

TO: Borough of Fair Haven Planning Board

FROM: Elena Gable, PP, AICP, CFM
Susan Gruel, PP

RE: M&M Realty Partners at Fair Haven, LLC
626 River Road
Block 31 Lot 1
Consistency with Settlement Agreement and AH Affordable Housing Zone Ordinance

DATE: October 27, 2021

As requested, we have reviewed the following application materials in preparation of this report:

- Standard Development Application form, including Land Development Application Checklist
- Rider #1 Variances & Submission Waivers, dated July 20, 2021
- Rider #2 List of Required Approvals, dated July 14, 2021
- Rider #3 Deed Restrictions, Covenants & Restrictions, dated July 15, 2021
- Letter from Sean Martin, Development Coordinator of M&M Realty Partners at Fair Haven, LLC, dated July 20, 2021
- Draft notice prepared by The Weingarten Law Firm
- Email correspondence between Rich Gardella, Borough Engineer and John Taikina, M&M Realty Partners, dated June 29-30, 2021
- Fair Haven Escrow Agreement, dated July 12, 2021
- Ownership Disclosure, dated July 9, 2021
- Certification of Taxes Paid, dated July 15, 2021
- Borough of Fair Haven 200-foot List, dated May 27, 2021
- Monmouth County Planning Board Site Plan Application Form, dated July 20, 2021
- Soil Erosion and Sediment Control Plan Recertification, dated November 1, 2019
- Letters from utilities, including New Jersey Natural Gas (November 30, 2015), New Jersey American Water (October 7, 2015), Jersey Central Power and Light (December 29, 2015), Two Rivers Water Reclamation Authority (October 23, 2015)
- Environmental Impact Assessment for Preliminary and Final Major Site Plan Approval, prepared by ACT Engineers, dated July, 2021
- Traffic Impact Study Proposed Mixed-Use Development, prepared by Stonefield Engineering & Design, dated June 18, 2021
- Existing Site Photo Locations map and photographs, prepared by EP Design Services, dated November 18, 2015
- Stormwater Management Report, prepared by EP Design Services, LLC, dated July 16, 2021

- 5-sheet set of architectural plans entitled, "Proposed Mixed Use Building at Fair Haven," prepared by EP Design Services, dated July 15, 2021
- 3-pages of color renderings of building elevations, no preparer, no date
- 1-sheet copy of Boundary and Topographic Survey, prepared by Solstice Surveying, dated July 21, 2021
- 17-sheet of Site Plans entitled, "Preliminary and Final Major Site Plan M&M Realty at Fair Haven, Block 31 Lot 1," prepared by EP Design Services, dated July 15, 2021
- Settlement Agreement between the Borough of Fair Haven and M&M Realty Partners, executed by M&M Properties, LLC on January 24, 2020 and the Borough of Fair Haven on February 12, 2020
- First Amendment to the Settlement Agreement between the Borough of Fair Haven and M&M Realty Partners, executed M&M Realty Partners on April 20, 2021 and the Borough of Fair Haven on April 14, 2021

Consistency with Settlement Agreement and AH Affordable Housing District Ordinance

In accordance with the executed Settlement Agreements between the Borough of Fair Haven and M&M Realty Partners, the parties agreed that this property, Block 31 Lot 1, is appropriate for an inclusionary development to permit 14 rental residential units including a 20% set aside (2 affordable family rental units plus a Payment in lieu/off-site unit) for units to be developed for very low, low and moderate income households. The inclusionary development is required to be deed restricted for a period of 30 years.

Included in the Amended Settlement Agreement between the parties, is the provision, "To the extent a feature is shown on the Concept Plan and/or Elevations, M&M is precluded from challenging the feature on the basis of cost generation." Further, the Amended Settlement Agreement states "... the inclusionary mixed-use development shall be consistent with the concept site plans and elevations attached hereto and made part hereof as Exhibit A..."

The property was rezoned to the Affordable Housing District (AH District) on October 13, 2020 via Ordinance No. 2020-04, which was subsequently amended as a result of the First Amendment to the Settlement Agreement between the Borough and M&M Realty Partners. The amended AH District ordinance was adopted by the Borough Council on May 24, 2021 via Ordinance No. 2021-06.

A key provision of the Amended Settlement Agreement was the incorporation of revised concept plan which were reflected in the revised AH District Ordinance. See attached Concept Plan which is attached as Exhibit A in the Amended Settlement Agreement.

Comparison of Exhibit A of Amended Settlement Agreement (Concept Plan) and Submitted Site Plan/Architectural Plans

Concept Plan/Submitted Site Plan Comparison

- a. Setbacks between the building and the rear property line (adjacent to lot 2) differ slightly between the Concept Plan (Exhibit A to the Settlement Agreement) and the submitted Site Plans. However, the access drive from River Road maintains the same width of 12 feet.
- b. The 2nd story setback as shown on the submitted Site Plans is between 9 feet and 8.7 feet from the front façade of the building along River Road, where the Concept Plan shows 8 feet. The 2nd and 3rd story facades are required to be setback a minimum of 8 feet from the 1st floor. The Site Plan therefore exceeds the minimum 2nd story setback. The submitted architectural plans are consistent with the ordinance requirements.
- c. The 2nd story setback along a portion of the Cedar Avenue frontage is shown on the Concept Plan as being 9.4 feet, where the Site Plan shows a setback of 9.5 feet.
- d. The building setback along the Cedar Avenue frontage differs slightly from what is shown on the Concept Plan. The submitted Site Plan shows the front yard setback to the first floor ranging between 13.8 feet and 27.4 feet, where the Concept Plan shows setbacks ranging between 13 feet and 25.9 feet from the front lot line. The Site Plan exceeds and therefore is in conformance with the Settlement Agreement and AH Zone Ordinance.
- e. The cantilevered 2nd story over the proposed parking spaces is shown on the Concept Plan as being setback 24 feet from the front lot line along Cedar Avenue, where the submitted Site Plan has the cantilever setback approximately 26 feet from the front lot line along Cedar Avenue. The Site Plan exceeds and therefore is in conformance with the Settlement Agreement and AH Zone Ordinance.
- f. The trash enclosure is larger on the site plans than what was shown on Exhibit A, impacting the landscaping and setbacks to the side and rear property lines.
- g. Four Ginko Balboa Trees are planted along the side property line (adjacent to lot 14), where five Ginko Balboa Trees are shown on the Concept Plan.
- h. The Concept Plan shows 4 street trees along River Road, where the submitted Site Plans show 2 street trees.
- i. The Site Plans propose a 30-inch-tall brick screening wall/containment area surrounding each of the proposed rain gardens. The rain gardens are shown on the concept plan but are not shown contained within a 30-inch-tall brick screening wall.

Architectural Plan Comparison

- a. The area designated as the “Lobby” on the first floor of the Concept Plans (included as Exhibit A in the Amended Settlement Agreement) shows access to the lobby from the Cedar Avenue and River Road frontages, as well as through the covered parking area. However, the architectural plans submitted with the application only shows the Lobby area accessible via Cedar Avenue and the parking area.
- b. The footprint of the first-floor has been slightly modified between the Concept Plan and the submitted architectural plans. However, there does not appear to be a change in the floor area of the retail space.
- c. There is an entrance to the retail space located at the corner from Cedar Avenue. The Concept Plan shows awning on the first-floor façade at the corner of the building, where the submitted Architectural Plans do not show awnings at this location.
- d. A separate storage room has been added to the first-floor plans that is only accessible from the covered parking area.
- e. The covered entrance to the residential lobby from Cedar Avenue is reduced in size. The covered entrance is shown on the concept plan extending from the retail store to the residential entrance, where the Site Plan only has the residential entrance covered by the overhang.
- f. The submitted 2nd and 3rd floor architectural plans appear to be consistent with floor plans that were submitted on the Concept Plan.
- g. Based upon the Area Summary included on Sheet A4 of the architectural plans, the applicant has reduced the overall floor area of the building. The following chart details the differences between the submitted Architectural Plans as part of the Major Site Plan Application and the Concept Plan attached as Exhibit A to the Amended Settlement Agreement:

| | Concept Plan | Site Plan Application | Difference |
|----------------------|---------------------|------------------------------|-------------------|
| Ground Floor Area | 6,025 sq. ft. | 5,812 sq. ft. | -213 sq. ft. |
| Retail Area | 4,250 sq. ft. | 4,250 sq. ft. | 0 sq. ft. |
| | | | |
| Second Floor (gross) | 10,319 sq. ft. | 10,065 sq. ft. | -254 sq. ft. |
| Residential Area | 9,015 sq. ft. | 8,709 sq. ft. | -306 sq. ft. |
| | | | |
| Third Floor (gross) | 10,319 sq. ft. | 10,065 sq. ft. | -254 sq. ft. |
| Residential Area | 9,015 sq. ft. | 8,709 sq. ft. | -306 sq. ft. |
| | | | |
| Total Area (gross) | 26,663 sq. ft. | 25,942 sq. ft. | -721 sq. ft. |
| Retail | 4,250 sq. ft. | 4,250 sq. ft. | 0 sq. ft. |
| Residential Area | 18,030 sq. ft. | 17,418 sq. ft. | -612 sq. ft. |

The overall size of the building has been reduced by approximately 721 sq. ft.

- h. The sizes of each of the unit types have also been reduced, likely as a result of the overall reduction of the building. The following chart compares the area of each of the units between the Concept Plan and the Site Plan Application:

| Unit Type | Number of Units in Building | Concept Plan | Site Plan Application | Difference |
|-----------|-----------------------------|---------------|-----------------------|-------------|
| Unit B5* | 2 | 930 sq. ft. | 863 sq. ft. | -67 sq. ft. |
| Unit A1 | 2 | 889 sq. ft. | 884 sq. ft. | -5 sq. ft. |
| Unit B1 | 4 | 1,473 sq. ft. | 1,460 sq. ft. | -13 sq. ft. |
| Unit B2 | 2 | 1,329 sq. ft. | 1,294 sq. ft. | -35 sq. ft. |
| Unit B3 | 2 | 1,429 sq. ft. | 1,332 sq. ft. | -97 sq. ft. |
| Unit B4 | 2 | 1,492 sq. ft. | 1,416 sq. ft. | -76 sq. ft. |

*Unit B5 is the affordable unit. There are 2 affordable units. The remaining units will be market rate

- i. The elevations of the proposed building appear to be largely unchanged, with the exception of the building footprint that has been previously discussed.

Analysis of Site Plans to AH Affordable Housing Zone Ordinance

a. Bulk Standards

1. Minimum Lot Area: 28,000 sq. ft. – **Complies**
2. Minimum Lot Frontage: 175 feet along River Road; 125 feet along Cedar Avenue – **Complies**
3. Minimum Lot Depth: 175 feet – **Complies**
4. Minimum Front Yard Setback: 15 feet from River Road- **Complies. The building is setback 15.2 feet from River Road.**
5. Minimum Front Yard Setback: 13 feet from Cedar Avenue, increasing to 16 feet at the corner of River Road and Cedar Avenue – **Complies. At the building’s closest point, it is setback 13.8 feet, and at the corner is setback 16.3 feet.**
6. Minimum Rear Yard Setback: 18 feet – **Complies. The building is setback 18.9 feet from the rear property line.**
7. Minimum One Side Yard Setback: 50 feet – **Complies. While not dimensioned on the Site Plan, the building is setback approximately 52 feet from the side lot line to the 2nd/3rd story overhang above the parking stalls. The applicant should confirm the exact dimensions.**
8. Minimum Accessory Building Rear Yard Setback: 3 feet- **It is unclear whether the trash enclosure is setback 3 feet from the rear property line as the setback is not dimensioned on the site plans. When scaling the plans, it appears to conform to the 3-foot setback. The**

applicant shall add the label to the plans to confirm and clarify whether setback relief is required.

9. Minimum Accessory Building Side Yard Setback: 3 feet- **Complies**
 10. Maximum Lot Coverage: 85%-- **Complies**. *The bulk chart indicates 85% for the proposed lot coverage.*
 11. Maximum Habitable Floor Area Ratio: 0.95-- *The bulk chart indicates the HFAR of 0.87 (24,386.5 sq. ft.). However, the architectural plans show that the gross floor area of the building is 25,942 sq. ft., resulting in an HFAR of 0.92. While the bulk chart appears to be incorrect, the application does not appear to require d(4) HFAR variance relief. **The applicant should submit a revised bulk chart.***
 12. Maximum Building Coverage: 45%- *The bulk chart shows a building coverage of 40.74% (11,468 sq. ft.). It appears as though the building coverage does not take into account the overhang above the 1st floor entrance from Cedar Avenue. Based upon our calculations, the building coverage is approximately 41.6%. It does not appear as though variance relief is required. **The applicant should revise the plans accordingly to confirm.***
 13. Maximum Principal Building Height: 38 feet- *Note 14 on the bulk chart states, "The measurement of building height shall be measured from the existing curb to the highest point of the building from the average height of each corner on the lot." No details have been provided regarding the elevation of the curb to the average height of the building from each corner of the lot. The architectural plans show the overall height of the building as being 38 feet from grade to the building's peak. **No information has been submitted to determine whether the building height is calculated appropriately and/or whether a variance is required.***
 14. Maximum Number of Stories: 3 stories- **Complies**.
 15. Maximum Accessory Building Height: 10 feet- **Complies**. *The Trash Enclosure proposes a 6-foot-tall fence.*
- b. Total Number of Residential Units Permitted: 14 units- **Complies**.
 - c. Affordable Housing
 1. Development of the site shall provide for 2 rental family affordable units on site. – **The applicant is providing two affordable units on the site. The applicant shall provide supplemental information confirming that the two affordable units will be family rental units in accordance with the requirements of the Settlement Agreement.**
 2. One of the affordable units shall be a 2-bedroom low-income unit and the other affordable unit shall be a 2-bedroom moderate-income unit, as specified in the First Amended

executed Settlement Agreement. The third and final unit shall be a 2 or 3-bedroom very low-income unit as defined herein or a Payment in Lieu ("PIL") of the construction of the third unit in an amount of no less than \$175,000.00.- ***No information has been submitted regarding the Payment in Lieu. This item will likely be addressed as a condition of approval; however, the applicant must comply with the Settlement Agreement requirements. The applicant shall also submit supplemental information pertaining to the income requirements included in the Settlement Agreement, which requires one (1) two (2)-bedroom low income unit, and one (1) two (2)-bedroom moderate income unit.***

3. Except as otherwise specified in this ordinance relating to Payments in Lieu and income and bedroom distribution, all affordable units shall comply with N.J.A.C.5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C.5:80-26.1 et seq., the Fair Housing Act and the Borough's HEFSP.- ***Complies.***
4. Each affordable restricted unit shall remain restricted for a minimum of 30 years and that restriction may be unilaterally extended by the Borough at its sole discretion, thereafter.- ***No information has been provided regarding the deed restriction for the affordable units. This item will likely be addressed as a condition of approval; however, the applicant must comply with the Settlement Agreement requirements.***

d. Parking Standards

Section 30-9.2b Off-Street Parking shall apply. Where a conflict occurs between this section and Section 30-9.2b, this section shall supersede those standards.

1. Each residential unit shall provide 2 parking spaces per unit and no additional guest parking is required- ***The applicant shall provide supplemental information to confirm compliance.***
 - (a) Tandem parking is permitted to satisfy residential parking requirements, in accordance with the following:
 - (1) No more than two vehicles shall be placed one behind the other. - ***Complies.***
 - (2) Both spaces shall be assigned to a single unit. – ***The applicant shall provide supplemental information to confirm compliance.***
2. Commercial parking shall be provided utilizing 1 space/250 sq. ft. of gross floor area, regardless of commercial use. Outdoor dining associated with a restaurant shall not generate additional parking requirements. - ***Complies.***
3. Parking areas and drive aisles shall be setback a minimum of four (4) feet from all lot lines; however, a minimum 6-foot setback shall be required along the side lot line- ***Complies.***

4. All surface parking lots that abut the public sidewalk or street shall be separated from the sidewalk or street by a landscaped buffer with a minimum width of four (4) feet. Buffers shall include shrubbery, plantings, a row of trees and/or a minimum 30-inch-high/maximum 42-inch-high brick screen wall- ***Complies.***

e. Circulation Standards

Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards.

1. As shown and agreed to in the concept plan attached hereto, one (1) one-way entrance driveway shall be permitted from River Road. - ***Complies.***
2. One (1) two-way entrance/exit driveway shall be permitted from Cedar Avenue. - ***Complies.***
3. Parking may be permitted within the front yard along Cedar Avenue, provided it is set back a minimum of 4.9 feet from the front lot line along Cedar Avenue. In no event shall parking be located between the building and River Road. – ***A portion of the handicap stall located closest to Cedar Avenue is setback approximately 4.5 feet from the proposed lot line. Waiver required.***
4. The applicant shall provide intersection improvements on the applicant's portion of frontage on Block 31 Lot 1 at the intersection of River Road and Cedar Avenue as recommended in the Borough's Active Transportation Plan, which was adopted by the Borough Planning Board in 2017.- ***The following recommendations were proposed in the Active Transportation Plan for the River Road at Cedar Avenue Intersection:***
 - a. *Install high visibility cross walk striping*
 - b. *Interim daylighting treatment utilizing paint and flexible bollards to define curb extension area*
 - c. *Narrow driveway on northside and extend pedestrian space and existing pocket park*
 - d. *Install rectangular rapid flashing beacons*
 - e. *Install raised curb extension*
 - f. *Close western-most driveway along River Road of currently vacant parcel at SE corner****We defer to the Board Engineer to confirm compliance with this requirement.***

5. Bicycle parking for public use and residents shall be provided. - *A wave-style bicycle rack is provided within the Cedar Avenue front yard. The applicant shall provide testimony pertaining to whether additional bicycle storage is provided on-site for the residents.*
6. All loading shall only be permitted on-site.- ***The applicant shall provide testimony and supplemental information to address this condition.***

f. Signs

Section 30-7.24 Signs shall apply. Where a conflict occurs between this section and Section 30-7.24, this section shall supersede those standards.

1. Permitted signs in the AH Affordable Housing Zone

(a) Wall signs

- (3) Each commercial store front shall be permitted 1 wall sign above the entrance to the storefront in the 'sign band'. - ***Complies.***
- (4) In no event shall a single wall sign exceed 5% of the 1st floor commercial façade. - ***Complies.***
- (5) Wall signs may be externally lit. In no event shall a wall sign be internally lit.- ***The submitted architectural renderings show goose neck lighting located above each of the signs on the building's façade. However, no details have been submitted regarding the specifications of the fixtures. The applicant shall provide supplemental information to address this item.***
- (6) The maximum lettering height shall be 10 inches. - ***Complies.***

(b) Freestanding Signs

- (1) One freestanding sign is permitted to be located to the west of the River Road entrance driveway as shown on the attached Concept Plan- ***Complies.***
- (2) In no event shall the freestanding sign exceed 30 square feet. - ***Complies.***
- (3) The freestanding sign shall not be greater than eight (8) feet in height. - ***Complies.***
- (7) The freestanding sign may be externally lit. In no event shall the sign be internally lit. ***No details have been provided regarding whether the sign will be externally lit. The applicant shall provide supplemental information/details to address this item.***
- (4) The sign shall be set back a minimum of three (3) feet from the front property line. - ***Complies***

(5) The maximum lettering height shall be 10 inches. - ***Complies***

(c) Developer shall be permitted to utilize window signs pursuant to Section 30-7.24 of the Borough's code. – ***No details have been provided pertaining to window signs.***

2. Awnings

(a) Awnings shall have a metal structure covered with canvas, metal or like product.- ***No details pertaining to the materials of the awnings have been submitted. The applicant shall submit supplemental information to confirm compliance.***

(b) Awnings may have a front skirt; the bottom of the skirt shall not be scalloped.- ***Based upon the architectural drawings, the awnings are not proposed to have a skirt. The applicant shall provide supplemental information to confirm compliance.***

(c) Awnings/canopies shall extend a maximum of three (3) feet from the exterior wall into the front yard setback at a height of at least eight (8) feet above sidewalk grade. - ***Complies***

(d) In no event shall a sign be permitted on an awning. - ***Complies***

(e) The first-floor corner commercial space may have an awning. - ***Complies***

(f) The commercial store fronts fronting along River Road may have awnings only if all the store fronts along River Road have awnings. – ***Complies***

g. Lighting

Section 30-7.22c14 Lighting and Illumination shall apply. -***Complies., with the exception of lighting along River Road and at the intersection of Cedar Avenue, which is required to provide lighting for safety in accordance with §30-9.2a.12. Lighting.***

h. Design Standards

1. Architectural

The attached River Road and Cedar Avenue M&M illustrative concept plan, elevations, and cross-section shall be used as guidelines.

(a) Both the River Road and Cedar Avenue building facades shall be designed and treated as front facades- ***The front façade facing Cedar Avenue is consistent with Exhibit A of the Settlement Agreement. The applicant may want to consider more detail to reinforce the front façade along Cedar Avenue.***

(b) The building shall be composed of durable materials such as brick, stone or cement board. In no event shall EFIS be permitted. ***No details have been***

- submitted regarding the materials used for the façade. The applicant shall provide supplemental information to address this requirement.*
- (c) There shall be no continuous front facade along River Road. The facade shall be vertically broken up into a minimum of 3 "bays". Each bay shall complement one another and be aesthetically pleasing. *Complies.*
 - (d) Pedestrian entry ways and/or lobbies shall be prominent, well-lit and separate from service entrances. *Complies.*
 - (e) A minimum of 60% of the ground floor front façade shall be glazed. *The applicant has not submitted this calculation. The applicant shall submit the calculations to confirm compliance.*
 - (f) A minimum of 20% of the upper-story front facades shall be glazed. *The applicant has not submitted this calculation. The applicant shall submit the calculations to confirm compliance.*
 - (g) Glazing shall be a minimum of 70% transparent. *The applicant has not submitted this information. The applicant shall submit this information to confirm compliance.*
 - (h) The maximum sill height above sidewalk grade shall be 30 inches. *The applicant has not submitted this information. However, the first-floor windows appear to be near the ground level. The applicant shall provide supplemental information to clarify and confirm compliance.*
 - (i) A horizontal architectural feature shall define the ground floor from the upper floors. *Compliant along the River Road frontage, side elevation and rear elevation. The Cedar Road façade does not have a continuous horizontal architectural feature defining the ground floor from the upper floors.*
 - (j) Each individual commercial use on the ground floor is required to have its own primary entrance. - *Complies.*
 - (k) The exterior walls of the building shall not have large blank or featureless expanses. - *Portions of the side elevation and Cedar Avenue frontage do not incorporate architectural features, specifically in the area where the stairwell and elevator are proposed. We recommend the applicant provide testimony addressing whether windows can be incorporated into the elevator shaft or stairwells as a means to provide additional architectural improvements.*

- (l) Retail openings for windows and windowpanes shall have a vertical dimension greater than or equal to the horizontal dimension and shall not be as a walk up or otherwise utilized for transactions. - ***Complies.***
- (m) Balconies, terraces, Juliet balconies, and sliding glass doors are permitted as shown on the concept plan. - ***Complies.***
- (n) Enclosure of rooftop areas, terraces, or balconies is not permitted. - ***No details have been submitted for the rooftop areas. The applicant shall provide supplemental information to address this item.***

2. Balconies

- (a) The Developer shall make every effort to preclude balconies/outdoor areas for such uses including but not limited to storage, trash/recycling, laundry, grill, etc. so as not to create a fire hazard or other nuisance. Landlord shall prohibit the use of balconies from such uses in its residential leases and/or in in the Master Deed to the extent the residential units are condominiums.- ***No details have been submitted regarding this requirement of the Ordinance. The applicant shall submit supplemental information confirming compliance.***
- (b) Balconies shall be kept free of clutter as a means to maintain the overall aesthetics of the building façade. – ***The applicant shall provide testimony and supplemental information to confirm compliance with this item.***
- (c) Any violation of this provision shall be enforced against the tenant and not the landlord. However, landlord shall cooperate with the Borough in enforcement.- ***The applicant shall provide testimony and supplemental information to confirm compliance with this requirement.***

3. Utilities

Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards.

- (a) Public utilities, transformers and primary and backup generator shall be located interior to the building, on the roof or vaulted underground within the pavement area of an adjacent street or sidewalk.- ***No details have been provided regarding the locations of backup generators. We assume public utility meters are proposed to be located in the interior of the building within the Sprinkler/***

Mechanical/Electric Room. The applicant shall provide supplemental information to confirm.

- (b) Individual window air conditioning units shall not be permitted.- *The applicant shall provide testimony and/or supplemental information to confirm.*
- (c) Rooftop mechanical equipment shall be screened from public view. In addition, mechanical equipment shall be setback a minimum of 6 feet from the edge of the building.- *No details have been submitted regarding the location of equipment on the roof. The applicant shall provide supplemental information to confirm compliance.*
- (d) Meters and access panels shall be integrated with street and building design.- *It appears as though the public utility meters will be located interior to the building. The applicant shall provide testimony and/or supplemental information to confirm waiver relief is not required.*
- (e) Manholes, meters and access panels shall be constructed of materials and styles consistent with established design theme.- *Applicant shall provide testimony and supplemental information to confirm.*
- (f) The developer shall coordinate all utility improvements with the responsible utility.- *Applicant shall provide testimony to address this requirement. We note the applicant has submitted letters from the utility companies.*
- (g) Backup generators for common areas are encouraged.- *No details have been provided. The applicant shall provide testimony and supplemental information to confirm whether or not backup generators will be provided for common areas.*

4. Landscaping and Buffering

Sections 30-8 and 30-9 apply. Where a conflict occurs between this section of this ordinance and Sections 30-8 or 30-9, this section shall supersede those specific requirements.

- (a) A minimum buffer area of at least four (4) feet shall be provided around the side and rear lot lines. The buffer area shall consist of a combination of deciduous and evergreen shrubs and trees. Plantings are encouraged to consist of native species. - *Based upon the submitted drawings, the proposed trash/recycling enclosure is setback 3-feet from the property line. Further, no plantings are proposed along the rear property line adjacent to Block 31 Lot 2. Waiver required.*
- (b) If the topography of the site requires retaining walls, retaining walls shall be landscaped and be aesthetically pleasing. In no event shall a retaining wall be

more than 3 feet tall. - *The height of the retaining wall along the rear and side property lines is not provided. The applicant shall provide supplemental information to confirm compliance.*

5. Lighting

Sections 30-9.2a12 Lighting and 30-9.3c4 Lighting shall apply. Where a conflict occurs between this section of this ordinance and Sections 30-9.2a12, and 30-9.3c4, this section shall supersede those standards.

- (a) The maximum height of light poles shall be 15 feet. - *Noncompliant. The light fixtures in the parking lot have a mounting height of 16 feet. Waiver required.*
- (b) Full cutoff of fully shielded light fixtures are encouraged. - *Applicant shall provide testimony and supplemental information to address.*
- (c) Floodlights shall not be directed toward the street or adjacent properties. *Details have not been provided with respect to flood lights. The applicant shall provide supplemental information to address this requirement.*
- (d) Only dimmable LED lighting elements shall be permitted. - *Complies. The details submitted for the light poles show that the lighting elements are dimmable LED. The applicant shall provide testimony to confirm.*
- (e) Neon lighting is prohibited on commercial storefronts. - *No details have been submitted with respect to lighting on commercial storefronts. Applicant shall provide testimony and supplemental information to confirm compliance.*
- (f) Flashing lights are prohibited. - *No flashing lights are proposed on the site plan or architectural plans. The applicant shall provide testimony and supplemental information to confirm compliance with this requirement.*
- (g) Lighting shall be aesthetically unified and complimentary to the design of the building and site. - *Complies.*
- (h) On site lighting shall not exceed 3000 Kelvin. - *The details on Sheet 10/LL-3 show that the proposed light fixtures for the parking area and the covered residential parking are available in a range of kelvins, including 3000K. It is unclear whether the light fixtures comply. The applicant shall provide testimony to confirm compliance with this requirement.*

6. Signs

- (a) Signs and awnings shall have a coordinated graphic design theme through the site plan. The design theme shall include the style and size of lettering, construction, materials, colors, size, lighting, color of letters, and background.

These design theme elements shall be carefully considered in relation to the color and materials of the building, building design, and where the signs are proposed to be located. - **Complies.**

- (b) Buildings shall be designed to include a 'signage zone' above the commercial use frontage and integrated into the overall architectural design of the building.
- **Complies**

7. Stormwater Management

- (a) Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards. - **We defer comment to the Board Engineer to confirm compliance.**
- (b) The proposed improvement shall include design elements to reduce post development runoff. - **We defer comment to the Board Engineer to confirm compliance.**
- (c) The project shall utilize roof runoff recharge, rain gardens, and/or bioswales in accordance with the Concept Plan and NJDEP Stormwater Regulations when applicable. - **We defer comment to the Board Engineer to confirm compliance.**

8. Additional Design Standards

- (a) To the extent feasible, the developer shall consider potential future interconnections to adjacent sites. - **The applicant shall provide testimony to address this requirement.**
- (b) Pedestrian pathways/sidewalks that are included within a parking lot shall be made of a different surface material than the parking areas and are encouraged to include landscaping around the edges of the walkway. - **Complies.**

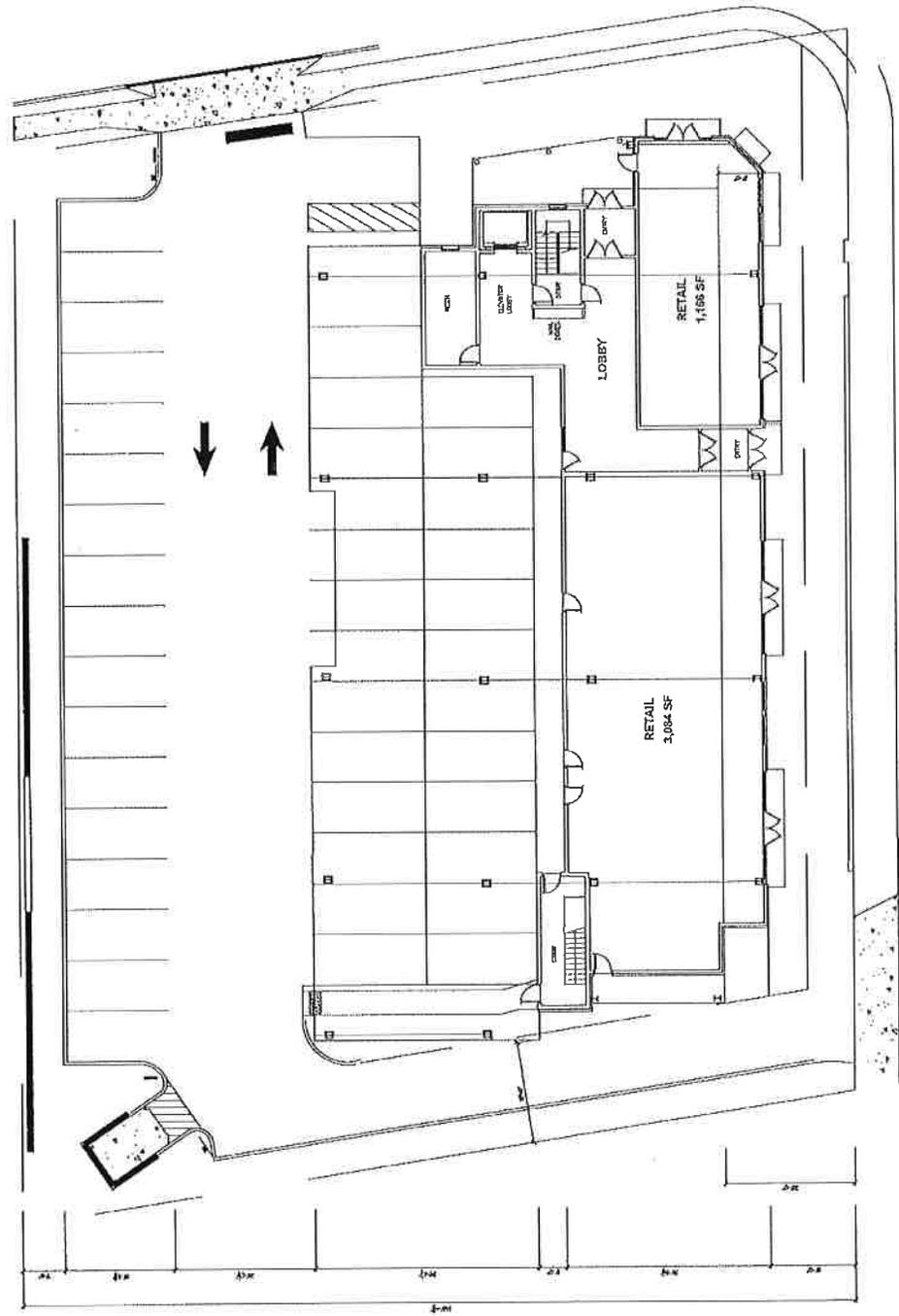
EXHIBIT A

| | |
|-------------|-------------------|
| NO. | 1 |
| DATE | 11/11/11 |
| DESCRIPTION | RETAIL FLOOR PLAN |
| BY | EP |
| CHECKED | EP |
| DATE | 11/11/11 |

| | |
|-------------|-------------------|
| NO. | 1 |
| DATE | 11/11/11 |
| DESCRIPTION | RETAIL FLOOR PLAN |
| BY | EP |
| CHECKED | EP |
| DATE | 11/11/11 |

PROPOSED MIXED-USE BUILDING AT
 FAIR HAVEN
 FORT COCKERMAN, MISSISSIPPI

EP DESIGN SERVICES
 2121 JEFFERSON BLVD. SUITE 200
 MEMPHIS, TN 38114
 TEL: 901.521.1111
 FAX: 901.521.1112
 WWW.EPDESIGNSERVICES.COM



1 - GROUND FLOOR PLAN
 11/11/11

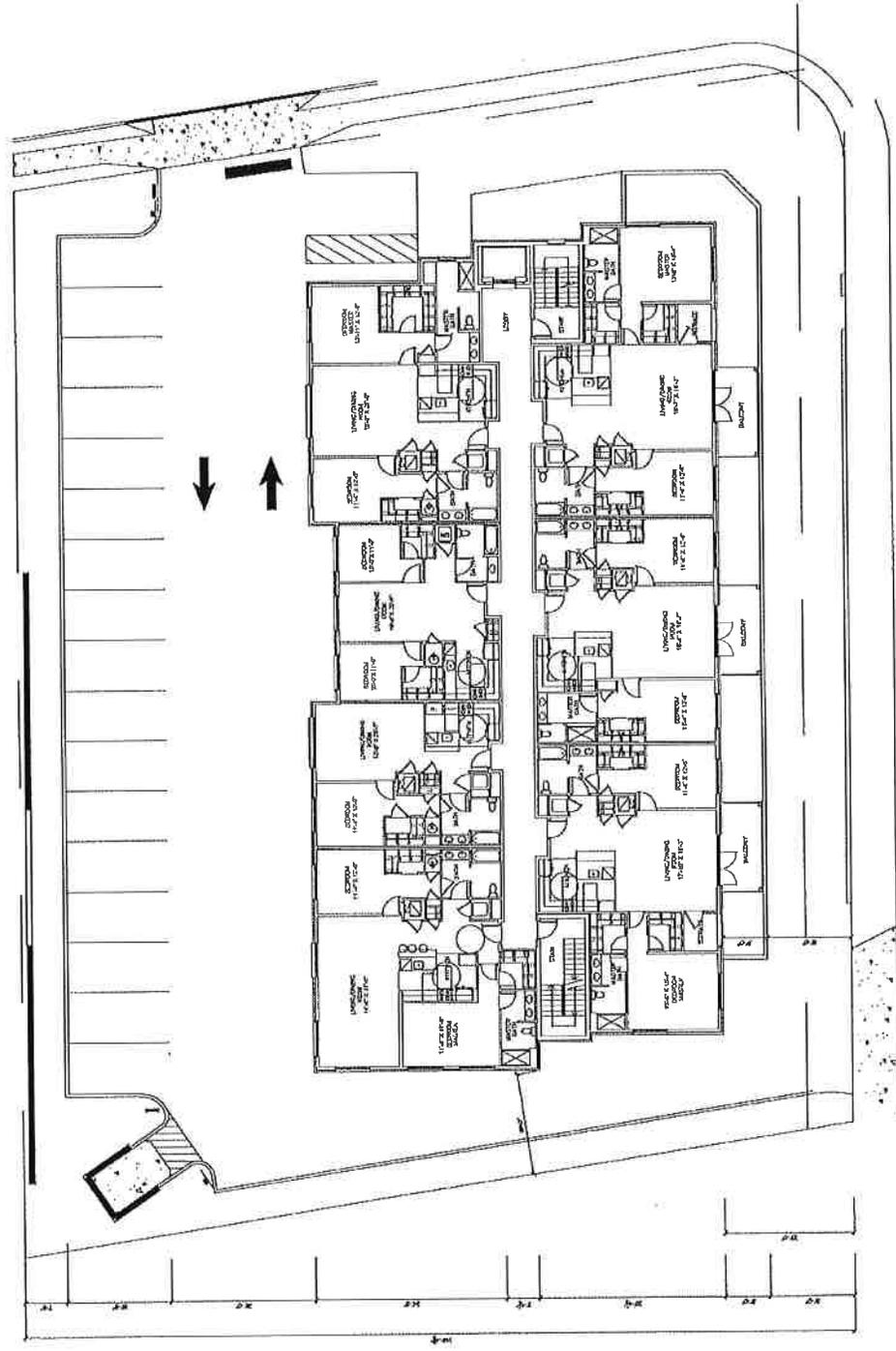


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| | |
|---------------|---|
| NO. OF SHEETS | 12 |
| SHEET NO. | 11 |
| DATE | 11/15/11 |
| PROJECT | PROPOSED MEDICAL USE BUILDING AT FAIR HAVEN |
| OWNER | ROCKY HILL HEALTH CENTER |
| DESIGNER | EP DESIGN SERVICES |
| SCALE | AS SHOWN |
| PROJECT NO. | 111000000 |
| DRAWN BY | EP |
| CHECKED BY | EP |
| DATE | 11/15/11 |

PROPOSED MEDICAL USE BUILDING AT
 FAIR HAVEN
 ROCKY HILL HEALTH CENTER
 ROCKY HILL, CONNECTICUT

EP DESIGN SERVICES
 1000 W. MAIN STREET, SUITE 100
 ROCKY HILL, CT 06067
 PHONE: 860.514.1111
 FAX: 860.514.1112
 WWW.EPDESIGNSERVICES.COM



THIRD FLOOR PLAN
 11/15/11

11/15/11

