

Resolution prepared by:
Marc A. Leckstein, Esquire
leckstein & Leckstein, LLC
463 Prospect Avenue
Little Silver, NJ 07739

**RESOLUTION GRANTING
PRELIMINARY AND FINAL MAJOR SITE PLAN &
MAJOR SUBDIVISION APPROVAL**

**PLANNING BOARD
BOROUGH OF EATONTOWN**

APPLICATION # PB2023-10

**BLOCK 2701, LOTS 53, 60, 66 & 69
SURREY EQUITIES, LLC
MONMOUTH ROAD & NJSH ROUTE 36**

WHEREAS, Surrey Equities, LLC has applied to the Planning Board of the Borough of Eatontown for Preliminary and Final Major Site Plan & Major Subdivision approval for property located at Monmouth Road & New Jersey State Highway 36 which is also designated as Block 2701, Lots 53, 60, 66 & 69 on the official tax map of the Borough of Eatontown; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with *N.J.S.A. 40:55D-1* et seq., this Board gaining jurisdiction thereunder; and

WHEREAS, public hearings were held in the within matter at a regularly scheduled meetings of the Planning Board held on June 17, 2024, July 15, 2024 and September 16, 2024 during which all persons having an interest in said application were heard; and

NOW THEREFORE, be it Resolved by the Planning Board of the Borough of Eatontown that the following findings of facts are made:

1. The applicant, Surrey Equities, LLC, has applied to the Planning Board of the Borough of Eatontown for preliminary and final major site plan & major subdivision approval for property located at Monmouth Road & New Jersey State Highway 36 which is also designated as Block 2701, Lots 53, 60, 66 & 69 on the official tax map of the Borough of Eatontown.
2. The subject property is a 133,421-acre (5,811,840 sq. ft.) site with frontage along Reynolds Drive, New Jersey State Route 36, and Monmouth Road.
3. The subject site is currently developed with a golf course known as Old Orchard Country Club. Additional site improvements include an associated 2-story building and 1-story building along the east, a 1-story block building along the west, a 1-story building and wood bulkhead in the center of the site, asphalt and gravel cart paths located throughout the site, a wood bridge with railings and a gazebo located west of the 2-story building, associated parking spaces to the east, fencing, lighting, landscaping, signage and stormwater management.

4. Access to the site is provided via a full movement driveway to Monmouth Road. Residential uses and public land are located to the west, residential uses are located to the north, farm qualified land and residential uses are located to the east, and commercial uses are located to the south, across NJ Route 36.
5. The current application seeks preliminary and final major subdivision approval to subdivide the existing 133.421-acre property to create six (6) new lots (Lots A, B, C, D, E and F). The proposed subdivision is as follows:
 - Proposed Lot A will consist of 5 acres (217,740 sq. ft.)
 - Proposed Lot B will consist of 5 acres (217,805 sq. ft.)
 - Proposed Lot C will consist of 7.3 acres (318,160 sq. ft.)
 - Proposed Lot D will consist of 8.25 acres (359,366 sq. ft.)
 - Proposed Lot E will consist of 35.37 acres (1,540,578 sq. ft.)
 - Proposed Lot F will consist of 72.5 acres (3,158,191 sq. ft.)

Proposed Lot F will be located in Zone A along the northern portion of the site, proposed Lot E will be located in Zone B in the middle of the site, and proposed Lots A, B, C and D will be located in Zone C along the southern portion of the site.
6. The applicant is also seeking preliminary and final site plan approval to remove the existing golf course and develop the site with residential and commercial development. The proposed Lot F will contain the residential development consisting of single-family homes. Proposed Lot B will contain a self-storage facility (CubeSmart), and proposed Lot D will contain a Car-Max used car and truck sales and service. Proposed Lot E will consist of dedicated open space and remain wooded and undeveloped. Proposed Lots A and C will be developed with shared infrastructure and will share a common access with Lot B.
7. No internal road connections are proposed between the three (3) proposed zones.
8. The applicant is proposing to develop the property in four (4) phases. They are as follows:
 - Phase I will consist of the initial subdivision to create proposed Lots A, B, C, D, E and F.
 - Phase II will consist of soil movement and shared infrastructure construction on Lots A, B and C.
 - Phase III will consist of the residential subdivision on proposed Lot F.
 - Phase IV-A will consist of constructing 145 age-restricted single-family homes and an 8,316 sq. ft. clubhouse. A total of eight (8) off-street parking spaces are proposed including one (1) ADA space. The applicant is also proposing electrical equipment on a concrete pad, a pump station and valve chamber on a concrete pad, and a generator on a concrete pad, all located east of the proposed clubhouse. A retaining

wall is also proposed to the south and east of the clubhouse. Access to the site will be provided via one (1) full movement driveway to Monmouth Road. Additional site improvements include internal roadways, sidewalks, fencing, lighting, landscaping and stormwater management.

- Phase IV-B will consist of constructing a 3-story, 33,780 sq. ft. self-storage facility (CubeSmart) with 101,340 sq. ft. of gross floor area and 1,200 sq. ft. of office space. A total of 33 spaces are proposed including two (2) ADA spaces and (1) EV space. Access to the site will be provided via one (1) right-in/right-out driveway to NJ State Route 36. The applicant is also proposing wall mounted signage, one (1) monument sign, a retaining wall, guiderail, and chain link fencing. Additional site improvements include sidewalks, lighting, landscaping, and stormwater management.
 - Phase IV-C will consist of constructing a 7,694 sq. ft. Car-Max used car and truck sales and service, with an associated 936 sq. ft. carwash, fuel dispenser, and a sales staging area. The applicant is also proposing a sales display area south of the proposed Car-Max, with a total of 226 spaces. A total of 84 parking spaces are proposed for the Car-Max, including four (4) ADA spaces and three (3) EV spaces. Access to the site will be provided via one (1) right-in/right-out driveway to NJ State Route 36. The applicant is also proposing a masonry wall, modular block wall, guiderail, and an ornamental fence, as well as one (1) trash area with tire storage, wall mounted signage, and one (1) monument sign. Additional site improvements include sidewalks, lighting, landscaping and stormwater management.
9. The property is located within the Borough's MU-OO Mixed Use Old Orchard Zone (Zones A, B, and C) which permits all of the uses being proposed for the site.
10. While the uses are all permitted, the proposed development does require certain waivers and bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c). The required relief is as follows:

With respect to the proposed CubeSmart site (Proposed Lot B):

- (a) The zoning ordinance requires that every parking area in any zone containing more than 10 parking spaces shall be provided with internal shade trees at a rate of 1 tree for each 15 parking spaces or fraction thereof; whereas the applicant is proposing a row of 23 spaces along the rear of the CubeSmart self-storage building without internal shade trees. One (1) internal island with a shade tree would be required, however the applicant does provide 28 total shade trees on site.
- (b) The zoning ordinance requires a maximum lighting foot candle (FC) of 2.4 FC and a minimum of 0.6 FC, whereas the applicant originally proposed a minimum of 0.0 FC in some locations. The plans were subsequently revised to have at least 0.6 FC in the parking and pedestrian areas, therefore bringing the plans into compliance.

- (c) The zoning ordinance requires that only one (1) wall sign may be erected on one (1) facade of a building, except where a building has a public entrance on more than one (1) facade and such entrance provides access for the general public from a parking lot or public street. One (1) ID wall sign shall be permitted on each facade with a public entrance. The applicant is proposing two (2) ID wall signs for the self-storage building, one (1) on the south facade (facing NJ Route 36) and one (1) on the east facade above the entrance. Additionally, the applicant is also proposing three small building mounted-directional signs.
- (d) The zoning ordinance requires that an ID ground sign not exceed a total of 25 sq. ft. in area on either side nor exceed a height of 25 feet; whereas the applicant is proposing a ground sign of 100 sq. ft. It is noted that this sign is larger to accommodate two (2) additional tenant panels, for Lots A & C, the tenants of which are currently unknown.

With respect to the Car-Max site (Proposed Lot D):

- (a) The zoning ordinance requires that every parking area in any zone containing more than 10 parking spaces shall be provided with internal shade trees at a rate of 1 tree for each 15 parking spaces or fraction thereof; whereas the applicant does not provide any internal shade trees. Ten (10) shade trees would be required, however the applicant does provide 41 total shade trees on the site.
- (b) The zoning ordinance requires that the site have a loading area; whereas the applicant only provides a vehicle drop off area.
- (c) The zoning ordinance requires two-way drive aisles of 25 feet; Whereas the drive-aisles in the CarMax inventory lot area are 20 feet wide. With that said, this area will be traversed by employees only, and the applicant is compliant elsewhere.
- (d) The zoning ordinance requires parking spaces be a minimum of 9 x 19; whereas the parking spaces proposed in the CarMax inventory lot are 9 x 17.
- (e) The zoning ordinance requires that outdoor storage areas shall not exceed an area equal to the gross floor area of the principal building; whereas the proposed CarMax display area is larger than the building.
- (f) The zoning ordinance requires a maximum lighting foot candle (FC) of 2.4 FC and a minimum of 0.6 FC, whereas the applicant originally proposed a minimum of 0.0 FC in some locations. The plans were subsequently revised to have a foot candle reading of at least 0.8 FC, therefore bringing the plans into compliance.
- (g) The zoning ordinance that no ID wall sign shall exceed an area equal to 10% of the area of the first floor facade of the one wall of the building on which it is erected; whereas the proposed CarMax wall signs on the south and east facade of the proposed self-storage building exceed this as follows:
 - (i) East Facade (Carmax Sign): 26 sq. ft.
 - (ii) East Facade (Service sign): 45 sq. ft.
 - (iii) South Facade 26 sq. ft.
- (h) The zoning ordinance requires that only one (1) wall sign may be erected on one (1) facade of a building, except where a building has a public entrance on more than one (1) facade; whereas two (2) wall signs are proposed on the northeast facade of the building.
- (I) The zoning ordinance requires that an ID ground sign not exceed a total of 25 sq. ft. in area on either side nor exceed a height of 25 feet; whereas the CarMax freestanding ID sign is 100 sq. ft.

- (j) The zoning ordinance requires that fences shall not exceed 48 inches in height above ground level when located in a front yard; whereas the maximum height of the proposed retaining wall is approximately 7.5 feet. **(This is a waiver condition)**
- (k) The zoning ordinance requires a five (5) foot minimum width landscaped area to be provided along the fence or wall enclosing the refuse areal whereas CarMax's enclosure has asphalt/concrete on three (3) sides. **(This is a waiver condition)**

With respect to the Residential development (Proposed Lot F)

- (a) The zoning ordinance requires a minimum of 10,500 sq. ft. for all corner lots; whereas proposed Lot 147 is a corner lot with an area of 5,831 sq. ft. It is noted however that Lot 147 is a proposed basin lot and no home is proposed there.
 - (b) The zoning ordinance requires a minimum of 10,500 sq. ft. for all corner lots; whereas proposed Lot 148 is a corner lot with an area of 5,943 sq. ft. It is noted however that Lot 148 is a proposed basin lot and no home is proposed there.
 - (c) The zoning ordinance requires a total of 107 different plant species; whereas only 79 different species are proposed. **(This is a waiver condition)**
 - (d) The zoning ordinance requires that P-loop streets should not have an entrance which exceeds 700 feet in distance from the loop intersection, whereas approximately 1,950 feet is proposed. **(This is a waiver condition)**
 - (e) The zoning ordinance requires a P-loop street not have a street length exceeding 3,000 feet; which the applicant's proposed street does. **(This is a waiver condition)**
 - (f) The zoning ordinance provides that P-loop streets should not provide access to more than 60 lots; whereas 145 dwelling lots are proposed. **(This is a waiver condition)**
 - (g) The zoning ordinance provides that the entrance road to a P-loop street must have a minimum radius of horizontal curvature of 250 feet; whereas 100 feet is proposed. **(This is a waiver condition)**
11. Throughout the course of the proceedings, the applicant was represented by Jennifer S. Krimko, Esquire of the law firm Ansell, Grimm & Aaron, P.C. which has offices located at 1500 Lawrence Avenue, Ocean, New Jersey 07712.
12. In support of the proposal, the applicant submitted the following exhibits into evidence:
- Exhibit A-1:** Preliminary and Final Major Subdivisions and Site Plans rev'd 3.8.24
 - Exhibit A-2:** Boundary and Topographic Survey dated rev'd 8.31.23
 - Exhibit A-3:** Aerial Map Exhibit dated 6.17.24
 - Exhibit A-4:** Master Subdivision Exhibit dated 6.17.24
 - Exhibit A-5:** Overall Site Plan Rendering dated 6.17.24
 - Exhibit A-6:** CubeSmart Site Plan Rendering dated 6.17.24
 - Exhibit A-7:** Carmax Site Plan Rendering dated 6.17.24
 - Exhibit A-8:** Residential Site Plan Rendering dated 6.17.24
 - Exhibit A-9:** CubeSmart Architectural Plans dated 2.21.24
 - Exhibit A-10:** CubeSmart Rendered Elevations dated 2.21.24
 - Exhibit A-11:** Carmax Architectural Plan (main building) dated 8.29.23
 - Exhibit A-12:** Carmax Architectural Plan (car wash building) dated 2.27.24
 - Exhibit A-13:** Carmax Signage Plans dated 8.22.23

Exhibit A-14: Residential Rendered Elevations and Floor Plans

Exhibit A-15: Residential Clubhouse Floor Plans and Elevations dated 3.6.24

Exhibit A-16: Water and Sanitary Sewer Engineer's Report (CubeSmart) dated 8/2023

Exhibit A-17: Water and Sanitary Sewer Engineer's Report (Carmax) dated 8/2023

Exhibit A-18: Water and Sanitary Sewer Engineer's Report (Residential) dated 8/2023

Exhibit A-19: Photograph Location Report dated 8/2023

Exhibit A-20: Traffic Impact Study dated 8.31.23

Exhibit A-21: Stormwater Management, Groundwater Recharge and Water Quality Analysis (CubeSmart) rev'd 4/2024

Exhibit A-22: Stormwater Management, Groundwater Recharge and Water Quality Analysis (Carmax) rev'd 4/2024

Exhibit A-23: Stormwater Management, Groundwater Recharge and Water Quality Analysis (Residential) rev'd 4/2024

Exhibit A-24: Report of Preliminary Geotechnical and Stormwater Basin Area Investigation (CubeSmart) rev'd 8.28.23

Exhibit A-25: Report of Preliminary Geotechnical and Stormwater Basin Area Investigation (Carmax) rev'd 8.28.23

Exhibit A-26: Report of Preliminary Geotechnical and Stormwater Basin Area Investigation (Residential) rev'd 8.28.23

Exhibit A-27: Supplemental Stormwater Basin Area Investigation Report (CubeSmart) dated 3.7.24

Exhibit A-28: Supplemental Stormwater Basin Area Investigation Report (Carmax) dated 3.7.24

Exhibit A-29: Supplemental Stormwater Basin Area Investigation Report (Residential) dated 3.8.24

Exhibit A-30: Environmental Impact Statement dated rev'd 4/2024

Exhibit A-31: Stormwater Management Operation and Maintenance Manual (CubeSmart) rev'd 4/2024

Exhibit A-32: Stormwater Management Operation and Maintenance Manual (Carmax) rev'd 4/2024

Exhibit A-33: Stormwater Management Operation and Maintenance Manual (Residential) rev'd 4/2024

Exhibit A-34: Zone Area Exhibit dated 4.8.24

Exhibit A-35: Supplemental Traffic Volume Figures

Exhibit A-36: Carmax Site Plan (Sheet 200 only) revised through 7.2.24

Exhibit A-37: CubeSmart Architectural Plans revised through 7.1.24

Exhibit A-38: Carmax Architectural Plans dated 6.27.24

Exhibit A-39: Carmax Site Plan Rendering 7.15.24

Exhibit A-40: Carmax Street Renderings

Exhibit A-41: Residential Site Plan Rendering 7.15.24

Exhibit A-42: Residential Berm Renderings (at planting)

- Exhibit A-43:** Residential Berm Renderings (after growth)
- Exhibit A-44:** Residential Monument Sign Detail
- Exhibit A-45:** CubeSmart Door ID Sign Rendering
- Exhibit A-46:** Driveway Option "C" exhibit dated 9.16.24
- Exhibit A-47:** Residential Site Plan Rendering dated 9.16.24
13. Beyond the exhibits submitted by the applicant, the Board also marked its own exhibits:
- Exhibit B-1:** Engineering Review Letter dated 6.13.24 as prepared by Edward W. Herrman, P.E., P.P., C.M.E. C.F.M. of T&M Associates.
- Exhibit B-2:** Planning Review Letter dated 3.26.24 as prepared by Jennifer C. Beahm, P.P. of Leon S. Avakian, Inc.
- Exhibit B-3:** Environmental Commission report dated 6.11.24
- Exhibit B-4:** Planning Review Letter dated 7.10.24 as prepared by Jennifer C. Beahm, P.P. of Leon S. Avakian, Inc.
14. In further support of the application, sworn testimony was presented by the applicant's site plan engineer and professional planner, Robert Frued, P.E. who explained the basics of the application as described above and as more particularly shown on the various site plan exhibits that were marked into evidence. He believed the various sites had been properly engineered, including having appropriate safety features and stormwater management.
15. He emphasized that the site was being subdivided into six (6) separate lots and would be constructed in four (4) different phases. (See Paragraphs 6 & 7 of this Resolution above)
16. The Board also heard testimony from the architect of the Cubesmart Building, James Dankovich, AIA and the architect of the CarMax building, David Howell, A.I.A. Both testified as to the specifics of the commercial buildings they had designed.
17. Throughout the course of the application, various conditions of approval were agreed to. Some of these would be general in nature.

GENERAL CONDITIONS

18. As a general condition of approval, it was agreed that all EV Stations proposed within the application will be located at least 15 feet from the building they support, subject to approval of the Board's Engineer. Additionally advertising signage on these stations shall be specifically prohibited.
19. As a further general condition of approval, it was agreed that all trash enclosure areas proposed within the application will be kept closed when not in use.
20. As a general condition of approval, it was agreed that irrigation of all landscaped areas approved by this application (Lots A, B, C, D & F) would be by automatic watering systems, unless located within the Department of Transportation's Right of Way. This would be to ensure all of the proposed landscaping would be given the best chance of survival.

21. With respect to proposed Lots A, B and C, it was noted that there would be an access easement recorded between the three lots since they are to share common access from State Route 36. A copy of said access easement would be subject to the review and approval of the Board's Attorney and the Board's Engineer.
22. With respect to proposed Lots A & C, it was noted that tenants had yet to be found for those locations. As a condition of approval, once tenants for those lots were found, they would return to the Borough for zoning approval.
23. It was noted that since the tenants for Lots A & C were not currently known, it was not possible to ensure proper street signage for those uses was in place at this time. Only the street signage for CubeSmart (Lot B) could be reviewed. As a result, it was agreed that as a condition of approval, when Lots A & C are eventually developed, all street signage serving those three lots would be subject to further borough review to ensure they allow proper way finding throughout the shared access area. Should additional land use approval be required, the property owners shall appear before the Planning Board and request same.
24. It was agreed sidewalks shall be installed along the Highway 36 corridor along the property line of the applicant's property.
25. The applicant agreed to comply with all comments contained within the various review letters of the Board's professionals. (**Exhibits B-1, B-2 and B-4**)

CUBESMART (LOT B)

26. With respect to Lot B where the storage facility (CubeSmart) is to be located, it was agreed as a condition of approval that access to the site would be by gated control. However, it was further agreed that the gate would open automatically if there is an emergency at the site and a Knox Box would be installed at the gate so as to allow emergency access in the event the power were to go off.
27. It was further agreed with respect to Lot B that Boats, RV's and Campers will not be parked outside. There will not be any outside storage of vehicles of any type.
28. It was noted that the site would be open to storage unit customers between the hours of 6 AM through 10 PM each day.
29. The site would consist of three floors of storage and be secured by a silent alarm system.
30. Trash would be picked up from the site one (1) or two (2) times per week.
31. The HVAC condenser would be located upon the rooftop of the building.
32. As a condition of approval, a bicycle rack would be added to the site in a location to be approved by the Board's Engineer.

CARMAX (LOT D)

33. With respect to the Carmax site, it was noted that the parking lot located in the front of the property is for employees and storage of vehicle stock only. It would not be accessible to customers due to an entry gate which was going to be installed. All of this was shown on the site plan (**Exhibit A-7**)
34. It was further noted that the a six (6) foot fence was being installed between the lot and the neighboring property located in West Long Branch which has already been approved by that municipality for residential development.
35. With respect to questions regarding the proposed car wash on the Carmax site, it was made clear that this wash was an accessory to the business and as a condition of approval would not be publically accessible.
36. It was made clear that all HVAC equipment would be located upon the roof of the proposed building which would be accessible from a roof hatch located within the janitor's closet.
37. There would be an above ground fuel tank installed at the site. This would not be visible to the public due to it being located behind a wall, however you would be able to see its stack.
38. The applicant agreed, as a condition of approval, to work with the Borough's emergency services to ensure emergency access to all areas of the property.
39. Carmax's Senior Manager For Site Development, Steve Hudak, did appear and testified that the anticipated business hours for the facility would be as follows:
 - (a) Monday through Friday - 10:00 AM through 9:00 PM
 - (b) Saturday - 9:00 AM through 9:00 pm
 - (c) The service department will be open 7:30 AM through 6:00 PM
40. It was agreed as a condition of approval that Carmax would not utilize key fobs, or any other form of noise producing device or speaker system, to locate vehicles on the site.
41. It was a agreed as a condition of approval that Carmax would not allow any deliveries to be made from the highway. Any delivery trucks would have to drive onto the site to unload. It was noted that the plans delineate a location where vehicles will be dropped off toward the rear of the property. Newly arrived vehicles would not be stored in the front parking lot area until they were properly prepped for display. It was anticipated that there would be five (5) to seven (7) carrier deliveries per day.
42. It was agreed, as a condition of approval, that a security lighting plan for the site would be prepared for review and approval by the Board's Engineer. It was agreed that lighting shall not be as intense in the rear parking area as it is in the front and that proper dimming of the lights throughout the site will occur in the evening hours so as to avoid creating disturbances to neighboring properties.

43. It was agreed, as a condition of approval, that the tire storage enclosure would be covered. The plans for same would be subject to the review and approval of the Board's Engineer.
44. From an operational standpoint, it was agreed, as a condition of approval, Carmax would not utilize residential roads, such as Marin Way and Reynolds Drive, for test drives of their vehicles.

OPEN SPACE (LOT E)

45. It was agreed, as a condition of approval that with respect to proposed Lot E, which is to be dedicated to open space, that the following would apply:

The parcel shall have permanent restrictions in the form of either a Deed Restriction, if owned by a Homeowners Association or other private entity or individual. If the lot was ultimately required by a Local Government Unit, per N.J.A.C. 7:36-2.1, the lot would need to be listed on the NJDEP Recreation and Open Space Inventory per the requirements of N.J.A.C. 7:36-25.3. Any Deed Restriction shall be subject to review by the attorney for the planning board and attorney for the borough and shall limit development and activities on the property to natural resource management/property maintenance and passive recreational uses, such as walking trails, nature observation, and similar uses. Development and activities by a Local Government Unit shall be governed by N.J.A.C. 7:36-1.1 et. seq.
46. In furtherance of the previous paragraph, the applicant would be required to notify the Board and its attorney, in writing, of the entity which would be made responsible for the maintenance of Lot E. It is anticipated that this entity will be the Homeowners' Association created to govern the community to be established within Lot F. If any other entity is to management Lot E, information must be provided as to the manner in which that chosen entity will fund their responsibility to maintain the site. The appropriateness of such an assignment shall be subject to the review and approval of the Board Attorney.

RESIDENTIAL LOT (LOT F)

47. With respect to the residential portion of the development, it was noted that the applicant was proposing 145 residential lots in the development.
48. Access would be a via loop road extending from Monmouth Road. There would also be emergency access provided via an emergency gate connecting the site to Reynolds Drive.
49. It was agreed, as a condition of approval, the method of providing emergency gate access to Reynolds Drive would be subject to the review and approval of the Borough's Fire Official.
50. The site would have significant landscaping, all of which would be subject to final review and approval by the Board's Engineer. Approval would also be required before the applicant would be permitted to remove trees from the site. Care should be taken to ensure there is adequate landscaping along what is shown on the plans as Road "A" so as to provide increased buffering for nearby residences.

51. The Homeowners' Association would be required to maintain all landscaping once installed. Said requirement would be included within the Association's governing documents.
52. It was agreed, as a condition of approval, that the applicant would follow all ordinances respecting trees along the roadway leading into the site and throughout the site.
53. Sidewalks are being provided throughout the site, including along both sides of the proposed driveway (Road "A") extending to Monmouth Road.
54. It was agreed, as a condition of approval, that the applicant would pay into the Borough's sidewalk fund so as to allow for future sidewalk development at the exterior of the site from Redfern Road to the north to the municipal boundary to the south. However, if the right-of-way becomes available for construction of the sidewalk during the course of construction, the applicant would install such an exterior sidewalk on its own.
55. As a condition of approval, it was agreed that the applicant would install a Jareth type aluminum fence of at least five (5) feet in height along the entire entry road, to the north going around and up Redfern and along the back property line. The fencing would be installed prior to the building of the residential homes. It was further agreed that if the Association wished to install a taller fence at a later date, it would be permitted to install one which was up to six (6) feet in height. The fence line was depicted on **Exhibit A-46**. The final fence design would be subject to the review and approval of the Board's Engineer and the Board's Planner. An existing chain link fence would be removed from the site.
56. As a condition of approval, it was agreed that the Homeowners' Association would be required to maintain the fence which was installed. Said requirement would be specifically included within the governing documents of the Association.
57. As a condition of approval, it was agreed that the applicant would begin construction of the proposed clubhouse for the residential development following issuance of the 25th residential building permit, and be entirely completed prior to the issuance of the 100th residential building permit. This would ensure the clubhouse would actually be completed for the community.
58. With regard to the clubhouse lot, it was agreed as a condition of approval, that the applicant would provide a turning circulation plan to the Board Engineer for his review and approval.
59. The applicant agreed to install a bicycle rack at the Club House in a location to be review and approved by the Board's Engineer and Planner.
60. With respect to the residences being constructed, it was agreed, as a condition of approval, that the applicant would comply with the Borough's look-a-like ordinance so as to ensure diversity in the facade of the 145 units. Proposed facade designs shall be subject to the review and approval of the Board's Planner.

61. It was noted that the new homes would not have basements. Additionally, as a condition of approval, it was agreed that the garages of each home could not be turned into living space. This restriction would be included within the Association's governing documents.
62. The applicant explained the site plan provided sufficient space for each unit owner to have a patio and a generator if they wished. As a condition of approval, it was agreed homeowners would not be permitted to expand their patio and generator areas beyond what was currently being approved. This restriction would be included within the Association's governing documents.
63. It was noted that there is a pump station located on the site which is run by Borough's Sewage Authority. As a condition of approval, this existing pump station would not be utilized by the new development. Instead, the applicant would be building a new pump elsewhere on the site.
64. The applicant was providing an adequate number of stormwater basins along the site. There would be twenty-one (21) in total.
65. As a condition of approval, the applicant would provide public stormwater easements to the borough so as to allow drainage from Reynolds Drive.

PLANNING TESTIMONY

66. The applicant presented sworn testimony from its professional planner, Christine Nazzaro Cofone, P.P.
67. Ms. Cofone testified that in her opinion the overall project had been designed in compliance with the provisions of the zoning ordinance and the Borough's Master Plan. She believed that it was a good project and that any variance relief which was required more than met the positive and negative criteria required of the municipal land use law.

NON APPLICANT COMMENTARY

68. The Board's Engineer, Edward W. Herrman, P.E., P.P., C.M.E. C.F.M. of T&M Associates and the Board's Planner, Jennifer C. Beahm, P.P., both of whom were present during the meetings and placed under oath indicated that they had no issues with the application from an engineering or planning perspective as long as the recommendations contained within their respective review letters (**Exhibits B-1, B-2 & B-4**) were adhered to. As previously noted, this would also be a condition of approval. They felt the proposed sites had been appropriately designed from both a safety and aesthetical perspective.
69. The following members from the public did speak with respect to the application, none of whom opposed the development but instead voiced concerns over ensuring proper landscaping and shielding of nearby existing residential homes were taken into consideration:
 - (a) Kenneth Kretsch of 13 Kingsly Court
 - (b) Pamela Falcone of 79 Redfern Road

- (c) Paul Wishnick of 79 Reynolds Drive
- (d) John Sciarappa of 45 Redfern Road
- (e) William Barnshaw of 69 Redfern Road
- (f) Frank Scatuorchio of 28 Monmouth Road
- (g) Kenneth East of 55 Redfern Road
- (h) Virginia East of 55 Redfern Road¹
- (l) Jacob Mele of 54 Reynolds Drive

CONCLUSIONS

- 70. In considering the subject application, the Board finds that it agrees with the applicant that the various sites proposed for this application will function successfully as designed provided that the representations made by the applicant during the course of the public hearing and the exhibits submitted into evidence are all adhered to.
- 71. Taking everything into consideration, the Board cannot find any reason why the requested overall site plan should not be granted as requested. All of the submitted evidence and testimony indicates that the site will function in an efficient manner once the work is completed. There is absolutely no evidence in the record which could possibly lead to a different conclusion.
- 72. With respect to the variance and waiver relief triggered by the application, the Board finds that all of the variance relief may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2). The site has been developed in compliance with the existing zoning ordinance and Master Plan. The variance relief required by this application is all technical in nature when compared to the overall development being proposed. The variances deal primarily with issues such as landscaping, signage and parking space widths. While the Board definitely takes these issues seriously, they also find that the exact variances necessary do not negatively impact the development if granted. The sites will function appropriately in spite of the conditions. For example, there is more than sufficient landscaping and property screening being proposed by the applicant to overcome any detriment that might be created by the variance conditions.
- 73. As the site has been designed in conformance with the existing Borough Ordinances, the Board specifically finds that the benefits to the general public of granting the requested variance relief far exceeds the benefit of strictly adhering to the provisions of the ordinance on the technical issues to which those variances relate.

¹ It is recognized that Ms. East is a member of the Borough Council as well as a member of the Planning Board. She recused herself from all aspects of the application.

74. Based upon all of the above, the Board finds that the application should be granted.

NOW THEREFORE, be it further resolved by the Planning Board of the Borough of Eatontown, that the application of Surrey Equities, LLC, may be granted subject to the following conditions:

SPECIAL CONDITIONS APPLICABLE TO OVERALL DEVELOPMENT

1. Subject to substantial compliance to all Exhibits and Testimony presented unless otherwise modified by this Resolution.
2. Subject to the condition all EV Stations proposed within the application will be located at least 15 feet from the building they support, subject to approval of the Board's Engineer. Additionally advertising signage on these stations shall be specifically prohibited.
3. Subject to the condition all trash enclosure areas proposed within the application will be kept closed when not in use.
4. Subject to the condition all landscaped areas approved by this application (Lots A, B, C, D & F) would be by automatic watering systems, unless located within the Department of Transportation's Right of Way.
5. Subject to the condition that the shared access easement to be recorded with respect to Lots A, B and C shall be subject to the review and approval of the Board's Attorney and the Board's Engineer prior to its recording with the County Clerk's Office.
6. Subject to the condition that once tenants are found for proposed Lots A & C, the applicant would need to return to the Borough to seek further zoning approval. Nothing in this approval should be read as having grant site plan approval for Lots A & C.
7. Subject to the condition that when Lots A & C are eventually developed, all street signage serving Lots A, B & C shall be subject to further review by the Board Engineer to ensure they allow proper way finding throughout the shared access area. Should additional land use approval be required, the property owners shall appear before the Planning Board in order to request such.
8. Subject to installation of sidewalks along the Route 36 corridor along the frontage of the applicant's property.
9. Subject to compliance with the review letters authored by the Board's Professionals.
(Exhibits B-1, B-2 and B-4)

CONDITIONS EXCLUSIVE TO CUBESMART (LOT B)

10. Subject to the condition access to the CubeSmart site (Lot B) be by gated control. However, said gate must open automatically if there is a emergency at the site and a Knox Box shall be installed at the gate so as to allow emergency access in the event the power were to go off.
11. Subject to the condition that Boats, RV's and Campers will not be parked outside of the CubeSmart building. There will not be any outside storage of vehicles of any type on Lot B.

12. Subject to a bicycle rack being added to Lot B, the site of which shall be subject to the review and approval of the Board's Engineer.

CONDITIONS EXCLUSIVE TO CARMAX (LOT D)

13. Subject to the condition that the proposed car wash on the Carmax site (Lot D), shall only be utilized as an accessory to the main business and shall not be made accessible to the general public.
14. Subject to the condition that the applicant will work with Borough Emergency Services personnel so as to ensure emergency access to all areas of the property.
15. Subject to the condition Carmax not utilize key fobs, or any other form of noise producing device or speaker system, to locate vehicles on the site.
16. Subject to the condition Carmax not allow any deliveries to be made from the highway. Any delivery trucks must drive onto the site to unload. All unloading of vehicles shall occur in the space delineated for such on the plans.
17. Subject to the condition a security lighting plan for the site (Lot D) be prepared for review and approval by the Board's Engineer. Said plan shall be designed so that lighting is not as intense in the rear parking area as it is in the front and that proper dimming of the lights throughout the site will occur in the evening hours so as to avoid creating disturbances to neighboring properties.
18. Subject to the condition that the tire storage enclosure on Lot D be covered. The plans for the enclosure shall be subject to the review and approval of the Board's Engineer.
19. Subject to the condition that Carmax not utilize residential roads, such as Marin Way and Reynolds Drive, for test drives of their vehicles

CONDITIONS EXCLUSIVE TO OPEN SPACE AREA (LOT E)

20. With respect to proposed Lot E, subject to the following condition:
The parcel shall have permanent restrictions in the form of either a Deed Restriction, if owned by a Homeowners Association or other private entity or individual. If the lot was ultimately required by a Local Government Unit, per N.J.A.C. 7:36-2.1, the lot would need to be listed on the NJDEP Recreation and Open Space Inventory per the requirements of N.J.A.C. 7:36-25.3. Any Deed Restriction shall be subject to review by the attorney for the planning board and attorney for the borough and shall limit development and activities on the property to natural resource management/property maintenance and passive recreational uses, such as walking trails, nature observation, and similar uses. Development and activities by a Local Government Unit shall be governed by N.J.A.C. 7:36-1.1 et. seq.
21. Subject to the applicant being required to notify the Board and its attorney, in writing, of the entity which would be made responsible for the maintenance of Lot E. It is anticipated that this entity will be the Homeowners' Association created to govern the community to be

established within Lot F. If any other entity is to management Lot E, information must be provided as to the manner in which that chosen entity will fund their responsibility to maintain the site. The appropriateness of such an assignment shall be subject to the review and approval of the Board Attorney.

CONDITIONS EXCLUSIVE TO RESIDENTIAL DEVELOPMENT (LOT F)

22. With respect to Lot F, subject to the condition that the method of providing emergency gate access to Reynolds Drive would be subject to the review and approval of the Borough's Fire Official.
23. Subject to the condition that all landscaping to be installed as part of the residential development (Lot F) shall be subject to final review and approval by the Board's Engineer. Approval would also be required before the applicant shall be permitted to remove trees from the site. Care should be taken to ensure there is adequate landscaping along what is shown on the plans as Road "A" so as to provide increased buffering for nearby residences.
24. Subject to the homeowners' association created to govern Lot F being required to maintain all landscaping and fencing once installed. Said requirements must be included within the Association's governing documents.
25. Subject to the condition the applicant pay into the Borough's sidewalk fund so as to allow for future sidewalk development at the exterior of the site from Redfern Road to the north to the municipal boundary to the south. However, if the right-of-way becomes available for construction of the sidewalk during the course of construction, the applicant shall install such an exterior sidewalk on its own. Nothing in this condition should be read as mandating the funds paid into the sidewalk fund by the applicant be utilized at the subject location. The Borough is free to utilize these monies elsewhere in the Borough if it deems fit to do so.
25. Subject to the applicant installing a Jareth type aluminum fence of at least five (5) feet in height along the entire entry road to Lot F, to the north going around and up Redfern and along the back property line. The fencing would be installed prior to the building of the residential homes. If the future association wishes to install a taller fence at a later date, it shall be permitted to install one which is up to six (6) feet in height. The final fence design shall be subject to the review and approval of the Board's Engineer and the Board's Planner.
26. An existing chain link fence on Lot F shall be removed from the site.
27. Subject to the condition the applicant must commence construction of the proposed clubhouse for the residential development (Lot F) following issuance of the 25th residential building permit. The clubhouse must be completed, in its entirety, prior to the issuance of the 100th residential building permit or said 100th permit shall be withheld by the Borough.
28. Subject to the condition the applicant provide a turning circulation plan for the clubhouse area (Lot F) to the Board Engineer for his review and approval.

29. Subject to the condition a bicycle rack be installed at the Club House in a location to be review and approved by the Board's Engineer and Planner.
30. Subject to the applicant's compliance with the Borough's look-a-like ordinance so as to ensure diversity in the facade of the 145 residential units to be constructed on Lot F. Proposed facade designs shall be subject to the review and approval of the Board's Planner.
31. Subject to the condition garages of each residential home on Lot F not be turned into living space. This restriction shall be included within the Association's governing documents.
32. Subject to the condition homeowners in Lot F shall not be permitted to expand their patio and generator areas beyond what is currently being approved. This restriction shall be included within the Association's governing documents.
33. Subject to the condition the existing pump station located on Lot F shall not be utilized by the new residential development. Instead, the applicant shall construct a new pump elsewhere on the site.
34. Subject to the condition the applicant provide public stormwater easements to the Borough so as to allow drainage from Reynolds Drive. Said easements shall be subject to review and approval of the Board Engineer, the Planning Board attorney and the Borough Attorney.
35. Subject to the applicant adhering to all ordinances respecting trees along the roadway leading into Lot F and throughout the site.
36. Subject to the applicant confirming with the Borough's Tax Assessor as to the new lot numbers which shall be assigned to the individual new lots being created.

GENERAL CONDITIONS APPLICABLE TO ENTIRE APPLICATION

37. Subject to all representations made by the applicant during the application.
38. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
39. Subject to the payment of any fees, escrows and taxes as may be due to the Borough prior to the issuance of any permits.
40. The action of the Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Planning Board of the Borough of Eatontown or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
41. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Eatontown at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

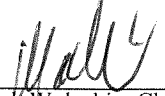
The foregoing was Moved by *Ch. Woloshin*

Seconded by *V.C. Diedrichsen* and on Roll Call, the following vote was recorded:

Affirmative: *V.C. Diedrichsen, Ch. Woloshin, Mayor Talerico,*
Negative: *Ms. Mastrock, Ms. Buezny*

Abstentions: *Ms. East, Mr. Regan, Mr. Alcott, Mr. Roth*

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Eatontown as copied from the Minutes of its meeting on November 4, 2024.



Mark Woloshin, Chairman
Eatontown Planning Board