, but would improve the whole area. Something needs to be done with the Aeromarine property. Traffic will be a nightmare. Mr. Eastmond asked who is liable for the landfill after the developer leaves; the Borough. The DEP regulations must be abided by. It was asked if it would be the Borough's liability or the Association's responsibility when a storm comes through?

Jennifer Henning, 102 Main Street, said Open Space should be used on the landfill. The Borough should use open space and develop a use for the landfill. She said she has two children who are ill from Environmental issues. Traffic will be a nightmare; we have enough problems with traffic. She does not use Broad Street anymore. The ferry operator did a traffic study before he came into town. Mrs. Henning asked why the Borough is talking about high density housing and asked where the tax relief is? She requested Council broaden their thoughts to light density. She asked why the Borough would build on the waterfront after what has happened to Louisiana and Texas. Mr. Bergen asked Mrs. Henning if she has read the plan; yes, the Borough would allow high density in the lowest density area of town.

Mr. Litwin clarified some points. Mr. Bowers said there is industry on the site and it is preferred industry go near the highways; the residents of Walnut Street need to be considered.

A First Street resident asked if the developer could contract with a company to have debris taken out by barge? Mayor Merla said the Borough is not at that point yet. The

Developer, Century Land, is in contract with Aeromarine and wants to move debris. It was asked if there is a fear of change? The Borough needs a traffic impact study done.

It was asked if there would be any low income housing designated on the site? Mr. Litwin said it may be provided, but it is a separate issue.

Mayor Merla said this meeting will be carried for further comment and the adoption of Ordinance No. 14-05. It was decided to hold another Special Meeting on October 18, 2005 at 6:00 P.M. at the Municipal Complex Council Chambers.

ADJOURNMENT

Motion to adjourn moved by Mr. Walling, second by Mr. Doyle with Ayes by all present.

Time of Adjournment: 7:40 P.M.

Respectfully submitted,


Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

