

MEMORANDUM

TO: Berkeley Heights Planning Board

FROM: Amee S. Farrell, Esquire

DATE: November 8, 2021

SUBJECT: Application SP-3-21 - Site Plan with Variances - 135 Industrial Road – Responsive Memorandum to Township Planning and Zoning TRC Reviews

This office represents WMG Berkeley Heights Owner, LLC (“**WMG**”), applicant for Amended Site Plan Approval pursuant to a Planning Board application package submitted September 13, 2021 (“**Application**”). Following on initial submission of the Application, WMG completed purchase of the property and is now legal owner.

WMG is in receipt of the October 5, 2021 review letter of the Township Zoning Officer (“**Zoning Review #1**”) and the September 30, 2021 review letter of Phillips Preiss (“**Planning Review #1**”). In response, updated civil¹ and architectural² plans were prepared and are submitted together with this Memorandum for consideration by the Planning Board at its upcoming December 1, 2021 hearing.

For ease of reference, the comments from Zoning Review #1 and Planning Review #1 are set forth herein, with WMG’s responses and, where applicable, reference to the Amended Plans included *in italics*.

Zoning Review #1

SITE PLAN comments:

- * Section 10.6.3A - "Buffering and Landscaping" - A zone change occurs adjacent and to the west of this property where a DH-12 zone is located. Does the buffering and landscaping provided on sheet CO601 address required buffering? Evergreen plant material is recommended per ordinance.

The area in question is within a regulated DEP Zone and has received permits and approvals for, inter alia, proposed buffering and landscaping that is compliant with DEP requirements and restrictions. See February 3, 2020 NJDEP Flood Hazard Area Permit, included with resubmission. To the extent DEP requirements differ

¹ Amended Preliminary and Final Site Plans, entitled Public Storage – Berkeley Heights, consisting of nineteen (19) sheets, prepared by Marathon Engineering & Environmental Services, dated August 17, 2021, with a revision date of October 18, 2021 (“**Civil Submission**”).

² 135 Industrial Road – Berkeley Heights Preliminary Design Package, consisting of twelve (12) sheets, prepared by SGW Architecture & Design, dated November 3, 2021, with no revisions (“**Architectural Submission**”).

from Township requirements, a waiver is requested to permit superseding DEP requirements to control.

- * Disclosure Statement - The Planning Board site plan application is incomplete as to the disclosure statement pursuant to NJSA:40:55D-48.1 and 48.2. A corporation or partnership applying to a planning board shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of interest in the partnership. Just the current owner of 135 Industrial Road has been identified, not the applicant (names and addresses).

Updated Disclosure Statement included with resubmission materials.

- * SIGNS - Section 5.4.3 - LI and DMX Zones

One wall sign less than 50 square feet in area for each permitted use, projecting not more than 12 inches from the building and covering not more than 10% of the first story wall area including windows and doors. Such sign may be illuminated.

Acknowledged. Signage details for all signage have been added to the Architectural Submission. See Architectural Submission, Sheets P.12 and P.13. Required variances will be advertised.

The proposed ground sign requires variance approval. In addition, details of the ground sign other than size have not been provided.

Ground sign has been removed/no ground sign is proposed. No variance required.

- * Section 5.9.6 - High Altitude

No sign shall be placed on the second or higher story of any building. A facade sign is located on the third-floor facade of the building. No details of the type of sign is provided. Orange striping or banding around the highest point of the building with white letters "Public Storage".

Acknowledged. Signage details for all signage have been added to the Architectural Submission. See Architectural Submission, Sheets P.12 and P.13. Required variances will be advertised.

- * Section 6.1.1B - Schedule of General Regulation

The proposed Trash Enclosure does not conform to the required rear yard accessory setback of 10 feet. It is also located under utility easements. Is the applicant allowed to construct anything upon the easement area? Parking is also being constructed within the easement.

Acknowledged. Easement documented at Deed Book 3508, Page 496, included with the resubmission, permits grade-level improvements, but precludes structures.

Accordingly, the trash enclosure and light pole have been relocated within previously approved pavement areas on site. See Civil Submission, Sheet C0101.

* Section 12.16 -Trees

Wooded areas are indicated "to be cleared", however individual trees have not been shown on the site plan. If trees are to be removed a permit will be required along with a tree replacement plan.

Acknowledged. Tree removal same as previously approved plans. No additional waiver, variance, or modification required.

* Section 10.6.3E. - Guidelines

The following guidelines shall be used to prepare and review landscaping for any development plan. The landscaping plan shall be prepared by a New Jersey Certified Landscape Architect.

The landscape plan is not signed and sealed by a NJ Certified Landscape Architect.

Landscape plan signed and sealed by NJ Certified Landscape Architect. See Civil Submission, Sheet C0601.

* 10.6.9 - Shade Tree Standards

A. General Standards. Shade trees shall be provided at an interval spacing of approximately thirty (30) feet along each side of all streets.

1. Size - Shade trees shall be a minimum size of three (3) inches in caliper at the time of planting.

Shade trees have not been provided along the street front. In addition, the Landscape Schedule shall eliminate "SIZE" from the Shade and Street Trees column, as caliper size indicates the size of the plant. Change caliper size to conform to the ordinance, that being 3-inch caliper minimum, not 2 1/2".

Shade trees are now provided along the street front. "Size" has been eliminated from the Shade and Street Trees table and caliper size updated to conform to ordinance. See Civil Submission, Sheet C0601.

Planning Review #1

Completeness Review

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

- Exterior wall material. Comment: Exterior wall materials are not indicated on the elevation drawings. The applicant shall revise the plans to label each proposed material and color. Specification numbers should also be provided if available.

Elevations have been updated and proposed materials and colors added to the plans. See Architectural Submission, P. 12 and P. 14

- Exterior architectural lighting and details. Comment: No exterior architectural lighting is shown on the submitted elevation plans. If any exterior lighting is proposed, the applicant should revise the plans and provide their details on the elevations.

The previously approved site lighting (pole mounted) will be retained. One building wall pack is proposed and is now shown on the elevations. See Architectural Submission, P. 12, note 13.

- Size and location of bays, aisles and planting areas. Comment: The applicant shall clearly label the width of the ADA parking spaces and the width of the parking aisle in the parking area adjacent to the stormwater management basin.

Locations and dimensions of stalls and aisles have been clarified. See Civil Submission, Sheet C0101. Gate detail has also been added. See Civil Submission, Sheet C0500.

- Loading spaces or docks. Comment: The zoning table indicates that 6 loading spaces are proposed – the site plan shall be revised to clearly show the location of these loading spaces.

See Architectural Submission, p.7 Site Plan, for location of six (6) loading berths.

- Environmental Impact Statement. Comment: The applicant has not submitted an Environmental Impact Statement. Because the subject property is located within flood hazard areas and contains wetlands, we recommend the submission of an environmental impact statement. Alternatively, the applicant may seek a waiver for this item from the Planning Board.

Environmental Impact Statement, prepared July 24, 2019, with a revision date of October 12, 2021, prepared by Marathon Engineering, is included with this resubmission set.

Compliance Review

The subject property is located in the LI Light Industrial Zone. The proposed self-storage facility is a permitted use in this zone.

The following “c” bulk variances are identified at this time:

- §11.1.2: The proposed self-storage facility (containing office and warehouse spaces) requires 157 spaces whereas 53 spaces are provided.

Acknowledged. Modification of gate location has resulted in a loss of one additional space, bringing total parking provided to 52 spaces. See Civil Submission, Sheet C0101. A variance will be advertised.

The following design exceptions have been identified at this time:

- §11.1.3.B2: When parking stalls abut facing parking stalls, a 7 foot square planting diamond must be provided for each 5 front abutting parking stalls. The parking area by the stormwater management basin is deficient in planting diamonds.

Acknowledged. Waiver requested.

- §11.1.3.B4: Handicapped spaces must be at least 12 feet in width and 18 feet in length. While no width for the handicapped spaces have been provided, they appear to be less than 12 feet.

Acknowledged. All handicapped spaces comply with Federal ADA requirements. To the extent those requirements conflict with Township requirements, a waiver is requested.

- §11.1.4A.1b: For parking lots with 9 or more spaces, a minimum of 8% of the interior area of the parking lot shall be landscaped (minimum size of landscaped areas is 49 square feet), with a minimum of 1 deciduous tree with a minimum caliper of 2.5 inches planted for every 6 parking spaces. No such interior landscaping is proposed.

Acknowledged. Waiver requested.

- §11.1.4A.2a: along the perimeter of all parking lots, there shall be 1 deciduous or evergreen tree at 25-foot intervals along the pavement edge, with minimum tree size of 2.5 inches in caliper or 6 feet in height if evergreen. The applicant has proposed perimeter trees of compliant size; however, tree intervals are non-compliant.

Acknowledged. Partial waiver requested. See Civil Submission, Sheet C0601, revised to reflect the requested 3" caliper shade and street trees and 6'-8' minimum height ornamental and small trees.

Planning Comments

1. The applicant shall provide testimony addressing the required "c" variance in accordance with the criteria established by the Municipal Land Use Law at NJSA 40:55D-70(c).

Acknowledged. Testimony will be provided at hearing.

2. The applicant shall provide testimony addressing the required design exceptions in accordance with the criteria established by the Municipal Land Use Law at NJSA 40:55D-51b.

Acknowledged. Testimony will be provided at hearing.

3. The applicant shall revise the site and architectural plans to supplement any missing information identified in the “Completeness Review” section.

Acknowledged. See enclosed updated Civil Submission and Architectural Submission.

4. Because the site includes wetlands and flood hazard areas, we recommend that the applicant submit Letters of Interpretation from the New Jersey Department of Environmental Protection to confirm their location. If the applicant has acquired NJDEP approval to pursue the proposed improvements, such documentation should be provided to the Township as well.

November 18, 2019 Wetlands Letter of Interpretation included with the within resubmission package.

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

Review letter not yet issued by the Township Engineer. However, during October 6, 2021 Concept Call, Township Engineer identified three specific items that required clarification and which have been addressed via the within resubmission package:

- Overflow spillway at the stormwater basin required.

Comment acknowledged. Testimony to be provided as to why spillway not proposed, in accordance with NJDEP stormwater review.

- Fire Department Review required.

Planning Board Secretary confirmed Fire Marshall received plan submission and is reviewing. Additionally, Fire Truck Turning Movement Plan added to the plan set. See Civil Submission, Sheet C2001.

- Clarification of scope of existing easement and impact, if any, of proposed encroachment, required.

Existing easement, at Deed Book 3508 Page 496, included with the resubmission. Easement permits grade level encroachments, such as parking, but precludes structures. Accordingly, the trash enclosure and light pole have been relocated within previously approved pavement areas on site. Parking remains. See Civil Submission, Sheet C0101.