

WEST LONG BRANCH PLANNING BOARD
MEETING AGENDA

October 13, 2015
7:30 PM

1. Roll Call: Chairman Stephen Bray * Councilman John Aria
Mr. James Miller Mayor Janet Tucci
Mrs. Sarah O'Neill Mr. Gordon Heggie
Vice Chairman Joseph Gallo
Mr. Kenneth Walters
Mrs. Ellen Twigg
2. Requirements of the Open Public Meeting Law
3. Review and approval of the minutes: September 8, 2015
4. Site Plan Exemption Recommendations – None
5. Resolutions:
 - A. PB 2015-04 Auto Zone – Block 69, Lots 15 &16 – 135 Route 36
Completeness Waivers – Major Site Plan/Variations
 - B. PB 2015-07 Schneider & Nelson – Block 76, Lot 3.2 – 270/280 RT 36
Completeness Waivers – Amended Site Plan Phase II/Variations
6. Applications:
 - A. PB 2014-04 Onacilla – Block 74, Lots 14,15 &16 – 67/71
Throckmorton
Completeness Waivers – Minor Subdivision
7. Adjournment

REGULAR MEETING
OF THE PLANNING BOARD
OF THE BOROUGH OF WEST LONG BRANCH

September 8, 2015

The Regular Meeting of the Planning Board of the Borough of West Long Branch was held on September 8, 2015 at 7:30 PM in Borough Hall.

It was verified that adequate notice of the meeting was published in accordance with the Senator Byron M. Baer Public Meetings Act (N.J.S.A. 10:4-6), known as the Open Public Meeting Law.

Chairman Stephen Bray called the meeting to order at 7:30 PM.

ATTENDANCE

The recording secretary called the roll for attendance, as follows:

Members Present:	Vice Chairman Joseph Gallo Mayor Janet Tucci Councilman John Aria Mr. Kenneth Walters Mr. James Miller Mrs. Sarah O'Neill
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Members Absent:	Mr. Gordon Heggie Chairman Stephen Bray Mrs. Ellen Twigg
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Others Present:	George Cieri, Esq. Fran Mullan, P.E. Lisa Norman, C.S.R.
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Vice Chairman Joseph Gallo opened the meeting at 7:30 PM

The Mayor advised that Gordon Heggie was recovering from surgery and would be gone for a couple of months, but was doing well.

REVIEW AND APPROVAL OF THE MINUTES

Mrs. O'Neill made a motion to approve the minutes as written for the August 11, 2015, meeting of the Board. Mr. Miller seconded the motion, which was approved by the following roll call vote:

AYES: Councilman Aria, Mr. Miller, Mayor Tucci, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.
NAYES: None
NOT POLLED: None

SITE PLAN WAIVER COMMITTEE REPORT: None

RESOLUTIONS:

PB 2015-01, Ercolino – B: 29, L:1, 74 Brookwillow - The Board reviewed the resolution for the application. Mr. Miller made a motion to approve the resolution, which was seconded by Mr. Walters, and approved by the following roll call vote:

AYES: Mr. Miller, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.
NOT POLLED: Mayor Tucci.
ABSTAINED: Councilman Aria.

PB2015-06, JSM B:70, L:40.01, 216 RT 36 (Walgreens site) – The Board reviewed the resolution for the application. Councilman Aria made a motion to approved the resolution, which was seconded by Mrs. O'Neill, and approved by the following roll call vote:

AYES: Councilman Aria, Mr. Miller, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.
NAYES: None
NOT POLLED: Mayor Tucci .

APPLICATIONS:

New Application: PB2015-04
Auto Zone – B:69, Lots 15&16
135 Route 36
Completeness Waivers, Preliminary & Final Site Plan and Variances

The proofs were reviewed and Mr. Cieri found that the Board had jurisdiction. Frank DeVito, Esq., was present on behalf of the applicant. Mr. DeVito asked that the Board consider first a request for the completeness waivers as listed in the T&M review dated August 3, 2015, "Attachment A".

Mayor Tucci made a motion to approve the completeness waivers as recommended by T&M listed on "Attachment A". Mr. Walters seconded the motion, which was approved by the following roll call vote:

AYES: Mayor Tucci, Councilman Aria, Mr. Miller, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.

NAYES: None
NOT POLLED: None

Mr. DeVito stated that he was in receipt of the Police, Fire, and Shade Tree Commission reports, and will comply with and address all recommendations therein. He introduced Everett Farrell, P.E., who was sworn, and accepted as an expert witness.

Mr. Farrell, introduced a mounted aerial photograph of the property as A-1. He described the general area and location of the site, which presently contains the Raceway Diner. He advised that to the east is the BP gas station, to the west is a wooded area, which contains some wetlands, and to the rear is a stream and wetlands. He testified that the applicant proposes to knock down the existing building and rebuild a new structure in approximately the same location, utilizing the existing driveways, lighting and parking areas. Mr. Farrell introduced a colored rendering of the site plan as A-2, showing the 8,000 SF Auto Parts retail structure, with the impervious coverage reduced, the parking configuration slightly modified, the location of the solid waste dumpsters, and recycling to be located in the building. He testified that all utilities would remain the same. He stated that they applied to the NJDEP for a L.O.I. (letter of interpretation) for location of wetlands, and as shown on the plans all of the improvements are located outside of the wetlands and associated wetlands buffers. He stated that a D.O.T. requirement is that they consolidate the two lots, which they have confirmed will be done by the tax assessor, and they will be given a new lot number. They have applied to the Monmouth County Planning Board and received a letter of no interest, and Monmouth County Soil approvals have been received. They are proposing new landscaping and lighting as shown on the plans. He testified that the applicant is seeking minor variances for slight encroachment on the rear and easterly corners of the building because of the slight angle of the building. They are proposing a façade sign, which is in compliance with the ordinance, and a new face on the existing pole sign, with no change in square footage. He testified that the pole sign will not change in height, distance from the ground, or location, from the existing sign.

Mr. Mullan stated that he realized that the applicant has complied with the minimum landscaping required for the site, however, he recommended that there be additional landscaping on the front of the building and parking lot, as well as the easterly border, in order to break up and enhance the stark flat façade that is proposed. The applicant agreed to work with the engineer to supplement the landscaping on the site. Mr. Miller asked about a sidewalk on the front of the site. Mr. Farrell stated that the applicant is requesting a waiver of the requirement, because the sidewalk would not go anywhere. Board members agreed that people walk along the highway coming from Oceanport Avenue, and, sidewalks should be installed to help keep pedestrians off of the highway. Mr. Mullan asked if the building could be shifted slightly to move out of the setbacks. Mr. Farrell testified that they configured the lot so that tractor-trailer delivery to the building will be ample distance for safe delivery.

Mayor Tucci asked if they meet the requirements of the Fire Marshall. Mr. Farrell stated that they would meet the Fire requirements. Mr. Farrell further described the operations

of the Auto Zone. He stated that they are strictly a retail store for auto parts. He stated that no repairs or service will occur at the site. He stated that the Auto Zone franchise is very strict about making sure that no work is ever done on site. They also offer a recycling collection service to the public for free. They have a container inside that holds recycled oil. They will exchange old batteries for purchased new ones. He explained that the oil is picked up by an independent licensed service when it is full. Mr. Farrell described the facility as having approximately 8 employees, with 4 on site at any given time. The hours of operation are 7 days a week, 8-10 M-S, and 9-8 on Sunday. The lights automatically go off at 11:00PM. The deliveries to the facility are usually once a week, and they control the hours they arrive, which is an off peak time. Delivery is on site, not on the highway.

Mr. DeVito asked that the Board require more landscaping, but not a sidewalk. He stated that the sidewalk would not go anywhere. The Board stated that they wanted to see both. They would like to see additional landscaping at the front of the building and a sidewalk. Mr. Mullan asked if there would be any outside display or sale of goods. Mr. DeVito stated that there was no outside sales, or display of goods at all. Mr. Farrell testified that the sign would be internally lit, and not contain any digital moving signage. Mr. Mullan asked about the lack of parking islands to break up the look of the parking lot. Mr. Farrell stated that the applicant was concerned about creating a problem for snow plows, and they would like a waiver from that requirement. The Board members agreed that the applicant could design the islands on the corner of the building with mountable curbs or markers to keep the plows from hitting them. Mr. Mullan asked about the parking spaces closest to the highway. He stated that the requirement is for 34 spaces and they are proposing 38, could they eliminate two of the spaces. Mr. Farrell testified that originally they had proposed 45, because 45 is the model for these stores, and the client wishes to have at least the 38 proposed. Councilman Aria was concerned about the possibility of people working on their cars in the parking lot. He asked if they would install a sign, which states it is not allowed. Mr. DeVito stated that the company is very strict on that issue for their own liability if nothing else, and they would not allow work to be done in their parking lot. Mr. Mullan asked about the specs of the parking lot, and agreed that if the applicant can satisfy them that the geotech report is acceptable, their proposed is sufficient. The grading and drainage will remain the same. Mr. Farrell testified that there are no drains in the building itself. Mr. Farrell testified that that they are proposing 6' high evergreens on the dumpster area, with a gated enclosure of block to match the building with a chainlink gate with privacy slats. Mr. Farrell stated that they will provide irrigation to water the proposed landscaping. The landscaping and lighting plan sheet was marked as A-3, which details 5 pole lights and 4 wall mounted lights. He testified that they would adjust the lighting levels to comply with the ordinance.

William Smith, was sworn, and stated that he is the Real Estate Development manager for Auto Zone. He testified that most of their cardboard recycling is done in house, that they reuse their cardboard boxes. He stated that most stores have 8 employees on the property on Saturday because that is their busiest day. He stated that the closest Auto Zone is in Neptune.

Mayor Tucci stated that she was in favor of the application, but she wanted to see additional landscaping islands at the front of the building to break up the stark look of the façade, and parking lot. Councilman Aria agreed, and stated that they could design the islands to have roll curbs to avoid plow or truck damage. He also recommended that flag markers be added to help locate them in the snow.

There was no public comments or questions.

Councilman Aria made a motion to approve the application conditioned upon compliance with the items agreed upon, the reviews of the Shade Tree Commission, Police, and Fire, additional landscaping and landscaping islands on the corners, a sidewalk and oil recycling available to all of the public. Mrs. O'Neill seconded the motion, which was approved by the following roll call vote:

AYES: Mayor Tucci, Councilman Aria, Mr. Miller, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.

NAYES: None

NOT POLLED: None

New Application: PB 2015-07

Schneider & Nelson – B: 76, L:3.2

270/280 Route 36

Completeness Waivers – Amended Major Site Plan Phase II/Variances

Albert Zager, Esq., was present on behalf of the applicant, Schneider & Nelson Realty, who owns the property, and the tenant Schneider & Nelson Auto Group Stores, in a continuation of the prior application for changes and renovations to the site. The property was before the Board prior for approvals for a new underground drainage, renovations, and parking on the Porsche side (west) and now on the east side proposed renovations/expansions and changes to the Audi side, which is to be a Jaguar/Land Rover – Range Rover dealership. The Audi dealership is moving to the north side of the highway in Eatontown. The proofs were reviewed and Mr. Cieri found that the Board had jurisdiction.

Mr. Zager asked that the Board to consider the completeness waivers as listed in the T&M letter of August 12, 2015, "Attachment A". The other waivers listed in "C" of the letter have been addressed or can be a condition of approvals. Mrs. O'Neill made a motion to approve the waivers as listed in "Attachment A", which was seconded by Councilman Aria, and approved by the following roll call vote:

AYES: Mayor Tucci, Councilman Aria, Mr. Miller, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.

NAYES: None

NOT POLLED: None

Mr. Zager has reviewed the letters from the Police/Traffic and Fire Marshall and had no objection to complying with those comments.

John Manialio, P.E., was sworn and accepted as an expert witness. Mr. Manialio introduced a mounted aerial photograph of the site and surrounding area, as A-1. He described the 6.8 acre parcel which is located in the Highway Commercial Zone, and presently contains two auto dealerships. Mr. Manialio introduced a colored rendering of the site plan as depicted in the previous approval as A-2. He introduced a colored rendering of the new proposal with highlighted areas depicting the changes proposed, dated 9/8/15, as A-3. Mr. Manialio described to the Board the changes, which included the removal of the 10 bay doors at the rear of the building, opening out to the rear (and residential properties) to two doors on the side enclosing all of the new bays. The new proposal reduces the facility slightly from the previous submission. Mr. Manialio also described the re-design of the driveway so that car delivery can now be accomplished on the site instead of on the highway entrance. Mr. Manialio also submitted a copy of the plan showing the car carrier movement into the site, with a K-turn movement to the east, which required the removal of 8 spaces on that side, which was marked A-4.

Mr. Manialio testified regarding the design waivers and variances required, which were two principal structures on one lot (existing), front setback, and screening of improvements (none is offered on the east where there is wetlands) nor the rear where there is a buffer. A trash enclosure is 6 feet from the property line on the west side, where there is a storage facility use adjacent. A variance is required for the driveway which is 30' required, 40' proposed. He testified that the D.O.T. requires 40 feet. Mr. Manialio submitted as A-5, a detail of the sign, which is on sheet 8 of the site plan. He explained that they are requesting 8 signs whereas the Porsche/Audi has 7 signs existing. He explained that there will be 3 signs on the Porsche side, and 5 on the Land Rover/Jaguar side. He stated that all were previously approved and necessary because of the multiple brands on the site, and in addition signage directing to the service area. He testified that Porsche wants to relocate the freestanding sign to the west side of the driveway, which will be 7' from the property line, whereas 20' is required. They require relief from the total square footage as well as the signs will be to the ground, whereas 4' is required to the base of a sign. The monument sign is a signature design of the dealerships. There are several directional signs requiring relief also, which are needed for the safe movement through the site. Mr. Manialio submitted an architectural rendering (A-6) of the Porsche dealership front (slightly modified) for the Board's information, illustrating the outside look of the new structure, as well as an architectural rendering of the new Jaguar/Land Rover building (A-7). He referred to the earlier exhibit (A-3) of the site plan which shows the location of the rock articulation structure used to demonstrate the unique capability of the Land Rover and Range Rover which can climb rocks. This is similar to the one in Ocean Township. Fran Mullan stated that the plans show them at 3' high, where the one in Ocean Township appears to be about 15' high. Mr. Manialio stated that they do not have the exact dimensions yet from the franchise. Mayor Tucci asked if it was necessary as it is in the rear of the building where it can likely be seen by the residential homes in the back. She pointed out that the residents who were concerned at the last meeting left not

seeing this new structure/use. Mr. Manialio described the structure as not noisy. It was determined to be approximately 200 feet from the rear property line.

Mr. Mullan summarized for the applicant's concurrence. He stated that this application will be subject to any and all prior commitments agreed to by the applicant including supplementing the buffer and repairing and replacing any broken pavement or curbing, as well as all other conditions of the prior approvals. Mr. Manialio agreed. Mr. Mullan asked if the applicant agrees to all of the other technical requirements as listed in the T&M letter of 8/15/15, and Mr. Manialio agreed. Jim Miller reminded the applicant about the condition to mitigate any noise from the overhead doors, and no alarms to locate cars. Mr. Walters asked how the car carrier truck will manipulate in the parking lot. He asked if there would be assistance from the dealership.

Mr. Rich Williams, the Chief Operating Officer for the Jaguar/Land Rover dealership and General Manager, was sworn. Mr. Williams explained that the trucks will have assistance from someone on site. They are called in advance. He explained that there are **less** frequent deliveries for these autos. Joseph Gallo asked him to explain the rock articulation area. Mr. Williams explained that, like Ocean Township's dealership, people who buy these cars like to see what they can do. One of the special features is that there is a gear that the car is put into and it slowly articulates the automobile up a rock course and down. He explained that they do not have the specifics yet from the franchise. The Board agreed that there needed to be specific information on this, it could not be open ended. He explained the manipulation of the car carrier with the help of a flag man. He explained it would be a "k" turn back forward onto the highway so no assistance would be required on the highway. He explained that even though they do not control the drivers, they would require them to drop on site, or refuse the delivery. Mr. Mullan asked that a plan note be added, as well as a condition of approval that no delivery will take place on the highway any longer. The Board also required that the applicant stipulate to a limit of the height of the rock articulation. It was determined that six foot high was the maximum height of the rock articulation.

Mr. Walters made a motion to approve the application conditioned upon all of the prior stipulations and conditions of approvals, conditions stipulated at this hearing, as well as a stipulation that no delivery will take place on the highway, and the rock articulation will be no higher than 6 feet and not noisy. Councilman Aria seconded the motion, which was approved by the following roll call vote:

AYES: Mayor Tucci, Councilman Aria, Mr. Miller, Mrs. O'Neill, Mr. Gallo, and Mr. Walters.

NAYES: None

NOT POLLED: None

There being no further business the meeting was adjourned at 10:11PM.
Respectfully submitted,

Anna R. Wainright, Board Secretary

GEORGE CIERI
ATTORNEY AT LAW
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LONG BRANCH, NEW JERSEY 07740-1718
732-229-5655/732-229-3809(FAX)
EMAIL ADDRESS: georgecieriesq@gmail.com

September 28, 2015

Email
Board Members
West Long Branch Planning Board
965 Broadway
West Long Branch, NJ 07764

RE: Resolution of Application of AutoZone Northeast, LLC

Dear Board Members and Engineer:

In reference to the above, the attorney for the applicant has proposed changes to the Resolution. Enclosed is a copy of the revised Resolution, with the changes highlighted.

If you have any questions or problems, please call me.

Thank you for your kind consideration.

Very truly yours,

GEORGE CIERI

GC:jp
Encls.
CC: Francis W. Mullan, P.E.
Anna Wainwright

RESOLUTION OF THE WEST LONG BRANCH PLANNING BOARD
APPROVAL OF PRELIMINARY AND FINAL MAJOR SITE PLAN (PB 2015-04)
AUTOZONE, NORTHEAST, LLC
FOR PREMISES KNOWN AS PART OF LOTS 15 AND 16, BLOCK 69

WHEREAS, AutoZone Northeast, LLC. is the owner of Lots 15 and 16 , Block 69, on the official tax map of the Borough of West Long Branch, commonly known as 135 Highway 36; and

WHEREAS, AutoZone Northeast, LLC, Inc. has made application to the West Long Branch Planning Board for a preliminary and final major site plan; and

WHEREAS, the Planning Board conducted a public hearing on the application on September 8, 2015, with notice to the adjoining property owners and upon notice to the appropriate newspapers having general circulation within the municipality and all in accordance with the Municipal Land Use Law; and

WHEREAS, the Board heard and considered all the testimony presented by the applicant, heard and considered all of the objections, questions, and comments of the public present at the various meeting, and based upon same makes the following findings of fact:

1. Good, proper, and timely notice has been served on all property owners within 200 feet of said premises as required by the Municipal Land Use Law.
2. Adequate publication has been provided in the Asbury Park Press, the official newspaper of the Borough of West Long Branch as required by the Municipal Land Use Law.
3. All taxes on the premises are current and have remained current through the proceedings conducted before the Planning Board.
4. Based upon the proof of service, proof of publication, proof of payment of

taxes, and based upon the relief sought by the Applicant it is hereby determined and established by the Planning Board that it has jurisdiction to hear and determine the application before it in all respects.

5. The site is commonly known as Block 69, Lots 15 and 16, and is also known as 135 Highway 36, in the Borough of West Long Branch, west side of County Route 537 and east of Motor Vehicle Commission.

6. The applicant is requesting minor site plan approval together with preliminary and final major site plan approval together with variances. In addition, the applicant seeks to demolish the existing 3,528 square foot Raceway Diner building and to construct a new 6,816 square foot AutoZone commercial building. The applicant also seeks site improvements including but not limited to parking areas, driveways, landscaping, lighting and signage improvements. **In addition, the applicant seeks to consolidate two separate lots (Lots 15 & 16) into one new lot.**

7. At the September 8, 2015 meeting, the Planning Board approved and accepted the application as complete, and granted certain waivers pursuant to the Planning Board's Engineer's recommendation as set for in his letter dated August 3, 2015. A true copy of the Borough Engineer's letter is attached to this Resolution.

8. The following waivers/variances were requested:

1. The applicant is proposing a rear yard setback of 11.8 ft. 20 ft. is the minimum rear setback; therefore a variance is required.

2. A 25 ft. wide buffer zone along all side and rear property lines is required. The applicant does not proposes any new landscaping within the required buffer area; therefore a variance is required.

3. The applicant proposes one (1) internally illuminated wall sign (149.75 sq. ft.) and one (1) double sided freestanding sign (64 sq. ft.). The Ordinance requires that a freestanding sign should not exceed 30 sq. ft. on any one side and should not have a height of greater than 12 ft. Hence a variance is required to permit the non-conforming 64 sq. ft. sign area. In addition, the proposed freestanding sign is greater than 12 ft. in height and a variance is required for that.
4. The Ordinance requires the sign to be at least 20 ft. from the street. The proposed new freestanding sign shall only be 3.5 ft. from the property line. Therefore, a variance is required.
5. The applicant proposed a portion of the proposed parking spaces to be within the minimum required front yard. A portion of the parking is in the front yard setback and a variance is required.
6. The Ordinance permits a pre-exists ingress and egress driveway widths of 30 ft. The applicant has a pre-existing non-conforming ingress and egress driveway widths of 50 ft. A variance is required.

9. The applicant introduced an witness who was certified as an expert in the field of Engineering. In addition, a number of exhibits were admitted into evidence. In addition, the applicant, through the witness and through the applicant's attorney confirmed their review and approval of the Borough Engineer's letter as to all recommendations and conditions.

10. Based upon the above findings of facts, and from all of the evidence submitted

to the Board, the Board is satisfied that the application will not adversely affect the Master Plan or the Zoning Plan of the Borough of West Long Branch, and the proposed use is compatible with the other uses in the area, and will not be deleterious to the health, safety, welfare and development in which it is located.

NOW THEREFORE, BE IT RESOLVED the Planning Board of the Borough of West Long Branch, on this 8th day September 2015, does hereby GRANT approval to the applicant for preliminary and final major site plan approval, **together with all variances as heretofore set forth; and all waivers as recommended in the Borough Engineers letter of August 3, 2015; and lot consolidation**, subject to the following conditions and restrictions:

1. The applicant must obtain all necessary outside approvals from the following, as and if required:
 - (a) New Jersey Department of Transportation;
 - (b) Monmouth County Planning Board;
 - (c) Two Rivers Water Reclamation Authority;
 - (d) Freehold Conservation District;
 - (e) Fire Marshall;
 - (f) Regional Sewer Authority;
 - (g) Soil Conservation and Sediment Control Approvals and Permits;
 - (h) New Jersey Department of Environmental Protection, if required.
2. The applicant must post performance and maintenance guarantees, satisfactory to the Borough Engineer.
3. Subject to the applicant paying to the Borough's Affordable Housing Trust

Fund, any and all applicable development fees, and subject to the applicant further satisfying any applicable “Affordable Housing” requirements as established by State statutes/regulations and/or municipal ordinances.

4. Subject to the following specific conditions:

- a. The applicant shall add landscaping to the subject property, subject to review, approval and consultation with the Borough Engineer.
- b. The applicant shall provide landscaping in the parking **islands** in the front of the building, and more specifically in the corners, which landscaping shall be with the approval and review of the Borough Engineer.
- c. The paving substance shall be submitted to the Borough Engineer for his review and approval.
- d. The applicant shall further comply with all recommendations and conditions as set forth in the Borough Engineer’s letter of August 3, 2015.
- e. The applicant shall secure a new lot designation from the tax assessor and shall provide same, in writing, to the City Clerk’s Office.**

5. Provided however, that in the event any other agency or authority shall require any changes in the plans herein approved, then any such changes must be submitted to this Board for review and approval. In addition, if another governmental agency grants a waiver or variance of regulation, which effects this approval, or creates any condition effecting this approval, or otherwise requires any changes in the plans herein approved, then this matter shall be brought back before the Board to review any such action, and the Board shall have the right to modify this approval and/or the conditions attached hereto as a result of any such action.

By: _____, Chairman
West Long Branch Planning Board

Attest:

, Secretary

MEMBERS ELIGIBLE TO VOTE: YES NO ABSTAIN

JOSEPH GALLO
SARAH O'NEIL
JOHN ARIA
JAMES MILLER
MAYOR JANET TUCCI
KENNETH WALTERS

GEORGE CIERI
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EMAIL ADDRESS: georgecieriesq@gmail.com

October 1, 2015

Board Members
West Long Branch Planning Board
965 Broadway
West Long Branch, NJ 07764

RE: Resolution of Application of Schneider + Nelson Realty, LLC
(Jaguar/Land Rover)

Dear Board Members:

In reference to the above, please find enclosed a revised proposed Resolution. This revision was made pursuant to comments from attorney Albert Zager.

Respectfully, the majority of the changes are directed to language and clarification. However, one (1) specific correction was made to paragraph 10 (n) as to a front setback dimension.

Certainly if you have any questions or problems, please do not hesitate to contact me. Otherwise, I would recommend the adoption of this proposed Resolution at the public hearing.

Thank you for your kind consideration.

Very truly yours,

GEORGE CIERI

GC:jp
Encls.

CC: Francis W. Mullan, P.E.
Anna Wainwright
Michael Irene, Esq.

RESOLUTION OF THE WEST LONG BRANCH PLANNING BOARD
APPROVAL OF PRELIMINARY AND FINAL MAJOR SITE PLAN
SCHNEIDER + NELSON REALTY, LLC (JAGUAR/LAND ROVER)
FOR PREMISES KNOWN AS PART OF LOT 3.02, BLOCK 67

WHEREAS, Schneider + Nelson Realty, LLC is the owner of Lot 3.02 , Block 67, on the official tax map of the Borough of West Long Branch, commonly known as 270 Highway 36; and

WHEREAS, Schneider + Nelson Realty, LLC has made application to the West Long Branch Planning Board for a preliminary and final major site plan together with appropriate bulk variances; and

WHEREAS, the Planning Board conducted a public hearing on the application on September 8, 2015, with notice to the adjoining property owners and upon notice to the appropriate newspapers having general circulation within the municipality and all in accordance with the Municipal Land Use Law; and

WHEREAS, the Board heard and considered all the testimony presented by the applicant, heard and considered all of the objections, questions, and comments of the public present at the various meeting, and based upon same makes the following findings of fact:

1. Good, proper, and timely notice has been served on all property owners within 200 feet of said premises as required by the Municipal Land Use Law.
2. Adequate publication has been provided in the Asbury Park Press, the official newspaper of the Borough of West Long Branch as required by the Municipal Land Use Law.
3. All taxes on the premises are current and have remained current through the proceedings conducted before the Planning Board.

4. Based upon the proof of service, proof of publication, proof of payment of taxes, and based upon the relief sought by the Applicant it is hereby determined and established by the Planning Board that it has jurisdiction to hear and determine the application before it in all respects.

5. The site is known as Block 67, Lot 3.2 on the records of the **Tax Collector of the Borough of West Long Branch**. The site is located on the south side of Highway 36, west side of Route 71, and east of the Consumer Square Shopping Center.

6. The applicant is requesting an amended preliminary and final major site plan approval to construct a new approximately 7,570 square foot addition to the existing Porsche building and to construct a total of 3,515 sq. ft. addition to the existing 16,747 sq. ft. Audi building, which will be used as the Jaguar/Land Rover building. The applicant further proposes site improvements including but not limited to parking areas, driveways, stormwater management, landscaping lighting and signage improvements.

7. The site is a 6.78 acre property commonly known as Block 67, Lot 3.02 that is located on the south side of Highway 36, west side of Route 71 and east of the Consumer Square Shopping Center. The Tract also abuts the Arlene Drive development in the rear.

8. The applicant has previously received approval from various Boards of the Borough of West Long Branch. For the purposes of this Resolution, a summary of the prior action can be summarized as follows:

- (a) In 2008, the Zoning Board of Adjustment granted a use variance and a waiver of site plan to construct two (2) additions to the Porsche and Audi dealerships.

(b) In 2009 the property was rezoned; and as a result this tract is now located in the HC (Highway Commercial) Zone, which permits new automobile sales agencies as a conditional use, together with associated repair shop and new car lots with incidental outdoor display of used cars.

(c) In 2013 the Planning Board granted conditional preliminary and final major site plan approval to construct a new 6,600 sq. ft. underground stormwater management chamber and a new parking area and access way. To date, those approvals have not been addressed by the applicant and the approval has not been perfected.

(d) In 2014 the Planning Board granted conditional preliminary and final major plan approval for the construction of a 7,271 sq. ft. addition to the existing Porsche building, to construct a total of 6,917 sq. ft. addition to the existing 16,861 sq. ft. Audi building together with associated improvements.

This 2014 approval superseded the 2013 approval and has been perfected.

9. At the September 8, 2015 the Planning Board approved and accepted the application as complete and granted certain waivers pursuant to the Planning Board's Engineer's recommendations as set forth in his letter dated August 12, 2015.

10. The following waivers/variances were requested, and the testimony before the Board established the following:

- (a) The Ordinance permits that each lot shall only contain one (1) principal structure. The application is seeking to **expand the two (2) principal structures**, which currently exist.
- (b) The Ordinance requires a 25 foot wide buffer zone along all sides and rear property lines. The applicant is seeking a non-conforming pre-existing buffer width of 10 ft. only on the westerly side.
- (c) The Ordinance requires that when a commercial zone abuts a residential zone, the require buffer shall be increased to the required set back of the zone. The site has a pre-existing non-conforming buffer width of 41 feet, where a minimum 75 ft. buffer is required. A variance is required.
- (d) The applicant requires a variance to permit three (3) signs on the Porsche building and two (2) existing signs on the Audi building where only one (1) sign is permitted per façade.
- (e) A variance is required for the pre-existing non-conforming free standing sign set back 9 ft. where a minimum of 20 ft. is required.
- (f) A variance for freestanding signs that have less than four (4) ft. of clearance from ground level is required.
- (g) A variance to permit a portion of the parking spaces within the minimum required front yard is required.
- (h) A variance to permit the pre-existing non-conforming ingress and egress driveway width of approximately 46 and 42 ft. where a maximum width of 30 ft. is permitted is required.

- (i) A variance to permit three (3) barrier free parking spaces where six (6) are required by ADA is required.
- (j) A variance for not having a sidewalk along Route 36 is required.
- (k) A variance is required to permit 16 of the parking spaces to be stacked.
- (l) A variance is required to permit aisles that are less than 20 ft. in width and parking spaces 8.5 ft. by 17 ft. where a minimum space size of 9 ft. x 18 ft. is required.
- (m) A variance is required for not installing concrete curbing along the entire perimeter of the parking area.
- (n) A variance is required for a minimum front setback of **138.3 ft. where 150 ft. is required.** In the application, there is a pre-existing non-conforming front setback of 133.2 ft. The proposed Jaguar/Land Rover building has a front yard setback of 138.3 ft.
- (o) The Ordinance requires a 25 ft. wide buffer zone along all side and rear property lines that include a screen fence or hedge of at least 6 ft. in height. In addition, when a commercial abuts a residential zone the width of the buffer shall be increased to the required setback of the zone. That would be 75 ft. The site has a pre-existing non-conforming minimum 41 ft. buffer zone. In addition, the applicant proposes a side buffer ranging from 4 ft. to 9 ft. where 25 ft. is required. Hence variances for these conditions are required.
- (p) A variance is required to permit more than one (1) sign to be installed on two (2) facades which does not exceed 15% of the area of the façade. The

total sign area proposed by the applicant complies with the 15% maximum per building. However, the applicant is seeking a total of eight (8) signs.

- (q) A variance is required for the proposed non-conforming sign setback of 7 ft. where a minimum of 20 ft. is required. In addition, the signs are proposed to be located in the Sanitary Sewer easement. The applicant must receive approval from Two River Water Reclamation Authority for the location of the signs.

11. The property is located in the H/C Zone which permits the application as a Conditional Use Permit. Therefore the Planning Board has reviewed the application for its satisfaction as to the applicant's request for a Conditional Use Permit. In that regard, the Planning Board has considered Section 18-6.6 of the Ordinance as to the minimum standards for approval for an application requiring a Conditional Use Permit.

12. At the hearing the Borough Engineer's review letter of August 12, 2015 was submitted into evidence with the applicant testifying that they would comply with all of the terms and conditions and recommendations made by said letter. **In addition, the Planning Board approved all of the relief covered in said letter.** In that regard, the Borough Engineers' review letter of August 12, 2015 is attached to this Resolution and made a part thereof.

The applicant's engineer, Gregory J. Redington, P.E. submitted and the Board accepted various plans, reports and other documents on behalf of the applicant.

- 13. The applicant presented testimony on behalf of the application of an

Engineer, **John Manilio, P.E.**, who testified as to the proposed use of the subject premises and all variances contained therein, and various exhibits were introduced into evidence.

14. No members of the public appeared for this matter.

15. Based upon the above findings of facts, and from all of the evidence Submitted to the Board, the Board is satisfied that the application will not adversely affect the Master Plan or the Zoning Plan of the Borough of West Long Branch, and the proposed use is compatible with the other uses in the area, and will not be deleterious to the health, safety, welfare and development in which it is located.

NOW THEREFORE, BE IT RESOLVED the Planning Board of the Borough of West Long Branch, on this 8th day September 2015, does hereby GRANT approval to the applicant for preliminary and final major site plan approval, subject to the following conditions and restrictions:

1. The applicant must obtain all necessary outside approvals from the following, as and if required:
 - (a) New Jersey Department of Transportation;
 - (b) Monmouth County Planning Board;
 - (c) Two Rivers Water Reclamation Authority;
 - (d) Freehold Conservation District;
 - (e) Fire Marshall;
 - (f) Regional Sewer Authority;
 - (g) Soil Conservation and Sediment Control Approvals and Permits;
 - (h) New Jersey Department of Environmental Protection, if required.

Attest:

Secretary

MEMBERS ELIGIBLE TO VOTE: YES NO ABSTAIN

JOSEPH GALLO
SARAH O'NEIL
JOHN ARIA
JAMES MILLER
MAYOR JANET TUCCI
KENNETH WALTERS