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ALEXIS L. GASIOROWSKI

February 7, 2017

VIA FACSIMILE
732-450-1316

Pamela Borghi, Clerk
Borough of Red Bank
90 Monmouth Street
P.O. Box 868
Red Bank, New Jersey 07701

RECEIVED & FILED

FEB - 8 2017

BOROUGH CLERK'S OFFICE
RED BANK, NEW JERSEY

Re: ABC – Red Bank Planning Board

Dear Ms. Borghi:

Enclosed please find a completed OPRA request. Kindly provide me with the following documents:

1. Copy of the Application No. P10489, and any amendments thereto, filed by RBank Capital, LLC-Hampton Inn for Block 1, Lot 1 with the Borough of Red Bank Planning Board.
2. A copy of all professional reports rendered in connection with the Application.
3. A copy of the CD's and/or audio tapes and/or transcripts in connection with any hearings on the Application.
4. A complete copy of all notices, affidavits of publication, affidavits of service, certification of service, certified mailings, and property owner list, provided in connection with the Application, including February 6, 2017.
5. A complete copy of all review letters, reports, and/or studies prepared in connection with the above referenced Application.

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Pamela Borghi, Clerk

6. Copies of all draft resolutions, amended resolutions and final resolutions in connection with the Application.

7. All plans and amendments/revisions thereto in connection with the Application.

8. Copy of any and all Exhibits entered in connection with the application at any hearings.

9. Any and all resolutions adopted by either the Planning Board or Zoning Board in connection with the Application.

10. Attached please find a copy of an Engineer Review letter prepared by T&M Engineering dated September 30, 2016. Section 3.15 refers to the comments of the engineer concerning limit of disturbance. Under subparagraph (e) it states "The Applicant shall review these areas and adjust the limit of disturbance accordingly". This is further covered I paragraph 5 on page 10. This Applicant requests that it be provided with copies of any documents submitted to the Board and/or to the engineer subsequent to September 30, 2016 specifically addressing he request of the engineer in paragraph 3.15 (e).

Please contact my secretary at (732) 212-9930 or by email at gasiorowskilaw@gmail.com to advise of the fee and same will be forwarded to you immediately. I would also request, if possible, that the document be emailed to gasiorowskilaw@gmail.com.

Once again, thank you for your continued courtesies in this matter.

Very truly yours,

R.S. GASIOROWSKI

RSG/cb
cc: Carey Tajfel (via email)



BOROUGH OF RED BANK
OPEN PUBLIC RECORDS ACT REQUEST FORM

90 Monmouth Street Red Bank, NJ 07701

PH: 732-530-2740 FAX: 732-530-2757

pborghi@redbanknj.org

Pamela Borghi, Municipal Clerk



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name RS MI _____ Last Name GASIOROWSKI
 E-mail Address GASIOROWSKI.LAW@gmail.com
 Mailing Address 54 BROAD STREET
 City RED BANK State NJ Zip 07701
 Telephone 732-212-9930 FAX 732-212-9980
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail X
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature _____ Date 2/7/17

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash _____ Check _____ Money Order _____
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) – actual cost of material
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

See attached Schedule A.

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY

Tracking Information
 Tracking # _____
 Rec'd Date _____
 Ready Date _____
 Total Pages _____
Final Cost
 Total _____
 Deposit _____
 Balance Due _____
 Balance Paid _____
 Records Provided _____

Custodian Signature _____

Date _____

SCHEDULE A
TO FEBRUARY 7, 2017 OPRA REQUEST

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8. Copy of any and all Exhibits entered in connection with the application at any hearings.
9. Any and all resolutions adopted by either the Planning Board or Zoning Board in connection with the Application.
10. Attached please find a copy of an Engineer Review letter prepared by T&M Engineering dated September 30, 2016. Section 3.15 refers to the comments of the engineer concerning limit of disturbance. Under subparagraph (e) it states "The Applicant shall review these areas and adjust the limit of disturbance accordingly". This is further covered I paragraph 5 on page 10. This Applicant requests that it be provided with copies of any documents submitted to the Board and/or to the engineer subsequent to September 30, 2016 specifically addressing he request of the engineer in paragraph 3.15 (e).

**YOUR GOALS. OUR MISSION.**

RBPB-R7553

September 30, 2016
Via Email and First Class Mail

Glenn Carter, Administrative Officer
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701

**Re: RBank Capital, LLC/Hampton Inn
80 Rector Place (WD Zone)
Block 1, Lot 1
Application No. P10489
Second Engineering Review**

Dear Mr. Carter:

As requested, we have reviewed the above referenced site plan application. The applicant submitted the following documents in support of this application:

- Preliminary and Final Site Plans prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E., of Insite Engineering, LLC, dated July 12, 2016, consisting of fifteen (15) sheets.
- Architectural Plans prepared by Lewis Silverstein, A.I.A., dated October 8, 2012, last revised June 27, 2016, consisting of six (6) sheets.
- Stormwater Management Report prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E., of Insite Engineering, LLC, dated July 12, 2016.
- Stormwater Management Maintenance Manual prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E., of Insite Engineering, LLC, dated July 13, 2016
- Survey prepared by Errol Melnick, P.L.S., dated August 9, 2010
- Geotechnical Engineering Report prepared by KZA Engineering, dated August 9, 2011
- Environmental Impact Report prepared by Richard V. Kenderian, P.E., P.P., of Maser Consulting, dated July 21, 2011, revised through September 28, 2012
- Low Impact Development Strategies and Stormwater Management Report, prepared by Richard V. Kenderian, P.E., P.P., of Maser Consulting, dated July 21, 2011, revised through December 5, 2012
- Groundwater Monitoring and Sampling Comparison Data
- Traffic Impact Analysis prepared by Gary W. Dean, P.E., P.P., and Elizabeth Dolan, P.E., dated June 27, 2011.

The existing site contains an abandoned Exxon-Mobil gas station, which is proposed to be removed. The applicant proposes to construct a 76-room, 6-story Hampton Inn & Suites Hotel. Site improvements include paving, lighting, landscaping and stormwater management.

The site (Block 1, Lot 1) consists of approximately 1.04 acres and is located in the WD Waterfront Development Zone. The property contains frontage along New Jersey State Highway Route 35 (N.J.S.H. Route 35) and Rector Place.

Some time has passed since the first engineering review letter was issued in June of 2013. Due to litigation regarding the building height requirements, the application was stayed before the Board until this matter was resolved.



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Second Engineering Review

During this time period, Maser Consulting, the applicant's engineer, was named as the Red Bank Borough Engineer and had to recuse themselves from continuing to provide engineering services to the applicant. The applicant has now retained InSite Engineering to provide engineering services in this matter. The applicant's engineer has reviewed the plans previously prepared by Maser Consulting and has made various plan revisions. These revisions consist of the following;

- The previously proposed "floating docks" in the Navesink River have been removed.
- The applicant has modified the layout of the proposed boardwalk area to now be at a single elevation, rather than the previously proposed multilevel boardwalk.
- The applicant has added the location of the proposed pool on the plaza level of the hotel.
- The proposed limit of disturbance for the project has been modified.
- The zoning charts have been modified to reflect InSite's interpretation of the Ordinance.

The comments from our first engineering review letter dated June 12, 2013 still stand as modified in bold below. Additional comments related to the plan changes have also been added in bold.

Based on a recent site visit and review of the plans, I offer the following for Board consideration:

1. **Planning and Zoning:**

Variances

- 1.1 Ordinance Section 490-148.E.3.e states that a minimum front yard setback of 35 feet is required; whereas, the applicant proposes 0.5 feet to the marquee of the building. Therefore, a bulk 'c' variance is required. Continuing comment.
- 1.2 Ordinance Section 490-148.E.4.a states that a minimum rear yard setback of 25 feet is required for a principal structure; whereas, the applicant proposes ~~17.1~~ 16.25 feet to the southwesterly lot line (adjacent to Lot 2). Therefore, a bulk 'c' variance is required. Continuing comment.
- 1.3 Ordinance Section 490-148.E.4.c states that a minimum rear yard setback of 35 feet is required for any structure from the Navesink River flood hazard area line; whereas, the plaza level of the building is located approximately 24.13 ft. within the limit of the flood hazard area line. This produces total setback deficiency of 59.13 ft. Therefore, a variance is required.
- 1.4 Section 490-148.E.6 of the Ordinance permits a maximum structure height of Elevation 75 (USC & GS Datum MSL=0). The elevation shall be measured to the highest point on any flat roof deck (parapet elevation to be used if parapets exceed 30 inches in height); to the mean height level between the eaves and ridge for gable or hipped roofs or of the deck line for mansard roofs. The applicant proposes a building elevation of 82.4 MSL and a parapet



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height of 30 inches; therefore, a bulk 'c' variance is required for 7.4 ft. **Continuing comment.**

- 1.5 Section 490-148.C.3.c of the Ordinance permits one (1) Type W2 building sign per wall fronting on a public roadway, whereas, the applicant proposes a sign fronting on Route 35 and a second sign fronting on the Navesink River. Since the river is not a public roadway, a sign is not permitted on this building face, therefore, a bulk 'c' variance is required. **Continuing comment.**
- 1.6 Section 490-148.C.3.c of the Ordinance requires the permitted sign height to be within the signable area. In this case, a maximum height of 20 feet is permitted; whereas, the applicant proposes one (1) sign on the northern side of the building at a height of 71.17 feet and one (1) sign in the rear of the building at 65.33 feet. Therefore, bulk 'c' variances are required. **Continuing comment.**
- 1.7 Section 490-148.C.3.c of the Ordinance requires a Type G4 highway sign to be a rectangular shape; whereas, the applicant does not propose a rectangular shape. Therefore, a bulk 'c' variance is required. **Continuing comment.**
- 1.8 Section 490-148.C.3.c of the Ordinance requires a maximum area of 12.5 SF for Type G4 highway signs; whereas, the applicant proposes an area of 40 SF. Therefore, a bulk 'c' variance is required. **Continuing comment.**
- 1.9 Section 490-148.C.3.c of the Ordinance requires a maximum height of 4 feet for Type G4 highway signs where landscaping will be used at the base of the sign; whereas, the applicant proposes a height of 10 feet. Therefore, a bulk 'c' variance is required. **Continuing comment.**
- 1.10 Section 490-148.C.3.c of the Ordinance requires a maximum length of 5 feet for Type G4 highway signs; whereas, the applicant proposes a length of 7.75 feet. Therefore, a bulk 'c' variance is required. **Continuing comment.**
- 1.11 Section 490-148.C.3.c of the Ordinance does not permit internal illumination for Type G4 highway signs; whereas, internal illumination is proposed. Therefore, a bulk 'c' variance is required. **Continuing comment.**
- 1.12 Ordinance Section 490-104.C.17 requires a maximum coverage of any sign face not to exceed 60%; whereas, the applicant proposes a maximum coverage greater than 60% on each sign face. Therefore, a bulk 'c' variance is required for each sign face, three (3) total. **Continuing comment.**



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Re: RBank Capital, LLC/Hampton Inn
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- 1.13 Ordinance Section 490-148.B.1. requires off-street parking subject to the provisions of Section 490-98 of the Ordinance. Based on the proposed use, the applicant is required to provide 78 parking spaces and the applicant only proposes 75 spaces. A variance will be required. See comment 3.1 for a detailed calculation.
- 1.14 Ordinance Section 490-148.B.2. requires off-street loading spaces complying with Section 490-97. The applicant does not propose any off-street loading, therefore, a variance is required.
- 1.15 Ordinance Section 490-148.F.3. requires that upper levels of structures that are located on properties abutting or contiguous with the Navesink River and that exceed an elevation of 50 feet (USC & GS Datum, MSL=0) shall be setback an additional five feet from the thirty-five foot setback requirement provided in Subsection E.4.c. of this section for each five feet of elevation above 50 feet. The applicant proposes a building height of 82.4 ft., therefore, the setback requirement is 70 ft. (35 ft. + (82.4 ft. - 50 ft.) = 67.4 ft. or 70 ft. to the nearest 5 ft. increment). The applicant is proposing an encroachment of the main hotel tower of 8 ft. beyond the Navesink flood hazard area line, therefore, causing a total setback deficiency of 78 ft. A significant variance will be required.

Waivers Requested

- 1.16 Ordinance Section 490-85.A states that for a commercial pool, the pool shall be located not less than 50 feet from the side property line; whereas, the applicant proposes 16.5 +/- feet to the side property line. A design waiver is requested. Continuing comment.
- 1.17 Ordinance Section 490-104.d.1.d requires a maximum square footage of 32 feet for a temporary construction sign; whereas, the applicant proposes a 35 SF temporary construction sign. A design waiver is requested. It appears this comment is no longer applicable, the sign detail has been removed. Applicant to confirm.
- 1.18 Ordinance Section 490-98.B.1 requires all parking stalls to be 9' wide x 18' long. The applicant proposes twenty-four (24) compact parking stalls. A design waiver is requested. The Board shall determine if the proposal for compact car spaces is permitted and, subsequently, if a design waiver is required.

2. Off-Site or Off-Tract Improvements

- 2.1 The applicant proposes a 5' x 2' pavement repair section along the property frontage and construction of a paver sidewalk, concrete curb, a new driveway, drainage and utilities within the NJSH Route 35 right-of-way. We have no objection to this work; however,



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defer to the New Jersey Department of Transportation (NJDOT) for review and approval.
Continuing comment.

- 2.2 The applicant proposes a 5'-2' pavement repair section along the property frontage and to construct new curb, paver sidewalk, barrier-free ramp and crosswalk striping within the Rector Place (CR-13) right-of-way. We have no objection to this work. We defer to the Monmouth County Planning Board for review. **Continuing comment.**
- 2.3 It appears that the proposed barrier-free ramp at the intersection of NJSH Route 35 and Rector Place (CR-13) will interfere with the existing utility pole. The plans shall be revised to relocate the barrier-free ramp or the utility pole. We defer to the NJDOT and Monmouth County Planning Board for review. **Not addressed. The applicant has removed the proposed barrier free ramp at this intersection. The plans shall be revised to provide an ADA ramp at the crosswalk.**
- 2.4 The applicant is proposing a new crosswalk across Rector Place (CR-13). The plans shall be revised to indicate that the existing barrier-free ramp on the south side of Rector Place be removed and replaced as it does not meet the 2010 ADA Standards. We defer to the NJDOT and Monmouth County Planning Board for review and final approval. **Not addressed. See comment 2.4 above.**
- 2.5 Based on a recent site visit, it was found that the existing inlet in the NJSH Route 35 right-of-way at the intersection of Rector Place (CR-13) is settling. The plans shall be revised to convert this inlet to a Type B-Inlet and reset the grate to grade. We defer to the NJDOT and Monmouth County Planning Board for review and final approval. **Not addressed.**

3. On-Site Improvements

- 3.1 Ordinance Section 490-98.O.14 requires one (1) parking space for each room and one (1) parking space per each 3 employees for a hotel use. The plans indicate that there will be 76 hotel rooms and 6 employees. Therefore, 78 parking spaces are required for the site. The applicant proposes ~~78~~ 75 parking spaces. ~~Therefore, the parking demand is satisfied. A variance will be required.~~

Section 490-148.B.1 of the Ordinance requires, if off-street parking requirement is not met, the applicant contribute to the Red Bank Borough Municipal Parking and Utility Capital Improvement Fund in accordance with the schedule outlined in Section 490-148.B.4. Therefore, the applicant must post a contribution in the amount of \$1,500 for the 3 spaces:

• Spaces 1-3 3 Spaces @ \$500/space = \$ 1,500



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Please note that the Mayor and Council have temporarily suspended the parking deficiency contribution by Resolution No. 16-92, provided the applicant meets all conditions of the suspension as outlined by Ordinance No. 2010-36 by December 31, 2016 (or as may be otherwise extended by Mayor and Council).

- 3.2 Based on 78 75 parking spaces provided, the 2010 ADA Regulations require four (4) barrier-free parking spaces be provided on-site, one (1) of which is van-accessible. The applicant provides four (4) barrier-free parking spaces, two (2) of which are van-accessible. Therefore, the barrier-free parking demand is satisfied. **Continuing comment.**
- 3.3 Ordinance Section 490-98.B requires each parking space to be 9' wide x 18' long. In addition, Ordinance Section 490-98.B.3 indicates that when off-street parking is provided in connection with a use which will assign or can control the utilization of parking areas, the Municipal Agency may approve separate parking areas for subcompact vehicles having a length of less than 17 feet and a width of less than 6 feet. In addition, within such areas, the Municipal Agency may reduce the stall size to 8' width x 16' long. Appropriate signage and markings are required. The following comments shall apply:

- a. The applicant proposes the following number of each type of parking stall:

Full-size stalls -	47 stalls at 9' wide x 18' long
Compact car stalls -	1 stall at 7.33' wide x 16' long
	18 stalls at 8' wide x 16' long
	3 stalls at 8' wide x 18' long
	2 stalls at 8' wide x 19.5' long
Barrier-free stalls -	2 stalls at 8' wide x 19.5' long
	2 stalls at 8' wide x 18' long

The applicant proposes 24 compact car stalls (32% of the total parking stalls). The applicant shall obtain approval from the Board for the use of these compact car stalls.

- b. The applicant shall provide testimony regarding the number of compact car stalls proposed and the adequacy of the remaining stalls to accommodate regularly-sized vehicles. **Continuing comment.**
- c. All undersized stalls shall be adequately signed and marked. The plans shall be revised to provide all required signage and pavement markings. **Partially addressed.** It appears the applicant is proposing pavement markings, however, no signage is proposed.



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- 3.4 The plans currently identify the parking stalls with an "E" for employee parking, "F" for full-size car parking or a "C" for compact car parking on the site plans. However, within each of these categories, there are several different dimensions of parking stalls. The plans shall be revised to identify the different sizes of each stall. In addition, the applicant shall identify which type of stall is to be used for the three stalls on the north side of the property adjacent to the stairwell. **Addressed.**
- 3.5 Ordinance Section 490-98.I.1.a restricts parking from being located within the front yard area; whereas, parking is proposed within the front yard. Therefore, a design waiver is required. **Continuing comment.**
- 3.6 Ordinance Section 490-98.k.2 requires all entrance drives to extend a minimum distance of 100 feet back from the street curbline or to an access aisle. Ordinance Section 490-98.K.3. requires all exit drives to extend a minimum distance of 60 feet back from the street curb or to a major access aisle. The applicant provides approximately 40 35.34 feet from the curb line to the access aisle for the ingress/egress drive. The plans shall be revised to comply or a design waiver shall be obtained. **Continuing comment.**
- 3.7 The applicant shall provide copies of any deed restrictions or restrictive covenants on site, prior to public hearing. **Not addressed.**
- 3.8 The plans shall be revised to provide details and grades for the proposed boardwalk, ~~deck~~ and access walkway to determine compliance with ADA regulations. In addition, all handrail details shall be provided. **Not addressed.**
- 3.9 The applicant shall provide all required estimates of recyclable materials in accordance with Ordinance Section 490-116.A.3. **Not addressed.**
- 3.10 The applicant has revised the plans to remove the dock that was previously proposed. The applicant now proposes a 14 ft. wide boardwalk with six (6) benches. The applicant shall provide testimony on the following:
 - a. Hours of operation
 - b. Will the boardwalk area be accessible by the public?
 - c. ADA Accessibility
 - d. Maintenance proposal and responsibility of maintenance of the boardwalk area
 - e. It appears a gate and door are proposed for access to the boardwalk, will these access points be locked at any point?
- 3.11 The applicant shall provide additional details on the plans for the proposed boardwalk, fence, gates, benches and railing.



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- 3.12 The applicant is proposing an 18.4 ft. high reinforced concrete retaining wall in the rear of the building, however, no detail has been provided. The applicant shall provide a detail of this wall. In addition, the limits of the proposed retaining wall footings shall be shown on the plan.
- 3.13 The applicant notes the limit of the disturbance in the area of the proposed reinforced concrete retaining wall to be directly adjacent to the wall. The proposed tree line appears to be 1 ft. +/- away from the proposed wall. The applicant shall provide testimony regarding the adequacy of this space to construct the wall without disturbing the nearby vegetation. A typical reinforced concrete retaining wall footing for a wall this size may extend several feet beyond the limit of the wall. Construction staging will be required
- 3.14 The applicant shall provide the limits of pavement repair required for the proposed sanitary sewer connection within NJ-35.
- 3.15 The applicant indicates a limit of disturbance of 0.998 acres, however, after reviewing the plans there are several areas which appear will be disturbed as a result of the proposed construction that are not included in the limit of disturbance. These areas are as follows:
- a. Area directly adjacent to the downward side of the proposed 18.4 ft. high retaining wall.
 - b. Area of proposed armorflex erosion control mats outside of the limit of disturbance, adjacent to the existing bulkhead on the northern side of the property.
 - c. 1 ft. wide full depth pavement repair strip for curb replacement along property frontage.
 - d. Removal of existing plantings along the southern property line adjacent to Lot 2 and installation of new plantings.
 - e. Connection to the existing sanitary sewer within the NJ-35 right-of-way.
The applicant shall review these areas and adjust the limit of disturbance accordingly.

4. Traffic

- 4.1 The applicant collected traffic volumes at the study intersection of Route 35 with Rector Place and at Route 35 with Bridge Street during August 2009. The applicant shall address the possibility that the traffic volumes used in this analysis may not be representative of typical traffic conditions, given that school was not in session and many people take vacations at this time of year. Not addressed. In addition, several years have passed since the traffic data was collected. The traffic data collected in 2009 is likely not



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representative of what it is today. The applicant should provide updated traffic information for review.

- 4.2 The applicant is suggesting that a modification to the traffic signal timing of the Rector Place/Route 35 intersection would provide a better Level of Service with less Average Vehicle Delay. Even though the proposed hotel does not warrant a timing modification, the Board should consider requiring the applicant to petition NJDOT to make that timing adjustment. Please note that NJDOT is currently preparing a resignalization study in this area. **Continuing comment.**
- 4.3 The applicant proposes to close two of the existing driveways and relocate the third driveway farther to the north, away from the intersection with Rector Place. The applicant is proposing a left turn into the site from Route 35, which requires modification to the striping of Route 35. These modifications would require permission from NJDOT. The applicant shall provide copies of all correspondence with NJDOT and ultimately an approval to make these modifications. **Continuing comment.**
- 4.4 Subject to NJDOT review/comment/approval, the applicant shall demonstrate that the design of the left turn lane (storage length, tapers, width, etc.) is acceptable and sufficient for the proposed use. The applicant shall provide the Highway Capacity Analyses printouts that show the various vehicle queue lengths on Route 35 southbound along the site frontage. The applicant shall demonstrate that these vehicle queues do not impede the operation of the proposed full movement site driveway. This full movement driveway is subject to NJDOT review/ comment/approval. **Continuing comment.**
- 4.5 The applicant proposes 78 75 parking spaces for the 76-room hotel with up to 6 employees, which does not meet the Borough parking requirement, ordinance section 490-98.O.14. According to the Institute of Transportation Engineers (ITE) 4th Edition of the Parking Generation, in seven studies the parking demand of a Business Hotel did not exceed 0.85 occupied parking spaces per occupied hotel room in the overnight hours or did not exceed 0.75 occupied parking spaces per occupied room between 11 PM and 12 AM. **Continuing comment.**
- 4.6 The applicant proposes 25 7-foot wide, compact parking spaces, 44 "full-sized" parking spaces, 2 "E" parking spaces, 3 spaces in a width of 25 feet and 4 ADA compliant parking spaces. The applicant shall provide justification for the proposed 32% compact parking spaces. **Continuing comment. The applicant now proposes 24 compact parking spaces, 47 full sized parking spaces, and 4 ADA parking spaces.**
- 4.7 The applicant shall provide turning templates demonstrating that garbage collection, delivery and emergency vehicles are able to enter, circulate and exit the site, safely and efficiently. **Not addressed.**



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Borough of Red Bank

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- 4.8 Ordinance Section 490-97.A requires buildings in excess of 15,000 SF to provide loading spaces 12' wide x 35' long x 14' clear height. The applicant does not provide any loading spaces. The plans shall be revised to provide the required loading spaces or a design waiver shall be obtained. In addition, the applicant shall provide testimony regarding the process, times and frequencies of deliveries to the site and whether the marquee clearance height is adequate. **Continuing comment.**

5. Grading and Drainage

- 5.1 The project will disturb more than one acre; therefore, is considered a "major development" as defined by N.J.A.C. 7:8. **Continuing comment. Please refer to comment 3.15 above. The following shall apply;**
- a. The proposed improvements will not result in an additional one quarter acres of impervious surface; therefore, the project is exempt from the water quality requirements. **Continuing comment.**
 - b. The subject property is located within the 100-year tidal flood zone. As per N.J.A.C. 7:8-5.4(a)3iv, the applicant is not required to provide runoff rate reductions since the water quantity requirements do not apply to tidal flood hazard areas. **Continuing comment.**
 - c. This project is within a known contaminated site where groundwater infiltration is not permitted per N.J.A.C. 7:8-5.4(a)2iii(1); therefore the project is exempt from the groundwater recharge requirements. **Continuing comment.**
- 5.2 An existing stormwater conveyance system captures the existing runoff and discharges directly to the Navesink River at a 36-inch RCP outfall. The applicant proposes improvements to the existing system and proposes a headwall and tideflex check valve at the outfall. **Continuing comment. In addition, the applicant may be required to provide an easement to the NJDOT for the proposed stormwater outfall pipe. We defer to the DOT for a final determination.**
- 5.3 The Utility Plan shows roof leader and connections to the stormwater management system. The plan should be revised to provide pipe information such as type, size, slope and inverts. The applicant shall confirm that the proposed size can accommodate the roof runoff for the 25-year storm event. **Partially addressed. The applicant has provided all of the requested information including pipe calculations for the proposed stormwater system, however, it appears that the proposed 48" RCP does not have adequate capacity to drain the proposed flows. The applicant shall revise the drainage design to accommodate the 25-year storm flows.**



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- 5.4 The applicant shall revise the grading plan to show the locations of the accessible parking stall and aisles. In addition, spot elevations at the accessible parking stalls and aisles shall be provided to demonstrate compliance with the maximum slope requirements per the ADA Standards for Accessible Design. **Addressed.**

6. Environmental

- 6.1 The applicant must demonstrate compliance with the Coastal Zone Management Rules (N.J.A.C. 7:7E) and the Coastal Permit Program Rules (N.J.A.C. 7:7). The applicant must provide the Borough Engineer and Board Engineer with all approved NJDEP Land Use Regulation Permits. Specifically, the project will require a Waterfront Development Permit to authorize activities above and below the Mean High Water Line of the Navesink River. The applicant must also provide the Borough Engineer and Board Engineer with an approved Department of the Army Permit issued from the US Army Corps of Engineers - NY District. Proof that the applicant and/or property owner has a Tidelands Instrument to legalize all structures placed below the NJ Tidelands Claim Line must also be provided. **Continuing comment.**
- 6.2 The plans shall be revised to include tidal datum of the Navesink River to include the Mean High Water Line (MHWL), Mean Higher High Water Line (MHHWL), Mean Low Water Line (MLWL) and the Mean Lower Low Water Line (MLLWL). These elevations should be labeled on the plans and a table should be included to note the datum and source of information. All cross sections and profiles shall be annotated with the appropriate tidal datum. **Addressed.**
- 6.3 The Navesink River is classified as a Category 1 waterbody. As such, the riparian buffer associated with the Navesink River is 300-foot wide measured from the Top of Bank. The limits of the riparian buffer shall be indicated/labeled on the plans. Since the Navesink River is tidal and regulated under the Coastal Zone Management Rules, a separate Flood Hazard Area Permit is not required. However, the Flood Hazard Rules (N.J.A.C.7:13) will have to be addressed in the Environmental Compliance Statement for the Waterfront Development Permit. All impacts to the riparian buffer (i.e., vegetation removal, cutting, etc.) shall be hatched or otherwise illustrated on the site design plans. The area of impact shall also be quantified and annotated on the site design plans. If required by NJDEP, the applicant must provide a mitigation plan for review by the Borough Engineer. **Continuing comment.**
- 6.4 It should be noted that the Department's Stormwater Management rules at N.J.A.C.7:8 require that a 300-foot Special Water Resource Protection Area (SWRPA) is assigned to Category One waters and certain tributaries. The limitations of a SWRPA, apply when a Major Development (as defined at N.J.A.C. 7:8-1.2) is proposed. The project appears to disturb over an acre and would be considered a "major development" and SWRPA may apply. The applicant shall provide the Borough Engineer and Board Engineer with the corresponding NJDEP approvals. **Continuing comment.**



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- 6.5 As required in the NJDEP's Coastal Zone Management Rules, the applicant must provide public access to the waterfront. As such, the applicant should include signs that are clear and visible for the public to know that there is access to the water. Public parking spaces must also be provided and illustrated on the design plans. **Not addressed.**
- 6.6 The applicant should revise the plans to provide structural details for the proposed boardwalk. Specifically, the plans should be revised to include, but not be limited to the following: **Continuing comment.**
- The material of the boardwalk,
 - Elevations
 - Plank spacing
 - All other any information required by the NJDEP and US Army Corps of Engineers.
- 6.7 Based on NJDEP Digital GIS Data, the Navesink River and other areas surrounding the site are identified as containing Bald Eagle Foraging Habitat. This may be an issue relative to tree removal. Accordingly, the applicant must consult with the NJDEP on this issue. **Continuing comment.**
- 6.8 Included with the Environmental Impact Report is a letter from the NJDEP dated August 5, 2010 regarding a Remedial Action Progress Report (RAPR) Approval and Classification Exception Area (CEA) Revision and Biennial Certification. The applicant and/or property owner was to submit the next RAPR and CEA Certification to the NJDEP by June 30, 2011 and July 31, 2012 respectively to remain in good standing with the Bureau of Operation Maintenance and Monitoring. The applicant shall provide a written statement regarding the current status of the RAPR and CEA for review by the Board Engineer. Also note that site groundwater monitoring was only extended until at least July 31, 2016. As such, the applicant and/or property owner shall provide a written statement regarding groundwater monitoring for review by the Board Engineer. **Not addressed.**

7. Lighting and Landscaping

- 7.1 The plans should clarify if an irrigation system is going to be installed on site. **Not addressed.**
- 7.2 Additional landscaping should be installed at the base of the monument entrance sign. The applicant could consider installing shrub roses, for example, to add more color to the site. **Not addressed.**



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- 7.3 With the exception of the two (2) Japanese cryptomerias being preserved along the southern property line, the remaining material consists of invasive trees (black locusts, Norway maples, etc.). This material should all be removed from the site, as well as noted on the plan. **Continuing comment.**
- 7.4 With the exception of a few crabapples, all of the existing plant material adjacent to the entrance to the site just past Coopers Bridge should be removed. The existing vegetation consists of invasive weeds and trees (black locust, sumacs, Norway maples, etc.) which detract from this important "gateway" location into the Borough and project site. **Continuing comment.**
- 7.5 The existing "Welcome to Red Bank" sign should be repositioned slightly as it will conflict with the row of proposed evergreen shrubs parallel to adjacent Route 35. **Addressed.**
- 7.6 Ordinance Section 490-98.j.6 requires a minimum lighting level of 0.5 footcandles throughout the parking area and access drives. There are several areas throughout the parking area along the northwest and southwest parking stalls that do not meet this requirement. The plans shall be revised to comply. **Addressed.**
- 7.7 As previously mentioned in Comment #3.8., the applicant shall provide testimony regarding any proposed boardwalk or dock lighting. If lighting is proposed, the plans shall be revised to provide the locations of all fixtures and associated details. **Addressed.**
- 7.8 The proposed evergreen screening along the southern property line adjacent to Lot 2 shall be extended to the southeastern corner of the property.

8. Sanitary Sewer & Water

- 8.1 Sections 20-8 and 20-9 of the Ordinance require the applicant post sewer connection fees and water connection fees. Similarly, the applicant shall be required to post a water vulnerability fee in accordance with Resolution 06-133. The applicant shall provide estimated water usage for determination of the water vulnerability fee. **Not addressed.**
- 8.2 The Board should be aware that the Borough recently upgraded the water main on Rector Place in advance of the County paving. Once the County completes the paving, a roadway moratorium will be in place for five (5) years and will prohibit any new connections to the water or sewer mains on Rector Place. The applicant should coordinate their efforts with the County. **No longer applicable. The applicant now intends to connect behind the curb.**



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- 8.3 The applicant proposes to connect to the existing sanitary sewer on Rector Place. The sanitary inverts, pipe lengths or pipe materials shall be provided. **No longer applicable. The applicant now proposes to connect within the NJ-35 right of way.**
- 8.4 The sanitary sewer lateral detail should be revised to include all pipe materials and pipe bedding of $\frac{3}{4}$ inch clean stone. **Not addressed.**
- 8.5 The applicant shall provide sanitary sewer flow calculations to confirm that a 6-inch sewer lateral is sufficient to meet the peak flow from the proposed hotel use. **Not addressed.**
- 8.6 As a condition of connection to the sanitary sewer, we recommend the applicant be required to televise the existing sewer on Rector Place and make any downstream repairs prior to a sewer connection being permitted. **Not addressed.**
- 8.7 The applicant proposes to connect to the existing water main on Rector Place; however, the existing water main size and location is not shown on the utility plan. The plans should be revised to show the actual location of the water main on Rector Place. **Not addressed.**
- 8.8 The applicant should clarify the actual size, location and material of the water service and fire service. **Partially addressed. See comment 8.7 above.**
- 8.9 The construction details should include a trench restoration detail for work within the County roadway. **Addressed.**
9. **Miscellaneous**
- 9.1 The concrete paver detail shall be revised to provide the thickness of pavers for both the sidewalk and the driveway. Thicker pavers shall be used for the driveway. **Not addressed.**
- 9.2 The Building Department should review the plans for ADA compliance. **Continuing comment.**
- 9.3 We defer to the Fire Official with respect to review of emergency access. **Continuing comment.**
- 9.4 If approved the applicant will be required to comply with the COAH Ordinances, to the extent applicable. **Continuing comment.**



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10. Permits and Approvals

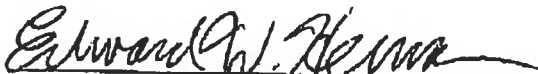
The following approvals should be obtained: **Continuing comment.**

- NJDOT
- Monmouth County Planning Board
- NJDEP
- Building Department
- Fire Official
- All other agencies having jurisdiction

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES


EDWARD W. HERRMAN, P.E.
BOARD ENGINEER

EWH:GTG:lkc

cc: Stanley J. Sickels, Administrator
Dina Anastasio, Board Secretary
Michael Leckstein, Planning Board Attorney
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