

Planning & Real Estate Consultants

February 19, 2021

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

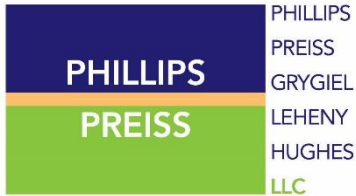
**Re: Planning Review #2  
Application SP-8-19  
Preliminary and Final Site Plan  
Block 206, Lots 14 & 15  
495 Springfield Avenue  
Elshiekh Enterprises, LLC  
DD Downtown Development Zone**

Dear Chairman Johnson and Members of the Board:

Our office is in receipt of the above referenced application, including the following documents submitted by the applicant:

- Application for Site Plan Approval including Site Plan Checklist and Memorandum in Support of Application for Development, dated October 11, 2019.
- Site Plans entitled “495-497 Springfield Avenue Block 206, Lots 14 & 15 – Tax Map Sheet #2 Township of Berkeley Heights, Union County, N.J.,” prepared by Guarriello & Dec Associates, LLC, dated September 14, 2019, last revised May 20, 2020.
- Architectural Plans entitled “Proposed Multi-Use Bldg.: Elshiekh Enterprises 495 Springfield Avenue Berkeley Heights, N.J.,” prepared by Roger C. Winkle, dated July 9, 2020.
- Architectural renderings prepared by SUAD, no date. Renderings accompany the above Architectural Plans dated July 9, 2020.
- Revised Architectural Plans entitled “Proposed Multi-Use Bldg.: Elshiekh Enterprises 495 Springfield Avenue Berkeley Heights, N.J.,” prepared by Roger C. Winkle, dated February 19, 2021.

The applicant originally sought site plan approval to construct a three-story mixed-use building containing 1,596 square feet of commercial/retail space on the ground floor and 5 residential units on the upper floors. The applicant has now submitted revised plans for a similar three-story mixed-use building with 1,673 square feet of ground floor commercial/retail space and 4 residential units. This Planning Review Letter #2 supplements our original review letter dated December 13, 2019 – in the following



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sections, the original comments are in standard font while new comments and edits to original comments are delineated in *italics*. Unless otherwise noted, the original comments continue to stand valid and shall be addressed by the applicant.

### Completeness

The submitted application package is missing the following items as required by the Site Plan Checklist:

- Exterior architectural lighting and details.  
**Comment:** No exterior architectural lighting is shown on the submitted elevation plans. The applicant should revise the plans to show any proposed lighting on the building and provide details as part of the architectural testimony at time of the public hearing.

*This comment has been satisfied – latest elevations show wall-mounted progress lighting fixtures on the first floor façade, as well as low wattage LED recessed light fixtures at all entrances.*

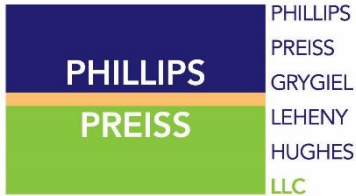
- No driveway within five (5) feet of property line.  
**Comment:** As discussed in detail below in the “Compliance” section of this letter, the applicant requires a design waiver from Part 11 of the Municipal Land Use Procedures Ordinance for the proposed driveway that directly abuts the eastern property line.
- Documentation showing that the rate-of-runoff after development will not exceed rate-of-runoff prior to development (drainage calculations)  
**Comment:** No such calculations are provided. The applicant should supplement this item prior to the public hearing and provide testimony.

*We support the granting of a waiver – the applicant may choose to provide testimony on the proposed stormwater management system on-site.*

- Existing and proposed water mains and hydrants, gas lines, electric lines, and telephone lines.  
**Comment:** The applicant should submit a utility plan showing these items.

*This comment has been satisfied - the site plan sheet shows proposed utility lines and relocation of utility poles.*

- Location of single trees not in wooded areas with diameter of six (6) inches or more as measured three (3) feet above the base of the trunk.



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**Comment:** There appears to be a tree on Block 206, Lot 15 that is not reflected on the submitted Boundary & Topographic Survey of existing conditions. This tree and any other such trees on the site should be identified, and the applicant should indicate which trees will be removed as result of the proposed development.

In our opinion, the application may be deemed **substantially complete**, and may be scheduled for a public hearing. However, the applicant should provide the additional materials outlined above prior to the public hearing *or seek waivers and present requested information during testimony at the public hearing.*

### **Site and Location**

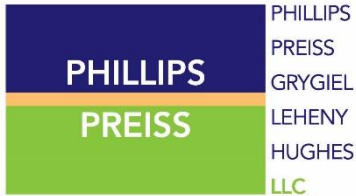
The subject property consists of two tax lots identified as Block 206, Lots 14 & 15 on the official tax maps of the Township. The property is a rectangular tract totaling 11,000 square feet and has 75 feet of frontage on Springfield Avenue. The property is presently improved with a 2-story building, an attached one story accessory structure behind the main building, a detached garage, and a paved surface parking lot in the rear of the property. The existing building seems to have been mixed-use in nature, with a commercial use on the ground floor fronting on Springfield Avenue and residential use on the upper floor.

The subject property is located along the Springfield corridor within downtown Berkeley Heights, and is surrounded by many commercial, in particular retail, uses. Adjacent to the east and west along both sides of Springfield Avenue are various shops, personal service businesses, medical clinics, banks, and restaurants. The property is also in close proximity to the Berkeley Heights train station. There are also single family residential neighborhoods to the north of the property on Washington Street and along Summit Avenue.

### **Proposed Development**

The applicant proposes to remove all existing improvements and replace with a similar mixed-use development. A new three-story building is proposed with 1,673 square feet of ground-floor commercial/retail space fronting on Springfield Avenue and 4 residential units on the upper floors. A total of 16 off-street parking spaces will be provided, including 1 ADA-accessible space. Four (4) of the parking spaces are partially enclosed within the building while 12 spaces are located to the rear of the building. Vehicular access will be provided via a driveway on Springfield Avenue. A detention basin is proposed underneath the driveway by the 4 partially enclosed parking stalls.

The building will be 32 feet and 9 inches in height. In addition to the commercial/retail space, the first floor will contain *utility and mechanical rooms*. Stairways for access to



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upper floors are located on the western side of the building, and there are entrances for residents from Springfield Avenue and the rear parking lot that are separate from the commercial/retail entrance. Four parking stalls are provided on the northeastern corner of the building, and are enclosed by building walls except at the eastern elevation for access from the driveway. The second floor provides 2 *two-bedroom* units and the third floor contains 1 one-bedroom unit and 1 two-bedroom unit.

In terms of architectural design, the building features hardie plank siding for the upper floors. Brick veneer is constructed at the base for the ground floor on all sides of the building except the western (left side) elevation, which utilizes hardie plank siding throughout. The roofs will be constructed of self sealing asphalt shingles. Two different types of windows are proposed for the residential versus commercial/retail use. In addition, a wall-mounted sign *with exterior gooseneck lighting* is proposed on top of the front entrance of the building.

Two pole-mounted lighting fixtures 10 feet in height are proposed behind the rear parking lot. Additionally, an enclosed outdoor refuse storage area is proposed by the parking lot in the northeastern corner of the property. The rear of the property is screened from adjacent lots by 6-foot tall vinyl privacy fences and 14 kousa dogwood trees that line the property line. Landscaping is also proposed along the front façade of the building, including 2 kousa dogwood trees, American arborvitae, junipers, and various azalea. *A 4-foot wide concrete paver walkway is proposed along the western façade of the building.*

### **Compliance**

The subject property is located within the DD Downtown Development zone, which permits as a principal use mixed-use structures with retail/service business and enclosed garage on ground floor and residential on the upper floors, as well as parking as an accessory use.

The proposed development requires the following c variances for deviation from the bulk standards of the DD zone:

- Section 6.3.2.E.3: rear yard setback shall be increased by 65 feet if the rear yard contains a double row of parking. The total required rear yard setback is 85 feet (20 feet for three-story structure plus 65 feet due to parking), whereas 70 feet is provided.
- Section 6.3.2.H.2: Off-street parking spaces shall be allowed on the ground or first floor of a mixed-use building provided that all such parking spaces shall be

fully enclosed in a garage. The proposed 4 garage spaces are only partially enclosed and are open at the eastern elevation.

- *Section 6.3.2.E.5: A minimum building step-back of 5 feet shall be provided for any building elevation above the 2<sup>nd</sup> floor. The third floor plan indicates deficient stepbacks of 1 foot.*

The proposed development also requires the following design waivers for deviations from general site plan and downtown design standards:

- Section 10.6.8.B.8: waste and recycling storage areas shall be landscaped with minimum four (4) foot high evergreen shrubs along the sides and rear. No such landscaping has been proposed.
- Section 11.1.4.A.1.b: interior landscaping for parking lots with 9 or more spaces:
  - A minimum of 8% of the interior area shall be landscaped with a minimum of 1 deciduous tree with a minimum caliper of 2.5 inches, planted for every 6 parking spaces.
  - Such landscaped areas shall be provided in protected planting islands or peninsulas, and shall have minimum size of 49 square feet.
  - Up to 25% of the interior trees shall be evergreen plantings. The remainder of any such interior planting areas not containing trees shall be planted with low growing evergreen shrubs.

No such interior landscaping has been provided for the rear parking lot with 12 spaces, which would require 2 landscaped areas with 2 deciduous trees and other plantings.
- Section 11.1.4.A.2.b: all parking lots shall be screened from view from both within the site and adjacent properties and public right-of-ways as far as practicable with an evergreen hedge or shrubs, fencing or decorative wall up to 4 feet above the surface of the parking lot. This screen shall be 85% visually impervious at the time of planting. Parking lot screening shall be a minimum of 5 feet wide. No such screening is provided around the rear parking lot, except along the northern perimeter.
- Section 11.1.4.A.3: driveways shall be setback at least 5 feet from lot lines, and screened from adjacent lots using minimum 4-foot high visually impervious screen. The Springfield Avenue driveway directly abuts the eastern property line with no screening.

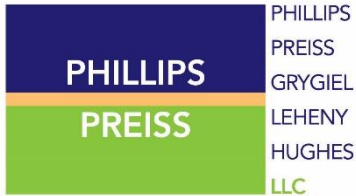
- Section 19.5.5.B.2: in the downtown, the streetscape edge shall include Belgian block or granite curbing, decorative lamp posts, sidewalks of brick, and other street furniture such as benches, trash receptacles, planters, bus stops and information/advertising kiosks. Section 19.5.5.C further specifies the types of street furniture and lighting required along Springfield Avenue. The site plans currently *indicate concrete instead of brick paver sidewalks and do not show other* required streetscape improvements.

### Planning Comments

1. The MLUL at NJSA 40:55D-70(c) permits the Planning Board to grant a “c” or bulk variance if there is either undue hardship or practical difficulty associated with the strict application of the requirements of the zoning ordinance in connection with this specific piece of property; or that one or more purposes of zoning would be advanced by the deviation and the benefits of granting the variance(s) for this specific piece of property would substantially outweigh any detriment. In addition, the Board must be satisfied that the granting of the variance(s) would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.
2. The applicant must provide testimony addressing the abovementioned positive and negative criteria to justify the deficient rear yard setback, *deficient third story building setbacks*, and the semi-open garage design. The applicant should discuss and the Board should consider in particular the impacts of these deviations to adjacent properties, such as aesthetics, noise, glare, and other potential detriments due to operation of the parking lots and the development in general.
3. Several items in the zoning compliance table on the Cover Sheet of the Site Plans should be corrected. The minimum rear yard setback is 85 feet, thus requiring a variance. Additionally, the building height should be corrected to 32 feet and 9 inches (as measured according to the definition of building height in the Municipal Land Use Procedures Ordinance) to be consistent with the architectural plans.

*This comment has been satisfied – site plan has been corrected.*

4. The applicant must provide testimony to justify the lack of required landscaping around the proposed trash enclosure area. Additionally, the applicant needs to revise plans and provide more information on the proposed trash enclosure,



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including size of the area, as well as dimensions, materials, and construction/mounting details of the enclosure. While the Detail Sheet of the Site Plans notes “Trash Enclosure (See Architectural Plans),” no such details are provided on Architectural Plans. Any enclosure proposed must conform with Section 10.6.8.B.7, which requires all waste storage facilities to be “visually screened from view from all directions by a complete structural enclosure and landscaping. Such structural enclosure shall consist minimally of a six (6) foot high solid wooden fence or masonry wall. The design, materials, color and details of such structural enclosure shall be architecturally compatible with buildings on the site.”

*The applicant has provided additional details for the trash enclosure – it will be a 48 square foot area enclosed by 6 feet high block walls with a gate. The applicant should discuss and the Board should determine the visual impacts of this structure, particularly considering the lack of landscaping as required.*

5. The applicant should also provide testimony on the size and capacity, access, and management of the proposed waste and recycling storage facility, as well as general logistics of waste and recycling collection, such as frequency of pickup and truck circulation. We defer to the Township engineer for any additional comments regarding this issue.
6. The applicant should provide testimony justifying the lack of interior and perimeter landscaping for the rear parking lot. Further, while there is a 10-foot buffer with 6-foot vinyl fencing between the northern property line and the rear parking lot as required, there is only a line of trees and no other planting that is typically required within a buffer strip. The Board should consider if the proposed screening is sufficient, especially considering that the property abuts residential homes to the north.
7. Similarly, the applicant should provide testimony regarding the deficient setback between the driveway and the eastern property line and the lack of required screening. The Board should note that the adjacent property is a multi-tenant commercial building and that the eastern property line abuts the driveway of the adjacent development.
8. The site plans should be revised to provide details on the streetscape improvements along Springfield Avenue, such as the type of curbs and pavement proposed. It should be noted that the Detail Sheet of the Site Plans includes bike racks, but it is unclear where the bike rack is proposed to be located on site. Any other proposed street furniture should also be added and



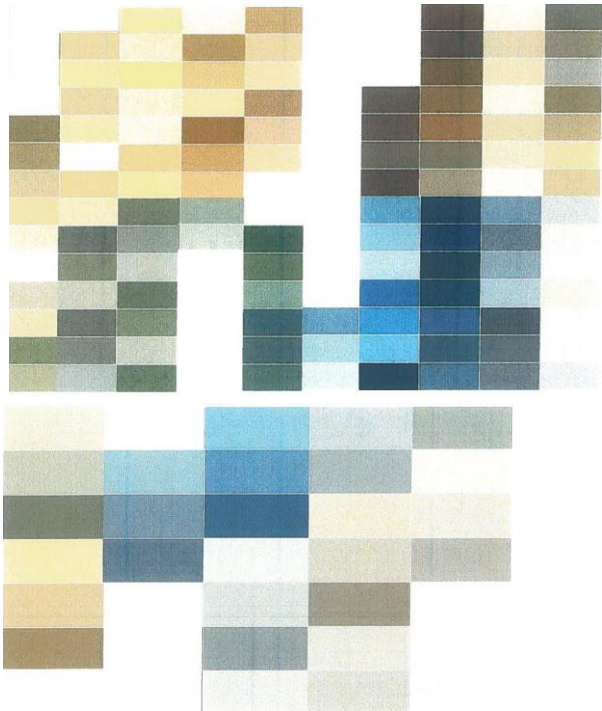
clearly labeled on the plans, or the applicant shall provide justifications for the design waiver.

*The applicant has removed bike racks from the “Detail Sheet.” However, the proposed sidewalks appear to be concrete instead of brick, and there are no other information on required street lights or street furniture – the applicant shall provide testimony and justify the design exceptions.*

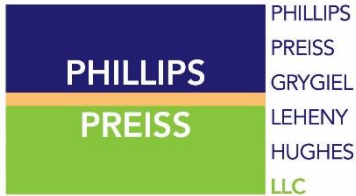
- 9. Section 6.3.2.E.5 requires a minimum building step-back of 5 feet for any building elevation above the 2<sup>nd</sup> floor. The applicant should clarify if this standard has been met and clearly indicate such on the architectural plans, or seek a “c” variance.

*The third floor plan indicates stepbacks of 1 foot along all facades on the third floor. The applicant shall provide justification for this variance.*

- 10. The applicant should provide testimony regarding the architectural design of the building. The proposed scale and massing, façade treatment, detailing, and materials are generally compliant with standards enumerated in Part 19. However, the applicant should specify the colors of the materials. We additionally recommend that the applicant provide colored 3D renderings and material samples at the time of the hearing. The Board should note that Section 19.5.7.A.4 recommends following colors and hues for buildings in downtown:







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*The applicant has submitted colored renderings for an older version of the Architectural Plans dated 7/9/2020, which seem to utilize recommended colors. The applicant shall provide material specifications with color hue names/numbers to confirm compliance.*

11. The applicant should provide additional information regarding the proposed signage, including estimated size and dimensions, proposed materials, illumination, mounting details, and color scheme. The sign must conform to Section 5.4.2.3, which limits wall signs in DD Zones to depth of not more than 12 inches projecting from the building and sign face size not exceeding 10% of the first story wall surface area including area of all windows and doors. Additionally, the sign must conform to design standards in Section 19.5.6., in particular that illumination may be gooseneck lighting or halo lit pin-mounted letters in soft white only.

*The new elevations indicate that the sign will be 12 square feet in size, which is less than 10% of the first floor façade area. Exterior illumination will be provided via black gooseneck lighting. The applicant should stipulate that the sign will not project more than 12 inches from the wall. The sign is otherwise compliant.*

12. Pursuant to Section 6.3.2.F.3, any project containing residential units in the DD Zone must set aside 20% of for-sale units or 15% of rental units as affordable to very low, low and moderate income households. Further, these units must comply with income distribution, bedroom mix, deed restriction, and other applicable requirements as set forth in the Township's Affordable Housing Ordinances and COAH regulations. The applicant should provide testimony regarding how these requirements will be met by the project.

*This comment is no longer valid – the applicant has reduced the number of units to 4, which does not trigger the Mandatory Set-Aside requirement in 18.A.1.*

13. We additionally defer to the Township engineer for comments regarding the proposed lighting, traffic and circulation, paving and grading, drainage and stormwater management, and utility construction.

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

Respectfully submitted,

Keenan Hughes, AICP, PP