The Keyport Unified Planning Board held a Regular Meeting on March 23, 2023, which was called to order by Mark Sessa at 7:00 PM, the Sunshine Law Notice was read followed by the Flag Salute.

Present: Mayor Araneo, Councilmember Davidson, Mark Sessa, H. Aumack, J. Royster, J. Oviedo, N. Vecchio, W. McDermott, D. Pacheco, J. Kovacs-Olsen

Professionals: Marc Leckstein, Planning Board Attorney, Fran Mullan, Engineer, Tim Jensen, Planner

MINUTES: February 23, 2023

Motion to approve minutes was made by N. Vecchio, second by H. Aumack

Ayes: Mayor Araneo, Mark Sessa, H. Aumack, J. Royster, M. Sessa, J. Oviedo, N. Vecchio, J. Kovacs-Olsen

Abstain: Councilmember Davidson, W. McDermott, D. Pacheco

RESOLUTION: KATHERIN CHANDUIV
KUPB 22-07
117 BROADWAY, BLK 23 LOT 14
VARIANCE RELIEF HARDSHIP/USE VARIANCE

Motion to approve resolution was made by N. Vecchio, second by J. Kovacs-Olsen

Ayes: Mark Sessa, H. Aumack, J. Royster, M. Sessa, J. Oviedo, N. Vecchio, J. Kovacs-Olsen

Abstain: Mayor Araneo, Councilmember Davidson, W. McDermott, D. Pacheco
(Mayor and Councilmember could not participate in this application since it was a use variance)

RESOLUTION: BECIKOGLU REAL ESTATE
KUPB 22-06
310 FIRST STREET
VARIANCE RELIEF

Motion to approve resolution was made by N. Vecchio, second by Mayor Araneo

Ayes: Mark Sessa, H. Aumack, J. Royster, M. Sessa, J. Oviedo, N. Vecchio, J. Kovacs-Olsen

Abstain: Councilmember Davidson, W. McDermott, D. Pacheco

APPLICATION: NICA NICA LLC
KUPB 23-03
262 FIRST STREET, BLK 135 LOT 1
USE VARIANCE

This application will be carried to the May 25, 2023 meeting at 7pm without further notice.

APPLICATION: PMG GROUP d/b/a SANSONE AUTO
KUPB 23-01
402 HIGHWAY 35, BLK 12 LOT 1.02
PRELIMINARY AND FINAL SITE PLAN

Exhibit A1 – application
Exhibit A2 – Survey dated 6/13/22
Exhibit A3 – proposed re construction dated 11/15/22
Exhibit A4 – Site plan dated 8/19/22
Exhibit B1 – T&M letter dated 3/6/23
Exhibit B2 – Memo from Fire Marshall Tony Vecchio dated 2/7/2023

Mr. Daniel O'Hern attorney for applicant. Mr. O'Hern describe the property and what the current use is. He explained that the auto body shop that is currently there would be eliminated as part of the application if approval is granted. Mr. O'Hern explained that this property has been a dealership for a long time that is why they feel the new application is suited for this site. The proposed use and improvements to the property would be an upgrade to the buildings on the site. They would be eliminating the auto body use; Mr. Paul Sansone has been trying to secure the site for some time for having a new Kia dealership.

Mr. O'Hern stated that they would have three witnesses, Paul Sansone, Michael Milligan, project architect and Andrew French, project engineer.

Mr. Paul Sansone Jr., principal owner.

Mr. Mullan asked for procedural do you want outline the waivers requested by the Board. Chairman Sessa replied yes. Mr. Mullan explained that they are outlined in their review letter dated 3/6/23 he explained to the Board that his office does not have any objection to the items that have asked to be waived. As the application proceeds there many be a few that if the application was approved would be asked that they would be condition of approval. There was discussion regarding going through the waivers individually if Mr. Mullan is okay with them, they do not have to addressed separately.

Chairman Sessa mentioned them testifying about the storm water management; Mr. Mullan mentioned them testifying about the storm water management; Mr. Mullan stated that they will ask the applicant to clarify and provide information and testimony.

Mr. Sansone explained that he is the soul manager and he owns the real estate. Mr. Sansone stated that he owns dealership in Neptune. Mr. O'Hern asked how long has he been in operation; since 2009. Mr. O'Hern ask about the site being a potential new Kia dealership, how long has the applicant been pursuing the opportunity; Mr. Sansone stated that it has been since 2012. There was discussion regarding the guidelines of opening a Kia dealership and the locations that were available.

Mr. Sansone stated that he rented the property from the prior owner and started the process of subdividing the property. Mr. O'Hern asked how long did Mr. Sansone lease the property. Mr. Sansone explained that he leased the property for approximately four years; he was before the Board for the subdivision several years ago with Mr. Remsen and that was approved. After that was approved they acquired half of the property.

There was discussion regarding what made the site desirable for a new Kia dealership. Mr. O'Hern asked if Mr. Sansone was able to open the dealership at this location, how many employees would he have; approximately 40 employees. Mr. O'Hern asked what would be the hours of operation; it would be consistent with other auto dealerships, it would be sales 9am to 8pm, service would be 7:30am to approximately 5 or 6pm depending on the market.

Mr. O'Hern asked if the wat dealers sell cars changed; yes, he explained that there is less lot traffic. He continued to state that most people deal with dealerships online. The amount of floor traffic at the dealership is significantly lower. There was further discussion regarding the clients using the internet opposed to going directly to the dealership. Mr. Sansone mentioned that the service areas used to be open until 9pm and most dealerships now have shortened those hours.

Mr. O'Hern asked about the drive thru area; one of the items that most of the manufactures is trying to make the servicing of the vehicles more accommodating for customers. Drive thru lanes are where customers can delivery of the vehicles instead of the lot. Mr. Sansone stated that many things are changing in the industry; the most significant change is on the sales side with the online shopping.

Mr. O'Hern asked about the delivers of the vehicles to the dealership; Mr. Sansone stated that the deliveries could be once a day, it could be twice a day. Each truck delivers seven to eight vehicles. He is projecting approximately 100 new vehicles sales a month. On average, you would get 100 new cars a month, approximately 50 used cars a month while some of those would be trade in. There would be approximately 150 cars delivered monthly. Mr. O'Hern confirmed that it would new cars as well as used cars at this location; yes.

Mr. O'Hern asked about the autobody shop at the site; the shop is part of the site but not part of this application because he does not have full clarity on the use. Mr. Sansone mentioned that he would have detail operation there possibly light bodywork. He does not plan to have a full body shop at that location. It would be only to service his own customers, reconditioning his vehicles that come in with damage. It would be utilized from a service facility; he reminded the Board that this was shop was not part of this application. He is committed not to have vehicles all over the place. He does want to have the ability to adjust the shop. Mr. Leckstein explained that they need clarity because it did state that they were abandoning the auto shop. There was discussion regarding who would be allowed to use the autobody shop, Mr. Sansone stated it would just be for vehicles not for customers just driving in off the street. Mr. Sansone stated it would not be a retail body shop.

Motion to open to the public at 7:21pm made by N. Vecchio, second by Councilmember Davidson with ayes by all present.

Mr. Leckstein stated for the record that there was no public present at the meeting for this application. Since there was no public present for this application, the Chairman does not need to open to the public with every witness. If anyone from the public does show up it will be noted.

Motion to close to the public at 7:21pm was made and carried.

Michael Millemann, Architect, entered Exhibit A-5, which is a photo rendering of the front facade of the proposed facility. Mr. Sansone stated that this was designed with the Kia team; it has the look and feel. He explained that they worked very closely with their design team and this would be their approved design layout. He continued to state part of him getting the franchise was that he would do this process of renovating the building.

Mr. Millemann, described exhibit A-5. The project is to transform the entire building. It would large glass front to show the showroom. There would be two service drive lanes coming into the facility, there would be a separate area to drive the vehicles out after the purchase. Mr. Millemann explained the changes that were going to happen which was shown in exhibit A-3. He explained that the back portion of the building was going to be for service, the existing second floor, which is currently used for storage, would be transformed to employee break room areas, small offices and a conference room.

The first floor would be the show room, small offices, and a customer lounge. Mr. Mullan asked for clarity regarding the renovations and improvements will not have any new utilities or under ground trenching on the site or out into the streets; Mr. Millemann stated that the engineer would address that.

Mr. Mullan asked about signage and lighting on the property; Mr. Millemann explained the signs are what is required by the manufacture. Some are the brand logo as well as the principal owner, which would be Sansone Jr that would go on the facade. All signs are illuminated inside; the sizes of the signs are on the plans. All the signs are mounted on the building there are no freestanding signs. Chairman Sessa asked the ones that are 15 feet are mounted on the building; yes.

Councilmember Davidson asked if there was going to be directional signs; yes, they are on the site plans. She asked about the second floor break room if there was going to be a elevator; no, there is an existing stairway and they are adding a stairway in the rear. It is under the requirement for the ADA accessibility. Councilmember Davidson asked if there were other conference rooms and break rooms downstairs; yes.

There was discussion regarding how the signs are lit. Mr. Pacheco asked if they would be set on timers. Mr. Millemann explained he did not have that answer. Ms. Kovacs-Olsen asked if the signs are in the front. Mr. Leckstein clarified that there is no lighted signage in the back of the building; correct.

Mr. Mullan asked about the existing second building on the property he asked for clarification to what the condition is and is that where the onsite auto limited body work for cars that are for sale only going to take place. Mr. Sansone responded that he envisioned it would be a detail operation with light reconditioning work as he mentioned previously. He explained that it is a full functioning body shop, which he will utilize for some of the servicing but not as a full body shop. There is a customer area in the front. He does not have any plans to change the shop; just clean it up. Mr. Mullan described the second building that any activity to the second building would be support use for the principal building; yes.

Mr. Mullan stated that the renovation to the principal building is clear; the modified use of the second building is going to be clearly dedicated to only what was described in Mr. Sansone presentation to the Board. It is not going to be rented out to another business; no. Mr. Mullan asked if there was any plans to do any renovations to the outside of this building that would identify that it is attached to the primary building; Mr. Sansone stated that he is going to renovate the building to make it look consistent with the new building. He is not sure to what extent the changes will be made. He is not ready to commit to what the proposed building will be other than cleaning it up the front so there are no cars up front, does plan on having new cars in the front and additional customer parking. Mr. Mullan stated he has no concern regarding that.

Mr. Leckstein explained that anyone that has come for the Nica application, that application would not be heard. It has been carried to the May 25th meeting at 7pm with out further notice. He explained that the notice tonight was 7:30pm but on May 25th it will be at 7pm. Mr. Leckstein stated for the record that everyone who came to the meeting at 7:30pm has left.

Andrew French, Engineer for the applicant. Mr. French added a revised page to Exhibit A-4 2 of 11 it has additional information the revised date is 3/21/2023.

Mr. French explained that the changes that were made were to clarify some of the questions from the board engineer. Mr. French explained that this site has been a dealership for many years. There would be renovations to the existing building and to the site to enhance the property. The property has frontage on Route 35 on the north side, Beers Street on the east side, Clark Street on the south side and an existing dealership on the west side. He described the changes that are being proposed on the back of the building. The second floor would be an additional 1300 square feet.

There is approximately 1000 square feet of increase of impervious coverage. The roof leaders will be under ground and tie into the drainage system. They will mill, overlay, and strip the entire site it would have drive arrows for traffic flow as well as stop signs. All driveways existing are going to maintained.

In the front of the property, they will have vehicles displayed on Route 35. In front of both buildings there will be customer parking. There will be employee parking that is located behind the accessory building. There was discussion regarding adequate parking spaces as well as EV ready spaces. For the 66 parking spots they will add four EV make ready spaces on the property. The handicap parking referring the engineers report, they are looking at the total spaces on the site. Mr. French stated once again that the inventor spots and service spots should not be counted. They will have three or four handicapped spaces based on the 66 spots, which are provided. Mr. Mullan accepts that.

Mr. French stated that they are proposing new LED lighting throughout the property, it would be 20-foot high poles, cut off fixtures that illuminates the lighting downward to prevent sky glow. They have provided a lighting plan to show the new LED lighting. Further discussion regarding the lighting plan. He spoke about the residential area, he stated that there will be lighting there. The landscape plan is being provided on Beers Street and in the back, there are evergreen trees. They are going to plant lower plants for buffer.

Mr. French mentioned they are proposing new water service on route 35. They will get DOT approval for that. The other upgrade is the gas service on Clark Street because the improvements of the building. The electric line, which is an overhead line that goes from Clark Street to the rear of the building, would also be upgraded. Chairman Sessa asked if that would remain above; yes.

Mr. French spoke about the signage, he stated that they are seeking a variance for that. They need the size of the sign for visibility. The freestanding sign will be on Rt. 35 which is 30 feet tall which they need a variance for. There was further discussion regarding the reasons why the signs need to be that height. Kia sign is internally lite. Mr. French stated that there is an existing sign that would be removed which is 28 feet high. Mr. French explained that the sign was already higher than the ordinance allowed; he explained that they are increasing the height to 30 feet. He explained that the other Jim Curly dealership sign looks as though it is over 30 feet in height. Mr. French stated that their sign is keeping what is on Route 35; they feel it is appropriate so that it can clearly identify their property. Mr. French mentioned that there was one other freestanding sign that they were proposing on Clark Street in the rear of the site. After speaking to the applicant, he elected to remove that sign with the understanding that they could get more visible, higher sign on Route 35. They will probably place a smaller directional sign approximately two feet by three feet sign at the entrance on Clark Street. He stated that the applicant felt that would be more appropriate. Mr. Leckstein confirmed that he was speaking about the 25-foot sign; yes. Mr. Leckstein stated that there is only one signed proposed; yes.

Chairman Sessa asked the business off Clark Street would be minimal compared to Route 35; yes. Chairman Sessa spoke about the intersection being one of the most dangerous. He feels if the customers can see where the dealership is going to be it would be best. Mr. French stated that they want it to be visible as far as they can so it would minimalize their actions.

Mr. Leckstein stated the only item is the parking space sizes they have to be nine by twenty and the applicant is proposing nine by eighteen. Mr. Leckstein feels that they need testimony that they feel that would be enough space. Mr. French stated he feels that would be sufficient, the customer parking is in the front and there is ample drive aisle behind those. He feels that they have described them as nine by eighteen but there is more than enough room for movement. The employees that would be coming every day would be the same people parked in the same spots. When you speak about the inventory and dealership, they would make sure the cars are parked properly for show casing. As a reminder those cars are not being moved often, they are there for display inventory the same thing for service. He feels that nine by eighteen is suitable; they feel it is better to have more stripped parking spots that are nine by eighteen then less spaces.

Mr. Leckstein asked about the pre-existing building height; Mr. French stated that they did measure the accessory building, which is 20.5 feet, from the ridgeline half way back and then sloops to the rear to 16.5. In the ordinance, an accessory building has a maximum height of 16 feet so that existing condition they are seeking that relief.

Mr. Leckstein asked if they would agree to any of the other comments in the T&M report; yes, just the EV parking and handicapped parking spots. Mr. Mullan stated that they accept their presentation and clarification regarding that. They agree with their proposed numbers.

Mr. Mullan asked about the proposed drainage pipe on the property, it was already said that proposed roof leaders coming off the building would be connected to drainage pipes underground; yes. The proposed drainage pipes goes to an inlet that runs through the adjoining property, his question is do they think there is an existing easement that allows the water on the project property to drain into the pipe that is on the neighbors property. There was discussion on possibly having a drainage easement to the neighbor's property to allow the flow of water on this site. There was discussion regarding what was done with the prior application when the owner subdivided the property regarding the drainage pipe and any easement.

Mr. Mullan asked about the monument sign along Clark Street it was said that it was going to be eliminated but then there was discussion regarding having the sign made smaller. Mr. French explained that they will not have a freestanding sign but at the driveways, they would put a directional sign approximately two by three sign that would say entrance. Mr. Mullan asked if the sign would be lit; yes, it would be lit. Mr. Jensen stated just to clarify will the sign on Clark Street be lit all night or shut off after business hours; both signs would remain lit.

Mr. Leckstein asked if the deliveries are going to be during business hours; yes. Mr. Leckstein asked if they would agree for that to be a condition of approval; Mr. Sansone stated that he has no control over that. Mr. Leckstein explained that they could be told that they are not allowed to have deliveries off hours. He explained that he was thinking of the residents; Mr. Sansone stated that he had no problem with that being a condition of approval. There was discussion regarding how the deliveries were going to be made and how many deliveries were going to be made.

Mr. Mullan asked about considered closing off the second driveway access closest to Beers Street, Mr. French stated that he likes the secondary access driveways. Mr. Mullan asked if they would have to go to DOT to get permission for these changes; Mr. French stated they do expect to receive a letter of no interest since they are not changing the driveways. The traffic flow is de minimis so it does not warrant any traffic considerations from DOT. It has been in since last year and will submit it to the Board when it is received.

Mr. Mullan asked in the rear of the project, you are proposing 20-foot-high light poles to light the inventory parking; yes, there would be adequate lighting in the back. Mr. Mullan asked if they would be shining directly down with shielding if necessary so there is no negative impact on the residents. There was further discussion regarding the lighting on the site regarding the height and the amount of lights on the property.

Mr. Leckstein asked if they would agree to present a lighting plan for approval. Mr. French indicated that they have already submitted it as part of the application. Mr. Mullan stated that they do have it and the plan does show four poles. Mr. Vecchio asked if it was going to be a natural light color; yes.

Councilmember Davidson asked if the sign in the back was going to be low to the ground. Mr. French stated that it would be low to the ground it would be approximately 18 inches off the ground.

Councilmember Davidson asked about the mature trees around Beers Street and Clark Street are they being removed; no, the existing trees are along Clark Street. Mr. French explained that they are keeping those trees and supplementing with other planting to provide more enhancement buffer.

Mr. Leckstein asked if the garbage pickup was going to be a private hauler; yes. Mr. Leckstein asked if that would happen during business hours; yes. Mr. Vecchio asked if the trash would be kept internally; Mr. Sansone replied no. Mr. French explained that there are dumpsters in the back behind the building. Mr. Vecchio asked if they were kept in an enclosure; no, there was no enclosure. Mr. Leckstein asked if they would consider an enclosure; Mr. Sansone stated yes, fencing. Mr. Leckstein explained that they would have to provide garbage enclosure to T&M to review. There was further discussion regarding the enclosure for the dumpsters.

Mr. Mullan asked if they have reviewed the Fire Marshalls letter regarding items that would be stored in the facility. Mr. Mullan explained that when they have dealership applications they ask if there is fuel, oil or any flammable liquids and how are they stored and where in the building or property are they stored. How would they alert any of the first responders that these items are maintained in either building or anywhere on the property? That would normally be part of someone's explanation. Mr. French stated that he did review the Fire Marshall's report and he did have a conversation with him. They went over how it wanted to have the fire lane marked with signage. He wanted a fire hydrant along the front, those elements they agreed to provide. Mr. Mullan asked if they agree to comply with all the issues outlined in the Fire Marshalls letter; yes. There was discussion regarding where the tanks are stored. Mr. Mullan asked if they are willing to identify size, type and location of any containers and tanks on the property outside the building and label them with their contents and whether or not they are considered hazardous material or flammable. He asked that in the revised site plan they put some notes on the plan to comply with all the codes and precautions that are required. They should be identified so any first responders understand what they are coming up against; Mr. Sansone stated he had no problem with that.
Mr. Vecchio stated as a fire inspector as part of their job they would come out and inspect the property. Further discussion what is required and what would be placed on the revised site plans.

There was discussion regarding what the applicant was referring to when he said he was going to clean up the accessory building. Mr. Leckstein explained that would be a condition of approval that it would be cleaned up with the rest of the development, he asked for more clarification. Mr. Sansone explained that there is a time line with completion and he does agree that there is not full clarity of what the use will be, other than he knows it will be utilized as an accessory business to enhance the main shop. Since he had to get this completed in a certain amount of time, they focused on the main building. Mr. Sansone stated that he does plan to return to the Board with a full revision of what the accessory building is going to be in its entirety. Mr. Leckstein asked what is going to be done initially. Mr. Sansone stated he is going to give notice to the current tenant, giving six months' notice. Mr. Leckstein confirmed that initially Mr. Sansone is going to have the accessory building looking as it does today; correct but cleaned up without all the clutter. In the future, he will come back before the Board with plans for the accessory building.

Mr. Leckstein stated as a condition of the resolution the second building would be cleaned up and painted making it consistent with the main building; yes, Mr. Sansone would agree with that. Mr. Leckstein asked Councilmember Davidson if that was okay with her; yes.

Mr. Aumack explained if the applicant went too far with this, the construction official would give you a red sticker.

Mr. Vecchio mentioned that the building was in front of the Board a few years ago. He explained that it is a newer updated building and he feels it only needs to be cleaned up. Mr. Vecchio stated that it used to be Carsmetic now it is R&B auto body.

Ms. Kovacs-Olsen asked about the EV station and bay, she asked if they would be stored inside or would they be outside. Is there anything that can be put that the electric vehicles be stored outside. Mr. Sansone stated that she was asking a service question. He stated that he feels she is eluding to the problems with the battery fires in New York. He has not heard of anything like that being any type of requirement or request from the main manufacturer. Mr. Sansone stated he just being compliant with the manufactures.

Mr. Vecchio stated that through the Fire Marshall's office they have been asking that the vehicles not be stored inside the building. Mr. Sansone spoke about having an EV vehicle in the showroom, those are being highlighted they are making them a focus of future products.

Councilmember Davidson confirmed that Mr. Sansone stated many of the cars are going to be EV and there are only four charging stations on the property. She asked how will the other ones get charged. Mr. Sansone stated that presently the EV represent a small number of sales, if the four are not adequate he would have to add more. Mr. Sansone stated that he needs the building to satisfy the customer needs. These are the manufacturer's guidelines that they are following.

Motion to approve application was made by N. Vecchio, second by Councilmember Davidson.
Ayes: Mayor Araneo, Councilmember Davidson, Chairman Sessa, H. Aumack, W. McDermott, J. Oviedo, D. Pacheco, J. Royster, N. Vecchio

PLANNING BOARD PROFESSIONALS: Update on applications

Mr. Mullan gave update to the Boardmember regarding the number of applications that have been reviewed and the number of applicants that the review would be completed.

Motion to adjourn the meeting at 8:26PM was made by Councilmember Davidson, second by W. McDermott with ayes by all present.

The next regularly scheduled Planning Board Meeting will be Thursday, April 27, 2023.