



| YOUR GOALS. OUR MISSION.

June 30, 2020  
Updated July 20, 2020

Cortland Coleman, Chairman  
Borough of Point Pleasant  
Zoning Board of Adjustment  
2233 Bridge Avenue  
Point Pleasant, NJ 08742

Re: T&M File No, PBZB-R0310  
Application No. 20-07  
Applicant: R2T2, LLC  
Use Variance Application, Preliminary and Final Major Site Plan  
Block 45, Lot 1  
2613-2615 Route 88  
Borough of Point Pleasant, Ocean County, NJ

Dear Chairman Coleman and Board Members:

The Point Pleasant Borough Board of Adjustment is in receipt of an application for a use variance along with Preliminary and Final Major Site Plan Approval for a proposed 24-unit multi-family development on the above referenced parcel. The development would consist of 5 buildings, 2 containing 6 units and 3 containing 4 units, consisting of (12) one-bedroom & (12) two-bedroom units. Parking would be predominantly on-street.

The property is located at 2613 Route 88, on the northeast corner of the intersection of Route 88 and Curtis Avenue, and currently/formerly contains the Wenke's Motel and Cottages which has existed on the site since at least the 1950's. The site is located in the GC- General Commercial Zone which permits various retail and service establishments as well as single family residential use but where multi-family dwellings are not permitted.

The property is also in the Affordable Housing Overlay Zone which allows for affordable housing development within the provisions of Chapter 19-15C.1. At the outset the applicant should provide information whether affordable housing is being provided as part of this project. If affordable housing is not being provided, then the use is not permitted, and a use variance is required from 40:55D-70 d. (1) to allow a use not permitted in the zone.

If affordable housing is proposed, then the use is permitted. Within the overlay zone multifamily development is permitted with 5 or more units. The density criteria for the use is 8 units per acre where the applicant is proposing 26.67units/acre. A variance would therefore be required from 40:55D-70 d. (5) to allow the increase in permitted density.

Our office received correspondence from the borough's affordable housing counsel, Erik Nolan, Esq., regarding the Affordable Housing Requirements should the site be developed as proposed. 5 units of affordable housing, in the mixture as detailed in Mr. Nolan's letter of July 17, 2020, would be required within the 24 unit development.

Submitted as part of the Application were the following:

- Variance Application Form dated April 16, 2020;



June 30, 2020  
Updated July 20, 2020  
Sheet 2

Le: Cortland Coleman, Chairman  
Zoning Board of Adjustment  
Borough of Point Pleasant

Re: T&M File No, PBZB-R0260  
Application No. 20-07  
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- Site Plans entitled "Preliminary and Final Major Site Plan, Whalers Point, Block 45, Lot 1, Borough of Point Pleasant, Ocean County, New Jersey" consisting of (15) sheets, prepared by Eric Ballou, P.E., of Insite Engineering, dated April 17, 2020, with no revisions;
- Architectural Plans consisting of (9) sheets, signed by John Burgdorfer, RA of Studio Two Hundred LLC, and dated April 21, 2020.
- Boundary and Topographic Survey entitled "Boundary and Topographic Survey Block 45, Lot 1, Tax Plate 7, 2613-2615 NJ State Highway Route 88" prepared by Suzanne Warren, PLS of Midlantic Engineering, LLC.
- Stormwater Management Summary, Environmental Summary and Site Photo Exhibit all dated April 17, 2020 and prepared by Matthew Robinson, PE of The Everly Group.



June 30, 2020  
Updated July 20, 2020  
Sheet 3

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PHOTOGRAPH #1: Subject property 2613 Route 88

With regard to the application I offer the following for Board's consideration:

1. Multi-family uses are not permitted in the CG Zone.
2. 24 units are proposed on 0.9 acres yielding a density of 26.67 units per acre.
3. The Applicant shall present testimony to justify the granting of the required use variance. The MLUL sets forth the following grounds for granting bulk relief (NJSA 40:55D-70.d):
  - a. To prevail in a request for a Use Variance, the Municipal Land Use Law (MLUL) requires an applicant to establish the positive and negative impacts of a proposed use as it affects the public welfare. The positive criteria are satisfied through demonstrating Special Reasons for the grant of a Use Variance or proving the site cannot be reasonably developed as a permitted use in the zone. The term "Special Reasons"



June 30, 2020  
Updated July 20, 2020  
Sheet 4

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- takes its definition from one or more of the purposes of zoning listed in the MLUL (NJSA 40:55D-2). That is, that the proposed use advances the purpose of planning.
- b. Where the use involved in a “d” or Use Variance application is not of the type which the courts have held to be inherently beneficial to the public good, such as a school or a hospital, there must be a finding that the general welfare is served because the use is particularly fitted to this location. It should be noted here that the Medici case applied strict standards to discourage boards from “re-zoning by variance” by granting variances to permit uses clearly inconsistent with permitted uses in the zone. In the subject application, the Applicant must provide testimony as to why the site is particularly fitted for the proposed condominium development and not another use permitted by right in the GC Zone. We note again that the property lays with the Affordable Housing Overlay Zone.
  - c. In addition to proving the positive criteria the Applicant must also prove the negative criteria. The Applicant must prove, and the Board must find that the proposed use will not cause substantial detriment to the public good. The Board must evaluate the effects of a use variance on adjacent properties and whether it will cause such damages as to constitute a substantial detriment. That detriment is weighted against the benefits. In essence, balancing the positive and negative criteria.
  - d. Finally, the Zoning Board must find that the granting of the use variance is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance and must rectify the grant of the use variance with the omission of the proposed use from those permitted in the zone.
4. The existing use is conditionally permitted, but does not meet the conditional use requirements, and the proposed use is nonconforming if affordable housing is not included in the application. It is desirable to bring a nonconforming use more in conformance with the required zoning if not eliminate the nonconformity in its entirety. The applicant should provide testimony regarding the intensity of the use existing and proposed, relative size of the structures, comparative number of bedrooms and seasonal intensity verses year-round occupation.

#### **Site Plan**

1. We note that internal and perimeter sidewalks are proposed, however the perimeter sidewalk is disjointed owing to the location of the parking and proposed dumpster. The grade of the sidewalk adjacent to the handicapped parking does not meet ADA requirements.
2. Curbing and sidewalks should be provided along the Route 88 frontage.
3. The applicant should consult with the NJDOT regarding any right-of-way dedication required along the Route 88 frontage.



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4. The Applicant proposes 48 parking stalls to be associated with the proposed development. Proposed are both off-street and on-street parking to accommodate the demand of 46 parking stalls. 31 stalls are proposed to be 90-degree stalls that will project approximately halfway into the right-of-way. The applicant thereby proposes to utilize a portion of the right-of-way for private parking. The applicant should provide testimony concerning the proposed parking arrangement, sight lines, how private parking dedicated to the apartments will be policed and why an alternative parking arrangement was not proposed. We note that per 19-28.4 parking is required to be off-street. We also note that the parking arrangement as proposed will negate public parking adjacent to the development.
5. We note that parking is proposed 2.5 feet off the Route 88 frontage and very close to the corner with Curtis Avenue. The applicant should provide testimony regarding required stopping sight distances. Vehicles parked in these spaces will infringe on the appropriate stopping site distance.
6. The following design waivers are required:
  - a. 19-28.4b1 Size of Parking Stall - 10'x20' is required, where 9'x18' is proposed
  - b. 19-28.5a Location of Curb Cuts - parking is located within 25 feet of an intersection
  - c. 19-28.5c General Location - no off-street parking shall be located in the front yard setback area or within 5 feet of any property line, the applicant proposes both parking in the front yard area, and within 2 feet of the Route 88 property line and over the property line on Curtis Avenue and Austin Avenue.
7. Parking Requirement - We note that the applicant has calculated the parking requirement using R.S.I.S. standards which trump the Borough Ordinance. The building fits under the category of "Garden Apartment", where 46 total spaces are required, the applicant provides 48 spaces including two handicapped spaces.
8. Stormwater - A Grading Plan has been prepared to demonstrate that the proposed runoff will be adequately captured and directed to a series of internal yard inlets that will ultimately be discharged to the adjacent system within Curtis Avenue. Existing drainage patterns appear to be maintained. We note that no stormwater quality or quantity is required per NJDEP regulations.
  - a. We would recommend the use of perforated piping within the yard drain area.
  - b. Provide testimony whether all down spouts will be tied to the drainage system
  - c. Provide testimony on the capacity of the proposed on-site system as well as the capacity of the off-site system being tied into.
  - d. The applicant proposes to tie indirectly into the NJDOT storm drainage system located on the corner of Curtis Avenue and Route 88 which may require NJDOT approval.
  - e. Yard inlet elevation will have to reviewed and adjusted as it appears that steep slopes are proposed given the grate elevations shown.



June 30, 2020  
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Sheet 6

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9. The Potable Water to the proposed development is provided via a 2" domestic service and 4" fire service to each of the proposed buildings. Correct the water service size to indicate 2". The water services shall tie into the existing water main owned by the Borough of Point Pleasant in the adjoining streets. Water service locations and details shall be coordinated through the Borough Public Works Department.
10. The Sanitary Sewer collection system has been designed as a private lateral connection serving each of the proposed buildings. Sanitary Sewer service locations and details shall be coordinated through the Borough Public Works Department. Provide a detail for external drop connection manhole. Remove any reference to L.B.S.A.
11. Provide testimony on the existing sewer and water services to the motel and cottages to be removed. If any services connect to mains in the public right of way they should be abandoned at the main.
12. Provide testimony on the monument sign proposed and how the residential dwelling shall be identified for mail and emergency services. No dimensions or detail has been provided.
13. Provide sight triangle easement as required by NJDOT.
14. 19-28.5k.1(e) Garbage Dumpsters – requires dumpster to be located in off-street areas of sufficient size. The dumpster is located nearly on the property line near the corner of Curtis Avenue and Route 88. In order access the dumpster the garbage truck will project into the travel way. No detail is provided for the trash enclosure.
15. Lighting is proposed around the perimeter of the site. However, lighting is proposed within the sidewalk areas limiting the walking surface. Lighting levels should be tabulated. There is a conflict in the mounting height proposed. Mounting height should be confirmed, and lighting levels calculated accordingly. There is no indication of the color temperature proposed and we recommend a maximum of 3000K be used. Lighting will remain the property of the owner.
16. A landscaping plan has been provided. We believe the arborvitae proposed around the dumpster will grow to encroach on the sidewalk.
17. Provide testimony on communal space within the development for the residents, if any are proposed.
18. The architectural plan calls for 10 by 10 patios at first floor level. These are not depicted on the site plan and it does not appear that some of these can be installed given the building to building setback, AC locations and drainage layout. Provide testimony whether the patios were calculated in the impervious coverage calculations.
19. Note 6 on the cover sheet indicates the property is located in flood zone AE and X. It is located wholly within Zone X and the note should be amended.



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Board approval, if granted, should be subject to the following conditions:

1. The Applicant shall be responsible for payment to the Borough of Point Pleasant for all legal, engineering, and administrative costs incurred by the Planning/Zoning Board related to the development application review process as determined by the Borough Treasurer.
2. Publication by the Applicant of a Notice of Decision.
3. The Applicant shall be required to comply with the Affordable Housing Requirements of the Borough of Point Pleasant.
4. The Applicant shall be required to post bond and inspection fees as required by ordinance and determined by the Borough Engineer.
5. Any other permits, approvals, or conditions, which may be imposed by federal, state, or local law including New Jersey Department of Transportation, Ocean County Planning Board, and Ocean County Soil Conservation District.
6. Any changes or alterations to the Approved Plan shall require submission of an amended application to the Board.

I may have additional comments pursuant to testimony presented at the Public Hearing or receipt of revised plans.

Very truly yours,

RAYMOND W. SAVACOO, P.E., P.P.  
BOARD ENGINEER

RWS;jet;ls

cc: Sharon Morgan, Board Secretary  
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