

September 2, 2020

Ms. Erin Uriarte, Zoning Board Secretary  
Township of Middletown Zoning Board  
3 Penelope Lane  
Middletown, NJ 07748

VR - Variance Requested  
TP - Testimony Provided  
PR - Plan Revised  
WR - Waiver Requested  
IFE - Improvement from Existing  
AWC - Applicant will Comply

Re: 170 Route 36 East, LLC (General Plumbing Supply)  
Block 204, Lot 1; Block 205, Lot 1  
Site Plan Application with Variances  
Technical Review # 1  
MTZB# 2020-03  
HACE # MTZ-012

Dear Board Members:

Our office is in receipt of a Site Plan and Variance application for the re-construction of the General Plumbing Supply building on the South side of Route 36 East near Thompson Avenue. The site is split by an 18 foot wide right of way, known as Atlantic Avenue and is in the B-2 Zone. It is surrounded by Routh 36 on the North, Thompson Avenue on the East, single family residences on the South and Vineyard Avenue on the West. The site has 618.92 feet frontage on New Jersey State Highway Route 36 (split by Atlantic Avenue) 108.69 feet of frontage on Vineyard Avenue and 106.36 feet of frontage on Thompson Avenue.

This office has reviewed the following documents relative to the above referenced application for an approval:

- Cover letter and application, from Bernard H Shihar, Esq., dated 7/20/20.
- Preliminary and Final Minor Site Plan, General Plumbing Supply, Block 204, Lot 1 & Block 205, Lot 1, Township of Middletown, prepared by Nelson Engineering Associates, Inc, dated 12/26/19 revised 7/10/20, consisting of eight (8) sheets.
- Architectural Plans prepared by SWS Architects, dated 1/2/20 consisting of two (2) sheets.
- Drainage Study, General Plumbing Supply, Block 204, Lot 1 & Block 205, Lot 1, Township of Middletown, prepared by Nelson Engineering Associates, Inc, dated 12/26/19.

Based on our review we offer the Board the following comments:

A. Zoning B-3 Zoning District

Item	Required	Existing	Proposed
Lot Area	20,000 SF	51,269 SF	51,269 SF
Lot Frontage, Route 36	100 Ft	618.92 Ft	618.92 Ft
Lot Frontage, Thompson	100 Ft	106.69 Ft	106.69 Ft
Lot Frontage Vineyard	100 Ft	106.36 Ft	106.36 Ft
Buildable Lot Area	15,000 SF	51,269 SF	51,269 SF
Front Yard	50 Ft	4.6 Ft	<b>12.8 Ft</b>
Side Yard	15 Ft	2.2 Ft	<b>12.2 Ft</b>
Street Side Yard	25 Ft	3.7 Ft	<b>4.9 Ft</b>
Rear Yard	50 Ft	22.2 Ft	<b>10.0 Ft</b>
Street Rear Yard	25 Ft	N/A	N/A
Min. Gross Floor area	1,000 SF	1,832 SF	16,300 SF
Max Building Height	35 FT/ 2.5 St	20 Ft/1St	30 Ft/1 St
FAR (on lot area)	0.25	0.20	<b>0.32</b>
Max. Lot Coverage.	70 %	75 %	69.0 %

**Variations are in BOLD**

B. Technical Review

1. Section 540-507 Sight Triangles at intersections - Unless more stringent regulations are provided by other provisions of this chapter, at the intersection of two or more streets, no hedge, fence, screening strip or wall higher than 30 inches above curb level. *The applicant is proposing three parking spaces and numerous red spirea in the sight triangle. While the red spirea conform, the hoods of the cars may be above the 30 inches. Testimony should be provided.*
2. Section 540-519 Outdoor display of goods - Such outdoor displays shall only be permitted where the goods displayed are the merchandise of a business included within a structure located on the site. *In the past goods have been stored outdoors in the parking area. Testimony should be provided as to whether this will continue.*
3. Section 540-527 Floodplain Management - Part of the site is in Flood Zone AE with a base elevation of 11.0. While residential structures must be 1.0 foot above this level, this requirement does not exist for commercial. *The applicant is however placing the finished floor at 12.0 which is good practice. Some of the parking areas will flood during a 100 year storm.*

PP 3 of 5  
spaces re-  
moved

See Note  
Below

AWC

Note: Applicant will enclose outdoor materials storage area with masonry walls 14' height (2 sides), the new building (1 side) and gate (1 side)  
See attached plan. This is a change the Applicant would like to make since their testimony at the hearing.

*We defer to the Floodplain Manager for further review and comment relative to building construction and elevations.*

5. Section 540-622 A - Landscaping and Shade Trees

In nonresidential zone districts, a minimum of 15% of the lot or tract area, not including any parking areas or drives, shall be devoted to landscaped open space, which may include existing vegetation. *The applicant has provided a plan which conforms.*

- a. Section 540-622 A 2 (a) The exterior perimeter and yards of all buildings shall be properly landscaped and lighted. *Except for comments in this letter, the applicant conforms.*
- b. Section 540-622 A 2(b) The exterior perimeter of all buildings shall include a landscaped strip at least four feet wide, suitably planted with shrubs, trees, and ground cover. *The applicant has provided landscaping on the South and North but should add landscaping on the West side (the East side is parking and loading).*
- c. Section 540-622 A 2(c) Yard areas and open spaces of buildings shall contain the equivalent of at least two shrubs and one shade or ornamental tree for each 1,500 square feet of yard area, not including areas devoted to parking. *The applicant should provide this calculation.*
- d. Section 540-622 A 2(d) Existing healthy specimen trees may be included in satisfying these requirements. *Testimony should be provided.*

PR (note on LS Plan)

N/A

6. Section 540-622 D - Parking lots of five or more spaces shall be landscaped as follows:

- a. Section 540-622 D (1) An area within the parking area equal to 5% of the parking area shall be landscaped with trees, shrubs, and ground cover. *Testimony should be provided.*
- b. Section 540-622 D (2) At least one shade or ornamental tree and two shrubs shall be provided for each 10 parking spaces. Planting areas shall be at least eight feet in diameter at the base of each tree. *This has been provided.*
- c. Section 540-622 D (3) Ground cover shall consist of ivy, creeping myrtle, pachysandra, or shredded bark mulch, or other similar material acceptable to the Municipal Agency, at least four inches deep. *This is not applicable.*
- d. Section 540-622 D (4) No parking lot shall contain more than 20 spaces in a row in a business, commercial or industrial zone, nor more than 15 spaces in a row in a residential zone, without interruption by a landscaped divider at least eight feet wide. *The applicant conforms.*
- e. Section 540-622 D (5) All parking areas for 20 or more vehicles shall contain grassed or landscaped island areas of at least eight feet in width separating rows of parking spaces. *The applicant conforms.*
- f. Section 540-622 D 5 (b) The island area shall contain a minimum of one shade tree for each four parking spaces along the edge of the parking island and shall be landscaped in accordance with the landscaping plan approved by the Municipal Agency. *Additional shade trees should be provided.*
- g. Section 540-622 D (6) The buffer screen around the parking lots and loading and unloading areas may include fencing of wood, cement, or other construction material provided that not more than 25% of the fence is open on its vertical surface. In such

PR (note on LS Plan)

PR

PR

cases, evergreens and deciduous trees and shrubs shall be planted along the fence to break up the monotony of the fence. *Fences are discontinuous around the rear perimeter, and additional fencing should be provided.*

TP h. Section 540-622 D (7) The required height for a landscaping screen shall be measured in relation to the elevation of the land at the edge of the adjacent area or structure to be buffered. *Testimony should be provided.*

TP i. Section 540-622 D 7 (a) In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the adjacent area to be buffered, the required height of the screen shall be increased in an amount equal to the difference in elevation. *Testimony should be provided.*

TP:PR j. Section 540-622 D (8) Sidewalks and paved pathways shall be provided from each parking space or area to the appropriate destination, minimizing the crossing of streets and parking aisles. All pedestrian crosswalks, access aisles and streets, shall be properly marked with striping or a change in the street paving material. *This has not been done due to the narrow depth of the lot, testimony should be provided.*

TP k. Section 540-622 D (9) Parking lots or unloading areas of commercial, business, or industrial uses abutting residential uses shall provide a landscaped buffer screen at least 50 feet wide on the perimeter of all parking or loading areas. (Also Section 540-606 B) *This has not been done due to the narrow depth of the lot, testimony should be provided.*

PR 7. Section 540-623 A Lighting All parking areas for five or more motor vehicles shall be illuminated with approved exterior lighting standards, with a minimum of 1/2 horizontal foot candle average lighting level at the surface of the lot. *While the applicant conforms with this standard, the area to the South of this project is residential and there are areas that are proposed to be 0.4 foot candles off site. These should be reduced to 0.0 foot candles beyond any property line.*

WR note added to plan a. Section 540-623 A (1) The minimum lighting level at any location within the parking area shall be 75% of the average level. *The applicant should calculate this.*

b. Section 540-623 A (2) Freestanding lighting standards or poles shall not exceed by more than 10 feet the height of adjacent buildings served by the parking lot. *The poles will be 20 and 25 feet and are conforming.*

PR - All pole lights reduced to 18' height

8. Section 540-626 Off Street Loading

PR to 50' height PR planner a. Section 540-626 A (1) Every building, structure, or addition thereto having a use which complies with the above definition shall be provided with at least one truck standing, loading and unloading space on the premises not less than 12 feet in width, 35 feet in length, and 14 feet in height. *The loading area is 15 by 60 and is conforming.*

TP b. Section 540-626 A (2) Such buildings that contain an excess of 15,000 square feet of gross building area will be required to provide additional off-street loading spaces as determined by the Municipal Agency during site plan review. *Testimony should be provided.*



9. Section 540-627 Off Street Parking

TP & WR

a. Section 540-627 B Parking for all uses in all zones shall not be located in any required front yard area. *Parking is proposed in the front yard and a waiver is required.*

TP & WR

b. Section 540-627 B (4) Parking areas for nonresidential uses shall not be located within 50 feet of any residential zone. *A waiver will be required.*

TP & WR

c. Section 540-627 B (6) Parking facilities in business or industrial zones may be located in any yard space but shall not be closer than 20 feet from any street line. *Approximately 13 of the parking spaces are located within 20 feet of the street lines and a waiver will be required.*

TP & WR

d. Section 540-627 (E) Sidewalks with a minimum width of four feet and a minimum thickness of four inches shall be provided in all parking areas for five or more vehicles. *A waiver will be required.*

TP & WR

e. Section 540-627 F Curbing. The perimeter of all parking areas and internal islands within all parking areas open to the general public shall have continuous cast-in-place concrete curbing. *The applicant is not proposing curbing and a waiver will be required.*

PR

f. Section 540-627 O Required parking spaces for the physically handicapped should be located to provide convenient access to building entrances by way of depressed curbs and ramps. *The applicant is providing one handicapped space but should provide two. The spaces should be located closer to the building.*

10. Ordinance 540-627 R Required off street parking

The proposed building is 16,300 SF in size. Parking breakdown is as follows:

Item	Requirement	Area of use	Parking Required	Parking Provided
Warehouse	1Sp/1500 SF	13,227 SF	9 Sp	
Business Office	1 Sp/250 SF	630 SF	3 Sp	
Retail	1 Sp/150 SF	2,443 SF	17 Sp	
Totals			29 Spaces	30 Spaces

There are also three extra large delivery truck spaces and one loading space located on site.

TP & WR

11. Section 540-627 P-1 Parking areas shall not be located within 20 feet of any street or right-of-way line. *One (1.0) foot is proposed and a waiver will be required.*

TP & WR

12. Section 540-634 Sidewalks and Aprons  
Sidewalk construction shall be required on both sides of all streets within a development.

*The applicant is re-constructing sidewalk on Thompson avenue where a curb cut will be constructed. They are not proposing sidewalk on NJ State Highway Route 36.*

**PR** *The sidewalk and Handicapped Ramp at the corner of the jug handle and Thompson Avenue are not conforming to todays required standards and should be replaced. Also, the Board should decide if sidewalks are required on NJ State Highway Route 36.*

13. Section 540-635 Signs

**WR - TP**

We defer to the Board Planner for the review of the signs. The sign location is contrary to Section 540-635 a-4 where no sign shall be closer than 10 feet to any lot line. *1.8 feet is provided and a waiver will be required.*

**F&D Approval attached** 14. Section 540-637 Soil Erosion & Sediment Control as the applicant will be disturbing more than 5,000 square feet. *A soil erosion and sediment control plan certification will be necessary.*

15. Section 540-638 Solid Waste Storage

**PR**

The refuse storage area shall be surrounded on three (3) sides by a solid uniform fence or wall not less than five (5') feet nor more than eight (8') feet in height. *The applicant complies but due to the nature of the types of items that may be placed in this area, (plumbing parts, old water heaters) a decorative block or brick walls should be used.*

15. Section 540-1001 Stormwater Management

The proposed project disturbs approximately 1.2 acres of land and there it is considered a **✓** "Major Development". They are however providing less total impervious coverage post development than exists now.

a. Water Quantity Requirements

The applicant has chosen to conform to Section C-2 of the Stormwater rules where:

**✓** Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two, ten, and one hundred year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site.

A summary of the pre and post development flows are below:

Storm	Predevelopment Flow	Post Development Flow	Achieved Standard?
2 Year	3.011	2.905	yes
10 Year	4.836	4.728	yes
25 Year	6.264	6.161	N/A

100 Rear	8.613	8.518	yes
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As a note, the runoff volume reductions have also been achieved.

- b. Section 540-1001 G1 Water Quality Requirements  
Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. *This site is not creating an additional 1/4 Acre of impervious area so water quality is not required.*
- c. Section 540-1001 Groundwater Recharge requirements  
The applicant has indicated that by creating new pervious coverage, the site will meet the 4435 CF of recharge required under the regulations. *We concur with this assessment.*

16. Other Items

- a. Overland discharge from the roof to any driveway aisle or pedestrian area will not be permitted. The applicant does not note any discharge locations for the roof water associated with the proposed building. The applicant should provide associated discharge points and direction of discharge.
- b. The applicant shall provide turning templates on a plan sheet for delivery, refuse, and emergency vehicles entering, circulating and exiting the site for the largest anticipated trucks. We defer to the Fire Official for review of emergency vehicle turning movements.
- c. The applicant should indicate if a New Jersey Department of Transportation permit is necessary.
- d. The applicant should indicate the impact of the new building has on environmental impact elements such as odors, airborne emissions, noise, glare and heat. There are residences behind that may be affected.
- e. Atlantic Avenue is shown as a Township Right of Way (ROW) on the Tax Maps. If the survey indicates same it should be shown as a street with appropriate setbacks. The board should consider widening to the street size as required in the Master Plan.
- f. The plans should indicate the limits of any irrigation system.
- g. The applicant shall provide testimony regarding any proposed security lighting on site.
- h. A note should be added to the plans that the proposed improvements will be in conformance with all ADA regulations, as required.
- i. Two curb cuts have no associated driveways, and should be removed.
- j. All signs should have break away posts.

17. Approvals should be obtained from the following agencies:

- a. Freehold Soil Conservation District
- b. Monmouth County Planning Board

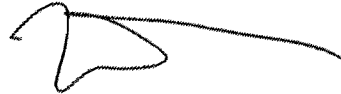
*AWC (all approvals)*

- c. NJ Department of Transportation
- d. Middletown Fire Department
- e. Township of Middletown Sewerage Authority (TOMSA)
- f. NJ Department of Environmental Protection
- g. All other agencies bearing jurisdiction  
(copies of all permits should be submitted to the Township)

If you have any questions or require additional information, please do not hesitate to call my office.

Very truly yours,

HODER ASSOCIATES



DAVID J HODER, P.E., PP, C.M.E.  
ZONING BOARD ENGINEER

Cc: Sanyogita Chavan , P.P., A.I.C.P. —Township Planning Office  
Ted Maloney, P.E.,P.P., — Township Engineer-Director of Public Works  
Greg Vella, Esq, - Zoning Board Attorney  
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Bernard Shihar, Applicants Attorney