

Resolution prepared by:
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**RESOLUTION GRANTING
PRELIMINARY AND FINAL SITE PLAN APPROVAL**

**UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT**

BLOCK 112, LOT 1.02

**Application # 23-001
PMB GROUP KEYPORT d/b/a SANSONE JR.'S KEYPORT KIA
402 NJ ROUTE 35**

WHEREAS, PMB Group Keyport d/b/a Sansone Jr.'s Keyport Kia has applied to the Unified Planning Board of the Borough of Keyport for Preliminary and Final Site Plan Approval so as to renovate an existing car dealership facility located at 402 NJ Route 35 which is officially designated as Block 112, Lot 1.02 on the official Tax Map of the Borough of Keyport; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Unified Planning Board held on March 23, 2023 during which all persons having an interest in said application were heard; and

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. This application constitutes a request for preliminary and final site plan approval with associated bulk variance relief to renovate an existing used car dealership facility, including a one-story 3,806 square foot addition to the main building, for service reception and vehicle drop off and pick up service for the sale of new and used vehicles. The proposed addition will also include a vehicle delivery area for introduction and demonstration of vehicles/features to prospective customers. The site is located at 402 NJ Route 35 South which is officially designated as Block 112, Lot 1.02 on the tax map of the Borough.
2. The subject site, consisting of 4.043 acres, is situated adjacent to the south of the NJ Route 35 and NJ Route 36 interchange. The lot is also southeast adjacent to the intesection of NJ Route 35 South and Beers Street. Adjacent to the west of the subject property is a one-story car dealership (Jim Curley Brick GMC of Keyport). Adjacent to the south of the site is Clark Street, which serves as the border between Keyport Borough and Hazlet Township. Opposite Clark Street, within Hazlet Township, are predominantly single-family residential uses.

3. The subject site is currently developed with a one-story, auto body repair shop (RD Autobody) and one-story used car dealership (Sansone Jr.'s EZ Auto).
4. The entirety of the property is located within the Borough's HC (Highway Commercial) Zone in which the both the existing uses and proposed improvements are all permitted.
5. The following bulk variance relief pursuant to the provisions of N.J.S.A. 40:55D-70(c) is required by this application:

Variance / Design Waiver	Required/Allowed	Proposed
Accessory Building Height (v)	16 Feet	20.5 feet with sloping to 16.5 feet (ENC)
Wall Mounted Signs (v)	Cannot be erected and maintain less than 15 feet above grade	4 signs proposed as follows: (1) 13.4 feet above grade (2) 14 feet above grade (3) 12 feet above grade (4) 12 feet above grade
Free Standing Sign (v)	25 Feet Or Height Of the Principal Building	30 Feet *
Parking Space Width (d)	9 foot x 20 foot	9 foot x 18 foot
(v) = variance (d) = design waiver ENC= Existing Non-Conforming Condition * = originally two (2) free standing signs were proposed, however during the hearing it was indicated only one (1) free standing sign along Highway 35 is being sought. An existing free standing side along the Clark Street entrance would be replaced with a 2 x 3 directional sign.		

6. During all portions of these proceedings, the applicant was represented by its legal counsel, Daniel J. O'Hern, Jr., Esquire of the law firm Byrnes, O'Hern & Heugle which has law offices located at 195 East Bergen Place, Red Bank, New Jersey.
7. The following exhibits were marked into evidence by the applicant:
 - Exhibit A-1 :** Planning Board Application
 - Exhibit A-2:** Topographic Survey dated June 13, 2022 as prepared by French & Parrello
 - Exhibit A-3:** Proposed Reconstruction and Addition Plans dated November 15, 2022 as prepared by Tokarski & Millemann (consisting of 2 sheets)
 - Exhibit A-4:** Preliminary and Final Major Site Plan For Renovations and Site Improvements dated August 19, 2022 as prepared by French & Parrello (consisting of 11 sheets)
 - Exhibit A-5:** Photo Rendering of the proposed Front Facade
 - Exhibit A-6:** Revised Sheet 2 of **Exhibit A-4**, dated March 21, 2023 to respond to comments made by Engineer in Exhibit B-1
8. Beyond the exhibits marked into evidence by the applicant, the Board also marked its own exhibits into evidence as follows:
 - Exhibit B-1:** Engineering and Planning Review Letter dated March 6, 2023 authored by Francis W. Mullan, P.E., C.M.E. and Caroline Z. Reiter P.P., A.I.C.P. of T&M Associates
 - Exhibit B-2:** Borough Fire Marshall review letter dated March 6, 2023

9. In support of the request for approval, the following witnesses were placed under oath and presented testimony on behalf of the applicant:
 - (a) The applicant's principal owner: Paul Sansone, Jr.
 - (b) The applicant's project architect: Michael Milligan, P.A.
 - (c) The applicant's project engineer: Andrew French, P.E.
10. Mr. Sansone testified that he has owned the site since 2012 and believed it was a perfect site for serving as a KIA Dealership due its proximity to the Garden State Parkway and location at the cross-roads of Route 35 & 36. He wished to transform the existing used car dealership into a primarily new car dealership with some used sales continuing. The KIA company had reviewed the location and approved its utilization as a KIA Dealership.
11. It was anticipated the dealership would have forty (40) employees and would be open from 9 am to 8 pm with service hours being available from 7:30 am to approximately 5 or 6 pm.
12. Deliveries to the location would occur once or twice a day, depending upon vehicle demand at the site. Each truck delivers seven to eight vehicles. It was agreed, as a condition of approval, that deliveries would only occur during business hours and would all be conducted from within the site rather than a truck stopping on a public road.
13. Mr. Sansone anticipated the sale of 100 new vehicles and 50 used vehicles a month.
14. It was indicated that the existing accessory auto body shop would be shut down and transformed into an accessory detailing shop with some light body work being conducted. These services would be utilized in conjunction with the dealership only and would not be open to the general public. This would be a condition of approval.
15. Mr. Sansone made clear he was not proposing any renovations to the accessory building at this time. He agreed however, as a condition of approval, that he would clean up and paint the building so as to make it consistent with the main building. Additionally, if he ever had more formal plans for renovating the accessory building, he would return to the Board for further approvals as required.
16. The applicant's architect, Michael Milligan, P.A., focused his testimony on **Exhibits A-3 and A-5** so as to establish what the dealership would look like once renovations were completed. He noted the drawings depicted the wall signs which were the subject of variance relief. Those signs were being utilized for way finding purposes so as ensure customers of the dealership would be able to find their way around the property. All signs would be illuminated. There was no signage in the rear of the building, so neighboring property owners would not be impacted by such illumination.

17. As shown on the plans (**Exhibits A-3 & A-5**) the entire facade of the building would be transformed so as to create a glass front to show off the showroom. The first floor of the main building would consist of the show room, small offices and a customer lounge. The second floor area would house employee break room areas, small offices and a conference room. The back portion of the building would be for vehicle service. There would be two service drive lanes coming into the facility and a separate area to drive the vehicles out after a purchase.
18. The applicant's engineer, Andrew French, P.E., focused upon **Exhibit A-6** so as to demonstrate how the site would function. He noted that the dealership would have 245 parking spaces upon it. These would be broken up into 66 customer/employee spaces, including four (4) ADA spaces, with the remaining spots being utilized for storing vehicle inventory. He believed this was more than enough parking to accommodate the dealership. It was indicated new vehicles would be displayed along Route 35 and employees would park in the rear of the building. As a condition of approval, the final location of the ADA spaces would be subject to the review and approval of the Board's Engineer and Planner.
19. With respect to the fact that spaces on the site would only be 9' x 18' whereas the ordinance called for 9' x 20' spaces, Mr. French felt the proposed size was more than sufficient for the dealership. He noted that the majority of these spaces would not even be utilized by customers but instead by employees and for vehicle inventory storage.
20. Mr. French also advised that the applicant would be providing four (4) make-ready electric vehicle charging station spaces for the property. As a condition of approval, the locations of these spaces would be subject to the review and approval of the Board Engineer and Planner.
21. All existing driveways into the site would be maintained.
22. With respect to stormwater management, Mr. French indicated all roof leaders from the building will be placed underground and tied into the existing drainage system. This would be a condition of approval.
23. It was made clear the applicant will mill, overlay and stripe the entire parking lot area so as to ensure it looks like a cohesive parking area. This would be a condition of approval.
24. New landscaping would be added along Beers Street, including the installation of new street trees. As a condition of approval, the final landscaping plan would be subject to the review and approval of the Board's Engineer and Planner.
25. New water service for the property would be run from Highway 35. The applicant would also be upgrading gas service from Clark Street. Above ground electric service, also from Clark Street, would be upgraded as well.

26. With respect to lighting of the site, Mr. French testified new LED lighting fixtures were proposed throughout the property. They would be installed upon 20 foot high lamp posts with fixtures that illuminate the lighting downward to prevent sky glow. As a condition of approval, the light would be natural light rather than colored.
27. The freestanding sign requiring variance relief would be installed along Route 35 at a height of 30 feet. This would be an internally lit KIA identification sign. This sign would replace an existing sign which was 28 feet tall, already higher than what the ordinance permits. Nevertheless, he believed the proposed 30 foot sign was still lower than the free standing sign located at the neighboring Jim Curly dealership. Based upon the height of the current sign and the height of the neighboring dealership sign, he did not believe that the proposed 30 foot sign would create any impact on the area. The difference in sign height would likely not even be noticeable. The fact that this new 30 foot high sign would be replacing the existing 28 foot sign would be a condition of approval.
28. With respect to garbage pickup, it was agreed as conditions of approval, that all pickup would be by private hauler and would only occur during business hours. Additionally, also as a condition of approval, the applicant would need to submit a garbage enclosure design for review and approval by the Board's engineer and planner.
29. The applicant agreed, as a condition of approval, to revise its site plan (**Exhibit A-4**) so as to include the size, shape and location of any containers or tanks located on the site, including information as to whether such is hazardous in nature. This was necessary so as to ensure appropriate information would be available to first responders in the event of an emergency at the site.
30. The Board Professionals, who had been sworn, indicated that they had no objections to the requests made by the applicants provided the comments raised within the various review letters (**Exhibits B-1 through B-2**) were all adhered to. The applicant confirmed it would follow those comments as conditions of approval.
31. No one else testified with respect to the application and no members of the public were present at the hearing.

CONCLUSIONS

32. After considering all of the testimony and evidence placed into evidence, and also assuming all representations are adhered to, the Board finds that the proposed site will function properly as proposed under the plans that have been submitted to the Board. There has not been any evidence presented to the Board as to why the site would not function as designed.

33. With respect to the variances required for the application, the height variance is a pre-existing condition not impacted by this application, while the signage variances are for directional and identification purposes. The Board feels that all of the variances, including the proposed design waiver for parking space width, is appropriate. It is a manner of good planning that proper signage be available for the public and with respect to the design waiver, the Board can find no reason why the proposed spaces would not function appropriately.
34. If there are any negatives associated with this application, none have been demonstrated to the Board nor can the Board Members envision any.
35. The Board finds that the requested variance relief can be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) since the benefits of allowing the proposed improvements to take place far outweigh what strict adherence to the provisions of the zoning ordinance would otherwise allow.
36. This application will act as a significant upgrade to the subject site and absent the requested relief being granted such improvements will not occur. Such a result would benefit no one.
37. Based upon all of the above, the Board finds that the applicant has met its burden in establishing that it is entitled to the requested site plan approval, with associated variance relief, and therefore such should be granted in its entirety.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of PMB Group Keyport d/b/a Sansone Jr.'s Keyport KIA seeking site plan approval, along with variance relief, should be granted subject to the following conditions:

1. Except as required to be revised within this Resolution, subject to the applicant's substantial adherence to the plans and drawings submitted into evidence by the applicant.
2. Subject to the condition that deliveries to the site will only occur during business hours and be conducted from within the site. Trucks shall not stop and unload from the public roads.
3. Subject to the existing accessory auto body shop being shut down. The use of the accessory building shall only be in conjunction with the dealership not open to the general public.
4. Subject to the accessory building being cleaned up and painted so as to make it consistent with the main building. Additionally, if more formal plans for renovating the accessory building are determined, the applicant must return to the Board for further approvals as required by ordinance.
5. Subject to the applicant supplying four (4) ADA parking spaces, the location of which shall be subject to the review and approval of the Board's Engineer and Planner.
6. Subject to the applicant supplying four (4) make ready EV charging spaces, the location of which shall be subject to the review and approval of the Board's Engineer and Planner.

7. Subject to all roof leaders from the renovated building being placed underground and tied into the existing drainage system.
8. Subject to the applicant milling, overlaying and striping the entire parking lot area so as to ensure it looks like a cohesive parking area.
9. Subject to a final landscaping plan, which must include street trees along Beers Street, being implemented following the review and approval of the Board's Engineer and Planner.
10. Subject to the condition all new lighting fixtures will have down light shields to prevent light spillage and will also produce a natural lighting color rather than any other type of color.
11. Subject to the condition that the new 30 foot freestanding identification sign replace the existing 28 foot freestanding sign. There shall only be one (1) freestanding sign on the property.
12. Subject to the continuing condition that the applicant obtain all necessary temporary signage permits for any temporary signage/banners placed or to be placed along the property.
13. Subject to the condition that all garbage pickup be by private hauler and only occur during business hours.
14. Subject to the condition that the applicant submit plans for a garbage enclosure which must be reviewed and approved by the Board's Engineer and Planner.
15. Subject to the site plan (**Exhibit A-4**) being revised so as include the size, shape and location of any containers or tanks located on the site, including information as to whether such is hazardous in nature.
16. Subject to compliance with all of the comments contained within the review letters submitted to the Board. (**Exhibits B-1 & B-2**)
17. All representations made under oath on behalf of the applicant, or by its agents, shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to those representations shall be deemed a violation of this amended approval.
18. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within amended application would not be approved.
19. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations, including, but certainly not limited to, all applicable building and construction codes and requirements for developer agreements and bonding.
20. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
21. This approval shall be deemed void by abandonment if building permits are not applied for within one year of the date hereof.
22. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.

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.
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.

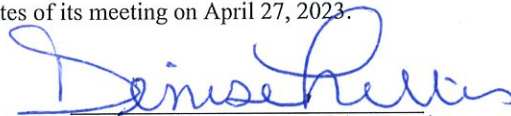
The foregoing was Moved by Councilmember Davidson, second by Mayor Araneo and on Roll Call, the following vote was recorded:

Affirmative: Mayor Araneo, Councilmember Davdison, Chairman Sessa, D. Pacheco, J. Royster, J. Kovacs-Olsen

Negative:

Abstentions:

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on April 27, 2023.



Denise Nellis, Secretary of the Board