



YOUR GOALS. OUR MISSION.

MIPB-R8361

January 26, 2022

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

via E-Mail (euriarte@middletownnj.org)

**Re: Seth Beller – Amended Application
Block 807, Lot 1.02
1230 Highway 35
Preliminary and Final Major Site Plan
& Minor Subdivision
Third Engineering Review**

Dear Board Members:

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

- Preliminary and Final Major Site Plan & Minor Subdivision prepared by James A. Kennedy, P.E., of Kennedy Consulting Engineers, LLC, dated January 7, 2020, **sheet 8 of 15 last revised January 10, 2022, consisting of fifteen (15) sheets.**
- Preliminary and Final Minor Subdivision Plat prepared by John T. Luts, P.L.S., of Yorkanis & White, Inc., dated November 7, 2018, last revised December 20, 2019, consisting of one (1) sheet.
- Garbage Truck Turning Exhibit prepared by James A. Kennedy, P.E., of Kennedy Consulting Engineers, LLC, revised though August 2, 2021.
- Firetruck Turning Exhibit prepared by James A. Kennedy, P.E., of Kennedy Consulting Engineers, LLC, revised though August 2, 2021.
- Boundary and Topographical Survey prepared by John T. Luts, P.L.S., of Yorkanis & White, Inc., dated March 29, 2018, revised through August 1, 2018, consisting of three (3) sheets.
- Architectural Elevation and Floor Plans, Canopy and Trash Compound Plans, prepared by Richard W. Luke, R.A., dated January 10, 2020, consisting of two (2) sheets.
- Stormwater Management Report prepared by James A. Kennedy, P.E., of Kennedy Consulting Engineers, LLC, dated December 27, 2019.
- Stormwater Facility Operation & Maintenance Manual prepared by Kennedy Consulting Engineers, LLC, dated December 27, 2019.
- Existing Drainage Areas Map, Proposed Developed Drainage Areas Map, and Inlet Drainage Area Map, prepared by Kennedy Consulting Engineers, L.L.C. dated December 27, 2019, consisting of three (3) sheets.
- Traffic Impact Analysis prepared by Elizabeth Dolan, P.E. and Gary W. Dean, P.E., P.P. of Dolan & Dean Consulting Engineers, LLC, dated August 27, 2018, last revised December 19, 2019.
- Project Narrative, undated.
- **Engineer's Response Letter, prepared by James A. Kennedy, P.E., dated January 12, 2022.**

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



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A. Project Description

The applicant is seeking approval to subdivide an existing 12.669 acre parcel into two new lots. Existing Lot 1.02 consists of a vacant one-story brick building and a vacant two-story brick building on the northern half of the site and is wooded with wetlands on the southern half of the site. On proposed Lot 1.02A the applicant is proposing to demolish the existing one-story brick building (formerly Friendly’s) and associated shed and construct a 4,736 square foot Wawa with gas station. The existing two-story brick building (Two River Community Bank) is proposed to remain. As part of the improvements the applicant is proposing modifications to the existing site layout including parking, lighting, landscaping, and an underground detention system. The applicant intends to have proposed Lot 1.02B remain wooded with wetlands. The adjacent Lot 1.01 consists of the recently completed CVS and Chase Bank project at the corner of NJ-35 South and New Monmouth Road. The project site has frontages on State Route 35 and is located within the B-3 Zone.

B. Design Waivers

ORDINANCE SECTION	ORDINANCE REQUIREMENT	PROPOSED CONDITION	WAIVER REQUIRED?
540-612.C.1	A maximum curb line opening of 50 feet for two-way operation at commercial sites is permitted.	94 ft.	Yes
540-622.A.2.b	This section requires the exterior perimeter of all buildings include a landscaping strip 4 feet wide.	None Proposed	Yes
540-622.E.10.a.	This section requires one evergreen tree to be planted for every 5 feet of building foundation, wall, or fence. Wawa Building Perimeter = 285 ft. Total = 285 ft. Trees Required = 57 Trees	15 Trees	Yes
540-627.K.	This section prohibits parking within 20 feet of the outer walls of nonresidential structures.	Parking Within 5.8 ft.	Yes
540-623.A.1.	This section requires that the minimum lighting level in a parking area to be 75% of the average lighting level.	Applicant does not meet this.	Yes



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1. The applicant proposes an approximately 94 ft. opening along State Route 35, which includes a 40.5 ft. opening for ingress, 41 ft. opening for egress, and a 12.5 ft. concrete island. Section 540-612.C.1 of the Ordinance allows a maximum curb line opening of 50 feet for two-way operation at commercial sites. A design waiver will be required. We defer further review to NJDOT. **Continuing comment. The applicant is requesting a waiver.**
2. Section 540-622.A.2.b of the Ordinance requires the exterior perimeter of all buildings include a landscaping strip 4 feet wide, whereas there is no landscaping around the perimeter of the proposed Wawa. Therefore, the plans shall be revised, or a design waiver will be required. **Continuing comment. The applicant is requesting a waiver.**
3. Section 540-622.E.10.a. of the Ordinance requires one evergreen tree shall be planted for every 5 feet of building foundation, wall, or fence. Therefore, the plans shall be revised, or a design waiver will be required. **Continuing comment. The applicant is requesting a waiver.**
4. Section 540-627.K of the Ordinance prohibits parking within 20 feet of the outer walls of nonresidential structures, whereas the applicant proposes parking within 5.8 feet of the Wawa building. Therefore, a design waiver will be required. We defer to the Fire Official for further review. **Continuing comment. The applicant is requesting a waiver.**
5. Section 540-638.F. of the Ordinance requires that refuse enclosures located within or adjacent to parking areas or access drives to be separated from such parking areas or access drives by curbing. The applicant does not propose curb along the front of the trash enclosure; therefore, the plans shall be revised, or a design waiver will be required. **Addressed. A waiver is no longer required.**
6. Section 540-638.C. of the Ordinance requires a fence or wall no less than five (5) feet or higher than eight (8) feet around trash enclosures. The applicant is proposing a nine (9) foot tall wall surrounding the enclosure, therefore, the plans shall be revised or a design waiver will be required. **Partially Addressed. The wall has been reduced to 8 feet on the plan, however, the architectural plan shall be revised to match. A waiver will not be required.**
7. Section 540-623.A.1 of the Ordinance requires that the minimum lighting level at any location within the parking area be a minimum of 75% of the average lighting level, whereas this requirement does not appear to be met. The lighting levels shall be revised, or a design waiver will be required. *The applicant indicates that the plans will be revised to comply, however, they have not yet been revised to date. The applicant is no longer requesting a waiver.* **Continuing comment. The applicant has revised the lighting plan to lower the lighting levels throughout the site, however, a waiver from this requirement is still needed. The applicant shall revise the plans to comply or obtain a waiver.**
- 8.



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C. Off-Site Improvements

1. The applicant is proposing improvements within in the Route 35 right-of-way. These improvements consist of curb replacement, driveway installation, sidewalk installation and milling and paving of the right lane of Route 35. We defer to the NJDOT for review of the same. **Addressed. The applicant has received NJDOT approval.**
2. The applicant has proposed sidewalk along a portion of the lot frontage on Route 35, whereas sidewalk does not exist along Route 35 currently. Additional sidewalk shall be provided along the entire frontage. If sidewalk is not installed, an appropriate contribution shall be made in accordance with Ordinance Section 540-634. We defer to the NJDOT for further review as this is within the NJ-35 Right-of-Way. **Continuing Comment.**

D. Site Requirements/Layout

1. Section 540-627.R. of the Ordinance requires parking be provided at a rate of 1 parking space for each 150 square feet of gross floor area for retail use. The applicant proposes to construct a 4,736 square foot Wawa on proposed Lot 1.02A; therefore, 32 parking spaces are required ($4,736 \text{ sf} \times 1 \text{ space}/150 \text{ sf} = 32 \text{ spaces}$). Additionally, the applicant proposes for the existing two-story brick building to remain. The Ordinance requires a parking rate of 1 parking space for each 200 square feet of gross floor area for professional office use, and a parking rate of 1 parking space for each 250 square feet of gross floor area for office and bank use. The existing two-story brick building requires 44 parking spaces ($5,398 \text{ sf} \times 1 \text{ space}/250 \text{ sf} = 22 \text{ spaces}$, $5,398 \text{ sf} \times 1 \text{ space}/250 \text{ sf} = 22 \text{ spaces}$). Therefore, the total parking demand based on the proposed uses on site is 76 parking spaces. The applicant has proposed 85 parking spaces, thus exceeding the minimum required (76 spaces). The demand appears to be met. **Continuing Comment.**
2. The applicant is proposing 85 parking spaces, therefore, four (4) ADA parking spaces are required. At least one of these spaces must be van accessible. The applicant appears to provide two (2) ADA parking stalls at the existing two-story building and proposes two (2) van accessible ADA parking stalls at the Wawa, therefore, the demand is met. **Continuing Comment.**
3. The Engineer shall provide testimony regarding how landscape/trailer vehicle parking will be accommodated within the site. **Continuing Comment.**
4. The applicant has provided turning templates for a WB-62 delivery vehicle and fuel tanker.
 - a. The turning template plans shall be revised to show flow arrows along the paths for each vehicle maneuver. **Addressed.**



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- b. The applicant shall also provide turning templates for emergency vehicles and garbage trucks. We defer to the Fire Official for their review and comment. **Addressed.**
- c. The WB-62 design vehicle shall be shown fully accessing the loading zone behind the proposed building. The turning template has been revised, however, several conflicts are noted. The Applicant shall address the following:
 - i. The truck entering the site from NJ-35 appears to cross over the curb island and proposed traffic sign. **Not addressed.**
 - ii. The template does not fully depict how trucks will exit the loading area from being parked within the loading area. Additional detail and testimony to be provided. **Not addressed.**
5. The applicant shall comply with any State, Federal or Local requirements regarding the sale and storage of fuel on site. **Continuing Comment.**
6. The applicant is required to obtain an NJDOT access permit for the Route 35 driveway. A status of these approvals shall be provided. **Addressed.**
7. All regulatory, warning, and other signs shall be clearly shown and labeled on the site layout plans. **Continuing Comment.**
8. A No Left Turn (R3-2) Sign and/or a One Way (Right) (R6-1) sign should be placed facing vehicles exiting on Route 35. **Addressed.**
9. Consider placing Do Not Block Driveway (R10-7) signs and markings along the New Monmouth Road eastbound approach towards Route 35 prior to the site's New Monmouth Road access driveway. **Continuing Comment. Testimony to be provided.**
10. Sight lines should be added to the plan at the egress lane for southbound Route 35 traffic. **Addressed.**
11. The applicant is proposing limited improvements to the existing office building site to the west of the proposed Wawa. Proposed grading information shall be provided at the concrete sidewalk ramp and accessible route to the building to confirm compliance with ADA standards. **Addressed.**

E. Grading and Drainage

1. The proposed area of disturbance does not exceed 1 acre and less than one-quarter acre of new impervious surface (0.13 ac) will be added, therefore, the project is considered a “minor



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development” as defined by N.J.A.C. 7:8, and is not subject to the NJDEP Stormwater Management standards. **Continuing Comment.**

2. This project increases the impervious surface area by 0.13 acres. The applicant is proposing to meet the Middletown Township Ordinance, Chapter 540, Planning and Development Regulations, Article VI, Design Standards and Improvement Specifications, 540-639 Storm Drainage Facilities, L (2) (d) by using two (2) underground detention basins. **Continuing Comment.**
3. The plans shall be revised to indicate the roof leader pipe slopes and inverts. **Partially Addressed. Roof leader pipe slopes and inverts were provided for the store; however, roof leader pipe slopes and inverts shall be provided for the fuel island canopy as well.**
4. Applicant shall submit the on-site pipe calculations for review. **Continuing Comment.**
5. Applicant shall add the number of each underground detention basin on the Grading & Drainage Plan, Sheet No. 6. **Continuing Comment.**
6. The designation “MH-106” shall be added to the title of the Outlet Control Structure detail on Construction Details, Sheet No. 13. **Addressed.**
7. A detail of the Outlet Control Structure (MH-406) shall be provided on Construction Details, Sheet No. 13. **Addressed.**
8. A construction detail shall be provided for the Type ‘N-Eco’ curb pieces. **Addressed.**
9. The length and inverts of the 15” outfall pipe from MH 406 shown on Sheet No. 6 shall be revised for consistency with the stormwater management report. **Continuing Comment.**
10. The applicant shall provide soil testing for the underground storage basin 2, located on the south side of the site. **Continuing Comment.**
11. I defer to the Building Department for further review and approval of the wall. **Continuing Comment.**

F. Traffic

1. The Engineer shall review and analyze crash history along New Monmouth Road and at the site’s eastern access driveway. **Continuing Comment.**



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2. The Engineer shall further elaborate on the analysis of existing traffic conditions around the site to include the significant vehicle queues and approach delays, specifically at the New Monmouth Road Driveway. **Addressed. Testimony was provided at the last hearing.**
3. The traffic volumes used in the analysis were compiled from January 2018 data and projected for 2 years to ultimately produce a January 2020-Build year. This data is no longer considered valid as it is now **August 2021**. The projected volumes shall be revised to represent a **2022-Build Year**. The original traffic count data worksheets shall also be included in the submission of the traffic study. **Addressed. Testimony was provided at the last hearing.**
4. The ITE Land Use category of Super Convenience Store with Gas Pumps is considered valid for estimating the total trips from the proposed retail business. The Engineer shall testify as to the comparison between the proposed use and the previous use as a high-turnover sit-down restaurant. **Addressed. Testimony was provided at the last hearing.**
 - a. The Engineer shall add “L.U. 960 - ” before the land use description mentioned in the first paragraph of the Trip Generation section of the report. This additional information is requested to further clarify the specific land use being analyzed.
5. Pass-by trips were applied to reduce the “new” trips generated by a proposed site. Pass-by rates of 75 percent during the AM and PM peak hours and 50 percent during the Saturday peak hour were used in the report with reference to NJDOT documentation. The Engineer shall provide the NJDOT source for the pass-by reduction rates used in the analysis with the submission of the traffic study. **Continuing Comment.**
6. Figures 6, 7, and 8 depict site generated volumes with diversions and pass-by trips included. The Engineer shall provide separate diagrams depicting all (AM, PM, and SAT) pass-by and diverted link trips for review. **Continuing Comment.**
7. The traffic report includes an additional background volume increase due to the adjacent developments built after the traffic counts were performed. These developments consisted of a nearby pharmacy, bank facility, and mixed-use development known as Village 35 located to the south along Route 35. Two more recent applications have been made within the area, both located along Taylor Lane which intersects Route 35 to the north. Oxley Estates (Mumford Homes) is a single-family subdivision and American Properties is a large townhouse development. The Engineer shall assess the impacts of these developments and include any additional traffic volumes as necessary in the analysis. **Addressed. Testimony was provided at the last hearing.**
8. The report makes note of 50th percentile vehicle queues periodically extending to (and presumably past) the New Monmouth Road driveway under existing traffic conditions. Review of the Build condition HCS output reveals that the 50th percentile vehicle queues can extend as far back as 392 feet (180 feet beyond the New Monmouth Road site driveway). Typically, 95th percentile queues



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are assessed to review potential impacts beyond average conditions due to fluctuation in arrival rates and peak traffic demands. The Engineer shall offer testimony on the impacts of obstructing the New Monmouth Road driveway and the potential for further queuing and obstruction of subsequent driveways to the west, particularly during the Saturday peak hour. **Addressed. Testimony was provided at the last hearing.**

9. The HCS output shows that vehicle queues can extend to (and presumably past) the jug handle ramp off Route 35 at the New Monmouth Road westbound approach under existing traffic conditions. Review of the Build condition HCS output reveals that the 50th percentile vehicle queues can extend as far back as 218 feet (50 feet beyond the jug handle ramp off Route 35). Typically, 95th percentile queues are assessed to review potential impacts beyond average conditions due to fluctuation in arrival rates and peak traffic demands. The Engineer shall offer testimony on the impacts of potentially obstructing the jug handle ramps at the New Monmouth Road westbound approach and the potential for further queuing and obstruction of subsequent driveways to the east, particularly during the Saturday peak hour. **Addressed. Testimony was provided at the last hearing.**
10. New Monmouth Road is a County road which experiences significant traffic volumes. A gap analysis utilizing the proposed volumes shall be performed assess the frequency of gaps in the New Monmouth Road traffic. The analysis shall include the time where eastbound and westbound traffic queues extend to their maximum values. **Continuing Comment.**
 - a. Analysis shall confirm that there are sufficient gaps to allow for vehicles to exit the proposed site at the site's New Monmouth Road driveway.
 - b. Analysis shall confirm that there are sufficient gaps to allow for vehicles to utilize the jug handle ramps at the New Monmouth Road westbound approach.
11. The Capacity Analysis Summary Tables located within the appendix show an increase in vehicle delay for the Build-Condition at both Route 35 approaches during the PM peak hour and at the eastbound New Monmouth Road approach during the SAT peak hour. The Engineer is proposing minor signal timing changes for the PM and SAT peak hours to balance vehicle delays to satisfy NJDOT allowable delay criteria at the Route 35 intersection. The Engineer shall confirm that these timing changes will be approved by NJDOT and Monmouth County. **Addressed. The applicant has received NJDOT and Monmouth County Approval.**
 - a. The proposed PM peak hour timing change will negatively impact both New Monmouth Road approaches in favor of improving both Route 35 approaches.
 - b. Similarly, the proposed SAT peak hour timing change will negatively impact both Route 35 approaches in favor of improving both New Monmouth Road approaches.



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12. The existing Two-River Bank right-in access point along Route 35 is located in advance of the proposed site's dedicated access driveway. Access to the proposed site can be achieved by entering the Two-River Bank driveway and cutting across the lots. It is anticipated that many vehicles will be accessing the proposed site through this driveway due to convenience. Providing this access point to the bank from the proposed site creates the potential for head-on collisions between higher-speed vehicles coming off Route 35 and vehicles heading away from the proposed site towards the bank. Consideration should be made for converting the proposed two-way road between Route 35 and the northern side of the existing Two-River Bank building into a one-way inbound only road towards the proposed site. Access between the proposed site and the existing bank will still be maintained through the road south of the existing bank. **Continuing Comment.**
13. The Engineer shall comment on motorists using the Lenape Trail (residential street to the west of the site) as a cut through to avoid traffic conditions on New Monmouth Road. **Addressed. Testimony was provided at the last hearing.**

G. Landscaping and Lighting

1. The applicant is proposing a Columnar Sargent Cherry tree within close proximity of the drainage pipe between DI-202 and MH-203. The tree shall be relocated further away from the pipe. **Addressed.**
2. The applicant shall revise the plans to confirm that the proposed Downey Shadblow will have a minimum caliper of 3" per the Ordinance. **Addressed.**
3. Section 540-622.E.6.a. of the Ordinance requires that all trees be a minimum of 5 ft. away from any existing or proposed sidewalk, whereas the applicant is proposing a Columnar Sargent Cherry within 5 ft. of the sidewalk coming from the NJ-35 Right-of-way onto the project site. The plans shall be revised to comply. **Addressed.**
4. 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. **Continuing Comment. Testimony provided. This is a 24-hour operation.**
5. The applicant shall provide testimony regarding any proposed security lighting on site. **Addressed. Testimony was provided at the hearing.**

H. Subdivision

1. The applicant shall provide certification from the Tax Assessor that the proposed lot numbers are acceptable. **Continuing Comment.**



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2. The subdivision creates two new lots from existing Lot 1.02 in Block 870. Per previous discussion with the Township Tax Assessor, the site and subdivision plans shall be revised to designate proposed Lot 1.02A as proposed Lot 1.03 and proposed Lot 1.02B as proposed Lot 1.04. **Addressed.**

I. Miscellaneous

1. All existing easements shall be provided for review. **Continuing Comment.**
2. A conservation easement shall be provided and shown on the plans and final plat for the wetlands area on proposed Lot 1.02B, along with metes and bounds description. The proposed easement shall be submitted to our office and the Board attorney for review and approval prior to filing. Section 540-614.B.2 of the Ordinance indicates that conservation easements shall include the environmentally sensitive area plus a minimum of 25 feet from the boundary of the environmentally sensitive area. **Continuing Comment. This shall be provided.**
3. The Parking, Canopy & Sidewalk detail shall be revised to NJDOT Class B (4,500 PSI) concrete. **Addressed.**
4. The Type 1 Concrete Vertical Curb detail indicates that mountable Belgian block curb shall be used at all locations not identified as concrete vertical curb. The plans do not indicate any mountable Belgian block curb and no detail is shown on the plans. This note shall be removed, or the plans shall be revised to indicate this type of curb's location and detail. **Addressed.**
5. Testimony shall be provided regarding the proposed Wawa use. The applicant shall be prepared to discuss the following:
 - a. Hours of operation.
 - b. Number of employees (total and maximum per shift).
 - c. Designated employee parking. **Continuing Comment.**
6. 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. **Continuing Comment.**
7. A note should be added to the plans that the proposed improvements will be in conformance with all ADA regulations, as required. **Addressed.**
8. The applicant shall obtain approval of the plans from the Fire Department prior to obtaining building permits. **Continuing Comment.**
9. Copies of all permits should be submitted to the Township. **Continuing Comment.**



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10. Approvals should be obtained from the following agencies: **Continuing Comment.**
- a. NJDOT – **Obtained**
 - b. Township of Middletown Sewerage Authority (TOMSA)
 - c. Freehold Soil Conservation District – **Obtained**
 - d. Monmouth County Planning Board – **Obtained**
 - e. All other agencies and departments having jurisdiction

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

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, JR., P.E., C.M.E.
PLANNING BOARD ENGINEER

RRK:GTG:DV:lkc

cc: Amy Citrano, PP, AICP, Township Planner
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James Kennedy, P.E., Applicant's Engineer
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