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March 25, 2022

Via Electronic Mail

Ms. Connie Valenti, Board Secretary
Berkeley Heights Zoning Board of Adjustment
29 Park Avenue
Berkeley Heights, NJ 07922

Re: 40 Russo Place - Block 1901, Lot 40
Application No. 14-21

Dear Ms. Valenti:

As you are aware, this office represents First Student, Inc. in connection with the Preliminary and Final Site Plan with Conditional Use Variance application that was before the Zoning Board of Adjustment for the Township of Berkeley Heights (the "Zoning Board") on various dates. The matter was adjourned at the January 27, 2022, hearing to April 28, 2022.

Attached please find correspondence from the project engineer, Ahmed Osman of Matrix New World Engineering, outlining the status of discussions and negotiations with the NJ Department of Environmental Protection ("NJ DEP"). As you can see, a final resolution of the stream encroachment issues has not yet been attained. As a result of this, I hereby request that this matter be carried for an additional three-month period. Please let me know prior to the April 28th hearing if an appearance will be required to request this adjournment so that I can prepare accordingly. If this request is granted, I will submit a waiver of the time constraints upon the Board's actions on this application to an appropriate date.

As part of the temporary, limited approval obtained at the January 27th hearing The Board voted to require that the repairs of buses within the building on site cease as of April 18, 2022. As the applicant will not be able to proceed toward final approval despite vigorous efforts to resolve the open issues, it has requested that it be allowed to continue to effectuate minor repair to the buses on site until the end of June 2022, to coincide with the end of the school year. Please review this request and advise if same will be granted by the Board. If it is believed that testimony will be required with regard to this request, please let me know prior to any such hearing.

March 25, 2022
Page 2

Additionally, if you require anything prior to the April 28th hearing date please do not hesitate to contact me.

Very truly yours,

Michael Oliveira /s/

Michael J. Oliveira
Counsel

MJO:mo

Enc.

cc: Steven K. Warner, Esq., Zoning Board of Adjustment Attorney
Keenan Hughes, AICP, PP, Zoning Board of Adjustment Planner
Thomas R. Solfaro, PE, CME, CPWM, Zoning Board of Adjustment Engineer
Michael Cline, First Group America, Senior Property Projects Manager
Ahmed Osman, PE, LEED AP, Matrix New World Engineering, Senior Project Manager

March 23, 2022

Via Email

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

**RE: NJDEP APPLICATION AND SUBMISSION
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:

Matrix has prepared the following design status letter on behalf of First Student and One Remington, LLC.

A soil erosion and sediment control application for the removal of the structures, equipment, and soil stockpiles along the NW property was submitted to the Somerset-Union Soil Conservation District (SUSCD) and had been approved.

The design team has been coordinating with NJDEP and has submitted plans and stormwater calculations as part of the application for the following permits:

1. Freshwater Wetlands General Permit 16 under N.J.A.C. 7:7A-7.16
2. Freshwater Wetlands Transition Special Activity Waiver for Redevelopment under N.J.A.C. 7:7A-8.3(f)
3. Flood Hazard Verification Plan under N.J.A.C. 7:13-3
4. FHA Individual Permit under N.J.A.C. 7:13-10

The NJDEP plans and application (application #2001-16-0004.2) was submitted on February 16, 2022 through their online portal. We received administrative comments for the submission of the review fee and a resubmission of the plans utilizing a 3rd party verification signatures in order for the application to be deemed administratively complete. The fee has been sent and the plans resigned and resubmitted as requested. We have followed up with the NJDEP initial review for confirmation on the administratively complete status and are awaiting a response.

Matrix has also reached out to the technical reviewers (Chris Squazzo – present during the project site visit) to make them aware that the application has been submitted. They confirmed that the NJDEP personnel reviewing the application will be the same personnel we have been coordinating with prior to the application submission, since they know the history of the project. They have not given us a timeline yet on the anticipated approval or comments.

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,

A handwritten signature in black ink, appearing to read 'Ahmed Osman', written in a cursive style.

Ahmed Osman, P.E.
Project Manager

CC: Michael Cline, First Transit