

File

APPLICANT: 301 Main Street Holdings, LLC
APPLICATION NUMBER: PB20/01
BLOCK: 59
LOTS: 9, 10, 11, 12
ADDRESS: 301 MAIN STREET & 704 ½ THIRD AVENUE
ATTORNEY FOR APPLICANT: MICHAEL BRUNO, ESQ.
(JOHN SARTO, ESQ. APPEARING)
RESOLUTION NUMBER: 2020-09

PLANNING BOARD OF THE BOROUGH OF BRADLEY BEACH

**RESOLUTION OF THE PLANNING BOARD OF
THE BOROUGH OF BRADLEY BEACH,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
TO AMEND PRELIMINARY AND FINAL SITE PLANS**

WHEREAS, CHAIRMAN WILLIAM PSIUK, offered the following Resolution moved and seconded by BOARD MEMBER MARC ROSENTHAL:

WHEREAS, 301 MAIN STREET HOLDINGS, LLC. by and through their Attorney, MICHAEL BRUNO, ESQ., (JOHN SARTO, ESQ. APPEARING) hereinafter referred to as the “applicant” filed an application with the PLANNING BOARD of the BOROUGH OF BRADLEY BEACH, (hereinafter referred to as the “Board”) seeking the following relief:

For Amended Preliminary and Final Major Site Plan Approval with Bulk “c” Variance Relief and Waiver Relief to permit modifications to the previously approved mixed-use development and site plans, as well as the building massing, elevations, and floor plans (“Application”) at property located in the Borough at the northwest corner of Third Avenue and Main Street, with an address of 301 Main Street and 704 ½ Third Avenue, and identified as Lots 9, 10, 11, and 12, Block 59 on the Borough’s Tax Map (“Property”). The Property is located in the General Business West Zone (the “GBW Zone”). The proposed use is permitted in the GBW Zone. By way of background, the Board previously granted site plan approval relating to the Property via resolution of approval adopted on August 27, 2015 and an amended site plan approval adopted on February 22, 2018 permitting construction of a four story mixed use building consisting of approximately 1,000 s.f. of commercial use on the ground floor with thirty (30) residential apartment units (22 two-bedroom units, and 8 one-bedroom units) located the floors above, along with 58 parking spaces, and associated striping, drainage, lighting and other typical site improvements, with one access drive to Third Avenue and second access drive to Main Street (the “Prior Approval”). The Property is under construction pursuant to the Prior Approval. The number of residential units, the amount of commercial area, and the number of parking spaces are not modified by this Application and will remain consistent with the Prior Approval. Applicant now seeks to amend the Prior Approval to permit a site access drive from Third Avenue only, which will allow for additional on-street parking along the Main Street frontage. The existing depressed curbing on Main Street will be replaced with a full curb. With respect to the design of the building, Applicant proposes a roof deck area on the second floor at the rear of the building, and the elevations, shape and roofline of the building is modified, and the overall building volume will be slightly reduced.

In addition to Amended Preliminary and Final Major Site Plan Approval, Applicant requests that the Bulk "c" Variance Relief previously granted in the Prior Approval continue. Within the Prior Approval the Board granted Bulk "c" Variance Relief from the Borough's Zoning Ordinance ("Ordinance"), pursuant to the Ordinance and N.J.S.A. 40:55D-70(c) to permit: (1) no loading space where one loading space is required; (2) 58 parking spaces where 59 parking spaces are required; and (3) a 1.46' landscape buffer between commercial and residential uses where a 10 ft. buffer is required.

Applicant will seek any such further variances, waivers, exceptions, or other relief as the Board or its professional consultants may deem necessary without additional public notice.

WHEREAS, the application pertains to premises known and designated as Block 59, Lots 9, 10, 11 AND 12 on the Tax Map of the BOROUGH OF BRADLEY BEACH, which premises are located at 301 Main Street AND 407 ½ Third Avenue, Bradley Beach;

WHEREAS, all notice requirements were satisfied by the applicant via Mailing, Publication and Borough website with the appropriate virtual links posted for public access under the legislative directives for the State of New Jersey during the COVID 19 crisis, and the Board having jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, April 23, 2020:

WHEREAS, the following items were entered as Exhibits at the hearing:

- EXHIBIT A-1** Application for Amended Site Plan Packet received March 13, 2020.
- EXHIBIT A-2** Amended Preliminary & Final Major Site Plan consisting of 10 sheets prepared by Patrick R. Ward, PE, PP of InSite Engineering, LLC dated March 12, 2020, unrevised.
- EXHIBIT A-3** Stormwater Management Report prepared by Patrick R. Ward, PE, PP of InSite Engineering dated March 12, 2020, unrevised.
- EXHIBIT A-4** Architectural Plans consisting of 7 sheets prepared by James J. Monteforte, AIA of Monteforte Architectural Studio, LLC dated March 12, 2020, unrevised.
- EXHIBIT A-5** Plan of Survey and Streetscape consisting of 3 sheets prepared by Frank R. DeSantis, PLS of FRD Surveying, LLC dated September 14, 2014, unrevised.
- EXHIBIT A-6** Colorized Architectural Plans consisting of 1 sheet prepared by James J. Monteforte, AIA of Monteforte Architectural Studio, LLC dated March 11, 2020, unrevised, depicting the Main Street elevation and Third Avenue elevation.

- EXHIBIT A-7** Architectural Plans consisting of 1 sheet prepared by James J. Monteforte, AIA of Monteforte Architectural Studio, LLC dated March 12, 2020, unrevised, comparing the proposed front elevation vs. previously approved front elevation.
- EXHIBIT A-8** Colorized Amended Preliminary & Final Major Site Plan/ Exhibit (4/23/20) consisting of 1 sheet prepared by Patrick R. Ward, PE, PP of InSite Engineering, LLC dated March 12, 2020, unrevised.
- EXHIBIT A-9** A sample materials board.

WHEREAS, The Board listened to the Testimony of the following:

1. **MARK SANGIORI, DEVELOPER;**
2. **PATRICK WARD, PE/PP**
3. **JAMES MONTEFORTE, AIA**

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

1. **TJ COAN**
2. **VIVIAN DEL VALLE:**

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

1. **VIVIAN DEL VALLE**
2. **MR. TUCKER:**
3. **TJ COAN:**

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. The Board accepts the testimony of Insite Engineering regarding the reduction of storm water runoff with modifications to site plan along with increased pedestrian traffic improvement in the area.
2. This is a mixed-use building.
3. There are 58 proposed parking spaces with 3 ADA. 58.4 were proposed and this meets RSIS requirements with the round down available in the RSIS calculation.
4. There will be additional bike parking inside and outside.

5. The building will comply with a 48' height as allowed.
6. Applicant requests a reduction in the landscape buffer from 1.46 to 1.27 feet which is approximately a 2" deviation. This request was based on a small relocation and property line is not parallel as it converges with the Main Street ROW. The Board acknowledges that the eliminated Main Street entrance is large mitigation for the 2" reduction in landscape buffer. This is a significant improvement moving from 3 to 2 driveways in the amended plan. All other variances remain unchanged. The Board agrees that the positive aspects of the removal of the driveway outweigh any detriments.
7. Board Chair Psiuk confirms lighting details with ceiling mounted LED fixtures per the plan.
8. Board Member Gubitosi discusses the movement of the trash enclosure for ease of access for trash truck which changed the design and location. The Board confirms this this change allows more maneuverability to work in that space. Board Engineer Freda is in favor of the movement.
9. The Board again confirms that there is a gain of additional parking spaces in the front of the building on Main with closure of driveway, so there will be six spots in total.

With regard to the sidewalk located on 3rd Avenue, a 4' clear whip width is provided.
10. Mayor Gary Engelstad questions the design of building "slats" on the right front elevation of the building and their use
11. Architect James Monteforte describes, and the board accepts that the windows are recessed (question per Psiuk). There is easier pedestrian access from bike storage out to rear. The plans add the creation of an amenity deck in back of the building by reducing size of units and creating more of an L shape for the building. A barbecue and table, chairs and TV viewing area with a proposed turf area and outdoor seating is

shown. These units face out onto courtyard in the rear of the building. The applicant advised that it eliminated the balconies from the previous design. This streamlined the architectural feel of building for more small-town appeal. In example, the prior first floor design was 16128 sq. ft. and now shows as now 16801 sq. ft.. Then as the building moves upward, the bulk drops. The prior bulk was 15,600 sq. ft. for the second floor and now stands at 10,000 sq. ft. The 3rd floor has the same dimension as the second floor and the 4th floor was previously 11,274 sq. ft. and now sits at 9, 289 sq. ft. So, the square footage per floor is reduced on the second, third and fourth floors as compared to the prior approval.

12. The previous mass of the proposed building was 58,200 sq. ft and is now depicted at 46,210 sq. ft.. The massing has been reduced over 12,000 square feet in this amended application. Further, there is no longer a rooftop deck proposed on 4th floor.
13. The building now provides a complimentary color scheme. While the applicant describes it as “small town industrial feel” to compliment neighbors across street as well as beautiful street scape, the Board was not satisfied with the design of one area of front elevation on the building. Board Members Albanir, Gubitosi, and Mayor Engelstad were dissatisfied with the “slats” on the lower front right of the building, indicating the design made it appear “off balance”.
14. The Board discussed potential design changes to this particular area to relieve “the industrial feel”.
15. A “shadow box” type window was proposed with potential flower boxes to soften the area. Applicant agrees to submit alternate panel ideas and designs to professionals for approval more in conjunction with the design for this structure and area.
16. Board Member Jung concurred and looked forward to alternate panels.

17. Board Member DeMarco (environmental) questions the recycling and garbage shoots and confirms that alternate ideas should also be instituted for the proposed turf area as artificial grass can cause issues. DeMarco suggests a wood deck area instead of fake turf as it is more environmentally friendly.
18. The Board, upon discussion and questions from the public, also supports the provision of a 6' fence to the rear neighbor (Del Valle) as the property is lower than her driveway and the current proposal would cause her to be "looking over" the fence into the parking lot and the rear loggia is facing her property. (Variance for 8' combined required for the fence)
19. The Board (Rosenthal) further encourages the installation of a 8' "screening wall" on the top of the loggia to reduce lighting, noise and disturbance, even though the area is 35' from the property line and elevated (Variance 8' installed, required).
20. The Board acknowledges that Applicant anticipates construction will begin in the fall, if approved, subject to current events and considerations.
21. Board Member Robert Mehnert confirms that the amendments are satisfactory, and he is in favor.
22. Board Member Marc Rosenthal advises that the amendments are a great improvement as long as the front elevation (right lower side) of building from street has a slight redesign, the 8' fence is installed on the loggia area and the 6' fence is installed on the retaining wall along the back property line.
23. John Sarto, Esq, advises the Board that the applicant is willing to install the 6' fence on the rear retaining wall and the 8' screening on the loggia as well as submitting a redesign of the front elevation as requested and the application should be deemed as so amended, voluntarily.

24. The Board thanks the applicant for their amendment and effort in presentation and development.

WHEREAS, in addition to the foregoing, the Board finds as follows:

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40:55D-1 et seq.

2. The Applicant has satisfied the notice requirements of the State and Municipal Ordinances as well as the Legislative Declarations during the COVID19 crisis, and, therefore, the Board has the authority and jurisdiction to consider the application.

3. The Applicant is the owner of the premises known as 301 Main St, as shown on the Tax Map of the Borough of Bradley Beach.

4. The Board has concluded that the proposed application would not adversely impact upon the Master Plan of the Borough of Bradley Beach and does promote the safety and welfare of the residents of the municipality and accordingly, has satisfied the requirements of obtaining any and all required amendments and variances as herein set forth.

5. The Board is further satisfied that the information and evidence submitted by the Applicant is sufficient to permit the Board to make a decision in this case and, as such, waives any additional formal requirements which may be contained in the applicable Borough Ordinance.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance or amendment can be granted without substantial detriment to the public good and that the granting of the variance or amendment does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough Of Bradley Beach that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

a. Based upon the aforesaid findings of fact, the Board concludes that:

- i. The applicant has demonstrated that the amendments to the preliminary and final site plan as previously approved for the subject property are additional positive impacts to the subject property and the Borough of Bradley Beach and substantially outweigh any negative impacts; and
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval for amendment and additional variances in conjunction with the application as set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Bradley Beach; and
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

NOW THEREFORE, BE IT RESOLVED by the Borough of Bradley Beach Planning Board that the following be and are hereby GRANTED subject to the following:

The Board grants Amended Preliminary and Final Major Site Plan Approval with Bulk “c” Variance Relief and Waiver Relief to permit modifications to the previously approved mixed-use development and site plans, as well as the building massing, elevations, and floor plans (“Application”) at property located in the Borough at the northwest corner of Third Avenue and Main Street, with an address of 301 Main Street and 704 ½ Third Avenue, and identified as Lots 9, 10, 11, and 12, Block 59 on the Borough’s Tax Map (“Property”).

Applicant is granted relief to amend the Prior Approval to permit a site access drive from Third Avenue only, which will allow for additional on-street parking along the Main Street frontage. The existing depressed curbing on Main Street will be replaced with a full curb. With respect to the design of the building, Applicant is granted a roof deck area on the second floor at the rear of the building, and the elevations, shape and roofline of the building is modified, and the overall building volume will be slightly reduced.

In addition to Amended Preliminary and Final Major Site Plan Approval, Applicant is granted the Bulk “c” Variance Relief previously granted in the Prior Approval continue. Within the Prior Approval the Board granted Bulk “c” Variance Relief from the Borough’s Zoning Ordinance (“Ordinance”), pursuant to the Ordinance and N.J.S.A. 40:55D-70(c) to permit: (1) no loading space where one loading space is required; (2) 58 parking spaces where 59 parking spaces are required; and (3) a 1.46’ landscape buffer between commercial and residential uses where a 10 ft. buffer is required.

Applicant’s request for additional variance relief to permit a 1.27” landscape buffer between commercial and residential uses, whereas 1.46’ was previously approved and where a 10 ft. buffer is required, is granted.

Applicant is also directed per their voluntary amendment to the preliminary and final site plan on record, to install fencing and screening no higher than 8 feet (combined) on the retaining wall on the rear property line and an 8 foot screening wall on the rear loggia, second floor. Further, front façade redesign ideas for the referenced area in the lower right-side elevation,

shall be presented to the Board engineer for review and approval to achieve "balance" on the façade. The Board Engineer may provide the redesign to the Board Planner, or other Borough Professionals for "street scape" determinations and final selection. The applicant is also strongly encouraged to utilize wood decking in the loggia area with plantings rather than artificial turf.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. All Plans must be approved by Borough Engineer and Code and Construction Departments for the issuance of Permits;
 - b. MONMOUTH COUNTY PLANNING BOARD;
 - c. FIRE MARSHALL;
 - d. BOARD OF HEALTH;
 - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - f. APPLICANT SHALL BE SUBJECT TO AFFORDABLE HOUSING RESIDENTIAL DEVELOPMENT FEES AND NON-RESIDENTIAL DEVELOPMENT FEES, AS SET FORTH BY ORDINANCE AND/OR STATUTE, UNLESS EXEMPTED BY THE TERMS THEREOF.
 - g. PLANNING BOARD PLANNER
 - h. PLANNING BOARD ENGINEER
 - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
 - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
 - l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

IT IS FURTHER RESOLVED that a copy of this Resolution be certified by the Secretary of the Borough of Bradley Beach Planning Board to be true and shall be forwarded to the Construction Code Officer, Borough Clerk, Board Engineer, and Borough Assessor within ten (10) days of the date hereto to the Applicant herein.

APPROVAL DATED: APRIL 23, 2020

MOVED BY: William Psiuk

SECONDED BY: Marc Rosenthal

ROLL CALL VOTE:

Those in Favor: Robert Mehnert, Alan Gubitosi, Meredith DeMarco, Marc Rosenthal, Douglas Jung, Mayor Gary Engelstad, George Waterman, Rafael Albanir, William Psiuk

Those Opposed: None.

Those Abstaining: None.

Those Absent: Amy Russo

MEMORIALIZATION DATE: MAY 28, 2020

MOVED BY: William Psiuk

SECONDED BY: Mayor Gary Engelstad

ROLL CALL VOTE:

Those in Favor: Robert Mehnert, Alan Gubitosi, Meredith DeMarco, Marc Rosenthal, Douglas Jung, Mayor Gary Engelstad, Rafael Albanir, and William Psiuk

Those Opposed: None.

Those Abstaining: None.

Those Absent: George Waterman and Amy Russo

Those Ineligible: Amy Russo

The foregoing is a true copy of the Resolution adopted by the Planning Board of the Borough of Bradley Beach at its meeting of May 28, 2020, and copied from the minutes of said meeting.


KRISTIE DICKERT, SECRETARY
BRADLEY BEACH PLANNING BOARD

Prepared by:
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