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**E. M. WATERBURY & ASSOCIATES, P.A.**  
ENGINEERING • PLANNING • LAND USE & DEVELOPMENT

February 24, 2021

West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary  
West Long Branch Zoning Board of Adjustment  
965 Broadway, West Long Branch, N.J. 07764

File No. WLBZB 2019-03

Re: Completeness and Engineering Review No. 3  
West Long Branch Realty, Inc. (ZB 2019-03)  
Use Variance Application  
207 Monmouth Road (State Route 71)  
Block: 67, Lot: 32; Zone: OP

Dear Board Members:

As requested, I have received and reviewed the following information recently submitted for the application:

- Plan entitled Minor Site Plan prepared by David Boesch LLA of Nelson Engineering Associates, Inc. dated last revised January 29, 2021 consisting of one (1) sheet.

In addition as noted in my report dated July 23, 2020 I have also review the following for the application:

- Survey prepared by Robert H. Morris, P.L.S. of Nelson Engineering Associates, Inc., dated April 20, 2011, last revised November 30, 2018, consisting of one (1) sheet;
- Floor Plan prepared by James Watt, A.I.A. of Watt Architects, dated November 12, 2018, last revised December 3, 2018, consisting of one (1) sheet;
- “Narrative Justification for Waiver of the Requirements for a Submission of a Site Plan...”, consisting of one (1) sheet;
- Variance Application dated December 17, 2018 with attached Checklist, Zoning Officer Review Form, change of use;
- Letter from Peter S. Falvo, Jr., Ansell, Grimm and Aaron, dated November 20, 2019;
- Letter from Peter S. Falvo, Jr., Ansell, Grimm and Aaron, dated July 1, 2020;
- Resolution of Zoning Board of Adjustment memorialized April 26, 2012;
- Resolution of Zoning Board of Adjustment memorialized November 15, 2012;
- Resolution of Zoning Board of Adjustment memorialized October 24, 2014.

The subject application is requesting approval to use a portion of the existing one (1) story commercial masonry building as storage for a hardwood floor contractor and the remainder of the building as the existing gas station office, existing auto repair facility and existing storage of vehicles. It is my understanding that no changes are proposed to the exterior of the building or to the existing site. The applicant must clarify if any additional signage or site improvements are proposed. The site is a 39,000 square foot property known as Block 67, Lot 32 that is located on the east side of Monmouth Road (State Highway 71) and is located within the OP Zone. The applicant is requesting a use variance and has requested to bifurcate the application.



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### Summary

The property has received approval in 2012 to convert a portion of an existing non-conforming gasoline and repair station to a convenience mart to allow the three to operate together on the site. The associated Preliminary and Final Site Plan and associated Bulk Variances were approved by resolution of the Zoning Board on November 15, 2012. An amendment to that approval was granted by the Zoning Board by resolution memorialized on October 23, 2014. This amendment allowed an increase the size of the convenience mart within the existing structure. The existing structure was not enlarged with this amended approval. The applicant proposes to have existing gasoline and repair facility remain on the property and have the third use change to a storage area for hard wood flooring material for a separate business. The convenience mart appears to be abandoned from the site with this application. *The applicant has submitted a minor site plan reflecting changes to the site plan to include more parking on the site including ADA parking and provide a fire lane around the property.*

The revisions are intended to address comments in my July 23, 2020 report. The following are comments from that report. The manner the applicant has addressed the comments are noted in *italic*. Outstanding or additional comments are noted in ***bold italic***. The numbering follows that of the July 23, 2020 report. I offer the following comments for Board consideration:

- 1.0 Completeness Review- The application can be scheduled for a Completeness Waiver hearing. If the waivers noted below are approved the applicant can proceed with a public hearing. Please note, the application will remain ***incomplete*** until they obtain Board approval of completeness waivers or any required information outlined in that hearing is provided.
- 1.1 The following are checklist items that I have no objection to the Board granting completeness waivers. Prior to the start of the public hearing, the Board must grant a waiver for each item listed in order for the application to be deemed complete. Please note, granting of the waiver for submission purposes does not preclude the Board from requesting the information during the hearing.
  - a. **Item No. B5** – Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, zone districts, etc. within 500 feet of property- I have no objection to the Board granting a completeness waiver for this item. Following please find two images taken from Monmouth County Property Viewer; one indicating the site location and the second depicting an aerial view of the site. ***This is a continuing comment.***
  - b. **Item No. B24** – Location of streams, floodplains, wetlands or other environmentally sensitive areas on the project site- I have no objection to the Board granting a completeness waiver for this item. Testimony should be provided by the applicant confirming none exist in the area or on site. ***This is a continuing comment.***
  - c. **Item No. B22** – Any existing or proposed easements or lands reserved for use and dedication to public use- The applicant's attorney has indicated in their July response that no easements exist or are



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proposed on the site. This should be confirmed through testimony by the applicant. ***This is a continuing comment.***

- d. **Item No. D12 – Application for Environmental Commission Site Plan Review-** The applicant requests a waiver of this Item. I have no objection to the submission waiver being granted. ***This is a continuing comment.***
- e. **Item No. B28 and D13 – Building Elevation and floor plans of any proposed structure(s)-** The applicant has provided a proposed floor plan; however, elevation views have not been provided. The applicant requests a waiver of this item. The applicant shall confirm if any exterior façade improvements are proposed. I have no objection to a waiver being granted. However, I recommend the applicant provide photo evidence of the four sides of the existing building during the hearing. I note the response indicated that elevations have been provided in the past as part of other applications. I note that each application stands on its own. ***This is a continuing comment.***

1.2 I recommend the following checklist items be provided or confirmed prior to the public hearing:

- a. **Item No B9 – Proof that taxes are current-** To be confirmed by the Borough prior to the hearing. ***It is my understanding the applicant has brought taxes current. This should be confirmed prior to the hearing.***

2.0 Engineering Review

2.1 T&M Associates (see Attachment A) issued an engineering review as part of the completeness application dated December 11, 2019. I have reviewed their comments and offer the following additional comments. The Engineering Review lists the variances associated with the request and the existing property. This report also provides comments intended to define how the proposed use would operate on the site and interact with the existing uses to remain. The applicant’s attorney requested in his correspondence dated November 20, 2019 to bifurcate the application to handle the use variance at this time and, if granted, they will request a waiver of site plan. Although some items may appear to be site plan oriented, I recommend that the items noted in T&M Associates letter and to follow be provided by the applicant to assist the Board with their consideration of the use to understand how the application will operate on the site and coexist with the existing facilities to remain. ***This is a continuing comment.***

2.2 The applicant has provided copies of prior resolutions granted by the Zoning Board for the site. The site contained a pre-existing nonconforming use of a gasoline station and an auto repair shop. In 2012 the applicant received a D1 variance approval to add a convenience mart to the two existing uses on the site. The convenience mart was permitted in the zone, however, the three uses were not permitted to exist together on the site. I offer the following ***These are continuing comments to be addressed by the applicant:***

- a. The applicant should clarify if the hardwood storage would occupy the full area prior used for the convenience store and address the impact to the site due to the change of use to the storage use when compared to the approved prior convenience mart use.



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- b. The areas to be utilized by the proposed use should be delineated on the plan. Such items could be the location of the use within the building, loading area, parking for employees, hours of operation, refuse requirements, and location of any trucks to be stored on site.
  - c. The applicant should also address if the material proposed to be stored is for a business located elsewhere and/or if business operations will be conducted at this site for the hardwood floor company.
  - d. The applicant should clarify that they are proposing to abandon the prior approved combined use of a convenience mart with the gasoline and auto repair. In addition, the applicant should address the status of all conditions of the prior resolutions and identify any conditions on the site that differ from the Preliminary and Final Site Plan that was approved in 2012. Item 1.14 of the T&M Associates December 2019 report indicates it appears buffer plantings may have been removed.
- 2.3 Aerial photography (attached) indicates numerous cars located on the site. The applicant should address if the storage of vehicles on site is strictly for cars in the process of repair in support of the auto repair use or for other purposes or users and if the parking shown on the aerial is consistent with the prior approved locations. ***This is a continuing comment.***
- 2.4 ***The minor site plan indicates a fire lane around the perimeter of the site. I defer comment to the Borough Fire Official.***
- 2.5 ***Please note the applicant should address the storage of any hazardous chemicals on the site that relate to the proposed use.***
- 2.6 ***The applicant should address the use of the shed and the trailer in the rear of the building and if they are proposed to remain.***

I reserve the right to make additional comments once the requested information is provided. If you have any questions or require additional information, kindly advise.

Very Truly Yours

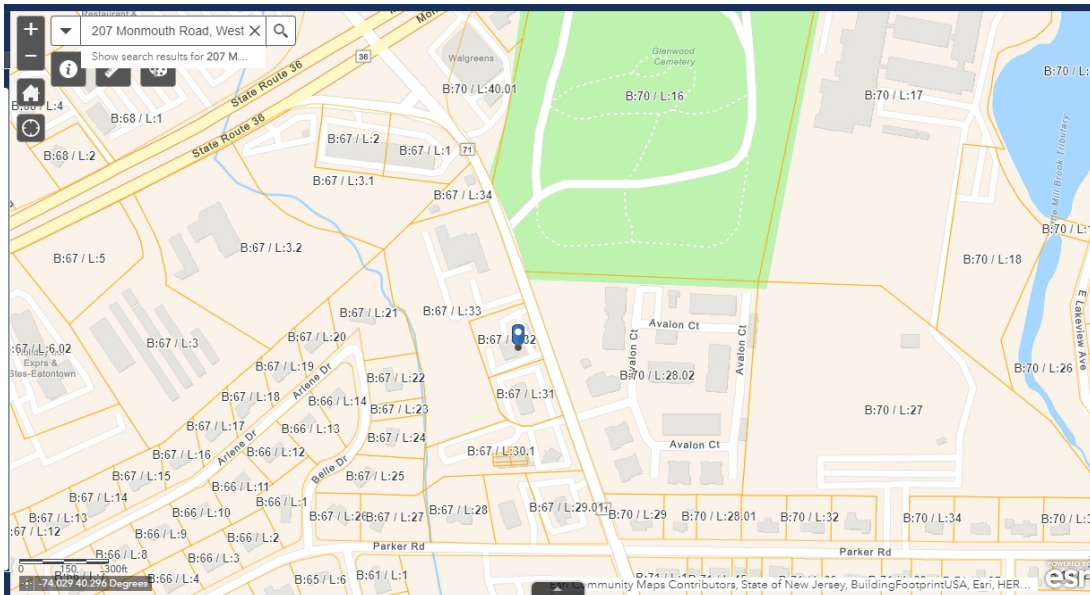
Elizabeth M. Waterbury, P.E., P.P., C.M.E.  
West Long Branch Zoning Board Engineer

cc: Stephanie Dollinger, Borough Administrator  
Lori Cole, Borough Clerk  
Michael A. Irene, Zoning Board Attorney  
James Miller, Zoning Officer  
Peter S. Falvo, Jr., Esq



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Site location from Monmouth County Property Viewer



Aerial View of site from Monmouth County Property Viewer



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*Appendix A*  
**West Long Branch Realty, Inc. (ZB 2019-03)**  
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**T&M Associates Engineer Report dated December 11, 2019**

The following are the Engineering comments found in the report prepared by T&M Associates dated December 11, 2019 to be addressed by the applicant.

1.0 Planning and Zoning

1.1. The following is a tabulation of the zoning requirements as it relates to the current proposal and the prior plan:  
*The applicant should address if the minor site plan submitted amends items noted in this zoning schedule:*

<u>Description</u>	<u>Required</u>	<u>Provided</u>
Minimum Lot Area	10 Acres	0.90 Acres 39,000 SF**
Minimum Lot Width	500 ft.	200 ft.**
Front Setback	100 ft.	40 ft.**
Side Setback	75 ft. one side	35.3 ft. (South)** <b>±87.1 ft. (North)</b>
	150 ft. both sides	<b>122.4 ft.**</b>
Rear Setback	70 ft.	77 ft.
Maximum Building Coverage	30%	±13.6%
Maximum Impervious Coverage	55%	<b>±70/1%**</b>
Maximum Building Height	1 stories/40 ft.	1 story/ must be confirmed

\*Variance required

\*\*Preexisting nonconformity

1.2 The applicant is proposing a mix of uses including the existing gas station, existing auto repair facility, existing storage of vehicles, and proposed hardwood floor contractor. Since the mix of the use of a gas station, auto repair facility, storage of vehicles, and hardwood floor contractor is not specifically permitted in the OP Office Professional Zone, a d(1) use variance will be required. In addition, the individual uses are not specifically permitted. The additional use of the existing building is an expansion of a non-conforming use, a d(2) variance. ***This is a continuing comment.***

1.3 Section 18-5.1 of the Ordinance requires a minimum lot area of 10 acres; whereas the site has preexisting non-conforming lot area of 0.90 acres (39,000 square feet). Therefore, a variance is technically required for



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the pre-existing nonconformity. ***This is a continuing comment.***

- 1.4 Section 18-5.1 of the Ordinance requires a minimum lot width of 500 feet; whereas the site has pre-existing non-conforming lot width of 200 feet. Therefore, a variance is technically required for the pre-existing nonconformity. ***This is a continuing comment.***
- 1.5 Section 18-5.1 of the Ordinance requires a minimum front yard setback of 100 feet; whereas the site has pre-existing non-conforming front yard setback of 40 feet. Therefore, a variance is technically required for the pre-existing nonconformity. ***This is a continuing comment.***
- 1.6 Section 18-5.1 of the Ordinance requires a minimum side yard setback of 75 feet; whereas the site has pre-existing non-conforming south side yard setback of 35.3 feet. Therefore, a variance is technically required for the pre-existing nonconformity. ***This is a continuing comment.***
- 1.7 Section 18-5.1 of the Ordinance requires a minimum combined side yard setback of 150 feet; whereas the site has pre-existing non-conforming combined side yard setback of approximately 120 feet. Therefore, a variance is technically required for the pre-existing nonconformity. ***This is a continuing comment.***
- 1.8 Section 18-5.1 of the Ordinance permits as maximum impervious coverage of 55%; whereas the site has pre-existing non-conforming impervious coverage of approximately 70.1%. Therefore, a variance is technically required for the pre-existing nonconformity. The applicant has submitted a minor site plan indicating a proposed layout for parking etc on the site. ***The minor site plan indicates a proposed edge of pavement. The applicant should address if the proposed changes alter the coverage from that which exists. See comment 3.1 to follow.***
- 1.9 The applicant should confirm the height of the building and the shed to determine if additional variance relief is required. Section 18-5.1 requires a principal structure to not exceed 40 feet in height and an accessory structure to not exceed 15 feet in height. ***This is a continuing comment.***
- 1.10 Section 18-7.1.b of the Ordinance permits one (1) freestanding sign and requires the sign be set back 20 feet from the property line; the site has a pre-existing non-conforming sign number and setback. Two (2) signs exist on site, the base of the existing sign with gas station prices at the middle is 1.3 feet into the right-of-way and the sign at the southern portion of the site straddles the property line. Therefore, variances are required. The survey must be revised to include the entire limit of the sign. ***This is a continuing comment.***
- 1.11 The applicant should clarify what, if any, additional signs are proposed as part of this application and details of any proposed signs (drawn to scale) should be provided for review prior to the public hearing to determine if any variance relief is required for the proposed signs. ***This is a continuing comment.***
- 1.12 The applicant should confirm the height and sign area of the existing freestanding signs, to confirm if any additional variance relief is required for the existing signs. The applicant should also confirm that no changes are proposed to the existing onsite signs. ***This is a continuing comment.***



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- 1.13 A variance is required for the pre-existing non-conforming buffer widths between 0 and 8 feet; whereas a minimum 25 feet wide buffer zone is required (Ordinance Section 18-6.5.d.). (The survey should be revised to eliminate the trees and bushes shown at the rear of the site since they were removed, based on a site inspection.). The site plan has been submitted indicating the landscape as it exists on the site. A 25' wide buffer is required in the rear of the property. ***The appearance between the two properties should be reviewed. A variance is required. Please note it appears a buffer that existed prior on the site has been removed. This should be addressed by the applicant. I recommend that as a minimum the buffer that existed be replenished.***
- 1.14 Section 18-7.3 of the Ordinance requires all uses to be contained within a fence, wall, or visual screen consisting of evergreen trees and shrubs so as to provide a solid and compact wall of landscaped material not less than 6 feet in height within 10 feet of the property line. Since no screening is proposed a variance is required. ***A 6' high chain link fence is shown on the minor site plan in the rear of the site The applicant should address if this is the applicant's fence. The chain link fence will separate it from the adjacent property but not provide a screen. See comment 1.13 above.***
- 1.15 Section 18-7.4.a.1 of the Ordinance requires all parking area and driveways to be paved and clearly marked for car spaces. Unless the parking area and plans are revised to clearly delineate these areas, a variance is required. Please note, any proposed parking spaces should be striped, 9-feet by 18-feet. Additionally, based on a site inspection the pavement and gravel area extend to the rear lot line. The survey and site plans must be revised accordingly. ***A gravel and pavement area is shown on the rear of the site. See comment 1.16 to follow. Relief is required to permit the area to not be paved.***
- 1.16 The plans must be revised to include a parking schedule which demonstrates the required parking and proposed parking and compliance with the Ordinance. Section 18-7.4.8(i) of the Ordinance states one (1) off street parking space per two hundred (200) square feet of motor vehicle services use is required and one (1) off street parking space per five thousand (5,000) square feet of warehousing use is required. The applicant is proposing approximately 3,514 square feet of motor vehicle services and 1,523 square feet of warehousing; therefore, the applicant must provide a plan that shows the required eighteen (18) spaces for the motor vehicle services and one (1) space for the hardwood contactor storage for a total of nineteen (19) off street parking spaces; otherwise, a variance is required. Currently, based on the survey, the applicant only indicates four (4) parking spaces on site. ***The size of the building and the area of each proposed use should be confirmed by the applicant. A minor site plan has been provided showing parking for the site. The plan indicates 12 parking spaces existing or proposed on the site. Eighteen are required therefore a variance is required. The added parking spaces include an ADA parking space on the northern side of the building. In addition to the delineated parking spaces, the applicant should note on the plan any areas additional where vehicles are to be stored while waiting for repairs or stored on the property.***

***In addition, the plan indicates a pavement and gravel area to the rear of the building. The applicant should address the proposed use of this area. A fire lane has been designated. The applicant should address if the area between the fire lane and the rear property line is to remain unoccupied. Aerials indicate this has been used on the past for vehicles.***





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2.0 Traffic Circulation and Layout

2.1 Route 71 is under New Jersey Department of Transportation jurisdiction; therefore, I defer to NJDOT with respect to any improvements on Route 71. Copies of all applications to NJDOT should be provided for my review and file. ***This is a continuing comment. The applicant should address if approval is required from the Department for the additional use.***

2.2 The applicant should provide testimony on the proposed operations, including hours of operation, anticipated number of clients, number of employees in each shift, total number of employees and number of vehicles parked on-site. ***This is a continuing comment.***

2.3 The applicant shall provide testimony regarding loading requirements for the site including types of vehicles, delivery time and frequency. In addition, the applicant shall confirm that the site has adequate circulation for all vehicles requiring access. ***This is a continuing comment.***

2.4 The applicant should provide testimony regarding the existing and proposed trip generation and the existing and proposed parking demand associated with the change in use to the hardwood floor contractor. ***This is a continuing comment.***

2.5 The applicant shall provide the required sight lines at the driveway exits. ***This is a continuing comment.***

2.6 Section 18-7.4.a.9(a) requires one (1) ADA parking stall. No ADA parking stalls exist on site and none are proposed. Therefore, variance relief would be required; however, it is my recommendation that the applicant provides the required ADA space. ***The minor site plan indicates the inclusion of an ADA parking stall on the northern side of the building.***

2.7 A plan must be provided which includes stop signs and details for the exit drives. ***This is a continuing comment.***

2.8 I recommend the applicant be required to replace any existing curb, and/or pavement which is in poor condition, prior to the issuance of a Certificate of Occupancy. ***This is a continuing comment.***

3.0 Grading and Drainage

3.1 The applicant should clarify if any grading, drainage or utilities are proposed as part of this application. If so, a plan must be provided with the proposed changes. ***Grading should be provided for the areas where the pavement is proposed to be extended. In addition, the applicant should address any impact due to runoff to the area. The existing site exceeds coverage. It appears additional coverage is proposed. No stormwater management is proposed. The applicant should address if any coverage can be removed from the site to off-set proposed asphalt.***



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4.0 Landscaping and Lighting

4.1 The applicant should clarify if any landscaping or lighting is proposed as part of this application and, if so, the plan should be revised to reflect same. The plan does not include the lighting for the site. ***I recommend the existing levels be provided to confirm that minimum lighting safety levels are provided in the parking areas and areas where activity is on the site.***

5.0 General

5.1 If a waiver of a site plan is not approved by the Board, the applicant shall include the following on any future site plan submissions.

- a. Unless waived, the site plan must be signed and sealed by an architect, professional engineer or professional planner, as applicable. ***The applicant has provided a minor site plan for the property. I recommend the site plan be updated to include the information noted above for grading, lighting and landscaping.***
- b. The plan must include a written and graphic scale and a north arrow. Please note site plans shall be drawn at a scale of not less than 1 inch = 50 feet nor more than 1 inch = 10 feet. Building plans shall be drawn at a scale of not less than 1/8 inch = 1 foot. ***This information has been provided on the minor site plan.***
- c. A title block must be included on the plans that denotes the type of application, tax map sheet, county, name of municipality, block and lot, and street location. ***This information has been provided on the minor site plan.***
- d. The plans must be revised to include the name, title, address, and telephone number of the applicant, the owner, and the person preparing the plan, maps, and accompanying data. ***This is a continuing comment.***
- e. The plans must include a signature block for the signatures of the Chairman, Secretary, and the Board Engineer. ***This is a continuing comment.***
- f. The plans must show the setback dimensions of all existing and proposed structures and the minimum required front, side and rear setback lines for the zone. ***This information has been provided on the minor site plan.***
- g. The plans should show the properties within 200 feet, as well as the names of the property owners within 200 feet. The plans must also include a key map, as well as the location, names and widths of all existing and proposed streets abutting the premises. ***This is a continuing comment.***

5.2 The applicant should clarify its proposal for trash and recycling. Since a trash enclosure is not provided, a design waiver would be required per Section 18-13.16.b.11.b. ***This is a continuing comment.***



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- 5.3 Copies of an updated survey of this site must be provided, which depict the existing conditions, including but not limited to the free-standing signs, not just the foundation, extension of the gravel at the rear of the site and the removal of the landscaping. *The site plan indicates the existing conditions. However, the requested information relating to the freestanding sign and any existing building signs should be provided.*
- 5.4 The following shall be addressed as a condition of any approval: ***This is a continuing comment.***
- a. The plan shall be revised to include a zoning schedule.
  - b. The plan shall be revised to include a list of required/requested design waivers and variances.
  - c. The plan shall be revised to include the required building setback lines.
  - d. A list of all federal, state, regional and/or municipal approvals or permits required must be submitted.
- 5.5 The applicant should clarify if the property is subject to any existing or proposed easement or land reserved for or dedicated to public use deed restriction or covenants. Copies of same should be provided or a statement that none exist. ***This is a continuing comment.***
- 5.6 The applicant must obtain approval or exemption from any and all governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Board of Health, Fire Marshall, Monmouth County Planning Board, NJDOT and Traffic Safety Officer. Copies of all permits must be submitted. ***This is a continuing comment.***
- 5.7 If any further site improvements are required, as a condition of approval, the applicant must post performance and maintenance guarantees and inspection fees, as necessary. ***This is a continuing comment.***
- 5.8 The applicant must obtain all necessary municipal building permits. ***This is a continuing comment.***