

November 11, 2022

Ms. Eileen Rubano
Administrative Officer
Howell Township
Planning Board
4567 US Route 9
PO Box 580
Howell, NJ 07731

**Re: AAVRHW Property, LLC
Victory Road
Block 41, Lot 17
Preliminary and Final Major Site Plan
Our File: HWPB 22-11**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for preliminary and final major site plan approval for the above referenced project. We have provided ***new comments in bold and italicized text*** and ~~struck-out~~ comments that are no longer relevant. The following documents were reviewed:

- Howell Township Development Application and Checklist received March 29, 2022.
- Submittal Letter prepared by Kenneth L. Pape, Esq., of Heilbrunn Pape Counsellors at Law, dated June 22, 2022.
- Response Letter to Engineer comments prepared by Lynsey A. McQuade and Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated ~~August 12, 2022~~ ***October 10, 2022***.
- Narrative Statement of Proposed Operations prepared by Lynsey A. McQuade and Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated August 12, 2022.
- Prior Zoning Board Denial for IPP Solar, LLC, Case No. BA21-14, dated March 28, 2022.
- Monmouth County Planning Board Site Plan Application submitted by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated March 29, 2022.
- Soil Erosion and Sediment Control Plan Certification prepared by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, undated.
- Traffic Statement prepared by Daniel D. Disario, PE, PTOE, of Langan Engineering, dated March 18, 2022.

- Natural Resource Inventory for AAVRH Property, LLC prepared by EcolSciences, Inc., dated March 2, 2022.
- Environmental Impact Report for AAVRH Property, LLC prepared by EcolSciences, Inc., dated March 2, 2022.
- Preliminary Subsurface Investigation/Hydrologic Soil Group Evaluation prepared by Melick-Tully & Associates, A Division of GZA, dated February 18, 2022.
- Stormwater Management Report for AAVRH Property, LLC prepared by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated February 2022, last revised July 2022.
- Architectural Plans consisting of two (2) sheets, prepared by Sean Naeger, PA, of M+H Architects, Inc., dated March 4, 2022, last revised July 25, 2022.
- Stormwater Management Facilities Operations & Maintenance Manual for AAVRH Property, LLC prepared by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated February 2022, last revised July 2022.
- ALTA/NSPS Land Title Survey consisting of three (3) sheets, prepared by James D. Sens, PLS of Control Point Associates, Inc., dated last revised March 1, 2022.
- Truck Turning Exhibit (WB-67) consisting of four (4) sheets, prepared by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated last revised ~~July 26, 2022~~ **September 21, 2022**.
- Alternate Lighting Exhibit consisting of two (2) sheets, prepared by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated February 28, 2022.
- Preliminary & Final Major Site Plan consisting of 30 sheets, prepared by Tung-To Lam, P.E., of Bohler Engineering NJ, LLC, dated last revised ~~July 25, 2022~~ **September 27, 2022**.
- ***Legal Description and Proposed Sight Easement 1 prepared by James D. Sens of Control Point Associates, Inc., dated October 3, 2022.***
- ***Legal Description and Proposed Sight Easement 2 prepared by James D. Sens of Control Point Associates, Inc., dated October 3, 2022.***
- ***Legal Description and Proposed 8.5 feet wide roadway dedication, prepared by James D. Sens of Control Point Associates, Inc., dated October 3, 2022.***
- ***Soils and Foundation Investigation prepared by Mellick-Tully, a Division of GZA GeoEnvironmental, Inc., dated March 18, 2022.***
- ***Supplemental Stormwater Test Pits and Permeability Testing prepared by Cory S. Karinja, PE and Mark R. Denno, PE of GZA GeoEnvironmental, Inc., dated July 29, 2022.***
- ***Phase II Investigation for Victory Road Property prepared by Mellick-Tully, a Division of GZA GeoEnvironmental, Inc., dated March 21, 2022.***
- ***Existing Drainage Area Map consisting of one (1) sheet, prepared by Tung-To Lam, PE, of Bohler Engineering NJ, LLC, dated last revised September 22, 2022.***

1. Site Analysis and Project Description

The subject property consists of Block 41, Lot 17, a 19.9-acre property located east of Route 9, along Victory Road and between Oak Glen Road and County Route 547, in the SED Special Economic Development Zone District. The site is currently wooded and undeveloped, encumbered by a number of wetland areas throughout the site. Vacant land, commercial uses, and the railroad are located west of the site in the ARE-6 Zone, vacant land is south of the site in the SED Zone, and industrial uses are located east and north of the site in the SED Zone.

The applicant is seeking preliminary and final major site plan approval to clear a large portion of the existing woods and construct one (1) warehouse building of 203,802 sq. ft. including 10,000 sq. ft. of office area. The applicant is also proposing 73 parking spaces, 25 loading docks, and 68 trailer spaces. Additional proposed site improvements include stormwater management, sidewalks, lighting, landscaping, signage, and two (2) full movement driveways along Victory Road.

2. Ordinance Requirements

A. *Accessory Buildings*

As per §188-11B, no accessory structure, with the exception of flag poles, light or signposts, walks, driveways, patios at ground level, mailboxes and septic tanks, shall be erected within any front yard, whereas a stormwater basin and hot box are proposed along the front yard. **A variance is needed.**

B. *Signage*

~~1) As per §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. The proposed monument sign does not meet the ordinance requirements. A variance is needed. The plans have been updated to comply.~~

3. Required Proofs for Variance Relief

A. *C Variances*

A number of “c” variances are required. There are two types of c variances with different required proofs.

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board

for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

3) C variances must also show consistency with the negative criteria as well.

4. **Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The applicant should provide testimony regarding the general use of the warehouse, including the days and hours of operation, the anticipated number of tenants, the number of employees, overall site circulation including loading/unloading and delivery/pickup, types of deliveries made to the site, the materials being stored on site, refuse removal, and if any vehicles will be stored on the site overnight.
- C. The applicant should provide testimony as to the proposed user of the new warehouse/office building and clarify if more than one (1) user is proposed.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, P.P.
Board Planner

JCB:clb:ier

cc: Laura Neumann, P.E., Board Engineer
Shari Spero, LTE, Board's LTE
Ron Cucchiaro, Esq., Board Attorney
Tung-To Lam, P.E., Applicant's Engineer
Kenneth L. Pape, Esq., Applicant's Attorney