



YOUR GOALS. OUR MISSION.

KUPB-R2210

June 15, 2023

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

Via mail and email

Attn: Denise Nellis, Recording Secretary

**Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review**

Dear Chairman Sessa and Members of the Unified Planning Board:

As requested, we have reviewed the following documents submitted by the applicant in support of this application. Revised documents submitted subsequent to the original application submission and our First Planning and Engineering Review dated April 12, 2023 are noted in ***bold italic text***.

1. Borough of Keyport Unified Planning Board Application No. 23-02 and supplemental documents, consisting of thirteen (13) pages, signed December 19, 2022, received by the Unified Planning Board December 28, 2022, and received by T&M January 31, 2023;
2. Escrow agreement signed by Paul Sansone, Subject Property Owner November 22, 2022 and notarized by Anna L. DiCarlo, Notary Public of New Jersey November 22, 2022, consisting of two (2) pages;
3. Preliminary & Final Major Site Plans prepared by Thomas J. Quinn, P.E., C.M.E. and Joseph N. Bachi, P.E., of EKA Associates, P.A., consisting of four (4) sheets, dated March 31, 2021, ***last revised May 12, 2023;***
4. ***Vehicle Maneuvering Plan prepared and Joseph N. Bachi, P.E., of EKA Associates, P.A., consisting of One (1) sheet, dated May 12, 2023;***
5. Survey prepared by James R. Watson, P.L.S., P.P., of EKA Associates, P.A., consisting of one (1) sheet, dated January 12, 2017;
6. ***Survey prepared by Wayne K. Applegate, P.L.S., of EKA Associates, P.A. consisting of one (1) sheet, dated February 27, 2023;***
7. Architectural plans prepared by Zen Architects and Engineering, consisting of two (2) sheets, dated March 29, 2021, ***last revised April 18, 2023;*** and,
8. Report prepared by Tony Vecchio, Fire Marshall, consisting of one (1) page, dated February 7, 2023.



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 2

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

We offer the following comments regarding the above-referenced Application and supporting documents. Changes based on the revised materials submitted above, along with our comments regarding same, are noted in ***bold italic text***.

A. Subject Property Description and Surrounding Area

1. The subject property, 105 New Jersey State Route 35, consists of 14,608 sq. ft. in area and is comprised of Block 110, Lot 24. Lot 24 is triangular-shaped with frontage on State Route 35. The subject property is located approximately one fifth of a mile southeast of the State Route 35 and NJ State Route 36 interchange and is currently vacant. The only existing improvements are the foundation of a previously demolished building and an existing billboard. The entirety of the site is located within the HC (Highway Commercial) Zone with frontage on NJ State Route 35 North.
2. Adjacent to the north and west of the subject property is a Stop and Shop supermarket and associated surface level parking, also located within the HC (Highway Commercial) Zone. Adjacent to the north and east are Holmdel Pointe Apartments, a multi-family residential housing complex, located along Clark Street and Center Street. To the west of the property, opposite Clark Street and along NJ State Route 35, are an existing detached retail store and detached restaurant. To the south of the property, opposite NJ State Route 35, are a variety of commercial and retail uses located in both Hazlet Township and the Borough of Keyport.
3. Aerial and street photos of the subject property, including a map of its location within the HC (Highway Commercial) Zone are as follows:

Google Earth Aerial – Approximate Outline of Subject Property – Block 110, Lot 24





Le: Denise Nellis, Recording Secretary

**Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review**



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 4

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

B. Project Description

1. The applicant is requesting Preliminary and Final Site Plan approval to construct a one-story commercial building for retail use. The proposed building footprint is 2,758 sq. ft., and a total of 75.84% impervious coverage is proposed for the subject site. **Eleven (11)** off-street parking spaces are also proposed, along with additional site improvements including landscaping and lighting.

C. Completeness and Fee Calculation

1. The application has been deemed complete per our Completeness letter dated and distributed February 10, 2023.
2. The Application Fee for this project is shown in the table below, pursuant to Borough Ordinance 27-18, Section 6., Exhibit A. The applicant is required to post any remaining balance prior to the scheduling of the application for a public hearing. ***We note that the revised plans submitted have addressed the original non-conforming height of the six (6) proposed wall mounted signs. Therefore, the six (6) original variances required for the non-conforming signs are no longer required.***

Fee Schedule – Ordinance 27-18: Section 6., Exhibit A		
Site Plan	Application Fee	Escrow Fee
Site Plan - Preliminary	\$300.00	\$0.025 per square foot being disturbed; 11,691 sq. ft. of disturbance * \$0.025 per sq. ft. = \$292.28 (\$500 min.) = \$500.00
Site Plan – Final	\$100.00	\$0.025 per square foot being disturbed; 11,691 sq. ft. of disturbance * \$0.025 per sq. ft. = \$292.28 (\$500 min.) = \$500.00
“C” Variances	\$75.00 (\$25.00 per variance)	\$200.00
Others, Including Signs	\$50.00	None Required
Total	\$525.00	\$1,200.00
Total: Application and Escrow Fees	\$1,725.00	

D. Proposed Use

1. Pursuant to Section 25-1-10.1 of the Borough’s Land Use Regulations Ordinance, the following are permitted principal uses within the Highway Commercial (HC) Zone:



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 5

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

- a. All uses generally considered of a commercial, retail or business character including professional offices and banks, and all outdoor retail sales, display, and storage of merchandise, and new car and boat sales, except live poultry market and the slaughtering of animals or fowl.
 - b. Hotels and motels.
 - c. Club, exclusive of a swimming pool club subject to § 25-1-15.
 - d. Building for the retail sale of agricultural or horticultural products, exclusive of livestock or poultry. No flowers, fruits or vegetables shall be sold at retail out of doors.
 - e. Billiard parlor, bowling alley, theater, moving picture theater, except for drive-in theaters.
 - f. Restaurant, cocktail lounge, bar and other similar places of food or liquid consumption.
 - g. Church or other place of worship, parish house, Sunday school building subject to § 25-1-15.
 - h. Public utility building or structure, telephone exchange.
 - i. Personal service establishment, shop for custom work, or group thereof.
 - j. New car dealership and showroom. Used car sales shall be accessory and incidental to the principal use.
 - k. High-density residential development.
 - l. Mixed use development.
 - m. Car wash.
 - n. Funeral homes.
 - o. Gym/exercise facility
2. The proposed one-story commercial building for retail use is a permitted principal use within the HC (Highway Commercial) Zone.

E. Area and Bulk Requirements

1. The proposed development's compliance with the bulk and area requirements of the HC (Highway Commercial) Zone are outlined in the table below, pursuant to Section 25-1-16 of the Borough's Land Use Regulations Ordinance:

Bulk and Area Requirements — HC (Highway Commercial) Zone — §25-1-16				
DESCRIPTION	PERMITTED	EXISTING (<i>Per 02/27/2023 Survey</i>)	PROPOSED	COMPLIANT
Minimum Lot Requirements				
Minimum Lot Area	10,000 square feet (0.23 acre)	14,608 square feet (0.335 acres)	No Change	Yes
Minimum Lot Width	100 feet	164.63 feet	No Change	Yes



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 6

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
 KUPB Application No. 23-002
 Preliminary and Final Site Plan, Bulk Variance Approval
 105 Route 35
 Block 110, Lot 24
 Second Engineering & Planning Review

Bulk and Area Requirements — HC (Highway Commercial) Zone — §25-1-16				
DESCRIPTION	PERMITTED	EXISTING (Per 02/27/2023 Survey)	PROPOSED	COMPLIANT
Yard Depth - Principal Building				
Minimum Front Yard Setback (NJ Route 35)	50 feet	N/A	11.13 feet	No (V)
Minimum Side Yard Setback (One)	6 feet	N/A	22.9 feet	Yes
Minimum Side Yard Setback (Both)	16 feet	N/A	53.7 feet	Yes
Minimum Rear Yard Setback	20 feet	N/A	32.4 feet	Yes
Yard Depth – Accessory Building				
Minimum Side Yard Setback	6 feet	N/A	N/A	Yes
Minimum Rear Yard Setback	16 feet	N/A	N/A	Yes
Maximum Height – Principal Building				
Principal Building Stories	3.5 stories	N/A	1 story	Yes
Principal Building Feet	40 feet	N/A	20 feet	Yes
Maximum Height – Accessory Building				
Accessory Building Stories	1.5 stories	N/A	N/A	Yes
Accessory Building Height	16 feet	N/A	N/A	Yes
Maximum Percent Lot Coverage				
Maximum Building Coverage – Principal Building	35%	N/A	18.9%	Yes
Maximum Building Coverage – Accessory Building	15%	N/A	N/A	Yes
Total Building Coverage Inclusive of Accessory Building	35%	N/A	18.9%	Yes



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 7

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

Bulk and Area Requirements — HC (Highway Commercial) Zone — §25-1-16				
DESCRIPTION	PERMITTED	EXISTING (Per 02/27/2023 Survey)	PROPOSED	COMPLIANT
Maximum Lot Coverage	90%	36.7 % (5,355 square feet – existing foundation and paved driveway area)	75.84% (11,079 square feet)	Yes

(ENC): Existing Non-Conformity

(V): Variance Required

- A minimum front yard setback of 50 feet is permitted, whereas a front yard setback of 11.13 feet is proposed. We note the front yard setback for the previous structure on-site was an existing non-conformity, with a front yard setback of 11.13 feet. However, as the previous structure has been demolished, a variance is required for the proposed new building which does not meet the minimum permitted front yard setback of 50 feet.
- We note that the total lot coverage has been reduced to from the original 80.0% (11,691 sq. ft.) proposed to 75.84% (11,079 sq. ft.) as a result of proposed changes to the parking area and drive aisle configuration. The maximum permitted lot coverage is 90%.*
- The applicant should revise the site plans to include a note indicating that the existing conditions listed in the bulk and area table are from the previous structure, which no longer exists on the property. *Addressed per the revised plans submitted.*
- The applicant should revise the existing conditions on the Schedule of General Requirements table on Sheet 1 and Sheet 2 of the site plans to reflect the current existing conditions as shown on the survey dated 02/27/2023.*

F. Off-Street Parking and Loading Requirements

- The proposed development's compliance with the off-street parking and loading requirements of the HC (Highway Commercial) Zone are outlined in the table below, pursuant to Sections 25-1-18(h) and 25-1-18(i) of the Borough's Land Use Regulations Ordinance:



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 8

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

Off-Street Parking Requirements — §25-1-18(h)(12)				
DESCRIPTION	PERMITTED	EXISTING	PROPOSED	COMPLIANT
Use No. 12: Retail stores, store groups, shops, etc.	1 space for each 300 square feet of floor area where the floor area shall exceed 1,000 square feet: 9 spaces	0	11 Spaces	Yes

*Parking Calculations:

- 2,758 sq. ft. total floor area ÷ 300 sq. ft. = 9 spaces

Total off-street parking spaces required = 9 spaces

2. As shown in the tables above, the proposal conforms with the minimum number of off-street parking spaces permitted. *We note that the quantity of proposed parking spaces has been reduced from the 14 original spaces to 11 spaces, which still conforms with the minimum nine off-street parking spaces required.*
3. The applicant should revise the calculations on the Parking Requirements Table on Sheet 1 of the site plans to depict the accurate retail space requirement pursuant to §25-1-18(h)(12) and as indicated above. *Addressed per revised site plans submitted.*
4. The applicant is required to provide at least one (1) ADA van accessible space, and one (1) ADA van accessible space has been provided. Therefore, the ADA minimum parking requirements have been satisfied. *No further comment.*
5. Pursuant to Section 25-1-18(a)(2), "Each off-street parking space shall have a minimum area of 180 square feet (nine feet by 20 feet) exclusive of access drives and aisles and shall be of usable shape and condition. Except in the case of dwellings, no parking and area provided hereunder shall be required for fewer than four spaces." The proposed parking space dimensions are nine feet by 18 feet. Therefore, a variance is required. *No further comment.*
6. Pursuant to Section 25-1-18(a)(6), "Off-street parking and loading facilities for four or more spaces shall not be closer than five feet to any R-zoned lot or any street right-of-way line." Two parking spaces are proposed within five feet of the RC Zone. Therefore, a variance is required. *No further comment.*
7. No electric vehicle (EV) charging stations or make ready spaces are shown on the plans. Pursuant to NJ P.L. 2021, c.171 (C.40:55D-66.20.3.c.), a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 9

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

provide or install any electric vehicle supply equipment or Make-Ready parking spaces. However, the applicant should provide testimony as to whether any EV make-ready spaces, or EV charging stations are proposed. *Continuing comment.*

8. We note that pursuant to Section 25-1-18(i), loading berths are not required for the proposal, as it contains less than 25,000 square feet of retail space. However, the applicant shall provide testimony as to how loading and unloading will be facilitated on site, as there is no designated loading area shown on the plans. *Continuing comment. The plans should be revised accordingly based on the testimony provided.*

G. Signage

1. The proposed development's compliance with the signage requirements of the HC (Highway Commercial) Zone are outlined in the table below, pursuant to Section 25-1-17(c) of the Borough's Land Use Regulations Ordinance.

Signage Requirements — §25-1-17(c)				
DESCRIPTION	PERMITTED	EXISTING	PROPOSED	COMPLIANT
Wall Mounted Signs				
Six (6) Wall Signs (Front Elevation)	Cannot be erected and maintained less than 15 feet above grade	N/A	15 feet	Yes

2. Pursuant to Section 25-1-17(c)(3)(b), "*Minimum clearance. No hanging or suspended sign shall be erected or maintained less than 15 feet above grade.*" Six (6) hanging, wall mounted signs are proposed; four (4) of which are located on the front façade of the building, one (1) on the right-side façade, and one (1) on the left-side façade. All six (6) of the proposed signs are mounted less than 15 feet above grade. Therefore, a variance is required for each non-conforming sign. *Addressed. The six (6) original variances for the non-conforming mounting height of the six (6) wall-mounted signs are no longer required. The revised architectural elevations show a proposed mounting height of 15 feet above grade for the six (6) proposed wall mounted signs.*

However, we note that the architectural renderings provided still show the original 12-foot mounting height. The applicant should revise the architectural renderings to match the proposed 15-foot mounting height shown on the architectural building elevations.

3. The applicant should provide testimony to confirm if any free-standing signs are proposed. *Continuing comment.*



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 10

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

H. Variance Considerations

The applicant shall provide testimony to address the positive and negative criteria for the requested “c” variances. The applicant’s testimony should focus on the following:

1. Positive Criteria for “c(1)” hardship variance

The finding of a “c(1)” hardship would address the following:

- *by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or*
- *by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or*
- *by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, or the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.*

It should be noted that the finding of the hardship must be for the specific property in question – it must be unique to the area. Note also that a hardship variance cannot be granted by a self-created hardship or personal hardship of the applicant.

2. Positive Criteria for “c(2)” hardship variance

For the finding of a “c(2)” “flexible” variance to permit relief from zoning regulations where an alternative proposal results in improved planning would address the following:

- *The purposes of the MLUL would be advanced by the deviation, and*
- *The benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.*

The finding of the benefits must be for the specific property in question – it must be unique to the area. The zoning benefits resulting from permitting the deviation(s) must be for the community and not merely for the private purposes of the owner. It has been held that the zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Notwithstanding, the Board should consider only those purposes of zoning that are actually implicated by the variance relief sought.

3. The Municipal Land Use Law (NJSA 40:55D-70) requires the applicant to satisfy *both* components of the negative criteria:



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 11

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

- The proposal will not create a “substantial detriment to the public good”; and
- The proposal will not create a “substantial detriment to the zone plan and zoning ordinance”.

I. Grading and Drainage

1. The proposed plan does not disturb more than 1 acre of land, nor does it increase impervious coverage or regulated motor vehicle surface by more than 0.25 acres. The improvements will result in a decrease of impervious surface by approximately 2,736 square feet. Therefore, the project is not considered a “major development” as defined by N.J.A.C. 7:8 and Borough Ordinance and is not subject to Stormwater Management Requirements as it relates to quantity, quality and green infrastructure. ***Continuing Comment.***

2. Based upon our review of the site and proposed runoff patterns, it appears the stone reservoir is undersized for even the 2-year storm volume. The applicant shall provide stormwater management calculations that demonstrate the system has capacity to handle the 2-, 10-, & 100-year storm events under proposed conditions.

It appears the infiltration system may surcharge into the upstream inlets. It is recommended that the stone storage be lowered so that the perforated pipe is in the upper section of the stone storage and the perforated pipe is below upstream systems. The applicant shall provide calculations demonstrating infiltration system will function as anticipated under proposed conditions. ***Not Addressed. Stormwater management calculations have not been provided.***

3. The applicant shall provide a groundwater mounding analysis for the subsurface infiltration basin to confirm there will be no adverse effects to adjacent properties. ***Not Addressed. Groundwater mounding analysis has not been provided.***
4. In accordance with Chapter 9.8 of the NJDEP BMP Manual, pretreatment is required for all subsurface infiltration basins. The plans shall be revised accordingly. ***Not Addressed. Pretreatment and maintenance measures have not been provided.***

Soils boring tests shall be provided within the area of the proposed stone reservoir which delineate the depths to the seasonal ground water table level and permeability of the surrounding soils. Testing shall be in accordance with Chapter 12 of the NJ BMP Manual. ***Not Addressed. Soil Borings have not been provided.***

Calculations shall be provided demonstrating the infiltration basin will drain within 72 hours. ***Not Addressed. Stormwater management calculations have not been provided.***



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 12

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

5. The applicant shall clarify the intent of the proposed scour hole. It appears this is meant as an overflow for the system, however it is proposed at the same elevation as the infiltration basin's perforated pipe, which would prevent the infiltration basin from retaining any storage volume and drain all runoff to the scour hole, in the direction of the neighboring property. The applicant shall revise the plan accordingly and ensure no runoff is directly to the adjacent properties. ***Not Addressed. No clarification to the scour hole or modifications to the infiltration basin are proposed. There is concern that due the design of the infiltration system, all drainage will bypass the infiltration and outflow onto the scour hole and into the neighboring property.***
6. "Type B" inlets shall be utilized in lieu of the "Type D" inlets. ***Addressed.***
7. The applicant shall connect the proposed roof leaders to the subsurface infiltration basin. ***Not Addressed.***
8. Stone reservoir detail shall be revised to provide depth to the seasonal high groundwater table and water surface elevations. ***Not Addressed.***
9. A construction detail of the proposed wall shall be provided. Additionally, we recommend a barrier or guard rail system be provided to the top of the wall. ***Not Addressed.***

J. Landscaping and Buffering

1. Pursuant to Subsection 25-1-10.6 of the Ordinance, "All uses abutting a residential district shall be screened as required in Subsection 25-1-14.6." Subsection 25-1-14.6(b) stipulates that "Any nonresidential development shall provide a six-foot high solid fence or planted evergreen screen along any lot line which is contiguous with a residential lot. The Planning Board may waive this requirement due to existing vegetation, topography, or other physical features at or adjacent to the site which provides effective screening." A six (6) foot board on board fence is proposed as a buffer between the proposed parking area and adjacent RB Residential Zone and multi-family residential uses. However, this is the only buffer/screening proposed for this area. We recommend additional four-season, evergreen buffering be provided where possible in this area to provide additional screening of the site from the adjacent residential area. ***Partially addressed. The revised site plans show additional plantings proposed around the perimeter of the parking area. However, we recommend that the applicant replace the proposed deciduous plantings on the easterly side of the property with four-season evergreen plantings to enhance screening of the site and mitigate any potential light spillage and glare onto the adjacent residential property created by the two (2) proposed 12-foot light poles. The plantings selected should be of a sufficient mature height to mitigate said light spillage and glare.***



YOUR GOALS. OUR MISSION.

KUPB-R2210

June 15, 2023

Page 13

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

K. Lighting

1. The applicant shall provide testimony regarding the proposed hours of operations of the proposed lighting, specifically regarding the proposed 12-foot freestanding light poles nearest to the residential uses. *Continuing comment.*
2. Testimony shall also be provided confirming that no excessive glare and light spillage onto the neighboring residential uses will result from the proposed 12-foot freestanding light poles. *We recommend that the applicant revise the two (2) proposed 12-foot freestanding light pole fixtures to include shielding to limit any light spillage and glare onto the adjacent residential property.*
3. The lighting detail included in the plans shall be revised to include total height dimensions. *Addressed as shown on Sheet 4 of the site plans.*
4. Wall-mounted lighting shall be provided to illuminate the walkways to the accesses on the southern side of the building. *Partially addressed. The architectural elevations and architectural renderings show five (5) wall-mounted light fixtures and two (2) flood-light fixtures on the northern building elevation, and five (5) wall-mounted light fixtures on the southern building elevation. However, the site plans show one (1) 15-foot-high wall-mounted light fixture on the northern side of the proposed building. The applicant should provide testimony as to whether one (1) 15-foot-high wall-mounted light fixture is proposed, or the ten (10) total wall-mounted light fixtures and two (2) flood-light fixtures are proposed, as depicted on the architectural building elevations. The plans should be revised accordingly to address this discrepancy, including any illumination calculations where applicable.*

L. Additional Site Plan Comments

1. The applicant shall provide testimony regarding the proposed improvement, including the installation of additional parking spaces, installation of signage and proposed lighting improvements. *Continuing comment.*
2. The applicant shall submit an updated Survey of the subject property showing the current existing conditions. *Addressed per revised survey submitted.*
3. Sight triangles shall be added to the plans for the proposed driveways along NJ State Route 35. *Partially Addressed. The revised site plans show a site triangle for the egress driveway on Sheet 2 but have not added a site triangle for the ingress driveway. Therefore, the site plans should be revised to include a site triangle for the ingress driveway.*



YOUR GOALS. OUR MISSION.

KUPB-R2210

June 15, 2023

Page 14

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

4. The plans should be revised to include turning templates for the proposed parking and circulation area. The templates shall include the largest wheel-base vehicle anticipated to access the property. *Addressed, turning templates have been submitted.*
5. A portion of sidewalk on the eastern side of the building is proposed with a width of approximately 2.5 feet. The applicant shall revise the curb lines in this area to provide a minimum 4-foot sidewalk. *Partially Addressed. The sidewalk has been widened. However, the curbline of the opposing side must be adjusted to maintain the 15-foot drive aisle width.*
6. A construction detail of the proposed trash and recycling enclosure shall be added to the plans. *Addressed per Sheet 2 of the revised site plans.*
7. The applicant shall provide testimony regarding the proposed trash and recycling plan for the development, including, but not limited to: type and quantity of waste generated, frequency of pickups, and the entity responsible for trash and recycling pickups. *Continuing comment.*
8. The applicant should provide testimony on the anticipated number of tenant(s) and type of retail use(s) and the total number of individual retail units. *Continuing comment.*
9. The site is not located within the flood zone and therefore, is not subject to compliance with the Borough's Flood Damage Prevention Ordinance. *No further comment.*
10. The site plans shall be revised to include an accurate depiction of the existing conditions on the site. *Partially Addressed. The applicant submitted an updated survey dated February 27, 2023, which includes an accurate depiction of the existing conditions. However, the Schedule of General Requirements on Sheet 1 and Sheet 2 displays the existing conditions from the survey dated January 12, 2017. The site plans should be revised to update the existing conditions represented on the updated Survey dated February 27, 2023.*
11. Testimony shall be provided regarding the proposed hours of operation and anticipated weekly deliveries on site. *Continuing comment.*
12. Testimony shall be provided regarding the anticipated number of daily trips to the site, and whether this will differ based on the proposed addition and changes to the existing site circulation. *Continuing comment.*
13. We recommend that all proposed striping on site be thermoplastic. *Continuing comment. If thermoplastic striping is proposed, the plans should be revised accordingly to reflect same.*



YOUR GOALS. OUR MISSION.

KUPB-R2210
June 15, 2023
Page 15

Le: Denise Nellis, Recording Secretary

Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review

14. The applicant shall provide testimony on whether new utility connections are proposed or if the existing utilities will be utilized. *Continuing comment. Any new utilities proposed shall be reflected accordingly on the plans.*
15. We defer to the Borough Fire Marshall's review letter dated February 7, 2023, regarding Borough Fire Department connections and access to the site. *No further comment.*
16. The applicant will be required to repair any curb, sidewalk or pavement that is damaged as a result of the proposed improvements. *Continuing comment. A note should be added to the General Notes of the plans confirming same.*
17. The applicant should confirm that the property is not subject to any existing easements, deed restrictions and/or covenants. *Continuing comment. We note that General Note No. 4 on the revised plans states "This parcel may be subject to underground utilities and/or easements which are not shown." If applicable, the plans should be revised to show any existing easements, deed restrictions and/or covenants.*
18. The applicant shall obtain all necessary permits and approvals, including, but not limited to, New Jersey Department of Transportation, Freehold Soil Conservation District, and Monmouth County Planning Division, and provide copies of same to the Board. *Continuing comment.*
19. The applicant will be required to obtain any necessary municipal building permits required. *Continuing comment.*

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

Sincerely,

T&M ASSOCIATES

FRANCIS W. MULLAN, P.E., C.M.E.
PLANNING BOARD ENGINEER

CAROLINE Z. REITER, P.P., A.I.C.P.
PLANNING BOARD PLANNER



YOUR GOALS. OUR MISSION.

**KUPB-R2210
June 15, 2023
Page 16**

Le: Denise Nellis, Recording Secretary

**Re: Nickay Construction, Inc.
KUPB Application No. 23-002
Preliminary and Final Site Plan, Bulk Variance Approval
105 Route 35
Block 110, Lot 24
Second Engineering & Planning Review**

Applicant's Team

1. Applicant: Nickay Construction, Inc., 1600 East Edgar Road, Highway 1, Linden, NJ 07036. Telephone: 908-486-0033. Email: info@nickay99.com
2. Subject Property Owner: NVWI, LLC; 135 Monroe Street, Apt. 506, Newark, NJ 07105. Telephone: 917-273-7740.
3. Applicant's Attorney: Lawrence D. Kantor, Esq., 58 West Front Street, PO Box 42, Keyport, NJ 07735. Telephone: 732-264-9300. Email: kllaw@optimum.net.
4. Applicant's Engineer: Thomas J. Quinn, P.E., 328 Park Avenue, Scotch Plains, NJ 07076. Telephone: 908-322-2050. Email: tquinn@ekaassociates.com.
5. Applicant's Architect: Zen Architecture; 215 Jefferson Avenue, Elizabeth, NJ 07201. Telephone: 908-965-1900. Email: chris@zen-architecture.com.

FWM:CZR:AWD

Cc (via email): Marc Leckstein, Planning Board Attorney (marc.lecksteinlaw.com)
Denise Nellis, Planning Board Secretary (dnellis@keyportonline.com)
Mark Sessa, Planning Board Chairman (markorlisa.sessa@verizon.net)
David Olsen, Borough Zoning Officer (dolsen@keyportonline.com)
Trevor Taylor, Borough Engineer (trevort@cmeusa1.com)
Nickay Construction, Inc, Applicant (info@nickay99.com)
Lawrence D. Kantor, Esq, Applicant's Attorney (kllaw@optimum.net)
Zen Architecture, Applicant's Architect (chris@zen-architecture.com)
Thomas J. Quinn, P.E., Applicant's Engineer (tquinn@ekaassociates.com)
Andrew Denbigh, P.E., T&M Associates (adenbigh@tandmassociates.com)
Dennis Dayback, C.F.M., T&M Associates (ddayback@tandmassociates.com)

G:\Projects\KUPB\R2210\Correspondence\Nellis_FWM_DMD - Second Engineering and Planning Review - 105 NJ Route 35_B 110 L
24_FWM_CZR.docx



YOUR GOALS. OUR MISSION.

Page 1 of 1

Agenda

Meeting Subject: KNBG-Demo Vacant Police Building & Site Clearing
Weekly progress & client updates

Date: Thursday, June 15, 2023

Time: 10:30am

Place: Via TEAMS/Conference Room D

Attendees: Fran Mullan
Bob Yuro
Mark Hansen
Mike MacFarlane
Edwin Steck
Ed Striedl

1. Meeting Purpose & Overview
 - a. Demolition of the Vacant Former Police Building and Support Building Update
 - i. Bid Documents including front end specifications
 - ii. Technical specifications
 - iii. Site location plan
 - iv. Soil erosion plan
 - b. Work Breakdown Structure(WBS)
 - c. Demolition Probable Cost
2. Discussion and Q&A
3. Next Steps & Timeframes
4. Summary & Close