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- Community Planning
- Landscape Architecture
- Municipal Consulting
- Streetscape Design
- Economic Development
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Barnegat Township Zoning Board  
900 West Bay Avenue  
Barnegat, NJ 08005

**Re: JMC Management Group, LLC  
30 Erin Way  
Block 114, Lot 9.02  
Use Variance  
Review Letter #1  
Docket: #ZB22-06, TDG File: 2001-118.180Z**

Dear Board Members:

Our office has received and reviewed the following submission items:

- **Land Use & Development Application**, submitted by JMC Management Group, LLC, dated April 30, 2024.
- **Use Variance Plan**, prepared by Schlatmann Engineering Associates, LLC, consisting of 1 sheet, dated January 2024.
- **Architectural Plans**, prepared by Thomas J. Brennan Architects, consisting of 6 sheets, dated April 6, 2024.

At this time, we offer the following comments:

**A. General Comments/Site Design**

1. The subject property is a 5.32-acre parcel, to be located at 30 Erin Way, known as Block 114, Lot 9.02, in the Town Center Neighborhood Commercial Overlay Zone (TC-CN). The site is currently a vacant wooded site.
2. Residential uses exist along the entire western and southern property lines and front on Brixham Corner and Rockrimmon Boulevard. To the west of the site is an existing basin and The Commons at Hampton Ridge medical office center. To the north is the Barnegat Rehabilitation & Nursing Center, which fronts on West Bay Avenue, as well as an existing plaza, which fronts on the corner of West Bay Avenue and Gunning River Road. See image below courtesy of Google.
3. The applicant proposes to develop multi-family age restricted apartments on site containing:
  - 2 apartments buildings with a total of 74 units, 12 of which are proposed as affordable senior units.
  - A 2,663 SF clubhouse proposed in Building #2.
  - A pickle ball court.
  - The extension of Erin Way into a parking court with 111 spaces.



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4. A previous application for a self-storage facility was proposed at this site. The application was denied by the board.



## **B. Use/Height Variance Discussion**

1. Multi-Family Age Restricted Apartments are not a permitted use within the TC-CN zoning district. As a result, the applicant requires a use variance pursuant to N.J.S.A. 40:55D-70(d)1.
2. Buildings constructed within the TC-CN zoning district are to be built at a maximum height of 35', and the proposed height of the buildings is 45', which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. As a result, the applicant requires a height variance pursuant to N.J.S.A. 40:55D-70(d)6.
3. For the grant of a d(1) use variance & d(6) height variance, the Applicant must prove, and the Board must specifically find that the use and additional building height promotes the general welfare because the proposed site is particularly suitable for the proposed use. Testimony should be provided regarding the unique attributes of the site that makes it "particularly suitable" for the proposed variances, and how locating the proposed use, in conjunction with the height, on this particular site in this zone specifically promotes the purposes of planning.

The Applicant must prove, and the Board must also find that the proposed variances will not cause a substantial detriment to the public good. Any perceived detriments must be shown to be mitigated to the greatest extent possible.

The Applicant should provide testimony regarding whether the variances will substantially impair the intent and purpose of the Master Plan or Zoning Ordinance. Such findings must satisfactorily reconcile the granting of the variances with the Township's continued omission of the uses from the zone.

## C. Bulk Variance Discussion

1. The Applicant requires the following bulk variances for the proposal:
  - a. To permit a front yard setback of <30' where the ordinance requires a front yard setback of between 20-30' from the street right of way. (TC-CN Zone).
  - b. To permit the buildings to be 3 stories in height, where 2.5 stories is permitted.
  - c. The RSIS requires 1.8 spaces per 1-bedroom unit, 2.0 spaces per 2-bedroom unit, and 0.5 spaces per total units for designated guest parking. We note that the plans currently show 111 total spaces. This does not comply with either requirement.

We defer further comment/calculations to the Board Engineer.

- d. Testimony should be provided regarding compliance with all applicable standards of the TC-CN Zone set forth in § 55-34.5.D
- e. Testimony should be provided regarding compliance with all applicable development standards set forth in § 55-34.6.

## D. Design Waivers

1. All design waivers may be deferred to the time of a potential future Site Plan application.

## E. General Comments

1. The applicant should provide testimony regarding whether they intend to utilize the Stormwater Basin on adjacent Block 114, Lot 8.02, or if any other construction is proposed on that Lot. If this is the case, Lot 8.02 should be included in the application for Use Variance.
2. The Applicant only seeks a d(1) Use Variance at this time while also requiring a d(6) height variance. Should the Board favorably consider the application for Use and Height Variance, the applicant will be required to return to the Board for Preliminary and Final Major Site Plan approval.
3. The Applicant should provide detailed testimony regarding the proposed multi-family age restricted apartment use, site circulation, mail/deliveries, all site amenities, hours of operation of the leasing office, and general site and building improvements.

Additional testimony should be provided regarding the Affordable Housing component of the project.

4. Detailed testimony should be provided regarding how trash and/or recycling will be handled on site, the timing, route of travel, and frequency of deliveries and refuse pickups.
5. Given the proximity to adjacent single family residential uses, we suggest that trash pickup and deliveries be limited to daytime hours only to minimize impacts to nearby residents, such as 7 AM to 7 PM.
6. Testimony should be provided regarding the maximum building height proposed. We note there is a discrepancy between the height shown in the zoning schedule (45') and the height shown on the architecture plans/application (39'4"). Testimony should be provided.
7. Testimony should be provided regarding the proposed pickle ball court.



We offer concern that the proposed pickle ball court may create noise impacts on the surrounding single-family dwellings. We recommend that more passive/quieter forms of recreation be considered such as a shade pavilion with grills and outdoor seating, walking paths, gardens, etc.

8. Testimony should be provided regarding any improvements proposed to Erin Way.
9. The parking areas show “EV Make-Ready” spaces. Actual EV Charging spaces are required to be installed in Multifamily residential projects, in accordance with the schedule set forth in the Law.

## **F. Building Design**

1. The applicant should provide detailed testimony and exhibits regarding the proposed architectural forms, materials, heights, and colors for the buildings. Testimony should also be provided regarding consistency with the requirements of the Architecture design standards set forth in §55-92.

We offer concern regarding the lack of detailing of the rear facades, which will be more visible to surrounding residential uses. We suggest that additional efforts be made to break up the mass of the structures with changes in materials and or color, similar to the front facades.

Complete color-rendered building elevations should be presented for both buildings. We suggest the use of warm muted earth tones to reduce the visual impacts of the structures.

2. Testimony should be provided regarding the building HVAC locations, noise, etc. for all buildings. They should be screened whether at ground level or roof mounted.
3. The total square footage of both buildings should be provided on the engineering plans.

## **G. Lighting Comments**

1. The Applicant should provide detailed testimony regarding all site, building, sign, and recreation space lighting. We suggest that all lighting be full cutoff fixtures to reduce off-site and skyward glare, and if LED is used, the color temperature should be 3,000° Kelvin.
2. The Board and the applicant should discuss the hours that the lights will operate, and consider a potential reduction overnight to security levels and/or the utilization of timers and/or motion sensors to activate the lights only when necessary after hours. This is particularly important around the site perimeter.

## **H. Landscaping Comments**

1. Testimony and or exhibits should be provided regarding the existing tree line proposed to remain. We offer concern regarding the feasibility of the tree line preservation, and recommend that additional vegetation be provided along the parking and circulation areas to reduce the visual impacts on the surrounding single-family dwellings.
2. Testimony should be provided regarding the existing vegetation/tree cluster shown in the middle of the parking area. We offer concern regarding the feasibility of the proposed preserved tree line.



## I. Plan Inconsistencies

1. The Use Variance Plan indicates a 20' scale in the title block, and a 40' scale at the bottom of the sheet. We note the plan is drawn at 30' scale. Both provided scales should be corrected.
2. The provided Zoning Schedule should be corrected to reflect the correct and applicable requirements of the TC-CN Zone.  
All other parameters should be shown separately.
3. The plans indicate 112 parking spaces proposed where only 111 are shown on the plan. It appears the 23 parking spaces across from Building #2 were miscounted as 22 are shown. The Parking evaluation should be clarified to be based upon RSIS requirements.

If you have any questions or require additional information regarding this application, please do not hesitate to contact our office.

Respectfully submitted,  
Taylor Design Group, Inc.

  
Scott D. Taylor, LLA, AICP, PP, LEED AP  
Vice President

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