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August 7, 2020

VIA EMAIL & HAND DELIVERY

Ms. Trish Sena
Borough of Tinton Falls Planning Board
556 Tinton Avenue
Tinton Falls, NJ 07724

Re: Senior Housing Development, LLC, Tinton Falls
Block 124.63, Lot 30 & 30.01
Tinton Falls, Monmouth County, NJ
PB-2020-09
MC Project No. 18006673A

Dear Ms. Sena:

On behalf of the applicant, Maser Consulting, respectfully submits response to the June 1, 2020 Completeness and 1st Engineering Review from Thomas Neff; June 8, 2020 Planning Review #1 from Jennifer Beahm; and June 11, 2020 Fire Marshal Review.

JUNE 1, 2020 FROM THOMAS P. NEFF, P.E., P.P., C.M.E., C.F.M., T&M ASSOCIATES

B. Fees

The fees established through the Borough Development Application Fee Schedule as related to the subject application are as follows:

	<u>Administrative Fee</u>	<u>Escrow/Professional Fee</u>
Site Plan		
Nonresidential Preliminary	\$4,034.55	\$11,722.80
Final	\$2,017.50	\$0 (No Fee)
Waiver	\$0 (No Fee)	\$500.00
Bulk Variance	\$450.00	\$1000.00



G.I.S. Fee	\$108 (\$56 per Development Application + \$13 per Variance requested)	\$0 (No Fee)
Publication Fee	\$30.00	\$0 (No Fee)
Fire Prevention	\$100.00	\$0 (No Fee)
Total Fees	\$6,740.05	\$13,222.80

The applicant has posted \$6,780.00 in administrative fees and \$10,000.00 in escrow fees. The applicant shall post the remaining \$3,222.80 in escrow fees prior to any Board meetings.

Additional escrow fee was submitted under separate cover by the Applicant.

C. Technical Completeness Review

1. The applicant has requested various submission waivers. Based on our review of the submitted materials, we have no objection to these waivers. I therefore recommend the application be considered **complete** from an engineering standpoint and scheduled for the next available Planning Board meeting.

Informational – no response required.

D. Required Variances & Design Waivers

1. The following bulk “c” variances are required:
 - a. Section 40-33.D.5.m. of the Ordinance states that fences and walls in side and rear yards shall not exceed six (6) feet in height, whereas the proposed retaining wall has a maximum height of 10.5 feet. A variance is therefore required. The applicant’s engineer shall provide testimony on why the height cannot be lowered to conform to the 6 foot requirement.

Testimony to be provided.



- b. Section 40-34.M.3.c(4) states that ground signs shall be a minimum of 20 feet from all property lines, whereas, the applicant is proposing a ground sign 10 feet from the front property line. A variance is therefore required. The Zoning Schedule shall also be revised to indicate the correct setback requirement of 20 feet.

Variance requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed variance.

- c. It appears that the applicant is proposing a 4' x 8' "Coming Soon" advertising sign to be installed while the site is under construction. Such a sign is not permitted under Section 40-34.O for Temporary Signs. A variance is therefore required. The location of the proposed sign shall be indicated on the plans. Should the Board grant a variance for this sign, I recommend that the sign be required to be removed once the building construction is completed and the permanent ground sign installed.

Variance requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed variance. Temporary sign shown on Sheet 7 as requested. Note added to Sheet 7 indicating removal of sign upon completion of the building and permanent sign installed.

- d. Section 40-39.A.4 of the Ordinance requires a minimum 25 foot parking setback to lot lines and right-of way (R.O.W.) lines, whereas the applicant is proposing to construct drive aisles on adjacent Lot 30, approximately 20 feet beyond the side property line within an existing access easement. A turnaround area is also provided only 5 feet from the right-of-way line. A variance is therefore required.

Variance requirement acknowledged. See revised sheet 1 of 16.

- 2. The following design waivers are required:

- a. Section 40-26.G.6 of the Ordinance states that driveways shall have a minimum distance of 50 feet from intersecting streets, whereas, the applicant is proposing their driveway approximately 27 feet from the intersection of Wawa Way. The plans shall be revised, or a design waiver will be required.

Waiver requirement acknowledged.



- b. Section 40-26.G.8.c of the Ordinance states that driveways shall have a minimum distance of 20 feet from adjacent lot lines, whereas, the applicant is proposing their driveway approximately 20 feet beyond the side property line onto adjacent Lot 30. The plans shall be revised, or a design waiver will be required.

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

- c. Section 40-26.M.2 of the Ordinance states that all deciduous trees in planting areas shall have a minimum caliper of 2.5 inches, whereas the plans indicate 1.5-inch caliper deciduous trees. The plans shall be revised to comply, or a design waiver will be required.

Waiver requirement acknowledged.

- d. Section 40-26.M.3 of the Ordinance states that all shade trees shall have a minimum diameter of 3 inches, whereas the plans indicate 2.5" caliper shade trees along West Park Avenue. The plans shall be revised, or a design waiver will be required.

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

- e. Section 40-26.M.5 of the Ordinance states that shade trees shall be planted approximately 40 feet apart and at a distance of 12.5 feet from the curblin. Although landscaping has been provided along the frontage, the plan does not meet this requirement. The plans shall be revised, or a design waiver will be required.

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

- f. Section 40-26.N.1.h of the Ordinance states that the maximum lighting level at property lines shall be 0.1 fc, whereas, the applicant exceeds that beyond the front and side property lines. A design waiver will be required.

Waiver requirement acknowledged.

- g. Section 40-26.N.1.j of the Ordinance states that the light intensity at ground level shall be as follows:

i. Minimum	0.5 footcandles
ii. Maximum	4.0 footcandles
iii. Maximum Average	2.0 footcandles
iv. Uniformity ratio (Not greater than)	4:1 footcandles



Based on the lighting plan, the applicant proposes a minimum lighting level of 0.2 FC and a maximum uniformity ratio of 19:1. Therefore, the plans shall be revised, or a design waiver will be required.

Waiver requirement acknowledged.

- h. Section 40-26.Q.p. of the Ordinance requires minimum parking setback of 10 feet from all property lines, whereas, the applicant is proposing approximately 5 feet to the side property line adjacent to Lot 30. The plans shall be revised, or a design waiver will be required.

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

The applicant shall provide testimony on the need for the above-referenced design waivers.

Testimony to be provided.

E. Traffic Impact & Site Requirements

1. For the proposed Assisted Living Facility, Parking Schedule 1 of Section 40-39 of the Ordinance requires 0.5 spaces per unit (bed). The following is a summary of the required parking spaces for the Assisted Living Facility:

Assisted Living Facility: 0.5 Spaces Required Per Unit (Bed) x 112 Beds = 56 spaces

A total of 56 parking spaces are required for the assisted living facility use, whereas 58 spaces are proposed. The applicant shall provide testimony on the anticipated parking demand and adequacy of the proposed number of parking spaces. In addition, the applicant shall revise the number of spaces provided in the Zoning Table on Sheet 1 to accurately reflect the parking provided.

Testimony to be provided. Cover Sheet 1 of 16 revised to reflect the number of proposed spaces.

2. Table 208.2 of the 2010 ADA standards indicates that 3 ADA accessible parking spaces are to be provided when there are between 51 and 75 parking spaces, whereas 4 ADA accessible parking spaces are proposed, therefore, the demand appears to be met. However, based on the proposed use, additional spaces may be warranted.

Testimony to be provided.



3. The applicant provided trip generation analysis based on the anticipated operations of the site. The report indicates the estimated number of peak hour trips based on the ITE Trip Generation rates for Assisted Living Facilities (Land Use Code 254). The applicant notes trips of 21 vehicles during the weekday AM peak hour and 37 trips during the weekday PM peak hour for the proposed site. The applicant states that since the project would generate less than 100 trips during the weekday morning and evening peak hours, it can be considered a de minimis increase in traffic on the adjacent roadway system. We have no objection to this assessment; however, the applicant shall document the weekend morning and evening peak hour traffic counts for reference.

The trip generation is significantly less than 100 peak hour trips, which is considered not a significant increase as defined by NJDOT and ITE. If further information is required, existing traffic data can be provided.

4. The applicant is proposing a trash enclosure on the eastern side of the proposed building. Based on its location, refuse vehicles may have difficulties with ingress and egress from the trash enclosure. The applicant shall provide turning templates for refuse vehicles to confirm adequate access is provided.

Supplemental Circulation drawings provided.

5. The applicant shall confirm what types of delivery vehicles will be required to access the service driveway and provide turning templates for the largest anticipated vehicle requiring access. It appears that trucks will have to back up a significant distance and may have difficulty maneuvering.

Testimony to be provided.

6. The applicant shall confirm what types of vehicles will be utilizing the proposed drop off aisle at the front of the building, including but not limited to, passenger vehicles, ambulances, buses, etc. The applicant shall provide turning templates for the largest anticipated vehicle requiring access.

Testimony to be provided.

7. The applicant shall provide turning templates for emergency vehicles. We defer further review to the Fire Official.

Supplemental Circulation drawings provided per request.

8. Section 40-26.T.1 of the Ordinance requires that outdoor mechanical equipment be placed in a location where it can be substantially screened from public view. The plans shall be revised to provide additional screening around the proposed generator, transformer, and hot box.

Landscape Plan, Sheet 10 of 16, revised to provide additional screening.



9. Section 40-33.D.5.x. of the Ordinance requires that signed and sealed structural plans, details and calculations prepared by a Professional Engineer shall be provided for all retaining walls three (3) feet in height or greater. The applicant shall provide this information for review by the Construction Official.

Structural calculations for the retaining wall to be provided at the time of permitting to the Construction official.

10. The applicant shall address the following regarding the proposed generator;

- a. Section 40-33.D.15.h. of the Ordinance requires that generators be appropriately screened and buffered by evergreen plantings or a fence. The applicant shall provide additional screening to the proposed generator or a variance will be required.

Landscape Plan, Sheet 10 of 16, revised to provide additional screening.

- b. The noise level of the proposed generator shall not exceed 70 decibels at any property line per Section 40-33.D.15.i. of the Ordinance. In addition, a weatherproof, sound attenuating enclosure is required per this section. Technical specifications for the generator shall be provided.

Technical specifications for the generator provided, the sound generated at the nearest property line (along West Park Avenue) is 60.15 decibels.

- c. Routine testing and maintenance shall not occur more than once per week and shall not exceed 30 minutes. Testing is permitted Monday through Friday between the hours of 10:00 am and 5:00 pm. A note shall be added to the plans confirming same.

Operator will comply. Utility Plans, Sheet 6 of 16, noted as such.

11. The applicant is proposing a guiderail and fence adjacent to the retaining wall in the southern parking area. The applicant shall address the following;

- a. The guiderail does not extend beyond the final parking space on the eastern side of this lot. The plans shall be revised to provide guiderail in this location.

Dimension Plan, Sheet 4 of 16, updated with an extended guiderail.

- b. The applicant shall confirm that the proposed guiderail meets NJDOT or FHWA Standards.

Detail of guiderail was modified to meet FHWA requirements for Low Volume and Low Speed Roads. See Sheet 13 in this regard.



- c. The proposed fence appears to be provided as fall protection; however, the fence does not appear to extend the entire length of the retaining wall. We defer further review of this to the Building Department to confirm the current layout is adequate.

Dimension Plan, Sheet 4 of 16, revised for the fence to extend the full length of the retaining wall.

- 12. The applicant is proposing the main drive aisle within a 40 feet wide access easement which extends onto Lot 30. The applicant shall address the following;
 - a. The applicant shall confirm if the proposed improvements are permissible under the easement agreement.

Confirmation of same will be provided under separate cover.

- b. The applicant is proposing construction of signage, retaining wall, fencing, curbing, drainage facilities and grading beyond the limits of the access easement on Lot 30, therefore, this work is not permitted unless additional easements from the adjacent property owner are obtained.

Confirmation of same will be provided under separate cover.

- c. The applicant is proposing parking within the 20 feet section of the access easement which is on the applicant's property. The applicant shall confirm that this is permitted under the easement documents.

Confirmation of same will be provided under separate cover.

- d. The applicant shall provide testimony regarding the intent of any future development on Lot 30 which would utilize the proposed access aisle.

Testimony to be provided.

- 13. Section 40-26.Q.2.k. of the Ordinance requires a minimum pavement thickness of 2" of surface course and 4" of base course, whereas the applicant proposes 1.5" and 3.0", respectively. The applicant shall revise the pavement detail to meet this requirement.

Construction Details, Sheet 12 of 16, revised accordingly.

- 14. The applicant is proposing utility connections within West Park Avenue. The applicant shall show the limits of pavement, curb and sidewalk repairs associated with the proposed improvements. If possible, the connections shall be provided in one trench.

Dimension Plan, Sheet 4 of 16, revised to show the limit of off-site improvements related to utility connections.



15. It appears that the applicant is proposing a 4-foot fence adjacent to the retaining wall. The fence shall be labelled on the plans and a construction detail provided.

Construction Details, Sheet 13 of 16, revised accordingly.

16. A Stop Sign shall be provided at the main exit drive.

Dimension Plan, Sheet 4 of 16, revised accordingly.

F. Grading, Drainage & Utilities

1. The proposed area of disturbance exceeds 1 acre (2.691 +/- ac) and the increase in impervious surface exceeds 0.25 acres, therefore, the project is considered a "major development" as defined by N.J.A.C. 7:8, and is subject to the NJDEP Stormwater Management standards.

Statement, no exception taken.

2. The applicant indicates that the project meets the stormwater quantity requirements by reducing the post construction peak runoff rates for the 2, 10 and 100-year storm events to 50, 75, 80 percent, respectively, of the preconstruction peak runoff by using one (1) underground detention basin and one (1) underground infiltration basin.

Statement, no exception taken.

3. This project increases the impervious surface area more than 0.25 acres; therefore, the water quality requirements are applicable per N.J.A.C. 7:8-5.5. The applicant indicates that the project meets the water quality requirements by using one (1) manufactured treatment device to reduce the post-construction load of total suspended solids (TSS) per N.J.A.C. 7:8-5.5.

Statement, no exception taken.

4. The applicant indicates that the project meets the groundwater recharge requirements to maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site, in accordance with N.J.A.C. 7:8-5.4(a)2i(1).

Statement, no exception taken.

5. The applicant shall provide the existing contours to confirm the EO-2 Drainage Area and the TC path.

Existing Drainage Area Map, Sheet 1 of 3, revised to reference "Preliminary and Final Site Plans Grading and Utility Plan for American Red Cross" prepared by Kenderian Zilinski Associates dated December 20, 2000 revised through October 9, 2001 depicting the contours for drainage area EO-2.



6. The applicant shall eliminate the proposed contour in the Existing Drainage Area Map.

Existing Drainage Area Map, Sheet 1 of 3, revised accordingly.

7. The applicant shall confirm and revise the drainage area to match for existing conditions (13.52 ac) and proposed conditions (13.40 ac).

Drainage Area revised accordingly.

8. The applicant shall provide the new impervious area in the report.

Impervious Area provided within the Stormwater Management & Mitigation Report, dated March 2020, revised through July 2020.

9. The applicant shall confirm and revise the PD-2 Drainage Area (1.95 ac) on the Proposed Drainage Area Map to match the PD-2 Area (1.97 ac) in Proposed Condition Analysis.

Drainage areas modeled accordingly.

10. The applicant shall revise the Primary Outlet Device #1 in the proposed analysis to match the Utilities Plan.

Utility Plan, Sheet 6 of 16, revised to match the proposed analysis.

11. The applicant shall provide the drain down calculations for Basin 1 and Basin 2 for review.

Drain down calculations provided.

12. As per the MTD Laboratory Certification of Up-Flo Filter EMC, Table 2, the 8 x 18.5 Vault can contain 70 – 36” Cartridges maximum. The applicant shall revise the size of proposed Up- Flo Filter Vault to be able to contain 85 – 36” Cartridges and update the details accordingly.

Maximum number of cartridges is now adhered to based on the revised plans including two separate smaller units in series. See Sheet 6 and 16 in this regard.

13. The applicant shall revise the Annual Groundwater Recharge analysis spreadsheet (GRS-32) to solve the Volume Balance.

Annual Groundwater Recharge Analysis Spreadsheet revised accordingly.

14. The applicant shall revise the inverts of the Line No. P-200 to Outfall in the pipe calculations to match the Utilities Plan.

Utility Plan, Sheet 6 of 16, revised to match the proposed analysis.

15. The applicant shall revise the Do and Wo in the Conduit Outlet Protection Calculations to match with the Utilities Plan.

Utility Plan, Sheet 6 of 16, revised to match the Conduit Outlet Protection Calculations.

16. The applicant shall revise the Seasonal High-Water Elevations and confirm the Infiltration Rates for all four (4) Test Pits on the Existing Conditions Plan to match the Preliminary Report of Infiltration Evaluation.

Utility Plan, Sheet 6 of 16, revised to match the Conduit Outlet Protection Calculations.

17. The applicant shall provide the inverts of all pipes that connect to the basins on the Utilities Plan.

Utility Plan, Sheet 6 of 16, revised accordingly.

18. The applicant shall provide the 'Y' Inlet detail for review.

Construction Details, Sheet 14 of 16, revised accordingly.

19. The applicant shall provide the Riprap Apron detail for review.

Construction Details, Sheet 15 of 16, revised accordingly.

20. The applicant shall provide the proposed Reg-U-Flo Vortex Device detail for review.

Construction Details, Sheet 16 of 16, revised accordingly.

21. The applicant shall revise the 48" HDPE to a 60" HDPE in the Outlet Control Structure S-101 detail on the Construction Details plan.

Construction Details, Sheet 16 of 16, revised accordingly.

22. The applicant shall revise the 18" HDPE @ 1.00% to 18" HDPE @ 0.97% to match with the pipe calculations, on the Outlet Control Structure S-101 Detail on the Construction Details plan.

Construction Details, Sheet 16 of 16, revised accordingly.



23. The applicant shall revise the 48" HDPE to 30" HDPE in the Outlet Control Structure S-201 Detail on the Construction Details plan.

Construction Details, Sheet 16 of 16, revised accordingly.

24. The applicant provided the 'A' inlet detail on Construction Details plan for review. However, there is no proposed "A" inlet in the Utilities Plans.

No "A" inlets are proposed.

25. All tables in the Stormwater Management Report shall be revised upon the revision of calculations.

Stormwater Management & Mitigation Report revised accordingly.

26. The applicant will be required to submit a drainage easement(s) for the site giving the Borough the right, but not the obligation, to maintain and/or repair the stormwater management facilities if necessary.

In discussion with the Applicant, we are requesting a blanket right-of-entry agreement in this regard. The Applicant's Attorney will provide a draft of same.

27. The applicant shall fill out, to the extent possible, and provide a draft copy of the "Tier A MS4 NJPDES Permit – Attachment D – Major Development Stormwater Summary" form for review.

Draft Tier A MS4 NJDES Permit – Attachment D – Major Development Stormwater Summary form provided.

28. The Type "J" Eco Curb Piece should be removed from the construction detail. Type N is recommended.

Construction Details, Sheet 15 of 16, revised accordingly.

29. The HDPE Storm Pipe construction detail only indicates crushed stone beneath the pipe. Crush stone is required up to the springline. The detail shall be revised accordingly.

Construction Details, Sheet 15 of 16, revised accordingly.

30. Additional grading information shall be provided at all accessible curb ramps and along all accessible routes to confirm compliance with ADA Standards.

Grading Plan, Sheet 5 of 16, revised accordingly.



31. The property lines shall be shown on the Grading Plan.

Grading Plan, Sheet 5 of 16, revised accordingly.

32. The grading at the southwestern corner of the retaining wall should be reviewed. It appears that the proposed 125 foot contour ties into the existing 124 foot contour.

Grading Plan, Sheet 5 of 16, revised accordingly.

33. The applicant is proposing a sanitary sewer connection within West Park Avenue. The applicant will be required to post a sewer connection fee in accordance with the Ordinance and shall be paid prior to the issuance of a Certificate of Occupancy.

Acknowledged.

34. The applicant shall obtain a Treatment Works Approval as applicable.

Acknowledged.

35. The sanitary sewer manhole detail shall indicate two coats of white epoxy, 8 mil thick, on the interior of the structure. In addition, the detail is for a standard manhole, whereas a doghouse manhole is proposed. The detail shall be revised accordingly.

Construction Details, Sheet 14 of 16, revised accordingly.

G. Landscaping & Lighting

1. Section 40-26.M.3.f of the Ordinance states that routine maintenance of shade trees shall be the responsibility of the property owner.

Landscape Plan, Sheet 10 of 16, revised to include note stating such.

2. Section 40-26.M.4 of the Ordinance states that any landscaping which dies within 2 years of planting, for any reason, shall be replaced by the developer(s) or by the current owner at their sole expense. The note on the plans shall be revised accordingly.

Landscape Plan, Sheet 10 of 16, revised to include note stating such.

3. The applicant shall document compliance with Section 40-26.Q.a. of the Ordinance which requires a minimum of 10% of any surface parking facility to be landscaped and shall include one (1) shade tree for every five (5) parking spaces.

Cover Sheet, Sheet 1 of 16, acknowledges compliance.



4. We defer to the Borough Shade Tree Commission for additional review and comments related to the proposed landscaping.

No response.

5. Section 40-26.N.1.c.1 indicates that all outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.

Testimony to be provided in this regard.

6. A construction detail for the Light Pole Foundation shall be provided.

Lighting Plan, Sheet 11 of 16, includes construction schematic detail of lighting foundation.

H. Environmental

1. There are wetlands on the property that were delineated by Maser and a Freshwater Wetlands Letter of Interpretation application has been submitted to the NJDEP for verification of the wetland boundary and resource value of the wetlands. Once the LOI is approved, a copy should be provided to the Borough.

Applicant to supply LOI when received.

2. It is important to point out that the following sections of the EIS should to be revised to include additional information:
 - a. Section 1.4 Permits – The applicant describes the pending Freshwater Wetlands Letter of Interpretation Application but does not describe any Freshwater Wetlands Permit Applications that are referenced in Section 9.0. This section should be revised to include information on all permit applications that are required for the proposed project.
 - b. Section 3.3.1 – The applicant shall provide details on the existing conditions of the wetlands on the property. The description should include information on the date of the wetland delineation and the wetland characteristics (i.e. forested/emergent, dominant vegetation, hydric soil conditions and signs of hydrology).
 - c. Section 4.3.1 – Wetland Impacts – This section does not describe the impacts to the wetlands on the property. According to the plans, there are regulated activities proposed in the wetlands and wetland buffers. The EIR should be revised to include details on the project impacts to the wetlands and the wetlands buffer.



The report should also include information on the NJDEP permit applications and status of submission and/or permit approvals.

- d. Section 4.3.3 – Impacts to Mature Vegetation – This section needs additional information including but not limited to the total square footage of vegetation to be removed and preserved, and information on the landscaping proposed to offset the vegetation removal. In addition, this section mentions a conservation restriction, with very little detail on what is being conserved and the status of the conservation restriction.
- e. Section 4.6.1 – Impacts to Demographics – This section needs additional specific information on the proposed project impact to the population/demographics to the Borough.
- f. Section 9.0 – The applicant has provided a list of licenses, permits, or other approvals, as required. The applicant should provide a status of the approvals. Since some of these approvals or permits are pending, the applicant should provide the Borough with a copy of the approvals, permits or license.

See Environmental Impact Report Addendum.

- 3. The plans should be revised to include information on the company that conducted the wetland delineation and the date the wetland delineation was completed.

Cover Sheet, Sheet 1 of 16, provides description.

- 4. The plans need additional information on the proposed regulated activities. The plans should be revised to include callouts on the limit of disturbance for the proposed activities and the types of Freshwater Wetland Permits that would apply to the regulated activities. The plans should demonstrate that the proposed project complies with the Freshwater Wetland Protection Act Rules (NJAC 7:7A) for General Permits and Transition Area Waivers. If the applicant is submitting a Transition Area Waiver, the area of transition area reduction and compensation should be depicted on the plan.

Plans were revised to include regulatory information on Sheet 2-4 for demonstrating compliance with NJDEP Land Use Regulation FWW & FHA rules.

- 5. The EIR mentions a Conservation Restriction is proposed, the plans should indicate the location and acreage of the Conservation Restriction. The consultant should provide a copy of the Conservation Restriction to the Borough.

Upon approval of the NJDEP Transition Area Averaging Plan, the required conservation easement will be provided to the Borough.



6. The applicant shall provide the Borough with the final approved permit plans upon receipt.

Acknowledged.

I. Miscellaneous

1. The applicant shall confirm compliance with Section 40-36.I.2., which states that apartments in assisted living facilities shall offer at a minimum, one furnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

Cover Sheet, Sheet 1 of 16, acknowledges compliance.

2. The survey indicates an 80 foot front yard setback, a 30 foot side yard setback, and a 30 foot rear yard setback. These should be revised to 50 feet, 10 feet, and 40 feet, respectively. These setbacks should be carried through to the site plan basemaps as well.

Survey and Site Plan Sets revised accordingly.

3. The applicant shall clarify the size of the proposed ground sign. The detail indicates 72" x 72" (36 square feet), whereas the Zoning Schedule on the Cover Sheet indicates 168 square feet. The maximum permitted area is 50 square feet. The Zoning Schedule shall be revised accordingly.

Cover Sheet, Sheet 1 of 16, revised accordingly.

4. The Zoning Schedule indicates a maximum height requirement of 4 feet for ground signs. This shall be revised to the correct height requirement of 6 feet. A variance is therefore not required.

Cover Sheet, Sheet 1 of 16, revised accordingly.

5. The applicant shall provide testimony on any proposed wall mounted signs. Any proposed signs must conform to Borough Standards.

Testimony to be provided.

6. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.

Cover Sheet, Sheet 1 of 16, acknowledges compliance.



7. The plans indicate a wooden trash enclosure. I recommend this be revised to a concrete block enclosure to increased durability. The size of the enclosure in the construction detail shall also match the size indicated on the site plan.

Construction Details, Sheet 13 of 16, revised accordingly.

8. A construction detail is provided for a 6-foot-high chain link fence, whereas such a fence is not shown on the plans. However, we also note that the fence around the dog run is not labeled. These discrepancies shall be addressed.

Construction Details, Sheet 13 of 16, revised accordingly.

9. Testimony shall be provided regarding the proposed facility. The applicant shall be prepared to discuss the following:
 - a. Types of services provided (Borough Ordinance requires that supportive personal and health services be available to residents 24 hours per day).
 - b. Level of care required by residents.
 - c. Amenities to be provided.
 - d. Number of employees (total and maximum per shift).
 - e. Frequency and type of trucks that will access the site.

Testimony to be provided.

10. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times and frequency of refuse pickup.

Testimony to be provided.

11. The applicant shall revise the engineer's signature block on the cover sheet to Planning Board Engineer, not Borough Engineer.

Cover Sheet, Sheet 1 of 16, revised accordingly.

12. The plans shall include a signature block for the Borough Clerk stating that "I hereby certify that a Performance Guarantee has been posted for the site improvements as approved."

Cover Sheet, Sheet 1 of 16, revised accordingly.

13. Notarized signature blocks for the owner/applicant with names, addresses and phone numbers should be added to the cover sheet

Cover Sheet, Sheet 1 of 16, revised accordingly. Notarized Consent Statements of the owner and applicant are provided.



14. Approvals or waivers should be obtained from any agencies having jurisdiction. These may include, but shall not be limited to, the following:

- a. Monmouth County Planning Board.
- b. Monmouth County Regional Health Commission.
- c. Freehold Soil Conservation District.
- d. New Jersey Department of Environmental Protection.
- e. New Jersey Department of Community Affairs.
- f. Any other agencies or departments having jurisdiction.

Acknowledged. See Environmental Impact Report Addendum.

JUNE 6, 2020 FROM JENNIFER C. BEAHM, P.P. LEON S. AVAKIAN, Inc.

2. Planning and Zoning Requirements

- A. The applicant is proposing retaining wall height of 10.5 ft., whereas as per §40-33.D.5.m, the maximum permitted is 6 ft. **A variance is required.**

Variance requirement acknowledged.

- B. The applicant is proposing a monument sign to have a setback of 10 feet from the R.O.W., whereas as per §40-34.M.3.c(4), 20 ft. is required. **A variance is needed.**

Variance requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed variance.

- C. The applicant is proposing a 4' x 8' "Coming Soon" advertising sign while the site is under construction. The proposed sign does not meet the requirements of §40-34.O As such, **a variance is needed.**

Variance requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed variance.

- D. As per §40-39.A.4, drive aisles and spaces are required to be offset a minimum of 25 ft. from the property line, whereas the applicant is proposing an offset of 0 ft. **A variance is required.**

Variance requirement acknowledged.

- E. As per §40-26.G.6, a setback of 50 ft. is required from a driveway to the intersection of a street, whereas the applicant is proposing a setback of approximately 25 ft. **A waiver is required.**

Waiver requirement acknowledged



- F. As per §40-26.G.8.c, driveways shall have a minimum distance of 20 feet from adjacent lot lines, whereas the applicant is proposing a driveway on the adjacent lot. **A waiver is required.**

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

- G. The applicant is proposing shade trees with a diameter of 1.5 inches, whereas §40-26.M.2 requires shade trees to have a minimum diameter of 2.5 inches. **A waiver is required.**

Waiver requirement acknowledged.

- H. As per §40-26.N, The maximum illumination at property lines shall be one-tenth (0.1) footcandle, where the proposed lighting exceed this limits, with values as high as 0.9 footcandles. **A waiver is required.**

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

- I. As per §40-26.N, The minimum illumination at ground level shall be 0.5 footcandles, where the proposed minimum lighting at ground is 0.2 footcandles. **A waiver is required.**

Waiver requirement acknowledged.

- J. As per §40-26.N, The maximum uniformity ratio is 4:1, whereas the proposed maximum uniformity ratio is 19:1. **A waiver is required.**

Waiver requirement acknowledged.

- K. As per §40-26.Q.2.a, a minimum of 10% of the surface parking shall be landscaped and included one (1) shade tree for every five (5) parking spaces. **Testimony should be provided to confirm this requirement has been met.**

Testimony to be provided.

- L. As per §40-26.Q.2.p, there shall be a minimum parking setback of ten (10) feet. The applicant is proposing a setback of approximately 5 feet. **A waiver is required.**

Waiver requirement acknowledged. Cover Sheet 1 of 16 revised to reflect the proposed waiver.

3. Variances and Required Proofs

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.

The Applicant's Professional Planner will provide the necessary proofs in Testimony.

- 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.

Testimony as the necessity of design waivers shall be required.

4. Additional Comments

- A. The applicant is proposing a wooden trash/recycling enclosure for the property. We recommend that this enclosure be constructed of masonry block and a detail indicating such be added to the plans.

Construction Details, Sheet 13 of 16, revised accordingly.

- B. The applicant is proposing a chain link fence along the eastern portion of the property. We recommend this be changed to white vinyl fencing.

Construction Details, Sheet 13 of 16, revised accordingly.

- C. The applicant should provide turning templates for emergency vehicles.

Supplemental Circulation Plan provided.



- D. The applicant should provide clarification on the proposed size of the ground sign.
Cover Sheet 1 of 16 revised accordingly.
- E. The applicant should provide testimony on any proposed wall mounted signs and their compliance with the Borough ordinances.
Testimony to be provided.
- F. The applicant should provide testimony as to the types of services to be provided, the level of care required by residents, amenities to be provided, number of employees, frequency and types of deliveries and waste disposal.
Testimony to be provided.

JUNE 11, 2020 FROM CARY COSTA (FIRE MARSHAL)

1. All cart ways & roadways shall be marked Fire Lanes per Borough Ordinance.
Fire lanes are clearly marked in plans and details. See sheet 4 and 13 in this regard.
2. Second driveway to extended to West Park Avenue shall be used as Emergency Access Only.
There is only one driveway proposed to the project as shown.
3. Fire Hydrant placement shall be done when FDC placement on building is established.
Acknowledged.
4. Private third-party contractor shall be required for Ambulance Service.
Acknowledged.

Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

MASER CONSULTING

A handwritten signature in black ink, appearing to read 'Mark Lescavage'.

Mark Lescavage, P.E., P.P., C.M.E.
Sr. Project Manager

Enc.

cc: Senior Housing Development, LLC (via email)
Marc Policastro, Esq. (via email)
Patricia E. Segedin (via email)

