

January 10, 2024

Kristie Dickert, Administrative Officer
Zoning Board of Adjustment
Neptune Township
P.O. Box 1125
Neptune, NJ 07754-1125

**Re: Amsdell Storage Ventures, IV, LLC
1104, 10th Avenue
Block 404, Lot 7 (ZB #23/10)
Preliminary & Final Major Site Plan
Conditional Use Variance
Our File: NTBA 23-15**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for preliminary and final major site plan and conditional use variance approval for the above referenced project. The following documents were reviewed:

1. **Documents Reviewed:**

- A. Application for Site Plan and/or Subdivision.
- B. Variance Application.
- C. Neptune Township Application for Use and/or Bulk Variances and Completeness Checklist, dated June 28, 2023.
- D. Property Deed dated July 19, 2012.
- E. Community Impact Statement prepared by Allison Coffin, PP, AICP, of James W. Higgins Associates dated October 6, 2023.
- F. Stormwater Management Report prepared by Peter W. Strong, PE, PP of Crest Engineering Associates, Inc., dated May 19, 2023.
- G. Monmouth County Development Review Committee Conditional Approval Letter dated October 30, 2023.
- H. Freehold Soil Conservation District Certification Letter dated September 27, 2023.
- I. Environmental Impact Statement prepared by Peter W. Strong, PE, PP of Crest Engineering Associates, Inc., dated May 19, 2023.
- J. Cursory Wetlands Investigation Report prepared by Peter R. Eshewsky, PLS, PP of Crest Engineering Associates, Inc., dated May 19, 2023.
- K. Traffic Impact Analysis prepared by John H. Rea, PE and Scott T. Kennel of McDonough & Rea Associates, Inc., dated May 24, 2023.

- L. Geotechnical Engineering Report prepared by TRC Environmental Corporation, dated December 6, 2022.
- M. Boundary & Topographic Survey consisting of one (1) sheet, prepared by Daniel P. Hundley, PLS, of Crest Engineering Associates, Inc., dated January 27, 2023.
- N. Architectural Plans consisting of ten (10) sheets, prepared by Designhaus Architecture, dated last revised May 10, 2023.
- O. Architectural Plans and Renderings consisting of 13 sheets, prepared by Designhaus Architecture, dated March 23, 2023.
- P. Use Variance & Preliminary & Final Major Site Plan consisting of seven (7) sheets, prepared by Peter W. Strong, PE, of Crest Engineering Associates, Inc., dated last revised August 29, 2023.

2. **Site Analysis and Project Description**

The subject property consists of Block 404, Lot 7, a 96,768 sq. ft. site located south of Route 33 with frontage on 10th Avenue, Memorial Drive (County Road 40A), and 9th Avenue in the LI Light Industrial Zone District. The site is currently developed with a self-storage facility known as “Compass Self Storage.” The site contains a total of four (4) one-story buildings, three (3) of which are attached to each other, and one (1) of which is free-standing. Buildings A, B, and C consist of a total of 60,785 sq. ft., and Building D consists of 5,253 sq. ft. The site is also developed with associated parking, driveways, landscaping, and signage. Residential uses are located to the west, industrial uses are located to the north across 10th Avenue, and residential and vacant uses are located to the south across 9th Avenue.

The Applicant is seeking preliminary and final major site plan and use variance approval to remove Buildings C (8,500 sq. ft.) and D (5,253 sq. ft.), and construct a 4-story, climate-controlled self-storage building consisting of 84,436 sq. ft. with a 20,750 sq. ft. footprint that will be connected to the remaining 50,000 sq. ft. one-story self-storage facility. The Applicant is also proposing nine (9) parking spaces, for a total of 16 parking spaces. Access to the site will be provided via one (1) ingress driveway from 9th Avenue, and one (1) egress driveway from 10th Avenue. The Applicant indicates the proposed building will be a drive-thru building with vehicles entering from 9th Avenue being able to drive through the building and exit to 10th Avenue. Additional site improvements include a trash enclosure north of the proposed building, concrete walkways, curbing, landscaping, and stormwater management.

3. **Consistency with the Zone Plan**

The subject property is located in the LI - Light Industrial Zone District. The LI Zone District provides for light industrial uses, as well as office uses. Self-storage facilities are permitted as conditional uses.

The proposed self-storage facility use does not comply with all of the conditions set forth in Ordinance Section 415.18 (“Self-Storage Facility”), requiring d(3) conditional use variance approval.

4. **Conditions for Self-Storage Facilities**

- A. Such facility shall be limited to a maximum F.A.R. of 0.90. The Applicant is proposing an F.A.R. of 1.413. **A d(3) and d(4) variance is needed.**
- B. No storage of hazardous or combustible materials shall be permitted. **Testimony should be given as to compliance with this ordinance section.**
- C. No sale of material shall be permitted from the premises, except for the purpose of satisfying unpaid rent pursuant to law. **Testimony should be given as to compliance with this ordinance section.**
- D. No animals or livestock shall be permitted on the premises. **Testimony should be given as to compliance with this ordinance section.**
- E. No outside storage shall be permitted except that boats and recreational vehicles may be stored in the rear yard provided that they are properly screened from the traveling public in accordance with Section 503. **Testimony should be given as to compliance with this ordinance section.**
- F. The facility will be completely surrounded by architectural fencing or walls a minimum of six (6) feet in height. **The Applicant does not meet this requirement. A d(3) variance is needed.**
- G. The facility shall be landscaped in accordance with Article V. **Testimony should be given as to compliance with this ordinance section.**
- H. A single residential unit for the use of a caretaker and immediate family shall be permitted. **No single residential unit is proposed.**

5. **Bulk Requirements**

- A. The minimum front yard setback required in the LI Zone District is 40 feet, whereas a front yard setback of 6.2 feet is existing along 9th Avenue. **This is an existing non-conformity.**
- B. The minimum front yard setback required in the LI Zone District is 40 feet, whereas a front yard setback of 11.3 feet is proposed. **A variance is needed.**

- C. The minimum front yard setbacks required in the LI Zone District is 40 feet, whereas a front yard setback of 5.3 feet is existing along 10th Avenue. **This is an existing non-conformity.**
- D. The minimum rear yard setback required in the LI Zone District is 40 feet, whereas a rear yard setback of 1.0 feet is existing. **This is an existing non-conformity.**
- E. The minimum side yard setback required in the LI Zone District is 25 feet, whereas a side yard setback of 2.9 feet is existing. **This is an existing non-conformity.**
- F. The maximum building coverage permitted in the LI Zone District is 70%, whereas a building coverage of 68.24% is existing and 75.85% is proposed. **A variance is needed.**
- G. The maximum lot coverage permitted in the LI Zone District is 70%, whereas a lot coverage of 87.5% is existing and 85.18% is proposed. **A variance is needed.**

6. **Other Zoning Requirements**

- A. As per §412.12A, three (3) loading spaces are required, whereas none are provided. **A variance is needed.**
- B. As per §503B(1), buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a parking lot exposed to view. The Applicant does not meet this requirement. **A waiver is needed.**
- C. As per §514B(2), a parking lot shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way can be minimized. No parking lot shall be located in a required front yard, whereas the existing and proposed parking spaces are located in the front yard along 9th Avenue. **A variance is needed.**
- D. As per §514B(5), surface painted aisle, stall and directional striping and directional and traffic safety signs shall be provided throughout the parking, loading and circulation areas, whereas no directional striping is existing or proposed along the northern portion of the site. **A waiver is needed.**
- E. As per §519B(2), all lots shall have private walkway access to a public sidewalk in the right-of-way, whereas no walkways are existing or proposed to the existing sidewalk along 10th Avenue. **A waiver is needed.**

7. **Required Proofs for Variance Relief**

- A. ***D(3) Conditional Use Variance.*** The application requires a d(3) use variance for the approval of a use where the conditions upon which the permitted use is predicated have not been met. To meet the positive criteria for a d(3) variance, the Applicant should prove the particular suitability of the site in accommodating the use, despite its failure to meet the conditions set forth in the ordinance

The negative criteria should focus on the impact of the deviation, not the impact of the use. The Applicant must present evidence that the negative impacts of non-compliance with the conditions can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- B. ***D(4) Floor Area Ratio (FAR) Variance. The application requires a d(4) use variance to permit an increase in the permitted floor area ratio.***

- 1) To meet the positive criteria for a d(4) variance, the Applicant should prove the particular suitability of the site in accommodating the use, despite the increase in floor area ratio over what is permitted in the zone district.
- 2) The negative criteria should focus on the impact of the deviation. The Applicant must present evidence that the negative impacts of non-compliance with the permitted floor area ratio can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- C. ***C Variances***

A number of “c” variances are required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v.

Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

- 3) C variances must also show consistency with the negative criteria as well.

- D. *A number of design waivers are required.* The Board has the power to grant design waivers as “exceptions” from the requirements of the Township’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

8. Site Plan Review

A. **Grading and Stormwater Management**

- 1) The Applicant shall provide limit of the exact area of disturbance and calculations for “project disturbance” If the area exceeds one (1) acre, the project has to meet newly adopted NJDEP stormwater management requirements for quality, quantity, groundwater recharge and green infrastructure.
- 2) Per Ordinance 07-11 Section 530, the Applicant will be required to establish a maintenance fee for the Stormwater Management System. The fee is in accordance with the NJDEP’s Municipal Stormwater Management Resolution Program annual reporting and certification process.
- 3) The Applicant shall provide a Stormwater Operation and Maintenance Manual in accordance with NJDEP BMP standards and Neptune Township Ordinance Section 528.9.
 - a) The following maps (11" x 17") shall be provided within the Maintenance Report:
 - (1) Grading Plan
 - (2) Drainage and utility plan
 - (3) Landscape plan and details

- (4) Soil erosion seeding notes
- (5) Outlet control structure and trench details

B. Utilities

- 1) The Applicant shall provide the following proposed utility schematics with the Utility Plan Sheet:
 - a) Domestic Water Service
 - b) Gas Service
 - c) Sewer Service
- 2) In accordance with Ordinance Section 526, all utility services shall be placed underground.
- 3) Regarding the sanitary sewer improvements, the Applicant shall comply with the following:
 - a) The Applicant shall obtain Township of Neptune and TNSA approval for proposed sewer connections.
 - b) Flow calculations shall be provided for the facility, calculations shall be submitted regarding proposed flow and capacity of existing system.

C. General Site Improvement Comments

- 1) The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- 2) The Applicant should provide testimony regarding the previous Resolution of Approval (Resolution 96-28) and provide testimony regarding compliance with all prior conditions. A copy of the Resolution should also be provided for review.
- 3) The Applicant should provide testimony regarding the anticipated maximum total of employees and the number per shift, anticipated number of daily visitors to the site, the hours of operation, the anticipated traffic mix, on-site vehicular and pedestrian circulation, refuse generation, proposed vehicle storage, and general storage, including any proposed overnight storage of vehicles on the site.
- 4) The Applicant should provide testimony on any proposed truck traffic on the site, including frequency and types of deliveries and circulation throughout the site. Testimony should also be provided

regarding any potential traffic conflicts between garbage pickup, visitors and other vehicles using the drive-thru lane, and general deliveries to the site.

- 5) The Applicant should indicate if any additional fencing is proposed and provide details of such.
- 6) The Applicant should provide testimony as to any existing or proposed lighting on site and ensure compliance will all requirements of §511.
- 7) The Applicant should confirm the total area of the proposed self-storage building, as the area indicated on the site plans slightly differs from that indicated on the architectural plans.
- 8) The Applicant should provide additional markers, directional arrows, and/or directional signage along the northern portion of the site. The Applicant should also indicate if the northern driveway will be for egress only.
- 9) The architectural renderings include what appears to be a new ground sign. The Applicant should clarify if a new sign is proposed, or if renovations to the existing sign are proposed. Construction details, dimensions, and the location and sign setbacks should also be provided.
- 10) The Applicant should provide testimony as to compliance with the NJ State Electronic Vehicle Parking Requirements.
- 11) The Architect's plans show one driveway and landscaped area behind the trash enclosure on 10th Avenue. The site plan does not address this.
- 12) The Architect's plans show landscaping throughout the site. The site plan does not show any existing or proposed landscaping.
- 13) The landscaping over the proposed drainage easement on the east side should be examined.
- 14) The site plan shows parking on 9th Avenue to remain. However, there is proposed drainage pipe that goes through this parking area.
- 15) New curb and sidewalk along 9th and 10th Avenues are recommended.

- 16) The plans show conflict between the new storm sewer and a utility pole on Memorial Drive.
- 17) The site plan should address proposed lighting, including street lighting per the Ordinance.

9. **Conditions of Approvals**

- A. Freehold Soil Conservation District
- B. Monmouth County Planning Board
- C. Posting of the Performance Bonds and Inspection Fees
- D. Developer's Agreement
- E. Filing of the Approved Drainage Easement
- F. Neptune Township Sewer Department
- G. Neptune Township Sewerage Authority, if required.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.
Board Engineer



Jennifer C. Beahm, P.P.
Board Planner

MS:clb:icr:mcs
cc: Monica Kowalski, Esq., Board Attorney
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NTBA/23-15