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March 8, 201

Brick Township Board of Adjustment
 401 Chambers Bridge Road
 Brick, NJ 08723

Attn: Pamela O'Neill – Board of Adjustment Secretary

Re: **Vilamoura, LLC**
Preliminary & Final Site Plan and "d" Variance Application
Engineering Review #1
Application No. BA-3132-PSP-FSP-D-12/18
Location: 29-39 Mantoloking Road (CR 528)
Block 69, Lots 8 & 8.01
Brick Township, Ocean County, NJ
Our File: HBTZ0069.01

Dear Chairman Langer and Board Members:

In accordance with your authorization, our office has performed a review of the above referenced Preliminary and Final Site Plan and "d" Variance application, including but not limited to the following:

- Preliminary & Final Site Plan for Vilamoura, LLC, Proposed Marina, Restaurant & Banquet Facility, Block 69, Lots 8 & 8.01,; Tax Map Sheet #13, dated Oct. 1 1950, 29-39 Mantoloking Road (CR 528), Township of Brick, Ocean County, New Jersey, consisting of twenty (20) sheets, prepared by Dynamic Engineering, dated November 1, 2018, unrevised;
- Preliminary architectural plans and elevations, consisting of nine (9) sheets, prepared by Barlo, Governale & Associates, dated July 30, 2018, last revised October 23, 2018;
- Boundary and Topographic Survey, consisting of one (1) sheet prepared by Dynamic Survey, LLC, dated July 17, 2018, unrevised;
- Survey of Property w/ Topography, Tax Map Lots 7, 8, 8.01 & 1, Block 69, 29-39 Mantoloking Road, Township of Brick, Ocean County, New Jersey, consisting of one (1) sheet, prepared by DPK Consulting, dated October 7, 2014, last revised February 2, 2015;
- Boundary & Topographic Survey for the Hinckley Company DEA: the Talaria Company, LLC, Lot 8 & 8.01, Block 69 (Winter Yacht Basin), Situate in Township of Brick, Ocean County, New Jersey, consisting of one (1) sheet, prepared by Maser Consulting, P.A., dated August 8, 2008, last revised November 14, 2008;
- Amended Site Plan, Winter Yacht Basin, Block 69, Lots 8 & 9, Township of Brick, Ocean County, New Jersey, consisting of one (1) sheet, prepared by Challoner Engineering, Inc., dated April 8, 1998, last revised October 26, 2004;

*File
 Appl.
 Jackson
 Dynamic
 Wilmer
 3/11/19*



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- Stormwater Management, Groundwater Recharge and Water Quality Analysis for Vilamoura, LLC, proposed Marina Restaurant and Banquet Facility, prepared by Dynamic Engineering, dated November 2018, unrevised;
- Existing and Proposed Drainage Area Maps, consisting of two (2) sheets, prepared by Dynamic Engineering, dated November 1, 2018, unrevised (submitted as an appendix to the above referenced stormwater management report);
- Traffic Impact Study for Vilamoura, LLC, Proposed Marina Expansion, prepared by Dynamic Traffic, dated November 2, 2018;
- Environmental Impact Statement for Vilamoura, LLC, prepared by Dynamic Engineering, dated February 2019;
- Report from the Brick Township Bureau of Fire Safety, dated December 13, 2018;
- Report from the Brick Township Police Department Traffic Safety Unit, dated December 19, 2018;
- Report from the Brick Township Shade Tree Commission, dated January 9, 2019; and
- Completed application forms, along with various other application documents and submission items.

Based upon our review of same, we offer the following comments:

- 1) The Applicant, Vilamoura, LLC, is seeking Preliminary and Final Site Plan approval with a "d" variance / use variance to construct an elevated 4-story restaurant and banquet facility. The proposed building will have a footprint area of +/-17,100 square feet and will extend to a height of +/-84 feet above grade. Based upon the architectural plans submitted, the building will contain a total of +/-42,011 square feet of indoor floor area and +/-17,348 square feet of outdoor deck area. The levels of the building are proposed to be used as follows:
 - The ground level of the building will contain a valet area, restrooms, enclosed trash and storage rooms, elevator and stairway access to the levels above and an indoor lobby. In addition, a +/-4,783 square foot patio area is proposed beneath the building. The total ground level floor area indicated on the architectural plans is +/-4,140 square feet, which does not appear to include the outdoor patio.
 - The first floor of the building will contain a +/-4,496 square foot indoor restaurant with an attached +/-4,625 square foot outdoor deck, a kitchen, a food storage area, a waiting room and outdoor waiting area, restrooms and other areas apparently associated with the



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restaurant. The total indoor and outdoor / deck areas indicated on the architectural plans for the first floor are +/-10,480 square feet and +/-5,159 square feet, respectively.

- The second floor of the building will be used as a cocktail reception area for banquets, with a +/-4,315 square foot indoor cocktail area, a +/-4,625 square foot outdoor deck, a lobby, a kitchen, restrooms, administrative offices, a storage area, a pre-function area and an outdoor waiting area. The total indoor and outdoor / deck areas indicated on the architectural plans for the second floor are +/-10,460 square feet and +/-5,106 square feet, respectively.
- The third floor of the building will contain a +/-5,879 square foot indoor ballroom with an attached +/-1,586 square foot outdoor balcony, a bridal suite, a pre-function area, a kitchen, administrative and sales offices, restrooms and storage areas. The total indoor and outdoor / deck areas indicated on the architectural plans for the third floor are +/-11,929 square feet and +/-2,050 square feet, respectively.
- The fourth (top) floor of the building will contain +/-4,205 square feet of rooftop ceremony space, lobby and waiting areas, bridal and groom suites (each with its own outdoor balcony), a salon, restrooms and storage areas. The total indoor and outdoor / deck areas indicated on the architectural plans for the fourth floor are +/-5,002 square feet and +/-4,740 square feet, respectively.

In addition to the restaurant and banquet facility, the Applicant also proposes a 2-story / 3-level marina office with a +/-2,250 square foot building footprint, which includes an elevated deck attached to the first floor. This building is proposed to contain restrooms, laundry facilities, common areas and storage areas on the ground level, offices and sales areas associated with the marina on the elevated first floor, and a 1-bedroom residential apartment on the second / upper floor. A new pool, fencing and a covered patio are also proposed adjacent to this mixed use building.

The site is proposed to be serviced by a parking area containing a total of 547 parking spaces, 220 of which are proposed within a new, paved parking lot to the west of the restaurant / banquet facility building, with the remainder provided within gravel parking areas. Access to the site and parking area is proposed via a full-movement ingress / egress drive aisle extending from / to Mantoloking Road directly opposite the existing access drive for Brick Township Municipal Marina Park / Mantoloking Bridge County Park / Trader's Cove. A new traffic signal is proposed at this location and minor roadway improvements and right-of-way widening are proposed along Mantoloking Road. There do not appear to be any significant improvements proposed to the existing boat slips or bulkheads, and besides the parking lot improvements and new marina office with residential apartment, no substantial improvements appear to be proposed to the other existing marina facilities. No new stormwater management improvements are proposed on site. Both new buildings on site will be serviced by connection



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to the existing public water, sewer and other utility mains within the Mantoloking Road right-of-way. Landscaping and lighting improvements are proposed within the new paved parking area, and street trees are proposed along Mantoloking Road.

- 2) The subject 18.85-acre (821,175 square foot) property has approximately 1,200 feet of frontage along the southerly side of Mantoloking Road / County Route 528 just west of the Mantoloking Bridge and directly opposite Brick Township Municipal Marina Park / Mantoloking Bridge County Park / Trader's Cove. It also has 106.75 feet of frontage along Beaton Road to the west. The subject property and all adjacent properties are situated in a B-2 (General Business) Zone District. The adjacent properties to the west / northwest contain vacant open space, while the adjacent property to the southwest appears to contain a marina and/or boat storage facility. To the east, the property fronts on the Barnegat Bay. Currently, the site contains the Barnegat Bay Marina, with docks, boat slips, gravel parking and boat storage areas, boat ramps and other improvements typical of a marina use, including a fuel dock and +/-14,500 square foot 1-story building, both of which are proposed to remain. Based upon the FEMA Preliminary Flood Insurance Rate Map (FIRM), the entire property is situated within a special flood hazard area. The easterly portion of the property is mapped in a VE-10 and VE-11 (high hazard) flood zones; no new improvements are proposed in these areas, and the existing improvements consist primarily of the existing boat slips, parking areas and the fuel storage tanks for the fuel dock. The balance of the site is located within AE-8 and AE-9 flood zones, with a portion of these areas located in the LIMWA (limit of moderate wave action) zone (a.k.a. coastal "A" zone), which is an area within the flood zone that, based upon FEMA's analysis, may be impacted by waves with a height of 1.5 feet or greater during 1% annual chance flood event. The proposed restaurant / banquet facility building is located primarily within the AE-9 flood zone and the LIMWA zone, which requires all new construction to comply with coastal high hazard area / "V" zone requirements. The proposed marina office / residential apartment building is also located within the AE-9 flood zone and the LIMWA zone. It appears that the southwesterly portion of the site is encumbered by coastal wetlands, and the entire site is located within a CAFRA regulated area.
- 3) The Applicant is seeking a "d" variance / use variance in connection with the application, as the proposed banquet facility is not permitted as a principal, conditional or accessory use in the B-2 Zone, and accordingly, is a prohibited use. We defer to the Board Planner and/or Board Attorney for further comment relative to the criteria for approval of the required "d" variance.
- 4) In addition to the above, a "d" variance / use variance also appears to be required for the proposed building height, which exceeds the maximum building height permitted in the subject zone (38.5 feet) by greater than 10%. The proposed height indicated on the Site Plan and application forms is seventy-eight (78) feet. However, the separation from grade to the highest point of the roof, as scaled from the architectural elevations, is approximately eighty (84) feet. It is unclear whether this +/-84-foot high portion of the roof conforms to the building height exceptions permitted by §245-299 of the Township Development Regulations; a determination relative to same should be made by the Board Planner or Township Zoning Officer.



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5) The Applicant has also requested the following additional variance relief and design waivers:

	Permitted	Existing	Proposed
Maximum Mean Building Height (Marina Office / Residential Apartment)	35 feet	N/A	37.25 feet ⁽¹⁾
Sidewalk and Curbing Required Along All Street Frontages For Site Plan Applications	Yes	No	No
Curbing Required to Surround All Off-Street Parking Areas For Any Use Other Than Single-Family Residential	Yes	No	No
Minimum Parking Setback to R.O.W.	20 feet	Unknown	+/-2 feet
Minimum Parking Space Dimensions	10' by 18'	Undefined	9' by 18'
Maximum Driveway Width Without Divider Barrier	28 feet	Unknown	>35 feet
Properties With 2 Driveways Having Driveway Width of Greater Than 30 feet	No ⁽²⁾	Unknown	Yes ⁽²⁾
Minimum 3' High Berm Where Parking Stall is Adjacent to ROW	Yes	No	No
Minimum Buffer Width	60 feet	Unknown	<25 feet
Minimum Curb Island Width	7.5 feet	N/A	<7.5 feet

(1) – The proposed 37.25 foot height appears to be the peak height of the building, and a maximum peak height of 38.5 feet is permitted in the subject zone. Accordingly, this requested variance relief does not appear to be necessary.

(2) – This requested relief does not appear to be necessary, as the site frontage exceeds 300 feet.



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- 6) Our office defers to the Board Planner and the Township Zoning Officer for a determination as to the need for any additional variance relief, noting that additional variances appear to be required for the following:

	Permitted	Existing	Proposed
Minimum Front Setback	50 feet	13.7 feet	46.1 feet
Minimum Access Drive Width Between Rows of Parking Stalls	25 feet	Undefined	0 feet ⁽³⁾

(3) – The proposed rows of valet parking spaces abut each other, end to end, with no access drive between them.

- 7) This application has been deemed **COMPLETE**.

We offer the following comments for review and consideration by the Board and discussion at the Public Hearing:

8) **General**

- a) The Applicant shall provide testimony in support of the required variances, demonstrating that the benefits of the variances would substantially outweigh any detriment of strict conformance with the ordinance requirements, and addressing the positive and negative criteria for the granting of the required "d-1" variance / use variance.
- b) In particular, the Applicant must address the request for a "d-6" height variance, as the proposed building height (+/-84 feet) substantially exceeds the maximum height permitted in any zone district in the Township. It appears that the proposed building would be among the tallest buildings in the Township and County. We defer to the Board Planner and Board Attorney for further comment relative to the criteria for the granting of the "d-6" variance.
- c) Testimony should be provided regarding the overall operations of the restaurant / banquet facility building on site. Testimony should address but not be limited to the following:
 - i) Hours of operation;
 - ii) Expected number of employees during a given shift and overall;
 - iii) How the grade level patio area will be used;
 - iv) Details of how events will function;



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- v) Whether the restaurant and banquet facility will operate simultaneously, and if so, how these uses will impact each other, particularly with regard to vehicular and pedestrian traffic; and
 - vi) How the proposed building will impact and be impacted by the marina use.
- d) The Applicant should discuss how the smaller building on site will be utilized, including but not limited to the following:
- i) The party that will occupy the top floor residential apartment;
 - ii) Who will have access to the restroom, laundry facilities and pool, and how access will be controlled;
 - iii) How the ground floor storage area will be utilized; and
 - iv) The details of the marina business / sales to be conducted in the office areas.
- e) The Applicant should clarify whether "dock and dine" is anticipated at the proposed facility, and if so, discuss the details of same, including the slips that will be utilized by "dock and dine" customers.
- f) The subject property is located in the Mantoloking Road Corridor Streetscape Overlay Zone (Article XXXC of the Township Development Regulations; §245-272.7 - §245-272.10). The purpose of the MRC SOZ is to "encourage development and redevelopment of commercial and residential properties along this roadway to reflect architectural cohesiveness as well as aesthetic and practical improvements and encourage the installation of sidewalks to improve opportunities for pedestrian amenities" and to "encourage the redevelopment of commercial uses that are neighborhood serving and that are not intrusive to the connected neighborhoods." All new Site Plan development and redevelopment applications for commercial uses in this corridor shall be subject to the streetscape and design guidelines outlined at §245-272.8. The Applicant should address compliance with the purpose and intent of and design guidelines applicable to the MRC SOZ. We defer to the Board Planner for further comment.
- 9) Traffic
- a) The Applicant should summarize the findings and conclusions of the Traffic Engineering Assessment for the benefit of the Board.
 - b) Mantoloking Road is under Ocean County jurisdiction as CR 528, and accordingly, all roadway and traffic signal improvements will be subject to County review and approval. The Applicant should provide a status update on the required county approval and discuss the comments received from the County. Plans for all County roadway improvements should be provided.



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- c) The proposed development is estimated to generate the following number of new vehicle trips during the PM and Saturday peak hours:

		PM Weekday Peak Hour			Saturday Peak Hour		
		In	Out	Total	In	Out	Total
116 Marina Berths	Total	14	10	24	11	15	26
25,000 SF Restaurant	Total	151	93	244	143	137	280
	Pass-by	65	40	105	61	59	120
	New (Primary)	86	53	139	82	78	160
350 Seat Banquet Hall	Total	105	0	105	116	116	232
Total	Total	270	103	373	270	268	538
	Pass-by	65	40	105	61	59	120
	New (Primary)	205	63	268	209	209	418

- d) The Site Plan identifies the restaurant as a 4 story 17,061 SF building but the Traffic Impact Study uses a five-story 25,000 SF building. The Applicant should clarify this discrepancy.
- e) The analysis assumes that a percentage of the trips for the proposed restaurant use will consist of pass-by traffic. Given the nature of the overall facility and the expected type of restaurant proposed at this site, we believe that the restaurant will rely primarily on trips that are destined for the facility and the number of pass-by trips will be minimal. It is recommended that pass-by trip not be considered in the analysis.
- f) The Applicant's traffic engineer should discuss the anticipated traffic impact to the existing intersections of Adamston Road (CR 624) & Mantoloking Road (CR 528) as well as the NJSH Route 35 and Mantoloking Road (CR 528) intersection.
- g) The capacity analysis for Adamston Road and Mantoloking Road show acceptable Levels of Service (LOS) B/C during the weekday PM / Saturday peak hours for the 2020 "build"



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condition. The traffic study indicates a minor modification to the timing directive for the signal is proposed. Specifically, the green time for Adamston Road is proposed to be reduced from 19 seconds to 7 seconds. The Applicant should clarify whether the County has approved this change and how it will be implemented.

- h) The capacity analysis for Route 35 and Mantoloking Road show that that the signal will operate with an overall LOS D/C during the weekday / Saturday 2020 "build" peak hour condition. The northbound Route 35 left turn movement onto Mantoloking Road is shown to degrade from LOS D (51 s. delay) to LOS E (60 s. delay). While the impact to the delays experienced to the overall intersection is minimal, the Applicant's traffic engineer should indicate whether an alternate timing directive was considered to optimize the delays at the intersection. We acknowledge that the intersection is under NJDOT jurisdiction.
- i) The Traffic Impact Study also analyzes the LOS that will be provided at the proposed driveway intersection with Mantoloking Road (CR528) which will be aligned with the existing driveway associated with Traders Cove. A new traffic signal is proposed for this four leg intersection. The traffic signal warrant analysis should be included in the Traffic Impact Study and submitted for review.
- j) The analysis shows that the westbound Mantoloking Road left turn movement into the proposed site will operate with an LOS E during the Saturday peak hour (70 s. delay). The queue lengths associated with the significant delay time should be established. The intersection and approach lane design should ensure adequate storage length capacity.
- k) The Applicant's Traffic Engineer should indicate what impact the new traffic signal will have on the Friday eastbound and Sunday westbound evening peak summer rush hours.
- l) The Traffic Impact Study should include an analysis of the impact the project will have on stop controlled intersections located along Mantoloking Road between the site and Adamston Road. A sample intersection should be studied to determine whether the increased volume along Mantoloking Road will significantly impact the ability for left turn movements into and out of these side streets.
- m) The Applicant should provide additional discussion and data to support an 80%/20% distribution of traffic traveling to and from the site with the 80% being to and from the west. This provides a greater number of unopposed right-turn movements into the site. It appears that a higher percentage of traffic to and from the east would be a more conservative approach to analyzing the overall roadway network in the area.
- n) The narrative of the Traffic Impact Study should include tables and figures identifying the length of 95th percentile vehicle queue in the existing, no-build and build study periods for each studied intersection.
- o) The Applicant's Site Plan must identify sight triangles at the proposed access driveway to verify adequate horizontal and vertical sight distance is provided.



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- p) It appears that the easterly site access driveway is proposed to allow for only right-in and right-out movements. The Applicant should confirm, and if so, appropriate signage should be provided.
- q) The Applicant should outline the comments received from the Brick Township Police Department Traffic Safety Unit.

10) Parking & Circulation

- a) The Applicant must address boat storage within the parking areas on site, and if same is proposed, provide a boat storage plan to identify all locations on site where boats will be stored. This plan, which would be subject to review and approval, should be included with the Site Plan set and must demonstrate that the storage of boats within the gravel areas on site will not create a parking deficiency and will not inhibit access and circulation by emergency vehicles. Any approval granted by the Board should include a condition restricting boat storage only to the specific areas defined on the boat storage plan.
- b) The Applicant must clarify whether the parking demand associated with the grade level patio area has been included in the parking calculations. Depending upon how this area will be used, the parking requirements may need to be recalculated and an additional variance may be required. We note that the architectural elevations provided appear to depict a bar and tables with chairs in this area, which may increase the amount of parking required for the site.
- c) The parking requirement calculation for the restaurant is based upon a total of 926 occupants. The Applicant should clarify how this number was determined and provide a floor plan depicting tables, chairs, bar seats, etc. in support of this occupancy. The maximum number of occupants / seats for the restaurant use should be established as a condition of approval, if granted, to ensure compliance with the applicable parking requirements.
- d) To determine the parking requirement for the proposed banquet facility, the Applicant has assumed 350 occupants and applied the Township requirement for "auditoriums, houses of worship, theaters, stadiums, community centers, union halls and similar places of assembly," which is 1 per 4 seats or for every 4 persons who may be legally admitted, whichever is the maximum. The Applicant should address the appropriateness of using these standards and clarify whether any parking analysis of existing banquet facilities has been performed in an effort to determine parking demand specific to this type of use. The Applicant should also discuss how the 350-person assumption was made and confirm that it will not exceed the total number of seats within the banquet facility. In addition, the total legal occupancy of the banquet facility, as permitted by the building codes, should be indicated.
- e) The Applicant should describe the valet operations for the facility and clarify how the stacked parking arrangement will function.



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- f) The way in which the gravel parking spaces will be delineated must be clarified. We recommend that all unpaved spaces on site be define with concrete wheel stops or similar measures, with the possible exception of the stacked valet spaces.
- g) No oversized parking stalls appear to be proposed on site. The Applicant should clarify where vehicles with boat trailers will be parked on site and address the impact that same will have on the overall parking plan.
- h) The Applicant must provide testimony in support of the variance request for parking space dimensions (10 feet by 18 feet required; 9 feet by 18 feet proposed). Testimony should address but not be limited to the impact of trucks and other large vehicles used to pull trailers.
- i) The type of equipment used in connection with the marina on site should be described, and the location(s) where this equipment is stored should be identified.
- j) In accordance with §245-39.1 of the Township Development Regulations, sidewalks and curbing shall be required along all street frontages for any Site Plan application. We do not recommend a waiver from this requirement under the payment-in-lieu provision. Sidewalk and curbing should be provided along the entire site frontage, with provisions for bicycles and ADA compliant curb ramps at all driveways. In addition, a sidewalk or similar barrier free accessible path should be extended between the new sidewalk and the proposed restaurant / banquet hall building.
- k) The Applicant should address pedestrian access between the proposed parking area and restaurant / banquet hall building. No sidewalk or defined pedestrian path is proposed, and it appears that patrons of the facility will need to walk through drive aisles, landscaped areas and/or the valet area / driveway beneath the building to get from the parking spaces to the building entrance(s).
- l) Additional details are required to demonstrate that a barrier free accessible path will be provided between the handicap accessible parking stalls and the proposed restaurant / banquet facility as well as the proposed marina office / residential apartment. Walkways comprised of a firm, permanent, slip resistant surface (sidewalk, asphalt, pavers, etc.) and striped pedestrian aisles should be provided as required, with appropriate notes and details indicated on the Site Plan.
- m) Van accessible handicap parking spaces should be revised to comply with current standards (11-foot wide space with a 5-foot wide striped aisle).
- n) In accordance with §245-396.c of the Township Development Regulations, minimum parking lot specifications require parking areas to be paved. A waiver is required, as a portion of the



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parking areas to service the proposed restaurant / banquet facility are proposed to remain as gravel. Testimony is required in support of the waiver request.

- o) The Applicant should discuss pedestrian crossing movements at the new traffic signal on Mantoloking Road / CR 528 and address the feasibility of providing pedestrian actuation at this location. Same would be subject to Ocean County approval.
- p) The Applicant should address emergency access to the southerly side of the building (between the building and bulkhead) which will be restricted by the refuse enclosure. This matter should be reviewed with the Township Bureau of Fire Safety.
- q) The timing, frequency and other details of trash collection and deliveries to the site should be discussed.

11) Stormwater Management, Grading & Utilities

- a) Because greater than one (1) acres of disturbance is proposed, the proposed development constitutes a major development from a stormwater management standpoint. The Applicant should outline the requirements applicable to major stormwater developments and discuss how the proposed design complies with each of these requirements.
- b) Although a new building with a footprint area of approximately 17,100 square feet and nearly 90,000 square feet of new asphalt / paver parking areas are proposed in areas currently containing primarily gravel, the Applicant's Engineer has indicated that the development will result in a net decrease in impervious coverage, and accordingly, no stormwater management improvements are proposed. It appears that the Applicant's Engineer is assuming that the existing gravel areas on site are impervious. Our office has concern with this assumption, particularly given that the Township has required that the gravel recently brought into the site be a permeable material. Additional information is required to clarify the way in which the existing conditions were determined to be impervious, with detailed language and supporting information added to the stormwater management report. Revisions to the site design to include stormwater management measures may be required.
- c) In accordance with §396-11.A(2) of the Township Code and NJAC7:8-5.6(a)2, the existing hydrologic conditions of the site must assume the land cover conditions with the lowest runoff potential over the five (5) year period immediately prior to the time of application. The Applicant's Engineer must verify compliance with this requirement and provide supporting calculations and information. We note that the limits of the gravel parking areas on site, which have been assumed to be impervious (as discussed above), have expanded into previously undisturbed areas to the southwest during the past 1-2 years; this modification must be considered in the analysis.



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- d) It appears that runoff from the westerly portion of the paved parking area may be directed around the southerly terminus of the parking area curbing and ultimately towards adjacent Lot 7 to the west. The Applicant must verify that this condition will not have an adverse drainage impact on the adjacent property.
- e) No existing or proposed invert information for the existing sanitary sewer main or proposed laterals is provided. The Applicant should clarify whether any investigation has been performed to verify the feasibility of connecting to the existing sewer system. Invert information should be provided to verify that a gravity connection is feasible and that sufficient cover is provided atop proposed laterals.
- f) The application forms indicate that application has been made to the BTMUA. The Applicant should provide the Board with a status update relative to the BTMUA application and outline the comments received from the BTMUA, if any.
- g) Only a single water service line is proposed for the restaurant / banquet hall building; the Applicant should clarify whether a dedicated fire suppression line will be required.

12) Environmental & Floodplain Management

- a) The Applicant will need to apply to the NJDEP, Division of Land Use Regulation for a permit under the Coastal Area Facility Review Act rules (CAFRA, as found at NJAC 7:7), as outlined within Subchapter 2.2(a)2i. It should be noted that within the CAFRA regulations (Subchapter 15.14), the proposed building would be considered as a high-rise structure, which has certain requirements that may impact the proposed construction. A status update relative to the required CAFRA permit should be provided.
- b) The proposed marina office / residential apartment building and the majority of the restaurant / banquet hall building are located in a FEMA delineated AE-9 flood hazard area and the LiMWA (limit of moderate wave action) / coastal "A" zone. The current state requirements for construction in the LiMWA / coastal "A" zone are consistent with those in the coastal high hazard area / "V" zone, which typically require the use of pilings or columns, elevation of the bottom of the lowest horizontal structural member of the lowest floor above the base flood elevation (BFE) and the use breakaway walls or open lattice below the BFE. The Applicant should verify that the proposed design will comply with the coastal "A" zone construction requirements, as the architectural elevations for both buildings appear to depict solid walls at grade level, which would be below the regulatory BFE.
- c) Section §196-18 of the Township Code prohibits attendant utilities and sanitary facilities for new construction from being installed below the base flood elevation (BFE). The floor plans for the restaurant / banquet hall building depict restroom on the ground level, and the floor plans for the marina office / residential apartment building depict restrooms, laundry facilities and a service sink on the ground level. As the ground level elevation of both buildings is well



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below the BFE, it appears that design modifications are required to elevate the utility / sanitary improvements.

- d) The Site Plan depicts existing boat racks on concrete pads to remain near the southwesterly limit of the parking area. Based upon historic aerial images, these racks and the gravel parking area adjacent to them were installed in late 2017 or early 2018 within or in the immediate proximity of an area shown on the NJDEP NJ-GeoWeb online resource to be mapped as coastal wetlands. It does not appear that NJDEP permits were obtained for this work, which may have constituted a regulated activity in a regulated area. Further, it is our understanding that there may be pending violations with the NJDEP and that the Township Construction has issued a stop work order for these boat racks. The Applicant should provide a status update relative to these issues.
- e) The Applicant should obtain a Letter of Interpretation (LOI) from the NJDEP to establish the limits of wetlands on the property and delineate the verified limits of the wetlands on the Site Plan. We believe that same will be required in connection with the CAFRA permit application discussed in 12)a) above.
- f) The Applicant should indicate if a Preliminary Assessment (in accordance with NJDEP Site Remediation Standards) or a Phase I Environmental Assessment (in accordance with ASTM 1527-13 Guidelines) was generated for the site.
- g) The Applicant should outline the comments received from the Township Environmental Commission.

13) Landscaping and Lighting

- a) In accordance with §245-407A, shade trees are to be 2.5" inches to 3" inches in caliper, evergreen trees are to be 7-8 feet in height and shrubs are to be 24-30 inches in height or spread. Proposed landscaping should be increased in size for compliance.
- b) In accordance with §245-408J, all planted landscaped areas must be irrigated with an underground irrigation system. A note should be provided indicating same.
- c) It appears one (1) proposed PXA (London Plane Tree) is depicted within the driveway. Where possible, all trees should be a minimum of ten (10) feet away from proposed and existing curb.
- d) Our office recommends providing only five (5) PSK (Flowering Cherry) along each side of the entrance driveway, to allow for enough distance from the curb line and due to the limited soil volume these trees will have to grow in. Currently, six (6) PSK are proposed along each side.



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- e) Revise the plans to provide a minimum clearance of fifteen (15) feet between the proposed shade trees and light fixtures.
- f) Revise the planting details, sheet 15 of 20, to ensure the root flare is exposed and installed at final grade for Note #3.
- g) Revise the 'Planting Notes', sheet 15 of 20, Note #16, to indicate that no mulch shall come into contact with the root flare. Also, indicate watering responsibilities for Note #17. Additionally, provide a note that in the event that plant quantity discrepancies or material omissions occur in the planting schedule, the plan shall supersede.
- h) The Applicant should outline the comments and recommendations received from the Township Shade Tree Commission.
- i) The Site Plan currently depicts the use of both metal halide and high pressure sodium light fixtures. The use of LED fixtures is recommended. The color temp of these fixtures should be identified; a color temperature of less than 4000K (warm white) is recommended based on the nature of the proposed use.
- j) It is unclear from the Lighting Plan whether the existing parking areas on site are illuminated, as no existing illumination levels appear to be indicated. The Applicant should clarify.
- k) The Applicant should clarify whether any lighting is proposed for the parking lot servicing the proposed marina offices and showers. None appears to be depicted on the Site Plan.
- l) Revise the plans to provide the manufacturer's catalog cuts for proposed light pole, to prevent confusion during construction.
- m) Revise the plans to reduce proposed parking lot light levels. Currently, the Applicant has proposed an average of 7.71 footcandles throughout the parking lot. Our office recommends a minimum of 0.50 footcandles throughout the parking lot.
- n) Our office does not find proposed wall-pack light fixtures acceptable, due to glare from exposed light source. Our office recommends downward focused, shielded area lights, such as building-mounted wall sconces. This should be addressed.
- o) Revise the plans to indicate proposed timers and hours of operation. Also, indicate proposed color and finish for all fixtures and poles. Additionally, provide isolux pattern details for all proposed fixtures.
- p) Revise the 'Area Light Detail', sheet 18 of 20, to indicate a concrete strength of 4,500 psi. Currently, 4,000 psi is indicated.



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14) Miscellaneous

- a) The Site Plan depicts a trailer / restroom building near the easterly site access drive that is proposed to remain. This structure, which is in the coastal "A" flood zone, maintains a noncompliant setback to Mantoloking Road of 13.7 feet and has a first floor elevation of 6.64, well below the regulatory base flood elevation at this location. It does not appear that the required permits / approvals have been obtained for this structure. The possibility of relocating, elevating or replacing this structure to bring it into compliance with the applicable zoning and flood hazard area requirements should be considered. At a minimum, the Applicant must obtain all required permits for this structure.
- b) The Applicant should discuss the adequacy, composition and other details of the trash enclosure, including what measures will be employed to prevent refuse from getting into the nearby waterway. Construction details should be added to the Site Plan.
- c) The details of any proposed signage should be discussed and the signage should be depicted in an exhibit presented to the Board and added to the Site Plan.
- d) The Site Plan depicts a proposed low decorative landscape wall with iron fence along the project frontage. A construction detail for same should be provided. We defer to the Board Planner and/or Township Zoning Officer for a determination on whether this improvement constitutes a fence, accessory structure or other improvement regulated by the Township Zoning Standards, and if so, the setback and other requirements applicable to same.
- e) A split rail fence, slotted curb or similar barrier should be provided along the southwesterly limit of the gravel parking area to deter encroachment and the gradual expansion of the gravel into the adjacent coastal wetlands.
- f) The location(s) of the mechanical units for the proposed buildings should be identified. In addition the Applicant should clarify whether any generators are proposed, and if so, discuss the location(s) and other details of same.
- g) It appears that elevated generator pads and elevated HVAC pads are proposed along the northerly façade of the existing 1-story +/-14,500 square foot service building proposed to remain. The Applicant should confirm and discuss the purpose for and details of same.
- h) The Applicant should outline the comments received from the Brick Township Bureau of Fire Safety. Compliance with same should be made a condition of approval, if granted. The locations of any fire lane striping or similar improvements required by the BTBFS should be depicted on the Site Plan.
- i) The Applicant should outline the comments received from the Township Architectural Review Committee.



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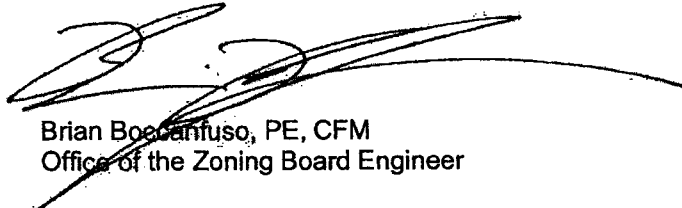
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15) The Applicant remains responsible to obtain all required outside agency approvals and provide copies of same to the Board, including but not limited to the following:

- a) NJDEP
- b) Ocean County Planning Board
- c) Brick Township MUA
- d) Ocean County Soil Conservation District

Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates



Brian Boccanfuso, PE, CFM
Office of the Zoning Board Engineer

BB
CC: John Miller, Esq.
Tara Paxton, MPA, AICP / PP,