



YOUR GOALS. OUR MISSION.

June 10, 2024



**VIA EMAIL & REGULAR MAIL**

Stacey M. Cole, Board Secretary  
Barnegat Township  
Zoning Board of Adjustment  
900 West Bay Avenue  
Barnegat, NJ 08005

Re: T&M File No. BNZB-R0071  
Completeness and 1<sup>st</sup> Engineering Review  
Zoning Board Case No. ZB22-06  
Zone: TC-CN "Town Center Neighborhood Commercial"  
Application: Use Variance – Residence Club at Barnegat  
Applicant: JMC Management Group, LLC  
Site Address: 30 Erin Way  
Block(s)/Lot(s) 114/9.02  
Township of Barnegat, Ocean County, NJ

Dear Ms. Cole:

Enclosed please find a Completeness & Engineering Technical review for the above referenced application.

**A. Completeness**

The following documents were reviewed in support of this report:

1. Barnegat Township Zoning Board Application;
2. Use Variance Completeness Checklist;
3. List of Professionals & Consultants;
4. Township of Barnegat Tax Release;
5. Barnegat Township Contribution Disclosure Statement signed by Thomas Brennan, dated 04/08/2024;
6. Barnegat Township Contribution Disclosure Statement signed by Scott Kennel, dated 04/23/2024;
7. Affidavit of Non-Collusion dated 04/19/2024;
8. Form W-9 for JMC Management Group, LLC;
9. Applicant/Developer Escrow Agreement, dated 04/19/2024;
10. Traffic Study prepared by McDonough & Rea Associates, Inc. dated 04/26/2024;
11. Variance Plan entitled, "Use Variance Plan for property known as: Residence Club at Barnegat, Block 114, Lot 9.02, Tract Containing 5.32 Ac, 30 Erin Way, Barnegat Township, Barnegat Township, Ocean County, New Jersey, Tax Map Sheet #82, Last Revised 11/23/2021" prepared by Kenneth FX Schlatmann, P.E., P.P., of Schlatmann Engineering Associates, LLC, consisting of one (1) sheet, dated 04/25/2024, with no revisions;
12. Architectural Plan entitled, "New Affordable Multi-Family Condominium Project by Homes Now Inc., Residence Club Apts, Barnegat, New Jersey" prepared by Thomas Brennan, R.A., of Thomas J. Brennan Architects, consisting of six (6) sheets, dated 04/09/2024.



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The above referenced Application has been reviewed for administrative completeness in accordance with Township Ordinances and the Municipal Land Use Regulations and has been found to be **complete**.

### **B. Summary**

The subject property is located at the west end of Erin Way in the TC-CN Zone (Town Center Neighborhood Commercial). We note that the improved portion of Erin Way terminates approximately 200 ft east of the subject property. Erin Way currently serves office uses in the TC-CN Zone. The subject property comprises an area of 5.32 acres (231,739.20 s.f.) and is currently vacant and wooded.

The subject property lies within the Neighborhood Commercial Zone and is also located within the Town Center Overlay Zone which is bound by the Garden State Parkway and US Route 9 to the west and east, and the intersections of Barnegat Bay Boulevard and Gunning River Road with US Route 9 to the north and south, overriding the CN Zone and creating the TC-CN Zone.

Surrounding properties include Lots 8 – 15 (R-20 Zone) to the west containing residential dwellings, Lots 4.04, 6, and 7.01 (CN Zone) to the east containing commercial and office uses, and Lot 8.02 (CN Zone) to the east that is currently vacant and wooded.

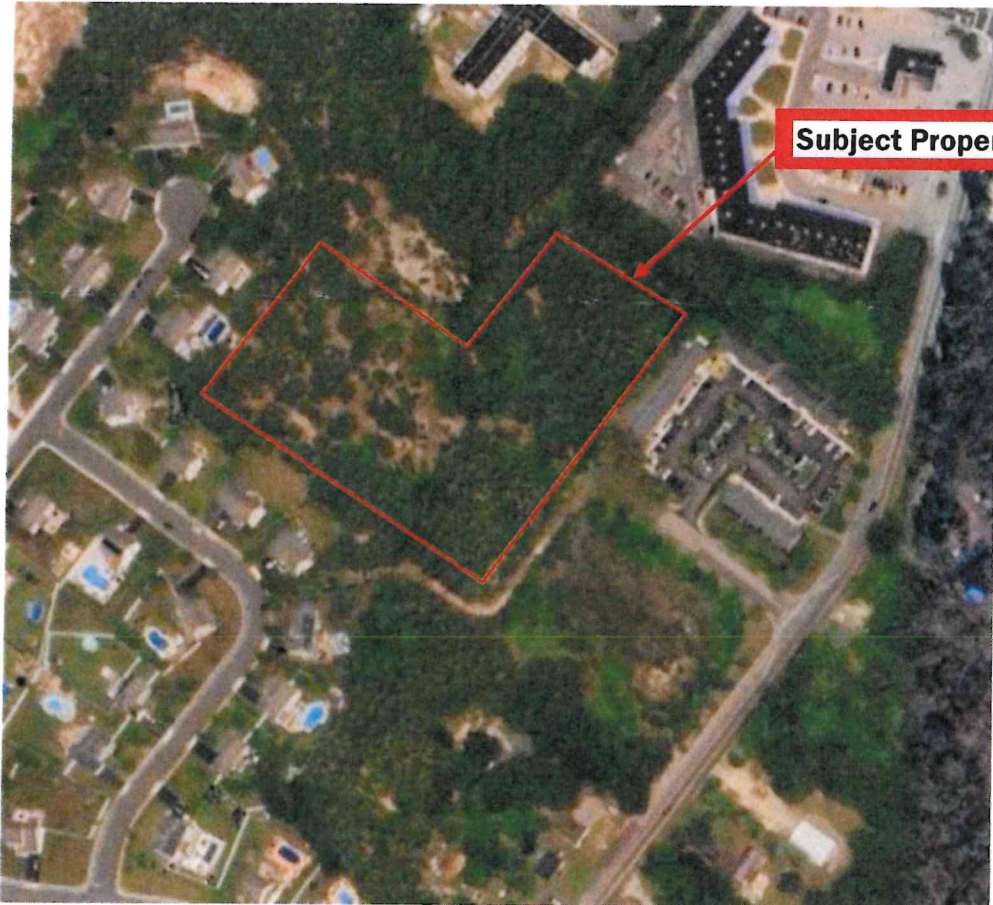
The Applicant is seeking use variance approval for "Multi-Family Age Restricted Apartment" use, where that use is not permitted within the Zone. As this is a bifurcated application, the applicant is only seeking use variance approval currently. Should the use be approved, the Applicant must submit a detailed Site Plan application to the board for review and approval.

The Applicant has submitted a Variance Plan to illustrate the proposed use. The submitted Variance Plan consists of two 3-story, 18,073 sf buildings totaling 74 apartment units, a leasing office, a gym, and a common space. The property also contains a pickleball court, a trash enclosure, and a parking lot with 112 spaces, 6 spaces are designated as handicap accessible and 17 are EV/Make-Ready spaces. The parking lot is accessed by a 24' wide two-way circular access aisle from Erin Way. We note that the site is considered a major development according to N.J.A.C. 7:8 and therefore a detailed stormwater management report will be required during the site plan review.

The property in questions was subject of a previous use variance application, which was denied by the Board on July 12, 2017, for use variance approval for a self-storage facility.



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GOOGLE EARTH: SUBJECT PROPERTY





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**C. ZONING**

The subject property is located within both the TC - CN Zoning District.

TC - CN Zoning Schedule (Section 55 Attachment 2)		
	REQUIRED	SUBJECT PROPERTY
<b>LOT REQUIREMENTS</b>		
Minimum Lot Area	12,000 s.f.	231,739.20 s.f.
Minimum Lot Width	80 ft.	532.34 ft.
Minimum Lot Depth	80 ft.	505.95 ft.
<b>PRINCIPAL BUILDING REQUIREMENTS</b>		
Front Setback Minimum	20 ft.	50 ft
Front Setback Maximum	30 ft.	50 ft. (V)
Minimum Rear Setback	20 ft.	75 ft.
Minimum Side Setback	5 ft.	75 ft.
Minimum Side Setback - Combined	10 ft.	150 ft.
Maximum Building Height	35 ft.	45 ft. (V)
Maximum building Height	2.5 Stories	3 Stories (V)
<b>ACCESSORY BUILDING REQUIREMENTS</b>		
Minimum Side Setback	5 ft.	55 ft.
Minimum Rear Setback	5 ft.	177 ft.
<b>LOT COVERAGE REQUIREMENTS</b>		
Maximum Floor Area Ratio	1.25	0.47
Maximum Building Coverage	60 %	15.60 %
Maximum Lot Coverage	70 %	32.6 %
e = Existing Non-Conformance V = Proposed Variance TBD = Applicant to Provide		

**RELIEF REQUIRED**

Variance(s)

1. **Use Variance, d(1) (Ordinance Section 55-34.10 & 55-19, NJ Section 40:55D-70)** - Any use not specifically permitted in an adopted Township zoning schedule should be deemed prohibited. Applicant proposes "Multi-Family Apartment" use where it is not permitted in the TC-CN Zone.
2. **Use Variance, d(6) (Section 55 - Attachment 2, NJ Section 40:55D-70)** - The maximum allowable building height permitted in the TC-CN Zone is 35 ft. whereas the Architectural Plan depicts the building being 45 ft. tall. The height exceeds the maximum allowable by over 10%, therefore a d(6) variance will be required based on the information provided.
3. **Maximum Building Height (Section 55 - Attachment 2)** - The maximum allowable building height permitted in the TC-CN Zone is 2.5 stories whereas the Applicant is proposing 3 stories.
4. **Front Yard Setback (Section 55 - Attachment 2)** - The maximum allowable front yard setback in the TC-CN Zone is 15 ft., where 85.2 ft. is proposed.

Should the Use Variance Be Approved, the following are the apparent waiver(s) that are currently required during the Site Plan process.



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Potential Design Wavier(s) During site plan review

1. Parking Dimensions (Section 55-151C(9)) – The minimum bay width with 90-degree parking stalls on both sides of the drive aisle required is 64 ft., where 60 ft. is proposed.
2. Parking Dimensions (Section 55-151C(9)) – The minimum stall dimension for 90-degree parking stalls is 9 ft. x 20 ft., where the proposed stalls measure 9 ft. x 18 ft.

**D. ENGINEERING COMMENTS**

Upon review of the submitted materials we offer the following comments requiring testimony from the Applicant:

1. The Applicant shall provide an overview of the proposed project.
2. The Applicant should provide testimony on their history with the subject property, i.e. when the property was purchased, improvements completed, permits applied for.
3. The Applicant should provide testimony on any active and/or anticipated approvals from outside agencies.
4. The Applicant should provide testimony regarding their ability to meet stormwater management requirements based on the proposed development, layout, and impervious coverage.
5. The Applicant should provide testimony on compliance with the buffers required in accordance with Section 55-162.2F.
6. The Applicant should provide testimony regarding site lighting in accordance with Section 55-171 as well as potential impact (or lack thereof) to the adjacent properties.
7. The Applicant should provide parking testimony in accordance with Section 55-173. We note that 112 total parking spaces are provided. As the proposed use is not permitted in the zone, the parking requirement in Appendix H states that the Zoning Board of Adjustment is to determine required parking. We note that per RSIS, the subject property should provide 180 spaces. The calculation is as follows:

26 Units (1 Bedroom)	1.8 Spaces	46.8 Spaces
48 Units (2 Bedroom)	2.0 Spaces	96 Spaces
74 Units (Total for Guest Spaces)	0.5 Spaces	37 Spaces
		179.8 Spaces ~ 180 Spaces

8. The Applicant shall provide an overview of the Traffic Statement submitted, as well as provide testimony regarding traffic circulation through the site (i.e. emergency vehicles).
9. The Applicant should provide testimony on site signage. We note that all site signs must comply with Section 55-181.
10. The Applicant should provide testimony regarding proposed utilities in the buildings.
11. The Applicant should provide testimony regarding proposed utility connections.
12. The Applicant should provide testimony regarding improving Erin Way.
13. The Applicant should show the landscaped areas on the variance plan, per the Use Variance Application Checklist. We note that no landscaping is shown. Applicant shall comply with all landscaping requirements of the Township Ordinance.
14. The Applicant should provide testimony regarding ADA accessibility throughout the site.
15. The Applicant should provide testimony regarding trash storage. We note that there is one 20 ft x 20 ft refuse enclosure is provided for the 74 units.



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Sheet 6

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16. We note the scale provided on the Variance Plan is incorrect. The correct scale is 1" = 30'.
17. The Applicant should provide testimony regarding affordable housing units within the site.
18. The Applicant should provide testimony regarding compliance with the Multi-Family Age Restricted standards. We note that the bulk standards shall comply with the TC-CN zone, however testimony regarding compliance in regard to the apartment use shall be provided. We note the applicant states the bulk standards from this zone on the zoning chart.

We reserve the right to request additional information, and/or plans should additional variances or concerns be indicated during the public hearing. Should you have any questions or require anything additional, please do not hesitate to contact my office.

Very truly yours,  
T&M Associates

Jason A. Worth, P.E., P.P., C.M.E.  
Board Engineer

JAW:BEZ:ls

cc: Debra Rumpf, Esq., Zoning Board Attorney (via email)  
Scott Taylor, Taylor Design Group, Board Landscape Architect and Planner (via email)  
JMC Management Group, LLC c/o Jerry Cernero (Applicant)  
101 Prosper Way, Brick Township, NJ 08725  
Joseph Coronato, Sr., Esq. (Applicant's Attorney)  
Coronato Law, 680 Hooper Avenue, Toms River, NJ 08753  
Kenneth FX Schlatmann, PE, PP (Applicant's Engineer)  
Schlatmann Engineering Associates, LLC, 1233 5<sup>th</sup> Avenue, Toms River, NJ 08757  
Creigh Rahenkamp, PP (Applicant's Planner)  
Creigh Rahenkamp & Associates, LLC, P.O. Box 22, Riverton, NJ 08077  
Tom Brennan, RA (Applicant's Architect)  
Thomas J. Brennan Architects, 1333 W. McDermott Dr., Suite 200, Allen, Texas 75013  
Scott T. Kennel, Sr. Associate (Applicant's Traffic Expert)  
McDonough & Rea Associates, 1431 Lakewood Road, Suite C, Manasquan, NJ 08736