

December 4, 2020

Via E-mail

Planning Board
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, New Jersey 07922

Attn.: Connie Valenti, Planning Board Secretary

Re: **Amended Preliminary and Final Major Site Plan and Minor Subdivision Review**
Stratton House (Block 702, Lots 17 & 18)
Applicant: Berkeley Heights Developers, LLC.
Township of Berkeley Heights, Union County, New Jersey
NEA File No.: BERKSPL20.023

Honorable Board Members:

Neglia Engineering Associates (“NEA”) has performed an engineering review of the application and plans for the above-referenced development. Specifically, we have reviewed the following:

- A letter from Peter M. Flannery, of Bisgaier Hoff, to the Board Secretary, Connie Valenti, regarding the submission of documents to the Planning Board, dated September 28, 2020;
- A letter from William H. Hamilton, P.P., L.L.A., A.I.C.P., L.E.E.D. A.P., of Bowman Consulting, to Thomas R. Solfaro, P.E., C.M.E., C.P.W.M., of Neglia Engineering Associates, regarding a forwarding of plans to Neglia Engineering Associates, dated August 28, 2020;
- A letter to the Planning Board Secretary, Connie Valenti, from Kamal Saleh, P.P., A.I.C.P., of the County of Union, regarding the Union County Department of Planning and Economic Development’s review of the combined site plan and subdivision application and associated plans and documents, dated October 2, 2020;
- A letter to the Planning Board of Berkeley Heights, from Planning Board Secretary, Connie Valenti, regarding the submission of documents for Stratton House Application, dated October 15, 2020;
- A completed copy of the Township of Berkeley Heights Planning Board Application for Site Plan Approval for Block 702, Lot 17, dated September 29, 2020;
- A completed copy of the Township of Berkeley Heights, Planning Board Site Plan Checklist (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A completed copy of the Township of Berkeley Heights, Planning Board Design Standards Checklist (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;



- A copy of the County of Union, New Jersey, Development Review Application Form (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared Berkeley Heights Redevelopment, LLC.;
- A Consent by Owner Letter for Block 702, Lot 17 from Berkeley Heights Redevelopment, LLC., signed by Foun-Chung Fan, of Lockhern Associates LLC., dated July 20, 2020;
- A copy of the County of Union, New Jersey, Land Development Application (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A copy of the Union County Land Development Standards Fee Schedule (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A complete copy of the County of Union, New Jersey, Development Review Checklist for Subdivisions (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A complete copy of the County of Union, New Jersey, Development Review Checklist for Site Plans (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A copy of the Township of Berkeley Heights, Application for Sanitary Sewer Capacity Allotment (Block 702, Lot 17 & 18, Site Plan Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A completed copy of the Township of Berkeley Heights Planning Board Application for A Minor Subdivision Approval for Block 702, Lot 17, undated;
- A completed copy of the Township of Berkeley Heights, Planning Board Minor Subdivision Checklist (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A completed copy of the Township of Berkeley Heights, Planning Board Design Standards Checklist (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A copy of the Township of Berkeley Heights, Application for Sanitary Sewer Capacity Allotment (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A copy of the County of Union, New Jersey, Development Review Application Form (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared Berkeley Heights Redevelopment, LLC.;
- A copy of the County of Union, New Jersey, Land Development Application (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A copy of the Union County Land Development Standards Fee Schedule (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;



- A complete copy of the County of Union, New Jersey, Development Review Checklist for Subdivisions (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A complete copy of the County of Union, New Jersey, Development Review Checklist for Site Plans (Block 702, Lot 17 & 18, A Minor Subdivision Application), undated, prepared by Berkeley Heights Redevelopment, LLC.;
- A completed copy of the Township of Berkeley Heights Planning Board Application for Site Plan Approval for Block 702, Lot 18, undated;
- A Consent by Owner Letter for Block 702, Lot 18 from Berkeley Heights Redevelopment, LLC., signed by Alfred Mea, of Paramount Enterprises, LLC., dated July 15, 2020;
- A completed copy of the Township of Berkeley Heights Planning Board Application for A Minor Subdivision Approval for Block 702, Lot 18, undated;
- A signed and sealed set of engineering plans, consisting of twenty (20) drawings, entitled “Preliminary and Final Site Plan for Stratton House, Block 702, Lots 17 & 18, Township of Berkeley Heights, Union County, New Jersey,” prepared by Eric L. Keller, P.E., of Bowman Consulting, dated August 31, 2020, last revised November 19, 2020;
- A signed and sealed Minor Subdivision Plan within the above-referenced engineering plan, prepared by David B. Dixon, N.J. P.L.S., of Bowman Consulting, dated August 31, 2020;
- A signed and sealed set of architectural plans, consisting of eight (8) drawings, entitled “Preliminary and Final Site Plan for Stratton House, Proposed Residential Development, Block 702, Lots 17 & 18, Township of Berkeley Heights, Union County, New Jersey” prepared by Angela L. Kostelecky, R.A., of Devereaux & Associates Architects, Inc., dated August 23, 2020;
- A signed and sealed engineering report, entitled “Stormwater Management Report for the Preliminary and Final Site Plans for Stratton House, Township of Berkeley Heights, Union County, New Jersey,” prepared by Eric L. Keller, P.E., of Bowman Consulting, dated August 31, 2020.
- A review letter from the Board planner Keenan Hughes, A.I.C.P., P.P., of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC., to the Planning Board, dated December 3, 2020;
- A review letter from Joseph Bonaccorso, Acting Director of the Berkeley Heights Water Pollution Control Facility, to Connie Valenti, Planning Board Secretary, dated November 9, 2020;
- A review correspondence from Jim Hopkins, Deputy Chief/Fire Official of the Berkeley Heights Fire Department, to Connie Valenti, Planning Board Secretary, dated November 24, 2020;



- A redevelopment plan, entitled “Stratton House Redevelopment Plan, Block 702, Lots 17 and 18 and Portions of the Sherman Avenue Right-of-Way, Township of Berkeley Heights, Union County, N.J.,” prepared by Keenan Hughes, A.I.C.P., P.P. of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC., dated July 2020.

Project Description

The subject site consists of two properties: Lots 17 and 18 in Block 702, both located within the ‘DD’ (Downtown Development) Zone, per the Township of Berkeley Heights Zoning Map. Additionally, per the above-referenced Redevelopment Plan, the subject site is located within the “Kings Redevelopment Area”. The site is located at 434 Springfield Avenue & Lone Pine Drive, and is bordered by Lone Pine Drive to the east, Springfield Avenue (a.k.a. Union County Route 512) to the north, Sherman Avenue to the south, and the Station Court multi-family residential development to the west. The property is presently developed with a large multi-unit, one-story retail building (approximately 44,000 square feet), as well as a multi-unit, multi-story masonry shopping center (approximately 16,000 square feet). In addition, the site also contains paved parking lots and driveways, landscaped curbed islands, utility infrastructure, and a detention basin. Block 702 Lot 17 is currently owned by Lockhern Associates, LLC., of 7 Lockhern Drive, Livingston, New Jersey. Block 702 Lot 18 is currently owned by Paramount Enterprises, LLC., P.O. Box 62, Berkeley Heights, New Jersey. The Applicant for the project is Berkeley Heights Developers, LLC., Attn.: Joseph M. Forgione, of 80 South Jefferson Road, Suite 202, Whippany, New Jersey.

The Applicant is seeking amended preliminary and final major site plan approval to remove the larger of the two existing retail buildings, as well as a portion of the existing parking lot, in order to construct a 211-unit residential development. The proposed 211 dwelling units are broken down as follows:

1 - Bedroom	103 Units*
2 - Bedroom	101 Units*
3 - Bedroom	7 Units
TOTAL	211 Units (15%, or 32 units of which are Affordable)
* Including units with dens	

The development will also include the construction of an internal multi-level parking garage for a total of 405 parking spaces provided as well surface parking and supporting utility and stormwater infrastructure. The Applicant proposes to access the site via existing driveways and drive aisles through the existing parking area west of the proposed building, as well as a new driveway onto Lone Pine Drive. The Applicant also proposes landscaping and lighting improvements around the site, and within internal, upper-level courtyards. The Applicant is also seeking approval for a minor subdivision to consolidate Lots 17 and 18 into one, overall lot, per the Redevelopment Plan.

The Applicant has indicated on Drawing No. 2 that relief from certain standards cited in Chapter 9 of the Township Code will be required, but has not indicated that any variances will be required. NEA defers review of compliance with Zoning Ordinance, Redevelopment Plan, and associated streetscape standards to the Board Planner.



1. Lot Consolidation (Minor Subdivision) Comments

- 1.1. Applicant shall submit a signed and sealed copy of the surveys used as a basis for the submitted plans as referenced on Sheet 2 of 20. The surveys are needed to verify the existing boundary lines of Lot 17, Lot 18, and right-of-way limits of Sherman Avenue.
- 1.2. The Minor Subdivision plan seems to indicate that Block 703 Lot 2 may, or may not be part of this application, this needs to be clarified. The submitted plan also indicates a proposed lot line for the southeasterly line of Lot 18, which also appears to be the current northwesterly line of Sherman Avenue as per the Sheet 7 of the Township of Berkeley Heights Tax Maps. This also needs to be explained and clarified on the plan.
- 1.3. The Minor Subdivision Plan proposes to convey a 36-foot-wide portion of Sherman Avenue to become part of the New Lot 18. This will require a road vacation by the Township of Berkeley Heights. The right-of-way width according to the submitted plan is 66 feet wide. Typically, when a right-of-way, or portion thereof, is vacated the adjoining owners have rights to the original centerline, which in this case would be 33 feet split between the owners of Block 702 Lot 17 and Block 703 Lot 1. The Applicant shall provide the proper documentation that the owner of Block 703 Lot 1 has been notified of this proposal, and that the owner of Block 703 Lot 1 consents to vacate any rights they may have into the additional 3 feet proposed to be conveyed. The Sherman Avenue road vacation should be finalized and memorialized by recording the relevant deed documents prior to memorializing the proposed subdivision, if approved.
- 1.4. The Applicant shall include all the bearings and distances required to describe existing and proposed Lot 17 (total dimension along the rear of Lots 13, 14 and 15 is missing, as is the new dimension along the southwesterly line of proposed Lot 17). The Applicant shall also provide this data for the dedication being proposed for Lone Pine Drive along existing Block 702 Lot 18.
- 1.5. The Applicant shall clarify the existing right-of-way width for Lone Pine Drive along the northeasterly line of Block 702 Lot 17. The submitted plan states the right-of-way width to be 30 feet wide. The boundary or right-of-way line for Lot 17, along Lone Pine Drive, is graphically shown to be 25 feet from the centerline rather than the expected 15 feet. The plan shall be revised to address this discrepancy.
- 1.6. The Minor Subdivision plan shall depict the proposed new lots with different lot designations per State Tax Map Standards and as approved by the Tax Assessor. This office recommends Lot 17.01 and Lot 18.01, subject to approval by the Tax Assessor.
- 1.7. If this subdivision is approved, the Applicant shall specify if they intend to memorialize by filing deeds or recording the map.
- 1.8. This office was unable to check the closure of the newly created parcels, this will need be completed once the proper information is provided.
- 1.9. The Applicant shall include any proposed or existing easements within the subject parcels, including but not limited to the proposed 20-foot-wide sanitary sewer easement at Lone Pine Drive. All easements, if any, shall be dimensioned.



- 1.10. The southwesterly limit of the proposed 36-foot-wide Sherman Avenue conveyance depicts a bearing of “S49°34’25”E”. The current southwesterly line of Block 702 Lot 17 depicts a bearing of “S49°35’15”E”. Typically a road vacation in this type of scenario would follow the extension of the existing lines adjacent to it. This may differ if the southwesterly line of Block 703 Lot 1 was different or did not align. The Applicant shall review this information and confirm the bearings shown are as intended.

2. Site Preparation and Demolition Comments

- 2.1. The Applicant indicates on the Site Preparation and Tree Removal Plan that a portion of the existing utilities that run through the site are to be removed. The Applicant shall ensure that domestic and fire protection water services, as well as all other existing utilities to be removed, will not adversely affect any adjacent properties, or portion(s) of the development to remain. Should temporary utility interruptions be required, the Applicant shall coordinate with the Township, the respective utility providers, and all potentially affected property owners prior to the utility interruption. Proof of said coordination shall be forwarded to the Board’s professionals for review, prior to any utility interruptions.
- 2.2. All existing trees to remain either within or in close proximity of the limit of disturbance shall be provided with tree protection fencing. The Applicant shall revise the plans to indicate the required tree protection fencing, and to include a construction detail of the same.
- 2.3. The Applicant indicates on the Site Preparation and Tree Removal Plan that portions of the existing drainage system, including the entire subsurface detention basin (Lot 17), and detention basin (Lot 18) are to be removed. The Applicant shall provide testimony regarding how drainage will be handled during construction, in light of the fact that the site is mostly impervious, and that the removal of the existing detention basins will cause peak runoff rates to temporarily increase.
- 2.4. The Applicant shall revise the plans to provide temporary construction fencing around the project site. The Applicant shall provide a construction detail of the same.
- 2.5. The Applicant shall revise the plans to graphically indicate those items that are located within the limit of disturbance but are to remain and be protected.
- 2.6. The Applicant proposes demolition and construction activities within close proximity to the portion of the existing multi-story, multi-unit masonry shopping center building, which is indicated to remain. The Applicant shall provide testimony regarding any necessary protection, support, or improvements to this existing building, including, but not limited to, underpinning, shoring, pedestrian detours, protection of HVAC intakes, etc., which may be required in order to preserve and protect the structure(s) to remain. In addition, the Applicant shall verify that the demolition of the existing building’s footings, or construction of the proposed buildings’ footings will not impact or adversely affect the adjacent building foundations. Additionally, the Applicant shall provide testimony as to the usage of the existing shopping center building (to remain) as it pertains to pedestrian access and fire egress, with respect to the demolition and construction activities. Finally, the Applicant shall provide testimony regarding the demolition of the connected portions of the building, including, but not limited to, the tower structure and associated breezeway.



- 2.7. The Applicant proposes to construct a monument sign within the proposed sanitary sewer easement. The Applicant shall revise the plans accordingly to eliminate this conflict.
- 2.8. The Applicant notes that there are 20 spaces reserved for commuter parking during the day within the small, six (6) car parking lot at the new Lone Pine Drive entrance driveway. The Applicant shall revise the plans accordingly to depict where the 20 commuter spaces are reserved, and provide testimony as well.

3. Site Engineering Comments

- 3.1. The Applicant proposes significant improvements to the subject properties, which partially front on Springfield Avenue, also known as Union County Route No. 512. As such, the Applicant shall submit to the appropriate department at the County of Union. The Applicant has submitted a comment letter from the County of Union Department of Economic Development, withholding approval for the subject applications to the County, pending receipt of revised plans. The Applicant shall forward copies of all subsequent correspondence with the County to the Board for review.
- 3.2. The proposed site will result in land and vegetation disturbances within close proximity of the Snyder Avenue Brook. The Applicant shall provide testimony regarding the proposed improvements as they relate to any required Land Use Permitting from the New Jersey Department of Environmental Protection, including, but not limited to, Freshwater Wetlands and Flood Hazard Area permits. In addition, the Applicant shall provide testimony regarding the presence of any wetlands associated with the Snyder Avenue Brook, and any potential impacts to either wetlands, transition areas, or State open waters. The Applicant shall provide copies of all approval or denial correspondences from the NJDEP to the Board for review.
- 3.3. The Applicant shall provide testimony, and indicate on the plans, the clearance height of the proposed parking garage.
- 3.4. The Applicant indicates on the architectural plans that the parking garage will consist of a total of 394 parking stalls, 384 of which will be standard stalls and 10 ADA accessible parking spaces. The Applicant indicates on the engineering site plans that there will be 20 commuter parking spaces on the southwest side of the proposed building. There are also 6 parking stalls, one of which is a handicap parking stall, proposed on the northeast side of the building. The parking requirements table on Sheet 2 of the site plans indicates that there are 385 proposed off-street parking spaces for residents. The Applicant shall provide testimony regarding the proposed parking space amounts and revise the parking table as necessary, accounting for garage parking, surface parking, resident parking, etc.
- 3.5. The Applicant shall provide testimony regarding the existing, required, and proposed parking conditions, as well as the use of shared parking with adjacent private, retail, and residential uses. Additionally, the Applicant shall indicate if any of the parking will be signed and enforced for their respective uses. Finally, the Applicant shall provide testimony that the use of shared parking will not impact the usage or compliance of the affected properties sharing the spaces.
- 3.6. The Applicant shall provide painted stop bars and “Stop” text, as well as stop signs at the ends of all parking aisles, and as necessary at driveway intersections within the at-grade parking lot, as well as the parking garage, including the main parking lot ingress/egress driveway.



- 3.7. The Applicant shall provide testimony regarding the existing daily operations of the site and building, including, but not limited to, refuse and recycling collection, delivery and move-in vehicles, number of employees, hours of operation, parking required for employees, etc.
- 3.8. In accordance with the Redevelopment Plan §3.2.A.4, *“A Traffic Circulation Plan, depicting the turning radius of emergency vehicle routes through the site. No truck circulation routes shall interfere with any permitted on street parking spaces or driveways.”* No such circulation plan has been submitted. The Applicant shall coordinate with the Township of Berkeley Heights Fire Department regarding the dimensions of the largest vehicle which may respond to an emergency at the subject site. The Applicant shall graphically depict the vehicle circulation and turning maneuvers for the Township fire apparatus through the subject site. Said graphical depiction, as well as a copy of the submitted site plans shall be submitted to the Board and Fire Department for review.
- 3.9. The Applicant has provided a grass paver access road along the portion of the Sherman Avenue right-of-way to be vacated (south of the proposed building). The Applicant shall provide testimony as to the intended use of this access road. If this access road is intended to be used by Township fire apparatuses, the Applicant shall coordinate with the Township Fire Department regarding suitability of the roadway surface and adjacent retaining wall to support a fire apparatus and associated outriggers. The Applicant shall also provide signage or other means to prohibit drivers from utilizing this access road, if and as required by the Township of Berkeley Heights Fire Department. In addition, the Applicant shall coordinate with the Township Fire Department regarding adequacy of the number and location of fire hydrants.
- 3.10. In accordance with the Redevelopment Plan §3.2.A.5, *“Fire lanes and restricted parking areas shall be provided as directed by the Township Fire Official.”* As such, the Applicant shall coordinate with the Township of Berkeley Heights Fire Official regarding such. The Applicant indicates on the plans that this is to be coordinated with the Berkeley Heights Fire Department during construction. Proof of said coordination shall be provided to the Township prior to recommendation for a Certificate of Occupancy.
- 3.11. The Applicant does not provide parking aisle widths throughout the parking garage as well as the proposed parking spaces on the north west and south west sides of the building. In accordance with the Residential Site Improvement Standards (“RSIS”, specifically NJAC 5:21-4.16(c)), a minimum aisle width of 24 feet is required for 90-degree parking. As such, the Applicant shall either revise the plans to provide a compliant aisle width throughout, or request a waiver therefrom. Should the Applicant request a waiver, testimony shall be provided in support of such. Additionally, the Applicant shall provide graphical dimensions for all instances in which 24-foot-wide aisles are not provided.
- 3.12. The Applicant indicates that there is an existing crosswalk leading from a sidewalk within a curb island, near the southwest corner of the proposed building under proposed conditions. This crosswalk (which provides connectivity to the Sherman Avenue streetscape) leads to a full-height curb and sidewalk. The Applicant shall revise the plan to provide an ADA-accessible curb ramp to provide ADA access to the proposed building from Sherman Avenue and the existing parking lot to remain.
- 3.13. Though not required, the Applicant shall consider a dedicated loading zone for delivery and moving trucks for the 211 residential units. The Applicant shall provide testimony as to the intended means of loading/unloading for move-ins, move-outs, and deliveries.



- 3.14. The Applicant proposes a concrete sidewalk/walkway along the parking spaces located on the southwest side of the proposed building as well as the northwest side of the building. In light of the fact that the parking stalls are only 18 feet long, it is assumed that 2 feet in front of each parking stall should be reserved for bumper overhang. The Applicant shall verify that a minimum of 48 inches of clear width is provided along the route in front of all parking stalls abutting sidewalks.

4. Grading, Drainage, and Utility Comments

- 4.1. The Applicant proposes to construct a modular subsurface detention basin within the footprint of the proposed building. The basin will be located within the southerly courtyard where it is completely surrounded by building walls on all sides. Currently, as proposed, there is no means of vehicular access to the proposed basin for inspection, maintenance (vacuuming), or repairs. NEA has strong concerns over the Applicant's ability to adequately maintain the basin, as proposed. NEA strongly recommends that additional consideration be given to the location of the proposed basin. In addition, the Applicant shall review the drainage of the courtyard itself, in the event of a clog or failure in the outlet control structure or outfall piping. Finally, with the basin discharge piping discharging into the adjacent Snyder Avenue Brook, the Applicant shall construct a backflow preventer or other means of preventing water from entering the existing and proposed drainage systems, and ultimately the courtyard.
- 4.2. The Applicant indicates that the proposed detention basin will be constructed using 2,584 R-Tank "Double-Mini Modules." However, the submitted module detail refers to a "Triple Module." Based on the minimum storage of 12.28 cubic feet per triple module, this results in a basin storage volume of approximately 31,731 cubic feet. However, the submitted Stormwater Management Report indicates a provided storage of 45,348 cubic feet. The Applicant shall revise the plan and/or calculations accordingly to clearly indicate the storage volume provided. Additionally, the Applicant shall demonstrate compliance with the NJDEP BMP Manual with respect to the required two (2) foot vertical from seasonal high groundwater as well as influence from the Snyder Avenue Brook.
- 4.3. The Applicant shall revise the Grading Plan to include spot elevations at all curb and sidewalk ramps (both within the site and the proposed streetscape improvements within the right-of-way of Sherman Avenue) as well as the row of 20 commuter parking spaces located on the southwest side of the proposed building.
- 4.4. The Applicant shall revise the plans to include grading and drainage information for the internal courtyard for review, prior to construction.
- 4.5. Prior to construction, the Applicant shall indicate the location of proposed roof leaders (internal and external), and their associated connection to the conveyance system. The Applicant shall demonstrate that the proposed horizontal roof leader pipes are designed to safely accommodate the proposed design flow rate.
- 4.6. The Applicant has provided stormwater conveyance calculations in Appendix J of the submitted Stormwater Management Report. The invert elevations, rim elevations, and pipe slopes in the calculations do not match those indicated on the Utility Plan. Additionally, the Applicant refers to a drainage structure in the calculations, identified as either "MTD-1" or "MTD1", however no corresponding structure is depicted on the Utility Plan.



- 4.7. The Applicant proposes grading just outside the southwest corner of the parking garage which is graded at 2H:1V, or a 50% slope, which is not acceptable. The Applicant shall review the proposed grading to eliminate the steep slopes.
- 4.8. The Applicant shall revise the plan to clearly label the diameter and material of the existing sanitary sewer pipe which follows the southeasterly property line (adjacent to Lot 18). In addition, the Applicant shall televise the existing sanitary sewer line to evaluate its condition and integrity. Additionally, the Applicant shall verify that adequate capacity is available in said pipe to accommodate the increase of sanitary sewage flow generated by the proposed development.
- 4.9. The Applicant shall provide testimony regarding the need for a Treatment Works Approval and a Water Main Extension Permit from the NJDEP for the proposed development. Should these, or any other applicable permits be required, the Applicant shall provide copies of any correspondences and permits to the Board upon receipt.
- 4.10. The Applicant shall provide testimony as to the existing condition of the two outfalls on the Snyder Avenue Brook. This testimony shall include, but not be limited to the presence, integrity and adequacy of existing erosion protection (i.e. riprap apron, scour hole, etc.), and whether additional or supplemental erosion protection is required. The Applicant shall provide supporting documentation demonstrating compliance with all applicable regulations (i.e. regulations and/or requirements by the Somerset-Union Soil Conservation District or New Jersey Department of Environmental Protection, or other applicable agencies).
- 4.11. The Applicant shall provide “will-serve” letters demonstrating that applicable utility providers (including, but not limited to sanitary sewer, water, electric, and natural gas service) are capable of serving the site with adequate capacity. The Applicant shall refer to comments related to proposed sanitary improvements from the Water Pollution Control Facility, dated November 9, 2020.
- 4.12. The Applicant shall revise the plans to provide backflow preventers within the storm systems to prevent water from the adjacent Snyder Avenue Brook from entering the site or building, via the existing and/or proposed conveyance systems. The Applicant shall also provide a construction detail of the same.
- 4.13. The Applicant shall revise the plans to provide watertight sanitary sewer manhole covers for all sanitary manholes whose rim elevations are located at or below either the Flood Hazard elevation or 100-year FEMA flood elevation, whichever is higher, in accordance with NJAC 7:14A-23.8(f).
- 4.14. Should the Applicant require either access or disturbance to any adjacent private property, the Applicant shall obtain a construction or other easement from the property owner. Copies of said easement, or other agreement, shall be forwarded to the Board for review. Should the Applicant be unable to obtain the required easement, the Applicant shall revise the plans such that all temporary and permanent disturbances remain on the subject site.
- 4.15. The Applicant shall revise the plans to clearly depict the limits of the 20-foot-wide sanitary sewer easement in the southeast corner of the plans. In addition, the Applicant shall indicate if this is an existing or proposed easement.



- 4.16. The Applicant has indicated on the Boundary Survey that the eastern corner of the property is subject to an easement to JCP&L. However, the proposed improvements appear to encroach within this easement. The Applicant shall provide proof that said easement has been vacated, transferred, or otherwise extinguished, or that the property owner is authorized to construct the proposed improvements therein. Said proof shall be provided to the Board's professionals for review prior to final approval.
- 4.17. The Applicant shall revise the construction details for all concrete structures to indicate that the minimum 28-day compressive strength for all concrete shall be 4,000 psi, and shall be designed to withstand H-20 loading (if located within pavement or traffic areas).
- 4.18. Though not indicated on the submitted plans, there is an existing building-mounted antenna or other communications array as well as ground-mounted equipment on and adjacent to the former Kings building. The Applicant shall revise the plans to indicate the location of all associated equipment, as well as any other missing telecommunications or other utility improvements on the site. In addition, the Applicant shall provide testimony if this equipment is currently operational, and the intended plans to either temporarily and/or permanently relocate this equipment, or if the same is to be removed. Additionally, the Applicant shall provide testimony, and indicate on the plans, if there are any easements, licenses, or other restrictions associated with this equipment.

5. Traffic Engineering Comments

- 5.1. The Applicant previously provided a Traffic Engineering Evaluation for the subject property for the previous application. The Applicant shall provide an updated traffic report to address potential traffic impacts from the new larger development. While this Evaluation provides a brief synopsis of the traffic conditions at the site, the Applicant shall provide a complete Traffic Impact Analysis, in accordance with the requirements set forth in §10.4.6.B of the Township Code. The basis of the evaluation compared the proposed 211-unit residential development to the former usage of the site (i.e. office building and shopping center). However, in light of the fact that the site has been "dormant", and has not functioned as a shopping center for about five to six years, the Applicant shall prepare the Traffic Impact Analysis to compare the traffic impacts to account for the "dormant" portion of the site as the existing conditions, the former site usage (prior to dormancy) and the proposed 211-unit development and remaining uses as the proposed conditions. The Applicant shall assess the impact of the proposed development at the site access points from Springfield Avenue, Lone Pine Drive, Sherman Avenue, and Sherman Avenue South and associated roadways or intersections.
- 5.2. The Applicant shall, at a minimum, replace the existing striping and signage within the front parking area to emphasize the existing stop-controlled intersections within the site. In addition, the Applicant shall review proposed signage and striping, paying particular attention to the proposed pedestrian crossings from the ADA parking spaces and the garage access:
 - 5.2.1. Pedestrian crosswalk signage shall be installed at the crosswalk approaches, in accordance with MUTCD requirements; and
 - 5.2.2. As a design element, the Applicant should consider a raised crosswalk to tie the ADA spaces and the front of the building together so as to provide the maximum protection for pedestrians.



5.3. The Applicant shall provide testimony with respect to access control and assigned parking within the garage as well as the associated design considerations. In addition, the Applicant shall provide testimony with respect to the parking supply and the management of the parking supply, for the Board's consideration.

6. Landscape and Lighting Comments

6.1. The Applicant shall add the following to the Notes of the Landscape Plan:

6.1.1. All plant beds shall receive eighteen (18) inches of topsoil (settled) and all lawn areas shall receive six (6) inches of topsoil (settled).

6.1.2. All trees not within a plant bed area shall be treated as a bed area and receive eighteen (18) inches of topsoil (settled) within a sixteen (16) foot diameter circle around the proposed tree's location or within the maximum area limitations provided up to the sixteen foot diameter area.

6.1.3. All plant bed and tree ring mulched areas shall receive three (3) inches of shredded hardwood mulch.

6.2. The Applicant shall revise Note #2 on the Landscape Plan to stipulate that all shrub / ornamental grass / perennial plant beds and trees are to be serviced with a drip irrigation system and all proposed lawn areas are to be serviced by spray heads.

6.3. The Applicant shall revise the lawn detail to stipulate a topsoil depth of six (6) inches for proposed lawn areas.

6.4. The Applicant shall revise the Perennial / Groundcover Planting detail to stipulate a mulch depth of three (3) inches.

6.5. The Applicant shall provide Seeding Preparation, Mix, and Notes on the plans. The Applicant shall revise the seed mix as provided on the plans. The revised Seeding Mix shall include a top rated Turf Type Tall Fescue within the mix and shall be no less than 50 percent of the seed mix.

6.6. According to Article 19, §10.6.9 of the Berkeley Heights Zoning Ordinance, shade trees shall be a minimum of three (3) inch caliper at the time of planting. The Applicant shall revise the Plant List for the Stratton House site as well as for Streetscape Improvements A, B and C, such that the shade trees (Red Bud and Shadblow Serviceberry Multitrunk trees) are all specified as 3.0"-3.5" caliper, minimum.

6.7. According to Article 19, §10.6.9 of the Berkeley Heights Zoning Ordinance, evergreen shrubs shall be a minimum of 2½ feet (30 inches) in height at the time of planting. The Applicant shall revise the Plant List for Stratton House accordingly.

6.8. The Applicant has proposed the removal of eighteen (18) trees, of 8-inch caliper or greater. Per §12.16.050 of the Code of Ordinances for Berkeley Heights, at a ratio of two (2) planted trees per one (1) tree removed (for trees between 8 inches and 18 inches in caliper), the number of trees the Applicant will be responsible to replace is a total of 36 trees (18 x 2 = 36). The Applicant may receive credit for shade trees, ornamental trees, and shrubs installed, depending on the sizes when installed. The



Applicant has prepared a summary showing sizes of all trees and shrubs with calculations to demonstrate compliance with the required number of plantings. However, in the plant schedule on sheet 8 of the site plans only shows 34 trees to be planted. The Applicant shall revise the plans accordingly to provide the required number of trees.

- 6.9. The Applicant shall clarify if the proposed “lawn” area in the First Floor Courtyard, will be top-soiled and seeded or provided with sod. In addition, the Applicant shall provide testimony with respect to the maintenance of this lawn (i.e. access for landscapers to mow and maintain this lawn area).
- 6.10. The Applicant shall provide testimony with respect to irrigation for the site and/or the internal courtyard. NEA recommends that if an irrigation system is not provided for the courtyard, the Applicant shall provide maintenance notes for the first three (3) growing seasons as well as when to provide supplemental watering during extended periods of drought. In addition, the Applicant shall provide a hose bib or other code-compliant means of water supply and drainage within the courtyard(s) requiring watering of proposed landscaping.
- 6.11. Per §11.1.4 of the Berkeley Heights Zoning Ordinance, for parking lots with nine or more spaces, a minimum of eight percent (8%) of the interior parking lot shall be landscaped with a minimum of one deciduous tree (min. caliper of 2.5”) planted for every six (6) parking spaces. The remainder of any such interior planting areas not containing trees shall be planted with low-growing shrubs, 25% of which shall be evergreen. If the above required trees can not all be located within such interior planting areas, then such shall be planted directly surrounding the perimeter of the parking lot. The Applicant shall review the Ordinance and revise the Planting Plan for the parking areas accordingly.
- 6.12. In accordance with Section §10.6.9 A2a of the Township of Berkeley Heights, street trees shall be planted three and one half (3.5) feet inside the sidewalk. The Applicant shall revise the plans accordingly to demonstrate compliance with this requirement.
- 6.13. The Applicant shall revise the plans to indicate that all shade trees proposed in and around parking or roadway areas shall be limbed up to seven (7) feet. The Applicant shall revise the plans accordingly to demonstrate compliance with this requirement.

7. Prior Resolution Conditions

- 7.1. The Applicant shall comply with the requirements of the Redevelopment Agreement between the Township of Berkeley Heights and the Berkeley Heights Developers Urban Renewal, LLC for 428-434 Springfield Avenue, dated September 8, 2017 and that Agreement is incorporated here in as though set forth at length. Such requirements include but are not limited to the following: a. The Applicant shall provide a 15 % set aside, 23 units, for affordable housing, b. The Applicant shall deed restrict the affordable units for a minimum of 30 years and shall construct, market, and maintain those units in compliance with UHAC and all applicable local, state, and federal regulations regarding affordable housing. The Applicant shall adhere to UH-AC regulations and shall provide the location of the units and all other required information to the Township's Administrative Agent at the appropriate time as required under the Redevelopment Agreement.
- 7.2. These affordable units are to be deed restricted as very low, low, or moderate-income units for 30 years so that the Township may count the Affordable Units against its obligation to provide family rental



affordable housing. The affordability controls shall expire at the end of 30 years after the date of the initial occupancy of the respective Affordable Unit except that the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80 percent of the applicable median income. If at any time after the end of 30 years after the date of initial occupancy, a rental household's income is found to exceed 80 percent of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days.

- 7.3. The Applicant shall comply with all recommendations and requirements from the Berkeley Heights Sewer Department regarding sanitary sewer connections, construction, fees, and capacity issues.
- 7.4. The Applicant shall provide the Township with a copy of a revised cross access, parking and maintenance agreement with Block, 702, Lot 9 the Station Court Property.
- 7.5. The Applicant shall enter an access agreement with the Township for the Sherman Avenue South Emergency Access extension and the Applicant shall provide a maintenance plan for the Emergency Access and the associated retaining wall.
- 7.6. The Applicant shall apply to the Township for Title 39 jurisdiction over the property, or confirm that same exists and will continue.
- 7.7. The Applicant shall pay all taxes, fees and required escrow deposits that may be due and owing prior to the issuance of building permits. The Applicant's Engineer shall submit a construction cost estimate for review by the Board Engineer to be used in establishing performance fees and inspection fees per NJSA 40:55D-53.
- 7.8. The Applicant shall enter a Developer's Agreement with the Township which shall set forth the respective obligations of the Developer and the Township with regard to this approval, including but not limited to the performance fees, inspection fees and maintenance fees required pursuant to N.J.S.A. 40:55D-53 et seq.
- 7.9. The Applicant shall submit a revised site plan addressing conditions of the Board and the recommendations and requirements of the Board's and Township's Professionals to the satisfaction of the Board's Engineer.
- 7.10. Tree removal and replacement permits shall be filed with the tree inspector along with the submission of building permits.
- 7.11. Road opening permits shall be obtained prior to any construction within the roadway.
- 7.12. The developer shall obtain soil moving permits before any construction on the Property.
- 7.13. The architectural details of the building shall be constructed in accord with the plans presented to the Board, including the articulation of the building, the use of red and terra cotta brick, and other materials and colors, and the use of a neutral color scheme to complement the existing buildings in the Township. The exterior site fixtures shall also comply with the existing scheme in the downtown district including the choice of benches, lighting and bike racks.



- 7.14. No antenna, dishes, cellular equipment or other similar exterior equipment and devices shall be affixed to the roof or sides of the new building. Any existing devices located on the Kings building shall be removed and relocated off site and such relocation shall be subject to all applicable approvals and regulations.
- 7.15. The Applicant shall coordinate all new lighting with the existing lighting on the Property and the lighting in the immediate area to assure adequate safety lighting exists for the residents.
- 7.16. The Applicant shall work with the current business owners, neighboring residents, and Township Police to ensure that acceptable parking and access be maintained during the construction of the proposed new building and associated improvements.
- 7.17. All prior zoning and lands use approval, as to this portion of lot 17, are abandoned in favor of the approval of this application. However, nothing in this approval shall affect the continuing viability of the existing uses on the remaining portions of Lot 17.
- 7.18. The Board shall maintain jurisdiction to hear any disputes that may arise as to compliance with the conditions of this approval.
- 7.19. The Applicant shall provide the necessary survey, description and mapping for the vacation of a portion of the Sherman Avenue South right-of-way for review and approval by the Board Planner and Board Engineer prior to submitting same to the Township Council.
- 7.20. The Applicant shall obtain the following regulatory approvals prior to the issuance of building permits for this project:
 - a. Township Department of Wastewater Treatment;
 - b. New Jersey American Water Company;
 - c. Union County Planning Board;
 - d. Somerset - Union Soil Conservation District Certification;
 - e. New Jersey Department of Environmental Protection - Land Use Regulation;
 - f. New Jersey Department of Environmental Protection - Treatment Works Application;
 - g. Any other regulatory agency having jurisdiction over or which require an approval or permit to be obtained by the Applicant.

8. Final Comments

- 8.1. The Applicant shall obtain any and all approvals required by outside agencies, including but not limited to NJDOT, NJDEP, Union County, and Somerset-Union Soil Conservation District, as well as the Berkeley Heights Police Department, Fire Department, Emergency Services and Department of Public Works. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.



- 8.2. New and revised materials shall be filed with the Township and shall not be sent directly to the Board's professionals. The Township will forward the application and related materials to the Board's professionals when they are finished with their review. Materials submitted directly to NEA will not be reviewed.
- 8.3. Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to any future scheduled hearing(s).
- 8.4. The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available.
- 8.5. NEA strongly recommends that the Applicant submit a response letter which addresses each of the comments listed above.
- 8.6. Should the Board look favorably upon this application, a performance bond and inspection escrow will be required for any site improvements. The Board Engineer will prepare this estimate to address the cost of all site improvements plus a 20% contingency, in accordance with the Municipal Land Use Law.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates

A handwritten signature in black ink, appearing to read 'T. Solfaro', is written over a horizontal line.

Thomas R. Solfaro, P.E., C.M.E., C.P.W.M.
For the Board Engineer
Township of Berkeley Heights

Very truly yours,
Neglia Engineering Associates

Evan M. Jacobs, P.E., P.P., C.F.M.
For the Board Engineer
Township of Berkeley Heights

TRS/EMJ/ko

- cc: William Robertson, Esq. – Planning Board Attorney (via e-mail, wrobertson@newjerseylaw.net)
Keenan Hughes, A.I.C.P., P.P. – Planning Board Planner (via e-mail, khughes@phillipspreiss.com)
Joseph Forgione (Berkeley Heights Redevelopers, LLC.) – Owner/Applicant – Lot 17 (via e-mail, jforgione@jmfproperties.com)
Peter M. Flannery, Esq. – Applicant's Attorney – Lot 17 (via e-mail, pflannery@bisgaierhoff.com)
Alfred Mea – Owner – Lot 18 (via USPS, *Paramount Enterprises, LLC., P.O. Box 62, Berkeley Heights, New Jersey 07922*)
Robert A. Kasuba, Esq. – Owner's Attorney – Lot 18 (via e-mail, rkasuba@bisgaierhoff.com)
Eric L. Keller, P.E. – Applicant's Engineer (via e-mail, ekeller@bowmanconsulting.com)
William H. Hamilton, L.L.A. – Applicant's Landscape Architect (via e-mail, whamilton@bowmanconsulting.com)
David B. Dixon, P.L.S. – Applicant's Surveyor (via e-mail, ddixon@bowmanconsulting.com)
Angela L. Kostelecky, R.A. – Applicant's Architect (via USPS, *Devereaux & Associates Architects, Inc., 1477 Chain Bridge Road, Suite 200, McLean, Virginia 22101*)