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September 28, 2020

Trish Sena
Planning Board Secretary
556 Tinton Avenue
Tinton Falls, NJ 07724

**Re: 1251 Jumping Brook Road (PB2020-12)
1251 Jumping Brook Road
Block 128.03, Lot 47
Preliminary & Final Major Site Plan
Our File: TFPB 20-15**

Dear Ms. Sena:

Our office received and reviewed materials that were submitted in support of an application for preliminary and final major site plan for the above referenced project. The following documents were reviewed:

- Tinton Falls Planning Board Development Application and Checklist received June 30, 2020.
- Submittal Letter from Kenneth L. Pape, Esq., of Heilbrunn Pape Counsellors at Law, dated June 29, 2020.
- Stormwater Management Facilities Operation and Maintenance Manual for 1251 Jumping Brook Road, prepared by Richard Burrow, PE, of Langan, dated June 25, 2020.
- Environmental Impact Statement for 1251 Jumping Brook Road, prepared by Langan Engineering and Environmental Services, Inc, dated June 24, 2020.
- ALTA/ NSPS Land Title Survey for 1251 Jumping Brook Road, consisting of six (6) sheets, prepared by Langan Engineering and Environmental Services, Inc., dated June 24, 2020.
- Architectural Plans for 1251 Jumping Brook Road, consisting of three (3) sheets, prepared by Scott D. Wurl, RA, of Progresssive AE, Inc., dated June 4, 2020.

- Traffic Evaluation for 1251 Jumping Brook Road, prepared by Daniel D. Disario, PE, PTOE, of Langan Engineering and Environmental Services, Inc., dated June 26, 2020.
- Preliminary and Final Site Plan Application for 1251 Jumping Brook Road, consisting of 49 sheets, prepared by Richard Burrow, PE, of Langan Engineering , Environmental, Surveying, Landscape Architecture and Geologu, DPC, dated June 25, 2020.

1. Site Analysis and Project Description

The subject property consists of 50.7 acres located on Jumping Brook Road in the IOP Industrial Office Park Zone District. The property is currently developed with the Twin Brooks Golf Center, including a 9-hole golf course, driving range building, mini-golf course, a 4,626 sq. ft. masonry clubhouse building and a 5,070 sq. ft. building. Areas of wetlands exist in the eastern portion of the property.

The Applicant is proposing to construct a 113,016 sq. ft. shipping and receiving building, known as a “last mile distribution center,” including 12,100 sq. ft. of office space, and associated driveways, 229 car parking spaces, 11 truck loading spaces, 713 van parking spaces, 60 queuing spaces, 60 utr./van loading spaces, a dumpster and compactor, and ancillary site improvements including 5 detention basins, utilities, landscaping and lighting. The applicant has indicated that there will be 5 core employee shifts- from 2:00am to 12:30pm, from 6:00am to 2:30pm, from 1:30pm to 10:00pm, from 2:00pm to 6:00pm, and from 12:00pm to 10:30pm. The applicant also anticipates approximately 19 tractor-trailer deliveries a day.

2. Warehouse Specific Requirements

- A. As per §40-35.G.1, the maximum permitted lot area for warehouses is 10 acres, whereas the applicant is proposing a lot area of 50.7 acres. **A variance is needed.**
- B. As per §40-35.G.2., the minimum percentage of gross floor area used for warehousing shall be 90% of the total building size. As such, the minimum gross floor area used for warehousing in the proposed building is required to be 101,714.40 sq. ft., whereas the application is proposing to use 100,916 sq. ft. of gross floor area for warehousing. **A variance is required.**

3. Other Zoning Requirements

- A. The applicant is proposing to fill a freshwater wetlands area as well as build on an area with slopes in excess of 15%, whereas §40-29.D.2. requires that critical environmental areas be preserved and not built upon. Therefore, **a variance is required.**
- B. The applicant is requesting relief for an 11 ft. high retaining wall along the northwestern property line, whereas as per §40-33.D.5.n, walls or fences along the side or rear yard lot lines shall not exceed 6 ft. **A variance is required.**

C. Signs

The subject application requires a number of variances for the proposed signage. They are as follows:

- 1) As per §40-34.M.3.c(4), one (1) ground sign is permitted, whereas the application is proposing a total of three (3) ground signs. **A variance is required.**
- 2) As per §40-34.M.3.c(4), a ground sign setback of 20 ft. is required, whereas 10 ft. is proposed. **A variance is needed.**
- 3) As per §40-34.N.4, two (2) directional signs in parking areas are permitted, not to exceed 2 sq. ft. in area, whereas the applicant is proposing more than two (2) signs with square footage as noted:
 - a) 20 sq. ft. "Yard Rules" sign
 - b) 6 sq. ft. Truck Entrance sign
 - c) One (1), 6 sq. ft. Exit Sign
 - d) Eight (8) types of 20 sq. ft. Wayfinding signs
 - e) 1.5 sq. ft. Visitor Parking sign
 - f) 1.5 sq. ft. Vendor Parking sign
 - g) 1.5 sq. ft. Customer Parking sign
 - h) 9 sq. ft. Muster Area sign

The application should review and revise the sign plan to indicate the total number of signs and the location of each proposed sign on the plan. Variances are needed for the number of directional signs and the area of sign types a, b, c, d, and h, as noted.

D. Circulation

- 1) As per §40-26.G.7., Nonresidential uses shall be limited to one driveway per lot unless the lot width is greater than 500 feet, then a second driveway may be permitted if the driveways are at least 200 feet apart and the required setbacks from intersecting streets and adjacent property lines can be met. **The applicant is proposing four (4) driveways, requiring a waiver. Three (3) of the driveways do not meet the required 200 ft. separation, requiring waivers.**
- 2) As per §40-26.Q.2.a, a minimum of 10% of any surface parking facility shall be landscaped and shall include one shade tree for every five parking spaces, whereas the applicant does not meet this requirement. **A waiver is needed.**
- 3) As per §40-26.R.3, Standard institutional and light industrial/warehouse loading spaces shall measure at least 15 feet wide by 60 feet long, with a height clearance of not less than 20 feet; whereas the applicant is proposing loading spaces of 12 ft. by 60 ft. **A waiver is required.**

E. Lighting

- 1) As per §40-26.N.1.e, the maximum height of freestanding lights shall not exceed the height of the principal building or 18 feet, whichever is less. The applicant is proposing light poles up to 25 ft. **A waiver is required.**
- 2) As per §40-26.N.1.h, the maximum illumination at property lines shall 0.1 footcandles, whereas the applicant is proposing up to 3.3 footcandles at the property line. **A waiver is required.**
- 3) As per §40-26.N.1.j., the maximum permitted light intensity at any location is 4.0 footcandles, whereas the applicant is proposing a light intensity of up to 7.2 footcandles. **A waiver is required.**
- 4) As per §40-26.N.1.j., the maximum average light intensity over the entire area is 2.0 footcandles, whereas the applicant is proposing an average intensity of 3.1 footcandles. A waiver is required.

F. Architectural Design

As per §40-25.B.4, where large structures are required, massing and blank walls shall be avoided as much as possible and, where necessary, relieved by variation and architectural relief and details. Excessively expansive blank walls are prohibited. Building offsets shall be provided along each building wall to relieve the visual effect of a single long wall. Roof lines shall also be varied. An individual building may use a combination of story heights to provide further visual relief. Building designs should incorporate details such as masonry chimneys, cupolas, dormers, and similar features for architectural appeal. **The applicant should provide testimony regarding compliance with this section.**

4. Required Proofs for Variance Relief

A. C Variances

A number of “c” variances are required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance

on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

3) C variances must also show consistency with the negative criteria as well.

B. ***A number of design waivers are required.*** The Board has the power to grant design waivers as “exceptions” from the requirements of the Borough’s Land Use Ordinance as part of site plan review under N.J.S.A. 40:55D-51(b), so long as the exceptions are reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of the peculiar conditions pertaining to the land in question.

5. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should provide testimony as to the proposed delivery station use, including, the total number of employees and number of employees per shift, number and types of visitors to the site, parking for employees and delivery drivers, non-staff parking, the delivery schedule and types of deliveries, the hours of operation, and the traffic impacts of the site.
- C. The applicant should provide testimony as to the proposed truck traffic on site.
- D. The applicant is providing 229 car parking spaces, whereas 69 are required and per the applicant’s report 126 would be needed; and 11 loading spaces, whereas 4 are required. The applicant should provide testimony as to the necessity of the excess spaces over what is required.
- E. The applicant is providing 713 van parking spaces. This area also includes a number of electric vehicle charging stations. The applicant should provide testimony on the number of van spaces provided, how vans will be assigned, where van drivers will park their person vehicle, the number of fleet vehicles, and the number of vans in operation at any time.
- F. The applicant has indicated a dumpster and compactor area within loading spaces. The location of these items shall be clarified, and the plans revised to indicate the locations. We recommend the dumpster be enclosed with a masonry trash enclosure.

- G. The applicant should provide testimony as to how the parking area will be used. Additional sidewalks and pedestrian walkway striping may be necessary to ensure safe access to the warehouse building and fleet vehicles from all parking areas.
- H. The applicant should provide testimony as to the proposed hours lighting will be utilized.
- I. The applicant should review and revise the sign plan to indicate all proposed signage types, sizes, and locations, and indicate all variances that are required.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, P.P.
Board Planner

JCB:CLB

cc: Thomas Neff, P.E., P.P., C.M.E., Board Engineer
Dennis Collins, Esq., Board Attorney
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Kenneth L. Pape, Esq., Applicant's Attorney (kpape@hpnjlaw.com)