The Keyport Unified Planning Board held a Regular Meeting on December 5, 2019 which was called to order at 7:05 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: M. Sessa, R. Benedict, L. Davidson, D. Pacheco, J. Oviedo, J. Royster

Absent: Mayor Kennedy, Councilman Goode, N. Vecchio, K. Howe, H. Aumack

Mayor Kennedy and Councilman Goode were recused from this meeting since the application that was on the agenda was a use variance.

Keri Higgins, Attorney was sitting in for Marc Leckstein.

PROFESSIONALS SWORN IN

MINUTES: November 7, 2019

Motion to approve minutes was made by R. Benedict, second by L. Davidson with ayes by all present.

NEW BUSINESS:

KUPB 19-06 STRAUB MOTORS
400 HIGHWAY 35
BLK 112 LOT 1
SUBDIVISION/USE VARIANCE

Mr. Martin Pfleger, Attorney for applicant spoke about the previous time they were before the Board. He explained that they were not aware of one of the conditions that was in the Carsmetic resolution which was approved by the Board in 2011. The applicant re-noticed and asked for relief in that condition other than that change nothing has changed. There will be no changes to the location

Mr. Pfleger explained that it is a simple minor subdivision and he has all the professionals as well as owners/tenants to answer any questions the Board and public may have.

Ms. Higgins reminded the Board of the exhibits that were marked in from the November meeting:

Exhibit A1 – Application
Exhibit A2 – minor subdivision plan and survey
Exhibit A3 – description of property
Exhibit B1 – CME letter dated 10/22
Exhibit B2 – Resolution for Carsmetic that was approved by the Board on 12/15/2011

Ms. Higgins stated that Mr. Pfleger did re-notice this application to include the request to remove condition 5 of the prior resolution. Mr. Pfleger stated that in addition just be safe they also noticed for potential increase in density.

Mr. Pfleger introduced Mr. Hauser, Professional Engineer. Mr. Hauser gave credentials to the Board.

Richard Karl Hauser, Engineer and Land Surveyor was sworn in. Mr. Hauser explained that they are creating a minor subdivision he described exhibit A2 to the Board. Mr. Hauser spoke about the properties surrounding the location. Mr. Hauser explained that there are three (3) buildings on the site, the building on the west is Straub Motors dealership that lot is being proposed as lot 1.01 will be 5.11 acres the other building is Sansone Jr. Auto Used Car Dealership and the auto body will be lot 1.02 and will be 4.4 acres. The property will create a cross easement and there will be no new utilities. They are going to widen Clark Street and have a portion dedicated to Keyport Borough.

Mr. Hauser spoke about the CME letter dated 10/22/2019 item number 5 on page 4, he stated they will provide and will apply to Monmouth County and give new lots to the tax assessor. Mr. Hauser explained where the lots will be divided. Mr. Pfleger asked why he choose that location; Mr. Hauser explained it was the middle of the property and made the most sense.

Motion to open to the public at 7:15pm was made by L. Davidson, second by D. Pacheco with ayes by all present.

Michael Lane, 51 First Street, asked if the applicant was seeking a use variance; Mr. Pfleger explained that they were because the second car dealership is currently a used car dealership is not a permitted use alone. So they need a use variance to continue this on the new lot. Ms. Higgins explained it was an accessory use and now it would be a principal use. Mr. Pfleger stated that Mr. Sansone is in attendance to answer any questions the Board and public may have.

Motion to close to the public at 7:16pm was made by L. Davidson, second by J. Royster with ayes by all present.

Mr. Pfleger introduced the owner Remsen Straub. Mr. Straub was sworn in.

Mr. Straub gave the history of the location. He explained that several years ago they brought in a business associate with a used car operation with superior used cars. The associate also offered financing at the location. Mr. Straub stated they want people to associate exit 117 as a location to purchase a car and feels it is in everyone’s best interest. He explained two dealership, two owners the new location will be a used car dealership and eventually a new car dealership as well. Further discussion regarding the car dealerships that are existing at the location.

Mr. Pfleger asked if there are any improvements going to be made; Mr. Straub stated there are not going to be any changes. Mr. Pfleger asked about the utilities; Mr. Straub stated the utilities are separate and there will be no changes made. The cross easement will be the main front entrance so it will be easier for people to access both of the dealerships.

Mr. Pfleger asked about the tenant for the auto body back in 2011 Carsmetic; Mr. Straub explained that the business was supposed to be a one day turn around on auto body repair and it failed and didn’t fulfill the lease. A local resident is occupying the building at the present time as an auto body which is opened to the public but most of their work is from the car dealerships on the property as well as the neighboring car dealers. Further discussion regarding the work that is being done at the auto body shop and the convenience of having it at the location.

Ms. Higgins asked for clarification since she is not familiar with the site. She asked if lot 1.01 would be a Mr. Straub's business which is a new dealership; correct. On lot 1.02 is the used dealership and 1.02 would also have the auto body; yes. The new owner would have the auto body tenant on it and he would be their landlord. Ms. Higgins asked Mr. Straub if the work from the auto body was stored outside. Mr. Straub stated that they needed a tenant and the introduced new methodology of auto body sale which was supposed to be a one hour repair. That concept failed, part of the concept was that the vehicles would arrive during working hours and picked up before they close and when the workers went home they would be virtually no vehicles outside.

Ms. Higgins asked about the current tenant; Mr. Straub stated that the current tenant needs to have vehicles outside. Ms. Higgins asked how long has this business been there; five years. Was there storage outside; yes. Ms. Higgins confirmed that is the way he has operated; yes.

Mr. Sessa explained that the sale pitch for the previous application, there was a concern at that time that crashed up cars would be parked outside for a while. The Board didn't want crash up cars lined up at the entrance to our town that is why they placed that condition in the resolution. Ms. Higgins asked if they had any code violations; no.

Mr. Taylor asked if they can place in the resolution that certain spots be used for cars that will be at the facility overnight; Mr. Straub stated it depended on the proximity. Mr. Straub stated that the idea of the dealership is to stock as many cars as possible. There was further discussion regarding where the 25 spaces were for the auto body shop. There was discussion regarding the location for parking the vehicles that are having work done.

Mr. Taylor confirmed that there are three buildings and they all have separate utilities; yes.

Mr. Van den Kooy asked about the west side parking spots; Mr. Straub stated five spots left side. There was discussion regarding employee parking.

Mr. Benedict asked how many vehicles would be parked at the auto body; Mr. Straub stated that there are 25spots in front there hasn't been any major collision parked outside. Average cars are managed very quickly. There was further discussion regarding the turnaround of vehicles being at the auto body shop.

Ms. Davidson asked that there are 25 spots to the business right now but how many cars can you park; Mr. Straub stated approximately 70. Ms. Davidson confirmed that the location they were talking about was the front; yes. Further discussion regarding the amount of cars parked in the front of the location.

Motion to open to the public at 7:45pm was made by L. Davidson, second by R. Benedict with ayes by all present.

There being no comments or questions at this time motion to close to the public at 7:45pm was made by D. Pacheco, second by L. Davidson with ayes by all present.

Mr. Pfleger introduced Mr. Sansone Jr. who was sworn in. Mr. Sansone is currently leasing what will be lot 1.02. Mr. Sansone described his business, he stated that in the future he would like to have a new car dealership franchise at the location and to make that happen he has to own the property.

Ms. Davidson asked what his plans for the future for this property was; Mr. Sansone stated that he would be possibly knocking down the existing facility which means he would be back before the Board. He explained that he is planning on investing several million dollars in upgrades to the facility.

Mr. Benedict questioned what would happen to the auto body; Mr. Sansone stated he feels that it is beneficial have it. Mr. Benedict asked if he could build the type of dealership he is look for at this location; yes.

Ms. Davidson asked about the proposed future franchise and how it will impact the traffic; Mr. Sansone stated that nothing is going to change.

There was further discussion regarding the subdivision of the lots and the auto body shop being part of the new owner's property.

Motion to open to the public at 7:55pm was made by L. Davidson, second by R. Benedict with ayes by all present.

There being no comments or questions at this time motion to close to the public at 7:55pm was made by L. Davidson, second by R. Benedict with ayes by all present.

Mr. Pfleger introduced the auto body tenant, Mr. Larry Kemp was sworn in. Mr. Kemp described his business, he stated that most of the cars that come to him are just cosmetic. He deals mostly with the dealerships not insurance claims. Mr. Pfleger asked approximately how many pubic cars would he work on, and he asked if five spaces would be enough; yes, as long as it is just for customers coming off the street not the dealerships.

Motion to open to the public at 7:59pm was made by R. Benedict, second by J. Royster with ayes by all present.

There being no comments or questions at this time motion to close to the public at 7:59pm was made by D. Pacheco, second by L. Davidson with ayes by all present.

Mr. Benedict asked what percent of vehicles came from the dealerships; 95% from dealerships.

Mr. Higgins, Planner was introduced and sworn in. Mr. Higgins stated he visited the site and described the two principal uses. The auto body is the second use which would be on the new lot with the used car dealership. Mr. Higgins feels there are only positive criteria's with this application and feels there would be no negative impact on the area since nothing is really changing.

Mr. Higgins explained that the area is highway commercial and stated that what the applicant is proposing is what the Master Plan states in the highway commercial district.

Mr. Sessa asked if the neighbors would be impacted; no there is no change to any of the traffic.

Mr. Taylor asked if the five spaces could be in the back of the building; Mr. Higgins stated they will amend plans to show the parking spaces.

Motion to open to the public at 8:10pm was made by L. Davidson, second by D. Pacheco with ayes by all present.

Mr. Lane, 51 First Street, explained that he was part of the land use element team. He explained that the team didn't to allow use car operations in the Borough because they felt that the operators would not invest in the property. He explained to the Board that they need to make the decision based on what is before the Board not the possibility of this in the future possibly becoming a new car dealership.

Mr. Sessa stated we still have a building and not a trailer. Mr. Lane stated that they are not losing anything and has no opposition to granting the approval.

Motion to close to the public at 8:12pm was made by R. Benedict, second by L. Davidson with ayes by all present.

Mr. Benedict asked if they should have a limited timeframe for the five parking spaces. There was discussion regarding this and after the discussion the Board decided that placing a timeframe wasn't needed.

Mr. Sessa stated that he doesn't see any reason not to approve application.

Motion to approve application with D1 variance, D2 variance and relief from condition five in Carsmetic resolution was made by L. Davidson, second by D. Pacheco.

Ayes: M. Sessa, R. Benedict, L. Davidson, D. Pacheco, J. Oviedo, J. Royster

Motion to open to the public at 8:20 was made by L. Davidson, second by D. Pacheco with ayes by all present.

M. Lane mentioned that at the Council meeting the ordinance was discussed regarding out door eating, they are not going to require fencing.

Motion to close to the public at 8:20pm was made by D. Pacheco, second by J. Royster with ayes by all present.

Motion to adjourn meeting at 8:20pm was made by R. Benedict, second by L. Davidson with ayes by all present.

The next scheduled Planning Board Meeting will be KUPB Re-Organization Meeting, Thursday, January 23, 2020