



**YOUR GOALS. OUR MISSION.**

RBZB-R8710

February 22, 2017  
*Via Email and Regular Mail*

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

**Re: Two River Theatre Co., Inc.  
21 Bridge Ave.  
Block 35, Lot 5.01; Block 36, Lots 22, 22.01 & 22.02  
Application No. #Z12123; BR-1 Zone (Train Station Overlay)  
Major Site Plan  
First Engineering Review**

Dear Mr. Carter:

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

- Denial of Development Permit, dated December 15, 2016.
- Application for Development Permit, dated December 13, 2016.
- Architectural Plans, prepared by Edmund H. Gaunt, Jr., AIA, dated January 26, 2017, consisting of six (6) sheets.
- Preliminary and Final Major Site Plan, prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E., of Insite Engineering, LLC, dated January 26, 2017, consisting of twelve (12) sheets.
- Stormwater Management Report, prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E., of InSite Engineering, LLC, dated January 26, 2017.
- Boundary and Topographic Survey, prepared by Robert L. Vallee, Vallee Surveying, Inc., dated March 8, 2016, last revised June 16, 2016, consisting of one (1) sheet.

The property is located in the BR-1 Zone with Train Station overlay. The applicant is proposing to expand the existing building known as Two River Theatre. The applicant is proposing a three-story addition totaling 36,357 SF and consists of various ancillary uses to the existing theater space including offices, wood/metal/paint shops, rehearsal spaces, and storage. These uses are now contained within the two existing buildings on the eastern side of the property which are proposed to be removed. The removal of these buildings will make room for parking and the proposed theater expansion. The applicant will require a "d" Use Variance for exceeding the maximum height of a structure in the zone by more than 10%. Both the existing structure and proposed additions exceed the 40' maximum.

Based on our review of the plans, we offer the following for Board consideration:

**1. Planning and Zoning**

*This application requires "d" Use Variances for the following:*

- 1.1 Section 490-146.E.6.b. of the Borough Ordinance allows for a maximum building height of 40 ft. The existing structure is 44 ft., with a 75 ft. high fly tower, and the proposed structure has a height of 50 ft., therefore a variance is required for building height.



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The applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. The determination of the positive criteria establishes the benefits of the variance. The determination of the negative criteria establishes the detriments to the public good that would result from the variance. By nature, a variance is a departure from and an impairment of the zone plan. On balance, the benefits of granting the variance must be such that the resulting detriments are not substantial. The greater the benefits of the variance, the greater the detriments must be in order to be considered substantial. Accordingly, the applicant must demonstrate the following for "d" variance relief:

Positive Criteria

There are two prongs to the positive criteria that the applicant must satisfy, as follows:

***That the site is particularly suited to the use.*** Unless the Board determines that the proposed use qualifies as an inherently beneficial use of the proposed site, the applicant must prove that the site is particularly suited to the use.

***There are special reasons that allow a departure from the zoning regulations in this particular case.*** Unless the Board determines that the use qualifies as an inherently beneficial use as discussed above, the applicant must prove that special reasons support the grant of the variance. The only acceptable special reasons for the grant of a "d" variance would be proof that the variance promotes the purpose of zoning, or proof of undue hardship. The purposes of zoning are established by the Municipal Land Use Law (N.J.S.A. 40:55D-2) and the applicant must demonstrate that the variance promotes one or more of those purposes to establish special reasons. Alternatively, the applicant may offer as a special reason proof that refusal to grant the variance would result in undue hardship. Proof of undue hardship for a "d" variance requires that the applicant prove that the property cannot be reasonably adapted to conform to the zone requirements.

Negative Criteria

There are two prongs to the negative criteria that the applicant must satisfy, as follows:

***That the variance can be granted without substantial detriment to the public good.*** This prong requires an evaluation of the impact of the variance on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

***That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.*** The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. The process for zoning decisions is through the recommendations of the municipal master plan as implemented through zoning ordinances adopted by the governing body. This establishes the zones, standards, and requirements for the development of the municipality. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. If the



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grant of a variance substantially alters the municipality's zone plan, the action is impermissible because it usurps the zoning power of the governing body and undermines the municipal planning process.

Bulk "c" Variances

- 1.2 Section 490-146.E.2.d of the Ordinance requires a minimum lot frontage of 100'; whereas 78' exists along the West Street frontage and 35' exists along the Monmouth Street frontage. These are pre-existing non-conforming conditions which are not being made worse by this application.
- 1.3 Section 490-146.E.3 of the Ordinance requires a minimum front yard setback of 10' for properties fronting Monmouth Street and 25' for any other property; whereas a 1' setback exists along the Bridge Avenue frontage. This is a pre-existing non-conforming condition which is not being made worse with this application.
- 1.4 Section 490-146.5.d of the Ordinance requires a minimum side yard setback of 10', whereas; the applicant proposes a 6.6' setback to the proposed expansion along the southern side property line. A variance will be required.
- 1.5 Section 490-146.9.d of the Ordinance requires a minimum unoccupied open space of 15%; whereas 15% is proposed and 17% exists currently. The applicant shall provide an exhibit plan indicating the areas of unoccupied open space for review. A variance may be required upon further review.
- 1.6 Based on the architectural plan provided, it appears that the applicant is proposing new signage along the Edmund Wilson Plaza frontage of the building expansion. No details of the proposed signs have been provided on the site plans or architectural plans. The applicant shall confirm that new signs are proposed and provide details of same. Additional variances may be required upon further review.

**2. On Site Improvements**

- 2.1. Section 490-146.B.1 of the Ordinance requires the following parking for the proposed use:

**Proposed Use: Theater**

Theater (1 space/3 seats x 300 seats) = **100 spaces**



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The existing theater use has a parking demand of 100 spaces; whereas, 100 spaces are currently provided. The current proposal will increase the onsite parking provided to one hundred five (105) spaces; therefore, the parking demand appears to be met. The applicant shall provide testimony regarding the addition of office space related to the theater expansion and its potential impacts on parking demand.

- 2.2 The applicant proposes a new concrete driveway apron onto West Street, the applicant shall provide a driveway detail per the Ordinance.
- 2.3 Section 490-98.E. of the Ordinance requires all parking stalls to be “hairpin” style. The plan shall be revised to comply or a design waiver will be required.
- 2.4 Section 490-98.I.1.a. of the Ordinance states that parking in any front yard area is not permitted. The applicant is proposing to provide parking in the front yard on West Street. The plan shall be revised to comply or a design waiver will be required.
- 2.5 Section 490-98.I.2. of the Ordinance requires that any parking provided in the front yard must provide a safety island complying with this section. The applicant does not provide an adequate safety island for the proposed parking area along West Street and Edmund Wilson Plaza. The plan shall be revised to comply or a design waiver will be required.
- 2.6 The applicant is proposing an approximately 12 ft. x 18 ft. “Stabilized Grass” area on the eastern side of the building in the parking lot. The applicant shall provide testimony regarding the purpose of this area.
- 2.7 The applicant shall provide testimony regarding the loading zone requirements for the proposed use. Currently it does not appear that a loading zone is provided. If a loading zone is proposed, the applicant shall clearly label and dimension the space on the plans.
- 2.8 The applicant is proposing eight ADA (8) accessible spaces on the plans. The applicant shall specify all parking space and aisle dimensions on the plans and label any “van accessible” spaces accordingly.
- 2.9 It is unclear from the plans how the ADA spaces will provide access to the building as no curb ramps are provided. The applicant shall clearly identify the accessible route and provide all grading information along the accessible route and within the accessible spaces to ensure compliance with ADA Standards. In addition, it appears the applicant is proposing a new type ‘B’ inlet in the area of the accessible spaces which could be a potential conflict.



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- 2.10 It does not appear that a refuse storage area has been provided. The applicant shall provide testimony regarding refuse storage and the days and times of trash and recycling pickup.
- 2.11 We recommend that any curb or sidewalk that is damaged during construction be replaced as necessary.
- 2.12 Applicant should provide testimony as to the hours of operation and number of employees on site and provide operational testimony.
- 2.13 The applicant should provide turning templates demonstrating adequate circulation for all intended vehicles, including, trash, emergency, and loading.
- 2.14 The applicant shall provide testimony and documentation regarding all access easements and agreements that exist between the site and adjacent properties.

### **3. Off-Site and Off Tract Improvements**

- 3.1 The applicant shall confirm if any of the existing utilities will be reused. Any new utility connections shall be shown on the plans, and may be subject to connection fees, as appropriate.
- 3.2 The pavement at the site entrances along Edmund Wilson Plaza is in disrepair and should be replaced as part of this application. Pavement repairs shall be extended to at least the limits of pavement cracking. A neat sawcut edge shall be provided.
- 3.3 The concrete thickness on the “Dropped Curb and Cradle” detail is not consistent with the “concrete sidewalk” detail on sheet 9. The applicant shall revise the details for consistency. Any drivable concrete should be a minimum of 6” thick with welded wire fabric.
- 3.4 The applicant shall consider connecting the site sidewalk to the sidewalk on West Street.

### **4. Grading and Drainage**

- 4.1 The proposed improvements disturb more than one acre of land; therefore, the project is considered a “major development” as defined by N.J.A.C. 7:8 and is subject to the Stormwater Management II Requirements.



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- 4.2 For a “Major development”, the water quality element is required if there is an increase in impervious surface by one-quarter acre or more. The project is exempt from the water quality requirements as per N.J.A.C. 7:8-5.5 since the net increase in impervious surface is less than one-quarter acre.
- 4.3 The applicant is proposing a manufactured treatment device (MTD) to provide pretreatment for pavement runoff generated by the Water Quality Design Storm, prior to connecting to the infiltration system. The required total suspended solids (TSS) removal rate is 50%.
- 4.4 The applicant proposes an Aqua Swirl Concentrator Model AS-4, as shown on sheet C501 of the plans; however, is inconsistent with the NJDEP MTD Certification, provided in the SWM Report, which references the Aqua-Filter Stormwater Filtration System, certified for 80% TSS Removal Rate. Please clarify and/or provide the MTD Certification for the proposed Aqua Swirl.
- 4.5 The applicant proposes a subsurface infiltration system, consisting of 30-inch, perforated Advanced Drainage Systems (ADS) pipe, encased in stone, to reduce the post construction increase in peak runoff rates for the 2, 10 and 100 year storms. The following shall apply:
  - a. The proposed stone encasement must be free from debris, silt or other material that could contribute to clogging. The ‘Section Subsurface Detention Basin: System A’ Detail, shown on sheet C501, shall be revised to include specifications for ‘clean stone’ for the proposed stone encasement.
  - b. Access for maintenance is required in accordance with the NJ BMP manual. At least one inspection port that extends into the subsoil must be provided in the area of the infiltration basin to monitor the functionality of the basin. The location of the inspection port must be shown in the maintenance plan.
- 4.6 The ‘Outlet Structure OS B1’ shown on sheet C501, indicates 3” diameter orifice at elevation 20.05’ which is not applicable to this project. Please clarify/remove. In addition, the following shall apply:
  - a. The Rim elevation (28.25) is inconsistent with the plan and SWM report (30.93). Please revise.
  - b. Trash racks are required at the intake to the outlet structure, meeting the criteria illustrated on Page 7, Chapter 9.5 - Infiltration Basins, of the NJBMP Manual.



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- 4.7 The “Subsurface Detention Basin Detail”, shown on sheet C501, indicates the seasonal high water table (SHWT) is at elevation 17.0 ft. On-site soil testing shall be provided to confirm the SHWT, meeting the Soil Testing Criteria, found in Appendix E of the NJBMP Manual.
- 4.8 The basin routing in the SWM Report indicates an infiltration (design) rate of 0.3 inches per hr. The following shall apply:
- a. The minimum design permeability rate of the subsoil is 0.5 inches/hour, which equates to a minimum tested permeability rate of 1.0 inch/hour.
  - b. Soil tests are required at the exact location of the proposed basin in order to confirm its ability to function as designed. A minimum of two soil tests are required within the infiltration area of any proposed infiltration basin.
  - c. The field and laboratory testing procedures for determining the permeability rates of soils beneath the proposed subsurface infiltration system shall be in accordance with the Soil Testing Criteria found in Appendix E, of the NJBMP Manual.
  - d. The SWM report shall be revised to include drain time calculations, for the maximum design volume. (Note: A factor of safety of 2 must be applied to the slowest tested permeability rate to determine the design permeability rate).
  - e. A Groundwater Mounding Analysis shall be provided at the proposed infiltration basin. Please note the requirements for Groundwater Mounding found at the NJDEP Website at the following link; <http://pubs.usgs.gov/sir/2010/5102/>.
- 4.9 The applicant proposes new drainage structures and pipes connecting to the existing conveyance system and proposed subsurface basin. The SWM report shall be revised to include pipe calculations for the following;
- a. The proposed 10-inch diameter roof drain connecting runoff from the proposed addition to the UG System.
  - b. The proposed 8-inch diameter ADS pipe located downstream of the proposed trench drain.
- 4.10 The applicant proposes to divert / re-connect roof runoff generated from the existing building, located on the subject property, and from the existing building located on adjacent Lot 3.01. The following shall apply:



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- a. The proposed 15-inch ADS pipe runs underneath the proposed building addition, prior to connecting runoff to proposed inlet #4. An alternate method of diversion shall be considered. to eliminate the placement of storm pipe underneath the proposed building structure / interference with the foundation.
  - b. Based on the information provided on the plan, the existing pipe, located between the existing yard drains appears to be inverted. Please clarify / address.
- 4.11 The pipe calculations shall be revised to include 'actual' pipe velocities. Please note that velocities associated with closed conduits shall be at least two feet per second to promote self-cleansing.
- 4.12 The Pre-development, Post-development and Inlet Drainage Area (DA) Maps, provided in the Storm Water Management (SWM) Report are reduced to unknown scale and some information is unclear. Please provide full scale maps for review.
- 4.13 The SWM report shall be revised to include an emergency overflow analysis, assuming no infiltration and blockage at the 7" orifice.
- 4.14 An Operations & Maintenance Manual is required for the proposed Subsurface Infiltration System and MTD.

## **5. Traffic & Circulation**

- 5.1 The applicant shall provide additional documentation regarding the operation of the proposed expansion and the potential for utilizing both the existing theater and the new expansion space simultaneously, as this may impact parking needs.
- 5.2 The applicant is now proposing to provide access to the parking lot from West Street. The applicant shall provide testimony regarding the potential for cut through traffic from Bridge Avenue or West Front Street to West Street via Edmund Wilson Plaza or vice versa.

## **6. Landscaping and Lighting**

- 6.1 Section 490-81.A: 15' buffer is required along all side and rear property lines which are adjacent to lots zoned or occupied for residential use as well as along the frontage of all local and local collector roadways. The applicant proposes the following non-conforming buffers.
  - a. 5' adjacent to the side lot line of Lot 21
  - b. 5'-15' adjacent to the rear lot lines of Lots 20 and 21





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The limits of required buffers shall be shown on the plans.

- 6.2 Section 490-81.B(4): The required 15' buffer shall contain screen plantings in accordance with subsection 1, 2, or 3 to provide a continuous solid screen. The proposed plantings will not accomplish the intended screening.

The deficient buffer width makes it difficult to effectively screen the new improvements. This is particularly evident adjacent to Lot 21 where a structure will be demolished and replaced with a parking lot. The parking lot will be constructed at an elevation approximately 2' above the ground elevation of the adjacent lot. With a retaining wall occupying much of the planting area, there is little opportunity to provide effective vegetative screening. We are concerned of headlights shining directly into the windows on the side of the residential structure on Lot 21. The applicant should consider alternatives such as solid fencing.

- 6.3 The applicant is proposing 3 different varieties of Inkberry hollies for a total of 258 plants. While these varieties exhibit slight differences in density, disease resistance, and leaf size, the overall form and appearance is substantially similar. We recommend providing a greater variety of plant species.
- 6.4 The plant list includes "suggested sources". While this is helpful for contractors to locate the specified plants, a note should be added to indicate other sources may be used.
- 6.5 The plant list includes Rosa rugosa "Knockout", Knockout Rose. The applicant should specify if this is intended to be a variety of Beach Rose (Rosa rugosa) or a Knockout Rose.
- 6.6 Bugleweed is specified in the planting schedule at a 12" spacing. However, the plans show individual plants spaced at a much greater distance. We recommend identifying the planting location as a general area with the quantity based on the area to be planted.
- 6.7 The spacing of the Liriope should be identified in the Planting Schedule.
- 6.8 Boston Ivy (Parthenocissus tricuspidata) is identified on the List of Invasive Species in New Jersey, as published by the NJDEP Invasive Species Task Force, and should be avoided. An alternate plant selection should be provided.
- 6.9 The architectural plans depict a planting of low shrubs and espalier trees along the west elevation whereas the Landscape Plan shows an area of low groundcover. We recommend providing plantings which will add some interest against this blank wall.



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- 6.10 The applicant is proposing a small, narrow area of seeded lawn area between the parking area and the rear lot lines of adjacent Lots 19-21. This area is inaccessible for maintenance and will likely become neglected. We recommend including this area into the landscape planting area.
- 6.11 In addition to any required landscape plantings, we recommend providing a solid fence along all residentially occupied lot boundaries.
- 6.12 We recommend the use of columnar form deciduous trees within the landscape planting area between the parking area and rear lot lines of adjacent Lots 19-21. These should be provided in addition to the evergreen trees shown and the fence recommended above.
- 6.13 A Viburnum is shown to be installed directly on top of a utility pole within the parking lot landscape island. The applicant should verify this pole will be removed.
- 6.14 Landscape Note A2 indicates an irrigation system will be provided “where shown on plan.” As the Landscape Plan does not identify any areas of irrigation, the applicant should clarify if an irrigation system is to be provided.
- 6.15 The landscape plan depicts inkberry holly to be planted on the top and bottom of the wall between the parking area and adjacent Lot 21 and Eastern Red Cedar to be planted at locations along the bottom of the wall. In addition, the Lighting Plan indicates a light pole to be installed between the wall and the parking area. As this area is only 5’ wide, once the retaining wall is installed, there will be little room available for planting or other site improvements. The plantings, along with other improvements shown in this area, will not fit. The plans should be revised to provide physical screening between the parking area and Lot 21.
- 6.16 The plans should be revised to include a detail of the retaining wall.
- 6.17 The applicant is proposing light spillage in excess of 0.5 horizontal foot candles beyond several site property lines. The lighting plan shall be revised to reduce spillage to comply with Ordinance Section 490-54.C.12.a. and attempt to eliminate spillage onto the adjacent residential lots.

7. **Miscellaneous**

- 7.1 The Building Department should review the plans for ADA compliance. The applicant should provide testimony regarding ADA accessible routes and building entries.
- 7.2 The Fire Official should review the plans for emergency access.



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- 7.3 Subject to any COAH obligations or fees as appropriate.
- 7.4 Approvals or waivers should be obtained from the following:
- Monmouth County Planning Board
  - Fire Subcode Official
  - Building Department
  - Freehold Soil Conservation District
  - NJNG

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

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., C.M.E.  
RED BANK ZONING BOARD ENGINEER

EWH:GTG:lkc

cc: Stanley Sickels, Administrator ([ssickels@redbanknj.org](mailto:ssickels@redbanknj.org))  
Dina Anastasio, Zoning Board Secretary ([danastasio@redbanknj.org](mailto:danastasio@redbanknj.org))  
Kevin Kennedy, Zoning Board Attorney ([kennedylaw@verizon.net](mailto:kennedylaw@verizon.net))  
Andrew J. Provence, Applicants Attorney ([aprovence@litprolaw.com](mailto:aprovence@litprolaw.com))  
Jason L. Fichter, P.E., P.P., C.M.E., C.F.M., Applicants Engineer ([jason@insiteeng.net](mailto:jason@insiteeng.net))