

June 20, 2022

Ms. Erin Uriarte, Zoning Board Secretary
Township of Middletown Zoning Board
1 Kings Highway
Middletown, NJ 07748

Re: **Nicolissa, LLC (Nicholas Barrel and Roost)**
Block 942, Lots 70 & 72
Site Plan Application
Technical Review # 1
MTZB# 2022-03
HACE # MTZ-015

Dear Board Members:

Our office is in receipt of a Site Plan and Use Variance application for the expansion of a restaurant know as Nicholas Barrel and Roost. The plan incorporates the lot to the North to increase parking. The site is bordered by Route 35 on the East, Cooper Boulevard on the South single family residences on the West and commercial uses on the North.

The two lots have a combined frontage on Route 35 of 430.9 feet and are about 169 feet deep. The properties are located in the R-O (Residence and Office Zone) and the restaurant use is not allowed in the zone.

The applicant has four non-conforming bulk preexisting conditions for the rear, side and lot coverage on the restaurant and for lot coverage on the office lot. Both the lot coverages are being increased to 81.8% and 75.1% where 50% is allowed in the zone.

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

- Preliminary and Final Minor Site Plan, 160-180 Highway 35, Block 942, Lots 70 & 72, Township of Middletown, prepared by Shore Point Engineering, dated 11/05/2021 revised 3/21/22, consisting of 11 sheets.
- Stormwater Management Report, for Nicolisa, LLC 160-180 Highway 35, Block 942, Lots 70 & 72, Township of Middletown, prepared by Shore Point Engineering, dated 11/05/2021.

A. 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. *Sight triangles*

should be shown at the corner of Route 35 & Cooper Boulevard and the three paved driveways for the parking area. While the red spirea conform, the hoods of the cars may be above the 30 inches. Existing landscaping should be shown on the plan and be analyzed to see if conflicts exist. Testimony should be provided.

2. 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. *This calculation should be provided on both lots.*

- a. Section 540-622 A 2 (a) The exterior perimeter and yards of all buildings shall be properly landscaped and lighted. *The applicant conforms on the West side but there is limited landscaping on the North and South sides. Also, some landscape should be provided in the space between the two lots.*
- 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 restaurant lot is landscaped but there is very little landscaping on the office building lot. Testimony should be provided.*
- 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.*

3. Parking area Landscaping - 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.
- 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.
- 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.
- d. 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.

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.

The parking areas at the office building lot do not conform to the above ordinances. The Board should decide if any of the above requirements should be implemented. We believe some of the requirements can be implemented without major disruption to the layout of the site.

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 cases, evergreens and deciduous trees and shrubs shall be planted along the fence to break up the monotony of the fence. *It appears that they are keeping the existing fence and adding plantings at the rear of both properties. Spacing of the buffer plantings should be indicated on the plans.*

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.*

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 existing configuration of the lot, testimony should be provided.*

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 and testimony should be provided.*

4. 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 5.4 foot candles at the parking curb in the office areas. These areas should be reduced to the 0.5 to 1.5 foot candle level at the rear of the property and house side shields should be specified.*

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 14 feet and are conforming.*

5. Section 540-626 Off Street Loading

- 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. *Neither building have loading areas. The applicant should provide testimony on how the loading for both the restaurant and the office buildings will be provided.*

6. Section 540-627 Off Street Parking

- 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.*
- 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.*
- 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. *A waiver will be required.*
- e. 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 for the office lot. There are some sidewalks on the restaurant lot, but a partial waiver will be required.*
- f. 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 proposing curbing.*
- g. 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 5 handicapped spaces but each lot should be counted separately. Therefore the restaurant should have two spaces and the office lot should have 3. The applicant conforms, but ramps and curb cuts should be provided to get the people to the front doors.*

7. Ordinance 540-627 R Required off street parking

Our calculation of the interior spaces of the building is about 4000 SF. The two patio areas total 1250 SF for a total of about 5250 SF. This would require 105 spaces for the restaurant or

40 more than the table below. Existing parking spaces number 69 and the applicant is proposing to increase the number to 107. A variance will be required.

Parking breakdown on the plans is as follows:

Item	Requirement	Area of use	Parking Required	Parking Provided
Restaurant	1Sp/50 SF	3291 SF	65(105) Sp	
Business Office	1 Sp/150 SF	7242 SF	48 Sp	
Totals			113(153)Spaces	107 Spaces

8. Section 540-634 Sidewalks and Aprons

Sidewalk construction shall be required on both sides of all streets within a development. *There is sidewalk on both streets but the office lot does not have concrete aprons. The board should decide if aprons should be provided.*

9. Section 540-635 Signs

We defer to the Board Planner for the review of the signs, if any.

10. 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.*

11. Section 540-638 Solid Waste Storage

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 has added a solid waste location at the Southwest corner of the site. The trash truck will need to use Cooper Boulevard to back in or front-in to the pad. Testimony should be provided.*

12. Section 540-1001 Stormwater Management

The proposed project cannot be considered a Major Development, since the disturbed areas is less than 1 acre and the new impervious is less than ¼ acre. They are however providing a underground pipe detention basin system that will reduce the peak flows to less total runoff than in post development than exists now.

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

Storm	Predevelopment Flow	Post Development Flow
2 Year	4.99	4.78

10 Year	7.78	6.61
100 Rear	11.46	9.39

The runoff volume reductions have been achieved.

a. Section 540-1001 G1 Water Quality Requirements

Since the site is a minor development in regard to stormwater, water quality is not required.

b. Section 540-1001 Groundwater Recharge requirements

Since the site is a minor development in regard to stormwater, recharge calculations are not required. The applicant will accomplish recharge with the choice of perforated pipes which is positive.

13. Other Technical Review Items:

- a. The applicant should indicate if the paved path at the rear of the property is going to be removed. It appears with the new curbing there will be no way to traverse this path so it should be removed. Further landscaping will be placed in this area. A note should be provided.
- b. Although the NJDEP regulations do not require water quality, we believe an underground water quality device should be placed at the South West corner of the site. This property is not far from both Poricy Pond and the Navesink River.
- c. The applicant will need to excavate for the storm pipe in Cooper Boulevard which is a township street. The trench pavement section should include at least a 10 inch pavement section as per Ordinance Section 150-631 (2 inch wearing surface, 5 inch Bituminous base and a 5 inch stone base (as required by the townships inspector at the time of construction)). Once the trench has settled, the applicant should come back and mill 2 inches and place the top wearing surface.
- d. In the parking areas, the applicant should indicate the depth of the milling proposed and place a note on the plan that if in the opinion of the Township inspector at the time of construction, DGA should be provided.
- e. 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.
- f. The applicant should indicate if a New Jersey Department of Transportation permit is necessary.
- g. The plans should indicate the limits of any irrigation system.

- h. The applicant shall provide testimony regarding any security lighting on site.
- i. A note should be added to the plans that the proposed improvements will be in conformance with all ADA regulations, as required.
- j. The light pole at the 9 spaces on the North edge of the parking area for Nicholas should be moved to allow the curb to be straight.
- k. Widths of the stalls including H/C stalls should be delineated.
- l. Information on the outlet structure for the pipe basin should be provided.

14. Approvals should be obtained from the following agencies:

- a. Freehold Soil Conservation District
- b. Monmouth County Planning Board
- c. NJ Department of Transportation
- d. Middletown Fire Department
- e. Township of Middletown Sewerage Authority (TOMSA)
- f. 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: Amy Citrano, P.P., Township Planner
Ted Maloney, P.E., P.P., — Township Engineer-Director of Public Works
Greg Vella, Esq, - Zoning Board Attorney
Kevin Shelly, PE., Applicants Engineer
Rick Brodsky Esq. Applicants Attorney