

August 24, 2021

Via E-mail

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

Attn.: Ms. Connie Valenti, Secretary

Re: Preliminary and Final Site Plan Approval – Site Plan Review

40 Russo Place (Block 1901, Lot 40) (Application No. 14-21)
Applicant: 40 Russo Place, LLC. (Attn: Michael Cline)
Township of Berkeley Heights, Union County, New Jersey
NEA File No.: BERKSPL21.015

Honorable Board Members:

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

- A transmittal letter from Connie Valenti, Board Secretary, for the 40 Russo Place, LLC Application, dated July 16, 2021;
- A transmittal letter addressed to Ms. Connie Valenti, Board Secretary, from Gianni A. Corleone, of Chiesa Shahinian & Giantomasi, PC., dated June 30, 2021;
- A copy of the Township of Berkeley Heights Application to the Zoning Board of Adjustment, undated;
- A copy of the Township of Berkeley Heights List of Property Owners to be Served Notice, dated June 24, 2021
- A copy of the Township of Berkeley Heights Zoning Permit with Condition, dated May 5, 2021;
- A copy of an email addressed to Connie Valenti from Joseph Bonaccorso, Acting Director of Wastewater Treatment, Berkeley Heights, dated August 17, 2021;
- A copy of the Planning Review Letter addressed to Chairman Sullivan and Members of the Board, prepared by Keenan Hughes, A.I.C.P., P.P., dated August 2, 2021;
- A signed and unsealed copy of a survey plan, entitled “Topographic Survey, Tax Lot 40 – Block 1901, 40 Russo Place, Situated in Township of Berkeley Heights, Union County, New Jersey,” prepared by Frank J. Barlowski, P.L.S., of Matrix New World Engineering, Land Surveying, and Landscape Architecture, P.C., dated June 17, 2021; and
- A signed and sealed set of engineering plans, consisting of five (5) sheets, entitled “Preliminary/Final Site Plan, Bus Parking Facility, 40 Russo Place – Zone LI, Block 1901, Lot 40, Township of Berkeley Heights, Union County, New Jersey,” prepared by Dylan V. Ryan, P.E., of Matrix New World Engineering, Land Surveying, and Landscape Architecture, P.C., dated June 25, 2021.



Project Description

The subject site is identified as Lot 40 in Block 1901, located within the 'LI' Light Industrial Zone, per the Township of Berkeley Heights Zoning Map with a total area of 63,373 square feet (1.46 acres). The site is further identified as 40 Russo Place, and is located on the northwest side of the cul-de-sac at the end of Russo Place, off of Locust Avenue. The property is currently developed with a two-story masonry building on the southeastern part of property, concrete block material storage shelter with a canopy, storage tanks, and metal storage containers on the northern part of the property; and a concrete block storage shelter with a canopy on the southwestern part of the property. The remainder of the property appears to be an asphalt, gravel, and dirt lot. From available aerial imagery, it appears that the subject property was used by a contractor as their storage yard. There is also a twenty (20) foot wide drainage easement along the western and northwestern property lines and a thirty (30) foot wide utility easement on along the northern property line. The Applicant for the project is 40 Russo Place, LLC., 1 Russo Place, Suite 1, Berkeley Heights, N.J., Attn.: Michael Cline of First Student, Inc.

The Applicant is seeking preliminary and final site plan approval to construct a building expansion to the two-story masonry building and install an eight foot chain link fence with screening along the southern, western, northwestern, and northern property lines. The Applicant also proposes parking stall pavement striping to accommodate five (5) standard vehicles, forty-eight (48) large school buses, and two (2) small school buses.

The Applicant has indicated that a d(3) conditional use variance is required as part of this application. NEA defers review of all zoning and variances to the Board Planner.

1. Site Engineering Comments

- 1.1 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.
- 1.2 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.
- 1.3 The Applicant shall provide testimony regarding the daily operations of the proposed site development, including, but not limited to, bus schedules for pick-up and drop-off, number of employees, hours of operation, parking required for employees, refuse and recycling collection, etc. Additionally, the Applicant shall provide testimony regarding the proposed on-site parking operations.
- 1.4 The Applicant proposes to stripe parking stalls for forty-eight (48) large school buses, two (2) small school buses, and five (5) standard vehicle parking spaces, for a total of fifty-five (55) spots. The Applicant shall provide testimony regarding compliance with all school bus parking regulations in the "LI" Zone (Light Industrial). In accordance with Section 11.1.3.B.12 of the Township Code, standard school bus spaces shall be twelve (12) feet wide and thirty-six (36) feet long and small school bus spaces shall be twelve (12) feet wide and twenty-four (24) feet long. The Applicant proposes eleven (11) foot wide and forty (40) foot long standard school bus spaces and eleven (11) foot wide and twenty-five (25) foot long small school bus spaces. The Applicant shall revise the plans accordingly or a design waiver will be required.
- 1.5 In accordance with Section 11.1.3.6 of the Township Code and N.J.S.A. 52:32-12, for parking lots containing fifty-one (51) to two hundred fifty (250) spaces, there shall be two and one-half (2½) percent ADA-accessible parking spaces. With the proposed fifty-five (55) spaces, two (2) ADA-accessible parking spaces shall be required. The Applicant shall revise the plans accordingly to



provide ADA-compliant parking spaces, ADA-compliant blue pavement markings and appropriate signage to conform to Federal and Township Codes. The Applicant shall provide testimony in support of all required design waivers.

- 1.6 In accordance with Section 11.1.3.E of the Township Code, all parking areas and driveways shall be surfaced with bituminous concrete or material of comparable quality, constructed in accordance with the Standard Details of Berkeley Heights, except where a parking space has a curbed end, two (2) feet of the length of the parking space at the curb end may be grassed or landscaped or finished with another appropriate non-impervious surface, so as to allow a parked automobile to overhang the curb. It appears that a majority of the site is currently dirt and gravel, and there is no indication of any proposed pavement/asphalt and curbing improvements on the site plans. The Applicant shall revise the plans accordingly and provide testimony regarding the proposed paving, striping, and indication of all proposed materials on the site plan, including, but not limited to, lawn areas, areas outside relocated parking lot and driveways, and areas not otherwise indicated as to the proposed surface treatment. NEA has concerns regarding the generation of dust, and ultimately soil erosion, with the increased intensity of the site usage from a vehicular standpoint.
- 1.7 NEA understands from the Township of Berkeley Heights that as of the week of August 24, 2021, there appears to be significant on-site disturbances occurring, including but not limited to site work and grading. It shall be noted that there are currently no known active Township or County permits for the subject property that would authorize this work to occur, including but not limited to, building permit(s), soil movement, and soil erosion and sediment control plan certification from the Somerset-Union Soil Conservation District. The Applicant shall provide testimony as to the current conditions on the site, the nature and scope of this unpermitted disturbance/work, and the reason for the work. Finally, based on the current and ongoing site improvements, the submitted survey is no longer applicable as the existing conditions have changed. The Applicant shall perform an as-built survey of the property, only after all improvements have ceased, to depict the now-altered conditions on-site, to demonstrate compliance with applicable regulations and ordinances.
- 1.8 Though not indicated on the submitted survey or engineering plans, there is an existing stream channel along the western property line. Per the NJDEP GeoWeb GIS, this stream is identified as a Robbins Avenue Branch tributary. The Applicant proposes to construct a fence, striping, and potential grading improvements in close proximity to this stream. NEA understands that the subject property has a history of receiving numerous land use and hazardous waste violations from the New Jersey Department of Environmental Protection (“NJDEP”). Based on publicly available information, these violations include but are not limited to, significant disturbance to the adjacent Robbins Avenue Branch tributary stream corridor (filling and channelizing the current stream without the required DEP permits to do so), and numerous violations for the site appearing to function as a solid waste disposal facility. The Applicant shall provide testimony regarding the status of the violations (and their associated outcomes), any active land use, hazardous waste, or any other permits and/or applications, as well as the need for additional permits. Additionally, in light of Comment No. 1.7 above, the Applicant shall provide testimony to indicate if NJDEP permits were required for the current, unpermitted active construction currently occurring on-site. The Applicant shall provide testimony regarding the need for any NJDEP Land Use Permitting, including but not limited to Flood Hazard Area and Freshwater Wetlands for the proposed improvements as well.
- 1.9 The Applicant indicates that there are current site improvements that are to be undertaken both on the subject and on the adjacent Block 1901, Lot 50. These improvements generally include the demolition



of storage tanks, storage containers, structures and grading improvements “by others.” The Applicant shall provide testimony as to the approvals by which these disturbances or improvements are being constructed, as well as the party responsible for these improvements. Additionally, the majority of this work will occur within the aforementioned existing drainage and utility easements. The Applicant shall provide additionally testimony regarding the impact to the easement, and the rights by which all of the work is being undertaken, related to the easement agreement(s). The Applicant shall furnish copies of the easement agreement(s) to the Board for review.

- 1.10 The Applicant shall provide testimony regarding the proposed use of the building. The Applicant indicates that 1,000 square feet are dedicated to office space, however, there is no description of the proposed use of the remaining approximate 2,453 square feet of building space. The Applicant shall provide testimony regarding the existing and proposed uses for the entire building.
- 1.11 The Applicant shall confirm that the proposed building access doors and sidewalk clearances comply with current ADA requirements when accounting for drive aisles and parking areas. Testimony addressing the same shall be provided.
- 1.12 The Applicant shall indicate on the site plans 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.) to conform to Township Code.
- 1.13 The Applicant shall provide testimony as to the implementation of any green infrastructure site and/or building elements.
- 1.14 The Applicant shall ensure that all disturbed work areas are stabilized. The Applicant shall topsoil, seed, hay, and straw mulch to ensure lawn growth/germination, where appropriate.
- 1.15 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.
- 1.16 The Applicant shall provide temporary construction fencing around the project site. The Applicant shall provide a construction detail of the same.
- 1.17 The Applicant shall revise the plans to graphically indicate those items that are located within the limit of disturbance but are to remain.
- 1.18 The Applicant shall revise the site plan drawings to include the following in accordance with the Township Code: the size, height, location, arrangement and use of all existing and proposed structures and signs; total building coverage in square feet; an architect's preliminary scaled elevation drawings of the front, side and rear of any structure and sign to be erected or altered; preliminary floor plans; types of materials on exterior walls; and all exterior architectural lighting. Any existing structure to be removed from the site shall be identified.
- 1.19 The Applicant shall revise the final site plans to include: final, detailed, drawings of the front, side and rear elevations of any structure or sign; final floor plans with an emphasis on the normal and emergency entrance and exit areas; landscaping plans showing the locations and species of all shrubbery and trees, including their height, caliper and spacing and showing areas with grass or groundcover.



2. Grading, Drainage, and Utility Comments

- 2.1 The Applicant shall revise the plans to delineate and quantify the area of disturbance, accounting for all site improvements (i.e. demolition, site work, paving – to be added, etc.). Additionally, the Applicant shall provide soil erosion and sediment control measures, and corresponding details, including but not limited to silt fencing, inlet protection, haybales, floating turbidity barrier (in the Robbins Avenue Branch tributary), stockpile maintenance, construction entrance, etc.
- 2.2 Per the submitted survey, there are steep slopes, up to twenty (20) percent grade, in the southwest and northwest corners of the subject lot where fencing and striping are proposed. In accordance with Section 11.1.3.F, all parking spaces, except in the AH-1 or OR-A Zones, shall have a grade of no more than five (5) percent. The Applicant shall revise the plans to show the proposed grading and any required walls in order to comply with this requirement or a design waiver will be required. The Applicant shall provide testimony regarding the proposed grading on-site and all requested waivers. Additionally, the Applicant shall revise the plans to demonstrate compliance with the steep slope ordinance (§3.1.11) regarding development within steeply sloped terrain.
- 2.3 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.
- 2.4 Prior to construction, the Applicant shall include soil borings in the area of the proposed building addition on the Site Layout Plan that show existing surface and estimated seasonal high water table elevations. If the building utilizes a basement foundation, basement floor elevations should also be shown on the plan. Verify that the introduction of groundwater under the building will not adversely impact the building, its foundation, or any associated appurtenances.
- 2.5 The Applicant shall revise the plans to include site-specific details for all ADA-compliant concrete curb ramps and include spot elevations at all corners of each curb ramp.
- 2.6 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 address all the comments issued in Joseph Bonaccorso’s email to the Board Secretary, Connie Valenti, including, but not limited to, providing a detailed presentation and representation regarding the sanitary facilities for the employees of the facilities with appropriate calculations, description and details for cleaning operations for the vehicles and proper disposal of wastewater, details of disposal procedures of accumulated waste oils, lubricants, solvents, etc. used in servicing the vehicles, and controlled treatment of oily wastewater prior to discharge into the collection system.
- 2.7 The Applicant shall provide testimony regarding the need for a Treatment Works Approval and/or 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 full copies of any applications, correspondences, denials, or permits to the Board upon receipt.
- 2.8 The Applicant shall revise the plans to indicate the existing and proposed sanitary sewer laterals, including pipe inverts, as well as existing inverts at connection points for all sanitary sewer lines.
- 2.9 The Applicant does not show any proposed pavement, asphalt, or grading improvements to the existing sites. Adequate slopes and grades to be provided to promote positive drainage patterns. Furthermore, the Applicant must demonstrate that the proposed improvements will not contribute to any existing,



off-site flooding or erosion issues, or pose any new additional flooding or erosion concerns to neighboring properties (public and private).

- 2.10 The Applicant shall revise the submitted plans to include detailed grading and drainage information on-site, including, but not limited to, proposed spot elevations and contours, roof drainage connection(s), surface drainage within the parking area, etc.

3. Lighting Comments

- 3.1 All parking areas, aisles, and driveways serving business, research or industrial uses shall be illuminated between dusk and dawn when the use is in operation. 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 Applicant shall revise the plan to provide a point-by-point photometric analysis to demonstrate compliance with ordinance §11.1.5.
- 3.2 The location, intensity and direction of all existing and proposed outdoor lighting shall not produce glare or other adverse effect on the existing or future use of nearby properties. To reduce skyglow, adverse night vision effects, and impact on residential areas, the lighting fixtures shall provide complete cutoff and light shielding above seventy-five (75) degrees from the downward vertical and must provide that no direct light from the fixture can be seen at any point on residential property or more than one hundred (100) feet from the base of the standard.

4. Traffic Engineering Comments

- 4.1 The Applicant shall be responsible to present a complete traffic impact analysis for all proposals which could potentially generate twenty-five (25) or more vehicles in any hour. Such analysis shall include existing traffic volumes passing on all streets abutting the proposed development, existing turning movements of vehicular traffic within one thousand (1,000) feet of the proposed development, projected traffic movements as a result of the establishment of the proposed facility and a statement of total impact such generations will have on the existing level of service as determined and certified by a traffic engineer.
- 4.2 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. A copy of the submitted site plans shall be submitted to the Fire Department for review. The Applicant shall provide a hard, sealed copy of this plan for review.
- 4.3 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.

5. Final Comments

- 5.1 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 in accordance with the Municipal Land Use Law.
- 5.2 The Applicant shall provide space for endorsement of the Chairman, Secretary of the Zoning Board, and Township Engineer on the plans.



- 5.3 The Applicant shall provide Certification by Tax Collector that taxes are paid for the property.
- 5.4 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 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.
- 5.5 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.
- 5.6 Revised reports, plans and exhibits, which are to be considered at the hearing, should be submitted ten days prior to the scheduled hearing.
- 5.7 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.

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

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

Very truly yours,
Neglia Engineering Associates

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

TRS/EMJ/ko

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