

TOWNSHIP OF MIDDLETOWN

Planning Board

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TECHNICAL MEMORANDUM

DATE: June 11, 2019 (First Review: April 24, 2019)
BOARD: Planning Board
APPLICATION: Toll NJ XII, LP (Middletown Walk and Oaks) (#2018-212)
Block 825, Lots 53.01
(Block 825, Lots 53-57, 58-68, 69.01, 72-79 & 81 Circus Liquors Redevelopment Plan)
Preliminary and Final Major Subdivision; and
Preliminary and Final Major Site Plan

PROJECT DESCRIPTION

This office received revised plans dated through May 17, 2019. These address some of our comments. New comments are *emboldened and italicized*, while the comments made in our April 24, 2019 letter continue to remain.

The applicant requests preliminary and final major subdivision and major site plan in accordance with the Circus Liquors Redevelopment Plan (“Redevelopment Plan”). As such, this application is not subject to the provisions of any previous site plan or general development plan approval. The Redevelopment Plan establishes an overlay zone for the subject property and surrounding parcels, including Block 825, Lots 53-68, 69.01, 70, 72-79 and Block 870, Lots 1 and 2 (“Redevelopment Plan Area” and/or “Gross Tract Area”). In December 2018, the Planning Board approved the subdivision of the Gross Tract Area into two parcels, known as the Residential Tract and the Commercial Tract.

Pursuant to the Redevelopment Plan, this application proposes to subdivide the Residential Tract, known as Block 825, Lot 55.01, into two (2) separate parcels known as Block 825, Lot 53.01 and Block 825, Lot 53.02; and therefore create two (2) sub-districts known as the Townhouse District and Multi-Family District. **Please note that the Preliminary and Final Major Subdivision Plans prepared by Langan Engineering identify the Lots as 53.01 (Townhouse district) and 53.02 (Multifamily District), while the Preliminary and Final Major Subdivision and Site Plan prepared by Kennedy Consulting Engineers, LLC (KCE) note the lot numbers as 53.02 and 53.03. The Tax Assessor has approved the designation of Lot 53.01 for the Residential Tract.**

The site plan application proposes the phased development of 350 residential units on the Residential Tract, consisting of 280 market rate townhomes on Lot 53.01 (53.02 as per KCE’s plans) in the Townhouse District and 70 COAH units within three multi-family buildings on Lot 53.02 (53.03 as per KCE’s plans)

in the Multi-Family District. Additional improvements include a clubhouse, playground, tennis courts, infiltration basin, internal road network, parking areas on Lot 53.01 (53.02 as per KCE's plans); and a playground, and parking lot on Lot 53.02 (53.02 as per KCE's plans). Open space, including preservation of approximate eight (8) acres of wetlands, landscaping and lighting are proposed for the residential development. Existing structures on-site will be demolished.

Major road improvements to accommodate the residential, and adjacent commercial development, include construction of a road to connect Kanes Lane and Kings Highway East on the Residential Tract known as the inter-connect road, and shall be constructed by the developer of either tract in conjunction with the commencement of development within the Gross Tract Area.

No improvements are proposed on the Commercial Tract with this application, with the exception of construction of the drainage basin located on the west side of the Interconnect Road during Phase I, in the event that the construction of the Residential Tract proceeds before the Commercial Tract.

Preliminary and Final Major Subdivision

The Preliminary and Final Major Subdivision Plan seeks to subdivide the Residential Tract, Block 825, Lot 53.01 into two (2) parcels, as indicated below:

- Block 825, Lot 53.02 (Townhouse) totals 62.207 acres; and
- Block 825, Lot 53.03 (Multi-Family) totals 3.956 acres

The subdivision plan indicates several easements; including a public access easement at the corner of the Connector roadway and Kings Highway East, and a 50' maintenance easement over the connector road. The site plan shall be revised to show the Proposed Residential Basin Construction and Access Easement for Stormwater Infiltration Basin consistent with the submitted subdivision plan prepared by Langan Engineering for the Commercial Tract.

Preliminary and Final Major Site Plan

The applicant is also seeking Preliminary and Final Major Site Plan approval for the Residential Tract to construct 350 residential units, consisting of 280 market rate townhomes on Lot 53.01 and 70 COAH units within three multi-family buildings on Lot 53.02 in six (6) phases. The application for the Commercial Tract, Block 825, Lot 55.01, is not part of this site plan application.

The applicant is proposing 280 market rate townhomes on Lot 53.01 within the Townhouse Sub-District, and 70 COAH units on Lot 53.02 within the Multi-Family Sub-District. The Redevelopment Plan permits up to 320 units in the Townhouse District, and up to 80 units in the multi-family district. The proposed number of residential units in each sub-district is in conformance with the Redevelopment Plan.

The Townhouse District will contain 280 market rate townhomes, 5,000 square feet clubhouse, pool and playground. Each townhome will contain a 2-bay attached garage and driveway providing an overall 3.5 stalls per townhome. Additionally, the plans note that there will be 219 surface parking stalls for guest parking of which 36 parking stalls will be arranged adjacent to the clubhouse, pool and playground. The Townhomes will be three-stories, and each unit will have a rear patio or deck. Freestanding identification signage for the Main Entrance on Kings Highway East is proposed on both sides. Secondary entrance signage on the Interconnect Road is proposed at two intersections on both sides.

The Multi-Family District will contain 70 COAH units in three multi-family buildings, 142 surface parking stalls, and playground. Access to the affordable housing units is exclusively from the Interconnect Road. Freestanding identification signage for the Main Entrance on the Interconnect Road is proposed.

The Residential Tract contains existing structures on site, which will be demolished to contain the proposed development. The plans propose substantial road improvements and noted as follows:

1. Construction of a roadway between Kanes Lane and Kings Highway East, known as the Interconnect Road, to provide access to the proposed residential development and adjacent commercial development.
2. Construction of an internal road network to serve the residential development that will intersect the Interconnect Road or King's Highway East including:
 - a. One new road opening, across from existing King's Landing Road, to serve the Townhouse District.
 - b. Three new private roads intersecting with the Interconnect Road, of which one road (northernmost) will serve the Multi-Family District, and two roads will serve the Townhome District.

PROJECT HISTORY

This site has been the subject of numerous applications to the Township Planning and Zoning Boards, as well as several rounds of litigation in the past two decades. Over time, the scale of the proposed development has diminished. A proposal in 2003 featured over one (1) million square feet of commercial gross floor area, a three level parking structure comprising 475,000 SF and a substantial residential component. A proposal in 2009 featured over 600,000 SF of commercial space and 500 residential units.

The current zoning for the property was adopted in 2009 following a recommendation in the 2009 Master Plan Re-Examination Report. The stated goal for development on this site is to provide “measurable benefit to the public by providing significant employment opportunities; by supporting the local economy; by providing public spaces for active and passive recreation; and by providing a variety of housing types with a range of affordability.”

A General Development Plan (GDP) Approval was granted by the Planning Board on July 1, 2015 affording the applicant protection for a period of 20 years to develop the site with up to 400,000 SF of commercial space, and up to 350 residential units, of which 70 are to be affordable.

In February 2016, the applicant submitted an application for Preliminary and Final Major Subdivision for the entire GDP tract, and an application for Preliminary and Final Major Site plan for the commercial portion of the tract. On March 9, 2016, the application was deemed complete pursuant to NJSA 40:55D-10.3 for planning and engineering review. On June 1, 2016, the applicant appeared in front of the Planning Board for their first scheduled public hearing. The public hearings have continued at the Planning Board on June 15, 2016, September 7, 2016, February 15, 2017, July 12, 2017, and September 13, 2017.

At the time of the first Planning Board hearing in June 2016, this office received an application for the residential portion as well. At the first public hearing, the Planning Board established a procedure requiring a consolidated public hearing of both the residential and nonresidential applications. The application for

the residential portion was deemed complete pursuant to NJSA 40:55D-10.3 on October 6, 2016. Thereafter, the application for the residential portion was withdrawn on December 19, 2016.

On September 18, 2017, the Township of Middletown Township Committee adopted Resolution No. 17-239 directing the Township of Middletown Planning Board to undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law (LRHL) to determine whether certain property in the Township, including the subject property, constitutes an “area in need of redevelopment” without condemnation under the criteria set forth in N.J.S.A. 40A:12A.

In a meeting held on December 6, 2017, the Planning Board held a public hearing on the preliminary study of the Area of Investigation prepared by DMR Architects. The Planning Board made a formal recommendation to the Township Committee that Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79 and 81 and Block 870, Lots 1 and 2 and Block 871, Lot 7.02 qualified as an area in need of redevelopment without condemnation.. On December 18, 2017, the Township Committee adopted Resolution No. 17-294 consistent with the Planning Board findings.

On September 17, 2018 the Township Committee, by Ordinance 18-3232, adopted a Redevelopment Plan entitled “Circus Liquors Redevelopment Plan” for the Delineated Area of Block 825, Lots 53-68, 69.01, 70, 72-79 and 81 and Block 870, Lots 1 and 2, including the subject property (i.e. redevelopment plan area). The Redevelopment Plan constitutes an overlay zone to be applied solely to the Redevelopment Plan Area properties. As an overlay zone, the Redevelopment Plan does not supersede the underlying PD Zone. However should there be any contradicting information, then the Redevelopment Plan takes precedence over the underlying zoning.

On December 5, 2018, Village 35 L.P. applied for, and was granted Preliminary and Final Minor Subdivision approval of the redevelopment plan area, containing Block 825, Lots 53-57, 59-68, 69.01, 72-79 & 8, into two lots, known as Block 825, Lots 53.01 and 55.01. Block 825, Lot 53.01 would contain the residential portion while Block 825, Lot 55.01 would contain the commercial portion.

This application is for preliminary and final subdivision and site plan of the Residential Tract, and continues to be in accordance with the Circus Liquors Redevelopment Plan.

PROPERTY DESCRIPTION

The overall tract is slightly more than 118 acres. It is situated with frontage along the northbound side of Highway 35 between Kings Highway East and Kaness Lane. There is existing commercial development on the site in the northwest corner including a liquor store and post office. The rest of the site is mostly undeveloped with the exception of some out buildings. Portions of the property are cleared and have been used for agricultural purposes. There are wetlands present on the property, as well as several steeply sloped and wooded areas. A tributary of McClees Creek, a Category One waterway, is located within wetlands at the rear of the site on Block 825 Lot 53.02 (townhouse portion of the development). The residential portion of the subdivided tract contains an area of approximately 66.691 acres.

ZONING AND SURROUNDING LAND USE

The property is located in the Planned Development (PD) Zone with a Redevelopment Plan overlay zone. The Redevelopment Plan overlay zone does not supersede the underlying zoning. Where zoning requirements or design standards are not addressed in the Redevelopment Plan, applicable standards set forth in the Township of Middletown Planning and Development Regulations shall remain in effect.

The property is bordered to the west by Highway 35 and several commercial uses, to the south by Kanés Lane and a mix of commercial and residential uses, to the east by single family homes, and to the north by Kings Highway East. Single and multi-family residential development and several offices are located opposite the property on the north side of Kings Highway East. The adjacent zones are the multi-family residential RGA and RTH zones, the single-family R-22 zone, the B-2 and B-3 commercial zones, and the M-1 manufacturing zone.

CIRCUS LIQUORS REDEVELOPMENT PLAN COMPLIANCE REVIEW

The Residential Tract is known as a Block 825, Lots 53.01. The applicant is proposing to subdivide the Residential Tract into two (2) separate parcels; identified as Block 825, Lots 53.02 and 53.03. **Please note that the Preliminary and Final Major Subdivision Plans prepared by Langan Engineering identify the Lots as 53.01 (Townhouse district) and 53.02 (Multifamily District), while the Preliminary and Final Major Subdivision and Site Plan prepared by Kennedy Consulting Engineers, LLC (KCE) note the lot numbers as 53.02 and 53.03 for the Townhouse District and Multifamily District, respectively. This discrepancy should be addressed. For the Board's understanding, this memorandum references lots 53.02 and 53.03 as per the numbering noted within KCE's submitted plans.**

1. Redevelopment Plan Area: Sub-Districts

The Redevelopment Plan establishes two (2) sub-districts within the Residential Tract; the Townhouse District and the Multi-Family District. The table below indicates the proposed lots and compliance with the location of those sub-districts:

Proposed Block	Proposed Lot	Sub-district	Redevelopment Plan Compliance?
825	53.02	Townhouse	Yes
825	53.03	Multi-Family	Yes

2. General Requirements for the Gross Tract Area: 2. Stormwater Management Facilities

In compliance with the general requirements for the Gross Tract Area, the applicant proposes a stormwater basin, on Lot 53.02 to accommodate the drainage resulting from the proposed development on the Residential Tract.

3. General Requirements for the Gross Tract Area: 3. Roadway Connectivity

In compliance with the general requirements for the Gross Tract Area, the applicant proposes a roadway between Kanés Lane and Kings Highway East, known as the "Interconnect Road" on the Residential Tract. The Interconnect Road shall be constructed by the developer of either tract in conjunction with the commencement of development within the Gross Tract Area. Testimony shall be provided as to how this will be implemented.

The Redevelopment Plan further states in paragraph d. that “no certificate of occupancy may be issued for any structures on either the residential tract or the commercial tract until a performance guarantee securing the construction of said road and any related drainage facilities is posted.” This shall be a condition of approval.

4. Open Space Requirements for the Gross Tract Area:

The Redevelopment Plan requires a 30% set aside of “open space” and/or “open space, unoccupied” as defined in 540-203 within the Gross Tract Area. This area shall be calculated prior to the dedication or conveyance of any open space areas to the Township of Middletown, transportation authorities, or neighboring properties. The applicant shall provide this information for the Gross Tract Area for review.

5. Open Space Requirements for the Residential Tract:

- a. The Redevelopment Plan requires a minimum of 35% of “open space” and/or “open space, unoccupied.” The applicant proposes 23.480 acres or 35.49% of open space within the Residential Tract. This includes areas in the Stormwater infiltration basin and the wetlands to the southeast. The application appears to be in compliance with this overall requirement of the redevelopment plan.
- b. The limitations, as per Section 540-203, that it may contain no more than 50% of wetlands, open bodies of water or watercourses, sloped areas of 25% or greater, shall be made a Condition of Approval. Please note that contrary to Section 540-203, the Redevelopment Plan permits inclusion of drainage, stormwater and/or recharge basins as well as hard and soft-surface walking trails in buffer areas in the opens space calculations. Calculations must be provided to show compliance with this requirement.
- c. All lands dedicated as “open space” shall contain appropriate covenants and deed restrictions approved by the appropriate agency, and in conformance with Section 540-628G of the ordinance.

RESIDENTIAL TRACT:

1. Permitted Principal Uses:

- a. Townhouse District- Townhouses are proposed on Lot 53.02 and total 280 units.
- b. Multi-Family District- Affordable housing units are proposed on Lot 53.03 and total 70 units.

2. Permitted Accessory Uses:

- a. The applicant is proposing the following permitted accessory uses as on site recreation and other customary and incidental common facilities for the benefit for the residents and guests:
 - Tennis courts
 - Recreation and play areas
 - Community buildings
 - Swimming pools and pool buildings
 - Porches
 - Decks
 - Retaining walls

- Fences

The applicant is required to add walking trails and picnic areas.

- b. Has the applicant considered providing additional amenities for the enjoyment of the residents such as a disc golf course, etc.?

3. Maximum Number of Residential Units:

- a. The applicant is permitted 320 units in the Townhouse District, there are 280 units proposed. The proposal is in conformance with this requirement.
 - b. The applicant is permitted 80 units in the Multi-Family District, there are 70 units proposed. The proposal is in conformance with this requirement.
 - c. The Zoning Table on Page C-1 notes the density requirement; however, that is a PD Zone requirement and that standard was for the entire tract of +/-118 acres. This is not applicable as the Redevelopment Plan stipulates the maximum number of dwelling units and the proposed plan is in compliance with the requirement as noted in 3.a and 3.b of this review.
 - d. Twenty (20%) percent of the total number of units shall be set aside as affordable multi-family housing, the applicant is proposing 350 total units with 70 units, or 20% set aside for affordable housing. The proposal is in conformance with this requirement.
4. The proposed lot size for the Multi-Family District is 3.956 acres and 3 acres is the required minimum. The proposal is in conformance with this requirement.
5. The proposed lot coverage for the Multi-Family District is 50.30% and 75% is the maximum permitted. The proposal is in conformance with this requirement.
6. The proposed lot coverage for the Townhouse District is 37.8% and 65% is the maximum permitted. The proposal is in conformance with this requirement.
7. Building Setbacks – The proposal is in conformance with the required minimum building setbacks. Patios, porches, decks, retaining walls, fences and related accessory structures are permitted within the required building setback areas.
- a. Each proposed Townhome has a patio at-grade to the rear of the unit with an option 2nd floor terrace to the rear. The visual impact of the 2nd floor terrace related to material, design and color shall be provided in testimony due to the close proximity of the townhouse units.
 - b. The applicant shall provide testimony whether there will be wall separation between each rear patio for the Townhomes. If so, material, color and height shall be indicated in the plans.
 - c. There are several retaining walls proposed within the building setback areas. The applicant shall provide testimony and describe the height, color, design and look of the retaining walls within the building setback areas to review visual impact from the adjacent roadways, surrounding properties, and the proposed townhomes, specifically:

- i. Kings Highway East Scenic Corridor – It appears that two (2) retaining walls are proposed within the building setback area on Kings Highway East, and at some locations less than five (5') feet from the property line. The outer wall appears to be eight (8') feet at its highest point. The inner wall bottom and top of wall measurements shall be indicated on the grading plan.
- ii. There is a substantial retaining wall that extends from within the Kings Highway East setback area along the eastern property line that separates the Multi-Family and Townhouse Districts. The bottom and top of wall measurements shall be indicated on the grading plan.
- iii. There is a retaining wall proposed at the rear of the property within the 75 feet residential zone setback area. The bottom and top of wall measurements shall be indicated on the grading plan.

Section 540-616I requires that structural retaining walls do not exceed three feet in height within a required setback area. Furthermore, the ordinance in Section 540-616I(2) stipulates that staggered or tiered walls shall be considered single walls unless there is a minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than two times the height of the lower section or tier. If there are more than three single sections or tiers, the minimum distance between the top of the third tier and the base (toe) of the next higher section or tier shall be not less than 2 1/2 times the height of the lower section or tier. And that single section of the tiered wall shall not exceed three feet in height. Sheet CD-4 provides a detail for the landscape wall, but the detail is not to scale. More information should be provided to ascertain whether the retaining wall is in compliance with the ordinance requirement or variance relief pursuant to N.J.S.A 40:55D-70(c) would be required.

8. Building Separation – The minimum separation between townhouse and multi-family buildings is 25 feet. The proposal is in conformance with this requirement.
9. Building Height – The proposed building height of the townhouses will be no more than four (4) stories and 45 feet. The proposed building height of the multi-family residential buildings will be no more than four (4) stories and 60 feet. The clubhouse will be no more than two (2) stories and 35 feet. The proposal is in conformance with this requirement. It shall be noted that building height for each townhouse unit shall conform to the maximum permitted as per the Redevelopment Plan.
10. Parking and Circulation – The minimum parking setbacks for both districts are in compliance. In conformance with the Redevelopment Plan, there are two access drives from the Interconnect Road and one access drive from Kings Highway East for the Townhouse District; and one access drive from the Interconnect Road for the Multi-Family District.
 - a. There is no proposed internal connection between the Townhouse and Multi-family Districts, and a retaining wall separates the districts. We defer to the Middletown Township Fire Advisory Board for the proposed physical separation of the Districts related to emergency access to either District in the event that alternative access drives are not available.
 - b. The applicant is using the RSIS standards for parking. Regarding the proposed parking we have the following comments:
 - i. The Zoning Table on Page C-1 notes that a total of 219 visitor parking spaces are provided for the Townhouse District. Upon counting the parking spaces provided on Page C-5 it appears that

a total of 214 parking spaces are being proposed in the Townhall District. Testimony should be provided clarifying the total number of parking proposed. In any event as per the RSIS standard the 280 townhomes require a total of 140 spaces plus 25 for the clubhouse for a total of 165 spaces; therefore, there is adequate visitor parking provided.

- ii. The applicant is proposing a total of 142 parking spaces in the multifamily district. This is in compliance with the RSIS standards but does this consider visitor parking? We defer to the Planning Board Engineer.
- iii. Although overall there is adequate parking on site, the additional parking is in the Townhall District and there is a separation between the two districts. Perhaps at a later date, this community might have gates therefore any visitor to the multifamily may not be able to access the additional parking spaces. Testimony should be provided regarding the adequacy of parking for the multifamily units.

We defer to the Planning Board Engineer for additional parking comments.

SIGNAGE FOR RESIDENTIAL TRACT:

1. Residential name plates, lawn signs and real estate signs as specified in Section 540-635H of the Township of Middletown Planning and Development Regulations are permitted. This is an informational comment.
2. The applicant is proposing a variety of signage on site, please refer to the table below for signage compliance. The plans shall be revised to delineate each sign type (A-L, except for F) as “real estate” or “wayfinding” to review compliance with sign standards. The table below reviews the proposed signage for both standards, real estate and wayfinding.

Sign Type	Redevelopment Plan Requirements		Proposed		Code Compliance
	Sign Height (real estate/wayfinding)	Maximum Sign Face (real estate/wayfinding)	Sign Height	Maximum Sign Face (Square Feet)	
A	8'4.5'	25 sf/40 sf	4.5'	8.75 sf	Complies
B	8'4.5'	25 sf/40 sf	4.5'	7.78 sf	Complies
C	8'4.5'	25 sf/40 sf	4.5'	8.89 sf	Complies
D	8'4.5'	25 sf/40 sf	3'	1.5 sf	Complies
E	8'4.5'	25 sf/40 sf	3'	1.5 sf	Complies
F (Tennis Court Sign)	4.5'	40 sf	6.66'	37.5 sf	Not in compliance
G	8'4.5'	25 sf/40 sf	4'	4.7 sf	Complies
H	8'4.5'	25 sf/40 sf	5.66'	24 sf	Complies
I	8'4.5'	25 sf/40 sf	4.833'	5.33 sf	Complies
J	8'4.5'	25 sf/40 sf	4'	6 sf	Complies
K	8'4.5'	25 sf/40 sf	4'	6 sf	Complies
L	8'4.5'	25 sf/40 sf	4'	6 sf	Complies
Flag Signs	22'	60 sf	max 21'	60 sf	Complies
Main Entrance Sign	8'	200 sf (including the supporting structure); Sign Panel Area 25 sf	7' 1"	158.01 sf total; 20.8 sf sign panel area	Complies
Secondary Entrance Sign	8'	200 sf (including the supporting structure); Sign Panel Area 25 sf	6' 4"	69.6 sf total; 14 sf sign panel area	Complies
Affordable Housing	8'	200 sf (including the supporting structure); Sign Panel Area 25 sf	4' 5"	15 sf total; 8.88 sf sign panel area	Complies

- a. Based on the table above, relief may be required for Signs E, F, G, and Flag. The plans shall be revised or in the alternative relief is required in accordance with 6.0 General Provisions.4 Deviation Request of the Redevelopment Plan. ***Partially addressed. The applicant's response letter dated May 20, 2019, notes that the tennis court sign (Sign F) will be revised to comply. Plans shall be revised reflecting the same.***
 - b. The plans shall be revised to delineate between permanent and temporary signage.
3. One monument or freestanding project identification sign is permitted on each side of any approved entrance to the Townhouse or Multi-Family Districts from a public street or the Interconnect Road. The Kings Highway East entrance to the Townhouse District proposes a monument sign on either side of the entrance. Two (2) access drives for the Townhouse District on the Interconnect Road have a monument sign on either side of the entrances. The entrance to the Multi-Family District has one freestanding sign. This proposal is in conformance with these requirements.

- a. Signs shall be landscaped. The affordable housing entrance sign is not landscaped. Plans shall be revised or in the alternative relief is required in accordance with 6.0 General Provisions.4 Deviation Request of the Redevelopment Plan. Addressed.
4. Colored renderings and building material for the proposed signage (temporary and permanent) shall be provided to the Board for their review.

LANDSCAPING AND DESIGN STANDARDS:

1. Kings Highway East 50' wide buffer – The proposal is in conformance with the buffer requirement and proposed plantings consisting of a mix of evergreen and deciduous trees and shrubs. Retaining walls are permitted in the required buffer area. Most of the plants are situated within a 20' strip between retaining walls.
 - a. The plans shall be revised to label a grouping of five (5) plants that appear to be evergreen.
 - b. The proposed plant label 'PSF' and 'TGG' shall be indicated in the Area 1 Plant List (sheet LL-1).
2. Street Design and Construction Requirements: A minimum roadway width of 24' is required. The proposal is in conformance. Street naming shall be approved by the Township of Middletown. This shall be made a condition of approval.
3. Phasing Plan– The construction of the proposed residential development for both lots will take place in six (6) phases, generally from north to south, with the exception of the Infiltration Basin. Each Phase will contain the following:

Phase I – Construction of the Inter-Connect Road, construction of Infiltration Basin, two access drives including one from Kings Highway East, and one from the Interconnect Road, 68 Townhomes within 16 buildings, internal road network for the 68 units, portion of the surface parking stalls, Clubhouse, Pool, Playground, Tennis Courts and Sales Trailer (temporary), Construction Trailer (temporary), and utilities

Phase II – Construction of 70 COAH units and 142 surface parking stalls and playground, and utilities.

Phase III – Construction of 42 Townhomes, portion of the surface parking stalls, internal road network and utilities

Phase IV – Construction of 47 Townhomes, portion of the surface parking stalls, internal road network and utilities

Phase V – Construction of 61 Townhomes, portion of the surface parking stalls, internal road network and utilities, temporary cul-de-sac and hydrant

Phase VI – Construction of 62 Townhomes, portion of the surface parking stalls, internal road network and utilities.

The above mentioned phasing is in compliance with Section 540-1105B of the ordinance, wherein at a minimum after the completion of 25% + 1 of market rate housing at least 10% affordable housing should be completed but none are required to be constructed up to 25% of the market rate unit. The applicant is proposing to build 68 units in Phase I (24.28%) and then the entire 70 units (100%) in Phase II.

- a. No improvements are proposed on the Commercial Tract, with the exception of a temporary drainage basin located on the west side of the Interconnect Road in the event that the construction

of the Residential Tract proceeds before the Commercial Tract. In the event that construction of the Residential Tract proceeds before the Commercial Tract, the applicant shall indicate in what phase the construction of the temporary drainage basin shall occur.

- b. In conformance with the Redevelopment Plan, a phasing plan related to street tree installation along the Inter-connect Road shall be provided.
4. Handicap parking stalls shall be setback at least 10' from non-residential structures. The plan is in conformance. We defer to the Board Engineer for conformance to ADA standards for the proximity of the proposed handicap stalls to the clubhouse entrance. Elevations and floor plans of the clubhouse shall be submitted to the Board for their review. We would recommend a secondary entrance to the clubhouse to lessen the distance from the handicap parking stalls to the clubhouse (if applicable).
 5. Architectural Features: Section 5, Page 31, under Landscaping and Design Standards – Residential Tract requires that all residential buildings shall have architectural features, finishes, and patterns that provide visual interest. The overall design of the Townhouse District should have a unified theme, displayed through the application of common building materials such as brick, cultured stone, and vinyl sliding trim. Testimony should be provided regarding compliance of the same especially with respect to the thickness of the proposed vinyl trim.
 6. Architectural Design:
 - a. Section 6, Page 32, requires that the Townhouse District shall provide varied building elevations and design and structural appearance within the context of the overall theme. The front façade of each townhouse building shall have varied elevations for each townhouse. Each adjacent townhouse must vary in at least two of the following criteria:
 - The number, size, shape, or location of windows and doors;
 - The profile of cornice treatment on the front façade;
 - Mix of materials (brick, stone base, or siding);
 - Location of porches, bay windows, and porticoes;
 - Color of brick, siding or stone.

From the submitted elevations, it appears that the applicant is proposing a mixture of materials. The colors proposed, based upon the elevations, appear to be shades of brown. The redevelopment plan requires a variation in at least two criteria and that is the minimum standard. The applicant shall provide a variety in the building elevations, design and structural appearance within the context of the overall theme. Testimony should be provided how this is in compliance. The proposed materials shall be provided for the Board's review and approval.

- b. Section 540-604 of the ordinance sets forth architectural and building design standards. In that Section 540-604.C.12 requires that "appurtenances such as, but not limited to, tanks, condenser units and other equipment shall be fully screened from view. Such appurtenances and their screening plus chimneys, cupolas and other items which extend above the roof line shall not exceed 15% of the horizontal area of the first floor unless the highest such item shall be used to measure building height." Testimony should be provided regarding compliance with this requirement.

7. Townhouse District Floor Plan: Section 7, Page 32, requires provision of two different residential unit floor plans together with not less than two different elevations for townhome units. The submitted architectural drawings have two floor plans; with an option of terrace or covered outdoor and some minor differences in the internal layout. Only one iteration of the elevations have been provided. The applicant is required to provide another set to be in compliance with this requirement as well as the requirement of providing “varied building elevations and design and structural appearance within the context of the overall theme” as noted in Section 6, Page 32 of the Redevelopment Plan.
8. Wall Openings: Section 8, Page 32 requires that all openings in the wall of a structure such as windows and doors should relate to each other on the front elevation, vertically and horizontally, in a clearly defined order. The proposed elevation satisfies this condition. The applicant is required to provide the second iteration in compliance with this requirement.
9. Exterior Building Material: Section 9, Page 32 refers to Section 540-604.C.7 of the ordinance, which requires that the exterior of all principal buildings shall be of brick or stone construction, or maintenance-free natural wood siding. Testimony should be provided regarding the proposed materials.
10. Party Fire Walls: Section 10, Page 32 requires party walls to be constructed from core wall or in accordance to Section 540-604C(7) of the ordinance, which in turn requires party fire walls shall be of masonry construction with a veneer to be selected for quality, durability, appearance and design. Testimony should be provided regarding compliance with this ordinance requirement.
11. Section 11, Page 32 references compliance with Section 540-604C(10) for the Townhouse District, which requires variation in principal building length of at least 20 feet between the longest and shortest of the principal buildings in any development. Testimony should be provided regarding compliance with this requirement.
12. Testimony should be provided regarding the materials proposed for the clubhouse and its harmony with the rest of the development.
13. Parking Lot Landscaping – Sections 540-622D(4) and (5) apply:
 - a. No parking lot shall contain more than 15 spaces in a row, without interruption by a landscaped divider at least 8’ wide. There are two (2) strips of parking more than 15 spaces in the Multi-Family District that do not conform with Sections 540-622D(4) and (5). The plans shall be revised or in the alternative relief is required in accordance with 6.0 General Provisions.4 Deviation Request of the Redevelopment Plan. ***Partially addressed. The plans have been revised to show the islands; however, Section 540-622.D.5.b requires shade trees while the applicant is proposing an ornamental tree. The plans shall be revised to be compliant.***

LANDSCAPE REQUIREMENTS FOR GROSS TRACT AREA

1. There is no minimum requirement for contiguous development area in the PD Zone or Redevelopment Plan.
2. The Critical Area Plan (Sheet CA-1) shows Class II Critical Areas containing steep slopes 15%-25% along Kings Highway that will be disturbed. The redevelopment plan notes that manmade or previously disturbed slopes greater than 15% shall not be considered steep slopes or subject to the maximum

disturbance requirement. Additionally, contiguous areas of slopes greater than 10% measuring less than 25,000 square feet shall not be included in the steep slopes. Calculations should be provided whether the steep slopes located along the northwestern portion of the property that will be disturbed are in accordance with this redevelopment plan requirement or in the alternative, pursuant to Section 540-636 testimony is required that the proposed disturbance to steep slopes is essential to the reasonable use of the property.

3. The Redevelopment Plan requires shade trees to be planted on both sides of the Inter-connect Road at intervals no more than 30 feet apart. Trees planted on the opposite side of the sidewalk shall be planted at least five (5') feet from the existing or proposed sidewalk. The proposal is in conformance with these requirements.
4. The Interconnect Road shall be designed with a four (4') feet sidewalk and four (4') feet landscape area. The proposal is in conformance with this requirement.
5. Shade trees shall be planted along all other private internal roads, drives and parking areas at intervals of at least one tree for every 120 feet. There are some instances throughout the site plan that shade trees along internal roads are planted more than 120 feet apart. Plans shall be revised or in the alternative relief is required in accordance with 6.0 General Provisions.4 Deviation Request of the Redevelopment Plan. ***Partially addressed. Although additional trees have been provided the redevelopment plan requires shade trees. The plans shall be revised to show shade trees in compliance with the Redevelopment Plan.***
6. The base of each tree shall either be left free of pavement for a diameter of not less than 8 feet or protection shall be provided by structural soil within a comparable diameter. The Landscaping Details (Sheet CD-1) shall be revised consistent with this requirement.
7. All deciduous trees shall be planted between 3.0" and 3.5" caliper. Plans shall be revised consistent with this requirement.

KINGS HIGHWAY EAST SCENIC AND HISTORIC ROAD REQUIREMENTS

1. The applicant shall ensure that any townhouse building elevation facing Kings Highway East shall have siding of a color that matches the façade of the front elevation. Townhouse facades that face Kings Highway East shall be enhanced with features such as decks and balconies with low-maintenance decorative posts and railings; decorative frieze boards at roof lines; trim surrounding rear windows and doors; window mullion patterns consistent with the front elevations; and architectural roof shingles. The applicant shall provide elevations for the townhomes along Kings Highway East to ensure compliance with this requirement.

LIGHTING

1. The applicant shall indicate in testimony that the minimum lighting location at any level within a parking area is in accordance with IESNA recommendations for parking lot lighting.
2. The applicant shall provide in testimony that all lighting shall conform to JCP&L standards for residential fixtures. This shall be made a condition of approval.

3. Pedestrian lights not greater than 18' in height shall be placed along the Interconnect Road. Relief is required for the light fixture along the Interconnect Road as the proposed fixture is 21' in height. Plans should be revised to be in compliance or in the alternative, relief is required to allow deviation from the Redevelopment Plan in accordance with 6.0 General Provisions.4 Deviation Request.

ENVIRONMENTAL

A letter of interpretation (LOI) was issued by DEP on November 22, 2000, re-issued in 2005, was valid until November 22, 2010. As a condition of approval, the applicant shall renew the LOI.

The applicant received approval for a Freshwater Wetlands General Permit No. 11 from the New Jersey Department of Environmental Protection on February 19, 2016 and expires on February 18, 2021. This permit authorized the disturbance of 4,892 square feet (0.112 acres) of freshwater wetlands transition area for the construction of a storm water outfall.

TRAFFIC

1. Inter-Connect Road: A new north-south connector road (inter-connect road, 50' ROW) will be constructed on the Residential Tract, connecting Kings Highway East and Kanes Lane.

The 2014 Master Plan Reexamination Report states that this road should be developed using complete streets and traffic calming principles to ensure accessibility and safe circulation of pedestrians and cyclists as well as automobiles. Testimony should be provided.

2. Traffic Impact Study:

We defer to the Planning Board's Traffic Consultant for comments.

ADDITIONAL PLANNING COMMENTS

1. The affordable units are required to be compliant with the UHAC regulations, pursuant to NJAC 5:80-26.3.b, where no more than 20% of the total low and moderate units must be one-bedroom; at least 20% must be three-bedroom; and at least 30% must be two-bedroom. From the architectural floor plans, it appears that the applicant is proposing the following:

9 one-bedroom units (12.8%)
43 two-bedroom units (61.4%)
18 three-bedroom units (25.7%)

The plans appear to be in compliance with the UHAC regulations. Testimony should be provided confirming that.

2. Easements:

- a. In accordance with Section 540-614 of the ordinance, Conservation Easements for wetlands, wetland transition areas, and basins shall be designated.

- b. Easement documents for the following easements must be provided for review:

- i. Public access easement at the corner of the Interconnect Road and Kings Highway East
- ii. 50' maintenance easement over the Interconnect Road.
- iii. Proposed Residential Basin Construction and Access Easement for Stormwater Infiltration Basin consistent with the submitted subdivision plan prepared by Langan Engineering for the Commercial Tract.
- iv. Proposed Sight Triangles

3. Miscellaneous

- a. Testimony should be provided regarding hours for refuse collection and typical days of the week scheduled for the same.
- b. The applicant shall provide in testimony where the HVAC units will be placed for each Townhouse unit to review compliance with Section 540-632.
- c. Sidewalk is not proposed to extend the entire length of Kings Highway East. In lieu of sidewalk construction, a contribution to the Sidewalk Fund shall be required as per 540-634. This shall be made a condition of approval.
- d. As per 540-638, the applicant shall provide estimates of the amount of recyclable materials that will be generated each week for both districts.
- e. The proposed dumpsters in the Multi-Family District shall be landscaped in conformance with 540-638. Additionally, testimony should be provided regarding the location of the HVAC units and if external, screening pursuant to Section 540-604B(6) of the ordinance. **Addressed.**
- f. Wooded Areas – As per Section 540-651 a minimum 60% of net tract area shall be permanent open space or preserved within the lot. The proposal is in conformance with this requirement.
- g. All the proposed block and lot numbers must be approved by the Tax Assessor. As mentioned earlier in this review letter, the applicant obtained a minor subdivision to subdivide Block 825, Lots 53-57, 59-68, 69.01, 72-79 & 81 into two (2) parcels, known as Block 825, Lots 53.01 and 55.01. Block 825, Lot 53.01 would contain the residential portion while Block 825, Lot 55.01 would contain the commercial portion. Lot 53.01 for the residential development has been approved by the Tax Assessor. The residential portion is being further subdivided. As mentioned in the prior section of this memorandum, the Preliminary and Final Major Subdivision Plans prepared by Langan Engineering identify the Lots as 53.01 (Townhouse district) and 53.02 (Multifamily District), while the Preliminary and Final Major Subdivision and Site Plan prepared by Kennedy Consulting Engineers, LLC (KCE) note the lot numbers as 53.02 and 53.03. This discrepancy shall be corrected and the lot numbers shall be approved by the Tax Assessor.
- h. The freestanding sign location is showed on the Grading Plans as well as Landscaping plans. To be consistent, it is recommended that these locations should be depicted on Sheet SP-1.
- i. Township Health Department review and approval is required for the proposed abandonment of the existing septic systems on-site.

- j. Environmental Disturbance Fund – A contribution to the Township’s Environmental Disturbance Fund will be required prior to issuance of any construction permit.
- k. Outside Agencies:
Final approval or letter of no jurisdiction will be required from the following:
- NJDOT
 - NJDEP
 - Freehold Soil Conservation District
 - Monmouth County Planning Board
 - Township of Middletown
 - Township of Middletown Sewerage Authority (TOMSA)
 - Township of Middletown Police
 - Township of Middletown Fire Advisory Board
 - Township of Middletown Environmental Commission
 - Township of Middletown Health Department

DOCUMENTS REVIEWED

Documents submitted through May 17, 2019:

- Preliminary and Final Major Subdivision and Site Plan, entitled “Middletown Walk,” prepared by Kennedy Consulting Engineers, LLC, consisting of thirty- eight (38) sheets, dated December 6, 2018 revised through May 17, 2019;
- Colorized Townhome Front Elevation Rendering entitled “Middletown Walk, MDWK3459_NE_MORN-GRBO_UNIN-GRBO_UNIN-WTH_MORN-GRBO_2FE_1,” signed by Christopher Texter, consisting of one (1) sheet, undated;
- Colorized Townhome Rear Elevation Rendering entitled “Middletown Walk, MDWK3459_NE_MORN-GRBO_UNIN-GRBO_UNIN-WTH_MORN-GRBO_2FE_REAR_1,” signed by Christopher Texter, consisting of one (1) sheet, undated;
- Townhome Floor Plan entitled “Plan 1, Floor Plan” signed by architect Jeremy A. Green, consisting of one (1) sheet, dated May 16, 2019;
- Townhome Floor Plan entitled “Plan 2, Floor Plan” signed by architect Jeremy A. Green, consisting of one (1) sheet, dated May 16, 2019;
- Colorized Clubhouse Concept Plan entitled “Concept Plan, Middletown Walk Middletown, NJ” prepared by Melillo & Bauer Associates, consisting of one (1) sheet, dated May 10, 2019;
- Colorized Clubhouse Elevation entitled “Clubhouse at Oaks at Middletown,” prepared by KTG Y Architecture & Planning, consisting of one (1) sheet, dated May 15, 2019;
- Colorized Clubhouse Floor Plan entitled “Schematic Clubhouse Plan,” prepared by KTG Y Architecture & Planning, consisting of one (1) sheet, dated April 5, 2019; and
- Affordable Building Floorplans and Front Elevation Perspective, prepared by Barton Partners, consisting of four (4) sheets, dated May 16, 2019.

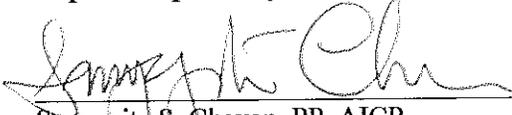
Documents submitted for April 24, 2019 review letter:

- Application for Development Permit dated December 12, 2018;
- Zoning Officer’s Denial of Development Permit, dated December 18, 2018;
- Ownership disclosure form;
- Political contribution disclosure form;
- Proof of tax payment:

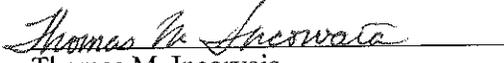
- Lot owner consent;
- Certificate of title;
- Project narrative;
- Utilities service requests;
- Title 39 request;
- Application Checklist Waiver Requests;
- ALTA/ACSM Land Title Survey, entitled “The Shoppes at Middletown,” prepared by Langan Engineering, consisting of two (2) sheets, dated April 17, 2015, last revised August 9, 2016;
- Map of Topography entitled Oaks at Middletown, prepared by ESE Consultants, Inc., consisting of five (5) sheets, dated August 15, 2016, last revised February 19, 2019;
- Preliminary and Final Major Subdivision Plan, prepared by Langan Engineering, consisting of four (4) sheets, dated August 17, 2016, last revised October 14, 2016;
- Preliminary and Final Major Subdivision and Site Plan, entitled “Middletown Walk,” prepared by Kennedy Consulting Engineers, LLC, consisting of forty-four (44) sheets, dated December 6, 2018 (Sheet C-5 Tree Location Plan last revised March 25, 2019);
- Environmental Impact Report for Middletown Planned Residential Development, prepared by Donald DiMarzio, M.S., P.P., dated January 2019 (supersedes 2016 Environmental Impact Report referenced below);
- Environmental Impact Report for Oaks at Middletown, prepared by Donald DiMarzio, M.S., P.P., dated May 2016;
- Application for Letter of Interpretation – Reissuance, prepared by NJDEP, dated October 21, 2005;
- NJDEP Freshwater Wetlands General Permit 11, dated February 19, 2016;
- Elevations “Oaks at Middletown,” prepared by ktgy Architecture and Planning, consisting of three (3) sheets, dated May 4, 2018;
- Floor plans “Oaks at Middletown,” prepared by ktgy Architecture and Planning, consisting of two (2) sheets, dated April 30, 2018;
- Schematic Clubhouse Elevation, prepared by ktgy Architecture and Planning, consisting of one (1) sheet, dated January 18, 2019;
- Elevations and Floor Plans “Middletown Walk” prepared by Barton Partners, consisting of five (5) sheets, dated December 13, 2018;
- Stormwater Management Report for Middletown Walk, prepared by Kennedy Consulting Engineers, LLC, dated January 14, 2019;
- Drainage Inlet Map, prepared by Kennedy Consulting Engineers, LLC, consisting of one (1) sheet, dated January 14, 2019;
- Traffic Impact Study for Shoppes @ NJ Route 35, prepared by Langan Engineering, dated September 22, 2015, last revised February 10, 2016;
- Report Subsurface Investigation, prepared by Melick-Tully Associates, P.C., dated January 20, 2012; and
- StreamStats Report: Drainage Area to McClees Creek tributary and Kanes Lane culvert.

We reserve the right to make additional comments based upon the submission of additional documents or testimony presented to the Board.

Report Prepared by:


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