



YOUR GOALS. OUR MISSION.

KUPB-R2170

January 25, 2024
Via mail and email

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

Attn: Denise Nellis, Recording Secretary

**Re: Keyport Unified Planning Board Application No. 22-06
Minor Subdivision and Bulk Variance Approval
Becikoglu Real Estate Investments LLC
310 First Street; Block 135, Lots 10 and 11
Second Resolution Compliance Review**

Dear Board Members:

As requested, we have reviewed the following documents submitted by the applicant in support of this application. Additional materials and revisions submitted by the applicant for Resolution compliance are noted in ***bold italic text***.

1. Borough of Keyport Unified Planning Board Application and supplemental attachments, consisting of 31 pages, dated August 23, 2022;
2. Minor Subdivision of 310 First Street Site Plans, prepared by Marc S. Leber, P.E., P.P., of East Point Engineering, LLC, consisting of five sheets, dated May 12, 2022; ***revised January 9, 2024.***
3. Architectural Drawings prepared by Jason Peist, AIA of Jason Priest Sole Proprietary, consisting of one sheet, dated August 18, 2022; ***revised November 3, 2023.***
4. Survey of 310 First Street, prepared by Charles Surmonte, P.E. & P.L.S. of New Jersey Professional Engineer and Land Surveyor, consisting of one sheet, dated February 8, 2022.
5. Special Flood Hazard Area Development Permit Review Letter, prepared by Trevor J. Taylor, PE, PP, CME, CFM, of CME Associates, consisting of five pages, dated October 31, 2022;
6. Previous Board Resolutions of Approval for previous applications on subject property;
7. Keyport Unified Planning Board (KUPB) Resolution Approval #22-06, prepared by Marc A. Leckstein, Esq., Unified Planning Board Attorney, consisting of seven pages, memorialized March 23, 2023;
8. Draft of Access Agreement between proposed Lots 10.01 and 11.01 consisting of three (3) pages, undated;
9. Metes and Bound Description of proposed Lots 10.01 and 11.01 and 26 foot wide access easement prepared by Charles Surmonte, PE, PLS, consisting of two (2) sheets, dated August 24, 2023;
10. Draft Deed of proposed Lots 10.01 and 11.01, prepared by Salvatore Alfieri, Esq., of Cleary, Giacobbe, Alfieri, Jacobs, LLC consisting of three (3) pages;
11. State of New Jersey Seller's Residency Certification/Exemption consisting of one (1) page, unsigned and undated;



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12. State of New Jersey Affidavit of Consideration for Use by Seller, consisting of one (1) page, unsigned and undated.
13. *Drywell calculations, prepared by Marc S. Leber, P.E., P.P., of East Point Engineering, LLC, consisting of fourteen (14) sheets, dated January 9, 2024.*
14. *Monmouth County Planning Board Conditional Final Approval, consisting of two (2) sheets, dated October 30, 2023.*
15. *Maintenance Manual, prepared by East Point Engineering, LLC, consisting of three (3) sheets, undated.*
16. *Subdivision Deed, prepared by Salvatore Alfieri Esquire, consisting of three (3) sheets, undated.*
17. *Declaration of Covenants and Restrictions, consisting of five (5) sheets, unsigned and undated.*

As indicated above, the Applicant has submitted revised plans and additional documents to address the comments outlined in the Board's Resolution of Approval memorialized March 23, 2023, and our First Resolution Compliance Review letter dated October 25, 2023. The following is a summary of each condition of the Resolution and its current status as noted in ***bold italic text***.

Conditions of Approval – KUPB Resolution of Approval No. 22-06 Memorialized March 23, 2023

- Condition 1: The minor subdivision and proposed single family dwellings must be completed in conformance with exhibits marked into evidence except as noted within this Resolution. ***This is an administrative comment that will be addressed once the applicant has complied with all conditions of the Resolution.***
- Condition 2: The architectural plans marked into evidence as Exhibit A-3 shall be modified so as to have the new home on Lot 11.01 face First Street with the garage being flipped. The plans would also be revised to break up some of the monotony of its proposed side elevations and create more character. The final plans would be subject to the review and approval of the Board's Engineer and Planner. ***This comment has been addressed.***
- Condition 3: Subject to the condition all lighting fixtures associated with the new single-family dwelling to be built on Lot 11.01 shall be designed to prevent light spillage/glare onto adjacent properties. ***This is a continuing comment that will be addressed with construction of the site.***
- Condition 4: Subject to the replacement of the existing perimeter fence with a new six (6) foot privacy vinyl fence. ***This comment has been addressed.***
- Condition 5: Subject to the applicant replacing any removed trees with new trees of an evergreen or deciduous variety. The new trees would be of a 2 ½ inch caliper minimum or 6- to 8-foot-tall spruces with evergreen arborvitaes. The replacement trees must not be placed along the property line with Lot 22. The final landscaping plan would be subject to the review and



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approval of the Board's Engineer and Planner. *This is a continuing comment that will be addressed with construction of the site. The applicant will be required to provide a plot plan prior to the issuance of building permits.*

- Condition 6: Subject to applicant installing a new dry well for Lot 11.01 which would be designed to ensure all water from the new lot would flow into the dry well. This new dry well shall be located in an area between the new house and the existing home on Lot 10.01 and would be designed to force the water flow right to left toward the driveway leading to First Street. The exact design and the location of the dry well system would be subject to the review and approval of the Board's Engineer and Planner. *This comment has been addressed.*
- Condition 7: Subject to the grading scheme of the properties being revised so as to establish that water from the driveway area does not flow onto adjoining lots. Water runoff must ultimately drain into the existing drainage system located in the roadway. This must be reviewed and approved by the Board's Engineer and Planner. *This comment has been addressed.*
- Condition 8: Subject to the applicant creating an Access Easement between Lots 11.01 and 10.01 with Lot 11.01 being responsible for the maintenance of the driveway with the exception of that portion branching off and serving Lot 10.01. Said easement shall match the plans marked into evidence as **Exhibit A-8**. The access easement would need to be reviewed and approved by the Board's Attorney and its Engineer and Planner prior to being recorded with the County Clerk's Office. *An Access Agreement has been provided which our office considers acceptable from an engineering standpoint. We defer to the Board Attorney for final approval.*
- Condition 9: Subject to all curbing and sidewalk in front of the site being replaced. *This is a continuing comment that will be addressed with construction of the site.*
- Condition 10: Subject to the existing wall outside of the existing house being replaced with a new Allan Bock wall. *This comment has been addressed.*
- Condition 11: Subject to all utilities for the new home being located underground. *This is a continuing comment that will be addressed with construction of the site.*
- Condition 12: Subject to the applicant being required to mill and overlay the entire width of the roadway from curb to curb from the edge of the new driveway cutout to the existing utility pole. *This is a continuing comment that will be addressed with construction of the site.*
- Condition 13: Subject to compliance with the comments raised within the Planning and Engineering Letter marked into evidence as **Exhibit B-1**, although a waiver to supplying an environmental impact statement is being granted. *This is an administrative comment that will be addressed once the applicant has complied with all conditions of the Resolution.*



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T&M First Completeness, Planning and Engineering Review Dated October 13, 2022

- *Items A and B are informational and therefore not listed.*
- *Items D, E, F and G have been previously addressed and are therefore not listed.*

Based on our review of the variance completeness checklist, the following items must be submitted, or completeness waivers must be granted prior to the application being deemed complete:

C. Completeness Review

Application Submission Requirements

Preliminary Site Plan, Waivers and Variance Checklist:

- *Items 1, 2, 2A-2E, 2K, 3, 5, 10, 13 and 14 have been previously addressed and are therefore not listed.*
- *Items 11 and 12 are not applicable to the application and are therefore not listed.*

Item 2 F. Utility and drainage plans and information. *We have no objection to the Board granting a completeness waiver for this item, provided the applicant revises the plans to include the same. This comment has been addressed.*

Item 2H. Preliminary plans for parking, lighting, loading signs, landscaping and buffers. *We have no objection to the Board granting a completeness waiver for this item, provided the applicant revises the plans to include any proposed parking, lighting, and landscaping. This is a continuing comment that shall be addressed prior to construction. The applicant will be required to provide a plot plan prior to the issuance of building permits.*

Item 2.J. The following legend shall be on the site plan map:

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

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

(Owner) (Date)

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

(Name) (Title & License)

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



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(Date) (Municipal Engineer)

Approved by Planning Board:
Preliminary _____
Final _____

(Chairman) (Date)

*We have no objection to the Board granting a completeness waiver for this item, provided the applicant revises the plans to include the same. **This comment has been addressed.***

- Item 4. Payment of all applicable fees for preliminary site plan review. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant pays all applicable fees prior to the public hearing. **We defer to the Board Secretary regarding conformance with this item. The applicant shall post all required fees prior to the issuance of building permits.***
- Item 6. Soil Erosion and Sediment and Control Permit and Soil Conservation District Approval. *We have no objection to the Board granting a completeness waiver for this item, provided the applicant obtains approval from the Freehold Soil Conservation District as a condition of approval. **This is an administrative comment that will be addressed with construction of the site. The applicant shall provide approval from the Freehold Soil Conservation District prior to the issuance of building permits.***
- Item 7. Stormwater Management Plan. *We have no objection to the Board granting a completeness waiver for this item, provided the applicant provides testimony regarding this waiver request. **This comment has been addressed.***
- Item 8. Referral to Monmouth County Planning Board for review and approval. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant makes a submission to the Monmouth County Planning Board as a condition of approval. **This comment has been addressed.***
- Item 15. Owners signed Certificate of Concurrence with the plan. *We have no objection to the Board granting a completeness waiver for this item, provided that the plan is revised to include the same. **This is an administrative comment that remains to be addressed. The applicant shall have signed Owners Certificate of Concurrence submitted with final plans.***

Final Site Plan Checklist:

- *Items 1, 2, 6 and 8 have been previously addressed and are therefore not listed.*

Item 3. Payment of all Final Site Plan Filing Fees. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant pays all applicable fees prior to the public hearing. **We defer to the Board Secretary regarding conformance with this item. The applicant shall post all required fees prior to the issuance of building permits.***



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- 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 as a condition of any approval. This is an administrative comment that to our knowledge remains to be addressed. The applicant shall post all required fees prior to the issuance of building permits.*
- Item 5. Soil removal permit signed by Borough Engineer. *We have no objection to the Board granting a completeness waiver for this item, provided that the applicant obtains a soil removal permit as a condition of any approval if any soil will be removed from the site. This is an administrative comment that to our knowledge remains to be addressed. The applicant shall obtain all required outside agency approvals prior to the issuance of building permits.*
- Item 7. Engineering Inspection Fees. *We have no objection to the Board granting completeness waivers for these items, provided that performance guarantees, and inspection fees are provided as a condition of any approval. This is an administrative comment that to our knowledge remains to be addressed. The applicant shall post all required fees prior to the issuance of building permits.*
- 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 permits and approvals are provided as a condition of any approval. *This is an administrative comment that to our knowledge remains to be addressed. The applicant shall obtain all required outside agency approvals prior to the issuance of building permits.*

H. Landscaping and Lighting

1. The applicant should provide testimony if any landscaping is proposed on the property. If additional landscaping is proposed, the plans should be revised to reflect same. *The is a continuing comment that remains to be addressed. The applicant shall provide a plot plan showing proposed landscaping for review and approval prior to the issuance of building permits.*
2. The applicant should provide testimony if any of the five (5) existing trees proposed for removal can remain. As said trees are large in caliper, we recommend preserving these trees where possible to provide additional shade and buffering between the adjacent residential properties. *The is a continuing comment that remains to be addressed. The applicant shall provide a plot plan showing proposed landscaping for review and approval prior to the issuance of building permits.*
3. As stated above, the applicant is proposing to remove five (5) trees on the subject property however, no replacement trees or additional plantings are proposed. If the existing trees proposed for removal can be preserved, we recommend the applicant provide replacement trees and additional landscaping on the property. *The is a continuing comment that remains to be addressed. The applicant shall provide a plot plan showing proposed landscaping for review and approval prior to the issuance of building permits.*

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4. The applicant shall provide testimony regarding any proposed landscape/fencing buffering. Per Ordinance No. 27-18, Section 8(D)(9), the applicant shall *"Provide suitable fencing where necessary for safety or screening and provide landscaping and such additional buffer areas as may be required in order to maintain the character and good appearance of the neighborhood."* We recommend that the applicant revise the site plans to include landscape buffering along the property line to provide a buffer from the existing single-family dwelling on proposed Lot 10.01 and on both sides of the proposed driveway. ***The is a continuing comment that remains to be addressed. The applicant shall provide a plot plan showing proposed landscaping for review and approval prior to the issuance of building permits.***
5. The applicant should revise the plans to include any proposed lighting and illumination calculations for the proposed single-family dwelling. ***The is a continuing comment that remains to be addressed. The applicant shall provide a plot plan showing proposed lighting for review and approval prior to the issuance of building permits.***

I. Additional Comments

- ***Items I.1 and I.6 and I.7 have been previously addressed and are therefore not listed.***
2. We recommend the applicant revise the plans to include facade treatment such as shutters and additional glazing to the rear and side building elevations, similar to said façade treatments proposed for the front building elevation. ***This comment has been addressed.***
 3. The subject property appears to be located in Zone X per the effective FIRM Panel #34025C0029F and Preliminary FIRM and as such may be subject to the Borough Flood Damage Prevention Ordinance. *By copy of this letter, we defer to the Borough Flood Plain Manager. We defer to the Borough Flood Plain Manager regarding conformance with this condition.*
 4. The applicant should revise the plans to include drainage/stormwater management plan. ***This comment has been addressed.***
 5. The plans shall be revised to show the location of all roof leaders. The applicant shall demonstrate that there will not be any runoff directed towards the adjacent lots. ***This comment has been addressed.***
 8. The applicant should obtain all necessary permits and approvals, including but not limited to, Monmouth County Planning Board, NJDEP and provide copies of the same to the Board. ***This is an administrative comment that to our knowledge remains to be addressed. The applicant shall obtain all required outside agency approvals prior to the issuance of building permits.***
 9. The applicant will be required to repair any pavement, curb of sidewalk that is damaged as a result of the proposed improvements to the satisfaction of the Borough Engineer. A note indicating the same shall be added to the plans. ***This is a continuing comment that will be addressed during construction.***

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10. The applicant must obtain any necessary municipal permits if any are required. *This is an administrative comment that to our knowledge remains to be addressed. The applicant shall obtain all required outside agency approvals prior to the issuance of building permits.*
11. Prior to final approval, the applicant shall address all required Borough fees, permits and approvals. *This is an administrative comment that to our knowledge remains to be addressed. The applicant shall obtain all required outside agency approvals and pay all fees prior to the issuance of building permits.*

Conditions of Approval – KUPB Resolution of Approval No. 22-06 Memorialized March 23, 2023
(Continued)

- Condition 14: Subject to the compliance with the comments raised within the CME Review letter marked into evidence as **Exhibit B-2**. *We defer to the Borough Flood Plain Manager regarding conformance with this condition.*
- Condition 15: As set forth within the review letter of Police Chief Shannon Torres (**Exhibit B-3**), proper notification of road closures during construction must be given to NJ Transit, the Keyport PD, and Monmouth County Road Department. Additionally, per the letter, an officer, paid for the applicant, shall be present to assist with traffic for vehicles coming in and out of the construction zone. *This is an administrative comment that will be addressed during construction.*
- Condition 16: Subject to the Borough's Tax Assessor confirming the new lot numbers. *This is an administrative comment that to our knowledge remains to be addressed.*
- Condition 17: Subject to the filing of the appropriate maps in compliance with the current "New Jersey Map Filing Law". If the applicant proposes to file the subdivision by deed, deeds perfecting the subdivision must be prepared. Documents must be submitted to the Board Attorney and Engineer for review and approval prior to filing. Pursuant to the law, the applicants have 190 days from the date of adoption of this Resolution to perfect the subdivision. After 190 days, this approval shall expire. *An unexecuted copy of a deed has been provided which our office considers acceptable from an engineering standpoint. We defer to the Board Attorney regarding further review and final approval of said deed.*
- Condition 18: Subject to all representations made by the applicant during the application. *This is an administrative condition that will be addressed once the applicant has complied with all conditions outlined in the Resolution of Approval.*
- Condition 19: This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved. *This is an administrative condition that will be addressed once the applicant has complied with all conditions of the Resolution.*
- Condition 20: Subject to any and all other approvals as may be required by the Borough or any other



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governmental entity, prior to the issuance of any permits. *This is a continuing comment that to our knowledge remains to be addressed.*

Condition 21: Subject to compliance with any affordable housing requirements. *This condition is not applicable based on the scope of the application.*

Condition 22: Subject to the payment of any fees, escrows and taxes as may be due to the Borough, prior to the issuance of any permits. *We defer to the Board Secretary and Borough Tax Collector regarding conformance with this item.*

Condition 23: The action of the Unified Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Unified Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development. *This is an administrative condition that will be addressed once the applicant has complied with all conditions of the Resolution.*

Condition 24: The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days. *We defer to the Board Secretary regarding this item.*

Based on our review of the revised plans and correspondence submitted, we find that the Application is in final form from an engineering standpoint. The remaining items are administrative in nature and shall be addressed prior to the issuance of building permits.

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

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

FWM:DMD:AWD



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Cc. (via email): Denise Nellis, Planning Board Secretary; dnellis@keyportonline.com
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