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March 10, 2023

Howell Township Planning Board
4567 Route 9 North
PO Box 580
Howell, NJ 07731

Re: Wen Claire Real Estate, LLC (SP-1011A-2)
Amended Preliminary & Final Major Site Plan – Engineering Review #1
Block 130, Lot 51.03
Location: US Highway Route 9 North and West Farms Road
Zone: HD-1 (Highway Development 1)
Our File: HHWP0130.17

Dear Planning Board Members:

Our office has received the following information in support of the above referenced application for Amended Preliminary and Final Major Site Plan Approval:

- Amended Preliminary and Final Major Site Plan (21 sheets) prepared by Colliers Engineering and Design, dated November 30, 2022, unrevised;
- ALTA/ACSM Land Title Survey (1 sheet) prepared by Maser Consultants P.A., dated August 7, 2014, last revised March 10, 2017;
- Architectural Color Elevations (1 sheet) prepared by Wallin Gomez Architects, dated November 18, 2022, unrevised;
- Stormwater Management Report prepared by Colliers Engineering and Design, dated November 10, 2022, unrevised;
- Traffic Impact Study prepared by Colliers Engineering and Design, dated April 21, 2015, last revised December 7, 2022;
- Engineer's Report and Technical Specifications for Sanitary Sewerage System prepared by Colliers Engineering and Design, dated January 19, 2023, unrevised;
- Engineer's Report for Water Demand prepared by Collier's Engineering and Design, dated January 19, 2023, unrevised;
- A Certified List of Property Owners within 200 feet, dated May 31, 2022;
- NJDEP LOI, dated October 25, 2022;

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CONSULTING AND MUNICIPAL ENGINEERS

1460 ROUTE 9 SOUTH • HOWELL, NEW JERSEY 07731 • (732) 462-7400 • FAX: (732) 409-0756



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- Freehold Soil Conservation District application, dated December 7, 2022;
- Monmouth County Planning Board application, dated December 7, 2022;
- Prior Resolution of Approval, dated August 20, 2015;
- Howell Township Utilities Department application;
- Bulk Variance and Waiver Request List prepared by Colliers Engineering and Design, dated November 30, 2022;
- Submission Letter prepared by Colliers Engineering and Design, dated December 7, 2022;
- Resubmission Letter prepared by Colliers Engineering and Design, dated January 19, 2023;
- A development application and checklist.

In accordance with your authorization, we have reviewed this application for Amended Preliminary and Final Major Site Plan approval and offer the following comments:

1. Project Description

The existing 1.84-acre property is located within the HD-1 Zone and contains approximately 156 feet of frontage along Route 9 North and 322 feet of frontage along West Farms Road. Currently, the site is unimproved and wooded, with the exception of a paved driveway through a 40-foot-wide access easement allowing access from West Farms Road to the Suburban Propone facility on the adjacent lot to the south.

The Applicant is proposing to develop the property with a 2,380 s.f. Wendy's restaurant with drive-thru, containing 30 seats, 42 parking spaces, and queuing for 9 vehicles in the drive through lane. A bypass lane is also provided outside of the drive through lane. Access to the site will be provided via new one-way right-in and right-out driveways from Route 9, as well as from the existing full movement driveway along West Farms Road. The improvements also consist of new sidewalk along both frontages of the property as well as into the site, landscaping, lighting, a trash enclosure, and two (2) above ground basins and porous asphalt parking areas to address stormwater management. The building is to be serviced by public water and sanitary sewer via a new pump station and force main from Route 9.

On July 16, 2015, the Applicant was previously granted approval from the Planning Board for construction of a 3,429 s.f. Wendy's restaurant with drive thru. In 2017, the Applicant



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submitted for an Amended approval to construct a 2,565 s.f. Wendy's restaurant. Construction has not commenced on either application.

2. Zoning Compliance

The subject property is situated within an HD-1 Zone District and the table below summarizes the bulk standards and zone requirements for the site:

| Description | Required | Proposed |
|----------------------------------|--|--|
| Minimum Lot Area | 80,000 s.f. | 80,183 s.f. |
| Minimum Lot Frontage | 200 feet | 322 feet (West Farms Road) 156 feet (NJSH Route 9) (E) |
| Minimum Side Yard Setback | 25 feet or height of principal building (21 feet), whichever is greater. | +/- 31 feet |
| Minimum Front Yard Setback | 60 feet | 78.0 feet |
| Minimum Rear Yard Setback | 25 feet or height of principal building (21 feet), whichever is greater. | 330.7 feet |
| Maximum Impervious Coverage | 70% | 49.1% |
| Maximum Building Height | 45 feet | 21.0 feet |
| Accessory Buildings | In side or rear yards only, accessory buildings shall be set back at least twice their height. | N/A |
| Minimum Number of Parking Spaces | Restaurant (Quick Food): 1 space /30 s.f. (2,380 s.f.) = 80 spaces | 42 parking spaces (V) |

(EC) – Existing Condition, (V) – Variance Required

The following existing condition appears to remain pertinent to the property:

- a. **Section 188-77 (Schedule II)** – The minimum lot frontage required is 200 feet; whereas there is 156 feet of frontage along NJSH Route 9.



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The Applicant has requested the following variances:

- a. **Section 188-10** – Signs shall be subject to Chapter 256.
 - i. **Section 256-5A(4)** – Monument signs shall not be greater than 12 feet long by three feet high, or four feet long by 10 feet high, excluding the base, which is to be a maximum of two feet in height; whereas the proposed monument sign is 6.5 feet wide by 8.7 feet high, not complying with either standard.
 - ii. **Section 256-5B(3)** – Each legally existing business situated in its own free-standing building, and in the HD-1 zone and which has frontage on Route 9 is permitted to have a total of two signs which must consist of only one of each type of sign set forth in Subsections A(1) through (4); whereas seven (7) total signs are proposed. **The Applicant shall clarify the signs that are proposed as the Cover Sheet of the plans states five (5) signs and the list of variances sheet states seven (7) signs.**

In addition to the above, the following variances also appear necessary for this application:

- b. **Section 188-10** – Signs shall be subject to Chapter 256.
 - i. **Section 256-3A** – Directional signs within shopping centers, office, commercial or industrial complexes, for the convenience of the general public to identify parking areas, loading zones, entrances and exits and similar type signs, which shall not exceed eight square feet in area. (Business names or personal names are allowed but shall not include advertising messages.) Any such directional sign shall comply with the requirements of this chapter concerning location as to property lines and height. Whereas directional signs are proposed to be located less than one foot from the Route 9 and West Farms Road property lines.
- c. **Section 188-12** – Fences and walls shall not be located in any required sight triangle and shall not be higher than four feet unless set back from the street line the minimum setback required for the zone, except that there shall be no height limitations other than the maintenance of a clear sight triangle on living fences, fences around agricultural uses, and fences around utility and industrial uses. Fences and walls shall not exceed six feet in height when located more than the required setback from the street line in a residential zone nor more than eight feet in height when located more than the required setback from the street line in a business zone. Fences and walls located in the required setback area shall have open space for light and air representing at least 50% of the fence area. Whereas the project proposes retaining walls that are taller than four feet within the front yard setback and the walls are not at least 50% open.

The Applicant has not requested any design waivers with this application; however, the following relief appears necessary:



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- a. **Section 188-22** – The light intensity provided at ground level shall be a minimum of 0.3 footcandle anywhere and shall average a maximum of 0.5 footcandle over the entire area; whereas proposed lighting indicates an average of 2.4 footcandles.
- b. **Section 188-106A** – Driveways with widths exceeding 24 feet shall be approved by the Planning Board giving consideration to the width, curbing, traffic flow, radii of curves, and traffic lane divider; whereas the three driveways entering the site all exceed 24 feet.
- c. **Section 188-106F(1)(a)** – All main driveways into commercial and/or industrial areas shall be a minimum of 30 feet wide, or as controlled by outside agencies. On industrial and commercial applications, a thirty-foot-wide circulation aisle must be maintained for emergency purposes; whereas the driveways entering the site and the circulation aisles are less than 30 feet.
- d. **Section 188-106F(2)** – Parking space areas and other areas likely to experience light traffic shall be paved with not less than three inches of compacted base concrete of plant-mixed bituminous stabilized base course, or equivalent, prepared and constructed in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction. At least 1 ½ inch compacted wearing surface of bituminous concrete, or equivalent, shall be constructed thereon in accordance with those specifications. Whereas the pavement in the location of the parking spaces is noted to be porous asphalt, and the detail indicates 4” of porous concrete.
- e. **Section 188-107A** – Off-street parking spaces shall be 19 feet in length; whereas the proposed angled parking spaces are dimensioned 19 feet long from head to toe; however, the effective length of the angled parking spaces is only approximately 16 feet long.
- f. **Section 188-107C** – The minimum parking requirements for quick food establishments is 1 space per 30 square feet of gross floor area. The proposed 2,380 square foot restaurant requires 80 parking spaces; whereas 42 parking spaces are proposed.
- g. **Section 188-195A** – All required replacement trees shall be planted on the site from which trees were removed if possible. A waiver from any portion or all of the required on-site replacement may be granted by the approving board and shall be based upon documented practical and physical difficulties and undue hardship related to conditions of the site from which trees are to be removed. The comments and recommendations of the Board Engineer in consultation with the Certified Tree Expert, Shade Tree Commission, and Environmental Commission shall be solicited in determining whether a requested waiver is required. At a minimum, it does not appear the Applicant has complied with replacement requirements and should seek a waiver to make contribution to be deposited to the Township Tree Fund. With 0.81 acres of proposed tree removal along with the



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proposed installation of 34 trees to be provided on site, it appears the Applicant will have a contribution of \$18,150.00. This has been indicated on the plans.

- h. **Section 188-226F** – All off-street parking, off-street loading and service areas and outdoor dining and/or seating areas shall be separated from walkways, sidewalks, streets or alleys by curbing and other protective devices, such as bollards, approved by the Board; whereas no such protective devices are located separating the parking row of 5 spaces along the building.
3. The Applicant has requested waivers from providing the following required checklist submission items:
- a. **Checklist Item #13** – Environmental Impact Report. **If Applicant is requesting a waiver, then report shall only address the 12 conditions listed in Section 188-6E.**
 - b. **Checklist Item #14** – Natural Resource Inventory
 - c. **Checklist Item #60** – All drainage conveyances within 2,000 feet.
 - d. **Checklist Item #87** – Profiles and cross sections of all streets, common driveways or private roads.
 - e. **Checklist Item #88** – Profiles of utility layouts.

Additionally, it appears the following checklist waivers would also be required:

- f. **Checklist Item #20** – Architectural Floor Plans
- g. **Checklist Item #52** – Use designation of all lots within 200 feet.
- h. **Checklist Item #69** – Soil borings documenting the permeability and seasonal high water table.

4. Based on our review of the subject application, we estimate that the following fees are required:

a. **Nonrefundable Application Fees:**

| | |
|---|-------------------|
| Preliminary Site Plan: \$15 for each parking space (42) | \$630.00 |
| Final Site Plan: ½ Preliminary | \$315.00 |
| Variance: \$500 + \$50 per variance (4) | \$700.00 |
| Subtotal: | \$1,645.00 |



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b. **Professional Services Escrow Fees:**

| | |
|---|-------------------|
| Preliminary Site Plan – Less than 10,000 s.f. building area (Major) | \$5,000.00 |
| Final Site Plan (1/3 Preliminary) | \$1,666.66 |
| Bulk Variance | \$2,000.00 |
| Subtotal: | \$8,666.66 |

We recommend the Township collect \$1,695.00 in nonrefundable application fees and \$8,666.66 in professional services escrow fees from the Applicant prior to deeming the application complete. In addition, the Applicant will be required to pay all applicable revision fees as stipulated in the Township Ordinances.

5. The Applicant should be prepared to discuss the following issues with the Board:
- a. Provide a summary of the changes to the proposed development following the approval from the Planning Board in 2015.
 - b. Anticipated operations associated with the proposed use and overall site, including but not 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; buffering/screening and overall site aesthetics; etc.
 - c. The survey provided is dated March 2017. The Applicant shall verify if any changes to the site have been made that would warrant an updated survey.
 - d. The nature of proposed signage, including, type and location. We defer to the Board Planner with regards to the signage categorization of the proposed menu boards.
 - e. Whether a generator is proposed.
 - f. If the sanitary sewer pump station will be located entirely below grade. Ensure compliance with Section 188-16. Additionally, the overall sanitary sewer plan shall be discussed.
 - g. Clarify the material for the proposed trash enclosure. Our office recommends the Applicant install a masonry enclosure.
 - h. The Traffic Report discusses a parking study that was completed at a local Wendy's restaurant. The Applicant shall discuss if a drive thru queuing study was also completed, and how it compares to the proposed drive thru.



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- i. Clarify the hours of the garbage and loading operations as it relates to the peak hours of the restaurant. The Applicant shall explain how garbage and delivery trucks will navigate the site when vehicles are queuing in the drive thru lane.
 - j. Demonstrate compliance with the EV parking ordinance. 42 parking spaces would require one (1) EV parking space.
 - k. The route customers will take from the 20 eastern parking spaces to the restaurant entrance, and whether a sidewalk or safer condition can be provided.
 - l. Compliance with Ordinance Article IV, Standards of Performance, relative to but not limited to: noise; glare; pollutants; flammable/hazardous materials; solid/liquid waste; refuse management; etc.
 - m. The proposed stormwater management of the property, including compliance with quantity, quality, groundwater recharge, and green infrastructure.
 - n. The proposed improvements (curb, sidewalk, widening, right-of-way dedication, etc.) along the roadway frontages. We defer comment regarding Route 9 to the NJDOT.
6. This application may be subject to the following outside agency approvals:
- a. Monmouth County Planning Board
 - b. Monmouth County Health Department
 - c. Freehold Soil Conservation District
 - d. NJDEP
 - e. NJDOT
 - f. Howell Township Municipal Utilities Department
 - g. Howell Township Shade Tree Commission
 - h. Howell Township Environmental Commission
 - i. Howell Township Police Department
 - j. Howell Township Bureau of Fire Prevention



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- k. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of all outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

Prior to the application being deemed complete, the Board must act on the Applicant's request for the submission waivers outlined in Item #3 of our report. We recommend the Applicant comply with all applicable notification requirements as set forth in the Howell Township Land Use Ordinance and the Municipal Land Use Law.

Our office has prepared the attached Technical Engineering Review #1. The items contained therein should be addressed by the Applicant's professionals.

The right is reserved to present additional comments pending the receipt of revised plans and/or testimony of the Applicant before the Board.

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,
CME Associates

Laura J. Neumann, PE, PP
Planning Board Engineer

LJN/JAR/ROM

cc: Howell Township Environmental Commission
Ronald Cucchiaro, Esq. – Board Attorney
Jennifer Beahm – Board Planner
Wen Claire Real Estate, LLC – Applicant (GGiordano@gcwen.com)
Mark Aikins, Esq. – Applicant's Attorney (maikins@aikinslaw.com)
Colliers Engineering and Design – Applicant's Engineer (vincent.kelly@collierseng.com)



HOWELL TOWNSHIP PLANNING BOARD

Wen Claire Real Estate, LLC

Amended Preliminary & Final Major Site Plan

March 10, 2023

TECHNICAL ENGINEERING REVIEW #1

A. General

1. Verify the bearings and distances for the front property line along Route 9.
2. Verify the building footprint listed in General Note #3 on the Cover Sheet.
3. Provide the side yard setback dimension from the northern property line to the building.
4. Revise the proposed principal building setbacks, the proposed building height, and the building size/required number of parking spaces, in General Note #7 on the Cover Sheet.
5. Dimension the width of all sidewalks.
6. On the Dimension Plan, verify if "Y", "GG", "PP", "SS", and "TT" indicated in the legend, are intended to be depicted in the plan.
7. Provide a detail for the 4' high post and rail fence with vinyl mesh.
8. The standard asphalt pavement detail shall be revised to indicate a minimum surface course of 2" and base course of 4" in accordance with Section 188-106F(1).
9. All concrete details shall be revised to note a minimum of 4,500 psi concrete strength after 28 days.
10. The Typical Parking Stall Detail does not depict the correct parking spaces per the plan. Provide a detail for both 90 degree and angle parking spaces and provide the correct length and width dimensions. Also identify the angle of the parking spaces.
11. Provide concrete curb along both sides of the eastern drive aisle, within the access easement.
12. Provide dimensions for the proposed sight triangles and provide an easement to Howell Township for same.



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B. Grading

1. Revise the Grading Plan to turn off any extraneous layers and ensure all proposed grades are legible.
2. Provide proposed grades at the loading area end of the crosswalk crossing through the drive-thru aisle to ensure ADA compliance.
3. Provide proposed grade elevations on each side of the ridge just west of the two rows of 10 parking spaces.
4. Provide proposed grade elevations at the base of the ADA parking stalls to ensure ADA compliance.
5. Provide proposed contour lines behind the curb line in applicable locations.
6. Provide proposed grades/contours along the proposed sidewalk within West Farms Road.
7. Structural calculations for retaining walls in excess of 3 feet tall shall be provided prior to construction in accordance with Section 188-225H(3).

C. Stormwater Management

1. Soil logs shall be provided. Verify that adequate soil testing has been performed in accordance with Chapter 12: Soil Testing Criteria of the NJ BMP Manual.
2. Revise the stormwater management report to use the same naming system for the proposed drainage areas as utilized in the proposed drainage area map, for clarity (i.e. "onsite drainage area (west basin) (1)").
3. Verify device #2 and #3 for Summary for Pond 16: Stone Storage in the report for all storm events.
4. Verify consistency between the Utility Plan and the Summary for Pond 18: East Basin. Verify the devices indicated in the report correspond with the OCS #1 in the utility plan.
5. The pipe calculations table in the report does not appear to contain all proposed pipe runs.
6. Provide a detail for the proposed infiltration basin. The detail shall provide elevations for the seasonal high water table, bottom of system, each storm event, OCS grate and



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orifices, and top of basin. Ensure seasonal high water tables, devices, etc. correspond with the summary for ponds in the stormwater management report, and a minimum 2-foot separation is provided between bottom of sand layer and seasonal high water table.

7. Provide a detail for the porous asphalt in accordance with the BMP manual chapter 9.6 and provide all relevant elevations as noted in the above comment.
8. The porous pavement system shall be in accordance with Section 9.6: Pervious Pavement Systems and follow the requirements for pervious paving system with underdrain. Exfiltration is not to be considered with this type of BMP; revise the pond summary to remove exfiltration. A minimum 1-foot separation between bottom of system and seasonal high water table shall be indicated.
9. Provide a detail for the proposed outlet control structure. The detail shall indicate that the trash rack will be able to withstand a perpendicular live loading of 300 pounds per square foot.
10. Revise the Utility Plan to depict the riprap aprons and their dimensions. The conduit outlet protection detail shall also contain a table indicating dimensions of all riprap aprons.
11. The curb at the basin access locations shall be noted to be depressed.
12. Provide an Operations and Maintenance Manual.
13. In accordance with NJAC 7:8-5.2(m) a deed notice for the stormwater management systems shall be submitted for review prior to recording with Monmouth County.

D. **Utilities**

1. Verify if a hotbox is required for the proposed water service. It does not appear that sufficient space is available if it is required.

E. **Signs**

1. Identify all proposed signs on the Dimension Plan and include the total square footage.
2. Revise all sign details to include the total square footage.
3. The sign details on the Construction Details sheet includes multiple "Quality..." signs and a "Thank You" sign that are not indicated on the Architectural elevations. Ensure consistency between both plans.



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F. Traffic and Circulation

1. The Applicant should confirm if the Wendy's will provide breakfast. If so, the AM peak hour should be analyzed.
2. The Applicant should provide any discussions with NJDOT about the intersections of West Farms Road at NJSH Route US 9 due to the increase in trips at the intersection. The proposed number of new trips at the intersection due to the project is 114, 115, and 122 during the midday, PM and Saturday peak hours.
3. Provide "Do Not Enter" signage or striping at the end of the one-way drive aisles to the east and west of the building.
4. Our office recommends an "employee only" parking sign next to the southern basin to ensure that the parking space adjacent to the basin access will not be occupied.
5. Provide truck circulation plans for a fire truck, garbage truck, and the largest delivery truck.

G. Landscaping

1. Revise the plans to provide greater site diversity. Currently, the plans include 174 Ilex shrubs and only one (1) ground cover. Our office recommends other types of ground covers for parking islands, such as ornamental grasses, Gro-low sumac, Liriope, Catmint, Lavender, etc.
2. Our office has concerns with plant viability and the deer pressure in the area. The Applicant should provide plants that are the most deer resistant. Consider ornamental grasses, Bayberry, Abelia, Fothergilla, etc.
3. Revise the plans to provide an alternative to proposed TS (Arborvitae) due to expected deer damage. The Applicant might consider an upright juniper, such as Wichita Blue, Spartan, Hetzi, etc.
4. Revise the plans to provide landscaping within the front lawn area of the building, to enhance site aesthetics. Currently, a straight row of evergreen shrubs are proposed against the walkway. With the open planting area available here, our office does not recommend this planting row, due to potential snow and road salt damage.



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5. Currently, only AR (Red Maple) are proposed throughout the site. Our office recommends providing three (3) oak species in lieu of the 3 AR near the access easement, for increased diversity and to replace native oak trees removed.
6. It appears additional trees can be provided in the open lawn area behind the site identification sign on West Farms Road. The Applicant might consider Redbud, Cornelian Cherry, Flowering Dogwood, American Holly, etc.
7. Based on existing conditions of the trees in the area, it appears three (3) shade trees can be field located along the proposed sidewalk connecting to West Farms Road and one (1) tree near the stop sign exiting onto West Farms Road.
8. Revise the 'Plant Schedule', to indicate a minimum installation size for proposed JH (Blue Rug Juniper). Our office recommends a minimum of 18" spread.
9. Revise the 'General Planting Notes', sheet 8 of 21, Note D.4.1.2. regarding tree stakes. Only two (2) stakes are required.
10. Revise the tree planting details, sheet 8 of 21, to indicate only two (2) tree stakes are required. Also, indicate rigid, plastic open mesh trunk guards to be provided for all deciduous trees to prevent the irreparable damage from buck rub. A detail of same should also be provided.

H. **Woodland Management**

1. Provide a note that invasive vines will be removed as necessary when clearing for the installation of sidewalk along West Farms Road, under the direction of the Township LTE.
2. Revise the 'Sequence of Commercial Construction', sheet 10 of 21, to indicate the timing of installation and removal of the tree protection fencing, to prevent confusion during construction.
3. The Applicant has provided tree removal calculations on sheet 6 of 21. Based on the removal of 0.81 acres, a maximum contribution of \$28,350 is required. At \$300/tree, the Applicant can reduce their contribution by the 34 trees proposed on the landscape plan. This leaves a deficit of \$18,150 to be contributed to the Tree Fund, as indicated on the plans.



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I. **Lighting**

1. It appears the proposed lighting plan can be reduced and still provide safe illumination for pedestrians and motorists. Attention should also be taken to the proposed lighting along the sidewalk that spills onto Lot 51.01. This should be reviewed with our office and revised.
2. Review and revise the plans to provide LED fixtures for all proposed fixtures for the site. It does not appear proposed Fixture E is an LED fixture.
3. Revise the plans to clearly indicate proposed light fixtures. It is difficult to determine the fixture labels on the plans.
4. Revise the plans to indicate the proposed color and finish for all fixtures and poles. Also, indicate the proposed Kelvin light temperature.
5. Revise the plans to provide a light pole foundation detail, to include, but not limited to, dimensions, rebars and concrete strength, for further review.

J. **Environmental**

1. The Applicant shall conduct soil sampling and analysis in accordance with Section 188-26.1, as the site was farmed until at least 1963.
2. Revise the note 2 regarding imported fill on sheet 4 to state, "Any imported fill needs to meet the definition of clean fill as stated within the NJDEP Technical Requirements for Site Remediation, as found in NJAC 7:26E-1.8."
3. The Applicant should indicate if a Preliminary Assessment or Phase I Environmental Assessment was generated for the site (in accordance with NJDEP requirements or ASTM guidance, respectively).