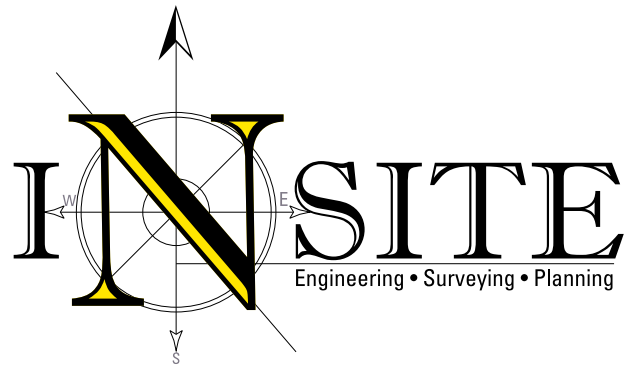


Atlantic Highlands Borough Planning Board
Attn: Renee Frotton, Secretary
100 First Avenue
Atlantic Highlands, NJ 07716



August 26, 2024

Via: Hand Delivery and Electronic Mail

Subject: **BIRCHWOOD, INC. (File# PB23-10)**
Block 97, Lot 15;
58 First Avenue
Borough of Atlantic Highlands, Monmouth County, New Jersey

Ms. Frotton:

We are submitting this letter on behalf of the Owner/Applicant in response to CME Engineering and Planning Review Letter, dated July 26, 2024. Each comment and response are numbered in accordance with the aforementioned review memo. *Italicized text is taken from the review memo for your ease of reference; bold non-italicized text represents our responses.*

CME Engineering and Planning Review Letter, dated July 26, 2024

The Applicant should be prepared to discuss the following issues with the Board:

9. General

- a) *Reasons supporting the granting of the requested bulk variances and/or design waivers and continuance of the existing condition nonconformities.*

Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

- b) *The application requires "d(3)" and "d(4)", use variance relief pursuant to N.J.S.A. 40:55D- 70(d)(3) and (d)(4) to permit a deviation from a specification or standard pertaining solely to a conditional use and an increase in the permitted floor area ratio, respectively. The Applicant or their professionals shall be prepared to provide testimony regarding the following proofs:*

i. *Positive Criteria*

1. *There must be special reasons to grant the requested/required variance. This means that the proposed deviation from the conditional use requirements and an increase in the permitted floor area ratio in the subject zone would advance the purposes of zoning as spelled out in the Municipal Land Use Law, and that this site is particularly suited to allow for the construction of a building of this size.*

Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

ii. *Negative Criteria*

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719
732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net
Licensed in NJ, PA, DE, NY, CT, NC, DC, & CO

1. *That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact(s) associated with the granting of the proposed use variance relief on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.*

Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

2. *That the variance will not substantially impair the intent and purpose of the zoning Plan and Municipal Ordinance.*

Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

- c) *Testimony relating to the overall operations of the proposed use and site, including but limited to: hours of operation, number of employees and employees per shift; truck/trailer traffic, loading/unloading and overall site circulation; refuse management, including mandatory recyclables; landscaping, buffering/screening and overall site aesthetics; etc. should be provided.*

Testimony was previously provided at the August 1st public hearing to address this comment.

- d) *The Applicant shall confirm that the proposed use is fully compliant with the performance standard requirements of §150-67, including but not limited to noise, air pollution, glare, and lighting and illumination.*

Testimony was previously provided at the August 1st public hearing to address this comment.

- e) *Applicant should provide site photos depicting existing conditions.*

Applicant presented site photos depicting existing conditions at the August 1st public hearing.

- f) *Testimony should be provided regarding the timing, frequency, collection organization and other details of trash collection from the site. In accordance with §150-86.B, it is preferred that the trash collection area is separate from recyclable storage areas. We note that there are three (3) 95-gallon trash bins proposed within a 5'x10' enclosure to the east of the principal building. The Applicant should clarify whether this enclosure will be also used for trash generated by the retail use. In addition, the Applicant should specifically clarify how trash pick-up will occur and if a private hauler will be used. The Applicant should consider relocating the enclosure to facilitate trash pick-up. Our office recommends that a masonry block enclosure be provided in lieu of the vinyl fence.*

Testimony was previously provided at the August 1st public hearing to address this comment.

- g) *The Applicant should present architectural plans, elevations, and renderings for the modified building and discuss the interior layout of the building. In addition, the Applicant should present architectural plans and elevations, or provide testimony clarifying the layout of the detached garage.*

Testimony was previously provided at the August 1st public hearing to address this comment. The detached garage has been removed from the plans to address concerns raised by the neighbors at the August 1st public hearing.

InSite Engineering, LLC

- h) *The Applicant should clarify whether there will be any additional space (i.e., mezzanine, etc.) other than the garage space within the detached garage.*

The detached garage has been removed from the plans to address concerns raised by the neighbors at the August 1st public hearing.

- i) *The Applicant should provide testimony regarding any proposed signage relating to the proposed mixed-use. The Applicant shall confirm that any proposed façade and ground signs will comply with §150-69 (Signs) of the Borough Development Regulations and details of any signage shall be provided on a revised site plan to confirm compliance with the applicable zoning requirements.*

Testimony was previously provided at the August 1st public hearing to address this comment.

- j) *The Applicant should address the Board regarding any required outside agency approvals for the site. It appears that the proposed is located within a CAFRA zone. In addition, copies of all outside agency approvals shall be forwarded to this office.*

Testimony was previously provided at the August 1st public hearing to address this comment. Applicant agrees to obtain all required outside agency approvals and will provide copies once received.

- k) *The Applicant should confirm that all appropriate measures will be taken to ensure that no contraction activity will negatively impact the adjacent properties. The Applicant will be required to preform corrective work at the direction of the Borough Engineer.*

Applicant agrees and will comply.

- l) *The Applicant should clarify if any consideration was taken to reduce the impervious coverage on site to the maximum extent feasible given that the proposed lot coverage is significantly greater than the maximum permitted in both the NBD and R-1 Zone.*

Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing since we have reduced the impervious coverage from the previous submission.

10. Traffic / Parking

- a) *The Applicant must address the anticipated traffic impact of the proposed development on the adjacent roadway network, noting that the Applicant has not provided a traffic analysis for the proposed development. It should be noted that §150-19 G.(1)(a)[3] indicates that the Planning Board has the right to hire a traffic expert to analyze two weekdays and one weekend, at least four one-hour recording periods per day, two of which must occur during peak hours, in the location of the development.*

Testimony was previously provided at the August 1st public hearing to address this comment.

- b) *The should consider the need for providing additional traffic control signage at the access driveway to indicate that egress onto Second Avenue is one-way.*

We have revised the plans to add additional traffic control signage to address this comment.

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719
732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net
Licensed in NJ, PA, DE, NY, CT, NC, DC, & CO

- c) *The Applicant should verify that proposed parking for the retail space complies with all Borough regulations, noting that parking requirements for a retail space is 1 space per 200 square feet of gross floor area (GFA) per §150-89B.(1)(h)(Exhibit 9-2). In addition, the Applicant should verify that parking for the residential units complies with RSIS regulations, noting that one- and two-bedroom apartment units required 1.8 and 2.0 spaces per unit, respectively. Given that the proposed mixed-use development will include one (1) one-bedroom apartments, two (2) two-bedroom apartments, and 3,638 SF of retail area, the required number of required parking spaces for this proposed mixed-use site is twenty-five (25) parking spaces. However, a total of seven (7) spaces are proposed on site, which appears to be sufficient for the parking requirements for the residential units. As noted above, variance relief appears to be required as the proposed number of parking spaces is less than the total minimum required.*

Comment Only. Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

- d) *We note that per §150-89.B.(5)(i), off-street parking requirement may be satisfied in whole or in part by evidence that the required amount of parking has been or will be provided a public parking lot located within 300 feet walking distance from the principal use to the geometric center of the parking lot. On-street public parking cannot be used for this calculation. The Applicant has indicated that the public parking lot is more than 300 feet walking distance from the principal, therefore, variance relief is required from providing the required off-street parking spaces for the retail use. Testimony to confirm same should be provided.*

Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

- e) *Testimony should be provided regarding the adequacy of the proposed number of parking spaces for the anticipated number of customers, employees, and residents and whether any restrictions, including but not limited to signage, will be placed prohibiting individuals from using parking spaces other than those associated with the respective use.*

Testimony was previously provided at the August 1st public hearing to address this comment.

- f) *In accordance with the Model Statewide Municipal Electric Vehicle (EV) Ordinance published by the Department of Community Affairs (DCA) on or about September 1, 2021, to comply with P.L. 2021 c. 171, Electric Vehicle Supply / Service Equipment (EVSE) and/or Make-Ready parking spaces shall be provided for all new development applications involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development. The Applicant should discuss the applicability of same and update the plans accordingly. Details of the charging equipment, any parking space signage, and parking striping should be provided on revised plans for review, if necessary.*

Testimony was previously provided at the August 1st public hearing to address this comment. As the proposed development contains less than 5 units and does not require more than 25 parking spaces, the proposed development does not require any Electric Vehicle Charging Spaces or Equipment in accordance with the law.

- g) *In accordance with §150-19.F(2), the developer of a new project within the HBD District, which application proposes development with a deficiency in the required number of off-street parking spaces, shall contribute to the parking fund a fee of \$25,000 for each deficient parking space for a residential unit. The Applicant should confirm that the proposed off-street parking spaces will comply with the applicable requirements for the residential units.*

Comment Only. Testimony was previously provided at the August 1st public hearing to address this comment.

- h) *It should be noted that First Avenue (County Route 8) is under the jurisdiction of Monmouth County and this application is subject to review and approval by the Monmouth County Planning Board.*

Comment Only. No response required.

- i) *Bollards should be placed in the vicinity of the proposed detached garage where vehicular impacts are possible. The Applicant should confirm that same will be provided where recommended by the Board and/or its professionals.*

We have revised the plans to add bollards along the edge of the parking lot as requested by the board professionals.

- j) *The Applicant's Engineer should provide intersection sight distance triangles whose lengths conform to the latest AASHTO (American Association of State Highway and Transportation Officials) guidelines as published in the current edition of A Policy on Geometric Design of Highways and Streets for each driveway. The Applicant's Engineer should review the sight triangles to verify that no existing or proposed objects will obstruct the sight triangles.*

We have revised the plans to the intersection sight triangles to the driveway entrance to address this comment.

11. Stormwater Management, Grading, and Utilities

- a) *The stormwater management of the property should be reviewed with the Board. The roof leaders of the proposed building are proposed to be directly connected to a drywell comprised of a 15-inch perforated HDPE pipe embedded in stone. Runoff will infiltrate into the subsoil and overflow from the drywell will be directed to a proposed inlet via an 8-inch HDPE pipe, which ultimately discharges to the downstream storm sewer network.*

Due to the removal of the detached garage, we have revised the stormwater management system to be pervious pavement. See updated design, reports, and calculations.

- b) *Testimony should be provided clarifying how runoff would be mitigated if the trench drain is not properly maintained, and no runoff is reaching same. It appears that a bulk of the runoff would be directed into the detached garage.*

Due to the removal of the detached garage, we have revised the stormwater management system to be pervious pavement. See updated design, reports, and calculations.

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719
732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net
Licensed in NJ, PA, DE, NY, CT, NC, DC, & CO

- c) *Additional storm pipe calculations should be provided at the downstream portion of the system (i.e., existing 4" and 12" pipe) to confirm that pipes have sufficient capacity to handle the runoff volume being directed along same.*

Due to the removal of the detached garage, we have revised the stormwater management system to be pervious pavement. See updated design, reports, and calculations. Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

- d) *The Applicant should clarify whether there is an existing easement in place for this downstream pipe network. It does not appear that there is any measure in place preventing the property owner of Lot 14 from removing this system at any time. An easement should be obtained from the adjacent property owner to ensure the storm system will be protected.*

Applicant agrees and will comply if possible.

- e) *The Applicant should confirm the party responsible for the ownership and maintenance of the proposed stormwater management facility (drywell). The O&M Manual indicates that the manual and any future revisions will be recorded upon the deed of record for the property. A copy of the deed should be provided prior to be filed with the County Clerk's office.*

Testimony was previously provided at the August 1st public hearing to address this comment. Applicant agrees to record the O&M manual upon the deed of record for the property.

- f) *It appears that the runoff collected by the proposed stormwater improvements will ultimately be directed to the existing inlet located within the First Avenue (CR 8) right-of-way. The Applicant should confirm that the increase in stormwater runoff directed to this receiving area, particularly during larger storm events will not result in an adverse drainage impact downstream. The stormwater impact on the inlet and County drainage system will be subject to the review / approval of the County.*

Testimony was previously provided at the August 1st public hearing to address this comment. We will coordinate with Monmouth County Planning Board regarding any drainage impacts within First Avenue as they will have jurisdiction over the County Road.

- g) *Our office has concerns with the use of an exfiltration rate of 2.0 inches per hour within the routing hydrograph for the drywell, as no permeability testing has been provided to this office to substantiate the use of the 2.0 in/hr. If exfiltration will be used in the routing calculations, at a minimum, one (1) soil profile pit and permeability testing within same should be performed.*

Applicant agrees and will provide requested geotechnical investigations as a condition of approval.

- h) *The Applicant is responsible that the development will not concentrate stormwater runoff, so as to adversely impact the existing drainage patterns, which may negatively impact neighboring properties or municipal infrastructure.*

Applicant agrees and will comply.

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719
732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net
Licensed in NJ, PA, DE, NY, CT, NC, DC, & CO

- i) *The Applicant is proposing to maintain the existing water and sanitary sewer service to the building. Utilities for the detached garage will connect to the existing utilities for the two-story building. Testimony should be provided discussing the adequacy of the existing service connections for the proposed development.*

Comment Only. Testimony was previously provided at the August 1st public hearing to address this comment.

- j) *Applicant should demonstrate that the existing retaining wall cleanout/system has capacity for the runoff collected from 2nd Avenue side of the property. Applicant should also demonstrate structural stability of the retaining wall receiving additional runoff. Engineer's certification should be provided for same.*

Applicant agrees to provide Engineer's certification for the previously constructed wall as a condition of approval. Testimony was previously provided at the August 1st public hearing to address this comment. Additional testimony will be provided at the upcoming public hearing.

12. Landscape and Lighting

- a) *The Applicant should provide an overview of the existing landscaping and lighting within the vicinity of the building and discuss the need for providing additional landscaping and/or improving existing lighting. Our office reserves the right to require the installation of additional plantings or new lighting if and where required. The Applicant should confirm compliance.*

We have revised the plan to add additional landscaping as requested by the board professionals. Please see Sheet C600 Landscape Plan.

- b) *Consent from the Shade Tree Commission must be obtained prior to any street shade tree removal, in accordance with §340-5.*

Applicant agrees and will comply if necessary.

13. *Based on our review, the following revisions appear to be required:*

- a) *A circulation plan should be provided to verify vehicles entering the site will be able to safely navigate through the site. The circulation plan should include the following vehicles:*
- i. *Fire truck*
 - ii. *Garbage Truck*
 - iii. *Largest vehicle for deliveries*

We had previously revised the plans to add a circulation plan showing the above turning movements for a Fire Truck and Garbage Truck to address this comment. The largest vehicle for deliveries would be a box truck which is similar to the garbage truck turning movement provided. We have added a pedestrian vehicle turning movement plan to show access to the last parking space in the lot.

- b) *Additional spot elevations should be provided between the existing 2-story building and retaining wall to confirm that surface runoff within this area will be directed to the existing and/or proposed inlet.*

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719
732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net
Licensed in NJ, PA, DE, NY, CT, NC, & CO

When the applicant replaced the existing retaining wall via zoning permit, he also removed the concrete areas between the building and retaining wall and replaced these areas with gravel to allow the water in this area to be infiltrated and / or directed to this inlet during larger storm events.

- c) *The Applicant's Engineer should consider proposing double yellow centerlines where stop lines are proposed*

We have revised the site layout plan to add additional striping including a stop bar and directional arrows but did not add a double yellow centerlines.

- d) *Verify length of 8" round culvert indicated in the pond report for the drywell as same appears to be inconsistent with the proposed conditions.*

Due to the removal of the detached garage, we have revised the stormwater management system to be pervious pavement. See updated design, reports, and calculations.

- e) *Confirm Drywell construction detail is consistent with the proposed conditions.*

Due to the removal of the detached garage, we have revised the stormwater management system to be pervious pavement. See updated design, reports, and calculations.

In accordance with the above, enclosed please find the following:

- Four (4) full-size and fourteen (14) 11x17 copies of the plan set entitled, "Preliminary and Final Major Site Plan for 58 First Avenue", dated 08/11/23, last revised 08/23/2024 (r2), totaling ten (12) sheets, as prepared by this office;
- Fourteen (14) copies of the report entitled, "Stormwater Management Report", dated 08/11/23, last revised 08/23/2024 (r2), as prepared by this office;
- Fourteen (14) copies of the report entitled, "Stormwater Management Operations and Maintenance Manual", dated 08/11/23, last revised 08/23/2024 (r1), as prepared by this office;

All enclosures listed above may be accessed digitally by [clicking here](#) or by manually entering the URL listed below¹.

Thank you for your kind consideration of this application. If you have any questions or require further information, please feel free to contact this office anytime.

Sincerely,
InSite Engineering, LLC


Christopher M. Bednarski, P.E.

Job #23-2121-01

CMB

cc: Rohmeyer, Doug, Board Engineer
Kevin Birch, Applicant
Mark Aikins, Esq, Applicant's Attorney

via email (DRohmeyer@cmeusa1.com)
via email (kingschoice1@comcast.net)
via email (maikins@aikinslaw.com)

¹ https://insiteeng-my.sharepoint.com/:f:/g/personal/chris_insiteeng_net/EV0asSDPEXNj6y6uDDa8dUB3oeu4OSVjupTK8R4tvZx5w?e=mCUj2K

InSite Engineering, LLC

1955 Route 34, Suite 1A • Wall, NJ 07719
732-531-7100 (ph) • 732-531-7344 (fx) • InSite@InSiteEng.net • www.InSiteEng.net
Licensed in NJ, PA, DE, NY, CT, NC, DC, & CO