



YOUR GOALS. OUR MISSION.

UBPB-R1520

October 14, 2021

Union Beach Planning Board
c/o Madeline Russo, Planning Board Secretary
Borough of Union Beach
650 Poole Avenue
Union Beach, NJ 07735

via Email and Mail

**Re: Michael Fabozzi – Florence Development LLC
Preliminary and Final Major Site Plan and Minor Subdivision
603 Florence Avenue; Block 15, Lot 1
Engineering Review - Resubmission**

Dear Board Members:

As requested, we have reviewed the Minor Subdivision and Site Plan for the above subject site. The Minor Subdivision and Site Plans were prepared by Robert T. Kee Jr. PE & PLS dated July 6, 2021 consisting of four (4) sheets. The architectural floor plans were prepared by Scott Nicholl, AIA, dated August 23, 2021 consist of two (2) sheets. Additionally, the applicant previously submitted a Zoning Application dated June 22, 2018; a Zoning Permit Denial dated July 3, 2018, Elevation Certificate dated March 9, 2018, and a deed between Marlene C, Habon and Florence Development, LLC, dated May 15, 2018 consisting of two (2) sheets.

The site (Block 15, Lot 1) is an existing 12,192.4 square foot (0.28 acre) irregularly shaped corner lot with frontage on Dock Street, Florence Avenue and Fifth Street. The property is located in the R-8 (Residential) Zone which permits single family dwelling, governmental buildings and grounds, public and private schools, essential services, and community residences.

As you may recall the subject property received site plan approval and a use variance from the Planning Board on January 31, 2007 to permit a mixed use. That approval was never perfected, and the approval has been abandoned since there has been a cessation of the use or activity by an apparent act or failure on part of the tenant or owner to reinstate such use or occupancy within a previous of one year from the date of cessation or discontinuance. The subject application also received Planning Approval on November 28, 2018. Again, the approval was never perfected, and the approval has been abandoned the same reasons stated above.

The existing lot consists of a two-story masonry/frame structure and a one-story framed structure.

As in the prior plans, the applicant proposes to subdivide the subject property into two non-conforming corner lots. The existing two-story structure will remain on one lot (Proposed Lot 1.01) and will be used as a mixed-use structure with an office use on the first floor in the revised plans and a non-conforming apartment on the second floor. A new single-family structure is proposed to be constructed on the other lot (Proposed Lot 1.02). The Governing Body adopted an ordinance No. 2019-272 dated February 21, 2021 vacating a portion of Dock Street and Fifth Street to increase the lot areas of the subject application.



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The subject application requires site plan and subdivision approval as well as a “d” variance for a use not permitted and certain ‘C’ variance, design waivers and completeness waivers as outlined below.

Based on our review, we offer the following comments for Board consideration:

1. Completeness Review

I have reviewed the above application for compliance with the Borough Checklist for Minor Subdivision Plans (Ordinance Section 13-6.5) and Preliminary and Final Site Plans (Ordinance Sections 13-6.7 and 13-6.9). Based on my review, I find the application is technically incomplete since the following required items were not submitted and completeness waivers have not been granted. Prior to the public hearing, I recommend that the items shown in Bold Italics be provided, as noted below.

- a. Sections 13-6.5.b.1(b) and 13-6.7.b.1(c) - The minor subdivisions and site plans must be based upon a current boundary survey certified to the subdivider and prepared or recertified not less than 12 months prior to the date of application. ***(A sealed copy of the survey and subdivision plan must be provided for the Board’s file.)***
- b. Sections 13-6.5.b.3(c) and 13-6.7.b.17 – The plans do not include zone boundaries, and existing public easements, within 200 feet of the subdivision. ***(I have no objection to the Board granting a completeness waiver for this item, since a subdivision plat has been provided for review and approval.)***
- c. Section 13-6.5.b.3(f) – The existing system of drainage of the subdivision, and of any larger tract of which it is a part, together with information on how it is proposed to dispose of surface drainage. ***(Since no modifications are proposed to the existing drainage collection system and the plans include some existing spot grades, I have no objection to the Board granting a completeness waiver for this item.)***
- d. Section 13-6.7.b.5 – The tops of banks and boundaries of floodways and flood hazard areas of all existing watercourses, where such have been delineated or the limits of alluvial soils where the boundaries of the flood/ways and flood hazard areas have not been determined and/or other such information as may assist the Board in the determination of the floodway and flood hazard area limits. ***(Since all work is proposed within a previously developed site, I have no objection to the Board granting a completeness waiver for this item.)***
- e. Section 13-6.7.b.7 – The boundary, nature and extent of wooded areas, swamps, bogs and ponds within the site and within 200 feet thereof. ***(Since all work is proposed within a previously developed site I have no objection to the Board granting a completeness waiver for this item.)***



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- f. Section 13-6.7.b.8 – The plans do not include all existing and proposed manholes, sewer lines, fire hydrants, water lines, utility poles and all other topographic features of a physical or engineering nature within 200 feet of the site. (I have no objection to the Board granting a completeness waiver for this item, as no changes are proposed to the existing utilities and the plan were revised to include the existing/proposed utility services.)*
- g. Sections 13-6.7.b.10 & 12 – The plan does not include the building corners, existing and proposed grades or top and bottom of curb grades, proposed pavement and sidewalk grades and barrier free walkways grades and the grading plan datum is not based on the United States Coast and Geodetic Survey datum (MSL=0). (Since no grading modifications are proposed and the plans include some existing spot grades, I have no objection to the Board granting a completeness waiver for this item.)*
- h. Section 13-6.7.b.15 – The applicant has not provided centerline profiles of streets bordering the site and internal circulation aisles. (Since no roadway changes are proposed and existing drainage patterns are being maintained, I have no objection to the Board granting a completeness waiver for this item.)*
- i. Section 13-6.7.b.16 – The applicant has not provided soil boring logs and soils analysis for the borings in accordance with the requirement for this section. (I have no objection to the Board granting a completeness waiver for this item, provided that the applicable soils information is provided to the Construction Official at the time of building permit.)*
- j. Sections 13-6.5.b.20 and 21 – The plans do not include the estimated average number of passenger vehicles, single unit trucks or buses, and semitrailers that will enter the site each day and graphic depiction of the anticipated routes and details of the system of on-site vehicular and pedestrian circulation. (I have no objection to the Board granting a partial completeness waiver for this item if testimony is provided regarding the anticipated vehicle and truck traffic.)*
- k. Section 13-6.7.b.22 – The location and size of the proposed loading dock. (I have no objection to the Board granting a completeness waiver for this item if no loading is proposed.)*
- l. Sections 13-6.7.b.10 & 12 – The plan does not include the building corners, existing and proposed grades or top and bottom of curb grades, proposed pavement and sidewalk grades and barrier free walkways grades and the grading plan datum is not based on the United States Coast and Geodetic Survey datum (MSL=0). (As noted above, since no grading modifications are proposed, and the plans include some existing spot grades, I have no objection to the Board granting a completeness waiver for this item.)*



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- m. Section 13-6.5.b.25 – The plan submitted does not include the existing and proposed lighting including but not limited to location, direction of illumination, amount of illumination expressed in horizontal foot candles, wattage and drawn details of all outdoor lighting standards and fixtures. (The applicant previously provided a lighting plan dated January 30, 2020, latest revision February 13, 2020. Since the proposed parking layout for Proposed Lot 1.01 has been reconfigured, a revised lighting plan must be provided for review and approval.)*
- n. Section 13-6.7.b.28 – The plans do not include details for the proposed trash enclosure. (I have no objection to the Board granting a completeness waiver for this item, if a trash enclosure is not proposed.)*
- o. Section 13-6.5.b.33 – A written description of the proposed operation which includes the hours of operation, the number of shifts, the number of employees in each shift, the number of vehicles to be stored or parked on site and provisions to be made for site maintenance. (I have no objection to the Board granting a completeness waiver for this item provided testimony is provided on the proposed operation as part of the public hearing.)*
- p. Section 13-6.9.a.5 - Environmental Impact Report has not been submitted. (Since all work is proposed within a previously developed site, I have no objection to the Board granting a completeness waiver for this item.)*

2. Planning and Zoning

- 2.1. As noted above, the property is located in the R-8 (Residential) Zone which permits single family dwelling, governmental buildings and grounds, public and private schools, essential services, and community residences. Therefore, a use variance is required to permit the proposed mixed use (office facility with second story apartment) on proposed Lot 1.01.
- 2.2. In addition, based on review of the Minor Subdivision & Site Plan provided, the following variance relief will be required. The Zoning Schedule on sheet 2 of 4 of the Minor Subdivision and site Plan provided shall be revised accordingly.

Proposed Lot 1.01

- a. Section 13-10.4.f.1.(b) – Minimum lot area of 9,182.64 square feet where 10,000 square feet is required.
- b. Section 13-10.4.f.2.(b) – Minimum lot width of 41.58 feet on Fifth Street where 100 feet is required.



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- c. Section 13-10.4.f.3.(b) – Minimum lot frontage of 41.58 feet on Fifth Street and 100 is required.
- d. Section 13-10.4.f.4.(b) – Minimum lot depth of 57.84 feet on Dock Street and 65.04 feet on Florence Avenue where 100 feet is required on both streets.
- e. Section 13-10.4.f.5 – Minimum front setback of 9.5 feet on Florence Avenue where 20 feet is required.

Proposed Lot 1.02

- f. Section 13-10.4.f.1.(b) – Minimum lot area of 7,571.24 square feet were 10,000 square feet is required.
 - g. Section 13-10.4.f.4.(b) – Minimum lot depth of 57.84 feet on both Dock Street and 65.04 feet on Fifth street where 100 feet is required on both streets.
- 2.3. Section 13-8.4 (a) requires a 20-foot-wide buffer along all sides and rear property lines which abut areas zoned residentially. Variances are required as no buffering is proposed along the entire perimeter of Lot 1.01.
 - 2.4. The architectural plans indicate signage mounted on the awnings. The plan does not show dimensions or if the signs are illuminated. The proposed signs shall not exceed the maximum 4-foot sign height as set forth in Ordinance Section 13-8.26 (d) 1. The applicant should clarify if any the sign will be illuminated.
 - 2.5. The zoning schedule should be revised to reflect mixed use for Proposed Lot 1.01.
 - 2.6. The applicant should clarify the proposed hours of operation and the number of shifts, the number of employees in each shift, the number of vehicles to be stored or parked onsite and provisions to be made for site maintenance.

3. Traffic Circulation and Layout

- 3.1. The is proposing an office use on the first floor of Lot 1.01 and an apartment on the second floor. Section 13-8.20.o of the Ordinance requires one (1) parking space for each single-family dwelling, two (2) parking spaces for each apartment, and one (1) parking space for each 150 square feet of gross floor area for a business or professional office use. Based on the above, eight (8) parking spaces would be required for Lot 1.01 and one (1) space would be required for Lot 1.02. The applicant is proposing to construct total of three (3) driveways that can provide a total of eight (8) parking spaces.



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- 3.2. The plan indicates a stone driveway off Fifth Street for the proposed apartment Lot 1.01. As per Section 13-8.16 h all structures shall be accessible by means of a paved driveway.
- 3.3. The applicant should provide testimony on the adequacy of the proposed parking areas to accommodate the proposed use, including the anticipated number of customers and employees that will be using the proposed facility and the number of vehicles to be stored onsite.
- 3.4. The applicant should provide testimony on the estimated average number of passenger vehicles, motor cycles, and trucks that will enter the site each day, as well as the traffic impacts associated with the proposed change in use.
- 3.5. A design waiver is required from Section 13-8.19.e of the Ordinance since a loading area is not provided for the new use.
- 3.6. A design waiver is required to permit a 20-foot access drive where Section 13-8.20.d of the Ordinance requires two-way drives to be a minimum of 24 feet in width.
- 3.7. A design waiver is granted from Section 13-8.20.g of the Ordinance, since the parking area/driveways do not have concrete curbing along the perimeter.
- 3.8. Design waivers are required from Sections 13-8.20.i.1, 13-8.20.i.3 13-8.20.j.1 of the Ordinance since parking is proposed in the front yard and a minimum 18-foot-wide landscape safety island is not provided with a minimum of 8 feet between the proposed parking lot curbing and the property line.
- 3.9. A design waiver is required from Section 13-8.20.j.4 to permit the driveway to be closer than 100 feet from the intersection.
- 3.10. A design waiver is required from Section 13-8.20.j.5 to permit the proposed parking spaces to back out into the right-of-way.
- 3.11. Section 13-8.2.5 of the Ordinance states that sidewalk is required on both sides of all streets. No sidewalk exists along the property frontage on Fifth Street Avenue and no sidewalks are proposed; therefore, a waiver is required. Please note, if sidewalks are not installed, the applicant must post a contribution to the trust account for sidewalk construction in the amount of \$1,600.00 (\$800.00 per lot) in accordance with Section 13-8.25 of the Ordinance.
- 3.12. As a condition of any approval, the applicant should be required to replace any existing curb and/or sidewalk damaged as a result of the proposed construction and the plans should be revised to include a note indicating same.



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- 3.13. The plan should be revised to reflect that the limits of the proposed curb cut on Dock Street and the proposal to reconstruct the sidewalk to permit same.
- 3.14. The plans have been revised to include sight triangle easements at all intersections as required by Section 13-5.7 of the Ordinance. Copies of any deeds of sight triangle easement to be dedicated to the Borough must be submitted for review and approval by the Borough Attorney and our office, prior to recording in the Monmouth County Clerk's Office.

4. Grading, Drainage and Utilities

- 4.1. The plans have been revised to include some existing spot grades. Although no grading changes are proposed on Lot 1.01, a grading plan should be provided for Lot 1.02 as a condition of any approval.
- 4.2. The plans should be revised to include additional spot grades for the proposed to confirm that the existing and proposed sidewalk, proposed walkways and barrier free ramps comply with the maximum 2% slope limitations. Any sidewalk or ramps not in conformance with ADA standards must be replaced.
- 4.3. The subdivision plan must be revised to show all existing and proposed utility mains and services which abut the site, particularly since a portion of the Dock Street right-of-way recently vacated.
- 4.4. The applicant proposes to reuse the existing utility service connections for the existing mixed-use building. A design waiver will be required from Section 13-8.33 to permit any existing overhead utilities to remain.
- 4.5. The plan should be revised to include details for the proposed utility services for the new single-family dwelling; as well as applicable bedding and trench details.

5. Landscaping and Lighting

- 5.1. The plan must be revised to include the applicable lighting details.
- 5.2. The plans must be revised to include, planting details and planting notes.
- 5.3. The plan must be revised to reflect the size of the shade trees at the time of planting area a minimum of 2-2.5" in caliper. The plan must also be revised to include the size of the proposed Feathered Reed Grass.



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- 5.4. A design waiver is required from Section 13-8.4.d of the Ordinance, since shade trees are not provided along all three property frontages at a minimum 40 feet on-center. The applicant proposes a total of four (4) shade trees where thirteen (13) are required.
- 5.5. Pursuant to Section 13-8.4.b.1 of the Ordinance, the applicant is required to plant a 20-foot-wide double staggered row of evergreen trees which are 6 to 8 feet in height, planted 8 feet on-center. A design waiver is required as a single row of evergreens are proposed along portions of the common lot line.
- 5.6. Section 13-8.4.c.7 of the Ordinance requires one (1) tree and three (3) shrubs be provided for each 250 square feet of open space; therefore twenty (20) trees and sixty (60) shrubs are required for the subject tract. A design waiver is required, unless the plans are revised accordingly.
- 5.7. The applicant should clarify the size and species of the five (5) trees to be removed as part of this application. The applicant should also revise the plan to include same. The plans should be revised to include a tree protection detail.
- 5.8. A design wavier is required from Section 13-8.20.j.2 since a 5-foot-wide unbroken landscape strip is not provided along the entire perimeter of the parking areas/driveways.
- 5.9. The applicant should provide testimony on its proposal to irrigate and maintain the onsite lawn and landscaping. I recommend that an irrigation system be provided for long term durability.
- 5.10. The planting schedule should be revised to denote that all plant material will be guaranteed for a two (2) year period from the date of the Performance Bond Release.
- 5.11. Section 13-5.27.a of the Ordinance states that the lighting level shall not exceed 0.5-foot candles beyond any property line and that a parking area must provide a minimum lighting level of 0.5 foot-candles as required by Section 13-8.20.j.6 of the Ordinance. Therefore, design waivers will be required unless the plans are revised accordingly.

6. General

- 6.1 The site is in the AE13 Special Flood Hazard Areas based on the Preliminary Flood Insurance Rate Maps (FIRM), which would require the finished floor to be elevated to elevation 16.0, which is the Base Flood Elevation plus three (3) feet of freeboard. All mechanical equipment servicing the structure, including the electric meter, are required to be elevated two (2) feet above the Base Flood Elevation. Although the new single-family dwelling appears to conform, the existing mixed-use building has pre-existing non-conforming elevations of 5.7 for the bottom floor and 12.4 for the next highest



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floor. The elevation certificate also notes that the mechanicals are at elevation 7.4. The applicant is required to comply with the Borough's Flood Ordinance. All mechanicals shall be elevated two foot above the BFE and the basement filled to grade. This should be discussed.

- 6.2 As in the prior plan, a design waiver is required from Section 13-8.27 of the Ordinance since a trash enclosure is not proposed. The applicant should provide testimony on the anticipated amount of refuse and recycling that will be generated by the facility each week and its proposal to accommodate same. The plan should be revised to denote proposed refuse storage location(s) within the building and the anticipated frequency and times of refuse and recycling pickup.
- 6.3 The owner's concurrence signature block must be signed and notarized.
- 6.4 A sealed copy of the current property survey must be provided.
- 6.5 The keymap must be revised to include the correct flood zone and FIRM Panel Number. Please be advised the Borough adopted the 2015 Preliminary Flood Map as the flood hazard data source for establishing Local Design Flood Elevations (LDFE).
- 6.6 The applicant has revised the plans to include utility and site triangle easements. The applicant must confirm if the property is subject to any existing covenants or deed restrictions. If so, copies should be provided to the Board Attorney for review and approval.
- 6.7 The plan must be revised to include details for the full-face curbing and utility trench, etc.
- 6.8 As a condition of approval, the applicant must obtain all necessary approvals, including, but not limited to NJDEP, Monmouth County Planning Board, Freehold Soil Conservation District, Borough Fire Official, and Union Beach Board of Health. Copies of all permits or approvals should be submitted.
- 6.9 I recommend that the applicant be required to post a Performance Bond to ensure that all improvements are completed in accordance with the approved plan. By copy of this letter, I am advising the applicant that all site work must be completed prior to the issuance of any Certificates of Occupancy for this site.

I recommend that the above comments be addressed prior to final approval.



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If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD G. BROBERG, P.E.
BOROUGH OF UNION BEACH
PLANNING BOARD ENGINEER

EGB:DMD:lc

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