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August 5, 2022

Marlboro Township Environmental Commission
1979 Township Drive
Marlboro, NJ 07746

**Re: Arctic Air Conditioning and Heating (ZB 22-6789)
Preliminary & Final Site Plan and Use Variance
Environmental Review
Block 146, Lot 27
Location: 414 Texas Road
Zone: LC (Land Conservation District)
CME File No.: HMRZ0146.06**

Dear Commission Members:

Our office received the following information in support of the above-referenced application for Preliminary & Final Site Plan and Use Variance approval, for environmental considerations:

- Preliminary and Final Site Plan and Use Variance Plan (21 sheets), prepared by Dynamic Engineering, dated June 15, 2022, unrevised;
- Proposed Architectural Floor Plan and Elevations (3 sheets) prepared by Michael V. Testa Architect, dated June 21, 2022, unrevised;
- Survey of Property (1 sheet) prepared by Lakeland Surveying, dated November 20, 2020, last revised April 20, 2022;
- Stormwater Management Report prepared by Dynamic Engineering, dated June 2022, unrevised;
- Stormwater Basin Area Investigation Report prepared by Dynamic Earth, dated April 14, 2022, unrevised;
- Environmental Impact Statement prepared by Dynamic Engineering, dated June 2022, unrevised;
- Phase I Environmental Site Assessment & Preliminary Assessment Report prepared by Dynamic Earth, dated January 7, 2022, unrevised;
- List of variances and checklist waivers requested, prepared by Dynamic Engineering, dated June 2022;
- A Development Application.

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CONSULTING AND MUNICIPAL ENGINEERS

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In accordance with the Township's authorization, we have reviewed this application for Preliminary and Final Site Plan and Use Variance approval and offer the following comments, from an environmental perspective. Please note that this letter is based on our review letter as was submitted to the Zoning Board.

1. Property Description

The subject 9.42-acre property is located within the LC Land Conservation District and contains 400 feet of frontage along the westbound side of Texas Road. Currently, the property contains a one-story residential dwelling with a gravel driveway from Texas Road. The property also contains a remote garage, three (3) sheds and a small chicken enclosure. A majority of the property is wooded and the northern portion of the property contains freshwater wetlands in accordance with an NJDEP LOI. The northern portion of the property also contains a pond that is split between both the subject lot and Lot 28.

The Applicant is seeking Preliminary and Final Site Plan and Use Variance approval to construct a 54,147 sf flex warehouse building consisting of 39,037 sf of warehouse space and 15,110 sf of combined office space between the first and second floors. The Applicant is constructing two (2) new full movement driveways from Texas Road, looped access around the building, 202 total parking spaces including nine (9) electric vehicle changing spaces, and two (2) loading spaces. The proposed site improvements consist of new landscaping, lighting, four (4) above ground stormwater management basins and trash refuse enclosures. All improvements and site disturbance are proposed outside of the 50-foot freshwater wetlands transition area. Public water appears to be available to the site from Texas Road, and a new private septic system is proposed to the rear of the building. The Site Plans indicate that the rear parking area for the building is proposed to be constructed in two phases. Flex warehouse and office use buildings are not currently a permitted principal, accessory or conditional use within an LC Zone District thereby requiring the subject Use Variance approval.

2. Surrounding Uses

The property to the west contains a vehicle storage yard and to the south, opposite Texas Road, is a Landscaping business and a residential dwelling. To the east of the subject property, is currently undeveloped land; however, this tract was the subject of application #PB 1212-20, Pallu Associates, which was recently approved by the Planning Board.

3. Zoning Compliance

The subject property is situated within the LC Zone Districts. The table below summarizes the LC zone requirements and bulk measures for the property:



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DESCRIPTION	REQUIRED	PROPOSED
Minimum Lot Area	5 acres	9.42 acres
Maximum Lot Density [1]	0.16 lots/acre	0.11 lots/acre
Minimum Lot Frontage	400 feet	400 feet
Minimum Lot Width	400 feet	410.6 feet
Minimum Lot Depth	500 feet	701.2 feet
Minimum Front Yard Setback (Principal)	75 feet	75.7 feet
Minimum Side Yard Setback (Principal)	75 feet	86.4 feet
Minimum Rear Yard Setback (Principal)	75 feet	372.5 feet
Maximum Building Height (Principal)	35 feet	35 feet
Maximum Front Yard Setback (Accessory)	100 feet	N/A
Maximum Side Yard Setback (Accessory)	40 feet	N/A
Maximum Rear Yard Setback (Accessory)	40 feet	N/A
Maximum Building Height (Accessory)	40 feet	N/A
Minimum Gross Floor Area	1,900 sf	54,147 sf
Minimum Ground Floor Area	1,200 sf	46,592 sf
Maximum Building Coverage for Accessory Structure	1,089 sf	N/A
Maximum Percentage of Lot Coverage by Principal Buildings	2%	11.4% (V)



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DESCRIPTION	REQUIRED	PROPOSED
Maximum Total Building Coverage	2%	11.4% (V)
Maximum Percentage of Lot Coverage by Buildings and Structures	5%	11.4% (V)
Maximum Total Lot Coverage	5%	39.5% (V)
Minimum Number of Parking Spaces	Warehouse: 1 space/5,000 sf (39,037 sf) = 8 spaces Office: 1 space/250 sf (15,110 sf) = 61 spaces 69 Total Spaces	136 Spaces (Phase I) 202 Total Spaces (After Phase II)

[1] – Density calculation is made after subtracting all wetlands from the acreage.

(V) – Variance Required (EC) – Existing Condition

As part of the Use Variance approval, the Applicant must demonstrate that the following deviations from the Zone District requirements would be subsidiary to the granting of the Use Variance and therefore subsumed within said Use Variance, if approved.

- a. **Section 220-Attachment 9** – The maximum required percentage of lot coverage by principal buildings is 2%; whereas the proposed building coverage is 11.4%.
- b. **Section 220-Attachment 9** – The maximum required total building coverage is 2%; whereas the proposed building coverage is 11.4%.
- c. **Section 220-Attachment 11** – The maximum required percentage of lot coverage by buildings and structures is 5%; whereas the proposed building coverage is 11.4%.
- d. **Section 220-Attachment 11** – The maximum required total lot coverage is 5%; whereas the proposed coverage is 39.5%.
- e. **Section 220-35D(24)(e)** - The maximum grade for lawns more than five feet from a building is 25%; whereas the proposed slope is as high as 33%.



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- f. **Section 220-97C(7)** – All off-street parking, off-street loading and service areas and outdoor dining and/or seating areas shall be separated from walkways, sidewalks, streets or alleys by curbing and other protective devices, such as bollards; whereas the parking spaces along the building do not provide a protective device between the sidewalk.
- g. **Section 220-97D** – Sidewalks with a minimum width of four feet shall be provided in all parking areas for five or more vehicles, between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur. Sidewalks and parking areas must be arranged to prevent cars from overhanging or extending over sidewalk areas. Whereas all parking areas do not provide sidewalks.

The Applicant has also requested the following variances; however, they do not appear to be required with this application.

- a. **Section 220-Attachment 11** – The maximum required building coverage by accessory structures is 1,089 sf; whereas no accessory structures are proposed.
- b. **Section 220-97A(5)** – Parking areas may be located in any rear or side yard, but may not be located in any required front yard area except where specifically permitted elsewhere in this chapter; whereas no parking spaces are proposed within the front yard area.

The following design waivers appear necessary with this application:

- a. **Section 220-146** – All curbs, where required, shall be granite block curb; whereas concrete curb is proposed.
- b. **Section 337-23A(2)** – A minimum of 25% of the area shown on the plan shall be reserved for landscaping, which shall be reasonably distributed within the area and which shall include foundation plantings in suitable planting beds not less than three feet wide on the front, sides and rear of any building structure; whereas foundation landscaping has not been provided and it does not appear sufficient landscaping has been proposed to comply.
- c. **Section 337-23A(4)** – One (1) tree shall be planted for every five (5) parking spaces reasonably distributed in parking areas combined with shrubbery; whereas landscaping for the parking area does not meet this requirement.
- d. **Section 337-23A(5)** – Parking areas must be shaded by deciduous trees; whereas sufficient landscaping for the parking lot areas has not been provided to comply.



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4. The Applicant has requested waivers from providing the following information from the required checklists:
 - a. **Checklist II** – If the application is bifurcated, a concept sketch should be provided depicting anticipated layout design. **This item is not applicable.**
 - b. **Checklist II** - If the use variance is requested for a residential subdivision, show the proposed street and lot layout, with dimensions showing that portion proposed for development in relation to the entire tract. **This item is not applicable.**
 - c. **Checklist IV, Item J** – Topographical information and survey of existing utilities within 200 feet.
 - d. **Checklist IV, Item K** – The location of all natural and man-made facilities on the subject property and adjoining properties within 200 feet.
 - e. **Checklist IV, Item L** – The location of existing and proposed structures and uses within 200 feet showing the ground cover and setback dimensions.

Additionally, the following checklist items shall be provided or a waiver requested:

- f. **Completed Site Plan Checklist**
 - g. **Completed Use Variance Checklist**
5. As a flex warehouse and office building use is not a permitted principal, accessory or conditional use within an LC Zone District, the Applicant must seek a “Special Reasons” Use Variance pursuant to NJSA 40:55D-70d. The Applicant shall provide testimony demonstrating compliance with the Medici case consistent with the following:
 - a. Positive Criteria
 - i) That the site is particularly suited to the use.
 - ii) There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D-2).
 - b. Negative Criteria



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- i) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use 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.
6. The Applicant should be prepared to discuss the following issues with the Board:
- a. Overall operations associated with the proposed use, including but not limited to: hours of operation; number of employees and employees per shift; truck traffic and circulation, loading/unloading, delivery, refuse management, including mandatory recyclables; buffering/screening and overall site aesthetics; etc.
 - b. The type of trucks that will access the four (4) overhead doors in the rear of the building and if they will fit in the 25 foot wide loading zone or if they will drive into the building.
 - c. The purpose for the two phases, and if the Applicant is specifically seeking to “bank” the 66 parking stalls in Phase II. The Applicant shall also explain the need for the 136 parking spaces in Phase I and 202 total spaces, as only 69 parking spaces are required by ordinance.
 - d. The proposed site circulation, including relationship between passenger vehicles and tractor trailers circulating the site, and off-site vehicular impact generating from the proposed use.
 - e. The need for the 40 foot x 50 foot enclosure and what will be stored within the enclosure.
 - f. Adequacy of the proposed landscaping surrounding the site as a buffer to the adjacent residential uses across Texas Road and to the northeast adjacent to the subject property that is associated with the recent residential application, Pallu, that was approved by the Planning Board.
 - g. Compliance with the electric vehicle ordinance; whereas 9 EV spaces would be required for 202 total parking spaces.
 - h. In accordance with Section 220-47E(2), a minimum of 80% of the area of any lot utilized for a permitted use other than a single-family home shall be left in its natural state unless otherwise authorized by the Planning Board during site plan review. The subject application is not proposing a permitted use; however, the Applicant shall indicate the total area that is left in its natural state for comparison to requirement.



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- i. Compliance with Section 220-37, Performance Standards, including but not limited to: noise; glare; pollutants; solid/liquid waste; refuse management; flammable/hazardous materials; etc.
 - j. While our office defers to the Fire Bureau, whether an individual Fire Lane striping and markings plan shall be provided.
 - k. The need for any improvements along the Texas Road (curb, sidewalk, widening, etc.) frontages. We recommend that concrete curb be provided along the full length of the Texas Road frontage. We also note that while existing sidewalk does not currently exist, the adjacent residential development to the northeast that was recently approved is providing sidewalk along Texas Road and the Board may consider the sidewalk be continued along the subject frontage.
7. This application may be subject to the following outside agency approvals:
- a. Monmouth County Planning Board
 - b. Monmouth County Board of Health
 - c. Freehold Soil Conservation District
 - d. NJDEP
 - e. Marlboro Township Environmental Commission
 - f. Marlboro Township Fire Bureau
 - g. Marlboro Township Police Department
 - h. Western Monmouth Utilities Authority
 - i. Marlboro Township Municipal Utilities Authority
 - j. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of all outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

Based upon the minor nature of the information requested, we recommend that this application be deemed **complete** subject to the Applicant complying with all applicable notification requirements as set forth in the Marlboro Township Land Use Ordinance and the Municipal Land Use Law.

Our office has prepared the attached Technical Engineering Review #1. The items contained therein should be addressed by the Applicant's Engineer.



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The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME ASSOCIATES

Joseph A. Giddings

Joseph A. Giddings

JAG
Enclosure;



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MARLBORO TOWNSHIP ZONING BOARD

**Arctic Air Conditioning & Heating
Preliminary & Final Site Plan and Use Variance
Block 146, Lot 27
HMRZ0146.06**

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TECHNICAL ENGINEERING REVIEW #1

A. General

1. Clarify on the plans what the two grey parallel property lines are that run across the property in the general location as Basin B.
2. Revise the front elevation of the architectural plan to provide the average grade elevation at the front of the building and the elevation of the roof to demonstrate compliance with the building height in accordance with the building height definition.
3. Verify the building area between the Site Plan sheet and the architectural floor plans as the numbers are not consistent.
4. Label the length and width of the two loading spaces in the north corner of the building. The width must be at least 12 feet in accordance with Section 220-98A.
5. Provide construction details for the trash enclosure and refuse area, including the associated retaining wall. The wall detail shall indicate the height and material of the enclosure or safety barrier at the top of the wall. Any portion of the wall that is taller than 30 inches is required to have a safety barrier in accordance with Section 220-35D(24)(g).
6. The proposed pavement section shall be increased to have a 4 inch base course in accordance with Section 220-169D(1)(a). Alternatively, the Applicant may wish to indicate two pavement sections on the Site Plan to comply with both Section 220-169D(1)(a) and (c).
7. Revise the 2 inch dimension on the concrete pad detail to indicate 6 inches thick.
8. Provide a 4 foot tall railing along the retaining wall adjacent to the two loading spaces.



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9. All concrete details should indicate a minimum strength of 4,500 PSI.
10. Revise the vehicle circulation plan for the WB-67 truck so that it does not drive over the opposite lane when entering the site. Also provide the centerline of Texas Road.
11. A chain link fence detail is provided; however, it is not clear on the Site Plan where it is proposed.

B. Grading

1. Provide grade elevations at the four corners of the proposed trash enclosures to ensure positive flow out of the enclosures.
2. Provide grade elevations at each corner of the warehouse.
3. Indicate the depressed curb elevation at each proposed basin access.
4. Verify the proposed contours along the northwestern curb line on the Interim Grading Plan between the pavement and top of curb.
5. Verify the location of the proposed 94, 95, and 96 contours on the south side of the northern driveway.
6. Provide additional top and bottom of retaining wall elevations. As the wall appears to exceed 30 inches in height, structural design calculations and material certification are required prior to construction.

C. Stormwater Management

1. Indicate the type of each basin (infiltration / bioretention) on the Drainage Plan.
2. Revise all structure numbers for consistency between the stormwater collection system calculations and the Grading/Inlet Area Plans. Also verify that all inlet area lines are drawn on the ridge lines.
3. Revise the Proposed Drainage Area Map to end the area that is collected in the two driveways at the inlets instead of after the inlets. Revise the drainage area lines at basins to be at the top of berm instead of at the toe of the basin berm.



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4. Verify the location of soil profile pits 1-4 between the Investigation Report and the drainage plan. It would appear that SPP 3 and 4 are located within Basin C, whereas all four are indicated to be in Basin D on the Drainage Plan. If STP 1 and 2 are to be utilized for Basin C, soil logs shall be provided.
5. Verify the surface elevation for all soil profile pits. The surface elevation noted in the Investigation Report appears to be approximately 10 feet higher than the existing grades on the Drainage Plan. The seasonal high water table, which is based upon the depth from the surface elevation, shall be reviewed once this is confirmed.
6. The depth of the tube permeameter tests shall be reviewed upon confirmation of the ground surface elevations. We note that that the tested infiltration rates at SPP-6 are less than 1 in/hr and the soil profile logs indicate clay courses below a depth of 24”.
7. Basin B has a basin bottom at elevation 92.20, whereas the basin indicates a 92 contour that wouldn't exist.
8. Revise the basin bottom elevation of 94.85 that is noted on the Drainage Plan, whereas it appears to be elevation 96.00.
9. Clarify the width of the grass paver basin access between the detail (20 feet) and the Site Plan (10 feet).
10. Provide the top of berm elevation from the Grading Plan on the Drainage Plan for clarity.
11. Clarify the top of berm elevation for infiltration Basin C between all related construction details and the Grading Plan.
12. Clarify the invert out for outlet control structure Basin B between the construction detail and grading plan.
13. Revise the Basin A (Bioretention Basin) detail to indicate the elevation of each storm event, emergency spillway, berm, and seasonal high water table. The maximum depth of the water quality storm shall be 12 inches. Provide notes as to the soil bed requirements per page 8 of Chapter 9.7 of the BMP manual.
14. Revise Basin C as the elevation of the 100-year storm event (91.48) is above the emergency spillway (91.45). Additionally, increase the height of the emergency spillway such that stormwater will spill into the OCS grate before it would spill onto the adjacent property to the south.



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15. Revise the four (4) basin cross section details to provide a note stating a minimum 2 foot separation between the seasonal high water table and the bottom of sand layer is required and a minimum 1 foot below the bottom of the bioretention system.
16. Utilize the 100-year storm flow rate out of the basins for the rip-rap sizing at FES #19 and #42.
17. Indicate all pipe materials/size/slope immediately adjacent to the north and south side of the building and verify adequate pipe cover is provided.
18. Provide groundwater mounding calculations for the proposed basins.
19. Provide an Operation & Maintenance Manual for the proposed stormwater management system(s) (each basin, pipelines etc.) in accordance with Section 220-156.
20. In accordance with NJAC 7:8-5.2(m) a deed notice for the stormwater management system shall be submitted for review prior to recording with Monmouth County.

D. Landscaping

1. Revise the plans to provide landscaping at the base of the site identification sign, to enhance site aesthetics and in accordance with Section 220-99B(13).
2. Revise the plans to provide an alternative species for proposed PT (Thundercloud Plum) due to the variety of diseases and insect infestations it is prone to as well as its short lifespan.
3. Revise the plans to provide perennial and native plant materials within the bioretention basin. Currently, the Applicant has proposed SBG (Goldflame Spirea) which is not native or an appropriate species for this location. Also, a pollinator seed mix should be proposed for the bioretention basin.
4. It appears additional trees can be provided within the open area between the proposed septic and the wetlands buffer.
5. Revise the plans to provide landscaping along the sides of the trash enclosures to enhance site aesthetics.

E. Woodland Management



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1. It appears trees exist in the open area of the site but are not part of the tree inventory. This should be revised to reflect existing and accurate conditions.
2. The Applicant has indicated 344 replacement trees are required for the proposed removals. Currently, eighty (80) replacement trees are proposed on the Landscape Plan, leaving a deficit of 264 trees. As indicated on the plans, a contribution of \$63,360.00 to the Tree Fund will be required.
3. Our office has concerns with construction activities within such close proximity of the trees to remain. It appears some of the trees proposed to remain along the wetland buffer will be detrimentally impacted by the construction of the retaining wall. This should be reviewed.
4. Revise the plans to indicate the timing for tree protection fence installation and removal within the 'Sequence of Construction', sheet 13 of 21.

F. Lighting

1. Revise the plans to provide pole ordering information and the manufacturer's catalog cut, to prevent confusion during construction.
2. Revise the plans to indicate the proposed color and finish for all light fixtures and poles.
3. Revise the 'Area Light Foundation Detail', sheet 15 of 21 to indicate a concrete strength of 4,500 PSI. Currently, 4,000 PSI is indicated.
4. Revise the plans to indicate timers and hours of operation. Our office recommends dimming light fixtures during non-operational hours, to reduce light pollution.

G. Signage

1. Provide details for the proposed monument and wall signs. The details shall include the length, width, total sign area, height, materials, and method of illumination.
2. Verify the monument sign height on the detail, to confirm compliance with the setback requirement in Section 220-99B(2).
3. Verify the sign area calculation includes all parts on the sign in accordance with Section 220-99B(4).

H. ADA (Americans with Disabilities Act)



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We defer compliance with ADA requirements to the Construction Code Official. At a minimum, our office has the following comments:

1. Relocate the proposed ADA parking stalls to be located on the shortest accessible route to the public entrances.
2. Verify that ADA compliant access is provided to both trash enclosures. It is unclear if a path is provided to the larger enclosure in the northern corner.
3. Revise the southern ADA access aisle, whereas it currently does not have flush access to the sidewalk.

I. Environmental

1. The Environmental Impact Study that was provided did not contain any appendix items.
2. Provide a copy of the NJDEP Wetlands LOI.
3. The Applicant should indicate the status of the soil sampling (site investigation) recommended in the Preliminary Assessment for AOC's 4 and 6 (mapped historic fill and historic automobile storage, respectively).
4. A note should be added to the Demolition and Tree Management Plan (sheet 4 of 21) indicating that any existing septic systems or wells need to be removed or sealed in accordance with Township, County and /or State requirements.