



April 10, 2025
Revised June 12, 2025

Neptune Township Planning Board
25 Neptune Boulevard
PO Box 1125
Neptune, NJ 07754-1125

**Re: 3601 Route 66, LLC
(Topgolf/QuickChek)
Preliminary & Final Major Subdivision
Preliminary & Final Major Site Plan
Application
Lot 1, Block 3901.01
Our File: NTPB 24-11**

Dear Board Members:

Our office has received and reviewed an application for Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan approval in conjunction with the above referenced project. The following documents have been reviewed:

1. **Submitted Documents**

- Preliminary & Final Major Subdivision Plan: Preliminary & Final Major Site Plan for Proposed Lots 1.01 & 1.04, and Preliminary Major Site Plan for Proposed Lots 1.02, 1.03, & 1.05 for 3601 Route 66 LLC, Block 3901.01, Lot 1, consisting of twenty-seven (27) sheets prepared by Leanne R. Hoffmann, P.E., P.P., C.M.E., dated January 23, 2025, with no revision date.
- ALTA/NJPS Land Title Survey for Lot 1, Block 3901.01 consisting of six (6) sheets prepared by Joseph J. Wright, P.L.S. of Blue Marsh Associates, Inc., dated September 16, 2024, last revised on January 10, 2025.
- Major Subdivision Plan for Lot 1, Block 3901.01 consisting of one (1) sheet prepared by Joseph J. Wright, P.L.S., of Blue Marsh Associates, Inc., dated December 16, 2024, with no revision date.
- Exterior Elevations Plan for Top Golf, Inc. consisting of fourteen (14) sheets prepared by Christopher Hammer, RA of arla Group USA, dated January 13, 2025, with no revision date.

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- Exterior Elevations Plan for QuickChek Corp., consisting of four (4) sheets prepared by Gary Kliesch, RA of gk+a Architects, PC, dated January 22, 2025, with no revision date.
- Lighting Layout Plan for Top Golf, Inc. consisting of three (3) sheets prepared by Federico Deras, P.E., of Facility Solutions Group, dated December 2, 2024, with no revision date.
- Stormwater Management Report for Block 3901.01, Lot 1, prepared by Leanne R. Hoffmann, P.E., P.P., C.M.E., of Hammer Land Engineering, dated January 17, 2025, with no revision date.
- Preliminary Stormwater Investigation for Block 3901.01, Lot 1, prepared by Donato O. DiRocco, P.G. and Thomas B. Louis, P.E., of Earth Engineering, Inc., dated September 5, 2024, with no revision date.
- Stormwater Operation and Maintenance Manual for Block 3901.01, Lot 1, prepared by Leanne R. Hoffmann, P.E., P.P., C.M.E., of Hammer Land Engineering, dated January 17, 2025, with no revision date.
- Traffic Impact Study for Lot 1 in Block 3901.01 prepared by John H. Rea, P.E. and Scott Kennel, Sr. Associate, of McDonough & Rea Associates, Inc., dated January 17, 2025, with no revision date.
- Environmental Impact Statement for Block 3901.01, Lot 1, prepared by Kristin Wildman, Senior Environmental Consultant of DuBois and Associates, LLC, dated December 13, 2024, with no revision date.
- Community Impact Statement for Block 3901.01, Lot 1, prepared by Christine A. Nazzaro-Cofone, AICP, P.P., of Cofone Consulting Group, LLC, dated January 15, 2025, with no revision date.
- Report of Geotechnical Investigation for Proposed Top Golf prepared by Donato O. DiRocco, P.G. and Thomas B. Louis, P.E., of Earth Engineering, Inc., dated October 18, 2024, last revised on November 7, 2024.

We have completed our engineering and planning review of submitted documents and offer the following comments:

2. **Completeness Review**

The Applicant is not requesting any waivers from the ordinance checklists as outlined in accordance with the Major Subdivision Checklist, Ordinance Section 802.A and 812.02 and in compliance with the development plan checklists: Completeness Checklist for Site Plan and/or Subdivisions & Application for Development Checklist – Part B: Plat Requirements

Please note the following are proposed with this application:

- Preliminary and Final Major Subdivision for all proposed Lots 1.01, 1.02, 1.03, 1.04 and 1.05
- Preliminary and Final Major Site Plan for Lots 1.01 (Top Golf) and 1.04 (QuickChek)
- Preliminary Major Site Plan only for Lots 1.02 (Hotel), 1.03 (Fast-Food Restaurant), and 1.05 (Restaurant)

3. **Site Analysis and Project Description**

- A. The subject property, known as Lot 1, Block 3901.01, consisting of approximately ±21.583 acres with frontage on New Jersey State Highway Route 66, Jumping Brook Road, Essex Road and Premium Outlets Boulevard.
- B. The subject property is currently a “vacant lot” with existing parking lots/drive aisles and one (1) stormwater infiltration basin, with the previous use being the Asbury Park Press building.
- C. The Applicant is proposing to subdivide and redevelop the site to accommodate a golf entertainment facility (Top Golf), hotel, fast food restaurant, convenience store/gas station, and restaurant.
- D. The Applicant is proposing to subdivide the property into five (5) lots. Lot 1.01 will be 489,516 square feet, Lot 1.02 will be 113,451 square feet, Lot 1.03 will be 110,196 square feet, Lot 1.04 will be 109,898 square feet, and Lot 1.05 will be 117,076 square feet.
- E. The proposed development will contain a 25,663 square foot golf entertainment facility (Top Golf), an 18,360 square foot hotel, a 2,335 square foot fast food restaurant with one (1) drive-through lane and one (1) bypass lane, a 5,670 square foot convenience store with eight (8) fueling

stations (16 fueling positions), and an 8,000 square foot restaurant. The project will have four (4) stormwater management basins, five (5) parking lots, five (5) associated trash enclosures, five (5) associated driveways, drive aisles, landscaping, lighting, and other related site improvements.

4. **Surrounding Uses**

Properties to the north of the site are zoned IOP within the Borough of Tinton Falls, which contain industrial office park uses. Properties east and south of the site are zoned C-1 and contain a mix of planned commercial uses. Properties to the west are within the Borough of Tinton Falls and zoned Route 66, which designates a redevelopment area.

5. **Zoning and Land Use**

- A. The property is located in C-1 Planned Commercial Development Zone District, with Hospital Support Overlay. As outlined under Ordinance Section 404.04.A – The purpose of the C-1 Zone District is to serve the regional need for retail, professional office, and research facilities by encouraging planned commercial development.
- B. The Applicant proposes the following:
- 1) 25,663 square foot Golf Entertainment Facility (Top Golf) – permitted under Ordinance Section 404.04.B. Amended under Ordinance No. 14-26, Section 1.B NAICS code 71399 All Other Amusement and Recreation Industries.
 - 2) 18,360 square foot Hotel – permitted under Ordinance Section 404.04.B. Amended under Ordinance No. 14-26, Section 1.B NAICS Code 72111 Hotels (except casino hotels) and Motels.
 - 3) 2,335 square foot Fast Food Restaurant – permitted under Ordinance Section 404.04.B. Amended under No. 14-26, Section 1.B NAICS Code 7225 Restaurants and Other Eating Places.
 - 4) 5,670 square foot Convenience Store (QuickChek) – permitted under Ordinance Section 404.04.B Amended under Ordinance No. 14-26, Section 1.B NAICS Code 44711 Gasoline Stations with Convenience Store.
 - 5) 8,000 square foot Restaurant – permitted under Ordinance Section 404.04.B. Amended under No. 14-26, Section 1.B NAICS Code 7225 Restaurants and Other Eating Places.

6. **Variances and Design Waivers**

A. The following table indicates proposed bulk variances:

C-1 District Bulk Standards

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Lot Area	2.5 AC	11.238 AC	N/A	2.530 AC	2.523 AC	2.688 AC
Max. Density (D.U. Per AC.)	N/A	N/A	N/A	N/A	N/A	N/A
Max. Floor Area Ratio	0.8	0.05	N/A	0.02	0.05	0.07
Min. Lot Width	500 ft	673.1 ft	N/A	217 ft (V)	370 ft (V)	302.38 ft (V)
Min. Lot Frontage	500 ft	673.1 ft	N/A	217 ft (V)	370 ft (V)	302.38 ft (V)
Min. Lot Depth	600 ft	298 ft (V)	N/A	N/A	N/A	N/A
Min. Front Yard Setback	50 ft	68.4 ft	N/A	88.4 ft	69.52 ft	55.5 ft
Min. Side Yard Setback	30 ft	30.8 ft	N/A	216.4 ft	102.9 ft	34 ft
Min. Combined Side Yard Setback	60 ft	99.2 ft	N/A	216.4 ft	278.3 ft	292 ft
Min. Rear Yard Setback	40 ft	N/A	N/A	N/A	N/A	N/A
Max. Percent Building Cover	30 %	5.3 %	N/A	2.1 %	4.8 %	6.8 %
Max. Percent Lot Cover	65 %	72.3 % (V)	N/A	35.7 %	72.3 % (V)	52.9 %
Max. Number of Stories	2	2	N/A	2	2	2
Max. Building Height	40 ft	36.75 ft	N/A	<40 ft	<40 ft	<40 ft
Minimum Improvable Area (MIA)	84,900 sf	377,268 sf	N/A	56,874.33 sf (V)	61,076.5 sf (V)	61,797 sf (V)
MIA Diameter of Circle	189 ft	540 ft	N/A	207.52 ft	196.9 ft	197 ft
Min. Accessory Structure Front Yard Setback	50 ft	2.5 ft (V)	29.9 ft (V)	65.7 ft	49 ft (V)	83.5 ft
Min. Accessory Structure Side Yard Setback	30 ft	8.9 ft (V)	111.6 ft	274.8 ft	24.50 ft (V)	164 ft
Min. Accessory Structure Rear Yard Setback	40 ft	N/A	70.1 ft	N/A	N/A	N/A

(V) variance is required

N/A not applicable

- B. The Applicant is seeking the following bulk variances for Proposed Lot 1.01 (Top Golf):
- 1) A minimum lot depth of 600 feet is required, where 298 feet is proposed. **A variance is required.**
 - 2) A maximum percent lot cover of 65% is required, where 72.3% is proposed. **A variance is required.**
 - 3) A minimum accessory structure front yard setback of 50 feet is required, where 2.5 feet is proposed along Essex Road. **A variance is required.**
 - 4) A minimum accessory structure side yard setback of 30 feet is required, where 8.9 feet is proposed along Lot 1.02. **A variance is required.**
- C. The Applicant is seeking the following bulk variances for Proposed Lot 1.02 (Hotel):
- 1) A minimum accessory structure front yard setback of 50 feet is required, where 29.9 feet is proposed along Essex Road. **A variance is required.**
- D. The Applicant is seeking the following bulk variances for Proposed Lot 1.03 (Fast Food Restaurant):
- 1) A minimum lot width of 500 feet is required, where 217 feet is proposed. **A variance is required.**
 - 2) A minimum lot frontage of 500 feet is required, where 217 feet is proposed. **A variance is required.**
 - 3) A minimum improvable area of 84,900 square feet is required, where 56,874.33 square feet is proposed. **A variance is required.**
- E. The Applicant is seeking the following bulk variances for Proposed Lot 1.04 (QuickChek):
- 1) A minimum lot width of 500 feet is required, where 370 feet is proposed. **A variance is required.**
 - 2) A minimum lot frontage of 500 feet is required, where 370 feet is proposed. **A variance is required.**

- 3) A minimum percent lot cover of 65 % is required, where 72.3 % is proposed. **A variance is required.**
- 4) A minimum improvable area of 84,900 square feet is required, where 61,076.5 square feet is proposed. **A variance is required.**
- 5) A minimum gas canopy/fuel pump structure setback of 50 feet is required, where 43.2 feet is proposed along NJ Hwy 66. **A variance is required.**
- 6) A minimum accessory structure side yard setback of 30 feet is required, where 24.5 feet is proposed along Lot 1.03. **A variance is required.**

F. The Applicant is seeking the following bulk variances for Proposed Lot 1.05 (Restaurant):

- 1) A minimum lot width of 500 feet is required, where 302.38 feet is proposed. **A variance is required.**
- 2) A minimum lot frontage of 500 feet is required, where 302.38 feet is proposed. **A variance is required.**
- 3) A minimum improvable area of 84,900 square feet is required, where 61,797 square feet is proposed. **A variance is required.**

Parking and Circulation Deviations

G. The following table indicates proposed parking and loading deviations:

Parking and Loading Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Parking Stall Size	9'x18'	9'x18'	9'x18'	9'x23.2'	10'x20'	9'x18'
Min. ADA Parking Stall Size	13'x18'	13'x18'	13'x18'	15'x23.2'	13'x18'	13'x18'
Min. Parking Required (All Amusement and Rec. Industries)	N/A	318	N/A	N/A	N/A	N/A
Min. Parking Required (Restaurant)	Lot 1.01: 43 Lot 1.05: 117	43	N/A	N/A	N/A	117

Min. Parking Required (Fast-Food Restaurant)	45	N/A	N/A	34 (V)	N/A	N/A
Min. Parking Required (Automobile Service Station)	6	N/A	N/A	N/A	6	N/A
Min. Parking Required (Retail Sales)	23	N/A	N/A	N/A	41 (V)	N/A
Min. Parking Required (Hotel)	100	N/A	102	N/A	N/A	N/A
Total Parking Provided	N/A	361	102	34 (V)	47	117
Min. Loading Stalls Required Per Total Floor Area (sf)	Lot 1.01: 2 Lot 1.02: 1 Lot 1.03: 0 Lot 1.04: 0 Lot 1.05: 0	2	1	0	1	0
Min. Loading Stall Size	15'x45'x15'	15'x45'x15'	15'x45'x15'	N/A	12'x102'x15' (V)	N/A
No Loading Allowed in Front Yard or Yard Abutting Public Right-of-Way (Compliance)	YES	YES	YES	N/A	YES	N/A
Min. Loading Space Distance to Intersection of Public Right-of-Way	40 ft	378 ft	102.5 ft	N/A	275 ft	N/A

(V) variance is required
N/A not applicable

The circulation and parking arrangement require relief from the following standards:

- H. Ordinance Section 412.12.B, states standard institutional and light industrial/warehouse loading spaces shall measure at least 15 feet wide by 60 feet long, with a height clearance of not less than 20 feet. All other loading spaces shall measure at least 15 feet wide by 45 feet long, with a height clearance of not less than 15 feet.

The Applicants plans indicate a proposed loading stall size of 12 feet wide by 102 feet long with a height clearance of 15 feet, for Lot 1.04. **A variance is required.**

- I. Ordinance Section 412.17.D, states the minimum amount of parking required for a restaurant – take out (fast-food restaurant) is calculated using

the following: Freestanding and freestanding drive-through: 1 space per 60 square feet of gross floor area, plus one space per employee on peak shift
Other than freestanding or freestanding drive-through: 1 space per 250 square feet of gross floor area, or 45 spaces.

The Applicants plans indicate a total of 34 proposed parking spaces for Lot 1.03. **A variance is required.**

- J. Ordinance Section 412.17.F, states for uses not specifically described herein, parking requirements shall be determined by the approving authority during a public hearing. These requirements are considered minimum standards and parking may be provided in excess of these requirements, but in no case shall the provided parking for non-residential uses exceed these minimum requirements by more than twenty (20%) percent. This restriction shall not apply to single-family dwelling units.

The Applicants plans indicate a total of 41 proposed parking spaces for Lot 1.04, where 23 are required and a total of 28 space overage is allowed. **A variance is required.**

- K. Ordinance Section 414.C.7.(b), states landscaped buffers of not less than 25 feet in width shall separate all off-street parking areas from the nearest street line of a public street.

The Applicant proposes the following parking area buffers for Lots 1.01, 1.02, 1.03, 1.04 and 1.05:

Parking Area Buffer Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Parking Area Buffer to Public Street	25 ft	16.6 ft (V)	12.3 ft (V)	9.9 ft (V)	13.13 ft (V)	30.99 ft

(V) variance is required

The Applicant does not meet the minimum parking area buffer requirements for Lots 1.01, 1.02, 1.03, and 1.04. **A variance is required.**

- L. Ordinance Section 503.B.1, states buffering shall consist of a minimum ten-foot-wide area surrounding all sides of a parking lot exposed to view.

The Applicant proposes the following driveway and parking lot buffers for Lots 1.01, 1.02, 1.03, 1.04 and 1.05:

Driveway and Parking Lot/Loading Area Buffer Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Driveway and Parking Lot Buffer	10 ft	0 ft (W)	0 ft (W)	0 ft (W)	0 ft (W)	0 ft (W)
Min. Loading Area Buffer	10 ft	13 ft	15 ft	N/A	5.5 ft (W)	N/A

(W) design waiver is required

N/A not applicable

The Applicants plans indicate (0) foot proposed driveway and parking lot buffers for all lots. The applicant also proposes a (5.5) foot loading area buffer for Lot 1.04, where 10 feet is required. **Design waivers are required.**

Our office notes the provided table does not directly reflect the proposed driveway and parking lot buffers indicated by the plans for Lots 1.01, 1.02, 1.03, 1.04 and 1.05.

The Applicant should provide testimony indicating the correct proposed dimensions.

- M. Ordinance section 503.C.1 states, all loading areas, including loading dock areas of buildings and driveways providing access to the same, shall be suitably buffered and screened to minimize the impacts of noise, loading, and unloading activities, lighting and glare, exhaust fumes, views of loading and unloading vehicles and other nuisances. Buffering and screening shall minimize such impacts both from within the site itself, as well as from adjacent and nearby properties and public rights-of-way, as follows:

- 1) Buffering shall consist of a minimum ten (10) foot wide area surrounding all sides of a loading area exposed to view. Where such loading area is located on a tract adjacent to a residential use or district, such buffering shall consist of a minimum twenty-five (25) foot wide area surrounding all sides of a parking lot exposed to view.

The Applicant does not fully address all buffering requirements for the proposed loading areas located on Lot 1.01. **Testimony to be provided.** Additionally, testimony should address loading areas for Lots 1.03 and 1.05, as none are proposed.

- N. Ordinance Section 503.C.2 states, loading area screening shall consist of a minimum ten (10) foot high visually impervious screen. If such screen

consists of a wall or fence, the buffer area between the wall or fence and the lot line shall be a minimum of ten (10) feet in width and shall also be extensively planted with both deciduous and evergreen trees.

The Applicants plans do not indicate proposed loading area screening/buffers for Lot 1.01. **Testimony to be provided or a design waiver is required.**

- O. Ordinance Section 505.B.4 Table 5.2 states, the minimum and maximum two-way traffic driveway width for non-residential uses is (20' – 24') feet, and the minimum and maximum one-way traffic driveway width for non-residential uses is (15' – 18') feet.

The Applicant proposes the following driveway dimensions for Lots 1.01, 1.02, 1.03, 1.04 and 1.05:

Driveway Site Design Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Driveway Distance to Adjacent Residential Property Line	10 ft	N/A	N/A	N/A	N/A	N/A
Min. Driveway Distance to Other Property Line	5 ft	>5 ft	>5 ft	>5 ft	>5 ft	>5 ft
Min. Driveway Distance to Street Intersection	50 ft	124 ft	588.5 ft	155 ft	460 ft	300 ft
Driveway Setback from Intersection Lot Lines on Corner Lot	40 ft	N/A	N/A	117.4 ft	N/A	380 ft
Min. Driveway Width – One Way	15 ft	N/A	N/A	22 ft	17 ft	N/A
Max. Driveway Width – One Way	18 ft	N/A	N/A	22 ft (W)	17 ft	N/A
Min. Driveway Width – Two Way	20 ft	24 ft	24 ft	30 ft	24 ft	24 ft
Max. Driveway Width – Two Way	24 ft	60 ft (W)	30 ft (W)	30 ft (W)	40 ft (W)	30 ft (W)

(W) design waiver is required

N/A not applicable

The Applicant proposes to exceed the maximum driveway width ordinance (two way) for each proposed lot. The Applicant also proposes to exceed the maximum driveway width (one way) for Lot 1.03. **Six (6) design waivers are required.**

- P. Ordinance Section 509.I.1 states, the perimeter of all parking lots shall be set back from all rear and side lot lines by a minimum of 10 feet. Per Section **LDO-412**.

The Applicants plans indicate parking within the side yard setback between Lots 1.04 and 1.05. **A design waiver is required.**

- Q. Ordinance Section 509.I.1(a) states, side and rear yards shall be landscaped with a combination of evergreen shrubs and deciduous trees to form a screen a minimum of six feet tall at the time of planting. Buffer tree spacing for foliage similar to the White Pine shall be five feet on center and similar to the Arborvitae shall be three feet on center.

The Applicants plans do not indicate any proposed landscaping within the side yard setback between Lots 1.04 and 1.05. **A design waiver is required.**

- R. Ordinance Section 509.I.1(b) states, front yards shall be landscaped with a combination of an alternating evergreen and deciduous hedge a minimum of three (3) feet tall at the time of planting, with deciduous shade trees located a spacing of thirty (30) feet-on-center, said spacing to supplement and alternate with required street trees.

The Applicants plans indicate some locations where proposed shrub heights are 18" to 24", which do not meet the minimum three (3) foot height at the time of planting requirement. **Testimony to be provided or a design waiver is required for planting height.** The Applicant shall determine and provide the number of trees required prior to board approval.

- S. Ordinance Section 509.I.3-4 states, for parking lots containing 16 to 99 spaces and 100 or more spaces, a minimum of 5% of the interior area of the parking lot shall be provided with planting islands containing a minimum of one deciduous tree planted for every five parking spaces abutting such island.

The Applicant proposes the following for Lots 1.01, 1.02, 1.03, 1.04 and 1.05:

Parking Lot Landscaping Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Parking Landscape Area	5 %	5.2 %	11.3 %	N/A (W)	N/A (W)	7.4 %
Min. Trees in Parking Lot	Lot 1.01: 73 Lot 1.02: 21 Lot 1.03: 7 Lot 1.04: 10 Lot 1.05: 24	TBD	TBD	TBD	TBD	TBD

(W) design waiver is required

N/A not applicable

TBD to be determined

The Applicants plans indicate Lots 1.03 and 1.04 both contain (16 to 99) parking spaces each, thus requiring a minimum 5% of the interior area of the parking lot to be provided with planting islands per the above referenced ordinance. **A design waiver is required.**

The Applicants plans also indicate the proposed tree requirement shall be determined at a later date. **A design waiver may be required.**

The Applicant should provide testimony indicating the proposed landscape areas.

- T. Ordinance Section 509.I.4(a) states, diamond-shaped tree islands shall be utilized between parking bays (head-to-head parking) and shall contain a minimum of thirty-six (36) square feet.

The Applicants plans indicate proposed non-diamond shaped islands for all lots. **Design waivers are required.**

- U. Ordinance Section 509.I.4(b) states, a landscaped island strip with a minimum width of four feet shall be placed at the end of each row of parking.

The Applicants plans do not indicate a landscaped island strip placed at the end of the front row of parking for the proposed QuickChek building, within Lot 1.04. **Testimony to be provided or a design waiver is required.**

- V. Ordinance Section 509.I.4(c) states, no more than eight (8) parking spaces shall be placed in one (1) continuous row of parking without an intervening landscaped island strip placed on both sides of the spaces. The minimum width of an intervening landscaped island strip shall be seven (7) feet.

The Applicant proposes multiple rows of parking that will exceed the eight (8) parking space limit rule for all lots. **Design waivers are required.**

- W. Ordinance Section 509.M states, street or site furniture – benches, trash receptacles, kiosks, phone booths and other street or site furniture shall be located and sized in accordance with the functional need of such. Selection of such furniture shall take into consideration issues of durability, maintenance, and vandalism. All such furniture shall be architecturally compatible with the style, materials, colors, and details of buildings on the site.

The Applicant does not propose site furniture internally within the site. **A design waiver is required.**

- X. Ordinance Section 514.B.2 states, a parking lot shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way can be minimized. No parking shall be located in a required front yard.

The Applicant proposes parking within the front yard for the following lots:

Lot 1.01 along Premium Outlets Boulevard, Lot 1.02 along Essex Road, Lot 1.03 along Jumping Brook Road, and Lots 1.04 and 1.05 along New Jersey State Highway Route 66. **Design waivers are required.**

- Y. Ordinance Section 514.B.3 states, the minimum setbacks for buildings from driveways, parking spaces and private streets within the site shall be ten (10) feet for non-residential developments.

The Applicant proposes the following parking setbacks to building for Lots 1.01, 1.02, 1.03, 1.04 and 1.05:

Parking to Building Setback Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Min. Parking Setback to Building	10 ft	19.2 ft	10 ft	6 ft (W)	6 ft (W)	10 ft

(W) design waiver is required

The Applicant proposes (6) feet parking setback to buildings for both Lots 1.03 and 1.04, where a minimum standard of (10) feet is required. **Two (2) design waivers are required.**

- Z. Ordinance Section 514.N.9 (Aisle Dimension) Table 5.5 allows the following parking aisle widths:

Angle of Parking Stall (degrees)	Width of One-Way Traffic Aisle (FT)	Width of Two-Way Traffic Aisle (FT)
0 (parallel)	12	18
30	12	Not permitted
45	13	Not permitted
60	18	Not permitted
90 (perpendicular)	22	24

The Applicant proposes to exceed the standards as follows:

- Lot 1.03: 60° - one-way width 18 feet (allowed) 22 feet (proposed)
- Lot 1.04: 90° - two-way width 24 feet (allowed) 31 feet (proposed)

Design waivers are required to exceed the standards.

Site Deviations

The Applicant has required relief from the following standards:

- AA. The Applicant proposes the following for signs under Ordinance 416.07.

Proposed Lot 1.01 and Overall Development Signage Chart (Top Golf)

Proposed Lot 1.01 (Topgolf) Signage Requirements	Required	Proposed Lot 1.01 (Topgolf)
Max. Single Use Development Sign Area (25,663 sf Building) (Monument Sign)	141.30 sf	±84 ft
Min. Setback from Property (Monument Sign) (3/4 of the Height of the Sign)	6 ft	6 ft
Max. Permitted Height (Monument Sign) (150 sf or Less)	15 ft	8 ft
Max. Wall Mounted Sign Area (Front Exterior)	48 sf	407.57 sf (V)
Max. Wall Mounted Sign Mounting Height (Front Exterior) (ft Above Roofline)	2 ft	N/A
Max. Wall Mounted Sign Quantity (Front Exterior)	1 unit	4 units (V)
Max. Wall Mounted Sign Permitted Horizontal Sign	75 %	2.92 %

Dimension (Front Exterior) (% Wall Space)		
Max. Wall Mounted Sign Projection (Front Exterior)	1 ft	<1 ft
Max. Wall Mounted Sign Area (Left Exterior)	48 sf	85.4 sf (V)
Max. Wall Mounted Sign Mounting Height (Left Exterior) (ft Above Roofline)	2 ft	1 ft
Max. Wall Mounted Sign Quantity (Left Exterior)	1 unit	1 unit
Max. Wall Mounted Sign Permitted Horizontal Sign Dimension (Left Exterior) (% Wall Space)	75 %	1.6 %
Max. Wall Mounted Sign Projection (Left Exterior)	1 ft	<1 ft
Overall Development Signage Requirements	Required	Proposed Lot 1.01 (Topgolf)
Max. Multiple Use Development Sign Area (50,000+ sf Buildings) (Pylon Sign)	309.6 sf	397.7 sf (V)
Min. Setback from Property (Pylon Sign) (3/4 of the Height of the Sign)	37.5 ft	10 ft (V)
Max. Permitted Height (Pylon Sign) (191 sf to 400 sf)	40 ft	50 (V)

(V) variance required

N/A not applicable

Proposed Lot 1.01 and Overall Development Signage Variances (Top Golf)

- BB. Ordinance Section 416.07.B.1.(a), states maximum wall mounted sign area is 48 square feet, or 1.5 square feet for each linear foot of wall face that the sign is mounted on, whichever is less.

The Applicants plans indicate a proposed wall mounted sign area (front exterior) of 407.57 square feet for Lot 1.01. **A variance is required.**

- CC. Ordinance Section 416.07.B.1.(c), states a maximum quantity of one (1) wall mounted sign is permitted.

The Applicant's plans indicate a total quantity of four (4) wall mounted signs (front exterior) are proposed for Lot 1.01. **A variance is required.**

- DD. Ordinance Section 416.07.B.1.(a), states maximum wall mounted sign area is 48 square feet, or 1.5 square feet for each linear foot of wall face that the sign is mounted on, whichever is less.

The Applicants plans indicate proposed wall mounted sign area (left exterior) of 85.40 square feet for Lot 1.01. **A variance is required.**

- EE. Ordinance Section 416.07.A.5, states maximum multiple use development freestanding sign area (50,000+ sf buildings – Pylon Sign) is 309.60 square feet.

The Applicants plans indicate proposed multiple use development sign area of 397.70 square feet for Lot 1.01. **A variance is required.**

- FF. Ordinance Section 416.07.A.6, states freestanding signs shall be setback from the property line $\frac{3}{4}$ the height of the sign, or 37.50 feet.

The Applicants plans indicate proposed freestanding sign (Pylon Sign) setback of 10 feet for Lot 1.01. **A variance is required.**

- GG. Ordinance Section 416.07.A.7, states freestanding signs (with a sign area of 191 sf to 400 sf) shall have a permitted height of 40 feet.

The Applicants plans indicate proposed freestanding sign (Pylon Sign) height of 50 feet for Lot 1.01. **A variance is required.**

Proposed Lot 1.04 Signage Chart (QuickChek)

Proposed Lot 1.04 (QuickChek) Signage Requirements	Required	Proposed Lot 1.04 (QuickChek)
Max. Single Use Development Sign Area (5,288 sf Building) (Monument Sign)	100.57 sf	100 ft
Min. Setback from Property (Monument Sign) ($\frac{3}{4}$ of the Height of the Sign)	10.37 ft	12 ft
Max. Permitted Height (Monument Sign) (150 sf or Less)	15 ft	13.83 ft
Max. Wall Mounted Sign Area (Front Exterior)	48 sf	80.3 sf (V)
Max. Wall Mounted Sign Mounting Height (Front Exterior) (ft Above Roofline)	2 ft	N/A
Max. Wall Mounted Sign Quantity (Front Exterior)	1 unit	2 units (V)
Max. Wall Mounted Sign Permitted Horizontal Sign Dimension (Front Exterior) (% Wall Space)	75 %	<75 %
Max. Wall Mounted Sign Projection (Front Exterior)	1 ft	<1 ft

Max. Wall Mounted Sign Area (Left Exterior)	48 sf	57.7 sf (V)
Max. Wall Mounted Sign Mounting Height (Left Exterior) (ft Above Roofline)	2 ft	N/A
Max. Wall Mounted Sign Quantity (Left Exterior)	1 unit	1 unit
Max. Wall Mounted Sign Permitted Horizontal Sign Dimension (Left Exterior) (% Wall Space)	75 %	<75 %
Max. Wall Mounted Sign Projection (Left Exterior)	1 ft	<1 ft
Max. Wall Mounted Sign Area (Right Exterior)	48 sf	22.6 sf
Max. Wall Mounted Sign Mounting Height (Right Exterior) (ft Above Roofline)	2 ft	N/A
Max. Wall Mounted Sign Quantity (Right Exterior)	1 unit	1 unit
Max. Wall Mounted Sign Permitted Horizontal Sign Dimension (Left Exterior) (% Wall Space)	75 %	<75 %
Max. Wall Mounted Sign Projection (Right Exterior)	1 ft	<1 ft
Max. Wall Mounted Sign Area (Rear Exterior)	48 sf	35.5 sf
Max. Wall Mounted Sign Mounting Height (Rear Exterior) (ft Above Roofline)	2 ft	N/A
Max. Wall Mounted Sign Quantity (Rear Exterior)	1 unit	1 unit
Max. Wall Mounted Sign Permitted Horizontal Sign Dimension (Rear Exterior) (% Wall Space)	75 %	<75 %
Max. Wall Mounted Sign Projection (Rear Exterior)	1 ft	<1 ft
Max. Secondary Wall Mounted Sign – Service Station Canopies (50% of Primary Building Sign) (Side One)	24 sf	22.6 sf

(V) variance required

N/A not applicable

Proposed Lot 1.04 Signage Variances (QuickChek)

- HH. Ordinance Section 416.07.B.1.(a), states maximum wall mounted sign area is 48 square feet, or 1.5 square feet for each linear foot of wall face that the sign is mounted on, whichever is less.

The Applicants plans indicate a proposed wall mounted sign area (front exterior) of 80.30 square feet for Lot 1.04. **A variance is required.**

- II. Ordinance Section 416.07.B.1.(c), states a maximum quantity of one (1) wall mounted sign is permitted.

The Applicant's plans indicate a total quantity of two (2) wall mounted signs (front exterior) are proposed for Lot 1.04. **A variance is required.**

- JJ. Ordinance Section 416.07.B.1.(a), states maximum wall mounted sign area is 48 square feet, or 1.5 square feet for each linear foot of wall face that the sign is mounted on, whichever is less.

The Applicants plans indicate a proposed wall mounted sign area (left exterior) of 57.70 square feet for Lot 1.04. **A variance is required.**

Proposed Lot 1.02, 1.03, & 1.05 Signage Chart (Hotel, Fast-Food Restaurant & Restaurant)

Proposed Lot 1.02 (Hotel) Signage Requirements	Required	Proposed Lot 1.02 (Hotel)
Max. Single Use Development Sign Area (18,360 sf Building) (Monument Sign)	126.7 sf	<126.7 sf
Min. Setback from Property (Monument Sign) (3/4 of the Height of the Sign)	11.3 ft	12 ft
Max. Permitted Height (Monument Sign) (150 sf or less)	15 ft	<15 ft
Max. Freestanding Signs (Monument Sign)	2 units	2 units
Proposed Lot 1.03 (Fast-Food Restaurant) Signage Requirements	Required	Proposed Lot 1.03 (Fast-Food Restaurant)
Max. Single Use Development Sign Area (2,335 sf Building) (Monument Sign)	76.7 sf	<76.7 sf
Min. Setback from Property (Monument Sign) (3/4 of the Height of the Sign)	11.3 ft	12 ft
Max. Permitted Height (Monument Sign) (150 sf or less)	15 ft	<15 ft
Max. Freestanding Signs (Monument Sign)	2 units	2 units
Proposed Lot 1.05 (Restaurant) Signage Requirements	Required	Proposed Lot 1.05 (Restaurant)

Max. Single Use Development Sign Area (8,000 sf Building) (Monument Sign)	106 sf	<106 sf
Min. Setback from Property (Monument Sign) (3/4 of the Height of the Sign)	11.3 ft	12 ft
Max. Permitted Height (Monument Sign) (150 sf or less)	15 ft	<15 ft
Max. Freestanding Signs (Monument Sign)	2 units	2 units

Proposed Lot 1.02, Lot 1.03 & 1.05 Signage Variances (Hotel, Fast-Food Restaurant & Restaurant)

- KK. The Applicant is not requesting any sign variances in conjunction with this application for proposed Lots 1.02, 1.03 & 1.05.

Slope and Retaining Wall Deviations

The Applicant requires relief from the following standards. More detailed information in regard to these deviations shall be provided on the plans:

- LL. Ordinance Section 421.D.2 (a-e) states, no construction shall be permitted in critical slope areas (slopes of 25 percent or greater) unless all of the following criteria are met:
- 1) The total soil disturbance in the critical slope area of the lot is no greater than one (1) cubic yard.
 - 2) The total area of removal or disturbance of vegetation in the critical slope area of the lot is no greater than twenty-five (25) square feet.
 - 3) The increase in impervious ground cover in the critical slope area of the lot is no greater than twenty-five (25) square feet.
 - 4) The construction does not include the removal of any tree having a diameter at point of measurement greater than eighteen (18) inches and,
 - 5) The Applicant must demonstrate that the proposed slope disturbance is essential to a reasonable use of property.

The Applicants plans indicate multiple locations proposed to create critical slopes. A critical slope area is proposed adjacent to the rear of the golfing area located between the proposed northwest stormwater basin and rear netting poles. Critical slopes are also created along each of the (4)

stormwater basin berms. No critical slope information has been provided in accordance with the Ordinance Section 421.D.2. **Testimony to be provided or a variance may be required.**

MM. Ordinance Section 421.G.(1-4) states, maximum height of structural retaining walls:

- 1) The maximum height of any structural retaining wall, section of structural retaining wall, or tier of a structural retaining wall shall be no greater than eight feet, unless in a front yard setback area, in which case the maximum height shall be no greater than four feet.
- 2) Multiple, staggered or tiered walls shall be considered single walls unless the minimum horizontal distance between the top of any single section or tier and the base (toe) of the next higher section or tier is not less than 1 1/2 times the height of the lower section or tier. If there are more than three single sections or tiers, the minimum distance between the top of any single section or tier and the base (toe) of the next higher section or tier shall be not less than two times the height of the lower section or tier.
- 3) A structural retaining wall shall not extend in height for more than one foot above the natural or approved finished grade at its top, unless proper surface drainage requires a greater height.
- 4) Any combination of a structural retaining wall(s) and a safety fence shall not exceed 12 feet.

The Applicant proposes the following retaining wall heights for Lots 1.01, 1.03, 1.04 and 1.05:

Retaining Wall Height Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Max. Height of Front Yard Retaining Wall	4 ft	8 ft (V)	N/A	9 ft (V)	8 ft (V)	3.5 ft
Max. Height of Retaining Wall	8 ft	8 ft	N/A	11 ft (V)	8 ft	3.5 ft
Max. Height of Retaining Wall and Safety Fence	12 ft	12 ft	N/A	15 ft (V)	12 ft	7.5 ft

(V) variance is required

N/A not applicable

The Applicants plans indicate retaining wall height variances for Lot 1.01 (front yard height), Lot 1.03 (front yard height, max. height, max height with safety fence), and Lot 1.04 (front yard height). **Variances are required.**

NN. Ordinance Section 421.H.(1-2) states, location of structural retaining walls:

- 1) A structural retaining wall (top or bottom) shall be located no closer to a property line than the height of the wall or wall segment closest to the property line, and the applicant's engineer shall certify that a failure of the structural retaining wall will not have an adverse impact on any adjoining property or public right-of-way.
- 2) Structural retaining walls shall not be located in any public rights-of-way or utility easements.

The Applicant proposes the following retaining wall locations to property lines for Lots 1.01, 1.03, 1.04 and 1.05:

Retaining Wall Location Requirements

	Required	Proposed Lot 1.01 (Topgolf)	Proposed Lot 1.02 (Hotel)	Proposed Lot 1.03 (Fast-Food Restaurant)	Proposed Lot 1.04 (QuickChek)	Proposed Lot 1.05 (Restaurant)
Retaining Wall Shall be Located No Closer to a Property Line than the Height of the Wall	YES	0 ft (V)	N/A	0 ft (V)	0 ft (V)	YES

(V) variance is required
N/A not applicable

The Applicants plans indicate proposed retaining wall locations to property lines to be (0) feet for Lot 1.01, Lot 1.03, and Lot 1.04. **Variances are required.**

Our office notes the provided table does not directly reflect the proposed retaining wall locations to property lines indicated by the plans for Lot 1.01 ($\pm 5'$).

The Applicant should provide testimony indicating the correct proposed dimensions.

Architectural Deviations

The Applicant requires relief from the following standards:

- OO. Ordinance Section 502.B.1(b) states, Massing: Planned commercial development. Buildings comprising planned commercial development shall be permitted to have a total measurement no greater than 650 feet in length along any wall, roof or footprint plane. Building wall offsets, including both projections and recesses, shall be provided along any building wall measuring greater than 100 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall. The total measurement of such offsets shall equal a minimum of 5% of the building wall length. The maximum spacing between such offsets shall be 75 feet. The minimum projection or depth of any individual offset shall not be less than 10 feet. Roofline offsets shall be provided along any roof measuring longer than 75 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.

Testimony to be provided regarding massing for the proposed Top Golf building.

- PP. Ordinance Section 502.B.2 states, Horizontal courses: All visibly exposed sides of building shall have an articulated base course and cornice the base course shall be traditionally proportionate to the overall horizontal and vertical dimensions of a façade and shall align with either the kickplate or sill level of the first story. The cornice shall terminate the top of a building wall, may project out horizontally from the vertical building wall plane and shall be ornamented with moldings, brackets and other details that shall be appropriate to the architectural style of a building. The middle section of a building may be horizontally divided at floor, lintel, or sill levels with belt courses. Building courses shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors, and details of the building.

Testimony to be provided regarding horizontal courses for the proposed Top Golf building.

- QQ. Ordinance Section 502.B.4 states, the type, shape, pitch, texture, and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors, and details of such building. The minimum permitted roof pitch shall be eight on 12, and all gables on a building shall be of the same pitch. A flat roof may be permitted on a building of a minimum of two stories in height, provided that all visibly exposed walls shall have an articulated cornice that

projects out horizontally from the vertical building wall plane. A mansard roof may be permitted, but only if such is located on the third story of a building, completely and integrally enclosing such story. Flat or mansard roofs shall be prohibited on all one-story buildings. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and such similar elements shall be permitted, provided that such are architecturally compatible with the style, materials, colors, and details of the building.

The Applicants' plans indicate proposed flat roofs on the one-story QuickChek building and two-story Top Golf building. Each building provides no articulated cornice. **Design waivers are required.**

- RR. Ordinance Section 502.B.7 states, all air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view for a minimum distance of 500 feet from the site. Such shielding shall be accomplished by utilizing the walls or roof of the building or penthouse-type screening device that shall be designed.

Testimony to be provided regarding the location of all air-conditioning units, HVAC systems, exhaust pipes, etc. for all proposed buildings.

- SS. Ordinance Section 502.B.10 states, light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited.

Testimony to be provided regarding the wall mounted lights for the QuickChek building and roof mounted lights for the Top Golf building.

- TT. Ordinance Section 502.B.14 states, a development plan that contains more than one building or structure shall be unified through the use of architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures and other design elements for all such buildings or structures.

The Applicants plans do not indicate unified architecturally compatible styles, materials, colors, details, awnings, signage, lighting fixtures and other design elements for all buildings. **Design waivers may be required.**

- UU. Ordinance Section 502.D.1 states, retail stores oriented towards a street or parking lot shall have a minimum of 50% of the first-floor building façade that faces a street or parking lot consist of glass display windows.

The Applicant proposes the following:

- Convenience store: **Design waiver required** for north, east and west elevations

- VV. Ordinance Section 502.D.2 states, the primary building entrances should be oriented towards the street.

The Applicant proposes the following:

- Convenience store: Will face the interior parking lot. **A design waiver is required.**

Landscaping Deviations

The Applicant requires relief from the following standards:

- WW. Ordinance Section 509.D. states, deciduous trees shall have a minimum caliper of 3.5 inches at time of planting. Evergreen trees shall be a minimum of six feet in height at time of planting. Low-growing evergreen shrubs shall be a minimum of 2 1/2 feet in height at time of planting. Size of other plantings shall depend on setting and type of plant material.

The Applicants plans indicate the following planting sizes:

- Evergreen Trees: (Colorado Spruce and White Pine)
 - (2) trees proposed with a planting size of (5' – 6'), where a minimum (6') is required.
- Evergreen Shrubs:
 - (2) shrubs proposed with a planting size of (2' – 2 1/2'), where a minimum (2 1/2') is required.

Design Waivers may be required.

- XX. Ordinance Section 509.F states, the developer shall be required to replace dead or dying plant material for a period of two years from the date of issuance of a final zoning permit for occupancy and shall post a maintenance guarantee for such pursuant to Article X of this Chapter. If plant material is dead or dying during a planting season, it shall be replaced that same season. If plant material is dead or dying during a non-planting

season, it shall be replaced as soon as is reasonably possible at the start of the next planting season.

The Applicant shall provide testimony on this requirement.

- YY. Ordinance Section 509.H. states, the base of all sides of a building shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of two (2) feet high at time of planting and spaced an average of three feet in center. This foundation planting requirement shall not apply to the sides of buildings that are directly abutting a public right-of-way.

The Applicants plans do not indicate proposed foundation plantings for the QuickChek building located on Lot 1.04. **A design waiver is required.**

Lighting Deviations

The Applicant requires relief from the following standards:

- ZZ. Ordinance Section 511.E.3 states – (Fixture type) all other zones: Old Town A850 luminaire with metal halide ballast per Sternberg Lighting Catalog, or functional and aesthetic equivalent.

The Applicants' plans indicate multiple proposed wall mounted lighting fixtures for the QuickChek and roof mounted lighting fixtures for the Top Golf buildings. **Testimony to be provided.**

- AAA. Ordinance Section 511.A.2.(a-c), states security lighting design for commercial developments shall employ timers on all or a portion of the site lighting that reduces the average illumination to the minimum requirements of this Chapter within one hour after close of business or before 12:00 midnight, whichever occurs earlier. Safety lighting design shall employ motion sensors so that illumination occurs only when someone is in the immediate area. Display, advertising and specialty lighting, excluding interior illuminated or backlit identification signage, shall be turned off at or before 12:00 midnight.

Testimony to be provided regarding security lighting timers, motion sensors, and hours of operation for all proposed buildings.

Refuse and Recycling Areas Deviations

The Applicant requires relief from the following standard:

- BBB. Ordinance Section 515.A.2 states, all storage facilities shall be located in proximately to one another or may be combined in a single common facility. Such facilities shall be centrally located and convenient for the uses of the site. Designated recyclable storage facilities may be located inside a building. Such facilities shall not be located as to be visual focal point in courtyards or parking lots. Where located in a parking lot, such facilities shall not be permitted to be placed on the paved surface of the parking lot and shall be placed on a curbed area set back a minimum of two (2) feet from the curb edge of such parking lot. No refuse and recycling area may be located within a required principal building setback area.

The Applicants plans indicate refuse and recycling areas within building setbacks for Lots 1.03, 1.04, and 1.05. Testimony shall also be provided regarding refuse and recycling areas minimum (2) feet curb edge setback from paved surfaces. **Design waivers are required.**

Site Plan Development Standards Deviations

The Applicant requires the following relief from the standards:

- CCC. Ordinance Section 521.B.4 states, the exterior of a site with greater than 100 feet of street frontage shall provide decorative lampposts approximately 10 feet to 12 feet high, spaced at intervals of approximately 40 feet to 60 feet along or near all street lines and driveways. Walkways in the interior of a site shall have decorative lampposts approximately 10 feet to 12 feet high, spaced at intervals of approximately 30 feet to 40 feet. The style, size, color and type of light source of such lampposts shall be determined by the Board based on existing fixtures located in other similar type developments in the Township. Lighting levels from such fixtures shall be provided pursuant to Section **LDO-511**.

The Applicants' plans indicate lamppost details that suggest pole mounted lighting heights to range from 8' to 40' ($\pm 25'$ -30'). **Testimony to be provided.**

Street Trees Deviations

The Applicant requires the following relief from the standards:

- DDD. Ordinance Section 523.B, states trees specified in the Table of Recommend Large Street Trees shall be planted at a minimum interval of thirty-five (35)

feet along all streets. Trees specified in the Table of Recommended Medium Street Trees shall be planted at a minimum interval of thirty (30) feet along all streets. Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and streetlights.

Per Ordinance Section 523.D, street type may vary depending on overall effect desired but as a general rule, all trees shall be large deciduous trees except as needed to achieve special effects. Tree selection shall be approved by the Board in accordance with the Neptune Township Shade Tree Commission Tree Planting Guide.[2] Alternate selections may be approved at the discretion of the Board.

The Applicant proposes = total of 222 trees		
Jumping Brook Road 200 LF/35' =	6 street trees required	3 deciduous trees provided
Essex Road 910 LF/35' =	26 street trees required	14 deciduous trees provided
Premium Outlets Boulevard 1100 LF/35' =	32 street trees required	16 deciduous trees provided
Total	64 Required	33 Proposed

The Applicant is thirty-one (31) trees short to meet ordinance requirements. **A design waiver is required.**

7. Site Plan Review

A. **General Site Improvements**

- 1) The following General Notes shall be added to the plan:
 - a) "All construction shall be in accordance with Neptune Township Design Standards and Details.
 - b) "No soil shall be removed from the site without the written approval of the Director of Engineering and Planning."
 - c) "All proposed utilities shall be placed underground."
 - d) "All construction permits for the demolition of the structures will be obtained prior to demolition."
 - e) "During construction, Developer shall comply with solid waste, public health and noise codes."
 - f) "Any fill to be imported shall be certified clean."

2) Signage

- a) The Applicant shall clarify total square footage, height, location and illumination of all proposed wall mounted and freestanding signs.
- b) Testimony to be provided regarding the proposed monument signs for each lot.
- c) Testimony shall be provided to address if the site requires directional signs in accordance with Ordinance section 416.07.E.

3) Architectural Design Standards

- a) The Applicant shall provide testimony on the following building standards:

(1) Ordinance Section 502.B.1 Massing (b)

- Building wall offsets shall equal a minimum of five (5) percent of the building wall length.
- Maximum spacing of offsets shall be seventy-five (75) feet.
- Minimum projection or depth of any individual offset shall not be less than ten feet.
- Roofline offsets shall be provided along any roof measuring longer than seventy-five (75) feet.

(2) Ordinance Section 502.B.2 Horizontal Courses

- Building course shall be considered an integral part of the design of a building and shall be architecturally compatible with the style, materials and color should be provided.

(3) Ordinance Section 502.B.3 – Continuity of treatment.

- The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.

(4) Ordinance Section 502.B.4 – Roof

- The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, colors and details of such building. The minimum permitted roof pitch shall be eight on 12, and all gables on a building shall be of the same pitch. A flat roof may be permitted on a building of a minimum of two stories in height, provided that all visibly exposed walls shall have an articulated cornice that projects out horizontally from the vertical building wall plane. A mansard roof may be permitted, but only if such is located on the third story of a building, completely and integrally enclosing such story. Flat or mansard roofs shall be prohibited on all one-story buildings. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and such similar elements shall be permitted, provided that such are architecturally compatible with the style, materials, colors and details of the building.
- (5) Ordinance Section 502.B.10 – Lighting
- Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors, and details of such building and other lighting fixtures used on the site.
- (6) Ordinance Section 502.B.14 – Corner Buildings
- A building on a corner lot shall be considered a more significant structure from an urban design standpoint since such building has at least two front facades visibly exposed to the street. Such building may be designed to have additional height and architectural embellishments relating to its location on a corner lot, if deemed appropriate by the Board.
- (7) Ordinance Section 515.A.5 – Refuse and Recycling
- All non-residential uses shall be designed to have a temporary designated refuse and recyclable storage area located within the building occupied by such use. Such storage area may be located anywhere within the interior of a building, including basements,

storage closets or attached garages, but shall not be situated in a hallway or corridor necessary for internal circulation or emergency access. Such area shall be designed to accommodate the average accumulated collection and any necessary storage equipment.

- b) The Applicant should provide testimony as to the proposed number of tenants, the types of business, the hours of operation, and the estimated number of employees within the proposed retail site pad.

4) Site Layout (Drive-Through Areas)

- a) The Ordinance No. 14-26 amended drive through restaurants as a permitted use in the C-1 zone district. While drive through restaurants are no longer a conditional use in the C-1 district, there are a number of conditional use requirements for drive through restaurants our office recommends the applicant adhere to where possible. They are as follows:

(Drive-through Areas Ordinance 415.08.D)

- (1) (A minimum of seventy-five (75) feet of queuing space shall be provided on-site, as measured from an ordering area.
- (2) Two (2) internally illuminated menu boards not to exceed twelve (12) square feet. **The applicant should provide testimony on the number of menu boards and the proposed area of each, if applicable.**
- (3) A “bail-out” lane shall be provided to allow cars in queue to freely move through the site.
- (4) A pedestrian area located in the vicinity of a drive-through facility shall be clearly delineated by raised sidewalk areas, painted crosswalks, distinct paving materials or any combination thereof. Appropriate signage alerting motorists to pedestrian areas shall be provided.

5) Retaining Wall Standards

- a) The Ordinance sections 421 and 527 outline the following design standards for the proposed retaining wall to be utilized within the east side of the parking field. Testimony addressing compliance should be provided.
- b) Ordinance Section 421.I states, safety requirements of structural retaining walls. The top of any structural retaining wall, or tiered wall, with a height of greater than four (4) feet, shall be protected through the use of fencing with a minimum height of three (3) feet or, in the alternative provide safety concerns are adequately addressed, densely planted vegetation at 50% of the full growth screening.

The applicant has provided details on fencing proposed along the entire length of the walls. Testimony to be provided on the height and type of the proposed fencing for each retaining wall.

- c) Ordinance Section 421.J states, Design. A licensed structural or civil engineer shall design all structural retaining walls, with signed and sealed plans submitted for review and approval by the Construction Official, Borough Engineer, Planning Board Engineer or Zoning Board of Adjustment Engineer, whatever the case may be.

The applicant shall submit sign and sealed structural plans for the retaining wall in accordance with the ordinance. This shall be a condition of the approval.

- d) Ordinance Section 421.K states, Inspection. A licensed structural or civil engineer, at the cost of the applicant, shall inspect the construction of all structural retaining walls, and a signed and sealed certification that the wall has been properly constructed shall be submitted to the Construction Official upon completion of the wall.

Our office recommends this be made a condition of the approval.

- e) The applicant shall develop a design and maintenance plan following the standards outlined in Ordinance Section 527.

B. Traffic Circulation and Parking

- 1) The Applicant has provided a Traffic Impact Analysis in accordance with Ordinance Section 811. The Applicant shall provide testimony with regards to peak traffic impacts to local roadways prior to and after build conditions. Testimony should include the number of daily trips and level of service.
- 2) The Applicant proposes the following traffic access for the development.

Existing access is provided via Route 66 and Essex Road. The proposed access system serving the project site will consist of the following:

- a) Route 66 - Westbound:
 - Right-in/Right-out driveway west of Jumping Brook Road
 - b) Premium Outlets Boulevard:
 - Full Movement driveway opposite *Premium Outlets*
 - Full Movement driveway between Hovcild Boulevard and Route 66
 - c) Essex Road:
 - Right-in/Right-out driveway west of Jumping Brook Road
 - Full Movement driveway between east of Premium Outlets Boulevard
- 3) The following peak trip generation is proposed for the development:

Time of Day	Enter	Exit	Total
Weekday AM	363	342	705
Weekday PM	368	340	708
Saturday PH	392	374	766

Testimony to be provided.

- 4) The Applicant shall provide detail testimony to address pass-by trips. As stated with the Traffic Impact Study.

“As stated within Chapter 10 of ITE’s Trip Generation Handbook, 3rd Edition, there are instances when the total number of trips generated by a site is different from the amount of new traffic added to the street system by the generator. Convenience stores with gas, retail stores, supermarkets, and fast-food restaurants are specifically located on or adjacent to busy streets to attract motorists already on the roadway. Therefore, the uses of the proposed development

would be expected to attract a portion of its trip from the traffic passing the site on the way from an origin to an ultimate destination. These trips do not add new traffic to the adjacent roadway system are referred to pass-by trips.”

The following peak trip generation (including pass-by credits) is proposed for the development:

Time of Day	Enter	Exit	Total
Weekday AM	162	142	304
Weekday PM	177	159	336
Saturday PH	301	283	584

- 5) A gravity model was developed for the site to analyze the impact on the adjacent roadways based on the development of the site. The Applicant anticipates the following:

Site Traffic Distribution

To/From	Restaurant – Inbound/Outbound	Convenience – Inbound/Outbound	GE & Hotel – Inbound/Outbound
Jumping Brook Road - North	10% / 10%	10% / 5%	5% / 5%
Jumping Brook Road - South	10% / 10%	10% / 5%	5% / 5%
Route 66 - West	35% / 35%	15% / 60%	55% / 55%
Route 66 - East	30% / 30%	50% / 10%	20% / 20%
Essex Road – North	10% / 10%	10% / 15%	10% / 10%
Hovchild Boulevard - South	5% / 5%	5% / 5%	5% / 5%
Total	100%	100%	100%

Testimony shall be provided to address off-site impacts on Jumping Brook Road, NJ State Highway Route 66, Essex Road and Hovchild Boulevard.

- 6) The Traffic Impact Study has indicated the net difference in pre-existing and proposed peak trip generation for the site. The following table details the trip generation comparison:

Land Use	Weekday AM			Weekday PM			Saturday PH		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Pre-existing	181	25	150	20	122	142	28	25	53
Proposed	363	342	705	368	340	708	392	374	766
Net Difference	182	317	555	348	218	566	364	349	713

- 7) Testimony should be provided to address effects on traffic circulation, schedule time of deliveries, and loading zones for each site pad in accordance with Ordinance Section 412.12.A.
- 8) All proposed site triangles and associated easements shall comply with the Monmouth County and NJDOT standards.
- 9) The Traffic Impact Study's post-development Level of Service analysis for the following locations has been provided below:
 - **Route 66 and Jumping Brook Road**
Weekday AM LOS: "C"
Weekday PM/Saturday LOS: "D"
 - **Route 66 and Site Access**
Weekday AM/PM & Saturday LOS: "C"
 - **Route 66 and Premium Outlets Boulevard**
Weekday AM/PM & Saturday LOS: "C"
 - **Premium Outlets Boulevard and Hovchild Boulevard**
Weekday AM/PM LOS: "B"
Saturday LOS: "C"
 - **Premium Outlets Boulevard and South Access**
Weekday AM/PM & Saturday LOS: "B"
 - **Premium Outlets Boulevard and Essex Road**
Weekday AM/PM & Saturday LOS: "B"
 - **Essex Road and East/West Access**
Weekday AM/PM & Saturday LOS: "C"
 - **Jumping Brook Road and Essex Road**
Weekday AM/PM LOS: "B" / "E"
Saturday LOS: "C"
- 10) The plans shall be submitted to the Neptune Township Fire officials to address the fire lanes, hydrant connections (if required) and directional markings.
- 11) The applicant shall confirm if any NJDOT/ County Right-of-way dedication will be required.
- 12) The Applicant shall provide the tentative hours of operation for each proposed use and address staffing parking needs.

A. Drainage and Stormwater Management

- 1) The project site is 21.58 acres, the extent of land disturbance for construction is greater than 1 acre and the project will create approximately 8.22 acres of new impervious surfaces. The project must comply with NJDEP Best Management Practices and Neptune Township Stormwater Ordinance in regard to meeting the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, and reduce pollution.
- 2) The project site is classified as an Urban Redevelopment Area and lies within the Metropolitan Planning Area (PA1). Per NJAC 7:8-5.4(b)2., the groundwater recharge requirements do not apply to projects within the Urban Redevelopment Area.
- 3) The project proposes to address water quantity, and water quality, through the installation of two (2) small-scale bioretention basins, three (3) large-scale bioretention basins and associated storm sewer piping to re-route the stormwater runoff to the proposed basins.
 - a) Small-scale bioretention basins #1 and #2 have been designed to address stormwater quantity, and water quality requirements in accordance with N.J.A.C. 7:8 and BMP Manual Chapter 9.7. This system will capture and convey runoff volume produced by the NJDEP water quality storm event for that system's associated contributory drainage areas. Outlet Control Structures have been designed for each of the bioretention basins to allow the slow discharge of the 2-, 10- and 100-year storm events. The basins will be walled with basin access provided. The bottom of these basins have been designed to allow for a 1-foot separation between the bottom of the gravel layer and the seasonal high-water table (SHWT), per Chapter 9.7 of the NJDEP BMP Manual. All bioretention basins with underdrain are designed to drain the 100-year storm event within 72 hours.
 - b) The large-scale bioretention basins have been designed to address stormwater quantity requirements by detaining the 2-, 10- and 100-year storm event volumes of the contributory drainage areas via outlet control structures. Please note that these basins have underdrains, and exfiltration was not used in the routing calculations of these large-scale basins. The basins will be walled with basin access provided. The bottom of these basins have been placed to allow for a 1-foot separation between the bottom of the gravel layer and the seasonal high-water table

(SHWT), per Chapter 10.1 of the NJDEP BMP Manual. All bioretention basins with underdrain are designed to drain the 100-year storm event within 72 hours.

- 4) The Applicant has designed the Stormwater Management System to address the NJDEP BMP Manual and Neptune Township Stormwater Management Ordinance, Section 528. (amended under Ordinance No. 21-07), adopted on March 8, 2021. The Applicant must address.

- a) **TSS Removal** - Ordinance No. 21-07, Section IV, Part 0.2 states to satisfy the groundwater recharge and stormwater runoff standards at Section IV.P and Q, the design engineer shall utilize green infrastructure.

The bioretention basins will be designed in conformance with the NJDEP stormwater Management water quality regulations, which require a minimum 80% TSS for new impervious surfaces greater than ¼ acre. In order to achieve 80% TSS the proposed development will treat the NJDEP water quality storm event consisting of 1.25 inches of rainfall over two (2) hours via two (2) small-scale bioretention systems.

- b) **Groundwater Recharge** - The property is located within the New Jersey State Planning Area PA-1 (Metropolitan). In compliance with NJDEP Best Management Practices for groundwater recharge, the Applicant is not required to provide recharge within "Urban Redevelopment Area". This is also in compliance with Neptune Township's Stormwater Ordinance Section 528.3:F.B(3)c and amended Ordinance Section 21-07, Section IV, Part P.3.
- c) **Stormwater Runoff Quantity Standards** - Under Ordinance Section 529.F.B(3)c(1) and amended Ordinance No. 21-07, Section IV, Part R, the Applicant proposes the following stormwater pre vs. post construction runoff rates:

2-Year Design Storm			
Analysis Point	Existing Runoff (cfs)	Allowable Peak Flow (cfs)	Proposed Peak Flows (cfs)
AP-1	0.99 / 3.62	0.50 / 1.81	0.46 / 0.72
AP-2	0.15 / 0.18	0.44 / 0.51	0.15 / 0.18
AP-3	0.14 / 0.17	0.15 / 0.18	0.12 / 0.14
AP-4	0.00 / 0.00	0.25 / 0.30	0.25 / 0.30

10-Year Design Storm			
Analysis Point	Existing Runoff (cfs)	Allowable Peak Flow (cfs)	Proposed Peak Flows (cfs)
AP-1	16.20 / 25.95	12.15 / 19.46	3.05 / 5.61
AP-2	0.23 / 0.27	0.73 / 0.87	0.29 / 0.59
AP-3	0.22 / 0.26	0.24 / 0.32	0.19 / 0.25
AP-4	0.00 / 0.01	0.40 / 0.53	0.40 / 0.52

100-Year Design Storm			
Analysis Point	Existing Runoff (cfs)	Allowable Peak Flow (cfs)	Proposed Peak Flows (cfs)
AP-1	49.85 / 68.20	39.88 / 54.56	17.35 / 38.66
AP-2	2.15 / 4.56	2.82 / 5.09	1.66 / 2.89
AP-3	0.43 / 0.73	0.82 / 1.33	0.63 / 0.97
AP-4	0.11 / 0.35	1.35 / 2.23	1.25 / 1.99

AP-1 is located to the southwest portion of the project site, at an existing stormwater retention basin. This analysis point includes overland flow conveyed through stormwater piping within the project's limit of disturbance and undisturbed areas.

AP-2 is located off-site to the southwest of the property along Premium Outlets Boulevard.

AP-3 is located off-site to the west of the property along Premium Outlets Boulevard.

In accordance with Ordinance 21-07, Section IV, Part R (3) the stormwater runoff quantity standards shall be applied at the site's

boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

- 5) In accordance with Ordinance 21-07, Section IV, Part 0, the Stormwater Management System shall address green infrastructure BMPs. **Testimony to be provided.**
- 6) Ordinance 21-07, section IX, Part A, (1) requires whenever an Applicant seeks Municipal approval of a development subject to this ordinance, the Applicant shall submit all of the required components of the checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval. The Applicant shall submit a compliance check as required.
- 7) The Applicant shall provide a stormwater maintenance manual in accordance with NJDEP BMP standards. Within the manual, the following maps (11" x 17") shall be provided:
 - a) Grading Plan
 - b) Drainage and Utility Plan
 - c) Landscape Plan and Details
 - d) Soil Erosion Seeding Notes
- 8) The following notes shall be added to the Grading and Drainage Plan:
 - a) Stormwater management facilities shall be regularly maintained to ensure they function at design capacity and to prevent health hazards associated with debris buildup and stagnant water.
 - b) Responsibility for operation and maintenance of the stormwater facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owners or owners of the property. Maintenance shall follow the operations maintenance manual approved by the Neptune Township Planning Board.
 - c) In the event that the facility becomes a danger to public safety or public health, or if it is in need of maintenance. The owner shall affect such maintenance and repair of the facility in a manner that is approved by the Township Engineer.
- 9) As outlined under Ordinance 21-07, Section IV, Part M – Any stormwater Management Measure authorized under the Municipal Stormwater Management Plan or Ordinance shall be reflected in a deed notice recorded in the Office of the Clerk of the County of Monmouth. The Township will

require quarterly reports of drainage maintenance as compliance of this approval and Maintenance Manual.

B. Utilities

- 1) The Applicant has provided the following proposed utility schematics with the Utility Plan Sheet:
 - a) Domestic water service
 - b) Gas service
 - c) Sewer service
- 2) In accordance with Ordinance Section 526, all utility services shall be placed underground. The Applicant shall provide a note on the plans.
- 3) The Applicant shall provide testimony and construction details with regard to housing for the domestic and fire backflow preventers.
- 4) The regard to sanitary sewer improvements, the Applicant shall comply with the following:
 - a) The Applicant should obtain Township of Neptune Sewerage Authority (TNSA) approval for proposed sewer connection.
 - b) Flow calculations should be provided for the facility, calculations shall be submitted regarding proposed flow and capacity of existing system.

C. Environmental and Community Impact

- 1) The Applicant is required to provide testimony for the Environmental Impact Statement in compliance with the Township of Neptune Land Development Ordinance No. 4-23; Section 2 entitled "Environmental Impact Statement". The Applicant shall **provide testimony** with regard to the following:
 - a) Testimony shall be provided to address recycling and solid waste disposal for the site.
- 2) The Applicant should also provide testimony to address related key elements of the Environmental Impact Ordinance section 811.01 with regards to noise, lighting, air pollution and impacts of water quality from the proposed parking lots.

- 3) The Applicant shall provide testimony to address key elements of community impact with regards to facilities and fiscal impact.
- 4) Provide **testimony** on the off-site secondary impacts as follows:
 - a) Surface runoff and flooding
 - b) Nonpoint source pollution
 - c) Sedimentation and erosion
 - d) Water supply quality and quantity
 - e) Traffic congestion
 - f) Habitat fragmentation

D. Lighting and Landscaping

- 1) The following notes shall be added to the Lighting Plan:
 - a) Security lighting with times shall be provided on all or a portion of the site reducing the average illumination to the minimum requirements of the ordinance within one hour after close of business or before midnight, whichever occurs earlier.
 - b) The use of high-pressure sodium lighting shall be prohibited for all fixtures.
 - c) All lighting shall provide for non-glare lights focused downward.
- 2) A tree removal permit shall be obtained from the Township Conservation Office prior to any tree removal. Applicants' compliance with replacement tree requirements shall be provided during testimony.
- 3) The Applicant shall address the Environmental and Shade Tree Commission concerns on any non-native invasive plants and trees that will require higher maintenance issues.
- 4) Testimony should be provided to address the effects of off-premise lighting in accordance with Ordinance Section 511.C.


8. **Conditions of Approval**

- A. NJDOT Roadway Opening (if required)
- B. Monmouth County Planning Board (if required)
- C. Freehold Soil Conservation
- D. New Jersey American Water
- E. Neptune Township Developers Agreement
- F. Neptune Township Sewer Department
- G. Neptune Township Tree Removal Permit/Replacement Trees
- H. Neptune Township Fire Official
- I. Neptune Township Stormwater Management Maintenance Fee
- J. The Applicant shall secure all county permits, for road opening, water, sanitary, gas, and electric.
- K. Performance guarantees and engineering inspection fees
- L. Payment of Affordable Housing Contribution in accordance with Ordinance Section 1001.
- M. Signed and sealed structural retaining wall plan
- N. Structural retaining wall maintenance plan
- O. Escrow to address inspection of structural retaining wall.

Should you have any questions or require additional information regarding this matter, please contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.


Jennifer Beahm, P.P.
Planning Board Planner


Peter R. Avakian, P.E., P.P.,
Planning Board Engineer

JOG

cc: Heather Kepler, Board Administrator
Kristie Dickert, Zoning Officer
Jennifer Beahm, P.P., Board Planner
Peter R. Avakian, P.E., P.P., Board Engineer
Mark Kitrick, Esq., Board Attorney
Mark R. Aikins, Esq., Applicant's Attorney
Leanne R. Hoffmann, P.E., Applicant's Engineer
3601 Route 66, LLC, Applicant (Top Golf/QuickChek)

NTPB/25/24-11