

KUPB-R2320

October 6, 2023

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

Via email and mail

Attn: Denise Nellis, Recording Secretary

**Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street - Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review**

Dear Chairman Sessa and Unified Planning Board Members:

As requested, we have reviewed the following documents submitted by the applicant in support of this application:

1. Cover and Transmittal Sheet prepared by Evan P. Zimmerman, Esq., of Giordano, Halleran & Ciesla, consisting of two (2) pages, dated August 23, 2023;
2. Keyport Unified Planning Board Application, consisting of thirteen (13) pages and supplemental attachments, dated August 23, 2023;
3. Borough Zoning Application No. ZA-22-283 prepared by Subject Property Owner, consisting of one (1) page, dated November 17, 2022;
4. Borough Change of Use Approval No. ZA-22-283 prepared by David Olsen, Borough Zoning Officer, consisting of one (1) page, dated November 22, 2022; and,
5. Borough Zoning Violation Letter No. ZV-23-011 prepared by David Olsen, Borough Zoning Officer, consisting of one (1) page, dated April 20, 2023.

We offer the following comments based on our review of the Application and materials listed above.

A. Subject Property & Surrounding Area Description

Subject Property. The subject property is located at 3 Cass Street and comprised of Block 33, Lot 16, as identified on the Borough of Keyport Tax Map. The property consists of 369,115.65 sq. ft. (8.47 acres) and is located within the I (Industrial) Zone. The subject property has approximately 340 ft of frontage on Perry Street, 270 ft on Jackson Street, and 205 ft on Cass Street. A small portion of the southeastern corner of the subject property is located within Flood Zone X and the subject property is served by municipal sewer and water. Lot 16 is currently improved with a masonry building varying between one-story and two-stories, consisting of 120,000 sq. ft. and a variety of commercial and light industrial uses. Two (2) accessory structures on site are located to the south of the warehouse, consisting of 525 sq. ft. and 3,000 sq. ft. The principal building is adjacent to Perry Street, Jackson Street, and Cass Street. Various tenants occupy portions of the warehouse, such as a tile wholesaler, a welding company, auto importer, etc. A portion of the interior of the existing building is the leased premises.

Surrounding Area. The properties surrounding Lot 16 contain a variety of uses. Adjacent to the south of the subject property is a water tower owned by the Borough of Keyport. To the east opposite Cass Street and south across Jackson Street is an auto repair and auto body shop located within the LI

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

(Limited Industrial) Zone. To the south across Jackson Street and to the east across Perry Street are single-family residential uses located within the LI (Limited Industrial) Zone. Adjacent to the east of the northern portion of the subject property are residential uses located within the RA (Residential District) Zone. Adjacent to the north is the Henry Hudson Bike Trail located within the I (Industrial) Zone. To the east-adjacent is Highway Route 35.

B. Project Description & Prior Approval

Project Description. The applicant is proposing to use the subject property to store and sell automobile parts, as well as disassemble vehicles on site. The applicant is seeking “d(1)” Use Variance Approval for the disassembling of vehicles within the existing building, which is not listed as a permitted use within the I (Industrial) Zone and is therefore not permitted.

Prior Approval. The Applicant previously obtained zoning permit approval on November 22, 2022, to use a portion of the property for purchasing and selling salvage cars and car parts overseas.

On April 20, 2023, the applicant received a Zoning Violation for the proposed use (above) conducted on site, which was not included as part of the November 22, 2022 zoning permit approval.

C. Completeness Review

Based on our review of the submitted application materials, we recommend the application be deemed **INCOMPLETE**. Several of the required Application Checklist items were not included in the initial application submission and must be submitted by the applicant for the application to be deemed complete and scheduled for a public hearing.

Below is a summary of the Application Checklist items that require additional action from the applicant:

Preliminary Site Plan, Waivers, and Variance Checklist:

- **In addition to the Checklist Items below, we request that the applicant provide written confirmation that the applicant provide written confirmation that the proposal constitutes a bifurcated application for “d(1)” use variance approval only, and that no improvements to the existing site are proposed.**
- **We note that based on the scope of the application, checklist items 8, 11, and 12 are not applicable to the application and are therefore not listed below.**
- **Item 10 has been addressed by the applicant.**

Item 1. Sixteen (16) copies of complete application. **The Applicant must submit copies of a complete application that addresses the Application Checklist items below for the application to be deemed complete.**

Item 2. Sixteen (16) copies of the plans upon which the following information must be depicted pursuant to Section 804 of the Development Review Ordinance for detailed submission requirements. Failure to comply with submission requirements will result in application being rejected as incomplete. **Copies of plans and a survey were not submitted as part of**

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

this application. Sixteen (16) scaled copies of architectural floor plans and building elevations for the existing building must be provided. The architectural plans must also outline the space leased by the applicant within the existing building, along with delineations and square footage dimensions of areas containing the existing and proposed uses within the area leased by the applicant. These plans must also include a zoning table outlining the proposal's conformance with all bulk requirements of the I (Industrial) Zoning District including required, existing, and proposed dimensions, along with any existing non-conformities or dimensional variances required as part of the proposal.

Additionally, a copy of the most recent survey of the subject property must be provided. The survey should also delineate the location of the applicant's leased area within the existing building along with the location of all other existing tenant space with the names and location of each tenant shown within the existing building. These materials must be submitted to the Board for the application to be deemed complete.

- Item 2A. Scale not less than one (1) inch equals one hundred (100) feet. *The architectural plans and survey (above) must include a scale that addresses this requirement for the application to be deemed complete.*
- Item 2B. Locator map showing all road intersections within fifteen hundred (1,500) feet. *The architectural plans must include an inset map that addresses this requirement for the application to be deemed complete.*
- Item 2C. Wooded areas and topography with two (2) foot intervals. *The survey must include this information for the application to be deemed complete.*
- Item 2D. All lot lines, approximate location of all structures and owners of lots within two hundred (200) feet of the subject site. *The survey must include a list of all property owners (including a list of all current tenants within the existing building) and an inset map showing the surrounding area within two hundred (200) feet of the subject property for the application to be deemed complete.*
- Item 2E. Streets, easements, watercourses and rights-of-way. *The survey must include these items for the application to be deemed complete. If no watercourses and easements are present on the subject property, a note must be added to the survey indicating same.*
- Item 2F. Utility and drainage plans and information. *The survey must show all existing utilities and existing drainage/stormwater management infrastructure present on the subject property prior to the application being deemed complete.*
- Item 2G. Plans for elevations and locations of structures, including exterior materials and trim. *Please refer to our comments in Item 2. above.*
- Item 2H. Preliminary Plans for parking. *The survey should show the location of all existing and proposed parking spaces on the subject property, along with parking calculations outlining the proposal's conformance with the I (Industrial) Zone pursuant to the applicable parking*



YOUR GOALS. OUR MISSION.

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

requirements of Section 25-1-18 of the Borough’s Land Use Regulations Ordinance. This information must be provided prior to the application being deemed complete.

- Item 2I. An extension for off-tract improvements necessitated by the proposed development. ***The survey and architectural plans must include a note indicating whether any off-tract improvements are proposed for the application to be deemed complete.***
- Item 2J. The lot and block number, Tax Map number, exact dimensions and acreage of property to be built upon. ***The architectural plans and survey must include a block and lot number, tax map number and lot and building dimensions for the application to be deemed complete.***
- Item 2K. A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the plan, showing existing and proposed monuments and all existing and proposed lot lines and all set back lines. ***As indicated in Item 2. above, a survey of the existing property has not been submitted. A current survey of the subject property that addresses this requirement and our comments in Item 2. must be submitted for the application to be deemed complete.***
- Item 2L. The following legends shall be on the site plan map:

Site Plan of _____
Block _____ Lot _____ Zone _____
Date _____ Scale _____
Applicant _____
Address _____

I consent to the filing of this plan with the Planning Board

(Owner) (Date)

I hereby certify that I have prepared the plot plan and that all dimensions and information thereon depicted is correct.

(Name) (Title & License)

I have reviewed this plot plan and certify that it meets all codes and ordinances under that jurisdiction

(Date) (Municipal Engineer)

***Approved by Planning Board:
Plot Plan Final _____***

(Chairman) (Date)

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

The architectural plans and survey must include this information for the application to be deemed complete.

- Item 2M. Name and License number of site planner of Professional Engineer with documents sealed with raised seal. **The architectural plans and survey shall include this information for the application to be deemed complete.**
- Item 2N. Date and revision dates of drawing and plans. **The architectural plans and survey shall include this information for the application to be deemed complete.**
- Item 3. Certification by Borough Tax Collector that all taxes, including current taxes, are paid. **A Tax Payment Certification (Application form No. 5) signed by the Applicant has been provided but does not include a certification/signature from the Borough Tax Collector. The applicant must submit a Tax Payment Certification signed and certified by the Borough Tax Collector for the application to be deemed complete.**
- Item 4. Payment of all applicable fees for preliminary site plan review. **We defer to the Board Secretary regarding conformance with this item. All application and escrow fees shall be paid in full prior to the Application being scheduled for a public hearing.**
- Item 5. Submission of an Environmental Impact Statement. **We do not object to the Board granting a completeness waiver for this item, provided the applicant provide sufficient testimony confirming that no adverse environmental impacts will result from the proposed use.**
- Item 6. Soil erosion and sediment and Control Permit and Soil Conservation District Approval (if project involves disturbance of more than 5,000 Square feet of land surface area). **We do not object to the Board granting a completeness waiver for this item, provided the applicant provides sufficient testimony confirming that no soil will be disturbed on the subject property.**
- Item 7. Storm water management plan. **We have no objection to the Board granting a completeness waiver for this item, provided all existing stormwater management and drainage infrastructure are shown on the survey, as indicated in item 2.F. above.**
- Item 9. Six copies of completed checklist. **An application checklist was not submitted with the initial application. Six copies of the completed application checklist must be submitted for the application to be deemed complete.**
- Item 13. Variance(s) from Section(s) and reasons, if necessary. **The application indicates that a “d(1)” use variance approval is sought by the applicant for the proposed use of dismantling vehicles on site. No other existing non-conformities or variance relief requested are listed on the submitted application. As outlined in Item 2. above, all other variances and existing non-conformities must be identified on the plans for the application to be deemed complete.**

Additional variance relief and existing non-conformities may be identified/required based on our review of the pending architectural plans and survey.

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

- Item 14. Waiver required from Section(s) and reason. ***No waiver requests have been provided on the application an a checklist has not been submitted. All waivers requested as part of the application must be identified on the application checklist (Item 9. above) for the application to be deemed complete.***
- Item 15. Owners signed Certificate of Concurrence with the plan. ***As indicated above, no plans have been provided with the application. The architectural plans and survey required for completeness shall include the owners signed Certificate of Concurrence for the application to be deemed complete.***

Final Site Plan Application Checklist:

As noted above and outlined in the submitted application, the proposal is for “d(1)” use variance approval only and no improvements/modifications to the existing site are proposed. Therefore, checklist item 5 is not listed below as it is not applicable to the application.

- Item 1: Sixteen (16) copies of complete application for Final Site Plan Approval. ***Continuing comment. Please refer to our comments in Item 1. of the Preliminary Site Plan, Waivers and Variance Checklist above which must be addressed for the application to be deemed complete.***
- Item 2: Sixteen (16) copies of site plan in final form prepared in accordance With Section 804 of the Development Review Ordinance, including all information depicted on the preliminary plan and satisfaction of all conditions of preliminary approval. ***Please refer to our comments in Item 2. of the Preliminary Site Plan, Waivers and Variance Checklist above for the application to be deemed complete.***
- Item 3. Payment of all Final Site Plan Filing Fees. ***We defer to the Board Secretary regarding conformance with this item. All Application and escrow fees shall be paid in full prior to the Application being scheduled for a public hearing.***
- Item 4. Payment of Performance Guaranty in favor of municipality approved by the Borough Attorney and Borough Engineer. ***We have no objection to the Board granting completeness waivers for these items, provided that performance guarantees, and inspection fees are provided where applicable as a condition of any approval.***
- Item 5. Submission of Environmental Impact Statement. ***We do not object to the Board granting a completeness waiver for this item, provided the applicant provide sufficient testimony confirming that no adverse environmental impacts will result from the proposed use.***
- Item 6. Date and revision dates of drawing and/or reports. ***The architectural plans and survey shall include this information for the application to be deemed complete.***

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

- Item 7. Engineering Inspection Fees. ***We have no objection to the Board granting completeness waivers for these items, provided that payment of any applicable engineering inspection fees is provided as a condition of any final approval.***
- Item 8. Certification from Tax Collector that all taxes are current on the property through the current month quarter. ***A Tax Payment Certification (Application form No. 5) signed by the Applicant has been provided but does not include a certification/signature from the Borough Tax Collector. The applicant must submit a Tax Payment Certification signed and certified by the Borough Tax Collector for the application to be deemed complete.***
- Item 9. Permits from other authorities upon which approvals were conditioned. ***We have no objection to the Board granting completeness waivers for these items, provided that copies of all applicable permits and approvals are provided as a condition of any final approval.***

As outlined above, the following items shall be addressed based on the comments above for the application to be deemed complete:

Preliminary Site Plan, Waivers and Variance Checklist:

Items 1, 2, 2A-2N, 3, 4, 7, 9 & 13-15.

Final Site Plan Application Checklist:

Items 1, 2, 6 & 8.

The applicant shall provide or clarify the items below for the application to be scheduled for a public hearing:

Preliminary Site Plan Checklist:

Item 4.

Final Site Plan Checklist:

Item 3.

Should you have any questions, please do not hesitate to contact us.

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

AWD:THJ

Le: Denise Nellis, Recording Secretary

Re: KUPB Application No. 23-14 – AutoMoby LLC
Use Variance Approval “d(1)”
3 Cass Street – Block 33, Lot 16
I (Industrial) Zoning District
First Completeness Review

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
Derek Jordan, Borough Engineer derek.jordan@colliersengineering.com
David Olsen, Borough Zoning Officer dolsen@keyportonline.com
Davit Kverenchkhiladze, Applicant automobyusa@gmail.com
Evan P. Zimmerman, Esq., Applicant’s Attorney ezimmerman@ghclaw.com
Andrew Denbigh, Supervising Engineer, T&M Associates adenbigh@tandmassociates.com
Timothy Jenssen, Senior Staff Planner, T&M Associates tjenssen@tandmassociates.com
Owen Calvert, Staff Planner, T&M Associates ocalvert@tandmassociates.com

G:\Projects\KUPB\R2320\Correspondence\Nellis_FWM_DMD_First Completeness Review - 3 Cass Street_B 33 L
16_AWD_THJ.docx