

Planning & Real Estate Consultants

September 4, 2020

Planning Board  
Township of Berkeley Heights  
29 Park Avenue  
Berkeley Heights, NJ 07922

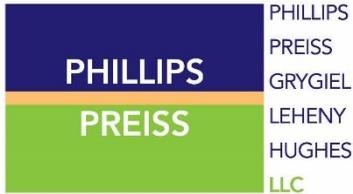
**Re: Planning Review #1  
Application #SP-7-20  
Preliminary and Final Site Plan  
Block 703, Lots 3, 4 & 8  
Mill Creek D/B/A Lone Pine Drive Urban Renewal, LLC  
DH-24 Zone Redevelopment Area**

Dear Chairman Einbinder and Members of the Board:

The present application concerns the redevelopment project by Mill Creek D/B/A Lone Pine Drive Urban Renewal, LLC (referred to herein as "MCRT") on Block 703, Lots 3, 4 and 8 in the DH-24 Redevelopment Area. The applicant had previously submitted Application #SP-3-19 and was granted site plan with variances approval from this Board. On December 20, 2019, Chemtrade Solutions LLC and Chemtrade Logistics Inc. (collectively "Chemtrade") filed an appeal of the Planning Board Approval in NJ Superior Court. On August 18, 2020, the Township adopted the First Amendment to the DH-24 Redevelopment Plan to facilitate modifications to MCRT's proposed project as set forth in the Settlement Agreement between the Township, MCRT and Chemtrade. MCRT has submitted an amended site plan application and associated materials which reflect the agreed-upon modifications and seeks preliminary and final site plan approval from the Planning Board.

#### **Documents Reviewed**

- Application for Site Plan Approval, including Checklists and attachment entitled "Existing Easement Instruments", dated 8/10/2020.
- Letter entitled "RSIS *de minimis* exception Lone Pine Drive Urban Renewal LLC Amended Preliminary and Final Site Plan Application DH-24 Redevelopment Area Block 703, Lots 3, 4 and 8 Township of Berkeley Heights Union County New Jersey," prepared by Bowman Consulting, dated 8/10/2020.
- Design Standards Compliance Report prepared by Bowman Consulting, dated February 19, 2019, updated 8/10/2020.



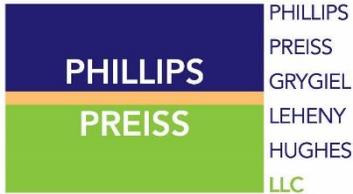
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- “ALTA/NSPS Land Title Survey Tax Lots 3, 4 & 8 Block 703 Lone Pine Drive,” prepared by Partner Engineering and Science, Inc., last revised September 13, 2018.
- Site Plans entitled “Amended Preliminary and Final Site Plans for Modera Berkeley Heights Block 703, Lots 3, 4 & 8 Township of Berkeley Heights Union County, New Jersey,” prepared by Bowman Consulting, dated 8/10/2020.
- Architectural Plans entitled “Berkeley Heights Architectural Design Package Mill Creek Residential Modera Berkeley Heights,” prepared by Minno Wasko Architects and Planners, dated 8/10/2020.
- Letter entitled “Lone Pine Drive Urban Renewal LLC Traffic Evaluation Update Block 703, Lots 3, 4 and 8 Township of Berkeley Heights Union County New Jersey,” prepared by Bowman Consulting, dated 8/4/2020.
- Stormwater Management Report Addendum for “Amended Preliminary and Final Site Plan for Modera Berkeley Heights Township of Berkeley Heights Union County, New Jersey,” prepared by Bowman Consulting, dated 8/10/2020.
- DH-24 Zone Redevelopment Plan Block 703, Lots 3, 4 and 8, 91 Lone Pine Drive, prepared by Harbor Consultants, dated 6/27/2018.
- Ordinance 13-2020 entitled “Adopting the First Amendment to the DH-24 Redevelopment Plan, Block 703, Lots 3, 4 and 8, 91 Lone Pine Drive and Authorizing an Amendment to the Financial Agreement in Connection Therewith,” including Exhibit A “First Amendment to DH-24 Redevelopment Plan,” adopted 8/18/2020.

**Site and Location**

The subject property consists of three tax lots totaling 5.63 acres, forming an irregular triangular shape. Snyder Avenue Brook runs along the western property line, and the western tip of the property contains wetlands and flood hazard zones. The western portion is currently unimproved and consists of woodlands and dense vegetation. The remainder of the property was formerly used as a construction contractor company and is currently developed with several buildings, garages and storage tanks, trailers, paved driveways and other associated site improvements.

The property is commonly known as 91 Lone Pine Drive and is located along an unimproved private driveway extending from Lone Pine Drive. The property is bordered by NJ Transit railtracks to the south. To the east are industrial uses, including Chemtrade



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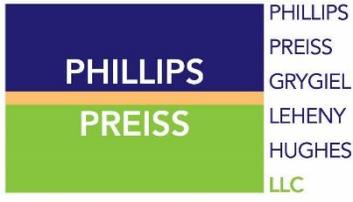
and JDC Welding & Fabrication; to the north are vacant buildings and a large pond surrounded by woodlands. The downtown area is less than ¼ miles to the west, and the property is in proximity to a variety of retail, restaurants and business service establishments as well as the Station Court apartments along Sherman Avenue and Springfield Avenue.

### **Proposed Development**

The applicant proposes to remove all existing improvements and construct a 173-unit inclusionary rental housing building, including 86 one-bedroom units, 81 two-bedroom units, and 6 three-bedroom units. Twenty-six units (26) will be set-aside as affordable to low- and moderate-income households, including 6 one-bedroom units, 14 two-bedroom units and 6 three-bedroom units. The proposed building is 4 stories and contains two residential wings connected by an enclosed garage along the southern rear of the property. The garage will contain 266 parking spaces as well as a loading space and a bicycle storage room on the ground floor. The applicant additionally proposes 16 surface parking spaces along the western façade of the building and 48 banked parking spaces in the northeast and northwest areas of the property. Six (6) of the garage spaces and 2 of the surface parking spaces will be ADA accessible.

The main building entrance will be provided at the westernmost façade, which leads into a lobby, leasing office, amenity space, mail and package room, and fitness room. The two residential wings of the building each have a courtyard space for outdoor recreation: the western courtyard will total 4,800 square feet and include a pool; the eastern courtyard will total 5,984 square feet. There will also be a 3,000 square foot roof terrace on the fourth floor of the western residential wing, and all dwelling units facing the courtyard will be equipped with a private balcony. The architectural plans indicate that the indoor amenity spaces will have minimum 6,640 square feet total and that each balcony will have minimum 50 square feet. In addition to these amenities, the building will also contain storage rooms totaling 17,437 cubic feet.

The residential floors and the attached garage are designed with the same architectural style and materials, and are treated with the same detailing and finishing. The building façade design utilizes variations in façade plane throughout and applies a mix of colors and materials, including two shades of brown brick at the base of residential facades and portions of the garage façade; white to dark grey fiber cement on upper story residential facades; white precast concrete for upper story garage façade; vinyl windows and aluminum balconies for residential units; and aluminum grills for the garage façade. The building will feature a metal flat roof, except where it will be furnished and landscaped for the roof terrace.



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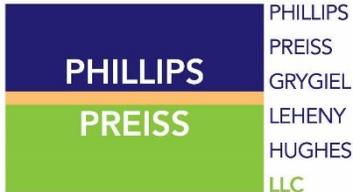
Vehicular access will be provided via Lone Pine Drive, which the applicant will provide significant off-site improvements for. New paving and curbs will be installed to create a 24-foot-wide two-way travel way with a 4-foot-wide paver sidewalk and 6-foot-wide crosswalk that extends from Lone Pine Drive. The applicant proposes to dedicate the majority of this extension to the Township as a 35-foot-wide public right-of-way. In addition, the applicant will provide along Lone Pine Drive a new retaining wall, 6 ornamental trees, 12 shade trees, 21 deciduous shrubs, as well as 11 streetlights and 3 seating areas with a bench and trash receptacle in the specifications of Part 19 Downtown Design Guidelines. The Lone Pine Drive extension will connect to two driveways along the western and central facades of the building that lead into the garage. The western driveway will be aligned with the aforementioned surface parking spaces and a 6-foot wide sidewalk that is accessible from the crosswalk. Additionally, a fire lane will be provided from the Lone Pine Drive extension surrounding the northeastern, eastern and southeastern facades of the building.

One monument sign, measuring 8 feet 9 inches by 3 feet (26.25 square feet) is proposed by the crosswalk. The sign will be surrounded by a landscaped bed and adjacent to a seating area with a bench and trash receptacle. The sign face will be constructed of aluminum painted gloss box and mounted on a 2-foot tall brick base with 4-foot tall brick columns flanking each side. The sign will utilize brushed aluminum channel letters that will be halo lit or externally illuminated. The applicant also proposes a 8.75 square foot canopy sign on top of the main residential entrance that will consist of halo-lit channel letters. In addition, an off-tract directional sign is provided within the Lone Pine Drive right-of-way, measuring 18 inches by 24 inches (3 square feet) and mounted on an 8-foot-tall decorative pole that will be similar in style to streetscape light poles.

Landscaping is provided along all property lines, building facades, parking areas, and sidewalks and driveways, except to the south where the property is bordered by rail tracks. The Board should note that, as part of the Settlement Agreement, MCRT has reduced the footprint of the building and annexed a 5,065 square foot of deed gore area between Lots 4 and 6 in order to accommodate an extensive buffer area where the property abuts with Lot 6 (Chemtrade property). Along the eastern property line, the building will have minimum setback of 94.81 feet and separated by an approximately 40-foot wide buffer area with a mixture of evergreen, ornamental, and shade trees. There will also be landscaping along the northeastern property line and a 6-foot-tall vinyl privacy fence along the entirety of the boundary with Lot 6.

**Compliance**

The proposed development is subject to the standards set forth in the DH-24 Zone Redevelopment Plan and the subsequent First Amendment. It should be noted that, pursuant to Section IX of the First Amendment, consistency review before the Township



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Council is not required for the present amended application. The proposed development conforms with all amended standards enumerated in the First Amendment.

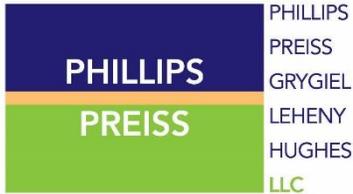
The proposed development requires de minimis exceptions from the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21-1.1 et seq, as follows:

- §5:21-4.2 Table 4.3: Minimum right-of-way width required is 40 feet, whereas the proposed Lone Pine Drive extension has total width of 35 feet.
- §5:21-4.2 Table 4.3: Sidewalks are required on both sides of the proposed Lone Pine Drive extension, whereas only the west side is proposed to have sidewalks.

The applicant has also requested a design waiver for deviation from Section 11.1.1.I of the Municipal Land Use Procedures Ordinance, which prohibits parking to be located in the front yard. It should be noted, however, that Section 11.1.1.K makes an exception that parking areas in DH zones may be located in any yard space, provided that they are no closer than 10 feet to any street property line. The proposed 18 banked parking spaces, while located in the front yard, are more than 10 feet from the Lone Pine Drive right-of-way property line. As such, this design waiver is not required.

### Planning Comments

1. The applicant should provide testimony to justify the requested RSIS de minimis exceptions for the deficient right-of-way width and single-side sidewalk along the Lone Pine Drive extension. The Board should note that these conditions have not been changed from the previous application; the previous application was granted approval with the same RSIS de minimis exceptions. We defer to the Township engineer for further comments regarding this issue.
2. The applicant should also provide testimony regarding general traffic and circulation on-site, including for personal vehicles, move-in/move-out vans, emergency vehicles, and fire and garbage collection trucks. The site and architectural plans note that trash rooms will be provided on each floor and that trash and recycling will be rolled out to garbage trucks from refuse rooms on collection days. We defer to the Township engineer for further comments regarding the adequacy of the proposed circulation design.
3. Section 3.2.C of the original Redevelopment Plan noted that the bicycle storage is required to accommodate at least 40 bicycles. The applicant should confirm compliance with this standard.



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4. Section 3.2.C of the Redevelopment Plan requires 14,760 cubic feet of storage space in separate, segregated storage units. While the “Site Data” table on the architectural plans indicate that storage spaces will be provided on each floor, the floor plans only show storage rooms on the first and fourth floors of the building. The applicant should confirm compliance with this standard.
  
5. The applicant should provide details regarding the design and maintenance of the swimming pool in the courtyard. Swimming pools must conform to the Sanitary Code at Chapter 8.68 of the Municipal Code and receive a license from the Board of Health. They are additionally subject to the requirements of Section 3.1.7 of the Municipal Land Use Procedures Ordinance. The proposed pool appears to be generally consistent with the requirements of this section, but compliance with the following should be addressed by the applicant:
  - i. Section 3.1.7.D: No swimming pool, wading pool or appurtenances thereto, nor any structures used in conjunction with the pool, including, but not limited to, decks, walkways or platforms, shall exceed four (4) feet in height above the existing grade at the pool site.
  - ii. Section 3.1.7.I: Any swimming pool constructed above the existing grade shall not exceed the maximum capacity of fourteen thousand (14,000) gallons of water.
  
6. We additionally defer to the Township engineer in regards to the adequacy of grading, paving, lighting, erosion and sediment control, drainage and stormwater management, and utilities proposed.

We trust that the above information is responsive to your needs.

Respectfully submitted,

Keenan Hughes, PP, AICP