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March 4, 2025

Keyport Unified Planning Board
70 West Front Street
Keyport, New Jersey 07735

Attn: Denise Nellis, Planning Board Secretary

**Re: *Blaze Keyport LLC, Applicant
Amended Preliminary and Final Site Plan Approval,
Amended Bulk Variance Approval and Change of Use Approval
Resolution Compliance Review #1
Application No. KUPB 24-12
Location: 105 Route 35
Block 110, Lot 24
Borough of Keyport, Monmouth County, NJ
CME File: HKPE0110.02***

Dear Denise:

On December 5, 2024, the Unified Planning Board issued a Resolution Granting Amended Preliminary and Final Site Plan Approval with Bulk Variance Relief for Application #24-12, to operate a Cannabis retail dispensary use within a proposed one-story commercial building to be constructed on the subject property. The 14,608 square foot lot is located on the north side of New Jersey Route 35 at the intersection of Clark Street, just north of the Borough line with the Township of Hazlet. The site is presently vacant but previously included a 2,758 square foot building.

The site is in the Highway Commercial (HC) Zoning District. A Class 5 Cannabis Retail dispensary is a Permitted Use in this Zoning District (Ch.25, Land Use Regulations, Art. I Zoning, Ch. 25-1-15.20 Cannabis Businesses) subject to the Site Standards included in Keyport Chapter 25 Land Use Regulations Section 25-1-15.20(d). The Borough Council has granted the Applicant a Resolution in support the proposed use at this location. The Applicant has provided testimony that the New Jersey Cannabis Regulatory Commission (CRC) has approved a provisional license for this facility and a full license will be granted upon a Certificate of Occupancy being issued by the Borough for the proposed building.

This property was previously the subject of application #23-02 for preliminary and final Site Plan Approval with bulk variance relief to construct a 2,758 square foot single story commercial building for general retail use on the site. That application was approved by the Board and a Resolution of Approval was adopted on August 24, 2023. The December 5, 2024 Resolution of Approval (Application #24-12) grants approval subject to all conditions of the original Resolution of Approval (8-24-2023) with the exception of Condition #7 (which is eliminated), unless said conditions are in conflict with the December 5, 2024 Resolution, in which case the December 5, 2024 Resolution controls.



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 2

The December 5, 2024 Resolution recognizes the Bulk Variance relief granted in the previous application (23-02) for Front Yard Setback and Minimum Parking Setback from Residences. The December 5, 2024 Resolution of Approval grants minor modifications to the previously granted Front Yard Setback and Minimum Parking Setback from Residences plus a Variance for Parking Space Width to 9 feet x 18 feet.

We note Condition of Approval #10 of the December 5, 2024 Resolution states the project is “subject to compliance with the comments raised with the review letter authored by the Board’s Engineer. In the event of conflicts between CME’s review letter and the review letter dated June 15, 2023, by T&M Associates as part of the earlier application, the new letter of CME Associates (October 15, 2024) will govern.”

The Applicant has submitted the following documents as part of a Resolution Compliance submission for the Site Plan approval memorialized by resolution on December 05, 2024.

- Submittal letter prepared by EKA Associates; P.A. dated January 22, 2025.
- Amended Preliminary & Final Site Plan, prepared by EKA Associates, P.A., dated September 12, 2024, and revised through January 22, 2025.
- Stormwater Management Report, prepared by EKA Associates, P.A., dated January 22, 2025.
- ALTA/NSPS Land Title Survey, prepared by Blue Marash Associates, Inc., dated May, 15, 2024,

In accordance with Condition #10 of the Resolution of Approval, our office has reviewed the above referenced information submitted for Resolution Compliance with our October 15, 2024 review. Our Resolution of Approval review comments are shown in **Bold**.

Technical Review

1. The Applicant should provide testimony as to their compliance with conditions 1 through 17 of the June 22, 2023 resolution of approval. The Applicant remains responsible to meet these conditions of approval including the outstanding technical issues contained within the August 6, 2024 T & M Resolution Compliance review letter. **Testimony was provided at the Public Hearing.**
2. The signature block on the cover sheet for the engineer should be revised to the Land Use Board Engineer instead of Borough/Municipal Engineer. **Addressed.**



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 3

3. As shown on the FEMA Flood Insurance Rate Map 34025C0037F dated September 25, 2009, the property is not located within a flood hazard area. Based on the NJDEP NJ-GeoWeb online resource, there are no freshwater wetlands on or in the immediate proximity of the site. **Information only.**
4. The modifications to the approved site improvements include lighting, landscaping, trash enclosure location, and the location and type of stormwater management structures. The Applicant should review all changes made to the plans from the original approval, specifically:
 - Compliance of the proposed site lighting to Land Use Regulations Section 25-1-14.7. **Addressed. Hours of operation shall be as required in Section 25-1-14.7(i) of the Land Use Regulations.**
 - The Applicant proposes a 6-foot-high board fence along the property line abutting the residential use to the east. The Applicant should review compliance of the proposed Landscaping Plan to Land Use Regulations Section 25-1-14.6. Additional landscaping should be provided to provide a screen to the adjacent residential property. **Addressed, additional landscaping has been added.**
 - The Applicant proposes a 6-foot-high wood fence trash and recycling area enclosure. The trash and recycling area is proposed on the west side of the site, opposite the residential abutter to the east. **Information only.**
 - Proposed stormwater improvements on the site include parking area and roof drains discharging to a subsurface stormwater detention basin and areas of porous pavement in parking spaces. No stormwater design information was submitted for our initial review of the Application. It appeared stormwater improvements were reviewed as part of the earlier approval. The Applicant remains responsible for addressing the technical comments from the original site plan approval.

A Stormwater Management Report (dated January 22, 2025) has been prepared for the proposed project. The plan includes collection of stormwater runoff from the proposed building roof and parking and driveway drains with discharge to a subsurface stormwater detention area to mitigate potential adverse impacts from increases in on-site runoff to adjacent properties and Route 35. The proposed building roof and other site development will result in an on-site land disturbance of 0.34 acres and a total net increase in impervious surfaces of 0.16 acres (6,970 square feet) over existing conditions. The project is not classified as a major development and is therefore exempt from the enhanced stormwater requirements of the New Jersey Department of Environmental Protection and Chapter 24, Stormwater Management Control of the Borough's Municipal Code (Runoff Quantity, Runoff Quality, Groundwater Recharge and Green Infrastructure).



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 4

It appears the proposed stormwater management plan maintains existing runoff patterns with runoff leaving the site via a low point at the northeast corner of the site at the Holmdel Point apartments property. Runoff from the proposed building roof plus the north parking and access drive is to be directed to a subsurface stormwater detention area located under a portion of the proposed paved driveway and parking area north of the proposed building. This subsurface stormwater storage area is proposed to be constructed of 2- 4-inch high layers (8-inch total height) of Rainstore3 polypropylene stormwater storage units with a crushed stone perimeter and is proposed to reduce peak runoff from the site to the adjacent property to less than existing levels. Four parking spaces north of the proposed subsurface stormwater storage area will have a porous pavement surface over crushed stone storage area. This crushed stone storage area will drain to the proposed subsurface stormwater storage area. Outflow from the subsurface stormwater storage area is to be controlled by an outlet control structure located in a drain manhole north of the proposed subsurface stormwater storage area with surface discharge via a riprap scour hole outlet in the north corner of the site. The Stormwater Report provides information from two on-site soil test pits which estimate the seasonal high groundwater elevation to be approximately 6.8 feet below the bottom of the proposed subsurface stormwater storage area. Soil testing information indicates the existing site soils to have very low permeability (less than 1-inch of water infiltration in one (1) hour).

The Stormwater Management Report shows that for major storm events, the 10- and 100-year intensity storms, the maximum water level in the proposed subsurface stormwater storage area will rise above the top of the proposed storage area and into the stone support base for the proposed driveway and parking pavement. In the 100-year storm event the maximum water surface elevation in the subsurface detention area will rise above the bottom of a portion of the pervious pavement area. The Applicant should increase the volume of the proposed subsurface stormwater storage area such that the maximum water surface elevation for the major storms (10 and 100-year intensity storms) does not exceed the top of the subsurface stormwater storage area (elevation 100.17).

The proposed scour hole details on Sheet 5 of 5 should be revised as follows:

- a) Label the Scour Hole #2 Detail;**
- b) Show the 6-inch diameter pipe inflows to the Scour Holes on the Sections with the invert elevations;**
- c) All rip rap to be 6-inch diameter minimum size;**
- d) Clearly label the minimum thickness of the rip rap;**
- e) Add the elevation of the bottom surface of the scour holes; and,**
- f) Add a pervious geotechnical fabric placed below the rip rap layer.**



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 5

The detail of the proposed Precast Concrete Drainage Manhole & Outlet Control Structure shown on Site Plan Sheet 5 of 5 shows the manhole with a 3-foot-high conical top with an 8-inch high cast iron frame and cover. It appears that the proposed outlet structure is too shallow to allow a conical top. The walls of the structure should be vertical with a low profile (4-inch high) heavy duty frame and cover.

All proposed drains shall have watertight joints. A connection detail should be provided for the proposed drain connections to the subsurface stormwater storage area. A note should be added to the Underground Rainstore3 Detention Basin Details on the Site Plans, Sheet 5 of 5, that the Rainstore3 units shall be installed in strict compliance with the manufacturer's requirements and the installation must be observed by the design engineer.

5. The proposed building is shown to be constructed with a zero (0') foot setback to the proposed curbing on the east side of the building. A minimum of two (2') foot separation is recommended from the curbing to the building to allow for vehicle overhang. **Addressed through testimony.**
6. The southwest corner of the building is less than one (1') from the proposed curbing. A minimum of two (2') foot separation is recommended from the curbing to the building to allow for vehicle overhang. **Addressed. The drive aisle entrance has been revised to provide 2-foot separation from the curb.**
7. The Applicant should provide testimony addressing the loading and delivery requirements for the proposed cannabis use including the anticipated schedule and methods of delivery of products to the building. It is noted that the truck circulation plan does not include a delivery truck. The Applicant should provide testimony regarding the type of vehicle anticipated for the delivery of products to the site and the Vehicle Maneuvering Plan should be updated for same. **Testimony was provided that cannabis deliveries will be four (4) to five (5) times per week via sprinter sized (van) vehicles.**
8. The site has frontage on Route 35, a New Jersey State Highway. The Applicant has submitted a Letter of No Interest from the New Jersey Department of Transportation dated June 5, 2024 stating the proposed project will not create "a significant increase in traffic". The Letter of No Interest includes a maximum limit of 69 vehicle trips in the AM Peak Hour, 69 trips in the PM Peak Hour and 69 trips in the Weekend Peak Hour. The peak volume of vehicle trips to be generated by the proposed use is less than the maximum limitation on vehicle trips. The Letter of No Interest is based on a 1,954 square foot Marijuana Dispensary and 800 square foot office. The proposed project size in this application is 2,433 square foot dispensary. The Applicant should review the Letter of No Interest and size of the project proposed with the Board. **Addressed in Testimony to the Board.**



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 6

9. Access and Off-Street Parking Space Review. In accordance with the Borough's Land Use Regulations Section 25-1-18, the Applicant is required to provide one off-street parking space for every 300 square feet of Gross Floor Area or 8 parking spaces for the proposed Retail Sales use. The Applicant proposes 11 on-site parking spaces including 1 ADA space. The Applicant should provide testimony regarding whether the 11 spaces will be sufficient considering the proposed 7 employees during the maximum shift. **Addressed in Testimony to the Board.**
10. The Applicant has submitted a truck circulation plan showing access to the trash and recycling enclosure and through the site. The Applicant should provide testimony regarding the procedures for handling solid waste and schedule for removal of trash and recycling from the cannabis use. Addressed in Testimony. **The Applicant testified that solid waste/trash would be picked up by a private contractor. Cannabis waste will be destroyed on-site in compliance with Cannabis Regulatory Commission regulations. Once destroyed and rendered useless it will be disposed of in regular trash.**

Based on a request from the Borough Fire Marshall, the requirement for a driveway speed hump included as Condition #7 of the August 24, 2023 Resolution of Approval was removed from the current Resolution of Approval. The driveway speed hump label should be removed from the proposed driveway west of the proposed building as shown on the Stie Plan, Sheet 2 of 5.

11. Proposed water and sewer connections should be added to the Site Plans. The Applicant should indicate if a natural gas service is to be provided to the building. Pavement restoration areas should be provided along with the appropriate details. **The Applicant responded that water and sewer connections from the previously demolished building were capped on-site and will be reused for the proposed building. If new utility connection(s) are needed from Route 35, the Applicant is responsible for obtaining a road opening permit from the NJDOT. Any excavation within the public roadway must be restored to the satisfaction of the Borough Engineer.**
12. The cannabis regulations require that the signage shall not contain text and/or images intended to promote excessive consumption of cannabis products. A note should be added to the signage details noting same. **Not addressed. The Applicant responded that this item is to be addressed by the Architect. A signage plan shall be provided for review.**
13. The Applicant should provide testimony regarding any other agency permits or approvals that are required. **On-going Condition, the Applicant is required to obtain all permits and approvals from other agencies.**
14. The followings items should be included as conditions of any approval given by the Board: **On-going Conditions.**
 - a) The Applicant shall obtain approval from the Borough Utility Department for the water and sanitary sewer connections and the Bayshore Regional Sewerage Authority (BRSA).



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 7

- b) The Applicant is responsible for paying all connection fees to the Borough and the BRSA prior to construction.
 - c) The Applicant will be required to repair any sidewalk and curb damaged during construction in accordance with the Borough's improvements standards and to the satisfaction of the Borough Engineer.
 - d) The Applicant shall be responsible for posting a performance bond and obtain a road opening permit prior to construction.
 - e) The Applicant shall provide a Topographic and Location As Built Plan which shall be approved by the Borough Engineer prior to the issuance of a Certificate of Occupancy.
 - f) It appears that more than 5,000 square feet of disturbance is proposed, and accordingly, Freehold Soil Conservation District certification would be required.
 - g) The applicant must obtain any other necessary permits and/or approvals that may be required from any governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Building and Construction Permits and Inspections. Copies of all permits must be submitted to the Board and our office.
15. Outstanding comments from the Resolution of Approval dated December 5, 2024 should be addressed:
- 1. Statement.
 - 2. Statement.
 - 3. A note should be added to the plans reflecting this condition.
 - 4. Proof of submission to the Keyport Police Department should be provided prior to the issuance of building permits. Final approval from the police department shall be provided prior to the issuance of the certificate of occupancy.
 - 5. A note should be added to the plans reflecting this condition.
 - 6. The Signage package shall be submitted for review.
 - 7. Statement.
 - 8. Bollards should be added to the eastern corners of the building.
 - 9. Addressed.
 - 10. Ongoing condition.
 - 11. Statement.
 - 12. Statement.



Borough of Keyport
Re: 105 Route 35
Resolution Compliance Review #1
CME Project HKPE0110.02

March 4, 2025
KUPB 24-12
Page 8

13. Ongoing Condition. The Applicant should provide a status of the outside agency approvals.
14. Ongoing.
15. Ongoing. A building permit shall be applied for no later than December 5, 2026.
16. Ongoing.
17. Statement.
18. The Applicant should provide the proof of recording.

Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,

CME Associates

Trevor J. Taylor, PE, PP, CME, CFM
Planning Board Engineer

TT:TF

cc: Marc Leckstein, Esq., Planning Board Attorney
Blaze Keyport LLC, Applicant
NVWI Limited Liability Company, Owner
Bridget Sykes, Esq. Fox Rothschild LLP, Attorney
Joseph Bachi, EKA Associates, P.A., Engineer