

RESOLUTION
Borough of Union Beach
Planning Board
Deputy Ventures, LLC
Decided on April 27, 2022
Memorialized on May 25, 2022
Preliminary and Final Site Plan Approval

WHEREAS, Deputy Ventures, LLC (hereinafter the “Applicant”) has made an application to the Borough of Union Beach Planning Board for Preliminary and Final Site Plan, with on property located at 710 Union Avenue, also known as Block 187, Lots 1, 2 & 16 on the Tax Map of the Borough, in the R-8 Residential Zone; and

WHEREAS, public hearings were conducted on March 30, 2022, and April 27, 2022 in accordance with requirements for in person meeting providing for public participation in accordance with the Open Public Meetings Act; and Commissioners Hoadley and Murray recused themselves; and

WHEREAS, the Applicant was represented by Jeffrey Gale, Esq.; and

WHEREAS, the Application was deemed complete and evidence of compliance with the notice requirements was presented establishing that the Board has jurisdiction over the Application; and

WHEREAS, the Board was functioning as a Planning Board to hear this application.

NOW THEREFORE, the Board makes the following findings of fact, based upon evidence presented at its public hearing, at which a record was made.

The Application before the Board is for preliminary and final site plan approval for 710 Union Ave. The property is located in the Commercial Corridor Redevelopment Plan. Based upon the correspondence from the zoning officer, it has been determined that the plan can be presented

before the Board. The property in question is a conforming vacant corner lot located on the South side of Central Avenue at the intersection with Union Ave.

The first witness on behalf of the Applicant was Mr. Jeffrey Carr, licensed professional engineer with the firm Lindstrom Diessner & Carr. Dennis Dayback, borough zoning officer and Andrew Denby, board engineer from T&M Associates, were also sworn in and qualified as experts in their respective field. The Applicant presented 3 initial exhibits. Exhibit A-1 is a copy of the application package. Exhibit A-2 is a color rendering of the proposed development dated November 12, 2021. Exhibit A-3 is a letter from T&M Associates, the borough engineer, dated March 22, 2022. Mr. Carr testified that it is the intention of the Applicant to construct three new buildings on the site. Two of the buildings will front on Union Ave and the larger structure facing an internal parking lot. The larger building, #3, will be residential with four units and garages. The other two buildings will be mixed use in nature.

Mr. Carr testified that building 1 would have one garage and building 3 to have additional garages to support building one and two tenants. The Applicant agreed to assign parking to the respective units of the residential tenants. There will be access available from Union Ave with secondary access behind the buildings. There are designs waivers needed with regard to the size of the parking stalls. The Applicant was directed to make sure at least one parking space was electric vehicle ready in nature. It is noted that the Applicant is supplying 26 parking spaces when 23 are required. Retail is anticipated to be closed later in the evenings; thus reducing on-site parking demand.

Mr. Carr proceeded to review each of the items in the March 22 letter from TNM Associates. Concerns were expressed regarding the lighting fixtures during the course of the discussion. There was also questions raised by members of the Board as to whether the

development was meeting the required stormwater management improvements to satisfy both borough ordinance and NJDEP requirements. Mr. Carr responded in answering the questions raised by Commissioner Wells that because of the building's location it is not physically possible to meet the state required discharge detention basins. Still, he noted that there will be roof gutters connected to the lawn and a swale around building #3. He testified that there is no application required of the applicant to go to the NJDEP. Mr. Carr agreed to the request from Mr. Dayback to supply additional calculations with regard to the proposed inlet to see if there could be improvements made with it.

At this point the hearing was made open to the general public for comments questions and concerns period the first member of the public to address the board was Michelle Mitchell of 701 Central Ave. Ms. Mitchell expressed concerns regarding the installation of additional utility poles, the location of dumpsters, the building height, retail restrictions, and overflow parking. Mr. Carr and Mr. Gale both responded that there would be no additional utility poles and no dumpsters. They noted that the height allowed by the redevelopment plan is 30 feet and two stories and that the building designs do comply with this requirement. It was noted that retail is restricted by the requirements set forth in the redevelopment plan. Ms. Mitchell also then reiterated concerns with regard to stormwater management.

The next person to address the board was Terry Tomasko of 705 Central Ave. The resident expressed concern that some of the houses in the area do not have driveways and there are issues about the area being plowed, as well as access with fire trucks. The resident also expressed concerns regarding timing of delivery trucks, garbage trucks coming down the street, and flooding.

The next resident to testify was Michelle Chabala of 716 Union Ave spoke against the application expressing concerns about stormwater management and Building 1 which is located

next to her property, and who would maintain the new greenery at the fence and that the windows are the right height and concern about retail closing time. The resident also claimed that she did not have notice. Mr. Gale, on behalf of his client, was able to produce the certified letter receipt showing that notice was mailed to her. At this point in the proceedings, it was agreed with the consent of the applicant to carry the application to the April meeting of the Board; no further notice would be required of the Applicant.

The hearing on this Application resumed at the April 27th meeting of the Board. Mr. Gale noted that Mr. Carr finished his testimony but was still available this evening for any additional questions from the Board or the public. Mr. Dayback noted that Mr. Carr had submitted an updated drainage report as requested and that he had a few questions but overall agreed with Mr. Carr's assessments.

At this point the next witness on behalf of the Applicant was Mr. Andrew Trocchia, licensed professional architect from the firm Sonnenfeld & Trocchia Architects, P.A. Mr. Trocchia was sworn in and qualified by the Board as an expert in the field of architecture. He proceeded to describe the buildings that were being proposed by the Applicant, their location on the property, and those segments that would be residential versus retail. He then went through a series of drawings from the architectural renderings that had been submitted to the Board as part of the Application package to describe each of the residential units in the buildings in question. He noted all the units would have balconies and would range in size from 1,135 to 1,612 square feet. The larger units would be in Building 3. An updated color rendering of the building was marked as Exhibit A-5. Mr. Trocchia stated that the exterior finish would be masonry brick wood vinyl shaker look and horizontal clapboard with a single roof with a 6//12 pitch. Mr. Trocchia stated that buildings one and two would be 30 feet to the collar ties and Building 3 would be 29 feet. He noted

all three meet the height requirement for the Borough's ordinance and redevelopment plan. He then referred to Exhibit A-6 to show the brick with applied letters for the sign. Councilman Andreuzzi asked if the county would be okay with a lit sign; Mr. Gale, on behalf of his client, responded that the Monmouth County planning board would need to make that decision. Mr. Trochia stated that the garages are large enough with extra space for each resident to keep their own garbage cans and then bring them out on the day of collection so that they could be picked up. There was also clarification as to whether there was a need for a bulk variance because of the proximity of the building to the property line. It was the determination of the zoning officer that variance relief was not required. In response to one other question of the Board, it was recommended to the Applicant that they have large size unit numbers on each of the units so that it is easier for emergency personnel to locate the unit.

At the conclusion of Mr. Trochia's testimony, the Board chair opened the floor again to the general public for questions, comments and concerns regarding the application. Ms. Terry Tomasko, 705 Central Ave, again spoke. She asked whether the Applicant needed a parking variance and was advised that they do not. While the Union Beach ordinance requires parking stalls that are 10 by 20 RSIS regulations set it at 9 by 18; state regulation preempts local ordinance. As such the Applicant is asking for a design waiver not a bulk variance.. Ms. Michelle Chabala, came forward again at this hearing. She expressed concerns regarding storm water flooding and that her basement is already getting water when there are heavy rains. Mr. Carlos Irizarry of 706 Union Ave stated that he reiterated with the other witnesses had already said, namely that there is a parking shortage and there is concern about traffic and stormwater. The same concerns were echoed by Ms. Karen Murphy of 704 Columbia Ave. There were no other residents expressing an interest in asking any questions of the Applicant, its experts, or members of the Board. Applicant

agreed to again review with its experts and Mr. Daybach issues regarding drainage along Central Ave. They also noted for the record that it would be the responsibility of the Applicant to contact the BRSA with regard to sewer service.

NOW THEREFORE the Board makes the following conclusions of law based upon the foregoing findings of fact.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the Applicant has met the requirements of the Municipal Land Use Law, case law and City ordinances so as to grant the relief requested. Pursuant to these criteria, the purposes of the Municipal Land Use Law will be advanced and the benefits of granting the relief requested clearly outweigh the detriments. The proposed development is consistent with the Redevelopment Plan.

The uncontroverted evidence before the Board indicates that in this particular circumstance, bulk variance relief is not needed, as was confirmed by the Zoning Officer.

The Applicant has demonstrated that in the evidence placed before the Board that the relief can be granted in a manner without unduly interfering with the use and enjoyment of the surrounding properties. The Applicant has worked diligently with Borough officials and this Board to come up with a design consistent with the Redevelopment Plan but one that also addresses the Boards and neighbors' concerns with regarding stormwater management. It is expressly noted that as a condition of this Resolution that all outstanding condition items in the T&M report must be addressed and satisfied by the review of the zoning officer before the final site plans will be signed by his office, and by other Borough officials as required by law. The Applicant is to provide on a quarterly basis, progress reports to the zoning officer, Board secretary and Board attorney as to how matters are progressing with regard to addressing all of those conditions which were given

completeness waivers in lieu of Applicant providing same as a condition of this approval, as set out in the March 25, 2022 letter from T&M Associates, which is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Union Beach that the application of Deputy Ventures, LLC for property located at 710 Union Avenue, also known as Block 187, Lots 1, 2 & 16 on the Tax Map of the Borough, is determined as follows:

1. The Application for Preliminary and Final Site Plan approval is granted pursuant to N.J.S.A. 40:55 D-46 and 50;

IT IS FURTHER RESOLVED that the above approval is subject to the following terms and conditions:

1. The implementation of the plans shall be implemented strictly in accordance with the plans submitted and approved by the Board and after verification by the zoning office and code officials.
2. The Applicant shall comply with all requirements and any subsequent reports with respect to this application from the Board’s professionals including all stormwater management issues.
3. Payment of all fees, costs and escrow due or to become due. Any monies are to be paid within 20 days of said request by the Board Secretary.
4. Certification of taxes have been paid to the date of approval.
5. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official, an affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

6. A pre-construction meeting shall be held by the Applicant and the Borough officials at least one week prior to the start of construction to ensure all permits, approvals and documents are in order.

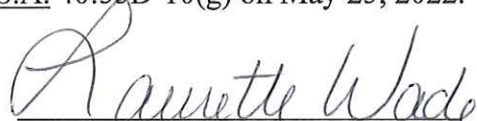
7. The Applicant shall seek approval or letter of no interest from the Monmouth County Planning Board.

8. The Applicant shall take all appropriate measures to control any dust, dirt and any vermin during construction/renovation of the building and premises.

9. The report from T&M Associates of March 25, 2022 is incorporated herein by reference.

10. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Union Beach, County of Monmouth, State of New Jersey or any other jurisdiction.

The undersigned secretary certifies the within decision was adopted by this Board on April 27, 2022 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 25, 2022.



Laurette Wade, Secretary, Planning Board

FOR:

AGAINST:

ABSTAIN:

Board Member(s) Eligible to Vote:

Sweeney Cavallo Andreuzzi Connors Wells

Coffey Hoadley Devino Hallam Murray