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September 8, 2020

Revised November 10, 2020

Chairman and Zoning Board Members
Borough of Fair Haven
748 River Road
Fair Haven, NJ 07704

Re: Variance and Preliminary & Final Major Site Plan Application
Bruiser Woods, LLC / Kick Dance Studios
Tax Map Lot 12, Block 25
611 River Road, Fair Haven, NJ

Dear Chairman and Board Members:

This application requests a density variance and preliminary and final major site plan approval for a second-floor addition and footprint expansion to permit an egress stairway at the referenced property. The applicant proposes limited exterior improvements including a partial restriping of the parking lot, barrier free parking improvements, and modest landscaping additions. As requested, I have reviewed the following materials provided in support of the applicant's request for Preliminary & Final Major Site Plan Approval:

1. Application to the Zoning Board of Adjustment of the Borough of Fair Haven.
2. Boundary and Topographic Survey prepared by InSite Surveying, dated 02/20/2020.
3. Preliminary and Final Major Site Plan prepared by InSite Engineering, dated 03/06/2020, **revised through 10/30/2020.**
4. Architectural Plans prepared by Anthony M. Condouris, Architect, dated 1/22/2020, **revised through 10/29/2020.**
5. Subject property photos, 4 photos, undated.
6. Letter from Jason Fichter, PE, PP', CFM, CME, dated 05/18/2020.
7. Letter from Anthony M. Condouris, AIA, dated 05/11/2020.
8. Two pages from the American Land Title Association, Commitment for Title Insurance, entitled, "Schedule B, Part II", dated 05/23/2017.
9. Completeness letter from Board Planner Heyer, Gruel & Associates dated 07/02/2020, **revised November 2, 2020.**

The Board Planner's review letter has determined that the application is complete subject to the grant of certain waivers. I concur with the Planner's completeness determination and associated



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recommendations. Similarly, the Board Planner has provided a thorough review of the bulk and use variance standards, therefore this review will only include those variances and/or waivers directly related to my engineering review of the site plan. Based upon my review of the above materials, as well as a site visit on September 4, 2020, I offer the following with updated comments shown in **BOLD** font:

SITE PLAN – ENGINEERING REVIEW

1. Traffic Circulation and Parking

- 1.1. The existing site is constrained in width and area which impacts the geometric layout and parking availability on the site. The applicant proposes an expansion of the building to provide additional dance classrooms. The applicant shall provide testimony as to the proposed utilization of the site, including anticipated class sizes, number of staff, hours of operation, drop off and pick up procedures, and likely concurrent dance room use. I note that the July 6, 2000, Zoning Board Site Plan Resolution for Fair Haven Education Center limited the occupancy of the building to a maximum of 25 students at any one time and limited the hours of use to 11:30 a.m. to 7:30 p.m., Monday through Friday. The Zoning Board also conditioned its approval on establishing the driveway as one-way. **Continuing Comment.**
- 1.2. Testimony establishing the safe circulation of vehicles on and off site must be established. The site is developed with a narrow one-way driveway from River Road toward Navesink Avenue to the north. In order to properly circulate, vehicles leaving the parking lot are required to turn left and follow Navesink Avenue in a westerly direction. However, a potential cut-thru exists for vehicles turning right, traversing the DeFalco Pools property and entering the rear of the Krauser’s parking lot. Strategies for eliminating this circulation should be discussed. **The revised Site Plan reflects a “No Right Turn” sign added to the Navesink Avenue driveway.**
- 1.3. The site driveway does not meet the minimum one-way circulation width in accordance with the Borough Ordinance. Given the architectural layout of the first floor, dance students will be required to pass along this driveway from the rear parking lot to the front entrance thus posing a potential conflict with entering vehicles and further reducing the available driveway width. I have an engineering concern with potentially increasing the intensity of the use given this limitation. The applicant must provide testimony with regard to the pick-up and drop-off procedures, spacing/timing of classes, as well as alternatives available for pedestrian access. Furthermore, if the driveway becomes inconvenient, I have a concern that other less suitable areas may be used to discharge and/or pickup students. **Continuing Comment. I note that the revised site plans and architectural plans have altered the interior layout to provide an interior corridor providing access to the studios from both the north and south sides of**



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the building. This revision improves the safety of student access from the rear parking lot, as students will no longer need to walk through the non-conforming one-way driveway area to enter the building.

- 1.4. The applicant proposes fifteen off-street parking stalls within the rear parking area. Four of these stalls are shown as existing parallel stalls within the required 18' aisle of the angled parking stalls. The parallel parking stalls are deficient in width (7' vs. 9' required) and obstruct the aisle to the rear of the angled spaces. These spaces further obstruct viable emergency vehicle access from Navesink Avenue. The aisle width is further reduced should full sized vehicles park within these spaces. The applicant should provide testimony as to the current utilization of the parking spaces considering the parking area layout, coupled with size and nature of the existing studio. Variances are required for the driveway width, aisle width, parallel parking stall size, accessible stall size, parking lot setbacks, and for the deficient number of stalls (21 required, 15 proposed). Historic aerial photographs indicate that the former grass and gravel parking area associated with the previous was paved and striped in or about 2003 and restriped in or about 2013. There is no approved site plan within the Borough file indicating approvals for the parking layout as shown on the submitted existing conditions survey. **The revised site plan has cured the non-conformities with respect to the layout and dimensioning of the parking spaces. In so doing the proposed parking supply was reduced from 15 to 13. This is a better alternative as it provides for the free flow of vehicles on-site and permits emergency vehicle access.**
- 1.5. Ordinance section 30-9.2(h) requires a parking contribution of \$2500 to the Borough for each new parking stall deficiency created by a building addition or change of use. The existing structure consisting of 1,960 square feet and requires 10 parking stalls (1/200). The addition of 2224 square feet requires an additional 11 parking spaces. The parallel parking stalls are deficient in width and do not comply with the ordinance with regard to location, and therefore only 11 conforming stalls exist. For purposes of this ordinance section the proposed addition causes a deficiency of 10 parking stalls, thus a contribution of \$25,000 is required by 30-9.2(h). The ordinance does not permit the zoning board to provide variance of waiver relief from this requirement, instead the applicant is directed to the governing body for a waiver or modification "upon showing of good cause". **Given the redesign of the parking area, 13 conforming parking spaces are now proposed. This reduces the deficiency to 8 stalls, requiring a contribution of \$20,000 per ordinance §30-9.2(h).**
- 1.6. Improvement Standards for off-street parking under 30-9.2 are incorporated into the zoning standards by 30-5.2g. The following items are deficient and require variance relief:
 - Parking aisle width (18' required, ±14' provided for 9 stalls). **Eliminated.**



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- Concrete curbing not provided at perimeter of parking area. **Relief Required.**
- Size of parking stalls (parallel stalls). **Eliminated.**
- Driveway width. **Relief Required.**

1.7. The ordinance requires an accessible stall size that is contrary to the prevailing New Jersey State Administrative Code. As such, the local ordinance requirement is preempted and the administrative code provisions for barrier free parking prevail. The applicant shall provide a van accessible barrier free parking stall meeting the requirements of Chapter 11 of the NJ Edition International Building Code and incorporated references. **Revised to conform.**

2. Grading and Drainage

2.1. The application does not propose an increase to impervious surfaces, nor does the site disturbance trigger a major development for stormwater purposes. Therefore, the applicant is not required to demonstrate compliance with 30-9.2.f. nor 30-7.33. The applicant should testify as to the change in impervious surface, general stormwater flow paths, and methods employed to reduce adverse stormwater impact to adjoining properties. **Continuing Comment.**

2.2. The applicant proposes the addition of a second-floor egress stairway along the northerly façade of the structure. The finished floor of the existing structure is 23.16, finished grade at the doorway at the rear parking lot is shown as 24.0, or approximately 10" below grade. The applicant's professionals shall confirm the design intent of this egress and compliance with the IBC egress and accessibility requirements. **The revised site plans and architectural plans have altered the interior layout to provide an interior corridor providing access to the studios from both the north and south sides of the building. This revision improves the safety of student access from the rear parking lot, as students will no longer need to walk through the non-conforming one-way driveway area to enter the building. A barrier free path from the accessible parking space to the main entrance at the rear is now provided.**

2.3. The location of the existing and proposed roof leader downspouts should be shown on the proposed plan and designed to reduce the likelihood of ice formation during winter conditions. I note that the downspouts show signs of damage and should be protected in accordance with the NJ Plumbing Code. The roof leader downspouts from the adjoining building (615 River Road) similarly discharge to the subject asphalt parking lot and are unprotected from vehicular traffic. **Continuing Comment.**

2.4. The slope of the barrier free parking stall, loading area, and barrier free path to the accessible entrance should be verified by the applicant's professionals and depicted on the site plan. **Based upon the spot elevations provided and relocation of the main entrance to the rear,**



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it appears that the barrier free path from the accessible parking space to the main entrance at the rear now conforms to the accessible slope requirements of the IBC.

3. Landscaping and Lighting

- 3.1. 30-8.4f requires that 5% of the interior of parking lots be landscaped with plantings, including at least 1 tree per 10 parking stalls. The applicant has provided the required tree and has proposed some additional landscaping near Navesink Avenue. The edging and limit of all planted areas should be clarified. It appears a design waiver may be required. The applicant should provide the required calculation. **Continuing Comment.**
- 3.2. The applicant has not provided a lighting plan as required by ordinance. The Borough ordinance provides design guidance on the minimum illumination necessary for the safe utilization of parking lots and pedestrian walkways. Should the applicant propose class hours in the late afternoon or evening, the requirements of ordinance 30-9.2a.12. and Exhibit D (30-9.3(D)) should be met throughout the parking and pedestrian areas as a minimum for safety, otherwise a design waiver from this section is required. **The revised plans now include a lighting plan that provides a reasonable calculation of illumination provided by three new building mounted LED fixtures. The parking area however is not illuminated to the standards of the Borough Ordinance and therefore the design requires waiver relief. The applicant should provide testimony regarding the sufficiency of the illumination provided and the potential for adverse off-site nuisance impacts.**

4. General

- 4.1. The architectural plans indicate that the exterior egress from Dance Room 2 is to remain on the easterly side of the building, discharging into the entrance driveway. I suggest that the architect consider relocating this doorway to the northerly facade such that the door does not open into entering traffic and/or pedestrians walking along the building. **The architectural plan view was revised to eliminate this doorway. The perspective view should similarly be updated.**
- 4.2. The current building mechanicals are roof mounted. The applicant should confirm that the mechanicals will similarly be roof mounted and adequately screened in the proposed condition. Access to the roof area is not depicted on the plans and should be described and/or shown. **Continuing Comment.**
- 4.3. An existing chimney is located along the northerly façade of the structure. The architect should confirm the disposition of the chimney and whether it will be replaced with roof mounted exhaust. **Continuing Comment.**



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- 4.4. The applicant should confirm that no changes to building utilities are proposed as part of this application and that utility companies have been contacted to assure service availability and adequacy to meet required demands (if any). **Continuing Comment.**
- 4.5. There is a discrepancy in square foot areas between the architectural plans (4,184 SF) and site plans (4,052 SF). This difference should be rectified. **Continuing Comment.**
- 4.6. The barrier free accessible parking stall is partially obstructed by the existing vegetation on the site. In addition, the architect's plans show the stairway egress door overlapping into the barrier free loading area, where the site plans show the door on the easterly façade of the egress stairway. The plans should be revised for consistency and the door location revised to not obstruct the accessible loading area. **This issue is resolved by the revision to the rear entrance area.**
- 4.7. Barrier free access to the studio is not apparent from a review of the site and architectural plans. As the building addition appears to trigger the accessibility standards of the UCC, the on-site barrier free path is required to be identified. **An interior ramp is now shown. Further review of barrier free compliance of interior features is deferred to the construction official.**
- 4.8. Ordinance section 30-8.5a.3. requires an estimate of refuse and recycling generation and a separate storage area to accommodate one to four weeks of recyclable materials. The site plans indicate four circles near the proposed egress stairway. The applicant should confirm the estimated refuse and recycling generation, methods for storage, collection and the sufficiency of this area to contain the required totes. **Continuing Comment.**
- 4.9. **The applicant should consider techniques for reducing the relief required for the added building mass within the front yard setback. Such techniques could include stepping the second-floor addition back beyond the existing building line, or otherwise staggering the façade to reduce the extent of front yard setback relief required. Further planning considerations of the added front yard mass is deferred to the Board Planner.**

5. Permits and Approvals

- 5.1. The applicant must obtain all necessary municipal, county, and state building permits and licenses. The applicant is responsible for contacting each agency to determine the applicability and jurisdiction over this project. **Continuing Comment.**
- 5.2. Should more than 5,000 sf of disturbance result from the construction of improvements, certification by the Freehold Soil Conservation District is required. **Continuing Comment.**



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- 5.3. A note should be added to the plan stating that "All proposed grading, site construction and soil erosion measures shall be undertaken to the satisfaction of the Borough Engineer." **Continuing Comment.**
- 5.4. Approval may be required from Two Rivers Water Reclamation Authority (TRWRA), since the expansion of an existing structure is proposed. The applicant should contact TRWRA to determine application requirements. **Continuing Comment.**
- 5.5. The applicant must pay all outstanding fees, if any. **Continuing Comment.**
- 5.6. The applicant must post required Performance Guarantees and Inspection Fee Deposit. **Continuing Comment.**

Should you have any questions or require additional information regarding the above, please do not hesitate to contact me.

Sincerely,

Kennedy Consulting Engineers, LLC

A handwritten signature in blue ink, appearing to read "James A. Kennedy".

James A. Kennedy, PE, PP
Zoning Board Engineer

cc: Jennifer Johnson, Zoning Board Secretary
Michael Irene, Esq., Zoning Board Attorney