

TOWNSHIP OF BRICK

OCEAN COUNTY, NEW JERSEY
401 CHAMBERS BRIDGE ROAD, BRICK, N.J. 08723

John G. Ducey, Mayor

Township Council:

Lisa Crate - President
Arthur Halloran - Vice President
Heather deJong
Vince Minichino
Paul Mummolo
Marianna Pontoriero
Andrea Zapic



Division of Land Use Planning

Tara B. Paxton, MPA, PP, AICP
Township Planner
732-262-4783
Fax: 732-262-2941
tpaxton@twp.brick.nj.us
www.twp.brick.nj.us

July 11, 2020

Zoning Board of Adjustment
401 Chambers Bridge Road
Brick, NJ 08723

Re: BA-3189-PSP-FSP-C-D
Lombardi Residential – 406 Mantoloking Rd.
Use Variance, Preliminary & Final Site Plan
Application
Block 106, Lot 1

Dear Board Members:

The Applicant has proposed a Use Variance and Preliminary and Final Site Plan application to construct three town homes (multi-family structure) and improve the parking lot for Lombardi Residential Office building, located in the R-7.5 Single-Family Residential Zone.

In 2014, Lombardi Residential was granted a zoning permit to occupy the former Community First Aid Squad Building for its office operation. It was determined at the time that only a tenant fit up permit was required because the use of the building was not changing. It was being used as an office for the Community First Aid Squad and the proposed use as a contractor office would continue the office use of the site.

The proposal requires a Use Variance (d) 1, (d) 2 Expansion of a Non-conforming Use and Site Plan Approval due to the fact that the proposed Multi-Family Use is not permitted in the R-7.5 Single Family residential zone, the office and warehouse use is also not permitted in the Zone.

I have reviewed the above referenced application for a Preliminary and Final Site Plan and Use Variance and offer the following information and comments for your consideration:

I. Description:

This proposal is for the expansion of a non-conforming office space and warehouse to include the addition of a non-permitted multi-family structure in the R-7.5 Zone. The lot is 0.675 acres and requires a number of bulk variances for existing conditions for Front Yard and Side Yard Setbacks to Mantoloking Road and the Raleigh Drive Easement.

*h/w
App'l
Ducker
Purdick
CME
WELLL
7/13/20*



www.facebook.com/BrickTwpNJGovernment



@TownshipofBrick

It appears that a number of bulk variances are required for the Multi-Family Townhouse building for front yard setback. In addition, the parking area proposed requires variances for parking stall size, drive aisle width, setback from the roadway, sidewalk width and trash enclosure design.

The proposed 3-unit Townhouse is located with frontage along the 20-foot-wide Raleigh Drive Easement, which is deficient in width and should be increased in width and dedicated as a Right of Way if the application is approved.

II. Variances & Planning Testimony:

- A. This site requires a number of variances including:
NJ Municipal Land Use Law, 40:55 D-70 *(d) 1*. In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit: A use or principal structure in a district restricted against such a use or structure.
- B. NJ Municipal Land Use Law, 40:55 D-70 *(d) 2*. In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit: An expansion of a non-conforming use.
- C. Under the NJ Municipal Land Use Law, 40:55D-70(d) 1, when a use or principal structure in a district restricted against such use or principal structure is proposed, the Applicant is required to provide testimony in support of a special reason for the grant of the variance. Please provide testimony describing the special reasons to allow a non-conforming use development on this site where only single family residential uses are permitted.
- D. The Applicant should present acceptable testimony to the Board that the strict application of the Township's Zoning Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer or subject property and/or as the application relates to a specific piece of property, that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning requirements and that the benefits of the deviation would substantially outweigh any detriment. Please provide a balance test to explain how the proposed use will be developed to in a way that any negative effects of the use will be outweighed by positive improvements to the site.
- E. The application must also prove that the variances can be granted without substantial detriment to the public good, nor the substantial impairment of the intent and purpose of the Township's Master Plan and Zoning Ordinance. The Applicant should also address the inherent benefits of the proposed use, if any, how the site and location are particularly suited for the proposed use.
- F. The Power of the Planning and Zoning Board to grant variances is specifically granted under the NJ Municipal Land Use Law, 40:55 D-70 c
(c1):
 - a. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
 - b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
 - c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in particular and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

(c2) where an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment; grant a variance to allow departure from regulations pursuant to article 9 of this act.

- I. The application must provide testimony relative to the type of relief sought under the bulk "C" variance to justify the grant of the deviation from the ordinance. Provide detailed testimony regarding each variance.
- J. Please provide testimony addressing the standard that the purposes of the NJ MULUL would be advanced by a deviation from the zoning ordinance requirements and the benefits would outweigh any detriment to the public good; and that, the grant of the variances would not cause substantial impairment of the intent and purpose of the Township's Master Plan and Zoning Ordinance.

III. Conformance with Master Plan & Planning Testimony:

- A. Please discuss the consistency with the proposed development of the site as it relates to the Master Plan and provide evidence supporting how this proposal advances any of the purposes of the Municipal Land Use Law.
- B. This area is designated as Single Family Residential in the Master Plan Land Use Mapping.

1. Township of Brick Master Plan Land Use Element Excerpts:

"The objective of the land use plan is to permit the controlled infill of existing single-family residential neighborhoods to medium and low-density standards." "The overall residential development plan is to allow for flexibility in design while preserving open spaces and environmentally critical areas by limiting the amount of high-density single-family residential development."

- C. This proposal is for a high-density residential use. If this development were to be proposed as conforming, R-7.5 Zone single family residential use, one unit could be located where the three townhouses are proposed. A higher intensity of residential development could permit two R-5 Zone single-family homes where the proposal contains 3 high density Town Homes with a variance approval. The Applicant must provide testimony explaining, why their proposal is the best development scheme.
- D. In addition, this site is in the special flood hazard area AE Zone where it is the policy of the Township to managed intensifying development and limit it to every extent practical.

IV. Site Layout & Design Details:

- A. It is the opinion of this office that since Raleigh Drive is an Easement and already provides the only access to more than 10 homes and the applicant is proposing three more homes, that this easement should be dedicated as a traditional, compliant residential roadway, widened so that the improved cart way meets the 25' required width. The design as proposed is insufficient to provide police, fire, school bus, trash removal and snow removal access to the residents in the area and to any new potential residents if this proposal is approved.
- B. The proposed sidewalks on the western side of the site plan are odd and reduce the cartway width. Please explain the logic in the proposed design.
- C. The Applicant should provide testimony relative to the management of the multi-family units. Will there be a home owner association? How will trash be maintained? The Township picks up single-family residential garbage; however, multi-family facilities are required to obtain

commercial pick up. Please identify where a trash enclosure will be most appropriately located and how commercial pick up could be accomplished.

- D. Please discuss the stormwater management design as it relates to retention, detention, treatment and description of the landscaped areas. It is recommended, wherever practical, that low-impact design standards be utilized and rain garden technology be installed to reduce parking lot and roof runoff into storm drains and encourage infiltration. Curb cuts in landscaped islands should be utilized to increase infiltration.
- E. Traffic impacts should be discussed. The complex would provide an increase over what a conforming single-family residential development would in regards to traffic volume. Please provide testimony as to the proposed increase, how residents and visitors would access the site and where they would park. Pay specific attention to the fact that the roadway is an easement and deficient for the homes it serves as it currently exists and provide traffic study testimony.
- F. Please discuss if signage for the complex is proposed and provide a detail.
- G. Under Part 5, Landscape and Buffer Requirements, Article XLIX, street trees, minimum landscaped area and trees in parking lots are required to be met; please revise the plans in accordance with the requirements of this part. If requirements are not met; application will require a waiver. The applicant does not meet the buffer requirements and should make revisions to the plans to provide adequate plantings and perhaps fencing to block activity from the adjacent single-family residential uses.
- H. Please discuss where the mechanicals for the multi-family use will be installed. Provide plans to ensure they are properly shielded from the adjacent single-family residential uses.
- I. Please discuss the commercial use and how that will be managed.
- J. Please discuss how outside accessory uses and amenities will be managed. Will storage sheds, cabanas, decks, patios, outdoor furniture and other large recreational equipment be permitted to be stored on the property and where will it be located?
- K. The Applicant should discuss security lighting on-site and ensure they are shielded.

I will be present at the hearing date to answer questions and provide additional information.

Very truly yours,



Tara B. Paxton, MPA, AICP/PP
Division of Land Use & Planning

cc: Pam O'Neill

Attached Photos of the project area:



