



KUPB-R2320

December 13, 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  
“d(1)” Use Variance Approval  
3 Cass Street - Block 33, Lot 16, 17, 20 & 21.01  
I (Industrial) Zoning District  
Second 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. Additional Documents and plan revisions submitted subsequent to our First Completeness Review dated October 10, 2023 are noted in ***bold italics***:

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;
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;
6. ***Existing Conditions Floor Plan for 3 Cass Street, Block 33, Lots 16, 17, 20, and 20.01, prepared by Lawrence S. Schreiber AIA, of B&F Design Studio and Architectural Services, LLC., consisting of two (2) Sheets, dated, October 23, 2023, last revised October 25, 2023, unsigned and unsealed;***
7. ***Boundary and Topographic Survey prepared by Bernard M. Collins P.L.S., of Bernard M. Collins, Surveying, Inc., consisting of one (1) sheet, dated February 9, 2022;***
8. ***Borough of Keyport, Preliminary Site Plan, Waivers and Variance, and Final Site Plan Application Checklist, consisting of four (4) pages, dated November 7, 2023;***
9. ***Cover Letter and Transmittal Sheet prepared by Evan P. Zimmerman, Esq., of Giordano, Halleran & Ciesla, consisting of two (2) pages, dated November 8, 2023; and,***
10. ***Borough of Keyport, Form #5 – Tax Payment Certification, signed by the applicant and the Borough Tax Collector, consisting of one (1) page, dated November 8, 2023.***

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

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**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 (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**

Prior Zoning 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.

Project Description. In addition to the existing approved use above, the applicant proposes to disassemble vehicles within the existing building. The applicant is seeking “d(1)” Use Variance Approval for the proposed use, which is not listed as a permitted use within the I (Industrial) Zone and is therefore not permitted.

On April 20, 2023, the applicant received a Zoning Violation for the proposed use (above) conducted on site, which is outside of the scope of the approved use stated in the November 22, 2022 Zoning Permit.

**C. Completeness Review**

The application was previously deemed incomplete as outlined in our First Completeness Review of the Application dated October 10, 2023.

Based on our review of the original and revised application materials, the application remains **INCOMPLETE**. Several of the required Application Checklist items listed in our First Completeness Review are still outstanding and must be addressed 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:

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**Preliminary Site Plan, Waivers, and Variance Checklist:**

- *We note that based on the scope of the application, checklist items 8, 11, and 12 are not applicable to the application .*
- *Items 2A, 2K, 2L, 3, 9, 10, and 14 have been addressed by the applicant.*

Item 1. Sixteen (16) copies of complete application. *The submitted application and cover letter references the location of the subject site as located on Block 33, Lot 16; whereas the submitted plans and survey show the subject site comprised of Block 33, Lots 16, 17, 20 & 21.01. We note that the principal building containing the applicant’s leased space (Unit 10) is located entirely within Lot 17, with the remaining lots above accessory to the principal building and the uses contained within.*

*The application must be resubmitted to reflect the correct lot numbers associated with the subject property, as shown on the survey and submitted plans.*

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. *The submitted architectural plans show the floor plan of the entire principal building located on the subject property. As identified on the Key Plan on Sheet A-100, the applicant’s business is located in Unit 10.*

*However, the architectural plans show the existing use of Unit 10 as a warehouse, which does not match the existing use of “purchasing and selling salvage car parts overseas” as stated in the application and as approved by the Zoning Officer on November 22, 2022. Additionally, the location of the existing use (above) and the proposed use of dismantling vehicles within Unit 10 is not shown on the plans.*

*The plans must be revised to label and delineate the locations of both the existing use(s) and proposed use of dismantling vehicles within Unit 10. The area dimensions of both the existing and proposed uses must be shown on the plans.*

*In addition, the Zoning Data table on Sheet A-100 lists the existing setbacks for the front yard, side yard, both side yards and rear yard as an existing non-conformity, but does not provide the dimensions. The Zoning Data table must be revised to provide all existing setback dimensions.*

*The plan revisions above must be addressed for the application to be deemed complete.*

Item 2B. Locator map showing all road intersections within fifteen hundred (1,500) feet. *The applicant has requested a waiver for this item. However, we object to granting a completeness waiver for this item, as the subject site is located in close proximity to the intersection of NJ State Highways 35 and 36, which is not shown on the inset map on the plans. The plans must be revised to provide a locator map showing all road intersections within 1,500 feet for the application to be deemed complete.*

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Item 2C. Wooded areas and topography with two (2) foot intervals. *The applicant has requested submission waiver for this item. However, we object to granting a completeness waiver for this item. The Survey shall be revised to show topography within two (2) foot intervals to determine whether the existing site presents any potential drainage impacts 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 applicant has requested a completeness waiver for this item. However, we object to granting a completeness waiver for this item. The architectural plans must be revised to include a list of all properties within a 200-foot radius of the subject site, including the properties located across Cass Street, Jackson Street and Perry Street, as shown on the Borough tax map inset on Sheet A-100 of the plans.*

*Additionally, an inset map must be added to the plans showing all existing buildings and structures within 200 feet of the property.*

*The items above must be provided on the plans for the application to be deemed complete.*

Item 2F. Utility and drainage plans and information. *The applicant has requested a submission waiver for this item. However, we object to granting a completeness waiver for this item. The survey must be revised to show the existing utilities and drainage along with a note confirming whether any new utilities are proposed as part of the application for the application to be 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 applicant has requested a completeness waiver for this item. However, we object to granting a completeness waiver for this item, as the existing and proposed uses require regular shipments of cars which may be parked/stored in the existing parking area. The plans 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 requirements of Section 25-1-18 of the Borough's Land Use Regulations Ordinance. This information must be provided for the application to be 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 survey must be revised to include the building dimensions 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 shall be revised to include the professional's signature and must be sealed with a raised seal for the application to be deemed complete.*

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- 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. *Please refer to our comments in item 2F. above.*
- Item 13. Variance(s) from Section(s) and reasons, if necessary. *The applicant has requested a waiver from this item, indicating that this information will be provided at the hearing. The application indicates that a “d(1)” use variance approval is sought by the applicant for the proposed use of dismantling vehicles on site. However, no reference to the required “d(1)” use variance is shown on the plans. The plans must be revised to include the required “d(1)” variance in the Zoning Data table and the title block.*

*The applicant shall submit additional information to provide further clarity on the scope of the “d(1)” requested. This information shall include, but not be limited to:*

- a. Number of vehicles proposed for disassembly on a regular basis*
- b. Number of vehicle deliveries anticipated on a regular basis*
- c. Days and hours of operation*
- d. Number of employees*
- e. Anticipated outdoor storage*
- f. Anticipated outdoor work area*

*As indicated in Item 2 above, the Zoning Data table on Sheet A-100 lists the existing setbacks for the front yard, side yard, both side yards and rear yard as an existing non-conformity but does not provide the non-conforming dimensions. The Zoning Data table must be revised to provide all existing setback dimensions.*

*The Zoning Data Table must also be revised to clearly label the existing and proposed dimensions to confirm that no improvements/alterations to the subject property are proposed.*

*The items above must be provided on the plans for the application to be deemed complete.*

**Final Site Plan Application Checklist:**

- *Items 6 and 8 have been addressed by the applicant.*

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- Item 1. Sixteen (16) copies of complete application. *Please refer to our comments in Item 1. of the Preliminary Site Plan, Waivers and Variance Checklist above. These comments must be fully 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. These comments must be fully addressed 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 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 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, 2B, 2C-2J, 2M, 4, 7, 13, & 15.

**Final Site Plan Application Checklist:**

Items 1 & 2.

**The applicant shall 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.

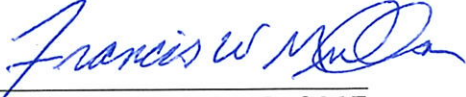
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Should you have any questions, please do not hesitate to contact us.

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

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