

October 6, 2021

Via Email

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

**RE: PRELIMINARY/FINAL SITE PLAN
BUS PARKING FACILITY – 40 RUSSO PLACE – BLOCK 1901, LOT 40
TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY
MATRIX NO. 21-548**

To Whom It May Concern:

In response to the letters from the Berkeley Heights Environmental Commission and Berkeley Heights Zoning Board of Adjustment, Matrix has prepared the following **responses** to your noted *comments* on behalf of 40 Russo Place, LLC.

Berkeley Heights Environmental Commission Memo, dated July 26, 2021

1. *Comments 11, 14 and 15 from Harbor Consultants letter dated July 20, 2015, note a brook along western side of property, a 150 buffer, presence of FEMA flood zone A (should this be AE?).*

The most current FEMA Flood Mapping shows a portion of the site along the northeast corner within Special Flood Hazard Area A which is defined as an area without an established Base Flood Elevation (BFE). Zone AE is areas that do have an established BFE. The restoration of the Robbins Avenue tributary may affect any prior calculation of the FHA elevation. The site will be subject to the no-net fill requirements of the Flood Hazard Area Control Act.

2. *A document indicates an application was submitted to the NJDEP for a Letter of Interpretation. But the reply from the NJDEP is not included.*

The new property owner and Applicant have been informed that the prior property owner has not received formal response back from NJDEP. The prior property owner has been charged with obtaining approval and coming into full compliance with NJDEP as required. The prior property owner continues working with NJDEP in order to obtain any and all approvals as needed. If by any means the prior owner cannot perform the required task to comply, the new property owner will take on the project as needed until NJDEP requirements are met.

3. *It appears that the property is unpaved. How will parking be delineated on an unpaved surface?*

Asphalt pavement will be proposed, striping will be added to the asphalt pavement surface per the details on the Site Layout Plan.

4. *A report from ANCO Environmental Services “Spill Prevention, Control and Countermeasure and Facility Response Plan” dated July 2011 states that stormwater runoff drains to storm sewers on Russo Place. But the property survey shows part of the property slopes away from Russo Place.*

Correct, a portion of the site drains northwest to the vegetated area on the adjacent property.

5. *Multiple Comments regards stormwater management improvements.*

Proposed asphalt pavement will trigger the requirements for a Major Development per the NJDEP N.J.A.C. 7:8 – Stormwater Management. A grass swale along the northwest property line is proposed to meet the NJDEP Stormwater Quality standards.

See stormwater regulation assessment below:

- **The project site qualifies as a Major Development due to a disturbance greater than 1 acre. The site is 1.46 acres in total.**
- **The existing impervious area will be removed and paved. The project will fall under the redevelopment category and will have to remove 50% of the total suspended solids. (NJDEP Stormwater FAQ 4.2). The new regulations encourage the use of green infrastructure to meet the water quality requirements.**
- **The site is exempt from the Groundwater Recharge requirements due to the site being in the Metropolitan Planning Area and being previously developed (gravel/pavement cover). (NJDEP Stormwater FAQ 6.1)**
- **The existing gravel area can be considered as an impervious area. Due to heavy vehicle loading, the gravel area acts as an impervious area. (NJDEP Stormwater FAQ 10.3)**
- **The site will meet stormwater quantity standards because the existing gravel area will be considered as impervious. The runoff coefficient between existing and proposed conditions will be reduced with the proposed paved parking lot and green infrastructure.**

6. *Recommendation that a permit is required for removal of trees.*

No trees are proposed to be removed.

Berkeley Heights Planning Review No. 1, dated August 2, 2021

1. *Pursuant to the MLUL at N.J.S.A. 40:55D-70d(3), the Board may grant a “d(3)” conditional use variance “in particular case for special reasons.” Per the NJ court in Coventry Square v. Westwood Board of Adjustment, 138 N.J. 285, 298-299 (1994), the Board’s focus is on whether the site is appropriate for the conditional use despite the failure of the application to conform with all of the conditions. In addition, the applicant must address the “negative criteria,” that the variance can be granted without substantial detriment to the public good, zoning ordinance, or master plan.*

In accordance with the positive and negative criteria described above, the applicant shall provide testimony to justify the deviations from the conditions. As noted in the “Compliance” section, the applicant should provide clarification on the use of the building and associated car parking requirements, and also confirm if there would be outdoor repair activities or trailer parking. In addition to the deficient lot size, the applicant shall provide justification for any additionally identified d(3) variances.

Noted. Planning testimony will be provided to justify the d(3) conditional use variance. The Applicant is proposing use of the existing building with 1,000 square feet of Administrative Office

space and the remaining 2,453 square feet will be used for Storage and Light Maintenance Shop for repair and preventative maintenance on the school bus fleet. The proposed use requires 53 parking spaces as shown on Sheet 1 of the Site Plan. No outdoor repair activities or trailer parking is proposed.

2. *The applicant shall move all improvements outside of the required riparian zone along the Robbins Avenue Brook tributary or provide justification for a variance. Pursuant to the MLUL at N.J.S.A. 40:55D-70c, the Board may grant a “c” variance on two basis: (1) by reason of exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary and exceptional situation uniquely affecting a specific piece of property, the strict application of the regulation would result in practical difficulties or undue hardship upon the developer; or (2) the purposes of zoning would be advanced by the deviation and the benefits of deviating from the ordinance requirements outweigh any detriments. The Board must also be satisfied that the granting of the variance would not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.*

See response to Comment #4 and Site Engineering Comment 1.6.

A meeting with the NJDEP will be scheduled to review the project requirements within riparian zone.

3. *The applicant shall provide testimony to justify the design exception with respect to the deficient width for the bus parking spaces. Pursuant to the MLUL at N.J.S.A. 40:55D-51, the Board may grant a design exception from site plan design standards “as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval...if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.”*

The proposed bus parking width is used by the applicant at other similar facilities without issue. Relief from the required minimum is justified in this case because this is not a facility open to the public so only licensed, trained bus drivers will be accessing the proposed parking spaces.

4. *The applicant should revise the site plan to indicate the location of the brook and associated riparian zone, the flood hazard area, and any wetlands areas and associated buffer areas that intersect with the subject property. The applicant should also supply any Letters of Interpretation from the NJDEP to verify the locations of these environmental areas.*

The location of the existing Robbins Avenue Brook and associated riparian zone will need to be confirmed. The riparian zone must be measured from the top of bank. In this instance, there is no discernable top of bank.

It is our understanding that a pipe was installed within the stream and now the portion of the Robbins Avenue Brook along the northwest property line is contained within a pipe. The existing property Owner is working with the prior Owner of the property to ensure that he complies with the requested design developed and submitted to the NJDEP. This design has been submitted to the NJDEP and is currently under review. We believe NJDEP will respond favorably, and the prior Owner will make any and all restorations as required by NJDEP and close all violations out with NJDEP.

According to DEP’s on-line permit database (DataMiner), a wetlands letter of interpretation (LOI) verifying the extent of wetlands, open waters and wetland transition areas was issued on March 6, 2017. It is valid for five years with the possibility of obtaining one five year extension. However, the LOI was appealed. The last activity listed for the appeal is that they had a

meeting in March of 2019. We do not have a copy of the LOI nor do we know the status of the appeal. In 2016 there was an application for a flood hazard area (FHA) verification to confirm the limits of any flood hazard area and/or riparian zones on the site.

A meeting with the NJDEP will be scheduled to review the project requirements within the riparian zone, flood hazard area, and wetland area.

5. *The site appears to be largely unpaved, and the areas proposed to be parking are currently gravel surfaces. The applicant indicates that there would be new striping to delineate the spaces, but has not indicated if there would be paving/grading activities. The applicant shall provide testimony to clarify.*

A meeting with the NJDEP will be scheduled to review the permitted improvements adjacent to the Robbins Avenue Brook and associated riparian zone. See response to Site Engineering Comment 1.6.

6. *The applicant should move all improvement outside of the drainage easement, or provide documentation on the terms of the easement to demonstrate that the proposed improvements and use are permitted. The Board does not have jurisdiction to provide relief in the case of a violation, as it is outside the scope of municipal land use regulations.*

To date, no information on the drainage easement has been found. If permitted by the NJDEP, the Applicant is proposing a grass swale for stormwater management and asphalt pavement for the bus parking within this easement. See response to Site Engineering Comment 1.6.

7. *The applicant should provide proof of approval from the NJDEP to improve and perform activities within the flood hazard area. Alternatively, if the Board looks favorably on the application, NJDEP approval could be included as a condition of approval.*

A meeting with the NJDEP will be scheduled to review the project requirements within the flood hazard area. See response to Site Engineering Comment 1.6.

8. *We additionally defer to the Township engineer for comments regarding the adequacy traffic and circulation, paving and grading, drainage and stormwater management, utilities, and other site improvements.*

Noted.

Neglia Engineering Associates – Zoning Review Letter, dated August 24, 2021

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.*

Revised plans will be submitted to the Fire Official for review.

- 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.*

Site Owner and/or representatives will be present at Zoning Board Meeting(s).

- 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.

See attached Operations Synopsis detailing the proposed operations along with an Excel spreadsheet indicating proposed traffic flow on the site.

- 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.*

The 11-foot-wide parking space is adequate for bus parking predicated on the fact that this is a storage lot for school buses and not a public parking lot. A design waiver is requested

- 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.*

Per the 2010 ADA Standards for Accessible Design, Section 208.1, “Exception: Parking spaces used exclusively for buses, trucks, other delivery vehicles... shall not be required to comply with 208 provided that lots accessed by the public are provided with a passenger loading zone complying with 503.” The proposed use of a private bus parking facility is exempt from the ADA-compliant parking space requirement because it is not accessed by the public. A design waiver is requested for the Township Code and N.J.S.A. requirement.

- 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.*

Proposed asphalt pavement will trigger the requirements for a Major Development per the NJDEP N.J.A.C. 7:8 – Stormwater Management, requiring additional site improvements adjacent to the Robbins Avenue Brook. In addition, this would trigger other wetland and flood hazard area (FHA) permit conflicts.

The extent of the wetlands and wetland transition area is not known. If the project proposes to disturb the wetlands or transition area a NJDEP permit will be required. There is no permit that would allow expansion of the parking lot into a wetland. Paving a portion of the existing dirt/gravel

parking area that may be in a transition area may not be permissible. There is a permit available for redevelopment of a significantly disturbed transition area. However, significantly disturbed is defined as being covered by an impervious surface such as pavement, gravel, paver blocks or a deck that is less than five feet off the ground. NJDEP may not consider the existing dirt/gravel parking area to be sufficiently disturbed to qualify for this permit.

Due to the prior application for a FHA verification being on hold pending resolution of the violation, the extent of any regulated riparian zone or flood hazard area is not known. The FEMA Flood Insurance Rate Map shows a portion of the site in a flood hazard area, but it does not provide an elevation. Therefore, there would be a need to calculate the FHA elevation. This may have been done in conjunction with the prior application but is unknown at this time. Reconstructing of the off-site stream channel may affect any prior calculation. Because the stream is not tidal, the no-net fill requirements of the Flood Hazard Area Control Act must be met for any portion of the site in the flood hazard area.

As a condition of resolving the violation (restoring the stream channel and associated riparian zone) NJDEP would typically require the riparian zone to be monitored for 3-5 years to ensure survival of the plantings. They may also require it to be placed in a conservation easement to prevent future development. Assuming the restored riparian zone is not in a conservation easement, new construction of asphalt or a grassed swale (for stormwater management/green infrastructure purposes) in the riparian zone may not be permissible. The regulations do not allow clearing of riparian zone vegetation within 25 feet of a top of bank except under limited circumstances, which the swale may not meet.

For any disturbance of riparian zone vegetation to install asphalt or construct the grass swale, it will be necessary to demonstrate that there is no other feasible use of the site or design, including reducing the scope (which would hinder the usability of the property), that would reduce or eliminate the area of riparian zone disturbance. The waiving of the asphalt pavement requirement may allow for the property use as intended.

A meeting with the NJDEP will be scheduled to review the permitted improvements adjacent to the Robbins Avenue Brook and associated riparian zone.

- 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.*

All on-site disturbances occurring as of the week of August 24, 2021 can be attributed to the former owner of the property. All disturbances that took place prior to the week of August 24, 2021 and all subsequent activity is also the former owner. The new owner and Applicant were unaware that the former owner's efforts to move his equipment, materials and debris off of the property was not properly permitted until receiving the engineering review letter from Neglia Engineering on August 24, 2021. After the new property owner had additional dialogue with Tom Bocko and Thomas Solfaro regarding the former owner, the new property owner pressured the former owner to obtain the necessary permits as required. The former owner committed to obtain a demolition permit for the one remaining temporary (coffin-block base) structure that he is planning to remove as well as a grading permit, if required. The new property owner and Applicant is unaware if the

previous owner has followed through to obtain said permit(s) and the new property owner will continue to pressure the former owner to completely vacate the property which he no longer owns.

- 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.*

The new property owner and Applicant are aware of the NJDEP issued violations for the pipe that was illegally installed along the back of the property by the prior owner. The prior owner has been in a multi-year fight with the NJDEP to keep the pipe in place. When the new property owner (Applicant’s preferred developer) approached the purchase of the 40 Russo Pl, the preferred developer initially said that they were unwilling to purchase the property until the pipe issue was resolved. The former owner believed that the only way to quickly resolve the pipe issue was to agree to remove it. The new property owner therefore directed the former owner to work with the NJDEP to remove the pipe and resolve the violation prior to the Applicants preferred developer taking title to the property.

Unfortunately, the prior owner was not correct regarding the time it would take for NJDEP to review and approve a pipe removal plan. With the school year approaching, the Applicant directed their preferred developer to close on the purchase of 40 Russo Pl on August 10, 2021 with an agreement in place with the former owner that he would continue to work with the NJDEP to sign-off on the pipe removal plan and ultimately remove the pipe and fully resolve the violations as quickly as possible.

As of September 2021 the former owner believes that the last item that the NJDEP needs in order to sign off on the proposed restoration plan is a rip rap design from his engineer to prevent erosion along the banks of the channel once the pipe is removed. His engineer is actively working on that component for submission to the NJDEP.

A meeting with the NJDEP will be scheduled to review the project requirements within the riparian zone, flood hazard area, and wetland area.

- 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.

As indicated in responses above for 1.7 and 1.8, all on-site disturbances occurring as of the week of August 24, 2021 can be attributed to the former owner of the property. All disturbances that took place prior to the week of August 24, 2021 and all subsequent activity is also the former owner. The new owner and Applicant were unaware that the former owner's efforts to move his equipment, materials and debris off of the property was not properly permitted until receiving the engineering review letter from Neglia Engineering on August 24, 2021. After the new property owner had additional dialogue with Tom Bocko and Thomas Solfaro regarding the former owner, the new property owner pressured the former owner to obtain the necessary permits as required. The former owner committed to obtain a demolition permit for the one remaining temporary (coffin-block base) structure that he is planning to remove as well as a grading permit, if required. The new property owner and Applicant is unaware if the previous owner has followed through to obtain said permit(s) and the new property owner will continue to pressure the former owner to completely vacate the property which he no longer owns.

To date, no information on the drainage easement has been found. If permitted by the NJDEP, the Applicant is proposing a grass swale for stormwater management and asphalt pavement for the bus parking within this easement.

- 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.*

Noted. The Applicant is proposing use of the existing building with 1,000 square feet of Administrative Office space and the remaining 2,453 square feet will be used for Storage and Light Maintenance Shop for repair and preventative maintenance on the school bus fleet.

- 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.*

The building addition is no longer proposed. Existing ADA compliance will be maintained, no additional ADA improvements is proposed.

- 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.*

There are no proposed HVAC equipment, generators or transformers to be installed.

- 1.13 *The Applicant shall provide testimony as to the implementation of any green infrastructure site and/or building elements.*

A meeting with the NJDEP will be scheduled to review proposed green infrastructure adjacent to the Robbins Avenue Brook. Green infrastructure will be implemented to meet NJDEP stormwater quality requirements for redevelopment. The building addition is no longer proposed.

- 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.*

Plans will be revised as requested.

- 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.*

Plans will be revised as requested.

- 1.16 *The Applicant shall provide temporary construction fencing around the project site. The Applicant shall provide a construction detail of the same.*

Plans will be revised as requested.

- 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.*

Plans will be revised as requested.

- 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.*

The building addition is no longer proposed. Existing building will not be externally altered.

- 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.*

The building addition is no longer proposed.

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.*

Plans will be revised as requested.

- 2.2 *Per the submitted survey, there are steep slopes, up to twenty (20) percent grade, in the southwest and northwest corners or 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.

The steep slopes shown on the survey are soil stockpiles. The soil stockpiles will be removed, and the site will be graded to meet adjacent slopes.

- 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.*

No ADA ramp is proposed. The site is not accessed by the public so is not subject to ADA compliance.

- 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.*

The building addition is no longer proposed.

- 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.*

No ADA ramp is proposed.

- 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.*

Will-serve letters will be obtained. The calculation for sanitary facilities for the employees will be provided in the revised plans. The applicant has a set of Standard Operation Procedures (SOPs) that cover the treatment of fueling, spill prevention, hazardous waste removal, etc... The facility will be subject to monthly facility audits/inspections and reviewed by a third-party environmental consultant to ensure compliance. The SOPs are proprietary information, but certain information can be provided to the Board as required.

- 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.

A Treatment Works Approval from the NJDEP is not required as the estimated sanitary sewer flow for the proposed use is less than 1,500 gallons per day. A Water Main Extension Permit is not required as no water utility improvements are proposed.

- 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.*

No sanitary sewer connection will be proposed.

- 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).*

The existing site cover is compacted gravel/pavement, which is considered as impervious area. Proposed asphalt pavement will trigger the requirements for a Major Development per the NJDEP N.J.A.C. 7:8 – Stormwater Management, requiring additional site improvements adjacent to the Robbins Avenue Brook. A meeting with the NJDEP will be scheduled to review the permitted improvements adjacent to the Robbins Avenue Brook and associated riparian zone.

- 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.*

Plans will be revised as requested.

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.*

Plans will be revised as requested. Existing site lighting is provided from lights mounted on the existing building.

- 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.*

Existing site lighting is provided from lights mounted on the existing building. Existing lights will be evaluated for compliance.

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.*

See attached Excel spreadsheet detailing our proposed traffic flows to and from the site. We show no more than 24 vehicles accessing the site in any one-hour segment.

- 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.*

Revised plans will be submitted to the Fire Official/Department 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.*

The process to pick up buses are as follows: The bus driver will park their personal vehicle in a temporary space on-site. Next, the bus driver will drive their assigned bus out of its parking space. Then, the bus driver will park their personal vehicle in place of their assigned bus. When the bus driver returns from pick up/drop off of the students, the process will be done vice-versa.

The trash/recycling dumpster(s) are located adjacent to the north driveway. The dumpster trucks will pull into the north driveway, align to the dumpster in reverse, pick up the trash/recycling, and then leave the site using the south driveway.

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.*

Noted.

- 5.2 *The Applicant shall provide space for endorsement of the Chairman, Secretary of the Zoning Board, and Township Engineer on the plans.*

Plans will be revised as requested.

5.3 *The Applicant shall provide Certification by Tax Collector that taxes are paid for the property.*

Documentation will be provided as requested.

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.*

Noted. Outside agency approvals will be provided as requested.

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.*

Noted.

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.*

Noted.

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.*

Noted.

If you should have any questions or require additional information, please contact my office at (973) 240-1800 or via email at aosman@mnwe.com.

Sincerely,



Ahmed Osman, P.E.
Project Manager

CC: Michael Cline, First Transit
Michael Oliveira, CSG Law
Enclosed: Projected Vehicle Traffic Flow Count
Operations Narrative

Proposed School Vehicle Fleet Operations Facility – First Student 40 Russo Place, Berkeley Heights, NJ

First Student, Inc. is national provider of student transportation services in operation for over 100 years. As the leading school transportation provider in North America, First Student moves more passengers per day than all U.S. airlines combined. What sets us apart is our desire to build close, trusted partnerships with the districts we serve. The corporation operates 44,000 school buses in 42 states, Canada, and Puerto Rico and is headquartered in Cincinnati Ohio as one of the corporations of First Group America.

Another division of the company includes First Transit which provides fixed route, paratransit, university, and rental car facility bus services throughout North America.

First Student has been awarded, through the bid/renewal process, contracts for pupil transportation for the Berkeley Heights Board of Education, effective August 1, 2021. First Student has been a provider to Berkeley Heights for over 30 years. In addition to the contracts with Berkeley Heights, First Student also has contracts to provide student transportation for Chatham, Millburn, Watchung Hills, Morris County ESC, Sussex CoOp & Somerset County ESC.

The contracts are to provide home to school transportation in Type A (16-24 passenger) school buses and Type C (54 passenger) school buses for passengers who require transportation as part of their individualized education plan. Some vehicles are equipped with wheelchair lifts as required by the Americans with Disabilities Act to enable passengers who have a mobility impairment access to the school transportation.

First Student, Inc's use of the facility at 40 Russo Place, Berkeley Heights, NJ will be to service these contracts, with a contract start date of August 2021. We would need to start occupying the facility just as soon as possible, at a minimum, utilizing the parking lot to park the school fleet vehicles in on a daily basis. First Student expects to utilize a combination of two (2) ambulatory and wheelchair Type A school buses and 48 Type C school buses to provide the contracted services. Each vehicle would be operated an average of 5-6 hours per day.

Our lease of this facility will provide for the entire school bus operations of our contract, which include but not limited to, administrative offices, light maintenance, and parking for the school bus fleet as well as all employee vehicles. Please see the picture of the two vehicle types that will operate from this site. We intend to keep the existing area in the same configuration as it exists today.

Most work on the fleet will be preventative maintenance (PMI) services, diagnosis of vehicle problems and removal and replacement of parts. PMI activities include oil and filter changes, brake, tire and other component inspections. The location will not be doing heavy maintenance such as body damage repairing and painting. We will not operate a body shop in the facility, as that type of repair is typically sent to our body shop.

The employee count for initial staffing by employee classification is listed below.

Employee	Number
Drivers	50
Dispatchers	1
Location Manager	1
Technicians	3
Administrators/Staff	1
Total	56

First Student has a high retention rate for its contracts of over 94% and looks to have a long and mutually beneficial relationship in the community.

Typical Type A Vehicle



Typical Type C Vehicle

