

December 2, 2020

Via electronic mail

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

Attn.: Connie Valenti, Planning Board Secretary

Re: **Minor Subdivision Review**

Owner/Applicant: Ciraco Construction (144 Garfield St., Berkeley Heights, NJ)
124 & 126 Washington Street (Block 105, Lots 13 & 13.01)
Township of Berkeley Heights, Union County, New Jersey
NEA File No.: BERKSPL20.024

Honorable Board Members:

Neglia Engineering Associates (“NEA”) has reviewed the application and supporting documents for the above-referenced development. Specifically, we have reviewed the following:

- Planning Board, Township of Berkeley Heights, Application for A Minor Subdivision, filed on October 21, 2020;
- Denial of Application from the Berkeley Heights Zoning Department addressed to Ciraco Construction, dated June 12, 2020;
- Township of Berkeley Heights, Planning Board Check list – Minor Subdivision, prepared by William G. Hollows, P.E., P.L.S., P.P., of Murphy and Hollows Associates, LLC., dated October 12, 2020;
- Township of Berkeley Heights, Township Officials General Construction and Design & Grounds and Landscaping Considerations;
- 2020 Final/2021 Preliminary Tax Bills for 124 & 126 Washington Street, Township of Berkeley Heights;
- Township of Berkeley Heights Tax Maps showing Lot Frontages in the R10 Zone; and
- Signed and sealed minor subdivision plan set, consisting of three (3) sheets, entitled “Minor Subdivision of Lots 13 & 13.01, Block 105, 124 & 126 Washington Street, Township of Berkeley Heights, Union County New Jersey,” prepared by William G. Hollows, P.E., P.L.S., P.P., of Murphy and Hollows Associates LLC., dated September 15, 2020.

Project Description

The subject properties are identified as Block 105, Lots 13 & 13.01 per Township tax map sheet No. 1. The subject properties are further identified as 124 & 126 Washington Street. Per the Township Zoning Map, the subject property is located in the “R-10” Residential – Single Family Zone. The subject site is located on the north side of Washington Street approximately at the intersection with Berkeley Avenue.

The existing site is currently an existing dwelling on Lot 13.01 and a vacant lot on Lot 13. Additionally, there is a paved walkway leading to a paved driveway on Lot 13, leading to Washington Street.



The Applicant intends to remove the existing structure in its entirety and eventually build two (2) dwellings, one on each of the two lots. The Applicant depicts two conceptual dwellings for the purposes of establishing a building envelope and coverage. Additionally, the Applicant indicates that no lot lines are being adjusted for this application, and that individual deeds will be recorded for each lot.

1. Completeness Review

- 1.1 *Existing building line is dashed on the 3rd plan sheet.*
- 1.2 *Written Use Plan – This information has not been provided. The Applicant shall provide testimony regarding the existing and proposed uses of the site.*
- 1.3 *Certification by Tax Collector that taxes are paid on property – NEA defers to the township for confirmation of this item.*
- 1.4 *Bonds, Cash Escrows and Inspection Fees posted for improvements – NEA defers to the township for confirmation of this item.*
- 1.5 *Proof of Service of notification of Public Hearing to all property owners within 200’ – NEA was not provided with this information and therefore defers to the Township for determination of this item.*
- 1.6 *Application states that the Applicant is also the owner of the subject properties.*

2. Zoning Review

2.1 Below is a summary of the zoning and bulk requirements for the R-10 (One-Family Residential) Zone, and the review for compliance therewith, for the subject property under existing conditions:

Zoning Analysis Table					
Block 105, Lot 13&13.01 ('R-10', Residential – Single Family District)					
Criteria	Required	Block 105			
		Existing		Proposed	
		Lot 13	Lot 13.01	Lot 13	Lot 13.01
Min. Lot Area (SF)	10,000	5,000 (ENC)	5,000 (ENC)	5,000 (ENC)	5,000 (ENC)
Min. Lot Width (ft)	100	50 (ENC)	50 (ENC)	50 (ENC)	50 (ENC)
Min. Lot Depth (ft)	100	100	100	100	100
Min. Front Yard Setback (ft)	30	N/A	24.5 (ENC)	28.0 (V)	28.0 (V)
Min. Rear Yard Setback (ft)	30	N/A	29.4 (ENC)	30.5	30.0
Min. Side Yard Setback -one side (ft)	12	N/A	12.5	10.5 (V)	11.0 (V)
Min. Side Yard Setback both sides (ft)	30	N/A	25 (ENC)	22.5 (V)	23.0 (V)
Max. Building Coverage (%)	20	N/A	20.84 (ENC)	22.8 (V)	21.4 (V)
Max. Combined Impervious Coverage (%)	30	2.3	34.56 (ENC)	32.9 (V)	31.9 (V)



Zoning Analysis Table					
Block 105, Lot 13&13.01 ('R-10', Residential – Single Family District)					
Criteria	Required	Block 105			
		Existing		Proposed	
		Lot 13	Lot 13.01	Lot 13	Lot 13.01
Max. Building Height (ft)	30	N/A	Unknown	T.B.D. ⁽¹⁾	T.B.D. ⁽¹⁾
Notes: [V] Required Variance; [ENC] Existing Non-Conformity; [NC] No Change Proposed; (1) The Applicant has not provided adequate information with which to verify conformance with the applicable zoning criteria.					

- 2.2. The Applicant has indicated that variances are required in order to construct the proposed improvements, as indicated on the submitted plans and Zoning Requirement Worksheet. Below is a list of variances required by the Applicant for the proposed improvements:
- 2.2.1. Variance – Minimum Front Yard Setback: The Applicant proposes to construct buildings with the footprints 28.0' from the front yard line, which does not satisfy the minimum 30' setback requirement. As such, a variance is required for this condition.
 - 2.2.2. Variance – Minimum Side Yard Setback - One Side: The Applicant proposes to construct buildings with side yard setbacks of 10.5' and 11.0' from the property lines, which does not satisfy the minimum 12' single side yard setback requirement. As such, a variance is required for this condition.
 - 2.2.3. Variance – Minimum Side Yard Setback – Both Sides: The Applicant proposes to construct buildings with total side yard setbacks of 22.5' and 23.0' from the property lines, which does not satisfy the minimum 30' total side yard setback requirement. As such, a variance is required for this condition.
 - 2.2.4. Variance – Maximum Building Coverage: The Applicant proposes to construct building with 22.8% and 21.4% building coverages, which does not satisfy the maximum 20% building coverage requirement. As such, a variance is required for this condition.
 - 2.2.5. Variance – Maximum Impervious Coverage: The Applicant proposes to construct buildings with driveways and patios, with total impervious coverages of 32.9% and 31.9%, which does not satisfy the maximum 30% impervious coverage requirement. As such, a variance is required for this condition.

No variance or any other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without showing that such a variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

The Applicant has proposed improvements upon the subject property which will require the granting of variances, summarized in the Zoning Analysis Table, above. N.J.S.A. 40:55D-70c sets forth the criteria for a Board to grant variance from bulk requirements of the zoning ordinance. Two types of “c” variances can be granted:



- (c)1: In cases of hardship, such as “exceptional narrowness, shallowness or shape of specific piece of property,” or by reason of exceptional or unique topographic conditions, physical features, or an exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- (c)2: Where the purposes of zoning would be advanced and the benefits derived by the variance would outweigh any detriments.

The Applicant must also satisfy the negative criteria of the statute for the granting of a “c” variance, wherein a variance can be granted only “without substantial detriment to the public good” and where it “will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.” As such, the Applicant shall provide testimony in support of the variance(s) identified above.

3. Subdivision Review Comments

- 3.1. The Applicant shall confirm the existing and proposed lot number designations with the Tax Assessor.
- 3.2. The Applicant shall add a note or graphically show what existing physical features are being removed as part of this application. The Applicant shall also provide testimony regarding the removal of the existing dwelling, any accessory structures, utility lines (overhead and underground), etc.
- 3.3. The Applicant shall verify that any covenants, restrictions, or easements of record are graphically depicted or indicated on the subdivision plan.
- 3.4. The Applicant shall comply with all requirements of the New Jersey Map Filing Law, as applicable.
- 3.5. The Applicant shall modify the Zoning Criteria table on Sheet 1 to correct the Minimum Combined Side Yard for Existing Lot 13.01 (75.0 FT shown – should be 25.0 FT).
- 3.6. The Applicant shall revise the plans to correct the bearing shown along the easterly line of Lot 13 (SN 17°30’00” E shown – should be S 17°30’00”E).
- 3.7. The Applicant shall add a note to the plans providing the date the survey was performed and a reference for the vertical datum used as a basis for the elevations provided.

4. Engineering Comments

- 4.1 At such time as a hearing is scheduled regarding this matter, a representative or owner of the project site shall be present to address questions from the Board.
- 4.2 The Applicant shall be responsible for the repair and reconstruction of pavement, curb, sidewalk, or other public property damaged during construction. A note stating the same shall be provided on the Site Plan.
- 4.3 The Applicant shall indicate the location of any proposed HVAC units, generators or transformers and their associated concrete pads. The Applicant shall ensure that the HVAC units are adequately screened and shall provide construction details for the proposed method of screening (i.e. landscaping, fencing, etc.).
- 4.4 The Applicant shall add a general note to plans stating all new electric, television, cable, gas and other utility lines servicing the dwellings shall be installed underground.
- 4.5 The Applicant shall ensure that all disturbed work areas are stabilized. The Applicant shall topsoil, seed, hay, and straw mulch to ensure lawn growth, where appropriate. A note stating the same shall be provided on the plan.



- 4.6 Prior to construction, the Applicant shall obtain soil movement permits for both lots. Such plans shall address applicable stormwater management requirements (i.e. two-inch rainfall depth over the net increase in impervious area), on each lot. NEA reserves the right to provide additional comments related to grading, drainage, and soil movement prior to construction.
- 4.7 The Applicant shall provide testimony regarding the number of trees to be removed in order to construct the proposed improvements. Prior to construction, the Applicant shall clearly indicate on the plans which trees are to be removed and which are to be preserved and protected. The Applicant shall comply with the tree removal ordinance and the location of the proposed plantings shall be noted on the plot/site plans. A tree removal and replacement analysis shall be provided in order to verify compliance with Section §12.16, if applicable.
- 4.8 The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property. A note stating the same shall be provided on the Site Plan.
- 4.9 The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Township of Berkeley Heights and NEA prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling.
- 4.10 The Applicant shall ensure that the proposed improvements will not negatively impact adjacent lots, including but not limited to drainage considerations. The Applicant shall be responsible for any damages incurred upon adjacent lots, due to runoff.
- 4.11 Issues related to stormwater management and proposed utility connections will be addressed upon the filing of plot/site plans.
- 4.12 All proposed utility connections should be coordinated with the appropriate authority or governing agency.
- 4.13 Percolation and permeability testing shall be performed in the vicinity of any proposed drainage improvements in order to verify proper functionality of the design. NEA shall be notified in advance of this testing, so that a representative of our office may be present for the same. NEA reserves the right to provide additional comments related to percolation and drainage at such time when the Applicant applies for a soil movement permit.

5. Final Comments

- 5.1 Should the Board look favorably upon this application, a performance bond and inspection escrow will be established in accordance with the Municipal Land Use Law.
- 5.2 The Applicant shall obtain 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 Height 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.
- 5.3 Any new or 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.



- 5.4 Revised reports, plans and exhibits, which are to be considered at the hearing, should be submitted ten days prior to the scheduled hearing.
- 5.5 The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provided new or updated comments as additional information becomes available.
- 5.6 The Applicant is responsible for the payment of all applicable fees, including but not limited to application, escrow, COAH, tax map revisions, permits, sewer, and the like.

We trust you will find the above in order. Should you have any questions or required 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 Township/Board Engineer
Township of Berkeley Heights

TRS/emj/ko

- cc: William Robertson, Esq. – Planning Board Attorney (via e-mail)
Ciraco Construction Co. – Owner/Applicant (via USPS, 144 Garfield St., Berkeley Heights, NJ 07922)
Raff, Masone and Weeks – Applicants Attorney (via USPS, 1081 Avenue C, Bayonne, NJ 07002)
William G. Hollows, P.E., P.L.S., P.P. – Applicant’s Surveyor (via e-mail, murphyhollows@gmail.com)

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