

THE CHAIR RESERVES THE RIGHT TO REVISE
THE ORDER OF THE AGENDA AS NEEDED.

Borough of Beachwood Land Use Board
1600 Pinewald Road
Beachwood, NJ 08722
732-286-6000 ext. 220

AGENDA
June 28, 2021
7:00 PM

1. CALL REGULAR MEETING TO ORDER
2. FLAG SALUTE
3. CERTIFICATION OF COMPLIANCE - NJ Open Public Meetings Act: The time, date and location of this meeting was published in The Asbury Park Press on December 18, 2020 and The Star Ledger on January 5, 2021. This meeting meets all the criteria of the Open Public Meetings Act.
4. CHAIRMAN'S STATEMENT: This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times. Your comments will be limited to 5 minutes per person and we ask that you do not repeat what a previous person/objector has already objected to or commented on other than to acknowledge agreement.
5. ROLL CALL OF MEMBERS:
Tom Prince
Tom Abramski
Councilman Cairns
Michael Mandica
Randy Martin
David Raimann
Mayor Roma
Paul Swindell
TJ Wrocklage

ALTERNATES:

6. APPLICATION: Thomas Abramski 1120 Halliard Avenue – Block 5.56 Lots 3, 4, 5, 6, 8

The Land Use Board Engineer, John Hess, and the office of CME Associates have reviewed an application for a Use Variance and Preliminary & Final Major Site Plan approval for 1120 Halliard Avenue. The application was accompanied by the following information:

- A set of Preliminary and Final Major Site Plan drawings (12 sheets) prepared by Millis J. Looney, PE sheets 1-11) and John R. Berens, PE (sheet 12) with O'Donnell, Stanton & Associates, Inc. of Toms River, New Jersey dated November 11, 2020.
- A print of a Boundary & Topographic Survey (1 sheet) prepared by Joseph Canada, PLS with O'Donnell, Stanton & Associates, Inc. dated November 12, 2020.
- A set of floor plan and elevation drawings for the proposed building (2 sheets) prepared by Ronald D. Franke, RA with Architectural Management, Inc. of Medford, New Jersey and bearing a latest revision date of March 11, 2021.
- A Stormwater Management Report Prepared by Millis J. Looney, PE, CME dated November 11, 2020. Included with the report is a print of a Drainage Area Maps (1 sheet) prepared by Millis J. Looney, PE dated November 11, 2020.
- An Operation & Maintenance Manual for the Stormwater Infiltration Basin prepared by Millis J. Looney, PE, CME dated November 11, 2020.
- A completed Land Use & Development Application.
- A Statement of Operations for Contractors Warehouse.
- A completed Affidavit of Ownership, undated.
- A completed Affidavit of Non-Collusion dated March 18, 2021.
- Copies of statements from the Tax Collector's office which shows that the taxes on block 5.56, lots 4, 4, 5, 6 & 8 are paid through the fourth quarter of 2020.
- Copies of Tax Payment receipts dated February 18, 2021 which show that the first quarter taxes on block 5.56, lots 3, 4, 5, 6 & 8 have been paid.

The property in question consists of two (2) separate parcels which front on the westerly side of the Halliard Avenue and are located in the B-3a Business Zone. The first parcel, consisting of lots 3, 4, 5 & 6, block 5.56, is an irregularly shaped tract located on the southwest corner of the intersection of Halliard Avenue and Pinewald Road and having an area of 29,720 sf or approximately 0.682 acres. The second parcel, consisting of lot 8, block 5.56, is a rectangular tract located in the northwest corner of the intersection of Halliard Avenue and Walnut Street and having an area of 8,000 sf or approximately 0.184 acres. Lot 3, block 5.56 is currently occupied by a 1 story structure while the remaining lots are vacant. In addition, lots 3 & 4 are totally cleared while lots 5, 6 & 8 are vacant and wooded. We note that Halliard Avenue is improved in front of lot 3 and is a gravel surface in front of lot 4. The balance of Halliard Avenue and Walnut Street are unimproved paper streets.

The Applicant is now seeking a Preliminary and Final Major Site Plan approval to construct a contractors' warehouse on lots 3, 4, 5 & 6, block 5.56 and a storm water recharge basin on lot 8, block 5.56. The Applicant also proposes a 5 ft wide right of way dedication to Ocean County along the Pinewald Road site frontage. The contractors' warehouse will have a floor area of 10,250 sf and will be divided into 8 units consisting of 7 units having a floor area of 1,125 sf and 1 unit having a floor area of 2,341.9 sf. In addition, 11 parking spaces, including 1 handicap accessible parking space, are proposed at the site. In addition, a storm water recharge basin is proposed on lot 8, block 5.56. We note that a contractors' warehouse is a permitted use in the B-3a Zone. However, a storm water recharge basin is not a permitted principal use in the B-3a Zone. As a result, the Applicant requires a Use Variance from the Board.

A. ZONING REQUIREMENTS (B-3a Zone)

<u>Zoning Item</u>	<u>Required</u>	<u>Proposed</u>	
Minimum Lot Area (Lots 3, 4, 5 & 6)	16,000 sf	29,720 sf	
Minimum Lot Area (Lot 8)	16,000 sf	8,000 sf	*
Minimum Lot Width (Lots 3, 4, 5 & 6) (Pinewald Road)	160 ft	108.0 ft	*
Minimum Lot Width (Lots 3, 4, 5 & 6) (Halliard Avenue)	160 ft	276.8 ft	
Minimum Lot Width (Lot 8)	160 ft	80 ft	*
Minimum Lot Depth (Lots 3, 4, 5, & 6)	100 ft	100 ft	
Minimum Lot Depth (Lot 8)	100 ft	100 ft	
Min. Front Yard Setback (Pinewald Road)	20 ft	25 ft	*
Min. Front Yard Setback (Halliard Avenue)	20 ft	49.78 ft	
Min. Side Yard Setback (Lots 3 4, 5 & 6)	5 ft	5.1 ft	
Min. Side Yard Setback (Lot 8)	5 ft	N/A	
Min. Side Yard Setback (Combined) (Lots 3, 4, 5 & 6)	10 ft	21.91 ft	
Min. Side Yard Setback (Combined) (Lot 8)	10 ft	N/A	
Min. Rear Yard Setback (Lots 3, 4, 5 & 6)	N/A	N/A	
Min. Rear Yard Setback (Lot 8)	20 ft	N/A	
Maximum Building Height	35 ft	+/- 25 ft	
Maximum Number of Stories	2	1	
Maximum Lot Coverage (Lots 3, 4, 5 & 6)	35%	35%	
Maximum Lot Coverage (Lot 8)	35%	0%	
Minimum Off-Street Parking Spaces (1/300 sf)	34	11	*
Min. Distance Between Buildings	15 ft	N/A	
Min. Net Commercial Floor Area	1,500 sf	10,250 sf	

* = Variance Required

N/A = Not Applicable

B. COMMENTS ON THE USE VARIANCE

1. The applicant requires a Use Variance to permit a storm water recharge basin as a principal use on lot 8 which is not permitted in the B-3a Zone.
2. The Applicant must provide testimony to the Board regarding the special reasons which would allow the Board to grant a variance to permit a use which is not permitted in the B-3a Zone.
3. The Applicant must demonstrate to the Board that the required Use Variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

C. PLAT DETAILS & DESIGN COMMENTS

1. The proposed contractors' warehouse will be located on lots 3, 4, 5 & 6, block 5.56. As a condition of any approval granted by the Board, it is our recommendation that the Applicant be required to consolidate the existing lots. Prior to recording, a copy of the proposed Deed of Consolidation must be submitted to the Board for review and approval by the Board Attorney and the Engineer's office. In addition, the proposed lot number for the consolidated parcel must be approved in writing by the Tax Assessor.
2. A copy of any existing or proposed covenants or deed restrictions applying to the site must be submitted to the Board.
3. As required by Section 17-21.2k, fire lanes, 12 ft in width, must be provided across the front and rear of all new commercial and industrial uses with gross floor area in excess of 10,000 sf.
4. The Applicant should address the Board regarding the proposed hours of operation at the site and the proposed hours of operations of the site lighting.
5. As required by Section 17-21.3x, all development shall be served by paved streets with an all weather base and pavement with an adequate crown. We note that the Applicant is proposing to extend Halliard Avenue as a gravel street. The Applicant should address the Board regarding the reasons that would permit the Board to waive the requirement to pave the street.
6. The architectural plans show that the siding and roofing will be painted steel. The Applicant should provide testimony to the Board regarding the colors that are proposed for the siding and roofing.
7. There are discrepancies between the information shown on the Zoning Bulk Requirements table on sheet 1 of the site plan drawings and the information shown on the Site Layout Plan (sheet 3). In addition, the table states that the area of lots 3, 4, 5 & 6 will be 37,168.29 sf after the right-of-way dedication whereas General Note #2 on sheet 1 states that the area will be 37,188.29 sf. Therefore, the table must be reviewed and updated as necessary to reflect the proposed conditions shown on the Site Layout Plan.
8. It shows on sheet 3 that the proposed contractors' warehouse will have a floor area of 10,250 sf. However, the floor areas listed on sheet 3 for each of the 8 units only total 10, 216.9 sf. This discrepancy must be resolved.
9. It shows on sheet 3 that the Applicant proposes to extend Halliard Avenue to a point just past the common lot line between lot 7 & 8, block 5.56. We note that the basin access drive will be located past the end of the proposed road extension. It is our recommendation that Halliard Avenue be extended to a point past the proposed basin access drive.
10. A cross-section of the proposed extension of Halliard Avenue must be added to the plans.
11. Sheet 3 includes a callout for a 2 ft wide saw cut and pavement repair strip along the Pinewald Road site frontage which states "See Detail." However, our office is unable to locate the referenced detail on the plans.
12. The Applicant must clarify the purpose of the proposed pavement repair strip along Pinewald Road. If the pavement repair strip is proposed to accommodate the installation of curbing along the site frontage, then the plans must include a callout for the proposed curbing. In addition, since Pinewald Road is a County Road, a County curb and pavement repair detail must be added to the plans.
13. It shows on sheet 3 that a Site I.D. Sign is proposed adjacent to Pinewald Road. A detail of the proposed sign must be added to the plans. In addition, the Applicant must demonstrate that he proposed sign complies with the requirements in Section 17-21.3s.
14. The Applicant should address the Board regarding whether any wall mounted signs are proposed at the site. If wall mounted signs are proposed, the locations should be shown on the plans and the appropriate details provided. In addition, the Applicant must demonstrate that the signs comply with the requirements in Section 17-21.3s.
15. It shows on sheet 4 that a wood retaining wall with handrail is proposed along the northerly side of the loading zone access driveway. Our office is unclear regarding proposed in this area. We note that there is a callout showing a top of wall elevation of 65.10 and a bottom of wall elevation of 61.00 which points to the entrance door to Unit 8. In addition,

the plan shows a 3 ft gate adjacent to this location. A detail should be provided to clarify what is proposed in this area. In addition, a detail of the proposed handrail must be provided.

16. On sheets 4, 9 & 12, some of the text overlaps and is unreadable such as the proposed finish floor elevation and the Allen block wall callout.

17. It shows on sheet 4 that a top of wall elevation of 60.00 is proposed adjacent to the trash enclosure. In addition, a top of curb elevation of 61.20 is proposed at the corner of the trash enclosure approximately 3 ft away resulting in a slope of 40% which is excessive.

18. It shows on sheet 4 that a storm manhole (MH#1) is proposed. Therefore, a storm manhole detail must be added to the plans.

19. It shows on sheet 4 that a wet tap connection is proposed to the existing 8" ACP water main in Pinewald Road. The size of the proposed water service must be shown on the plans and a water service detail must be provided.

20. The plans must be revised to include bedding and trench restoration details for the proposed pipes.

21. The Refuse Area Detail on sheet 8 must be revised to specify the type of fence material that is proposed for the enclosure. We note that the detail only specifies a board on board gate.

22. Section A-A on sheet 11 must be revised to show the depth to the seasonal high water table beneath the bottom of the basin.

23. The State of New Jersey adopted new Stormwater Management Regulations (NJAC 7:8) which went into effect on March 2, 2021. These regulations define "Major Development" as a development which results in:

- a) The disturbance of one or more acres of land since February 2, 2004;
- b) The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
- c) The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2004; or
- d) A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Based on the above, the proposed project is classified as a Major Development. Therefore, the Applicant should address the Board regarding whether the proposed design complies with the latest Stormwater Management Regulations; and if not, their plans to bring the design into compliance.

18. The Stormwater Management Report shows that the stormwater runoff from the site was calculated using Hydraflow with a minimum time of concentration of 10 minutes. It is our understanding that Hydraflow uses the TR-55 method which specifies a minimum time of concentration of 6 minutes (0.1 hrs). Therefore, the calculations must be revised accordingly.

19. The Conduit outlet Protection Calculations in the Stormwater Management Report states that the thickness of the rip-rap apron may be 2 times the median stone diameter provided that the apron is constructed on a bedding of four (4) inches of $\frac{3}{4}$ " clean stone on approved filter fabric material. Therefore, the Rip-Rap Apron detail on sheet 9 must be revised to show the required bedding.

20. As stipulated in Section 17-32.10b, the Operation & Maintenance Manual for the Stormwater Infiltration Basin must include the following items:

- a) Cost estimates, including the estimated cost of sediment, debris, or trash removal.
- b) The telephone number of the person responsible for preventative maintenance.
- c) A statement that in the event the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person

in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, then the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

d) A statement that the person responsible for maintenance shall evaluate the effectiveness of the maintenance plan at least once per year and will adjust the plan and the deed as needed.

20. As stipulated in Section 17-32.10b.4, the maintenance plan and any future revisions to the maintenance plan shall be recorded upon the deed of record or each property on which the maintenance must be undertaken. Prior to recording, a copy of the deed must be submitted for review and approval by the Board Attorney and the Engineer's office.

D. OUTSIDE AGENCY APPROVALS

This application is subject to the following outside agency approvals:

1. Ocean County Planning Board.
2. Ocean County Soil Conservation District.
3. All other outside agency approvals as required.

E. RECOMMENDATIONS

Based on the Engineer's review of the submitted information, they recommend that this application be deemed **complete** for consideration by the Land Use Board subject to the Applicant complying with all applicable notification requirements as set forth in the Borough of Beachwood Code and the Municipal Land Use Law.

Open to the Public –

Close to the Public –

Motion:

Second:

Roll Call:

BOARD MEMBERS:

Tom Prince
Tom Abramski
Councilman Cairns
Michael Mandica
Randy Martin
Tom Prince
David Raimann
Mayor Roma
Paul Swindell
TJ Wrocklage

PROFESSIONALS:

Robert Ulaky, Esq.
John Hess, PE, CME

Borough of Beachwood Land Use Board
June 28, 2021

7. BUSINESS OF THE BOARD

a. Review of Updated Storm Water Prevention Plan

**Motion to Approve the Amendment of the Master Plan:
Second to Approve the Amendment of the Master Plan:
Roll Call**

b. Review of Storm Water Management Plan

**Motion to Approve the Amendment of the Master Plan:
Second to Approve the Amendment of the Master Plan:
Roll Call**

c. 2020 Zoning Board Annual Report

8. RESOLUTIONS – None

9. BILL LIST APPROVAL – \$3,893.00

10. APPROVAL OF MINUTES: May 10, 2021

**Motion:
Second:
Roll Call**

11. OLD BUSINESS

12. OPEN MEETING FOR GENERAL PUBLIC FORUM

13. ADJOURN

Next Meeting Scheduled for July 12, 2021