

**RESOLUTION OF MEMORIALIZATION OF THE
LITTLE EGG HARBOR TOWNSHIP BOARD OF ADJUSTMENT**

**RESOLUTION NO.: 2016-15
VARIANCE APPLICATION NO.: 2014-20A**

**RE: Oak Lane LEH, LLC
Block 292, Lots 10 & 11, 12.01
Radio Road (CR. 601) & Oak Lane
180 & 190 Oak Lane
Little Egg Harbor Township, New Jersey 08087
Amended Preliminary Site Plan Approval and Final Site Plan Approval
And Waivers for Buffer**

WHEREAS, OAK LANE LEH, LLC, (the “Applicant”) whose mailing address is 5 Powell Lane, Collingswood, New Jersey, 08108 has applied for an Amended Preliminary and Final Site Plan Approval, for the construction of a five 3-story multi-family, affordable apartment buildings, for a total of 56 dwelling units; along with a community building, storm water management, a tot lot, parking, landscape, lighting and associated improvements. The subject property is a 4.15 acre tract, located at the corner of Oak Lane and Radio Road, within the GB General Business District. The site is currently vacant and partially wooded. To the north and south are residential lots; directly to the northwest is a retail development, with the remainder of the neighboring lots being vacant.

WHEREAS, such proof of service and publication as may be required by New Jersey Statutory Law and Township Ordinance requirements upon appropriate property owners and governmental bodies has been duly furnished as required by N.J.S.A. 40:55D-12; and

WHEREAS, a public hearing were held on said application on April 20, 2016, in the Municipal Building of the Township of Little Egg Harbor during which time testimony and exhibits were presented on behalf of the applicant and all other interested parties and the public were provided an opportunity to be heard; and

WHEREAS, said Board having considered said application, testimony, exhibits submitted, and inspection of the site, if any, makes the following factual findings and conclusions of law:

1. The application is deemed complete pursuant to the applicable provisions of the Little Egg Harbor Township Zoning Ordinances.

2. The subject property is located in the GB (General Business) Zoning District. The property is located at the intersection of Radio Road (County Route 601) and Oak Lane, more particularly described as Block 292, Lots 10 & 11, and 12.01, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 180 & 190 Oak Lane.

3. The applicant requests amended preliminary and final major site plan approval to allow the construction of five (5) three-story multi-family apartment buildings, containing 56 affordable residential dwelling units, along with a community building, storm water management basins, a tot lot, parking, landscaping, lighting and associated improvements.

4. The applicant first provided the testimony of its licensed professional engineer, Jay S. Kruse, P.E., who was the original designer of the preliminary site plan application heard by the Board in December, 2014. Applicant's engineer specifically represents that the engineering firm of Dewberry Engineers, Inc., accepts the representations and testimony of Mr. Kruse, who is now employed per diem for the applicant as he has left the employment of the applicant's engineering firm of record.

Mr. Kruse provided a description of the 4.15 acre parcel of the applicant located in the General Business zone and surrounded by vegetation, a single-family residential home, an open vacant parcel of land and adjacent to the parcel, Radio Road, Oak Lane and an existing commercial strip mall presently seeking to convert to an apartment complex.

Mr. Kruse further provided a description of the proposed layout of the 56 apartment units together with access driveways, storm water management basins, a community center, trash enclosures and 112 proposed parking spaces. According to Mr. Kruse, the changes to the original preliminary site plan application include a revised landscaping plan, relocation of a storm water management basin to the north east corner of the subject parcel and the centralized location of a trash enclosure adjacent to the community building and playground, together with an additional trash enclosure, maintenance shed and parking on the Lot 12.01 portion of the property.

Three buildings of three stories are proposed for the rear boundary, which will have twelve (12) units each and two buildings are proposed for the Oak Lane and Radio Road frontage, which will be two and three story buildings of ten (10) units each. There will be sufficient elevation at 13.75 feet at the lowest building finished floor above what is required by FEMA for structures in proximity to a Flood Hazard Area.

The community center is a proposed one story building with an adjacent playground and nearby trash enclosure. Access driveways will connect to both Oak Lane and Radio Road. Applicant's engineer further offered testimony that curbing and sidewalks will surround the subject property along both Oak Lane and Radio Road. Further, the circulation patterns account for visitors, residents, trash collection, emergency vehicles, as well as time coordinated moving vehicles. There is further access for school buses with a potential school bus stop on a concrete

pad outside of the community center. Consistent with code requirements, six handicap accessible parking spaces are provided within the parking areas. With regard to storm water management, two storm water basins are located on site with the smaller basin relocated to the north east corner of the property, which will allow for the temporary holding of storm water, should a significant rain event occur. Applicant's engineer further testified that all utilities will remain in the same location as per the original preliminary plan and there is sufficient capacity for water, sewer and gas service. With respect to lighting, engineer Kruse offered that decorative poles with LED lighting equivalent to a 150 W standard bulb will be installed in common areas and by the playground and building lighting will be controlled by the unit occupants and will likely have a 60 to 70 Watt equivalent bulb for illumination of entryways.

Engineer Kruse further testified that the plans have been reviewed by the local fire company and suggestions for landscaping will be adhered to with respect to such items as tree height, species, etc. The buffer area will have evergreen screening of approximately 7 to 8 feet in height and the trash enclosures will likewise be screened by evergreens at an approximate height of 8 feet.

Applicant's engineer further offered testimony, as did Applicant's representative, Lara Schwager, that satellite dishes will not be permitted on buildings but shall, as required by law, be limited to certain central areas on site. Upon questioning, Mr. Kruse indicates that the CAFRA application is prepared but not yet submitted and applicant shall return to this board if any substantial deviation is required for approval from the Department of Environmental Protection.

Mr. Kruse further offers a description of the storm water detention basins, which will be surrounded with split rail fencing of three rails with a vinyl mesh backing for the entire height of the fence. Mr. Kruse responded to questioning regarding public transportation and bus stops by

acknowledging the existence of one stop across the street and offering that the applicant is willing to accommodate a bus stop on its property, if desired by the municipality, and approved by New Jersey transit. The board discussed several options for a bus stop location both on and off of the subject property and applicant requested that the board provide its direction on the location of a bus stop location prior to the submission of approval compliance site.

Applicant next offered the testimony of architect, Jim Haley, who offered that not much has changed since the original preliminary application in December, 2014 with the exception of the reduction in the two buildings adjacent to Radio Road and Oak Lane from 12 units to 10 units. Architectural renderings were submitted into evidence demonstrating the aesthetic appearance of the proposed buildings which include brick bases with aluminum columns.

Testimony was further offered with respect to the community center and the management suite which will be located within the community center. Laundry facilities will not be installed in individual apartments, there will be a centralized laundry room available to only residents with a swipe key card for access 24 hours a day and seven days a week. Testimony was further offered that there will be an on-site manager with a full-time maintenance employee and provision being made for a backup as necessary. Apartment facilities are to be fully sprinkled in accordance with New Jersey's multifamily housing requirements and there is no contemplation for an irrigation well on-site.

In response to questioning, applicant acknowledges that the buildings are designed to accommodate solar panels but there is no immediate intention to install solar panels. As a result of aesthetic concerns, given the relative density of the site as compared to other communities in the area, applicant specifically agrees to limit any potential installation of solar panels to those buildings which are three stories in height located to the rear of the site and not on the buildings

adjacent to Oak Lane and Radio Road.

Finally, after a dialogue with the board and consideration of comments from the public, and consistent with the direction given by the board engineer, it was determined by the board that use of speed bumps as a traffic calming measure would be a last resort due to causation of additional problems and that, instead, striping, signage and police enforcement will be the most effective means of combating speeding vehicles in the community.

Additionally, further lighting of areas in the community, specifically by the community center and playground, was addressed but not recommended due to other problems which may be created such as noise as well as an invitation for congregation which may be reduced by allowing for the elimination of all but security lighting after dusk.

5. Members of the public generally offered testimony with respect to concerns about the overall appropriateness of the community proposed by the applicant. In addition, the Mayor of the Township offered a statement on the procedural history of the subject application. No specific site plan elements were addressed during the public comment session.

6. Based upon all of the foregoing evidence and documentation and exhibits submitted, the board makes the following findings:

A. The applicant has provided testimony and exhibits demonstrating that the proposed development is consistent with the Preliminary Site Plan Approval granted September 25, 2015, and confirmed November 16, 2015, under Superior Court of New Jersey, Law Division, Ocean County, Docket No. L-97-15 that incorporated the grant of the following relief:

(1) §15-4.19D(3) - The minimum required setback for a free standing identification sign from a public street is 50 feet, whereas the two proposed monument signs are setback 5 feet on Oak Lane and 5 feet on Radio Road.

(2) §15-11.7C- In the General Business Zone there shall be a 15 foot buffer area from the side property lines, whereas 5 feet is provided on the side property line to the parking area.

(3) §15-11.7C – In the General Business Zone there shall be a 15 foot buffer area from the front property lines, whereas basin 1 is 12.5 feet from the Oak Lane.

(4) §15-12.7G – The applicant shall obtain a tree removal permit, whereas none is provided.

(5) §15-12.15B(12) – In parking lots having a capacity of more than one hundred (100) cars, a main access drive shall be provided from points of ingress and egress. No parking shall be permitted on the main access drive, whereas the parking spaces are located along the main access drive.

(6) §15-12.16A(11) – No paved area shall be closer to any property line than fifteen (15) feet, whereas the parking area adjacent to building #1 is located 5 feet from the property line.

B. In addition, applicant has presented testimony to permit the granting of a design waiver relief:

(1) §15-11.7F – Allows a 7.8 foot buffer between storm water basin no. 2 and adjacent lot 9 where a 37 foot buffer is required.

C. The applicant further shall be granted amended preliminary and final site plan approval expressly subject to the conditions which are hereinafter listed and the Board recognizes the grant of use variance approval by the Superior Court of the State of New Jersey, which permits the development of the subject property as set forth herein.

NOW THEREFORE BE IT RESOLVED by this Board that on this 11th day of May 2016, based upon the findings hereinabove stated, the application amending preliminary and final site plan approval with associated design waivers is hereby granted subject to the

following conditions, together with all stipulations of the applicant:

1. The applicant shall obtain all necessary permits and approvals required by the New Jersey Department of Environmental Protection, Ocean County Planning Board, the Ocean County Soil Conservation District, and any other governmental agency while securing any other necessary applications which may require the posting of any surety bonds and shall return to the Little Egg Harbor Zoning Board of Adjustment should there be any substantial deviation in the application as a result of the attainment of such other approvals which are required.

2. Applicant specifically agrees to restrict the installation of solar panels to those buildings which do not lie adjacent to Radio Road or Oak Lane in the event solar panels are installed by the applicant or its successors.

3. Applicant shall further obtain a review letter from the Little Egg Harbor Township Police Department with regard to traffic circulation on-site.

4. Applicant shall confer with the Board landscape architect to address all concerns and the review comments contained in the April 20, 2016 review letter of the Taylor Design Group and amended by testimony during the board hearing and shall be required to return to this board in the event agreement is not reached with regard to any of the items listed in said report.

5. Bearings and distances shall be added to the site plan.

6. The applicant shall provide a metes and bounds description and consolidation Deed to the Zoning Board of Adjustment office and the office of the Board Attorney for review and approval.

7. Applicant to provide retaining wall calculations for the Board's Engineer review. A retaining wall detail shall be provided at the time of building permit application.

8. The bottom of wall = 8.00 appears to be incorrect at the basin access. This should be

corrected on the Plans.

9. Earthwork quantities should be provided to the Board's Engineer to determine if the site balances.

10. Per §15-12.10B a note shall be added to the plan stating "all tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below existing or finished grade, whichever is lower."

11. Spot elevations at the bottom and top of all handicap ramps shall be provided.

12. A drainage easement to the Township should be provided for the drainage system. Said easement to be in the form of a defined easement with metes and bounds description and be for emergency purposes only.

13. The ownership of the storm water management system shall remain with applicant or its successors.

14. An operations and maintenance declaration should be filed for the operations and maintenance of the storm water system.

15. Drain times for each basin shall be included in the Operation and Maintenance Manual.

16. A clear stabilized access to the bottom of Basin 2 with an access gate should be delineated on the plans and shall maintain a 10% slope.

17. Per NJDEP BMP Manual Chapter 9.5, states than infiltration basin must store the entire Water Quality (WQ) design storm volume. The orifice within the outlet control structure must be set above the water quality storm elevation for each basin.

18. The grading and drainage plan shall indicate the elevation of the bottom of each basin. It appears that the bottom elevation for Basin 2 is 9.0, whereas the bottom orifice of the

outlet control structure is set at 8.6. Applicant shall revise plans accordingly.

19. The grading and drainage plan shall indicate the WQ, 2 year, 10 year and 100 maximum water storm elevations for each basin.

20. Per NJDEP BMP Manual Chapter 9.5, soil tests are required at the exact location of the proposed basins. A minimum of two soil profile pits are required within the proposed infiltration basins. Two soil tests shall be taken within the proposed basins, and results supplied to the Board Engineer.

21. Per NJDEP BMP Manual infiltration basins must provide a 6" layer of K5 sand bottom. Basin 1 shall provide a K5 sand bottom. Applicant shall revise the profiles accordingly.

22. Per NJDEP BMP Manual Chapter 9.5, the minimum separation between the season high water table and the bottom of an infiltration storm water basin shall be a minimum of 1 ft. Basin 2 appears to be less since it is a detention basin and does not have a minimum of 2 feet of separation.

23. The spillway on Basin 2 shall be directed towards Radio Road and not in the direction the adjacent property.

24. Spillway calculations shall be provided.

25. The basins shall provide 1 ft of freeboard from the 100 year storm elevation to the top of the berm. Revise plans accordingly.

26. The numbering for the outlet control structures conflict on sheets C502, C201, C103 & C102. Revise plans accordingly.

27. A construction detail shall be provided for the connection of the retaining wall to the outlet control structure in Basin 1.

28. The top of berm shall be 10 ft wide. Revise plans accordingly.

29. Filter fabric is required along the side of the sand bottom of the infiltration basin.

30. The downspout connections shall provide type of material, slopes, locations and rim and invert elevations of cleanouts. A detail shall be added to the plans.

31. The Storm water Basin #1 profile indicates the existing inlet invert to be 3.28 and the utility plan indicates the invert as 3.38. The plan should be revised as necessary.

32. The Storm water Basin #2 profile indicates the outlet structure as #202 and the utility plan indicates the outlet structure as #109. The plan should be revised as necessary.

33. The Storm water Basin #2 profile indicates the pipe discharging from the outlet structure as 25 LF of 18" RCP @0.18% and the utility plan shows the pipe as 99 LF of 18" RCP @ 0.25%. The plan should be revised as necessary.

34. Per §15-12.16A(6) parking areas shall be illuminated if used after sunset, and such illumination shall provide a minimum of .5 lumen per square foot throughout the area and be shielded from adjoining streets and properties, whereas the lighting plan indicates areas of 0.4 & 0.3 lumen. The lighting shall be revised.

35. The following discrepancies on the planting list should be addressed in writing by the applicant:

a. Tilia Corata "Greenspire" – the plant list indicates a quantity of 6 and 7 are shown on the plan.

b. Picea Omorika 3 – the plant list indicates a quantity of 17 and 16 are shown on the plan. At the intersection of Radio Road and Oak Lane there is a designation for PO-2(4) and PO-3(3) that points to 6 evergreens.

c. Prunus Serrulata "Kwanzan" – the plant list indicates a quantity of 8 and 9 are shown on the plan.

- d. *Buxus Sempervirens* – the plant list indicates a quantity of 26 and 23 are shown on the plan. The designation showed in building #2 as BS(8) only points to 7 shrubs. The designations shown at building #4 as BS(8) points to 7 shrubs and BS(6) points to 5 shrubs.
- e. *Juniperus Chinensis* “Hetzi” – the plant list indicates a quantity of 18 and 25 are shown on the plan.
- f. *Juniperus Chinensis* “Old Gold” – the plant list indicates a quantity of 51 and 52 are shown on the plan.
- g. *Rudbeckia Fulgida* “Goldstrum” – the plant list indicates a quantity of 36 and 31 are shown on the plan.

36. Per §15-11.8F(4)(b) along Radio Road for every one hundred (100) feet, 55 shrubs shall be provided. Additional shrubs shall be added to be in conformance with this requirement.

37. A drip irrigation system shall be provided for all landscaped building foundation planting areas. This shall be noted on the plans.

38. Per 15-12.7G the applicant shall obtain a tree removal permit.

39. The applicant is to provide both sight triangle deed and metes and bounds descriptions to this office and to the Board Attorney’s office for review.

40. All fire prevention measures shall be reviewed and approved by the West Tuckerton Fire Company.

41. Both entrances shall provide a concrete apron. Detail shall be provided.

42. The plans shall provide a mailbox detail.

43. The transformer pad location is missing. The location of the transformer pad will be provided at time of building permit application.

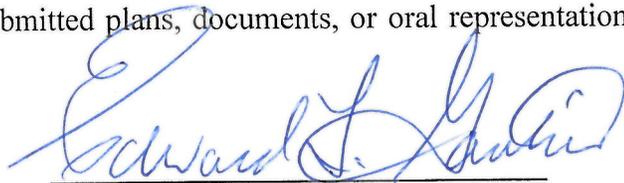
44. The locations for the HVAC condensers are not shown for Buildings 1, 2 & 3 and the community building. Testimony provided by applicant that the HVAC condensers will be located on the buildings. A note indicating that the HVAC condensers will be located on Buildings 1, 2 & 3 will be added to the plans.

45. The environmental study had recommended an Archeological Phase 1 investigation. The applicant should provide this Archeological report to the Board Engineer for review.

46. The applicant shall further reimburse the Little Egg Harbor Township Zoning Board of Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

47. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

48. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



ED GAUTIER, Chairman
Little Egg Harbor Zoning Board of Adjustment

CERTIFICATION

The foregoing is a true copy of a memorializing resolution by said Board at its meeting of April 29, 2016, as copied from the minutes of said meeting.



Robin Schilling, Board Secretary
Little Egg Harbor Zoning Board of
Adjustment