

January 2, 2020

**April 20, 2021 (Revision No. 2)**

*Via electronic mail*

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

Attn.: Connie Valenti, Planning Board Secretary

Re: **Preliminary & Final Site Plan Review**

Block 206, Lots 14 & 15  
495-497 Springfield Avenue  
Applicant: Elshiekh Enterprise, LLC.  
Township of Berkeley Heights, Union County, New Jersey  
NEA File No.: BERKSPL19.021

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:

- A signed and sealed set of engineering plans consisting of ~~five (5)~~ **six (6)** sheets entitled, “Site Plan of 495-497 Springfield Avenue, Block 206, Lots 14 & 15 – Tax Map Sheet # 2, Township of Berkeley Heights, Union County, New Jersey,” prepared by Edward S. Dec, P.E., of Guarriello & Dec Assoc. LLC, dated September 14, 2019, with the exception of Sheet 2, “Boundary & Topographic Survey”, dated June 14, 2019, **last revised April 2, 2021;**
- A signed and sealed set of architectural plans consisting of five (5) sheets entitled, “Proposed Multi-Use Bldg.: Elshiekh Enterprises, 495 Springfield Avenue, Berkeley Heights, NJ,” prepared by Roger C. Winkle, A.I.A., of Roger C. Winkle – Architect, dated September 26, 2019, **last revised March 25, 2021;**
- A copy of the Township of Berkeley Heights, Planning Board Application for Site Plan Approval (No. SP-8-19), dated October 11, 2019;
- A copy of the Township of Berkeley Heights, New Jersey, Planning Board Check List – Site Plan, prepared by Edward S. Dec, P.E., of Guarriello & Dec Assoc. LLC, dated October 11, 2019;
- Notice of Public Hearing Planning Board of the Township of Berkeley Heights, Union County, N.J., undated;
- Application for Development Elshiekh Enterprises, LLC., 495 Springfield Avenue, Block 206, Lots 14 & 15, Berkeley Heights, New Jersey 07922, Corporate Ownership Pursuant, undated;
- Memorandum in Support of Application for Development;
- Township of Berkeley Heights, Certification of Taxes, dated October 3, 2019;
- Township of Berkeley Heights, List of Property Owners to Be Served Notice, dated May 06, 2019;
- **Planning Review No. 1, for the subject application, prepared by Keenan Hughes, A.I.C.P., P.P., of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC., dated December 13, 2019;**



- **Correspondence of Supplemental Planning Comments, prepared by prepared by Keenan Hughes, A.I.C.P., P.P., of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC., dated October 21, 2020;**
- **Planning Review No. 2, for the subject application, prepared by Keenan Hughes, A.I.C.P., P.P., of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC., dated February 19, 2021;**
- **Correspondence from the Berkeley Heights Fire Department, with recommendations related to the site plan, dated December 9, 2019;**
- **Correspondence from the Berkeley Heights Zoning Officer, Thomas A. Bocko, with zoning comments related to the site plan, dated February 16, 2021;**
- **Memo from the Berkeley Heights Environmental Commission, dated January 3, 2020;**
- **Memo from the Berkeley Heights Downtown Beautification Committee dated January 7, 2020;**
- **Letter from the County of Union, Supervising Planner, Kamal Saleh, P.P., A.I.C.P., dated December 1, 2020;**
- **Letter from the Applicant’s architect, Roger C. Winkle, A.I.A., summarizing the revisions to the architectural plans, dated February 29, 2021;**
- **Drainage Report, 495-497 Springfield Avenue, Block 206, Lots 14 and 15, Township of Berkeley Heights, Union County, N.J., prepared by Edward S. Dec, P.E., P.L.S., C.M.E., dated September 14, 2019; and**
- **Planning Review No. 3, for the subject application, prepared by Keenan Hughes, A.I.C.P., P.P., of Phillips, Preiss, Grygiel, Leheny, Hughes, LLC., dated April 19, 2021.**

### **Project Description**

The properties in question are located in Block 206, Lots 14 and 15, as per the Township of Berkeley Heights Tax Map, and are commonly known as 495-497 Springfield Avenue. The subject property sizes are approximately 7,400 square feet (0.170 acres) for Lot 14, and 3,700 square feet (0.085 acres) for Lot 15. Both parcels are located within the ‘DD’ Downton Development Zone and are mainly surrounded by commercial/retail businesses. The site in question is currently developed with and existing two (2)-story frame dwelling, a one (1) story detached garage, asphalt pavement, fencing, on-site utilities and landscaping.

The Applicant for the project is Elshiekh Enterprises, LLC, 12 Via Vitale, Kenilworth, N.J. 07033. The Applicant is seeking preliminary and final site plan approval to demolish the existing two (2)-story frame dwelling, the one (1)-story detached garage, and on-site improvements in order to construct a three (3) story mixed-use building with ground floor retail (1,596 sf) and structure parking, with residential apartments on the remaining two (2) floors. The residential portion of the building will consist of five (5) residential units. It is unclear at this time if the Applicant proposes an affordable set aside of units to comply with the Township’s Affordable Housing Ordinance /COAH regulations. Furthermore, the Applicant proposes additional on-site improvements, which consist of a parking lot area, concrete sidewalk, concrete curb, and a trash enclosure. Additionally, the Applicant is proposing stormwater management, lighting and landscaping improvements.

### **1. Site Plan Check List**

- 1.1 Calculation of Application Fee – NEA will provide on separate cover letter.



- 1.2 Graphic Scale – Marked as ‘Yes’ on the checklist; however, the Applicant does not provide a graphic scale on the Site Plan and Lighting & Landscaping Plan. **This comment has been addressed; no further action required.**
- 1.3 Key Map (not less than 1” = 500’) – Marked as ‘Yes’ on the checklist; however, the Key Map on the Cover sheet does not show a scale. **This comment has been addressed; no further action required.**
- 1.4 Reference meridian – Marked as ‘Yes’ on the checklist; however, while the Cover Sheet references a survey, there is no reference to the horizontal or vertical datum of said survey. **This comment has been addressed; no further action required.**
- 1.5 Date (on all documents and drawings) – Marked as ‘Yes’ on the checklist; however, not all documents are dated. **All revised documents have been dated; no further action required.**
- 1.6 List of all drawings and documents included in application – Marked as ‘Yes’ on the checklist; however, no such list has been provided. **This comment still applies and shall be addressed.**
- 1.7 Revision Dates – Marked as ‘Yes’ on the checklist; however, this item is not applicable at the time of submission, as this is the first submission, and no revisions to the plans have been made. As such, this item should be marked as ‘N/A’, unless comments within this letter require any plan revisions. **This comment has been addressed; no further action required.**
- 1.8 Zone boundaries and existing schools within 200’ – Marked as ‘Yes’ on the checklist; however, the Applicant does not provide this information. **This comment has been addressed; no further action required.**
- 1.9 All easements or deed restrictions on or related to the tract – Marked as ‘Yes’ on the checklist; however, no easements or deed restrictions are indicated on the plans. **The Applicant shall provide testimony regarding any existing or proposed easements or deed restrictions on or affecting the subject parcels.**
- 1.10 Structures to be removed shall be indicated by dashed lines – Marked as ‘N/A’ on the checklist; however, the Applicant is proposing to remove all existing structures to accommodate the construction of the new development. As such, this item should be marked as ‘Yes.’
- 1.11 Access streets (Names, width, lanes) – Marked as ‘Yes’ on the checklist; however, the Applicant does not provide the width and lanes on the plans. **This comment has been addressed; no further action required.**
- 1.12 Direction traffic flow on site – Marked as ‘Yes’ on the checklist; however, the Applicant does not provide this information. **This comment has been addressed; no further action required.**
- 1.13 Written Use Plan – Marked as ‘Yes’ on the checklist; however, no written use plan was provided. **This comment still applies and shall be addressed.**
- 1.14 Sight easements shown on plan – Marked as ‘Yes’ on the checklist; however, this information is not provided on the plans. **This comment still applies and shall be addressed.**
- 1.15 Fire Lanes – Marked as ‘Yes’ on the checklist; however, no fire lanes, existing or proposed, are indicated on the plans. The Applicant shall indicate any existing or proposed fire lanes on the plans or revise the checklist to indicate this item as ‘N/A’. **This comment has been addressed; no further action required.**



- 1.16 Loading spaces or docks – Marked as ‘Yes’ on the checklist; however, this information is not provided on the plans. **This comment still applies and shall be addressed.**
- 1.17 Existing storm sewer system – Marked as ‘Yes’ on the checklist; however, no existing storm sewer information is indicated on the plan. **This comment has been addressed; no further action required.**
- 1.18 Existing sanitary sewers – Marked as ‘Yes’ on the checklist; however, no existing sanitary sewer information is indicated on the plan. **This comment has been addressed; no further action required.**
- 1.19 Solid waste collection and disposal method – Marked as ‘Yes’ on the checklist; however, the Applicant shall provide testimony as to the method of collection and whether recycling is also proposed at these locations. **This comment still applies and shall be addressed.**
- 1.20 Bonds, Cash Escrows and Inspection Fees posted for improvements – Marked as ‘Yes’ on the checklist; however, NEA defers to the Board Secretary for confirmation of this item.
- 1.21 Soil Erosion and Sediment Control – Marked as ‘Yes’ on the checklist; however, a soil erosion and sediment control has not been provided. **This comment has been addressed; no further action required.**
- 1.22 Submission of plans to Union County Planning Board– Marked as ‘Yes’ on the checklist; however, no such proof has been provided. **This comment still applies and shall be addressed.**
- 1.23 Submission of plans to Somerset-Union Soil Conservation District – Marked as ‘Yes’ on the checklist; however, no such proof has been provided. **This comment still applies and shall be addressed, prior to construction.**
- 1.24 Soil Movement Permit – Marked as ‘N/A’ on the checklist; however, the Applicant may be required to obtain a Soil Movement Permit prior to construction. The Applicant shall verify this with §20.2 of the Township Ordinance. **This comment still applies and shall be addressed prior to construction.**
- 1.25 The Applicant has noted that the following checklist items are not applicable to this application:
- Proposed Right of Ways;
  - Proposed streets and street names;
  - Areas dedicated to public use;
  - Any adjacent lots in which applicant has a direct or indirect interest;
  - Improvement to adjoining streets and roads;
  - Streams, waterway and flood plains within 200’ of tract;
  - Off-street parking areas, paved and curbed;
  - Traffic Impact Analysis for sites generating more than 25 vehicles per hour;
  - Proposed sanitary sewers;
  - Existing and proposed water mains and hydrants;
  - Existing and proposed gas lines;
  - Existing and proposed electric lines;
  - Existing and proposed telephone lines;
  - Existing and proposed common space;
  - Existing and proposed open space;
  - Environmental Impact Statement;
  - Owner’s Letter of Consent, if applicant is not the owner;



- For sites containing hazardous materials under NJDEP jurisdiction: Documentation from NJDEP approving clean up plan per Ordinance #30-00; and
- For sites containing hazardous materials under USEPA jurisdiction: Documentation from USEPA approving clean up plan per Ordinance #30-00.

Based on the scope of the application, we agree with the Applicant that these items are not applicable to the project, with the exception of the items as noted. The Applicant may wish to request waivers for a number of the checklist items noted in Section 1, above. Any requirements noted above which are not waived by the Board shall be provided prior to construction.

**Waiver(s) Checklist Requirements and Variances:**

We respectfully defer to the Board Planner regarding the full list of waivers and variances relative to this application. It is our understanding the Applicant has requested the following partial check list/design waivers, and/or variances:

- Traffic Impact Analysis for sites generating more than 25 vehicles per hour. The Applicant must provide testimony of all detailed information regarding traffic impacts of the project, the intensity of the use, the adequacy of the access drives and the suitability of the on-site circulation and parking. The Applicant proposes 16 on-site parking spaces, including 1 on-street space, whereby a total of 15 spaces are required per Township code.
- Per Section 11.1.7, residential uses require a minimum distance of five (5) feet between a driveway and a lot line. The plan as presented would require a design waiver/exception.
- Per Section 10.6.8.B.8, Landscaping. Such storage facilities shall be landscaped with minimum four (4) foot high evergreen shrubs along the sides and rear. The plan as presented would require a design waiver/exception.
- Per Section 11.1.4.A.1.b, For parking lots with nine (9) or more spaces, a minimum of eight (8) percent of the interior area of the parking lot shall be landscaped with a minimum of one (1) deciduous tree with a minimum caliper of two and one-half (2 1/2) inches, planted for every six (6) parking spaces. The plan as presented would require a design waiver/exception.
- Per Section 11.1.4.A.3, Driveways. All driveways and parking lots shall be suitably buffered and screened to minimize the impacts of noise, lighting and glare, exhaust fumes, views of parked vehicles and other nuisances. Buffering and screening shall minimize such impacts both within the site itself, as well as from adjacent and nearby properties and public right-of-ways as follows: a. Buffering shall consist of a minimum five (5) foot wide area along the sides of a driveway and adjacent lots. b. Screening shall consist of a minimum four (4) foot high visually impervious screen to be located within the buffering area. Where such parking area is located on a tract adjacent to a residential use or district, such screening shall consist of a minimum six (6) foot high visually impervious screen. The height of any required screen shall decrease to a maximum of three (3) feet in height where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians from motor vehicles. The plan as presented would require a design waiver/exception.
- Per 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 four (4) feet above the surface of the parking lot. This screen shall be eighty-five (85) percent visually impervious at the time of planting. Parking lot screening shall be a



minimum of five (5) feet wide. Planting requirements for parking lots are not exclusive of other planting landscaping requirements, as well as for shade trees. The plan as presented would require a design waiver/exception.

- Per Section 19.5.5.B.2, The streetscape edge shall include Belgian block or granite curbing, decorative lamp posts, sidewalks of brick, street trees and privacy edges (decorative fences or hedges) where use is other than retail/service and other street furniture such as benches, trash receptacles, planters, bus stops and information/advertising kiosks. The plan as presented would require a design waiver/exception.
- The Applicant indicates that no designated loading spot will be provided. The Applicant shall provide testimony regarding the intended loading operations.

## 2. Engineering Comments

- 2.1 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. **This comment still applies and shall be addressed.**
- 2.2 The Applicant shall provide a construction detail for the proposed parking striping, wheel stop bumper, type 'B' and type 'A' inlets. **The comment has been addressed; no further action required.**
- 2.3 The Applicant has provided a 6' Vinyl Privacy Fence, Bollard and Bike Rack detail on the Detail Sheet; however, nowhere in the Site Plan are these improvements illustrated. **The Applicant has removed the proposed fence and bike rack from the plans but has kept the bollard detail. The Applicant shall revise the plans to depict the location of the proposed bollards.**
- 2.4 The Applicant shall provide a stop bar and "Stop" text at the end of the proposed driveway. Details of the same shall be provided. **The Applicant has revised the plans as requested. However, The Applicant shall reduce the length of the stop bar to meet the width of the proposed egress lane. This comment has been addressed; no further action required.**
- 2.5 The Applicant shall revise the Site Plan and Lighting and Landscape Plan to provide the appropriate scale. The plans depict a scale of 1" = 20', whereby, the proper scale appears to be 1" = 10'. **No further action required.**
- 2.6 Testimony shall be provided regarding conformance of the proposed development with current ADA requirements. ADA ramp construction shall be certified by the Applicant to the Township as meeting ADA standards, including, but not limited to, dimensions, slopes, orientation, etc. **This comment still applies and shall be addressed.**
- 2.7 The Applicant proposes a trash enclosure for the proposed site use. Per Section 6.3.2B(3) of the Township code, permitted accessory use requirements read as follows: "*Garbage, trash, and recycling facilities providing they are screened to a height of six (6) feet with a capped brick wall on three sides and a metal or wood gate, have a roofed or trellised structure obstructing the view into the facility from above, and comply with the standards in Part 11.*" The Applicant shall ensure that the proposed trash enclosure satisfies the Township requirement or request a design waiver/exception. A detail of the same shall be provided, as applicable. **The Applicant has revised the plan adding a detail of the proposed trash enclosure. However, the Applicant has not satisfactorily demonstrated compliance. Additionally, this detail refers to the architectural plans, which do not provide any information regarding the trash enclosure. The Applicant has revised the architectural plans to include the**



**dimension and material of the trash enclosure. NEA defers to the Board Planner for review of the proposed trash enclosure for conformance with the Township code.**

- 2.8 The Applicant shall confirm that the proposed access doors and sidewalk clearance comply with current ADA requirements. Testimony addressing the same shall be provided. **This comment still applies and shall be addressed.**
- 2.9 The Applicant shall indicate that Springfield Avenue is also known as Union County Route 512 on the plan. **The comment has been addressed; no further action required.**
- 2.10 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.). **The Applicant proposes to construct five (5) HVAC units on the west side of the proposed building. However, no screening has been provided. The Applicant shall provide testimony regarding any proposed generator or external transformers on-site as well as the intention to provide screening for these, if applicable, and the five HVAC units. This comments still applies and shall be addressed.**
- 2.11 The Applicant shall provide testimony regarding the daily operations of the proposed site development, 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. Additionally, the Applicant shall provide testimony regarding the proposed on-site parking operations (i.e. assigned parking, unassigned parking, and visitor/guest parking, proposed signage, etc.). **This comment still applies and shall be addressed.**
- 2.12 The Applicant shall indicate on the plans if any project signage is being proposed as part of the development. A detail of the same shall be provided. **The Applicant indicates that a building-mounted sign is proposed on the front of the structure. The Applicant has not provided a detail but indicates the sign will be 8.0 feet long by 1.5 feet high and will comply with the Downtown District Standards. The Applicant shall provide testimony and reuse the plans as required to demonstrate compliance. The Applicant shall revise general note no. 14 on the site plan to accurately reflect the proposed signage.**
- 2.13 The Applicant shall provide testimony with respect to the proposed building features, including but not limited to materials, colors, design elements, height and lighting. Additional construction details must be provided to support the same. Furthermore, The Applicant shall provide testimony as to the implementation of any green infrastructure site and/or building elements. **This comment still applies and shall be addressed. NEA defers to the Board Planner for review.**
- 2.14 The Applicant shall revise the plans to label or otherwise identify all proposed materials on the general Site Plan. **The comment has been addressed; no further action required.**
- 2.15 The Applicant shall revise the submitted Site Plan to clearly illustrate the existing and proposed conditions. NEA recommends that the Applicant provide the existing features in a grayscale condition under the proposed improvements. **This comment still applies and shall be addressed.**
- 2.16 The Applicant shall submit a Demolition Plan, signed and sealed by a Licensed Professional Engineer in the State of New Jersey for review. The Demolition Plan shall clearly illustrate the existing features that are to remain and be removed. **This comment still applies and shall be addressed.**



- 2.17 The subject property is located in the Downtown Development zoning district, and is therefore subject to compliance with the streetscape standards (refer to §19.0 of the Township Ordinance). These standards include, but are not limited to, brick pavers, sidewalks, curbs, decorative lights, street furniture, etc. The Applicant shall provide testimony regarding compliance with said standards, and shall indicate the same on the proposed plans. **This comment still applies and shall be addressed.**
- 2.18 The Applicant shall add a general note to plans stating all new electric, television, cable, gas and other utility lines servicing the buildings shall be installed underground. **This comment has been addressed; no further action required.**
- 2.19 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 Site Plan. **The comment has been addressed; no further action required.**
- 2.20 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. **This comment has been addressed; no further action required.**
- 2.21 The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in such a manner that would deposit soil/debris on any street, sidewalk, public place, or within any other private property. A note stating the same shall be provided on the Site Plan. **This comment still applies and shall be addressed.**
- 2.22 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 such material, by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling. **This comment still applies and shall be addressed, during construction.**
- 2.23 **The Applicant proposes a drive aisle width of only 18 feet for the ingress/egress driveway and behind the four 90-degree parking stalls. Additionally, the Applicant proposes a drive aisle width of only 23 feet in the rear parking lot. Per N.J.A.C. 5:21-4.16(c) (Residential Site Improvements Standards) the minimum required aisle width is 24 feet. Additionally, the Applicant proposes parking spaces along the northern (rear) lot line that are only 16 feet long, whereas a minimum length of 18 feet is required per RSIS. The Applicant proposes conditions that require the Board to grant waivers from RSIS requirements. The Applicant shall provide testimony in support of each instance of deviation from RSIS. The Applicant has revised the parking stalls to be a minimum of 18 feet wide and revised the driving aisle to be 22.33 feet. This comment still applies and shall be addressed.**
- 2.24 **The Applicant proposes to construct an undersized, 22.33-foot-wide, two-way drive aisle against the eastern property line adjacent to Lot 13, with a zero (0) foot setback therefrom. The Applicant shall provide testimony regarding the intended use of what appears to be a shared driveway with adjacent Lot 13. The Applicant shall also provide testimony regarding any existing or proposed cross-access easement agreements. This comment still applies and shall be addressed.**
3. **Grading, Drainage, and Utility Comments**
- 3.1 The Applicant shall indicate on the plans the proposed location of all roof leader drains and associated downspouts. **This comment still applies and shall be addressed, prior to construction.**





- 3.2 The Applicant shall indicate the ADA accessible path from the at-grade ADA parking stall to the proposed entrance. The accessible path shall be clearly defined with spot grades to ensure the slopes are in compliance with ADA regulations. **The Applicant has provided additional spot elevations. However, portions of the ADA sidewalk are steeper than 2% cross-slope, which is not compliant. This comment still applies and shall be addressed.**
- 3.3 The Applicant shall provide testimony regarding the status of existing utilities on the site and whether they are adequate for the proposed use. **This comment still applies and shall be addressed.**
- 3.4 The Applicant shall provide top and bottom spot elevations for the proposed concrete curb. **The comment has been addressed; no further action required.**
- 3.5 The Applicant shall verify that the existing domestic water service (and fire service, if applicable), sanitary sewer lateral, and natural gas service lines are adequate to accommodate the increased demand associated with the proposed increases in the use and size of the building. In addition, the Applicant shall graphically indicate the location of all utility line locations on the property, including, but not limited to, domestic and fire service, natural gas, electric, telephone, internet, television, on the plan. If any existing utilities will be impacted by the proposed improvements, the Applicant shall indicate the proposed modification or relocation of any impacted utilities. **This comment still applies and shall be addressed.**
- 3.6 The Applicant proposes a connection to the existing inlet. The Applicant shall reconstruct the existing inlet, and a detail of the same shall be provided. Approval from the County of Union may be required. **The Applicant has revised the plans as requested. The latter portion of this comment still applies and shall be addressed prior to construction.**
- 3.7 The Applicant shall provide additional spot grades along the property lines and at each building corner. **The Applicant has revised the plans. However, prior to construction, the Applicant shall provide additional spot elevations and grading information if required.**
- 3.8 Per NJDEP Stormwater Management guidelines (NJAC 7:8), stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards within N.J.A.C. 7:8-5.4 and 5.5. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies at N.J.A.C. 7:8-5.3 into the design. If these measures alone are not sufficient to meet these standards, structural stormwater management measures at N.J.A.C. 7:8-5.7 necessary to meet these standards shall be incorporated into the design. Testimony must be provided to illustrate compliance, as applicable. If not considered a major development, the Applicant shall provide stormwater management calculations that indicate the post-construction peak runoff rates for the 2-, 10, and 100-year storm event, do not exceed, at any point in time, the pre-construction peak runoff rates. The Applicant must demonstrate that the proposed development will not contribute to any existing, off-site flooding issues, or pose any new additional flooding concerns to neighboring properties. NEA will provide additional stormwater related comments as deemed necessary, upon testimony and formal review of the submitted stormwater report. **This comment still applies and shall be addressed.**
- 3.9 The Applicant shall provide a Stormwater Maintenance Plan in accordance with N.J.A.C. 7:8-5.8 for the stormwater management measures. **This comment still applies and shall be addressed.**
- 3.10 The Applicant shall provide “will-serve” letters demonstrating that applicable utility providers (including, but not limited to sanitary sewer, water, electric, telecommunications, and natural gas service)



are capable of serving the site with adequate capacity. The Applicant shall coordinate the location of specific utility appurtenances, including, but not limited to, meters, transformers, hand-holes, etc., with the respective utility providers. **This comment still applies and shall be addressed.**

- 3.11 The Applicant shall indicate the size of the existing storm sewer pipe in the Springfield Avenue right-of-way to confirm a direct sewer connection is feasible. **This comment has been addressed; no further action required.**
- 3.12 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. **This comment still applies and shall be addressed during and after construction, as required.**
- 3.13 The Applicant shall provide stormwater conveyance calculations to demonstrate compliance with the stormwater requirements set forth in the Residential Site Improvements Standards (“RSIS”) and NJDEP. **This comment still applies and shall be addressed.**
- 3.14 The Applicant shall provide testimony regarding the proposed drainage improvements to verify that the proposed design meets all Berkeley Heights, Standards for Soil Erosion and Sediment Control in New Jersey, and NJDEP drainage requirements, including specific reference to the requirements for subsurface detention basins. **This comment still applies and shall be addressed.**
- 3.15 **The Applicant shall revise the stormwater calculations to utilize runoff coefficients per N.J.A.C. 5:21 (RSIS).**

#### **4. Landscaping and Lighting Comments**

- 4.1 Testimony shall be provided regarding the conformance of the proposed landscaping with Township requirements for Buffers and Landscaping (§10.6.3). **This comment still applies and shall be addressed.**
- 4.2 Testimony shall be provided regarding the operating hours of the proposed lighting. **This comment still applies and shall be addressed.**
- 4.3 The location, intensity and direction of all outdoor lighting shall not produce glare or other adverse effect on the existing or future use of nearby properties. Additionally, lighting shall not be more than twenty-five feet in height (§10.6.1D.). **The Applicant shall revise the Landscape and Lighting plan to depict the spot illumination values along all property and right-of-way lines. Additionally, the Applicant shall account for any building-mounted exterior lighting in the analysis. The Applicant shall also specify house-side light shields for any fixtures which may affect adjacent properties.**
- 4.4 Minimum and maximum average illuminations in footcandles, measured at ground level, shall be respectively, 1 and 4 for retail uses; 1 and 2 for commercial and office uses; and 0.5 and 1 for industrial uses. The plans must be revised for conformance to Ordinance §11.1.5 requirements. **This comment still applies and shall be addressed. The Applicant shall be advised that a post-construction photometric analysis will be performed by this office to ensure compliance with applicable Township ordinances.**
- 4.5 The Applicant shall individually label the plants (or groupings of the same plant) with a plant key and quantity as per standard landscape architecture plans. **This comment has been addressed; no further action required.**



- 4.6 The stairway access in the southwest corner of the building is blocked by proposed landscaping and there is no hardscape connection to the public sidewalk. The Applicant shall revise the plans to correct this oversight. **The comment has been addressed; no further action required.**
- 4.7 The Applicant shall provide notation that all plant beds are to receive a minimum of nine (9) inches of topsoil (settled). **This comment has been addressed; no further action required.**
- 4.8 The Applicant shall provide an automatic irrigation system for the plant bed areas to ensure the plants are irrigated properly and thrive. **This comment still applies and shall be addressed. At a minimum, the Applicant shall provide testimony and/or revise the plans to indicate that an automatic irrigation system will be provided and the design of such shall be provided prior to construction.**
- 4.9 The Landscape Material Legend is partially missing. The Applicant shall revise plan to correct the oversight. **This comment has been addressed; no further action required.**
- 4.10 It appears the Applicant is specifying a variety of azaleas. The Applicant shall list each individual variety, along with its proposed quantity and size within the legend. **The Applicant has provided the type and size for “various” azaleas but gives a total quantity instead of the quantity per type of azaleas. This comment still applies and shall be addressed.**
- 4.11 The Applicant shall provide additional landscaping along the western side of the building. **This comment still applies and shall be addressed.**
- 4.12 The Applicant shall enlarge the Tree Planting Detail in order to improve the legibility of the text. **Portions of this comment still apply and shall be addressed.**
- 4.13 As per Section §11.1.4A of the Township of Berkeley Heights Ordinance, “*for parking lots with nine (9) or more spaces, a minimum of eight (8) percent of the interior area of the parking lot shall be landscaped with a minimum of one (1) deciduous tree, planted for every six (6) parking spaces. The minimum size for landscaped areas shall be forty-nine (49) square feet. The remainder of any such interior planting area not containing trees shall be planted with low growing evergreen shrubs up to twenty-five (25) percent of the interior trees shall be evergreen plantings. 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 area between trees shall be planted with shrubs or ground cover or covered with mulch.*” The Applicant shall provide testimony addressing compliance with Ordinance or request a design waiver/exception. **The Applicant has revised the plan adding more landscaped areas, However, the added landscaped area does not comply with the minimum eight (8) percent of interior landscaped area. This comment still applies and shall be addressed.**
- 5. Traffic Comments**
- 5.1 The Applicant shall submit plans to the Township of Berkeley Heights Fire Official for review. The Applicant shall incorporate any requirements provided by the Fire Official into the plans, including, but not limited to, fire lanes, restricted parking areas, and fire apparatus access and circulation. **This comment still applies and shall be addressed.**
- 5.2 The subject application fronts on Springfield Avenue, which is also known as Union County Route No. 512, under the jurisdiction of the County of Union. As such, the Applicant shall submit to the County of Union for review. The Applicant shall provide copies of all correspondences with the County to the Board for review. **This comment still applies and shall be addressed.**



- 5.3 The Applicant shall provide testimony addressing vehicular circulation for deliveries, loading/unloading, drop-off, pick up areas, trash/recycling, and other operational issues as may be deemed relevant to the application. This shall include moving truck access and circulation including anticipated sizes and types of moving van that would access the site. **This comment still applies and shall be addressed.**
- 5.4 Based on our review the anticipated trip generation for the proposed project are the following:
- Retail- 12 new trips during AM Peak Hour, 9 new trips during PM Peak Hour;
  - Residential- 2 new trips during AM Peak Hour, 3 new trips during PM Peak Hour; and
  - Total anticipated trip generation equates to 14 new trips during AM Peak Hour and 12 new Trips during PM Peak Hour.
- 5.5 The Applicant shall confirm that the proposed land use and anticipated trip generation are in agreement with their application. **This comment still applies and shall be addressed.**
- 5.6 The plans must be revised to include all applicable site triangles. **This comment still applies and shall be addressed.**
- 5.7 The Applicant shall provide testimony addressing vehicular circulation for deliveries, loading/unloading, drop-off, pick up areas, trash/recycling, emergency vehicles and access, and other operational issues as may be deemed relevant to the application. **This comment still applies and shall be addressed.**
- 6. Final Comments**
- 6.1 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. **This comment still applies and shall be addressed prior to approval of building and/or soil movement permits.**
- 6.2 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. **This comment still applies and shall be addressed, as required.**
- 6.3 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. **This comment still applies and shall be addressed, as required.**
- 6.4 Revised reports, plans and exhibits, which are to be considered at the hearing, should be submitted ten days prior to the scheduled hearing. **This comment still applies.**
- 6.5 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. **This comment still applies.**
- 6.6 The Applicant shall provide all bonds, cash escrows and Inspection Fees posted for improvements prior to the start of construction. **This comment still applies and shall be addressed prior to construction.**
- 6.7 **NEA strongly recommends that the Applicant provide an item-by-item response to the comments cited in this letter, as well as those of the Board's other professionals.**



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.

For the Board Engineer

Township of Berkeley Heights

TRS/vh

cc: William Robertson, Esq. – Planning Board Attorney (*via e-mail*)  
Hany Elshiekh, Elishiekh Enterprises, LLC – Applicant/Owner (*via USPS, 387 Springfield Avenue, Summit, New Jersey 07901*)  
James G. Webber, Esq. – Applicant’s Attorney (*via USPS, 387 Springfield Avenue Summit, New Jersey 07901*)  
Edward S. Dec, P.E., P.L.S., – Applicant’s Engineer & Surveyor (*via USPS, 131 North Michigan Avenue, P.O. Box 208, Kenilworth, New Jersey 07033*)

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