



YOUR GOALS. OUR MISSION.

MIPB-R8620

January 6, 2020

Ms. Erin Uriarte, Board Secretary  
Township of Middletown Planning Board  
One Kings Highway  
Middletown, New Jersey 07748

via E-Mail ([eruriarte@middletownnj.org](mailto:eruriarte@middletownnj.org))

**Re: NRZ Realty, LLC  
Block 828, Lot 9.02  
Major Subdivision Plan  
First Engineering Review  
MTPB #2020-401**

Dear Board Members:

As requested, our office has reviewed the above referenced major subdivision application, consisting of the following:

- Preliminary and Final Major Subdivision Plan, prepared by Brent N. Papi, P.E., of East Point Engineering, LLC, dated December 20, 2019, consisting of thirteen (13) sheets.
- Stormwater Maintenance Manual prepared by East Point Engineering, LLC, dated January 10, 2020.
- Freshwater Wetlands Letter of Interpretation prepared by NJDEP, dated June 29, 2019.
- Subsurface Investigation Report prepared by Moin Khan, P.E., of M&Z Engineering Associates, P.C., dated September 19, 2019.
- Water Main Availability Confirmation prepared by Michelle Heller of NJAW, dated November 25, 2019.
- Approval Letter for 4 Mary Ellen Way Sewer Main Extension prepared by John D. Van Dorpe, P.E. of Maser Consulting, P.A., on behalf of the Township of Middletown Sewerage Authority, dated December 18, 2019.
- Site Plan Review Email, prepared by John Drucker, dated April 4, 2019.
- Zoning Officer's Letter prepared by Marianne Dunn, dated June 24, 2020.
- Application for Development Permit, dated May 6, 2020.
- Project Narrative, not dated and unsigned.

Based on our review and site visit, we offer the Board the following comments and suggestions:

**A. Project Description**

The applicant is seeking subdivision approval to subdivide a 5.61-acre lot into three (3) new lots. Currently a single dwelling and paved driveway exist on the tract with five (5) sheds and associated improvements. The project site also contains wetlands and associated buffer area. The subject application proposes two (2) new dwellings fronting on the proposed private roadway extending off of Mary Ellen Way. The applicant also intends to make utility connections extending from Mary Ellen Way. The property is located with the R-45 zone.



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## **B. Design Waivers**

1. Section 540-611.A of the Township Ordinance requires all new streets constructed as part of a major subdivision plan to be constructed with curb on both sides in accordance with Section 540-611.D. As it is currently shown, the applicant is not proposing curb along the proposed street. The plans shall be revised, or a design waiver will be required.
2. Section 540-612.J of the Township Ordinance requires access drives for single family dwellings to utilize concrete aprons without curb returns, regardless of size or location as outlined within this section. The plans shall be revised, or a design waiver will be required.
3. Per Section 540-622.B.6. of the Township Ordinance requires additional trees in single-family subdivisions besides street tree and screening requirements. An additional 10 trees per acre, calculated on the basis of the entire subdivision tract, shall be provided. Based on a total tract area of 5.61 acres, an additional 56 trees are required, whereas 16 trees are proposed. The type of plantings may vary from those listed under shade tree requirements and may include flowering types and/or evergreens, not exceeding 30% of the total plantings. The plans shall be revised, or a design waiver will be required. The applicant shall testify as to the quantity of existing trees.
4. Per Section 540-641.D of the Township Ordinance requires that cul-de-sacs should have a center-line length from the intersecting street center line to the center point of the turnaround of the cul-de-sac no longer than 600 feet should it not provide access to more than 25 lots. Based on how it is currently shown, it appears the center-line length exceeds 600 feet. The plan shall be revised, or a design waiver will be required.
5. Section 540-641.D.3.a. of the Township Ordinance requires that cul-de-sacs shall provide a pavement radius of not less than 50 ft. and a property line radius of 60 ft. The proposed cul-de-sac has a pavement radius of 40 ft. and a varying access and utility easement; therefore, the plans shall be revised, or a design waiver will be required.

It should also be noted that the proposed cul-de-sac does not meet the minimum standards outlined in the RSIS section 5:21 Table 4.3, note e. Per RSIS the cartway radius must be a minimum of 40 ft. and the right-of-way must extend a minimum of 8 ft. beyond that and the applicant proposes a 40 ft. cartway radius with varying access and utility easement. The easement shall be a minimum of 8 ft.

6. Per Section 540-636 of the Ordinance within any development or tract, construction on steep slopes of 10% or more shall be restricted as follows.



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- a. Slopes of 10%, but less than 15%: a maximum of 30% of the total area in this slope category may be used for construction purposes.
- b. Slopes of 15% or more: disturbance of these slopes shall only be permitted where the applicant demonstrates that each disturbance is essential to a reasonable use of property.

The plans shall be revised to depict areas of steep slopes in accordance with the above thresholds to confirm if design waivers are required.

7. The applicant shall demonstrate how they comply with Section 540-651.A. of the Ordinance regarding the clearing of wooded areas. Per this section, no more than 20% of such wooded areas within the net tract area may be cleared or developed. The remaining 80% shall be maintained as permanent open space or preserved within the lot. If the applicant does not comply, a design waiver will be required.
8. The applicant proposes High Density Polyethylene (HDPE); however, per Section 540-639(B) of the Middletown Ordinance, all storm drainage pipes shall be reinforced concrete pipe (RCP). The plan shall be revised accordingly, or a design waiver shall be requested.
9. Section 540-643.A of the Township Ordinance requires that all major subdivisions requiring site plan approval, the developer shall arrange streetlighting service upon the appropriate prevailing government rules and regulations. Additionally, the streetlighting shall be installed at the average pole spacings of 150 feet on center for post-top luminaires at an approximate mounting height of 13 feet or 200 feet on center for standard streetlighting luminaires at an approximate mounting height of 25 feet. The applicant is not currently proposing any streetlighting at this time. The plan shall be revised to include a streetlighting plan. Please note, as outlined in Section 540-643.F, that no major subdivision plan shall be receive final approval unless the suggested streetlighting plan is provided.
10. The applicant is proposing an 18 ft. wide street, which does not appear to comply with RSIS. The applicant shall support their usage of the proposed street or revise the plans.

**C. Off-Site and Off-Tract Improvements**

1. The applicant proposes a sanitary sewer main extension via Mary Ellen Way. We defer review of the sanitary sewer line improvements to the Township of Middletown Sewerage Authority.
2. The applicant is proposing a trench down the center of Mary Ellen Way for the proposed



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sewer extension. Per Ordinance 428.25.A.2., the applicant shall pave the road from curb to curb. Since the trench extends into the intersection with Woodgate Road, the applicant shall mill and overlay the intersection as well.

3. We note that the end of Mary Ellen Way is currently in poor condition. As a condition of approval, we recommend that the Applicant provides full depth pavement repairs in this area. The limits of these repairs would be determined in the field by the Township's Engineer.
4. The applicant shall clarify their intent for the transition from Mary Ellen Way, which is approximately 30 ft. wide to the proposed access roadway which is 18 ft. wide.
5. The applicant shall be aware that any damages to the existing pavement due to the proposed construction shall be repaired or replaced to the satisfaction of the Township's Engineer.
6. Sidewalk shall be installed along the property frontages of the proposed roadway. If sidewalk is not installed, an appropriate contribution should be made in accordance with ordinance Section 540-634.A.1.

**D. Site Requirements/Layout**

1. The applicant is proposing a new road and cul-de-sac off of Mary Ellen Way to serve as access to the proposed homes. The applicant shall provide testimony and documentation regarding proposed ownership and maintenance of the road.
2. The applicant is proposing a 18 ft. wide cartway on the proposed road, the applicant shall confirm if on street parking is proposed. Per RSIS, parking would only be permitted on one side of the street for a 28 ft. wide cartway. The applicant shall provide appropriate no parking signage as applicable.
3. An existing ramp is shown on proposed Lot B on sheet 4 of the site plans. The applicant shall clarify if this feature is to remain or be removed.
4. The applicant shall provide fire hydrants in conformance with Section 540-617. We defer to the Fire Official for further review and comment.
5. The applicant shows proposed drainage and utility easements on the plans. In addition, conservation easements will be required in accordance with Ordinance Section 540-614.B. Easement documents including metes and bounds descriptions shall be provided for review.



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**E. Drainage/Grading**

1. The proposed area of disturbance exceeds 1 acre 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.
2. The applicant indicates that the stormwater quantity requirement is addressed 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 rates by using the bioswale, the drywells and the detention basin.
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) bioswale to reduce the post-construction load of total suspended solids (TSS) per N.J.A.C. 7:8-5.5.
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) by using the bioswale and drywells.
5. The applicant shall provide the new impervious area in the report.
6. The application shall provide an outlet control structure in the detention basin to ensure that stormwater below the spillway invert drains from the basin.
7. The applicant shall confirm the proposed detention basin bottom elevation. The detention basin bottom elevation is 78.00 in the Stormwater Management Report but elevation 77.0 is shown on the plans.
8. The applicant shall provide a foot of freeboard for the proposed detention basin.
9. The applicant shall provide discharge points for the existing and proposed conditions quantity calculations.
10. The applicant shall provide separate quantity routing calculations for the detention basin and for each bioswale.
11. The applicant shall confirm the bioswale side slope. The bioswale side slope is 1:1 in the Stormwater Management Report but shown as 3:1 on the Plans.



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12. The applicant shall provide a minimum of two soil tests at each stormwater facility.
13. The applicant shall revise the BMP Area (ABMP) for the proposed bioswale in the Annual Groundwater Recharge analysis spreadsheet (GRS-32) to match the bioswale footprint shown on plans.
14. The applicant shall provide pipe calculations for review.
15. The applicant shall provide the spillway design calculation for review.
16. The applicant shall provide the grate elevations, pipe sizes and pipe inverts of all roof drains, dry wells and the overflow grate.
17. The applicant shall provide the test pits information on the plan.
18. The applicant shall provide a basin detail indicating that the proposed basin bottom will maintain adequate separation from the seasonal high groundwater table and the water surface elevations in the 2, 10 and 100-year storm events.
19. The applicant shall revise the pipe size in the Dry Well Cross Section detail to match with the pipe sizes in the Stormwater Management Report.
20. The applicant shall provide a spillway detail for review.
21. The applicant shall provide the riprap stone sizes and the riprap stone apron dimension on the plans.
22. The applicant shall provide a completed low impact development check list.
23. The address on the maintenance log on sheet 19 of the Stormwater Maintenance Manual shall be updated to the correct address for the project.
24. The plans shall be revised to provide maintenance access to the proposed detention basin.
25. The applicant shall provide a fence around the basin. A detail of the proposed fence shall also be included.
26. 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.





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#### **F. Environmental**

1. The applicant has indicated that NJDEP Freshwater Wetlands and CAFRA permits are required for the project. Since some of these approvals or permits are pending, the applicant should agree to provide the Township with a copy of the approvals, permits or license and a copy of the approved permit plans once obtained.
2. The applicant received a Freshwater Wetlands Letter of Interpretation for the wetlands on the property. The LOI was approved in June 2019 and the wetlands are of intermediate resource value wetlands with a 50-foot buffer. The proposed project will result in the impacts to regulated freshwater wetlands and wetland buffer. We defer further review to the NJDEP.

#### **G. Lighting and Landscaping**

1. Section 540-645.B.1 of the Township Ordinance states that street trees shall be planted either within the right-of-way or on the private lot in a place that shall not interfere with utilities. Based on location of the proposed utility services and proposed street trees it appears there may be conflicts at various locations. The plan shall be revised to show all utilities on the landscape plan and eliminate any conflicts.
2. Per Section 540-651.C. of the Ordinance, Individual healthy specimen and mature shade trees of twelve-inch caliper or healthy specimen trees of eight-inch caliper or greater or individual healthy ornamental trees of four-inch caliper or greater, shall be preserved wherever possible. All site plans shall take into consideration the location and quality of all vegetation and shall incorporate the preservation of said trees in relationship to buildings, parking and open space. The applicant is proposing to remove a significant amount of these trees. The Applicant shall demonstrate compliance.
3. The applicant shall provide testimony on the proposed tree removal in regard to limits, size, etc.

#### **H. Subdivision**

1. Per 46:26B-2.b (3) the title recordation law section states "...lot designations shall conform with the municipal tax map..." We observe this major subdivision of Lot 9.02 in Block 828 will create three new lots. Currently the draft proposed subdivision map shows these three new lots as Proposed Lots "A", "B" and "C". Using State standards pertaining to Tax Map lot numbering I suggest that Lots "A", "B" and "C" be redesignated as Lots 9.03, 9.04, 9.05. This is subject to approval by the municipal assessor as new lot numbering is indeed to be created in accordance with the Assessor's preference and to assure that that there is no



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conflict with the Assessor's tax parcel data base numbering system. Written confirmation from the Assessor shall be provided.

2. Per 46:26B-2.b (12) The surveyor's certification must be amended. The certification text differs with the text that is currently required.

**I. Miscellaneous**

1. The applicant shall work with the Township to determine an appropriate name for the proposed road, if applicable.
2. The applicant shall confirm the proposed ownership and maintenance responsibilities will be by the homeowners association for the following;
  - a. Road
  - b. Drainage System
  - c. The applicant shall provide an operations and maintenance manual for all of the above specifying the responsible parties.
  - d. All other related improvements.
3. The applicant shall obtain approval of the plans from the Fire Department prior to obtaining building permits.
4. All Easements shall be provided in accordance with Ordinance Section 540-614.
5. The applicant shall be responsible to obtain a road opening permit from the Township Department of Public Works for the sewer connection within the Mary Ellen Way.
6. Approvals or letters of service should be obtained from the following agencies:
  - Freehold Soil Conservation District.
  - Township of Middletown Sewerage Authority (TOMSA).
  - NJDEP
  - New Jersey American Water
  - New Jersey Natural Gas
  - Comcast Cable
  - JCP&L
  - Verizon
  - All other agencies and departments having jurisdiction.





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If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, P.E., C.M.E.

MIDDLETOWN PLANNING BOARD ENGINEER

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