

RECEIVED

Application # P&F#1-21

Fees to be charged:
Application _____

Date of Filing 5/4/21

MAY 04 2021

Escrow _____

PLANNING / ZONING / ENGINEERING
TWP. OF BERKELEY HGTS, NJ
APPLICATION FOR A MAJOR SUBDIVISION

TO: The Township of Berkeley Heights Planning Board

Application is hereby made for approval of a MAJOR SUBDIVISION of land hereinafter more particularly described:

1. Applicant's Name: OZ CUSTOM BUILDERS, LLC
 Address: 364 SPRINGFIELD AVE #393
BERKELEY HTS, NJ 07922
 Phone: (908) 451-3131 Fax: () Soc. Sec.# if Individual _____
 Cell: (908) 451-3131 Fed.ID# if Corporation 45-5237144

2. Name and address of present owner(s) (if other than #1, above)
 Name: WESTMINSTER PRESBYTERIAN CHURCH
 Address: 725 MOUNTAIN AVE.
BERKELEY HTS, NJ 07922
 Phone: (908) 208-7800 Fax: () _____

3. Interest of Applicant if other than owner: PURCHASER UNDER CONTRACT

4. Location of subdivision: MOUNTAIN AVE. & PLAINFIELD AVE.
 (Street, Neighborhood or Section Name)

2006 (Tax Map Block) 32 (Lot Numbers) R-15 (Zone)

5. Number of proposed lots: 5

6. Area of entire tract: 249,748 & portion being subdivided: 131,376

7. List variances requested: LOT 32.01 PROPOSED - MAX OTHER COVERAGE 27.9%
10% PERMITTED); TOTAL COMBINED COVERAGE LOT 32.01
33.9% PROPOSED, 25% PERMITTED

8. List of maps and other documents accompanying application and number of each:

Item	Number
<u>SUBDIVISION PLAN & MAJOR CHECKLIST</u>	<u>18</u>
<u>CHECKLIST DESIGN STANDARDS</u>	<u>18</u>
<u>SANITARY SEWER ALLOCATION</u>	<u>18</u>

9. Name, address and profession of person preparing Preliminary Plat:

Name: WILLIAM G. HOWES Profession: ENGINEER

Address: 192 CENTRAL AVE.

STIRLING, NJ 07980

Phone: (908) 580-1255 Fax: MURPHY.HOWES@gmail.com

SIGNATURE OF APPLICANT: 

10. Applicant's Attorney:

Name: August N. Santore, Jr
 Address: 143 Summit Ave
Berkeley Hts, NJ 07922
 Phone: 908 665-8024 FAX: 908 665-2442
santore.law@gmail.com

11. Applicant's Witnesses:

Name: William G. Halows Profession ENGINEER
 Address: 192 Central Ave
Stirling, NJ 07980
 Phone: 908 580-1255 FAX: ()

Name: Cathy Mueller Profession ENGINEER
 Address: P.O. Box 4619
Warren NJ 07059
 Phone: 732 805-3979 FAX: ()

Name: _____ Profession _____
 Address: _____
 Phone: () _____ FAX: () _____

Name: _____ Profession _____
 Address: _____
 Phone: () _____ FAX: () _____

12. Owner's Letter of Consent, Submit To:

Township of Berkeley Heights/Planning Board
 29 Park Avenue
 Berkeley Heights, NJ 07922

RE: Application # _____
 Block 2006 Lot 32
 Location: Mountain Ave of Plainfield Ave
 Applicant: A2 Custom Builders, LLC

I certify that I am the Owner or duly authorized representatives of the Owner of Record of the site described herein and that I concur with the application and plans presented to the Planning Board of the Township of Berkeley Heights.

Permission is hereby granted to A2 Custom Builders, LLC as applicant for the proposed development

Date: 5/4/21
 By: [Signature]
FED ROMANOW, Assistant to the Planning Board

(If title is applicable, please indicate. If joint ownership, both owners must sign and give address and telephone number)

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. 16-2010

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Zoning Ordinances to Adopt the Official Design Standards Checklist for Land Use Applications Before the Township Planning Board and Zoning Board of Adjustment.

BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

Section 1. A Check List for Design Standards is hereby adopted for all land use applications filed with the Township Planning Board or Zoning Board of Adjustment to read as follows:

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

CHECK LIST – DESIGN STANDARDS

Applicant's Name and Address OZ CUSTOM BUILDERS, LLC
364 SPRINGFIELD AVE, #393 BERKELEY HTS, NJ 07922
Phone: 908 451-3131 Fax: () _____
Project: WESTMINSTER CHURCH Location: MOUNTAIN / PLAINFIELD AVE
Date Received: 5/4/21 Engineer: WILLIAM HOLLOWAY

The Standards and Guidelines set forth in Part 19 – Design Standards shall apply to all districts throughout Berkeley Heights except that they shall not apply to those AH and OR-A Zone Districts in which the development is conducted in substantial conformity with any conceptual site plan and elevations specifically referenced in the applicable Developer's Agreement for such zone or which received preliminary site plan approval from the Planning Board or Board of Adjustment prior to January 1, 1994 (Section 19.4.1). However, the standards and guidelines set forth specifically for the Downtown (Article 19.5) shall override the general standards and guidelines, for applications within the Downtown, namely to the DD, HB-2, HB-3, DH-12, DH-18 and DH-24 Districts.

Township Official

General Construction and Design & Grounds and Landscaping Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(/)	()	Consider the orientation and design to maximize passive solar heat/cooling. For example, orient the building along its east-west axis to have a larger surface exposure to the south, and use deciduous vegetation to block the sun in the summer months and maximize light and heat in the winter months.
(/)	()	Minimize disturbance to soils and vegetation. Use proper planning to protect vegetation during construction and prevent damage to surrounding areas.
(/)	()	Create landscapes that use native plantings to limit the need for lawn chemicals and maintenance (mowing, trimming, watering). Consider using captured rainwater (rain barrel) or recycled grey water for irrigation.
(/)	()	Recycle and/or salvage non-hazardous construction and demolition debris.
(/)	()	Consider the use of renewable building materials and products. Consider choosing products with low VOCs and avoid products that contain hazardous chemicals (i.e. formaldehyde, cyanide).
(/)	()	The use of local construction companies and products (i.e. local and sustainable woods) is recommended.
(/)	()	Where practicable, place parking spaces in shaded areas and consider using paving materials with an SRI value >29 (this will reflect, not absorb solar heat).

Storm Water Management Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	()	Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
(✓)	()	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
(✓)	()	Consider avoiding runoff to other properties by installing an underground cistern or rain garden. This will keep water on your own property and out of the sewer.

Energy & Lighting Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(✓)	()	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
(✓)	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
(✓)	()	Consider use of motion sensor lighting where applicable. In commercial/industrial settings consider use of sensor controls.
()	()	Conserve energy, reduce electricity use and if possible incorporate renewable energy.
(✓)	()	Consider choosing ENERGY STAR appliances.

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(/)	()	Consider Increasing amount of insulation by using 2 x 6 studs.
(/)	()	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
(/)	()	Consider installation heat pumps to transfer energy heat and cold.
(/)	()	Consider use high efficiency boilers/furnaces.
(/)	()	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
(/)	()	Consider use roofing material with a solar reflectance index (SRI) equal or greater than 78 for low roofs and 29 for steep-sloped roofs.

Water Usage Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
(/)	()	Consider use of low-flow shower heads.
(/)	()	Consider installing dual-flush toilets.
()	()	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe: _____ _____ _____

Date: _____

TOWNSHIP OF BERKELEY HEIGHTS
APPLICATION FOR SANITARY SEWER CAPACITY ALLOTMENT

To: **Director of Engineering**
Director of Wastewater

Applicant: 02 CUSTOM BUILDERS LLC
 Project Address: 725 MOUNTAIN AVE.
 Project Block: 2006
 Project Lot: 32

Project Description: MAJOR SUBDIVISION FOR FOUR NEW
RESIDING LOTS

Location of Proposed Connection: _____

SEWER CAPACITY REQUEST

CHURCH & DAYCARE
 Existing Use
 Use: 100 (SANS) Units or SF (Circle One) X 3 GPD/Unit or SF = 300 GPD 1 DAY PER WEEK
 Use: 90 (SANS) Units or SF (Circle One) X 10 GPD/Unit or SF = 900 GPD 5 DAYS PER WEEK
 Total Existing Capacity = 1200 GPD MAX.

Proposed Use SINGLE FAMILY RESIDENTIAL
 Use: 4 Units or SF (Circle One) X 300 GPD/Unit or SF = 1200 GPD
 Use: _____ Units or SF (Circle One) X _____ GPD/Unit or SF = _____ GPD
 Total Proposed Capacity = 1200 GPD

ADDITIONAL CAPACITY REQUESTED = 1200 GPD . Or
 _____ MGD

I hereby certify the requested capacities have been calculated in accordance with N.J.A.C. 7:14A-23.3

Signature: William G. Hill
 Applicant's Engineer: William G. Hill NJPE License #: GB 27473

TREATMENT CAPACITY ALLOCATION CERTIFICATION:

I hereby certify additional Capacity in the Berkeley Heights Water Pollution Control Plant in the amount requested for connection to the Township sanitary sewer collection system is hereby reserved subject to the Applicant's receipt of Planning Board or Board of Adjustment Approval for the proposed project within one (1) year from the date of this letter.

 Date
 Director Wastewater

SANITARY SEWER COLLECTIONS SYSTEM CAPACITY APPROVAL:

I hereby certify the Township sanitary sewer collection system located within _____ can accommodate the anticipated additional flows from the proposed project.

 Date
 Director Engineering/Township Engineer

*Additional Capacity Allocation Request in excess of 8,000 GPD shall require Treatment Works Approval (TWA) Application from NJDEP.

** All applications also subject to review in accordance with N.J.A.C. 7:14A-1.2 Significant Indirect User Definition.
 Cc: Planning Board/Board of Adjustment/Engineering Secretary
 Planning Board Engineer

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT

CHECKLIST - MAJOR SUBDIVISION

Applicant's Name and Address OZ CUSTOM BUILDERS, LLC
364 SPRINGFIELD AVE. BERKELEY HEIGHTS
 Phone: (908-451-3131) FAX: ()
 Project: WESTMINSTER CHURCH Location: 725 MOUNTAIN AVE
 Date Received: _____ Engineer: MURPHY

Major Subdivision Plats shall be submitted at least twenty-eight (28) days prior to the Regular Meeting of the Planning Board Board of Adjustment for the purpose of review, discussion and classification. Twenty (20) sets of sealed plans and copies of properly executed application forms shall be submitted.

If the Applicant is a Corporation, representation by a New Jersey Attorney is required at the Public Hearing.

Unless the following items appear on the MAJOR SUBDIVISION PLAT, or if they fail to conform to the requirements herein list a Public Hearing will not be scheduled.

The Applicant's Engineer shall complete each item on the CHECK LIST as follows:
 () Yes, () No, or (N/A) Not Applicable

<u>Applicant</u>	<u>Township Official Verification</u>	<u>Item</u>
(/)	()	Calculation of Application Fee
(/)	()	Proper Scale (not less than 1" = 30')
(/)	()	Graphic Scale
(/)	()	Key Map (not less than 1" = 500')
(/)	()	Reference meridian
(/)	()	Date (on all documents and drawings)
(/)	()	Revision dates
(/)	()	Entire tract shown
(/)	()	List of all drawings and documents included in application
(/)	()	Name of development or project
(/)	()	Name and address of owner of record
(/)	()	Name and address of applicant
(/)	()	Name, address, signature and seal of Professional Engineer or Architect licensed in the State of New Jersey who prepared the plans
(/)	()	Survey of tract certified by licensed Land Surveyor
(/)	()	Names of adjoining owners and owners within 200' with block and lot numbers and tax sheet numbers
(/)	()	Space provided for endorsement of the Chairman, Secretary of the Planning Board or Zoning Board of Adjustment and Township Engineer
(/)	()	Tax map identification (Sheet number, lot and block numbers) on plan
(/)	()	Tract boundaries and dimensions
(/)	()	Tract area (within 1/100 acres)
(/)	()	Zone boundaries and existing schools within 200'
(/)	()	Proposed Right of Ways
(/)	()	Proposed streets and street names
(/)	()	Proper size sheet

MAJOR SUBDIVISION - CHECK LIST

Applicant	Township Official Verification	Item
(✓)	()	Areas dedicated to public use
(✓)	()	All easements or deed restriction on or related to the tract
(N/A)	()	Any adjacent lots in which applicant has a direct or indirect interest
(✓)	()	Improvements to adjoining streets and roads
(✓)	()	All distances to the nearest intersection with any public street (measured along sideline or centerline of adjacent street)
(N/A)	()	Streams, waterways and flood plains within 200' of tract
(✓)	()	Setback lines; Provided and Required
(✓)	()	Building height, size and location
(N/A)	()	Percent (%) of building coverage
(✓)	()	Location and size of existing buildings and structures
(✓)	()	Structures to be removed shall be indicated by dashed lines
(N/A)	()	Existing structures on Historic Landmarks' Inventory maintained by Union County Planning Board
(✓)	()	Existing elevations and contours (2' contour interval and extended 50' beyond tract)
(✓)	()	Proposed elevations and contours (2' contour interval and extended 50' beyond tract)
(N/A)	()	Elevation drawings (front, back and side of proposed and existing buildings and signs) with dimensions
(N/A)	()	Floor plans with dimensions
(N/A)	()	Exterior wall material
(N/A)	()	Exterior architectural lighting and details
(✓)	()	Access streets (Names, width, lanes)
(✓)	()	Vehicular ingress and egress to and from site onto public streets
(N/A)	()	Directional traffic flow on site
(N/A)	()	Calculation of parking; Provided and Required
(N/A)	()	Location, scaled design of off-street parking
(N/A)	()	Size and location of bays, aisles and planting areas
(N/A)	()	Off-street parking areas, paved and curbed
(✓)	()	Written Use Plan
(✓)	()	Size and location of driveways and curb cuts
(✓)	()	No driveway within five (5) feet of property line
(✓)	()	Driveways conform to maximum and minimum dimensions required
(✓)	()	Sight easements shown on plan
(✓)	()	Sidewalks, walkways and pedestrian lanes
(N/A)	()	Fire Lanes
(N/A)	()	Loading spaces or docks
(N/A)	()	Traffic Impact Analysis for sites generating more than 25 vehicles per hour

MAJOR SUBDIVISION - CHECK LIST

Applicant	Township Official Verification	Item
(✓)	()	Existing storm sewer system
(✓)	()	Proposed storm sewer system
(✓)	()	Documentation showing that the rate-of-runoff after development will not exceed rate-of-runoff prior to development (drainage calculations)
(✓)	()	Existing sanitary sewers
(✓)	()	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
(N/A)	()	Existing and proposed common space
(N/A)	()	Existing and proposed open space
(N/A)	()	Solid waste collection and disposal method
(N/A)	()	Buffer areas including height, width and type of buffer and its expected effectiveness in screening views, auto headlights and reducing noise
(K)	()	Seeded or sodded areas, groundcover, retaining walls, fencing, shrubbery, trees, including height and caliper
(✓)	()	Location of single trees not in wooded areas with diameter of six (6) inches or more as measured three (3) feet above the base of the trunk
(W)	()	Conforms to Master Plan
(✓)	()	Environmental Impact Statement
(N/A)	()	Certification by Tax Collector that taxes are paid on property
(✓)	()	Bonds, Cash Escrows and Inspection Fees posted for improvements
(✓)	()	Map of properties within 200'
(✓)	()	Proof of Service of notification of Public Hearing to all property owners within 200'
(✓)	()	Soil Erosion and Sediment Control
(✓)	()	Construction Details
(N/A)	()	Owner's Letter of Consent, if applicant is not the owner
(N/A)	()	Submission of plans to Union County Planning Board
(N/A)	()	Submission of plans to Somerset-Union Soil Conservation District
(N/A)	()	Soil Movement Permit
(N/A)	()	For sites containing hazardous materials under NJDEP jurisdiction: Documentation From NJDEP approving clean up plan per Ordinance #30-00
(✓)	()	For sites containing hazardous materials under USEPA jurisdiction: Documentation From USEPA approving clean up plan per Ordinance #30-00
(N/A)	()	Applicant shall provide proof of Public Sanitary Sewer and Public Water utility capacity per Ordinance #29-05
(N/A)	()	Applicant shall provide proof of conformity with Steep Slope Ordinance (#9-06)
(N/A)	()	Applicant shall provide proof of conformity with all COAH Ordinances

**PLANNING BOARD
TOWNSHIP OF BERKELEY HEIGHTS**

Application No.: P&F #1-15

RESOLUTION GRANTING PRELIMINARY SUBDIVISION APPROVAL

WHEREAS, pursuant to the applicable provisions of the "Municipal Land Use Procedures Ordinance of the Township of Berkeley Heights", an Application was submitted to the Township of Berkeley Heights Planning Board ("Board"), by Westminster Presbyterian Church ("Applicant"), for Preliminary Major Subdivision Approval with variances to subdivide the property located at 725 Mountain Avenue and identified on the Township of Berkeley Heights Tax Map as Block 2006, Lot 32 ("Property") into five (5) Lots to be known as Lots 32.01, 32.02, 32.03, 32.04 and 32.05; and

WHEREAS, the Property is approximately 5.96 acres and currently consists of an existing Church, parking lot, 1.5 story residential dwelling and a garage; and

WHEREAS, the Applicant proposes to demolish the existing residential dwelling and garage and subdivide the Property into five (5) Lots with the existing Church and parking lot to remain on proposed Lot 32.01 and single family residential dwellings to be constructed on proposed Lots 32.02, 32.03, 32.04 and 32.05 ; and

WHEREAS, the Application reviewed by the Board consists of the following:

- Planning Board Application No.: P&F #1-15 for a Major Subdivision, dated December 1, 2015
- Planning Board/Zoning Board of Adjustment Checklist – Major Subdivision, dated December 1, 2015
- Application for Sanitary Sewer Capacity Allotment, dated December 1, 2015;
- Report titled "Environmental Impact Statement for Westminster Presbyterian Church Property" prepared by Aidan T. Murphy, P.E., P.P., of Murphy & Hollows Associates, LLC, dated June 1, 2015
- Report titled "Stormwater Narrative & Hydrologic Study for the Subdivision of the Westminster Presbyterian Church Property" prepared by Aidan T. Murphy, P.E., P.P., of Murphy & Hollows Associates, LLC, dated June 2, 2015

- Subdivision Plan for Westminster Presbyterian Church, Lot 32, Block 2006, Mountain Ave. & Plainfield Ave., Township of Berkeley Heights, Union County, New Jersey, prepared by Aidan T. Murphy, P.E., P.P., of Murphy & Hollows Associates, LLC, dated February 20, 2015 and consisting of nine (9) sheets
- Letter prepared by Kamal Saleh, PP, AICP, Supervising Planner, County of Union, dated January 6, 2016
- Memorandum from Berkeley Heights Environmental Commission, dated January 19, 2016
- Email Memorandum from Tom McAndrew, Superintendent of the Township of Berkeley Heights WWTP, dated January 28, 2016
- Zoning Comments prepared by Thomas A. Bocko, Berkeley Heights Zoning Officer, dated February 16, 2016
- Report from Berkeley Heights Board Engineer, Thomas R. Solfaro, P.E., of Neglia Engineering Associates, dated February 16, 2016
- Email Memorandum from Robert Deitch, Lieutenant Berkeley Heights Police Department, dated March 7, 2016
- Email Memorandum from Jim Hopkins, Deputy Chief/Fire Official Berkeley Heights Fire Department, dated March 8, 2016.

WHEREAS, the following variances were sought by the Applicant for proposed Lot 32.01 (Church Lot):

- Maximum Other Coverage: Maximum Permitted in R-15 Zone is 10% and 27.9% is proposed
- Maximum Impervious Coverage: Maximum Permitted in R-15 Zone is 25% and 33.9% is proposed

WHEREAS, public hearings were held on the Application by the Board on February 17, 2016 and April 6, 2016; and

WHEREAS, pursuant to N.J.S.A. 40:55D-12, the Applicant properly published a newspaper notice and duly notified property owners within 200 feet of the Property of the initial scheduled hearing date of February 17, 2016; and

WHEREAS, during the course of the public hearing, the following Exhibits were marked into evidence and considered by the Board:

- A1 – Color Rendering of Existing Conditions Sheet 2 of 9 of the Subdivision Plan prepared by Murphy & Hollows Associates, LLC, dated February 20, 2015

- A2 – Color Rendering of Grading Plan Sheet 4 of 9 of the Subdivision Plan prepared by Murphy & Hollows Associates, LLC, dated February 20, 2015

WHEREAS, after reviewing the evidence and documentation presented the Board hereby makes the following findings:

FINDINGS

1. The Applicant was represented by Anthony Rinaldo, Esq. Mr. Rinaldo stated the Property is approximately 5.96 acres. A Church, parking lot, residential dwelling and garage are currently located on the Property. The Applicant proposes to demolish the existing residential dwelling and garage and subdivide the Property into a total of five (5) lots. The Church would occupy one of the lots consisting of approximately 2.96 acres. The remaining four (4) lots would be developed with single family homes. The existing neighborhood is zoned residential. The four proposed residential lots would range in size from approximately half an acre to an acre. All the residential lots would comply with zoning and bulk requirements. The Applicant would only need variances for coverage on the Church lot since the size of this lot is being reduced and the proposed lot coverage would be 27.9% where 10% is permitted and the impervious coverage would be 33.9% where 25% is permitted.
2. William Hollows, P.E., P.P., of Murphy & Hollows, LLC, was the first witness to testify on behalf of the Applicant. Mr. Hollows was duly sworn and his credentials as a Licensed Professional Engineer and Planner in the State of New Jersey were accepted by the Board. Mr. Hollows presented Exhibits A-1 and A-2. Exhibit A-1 depicts the existing conditions at the Property. Exhibit A-2 depicts the Grading Plan and shows the proposed conditions.

Mr. Hollows indicated the Property currently consists of a Church, parking lot, residential dwelling and garage. The Applicant proposes to demolish the existing residential dwelling and garage. The Church and parking lot will remain. The Property will be subdivided into a total of five (5) lots. The Church and parking lot will be on Lot 32.01. The remaining four (4) lots will be developed with single family residential dwellings. The proposed lots conform with zoning and bulk requirements with the exception of the two variances required for coverage on the Church Lot. Since the size of the Church Lot is being decreased, the proposed lot coverage has increased to 27.9% where 10% is permitted and the impervious coverage has increased to 33.9% where 25% is permitted. Mr. Hollows testified these variances can be granted by the Board without any substantial detriment to the public good or Zone Plan. The proposed variances are for existing conditions and are only required because the size of the Church Lot is being reduced thereby increasing the existing coverage percentages.

The proposed subdivision will require the construction of a road to be known as Westminster Court. Access to Westminster Court will be via Plainfield Avenue. Westminster Court will terminate with a cul-de-sac. Access to Plainfield Avenue from Westminster Court will require line-of-sight easements. The Applicant has not obtained any sight easements to date.

Mr. Hollows testified as to the proposed Drainage Plan for the site. The Drainage Plan has been designed to comply with all NJDEP regulations. There will be a swale to channel water from the Church property to a detention system and piped to Plainfield Avenue. Each residential lot will have a drywell system to contain the water on the Property. Perk testing will be required and the drainage system will be redesigned if necessary based on the perk testing results. Maintenance of the drainage system will be via a Homeowners Association pursuant to an approved Maintenance Manual.

3. The hearing was opened to the public for the questioning of Mr. Hollows and comments pertaining to the Application. The following members of the public had questions and comments: Carolyn Shelhorn, Beverly Sonnenberg, Jerry Barter, Ed Dalton and Alberto Castillo. The primary issues of concern raised by the members of public were water runoff, drainage and traffic safety. Mr. Hollows described how the proposed drainage system will work. According to Mr. Hollows, the proposed drainage system will decrease water runoff and improve existing conditions. A perk test will be performed and the drainage system will be redesigned if necessary. As for safety issues pertaining to access from Westminster Court to Plainfield Avenue, Mr. Hollows indicated the Applicant will be obtaining a traffic study. Since Plainfield Avenue is a County Road, the Applicant will need to address safety concerns and obtain approval from Union County.
4. Discussion between the Applicant and various members of the Board took place pertaining to the proposed drainage system, maintenance of the drainage system and traffic safety issues. It was noted that the Applicant was only seeking Preliminary Subdivision Approval at this time and the Applicant will be required to come back to the Board for final approvals. Also, the traffic safety issues will be addressed by the County as the County has jurisdiction over Plainfield Avenue. The Applicant confirmed they were only seeking Preliminary Approval at the present time and the Applicant was willing to comply with the requirements, recommendations and conditions set forth in the report from Neglia Engineering Associates and the other Township Department professionals. A few of the Board members expressed continued concern with traffic safety issues and wanted input from the police, fire and rescue departments prior to voting on the Application.

5. A consensus was reached between the Board and the Applicant wherein the Application would be adjourned to March 16, 2016 for the Board to obtain comments from the Police, Fire and Rescue Departments. All members of the public were advised that the hearing on the Application would resume on March 16, 2016 without further notice.
6. At the March 16, 2016 meeting, a notice was posted and the members of the public were advised that the hearing on the Application would be carried to April 6, 2016 due to lack of a quorum.
7. On April 6, 2016, the hearing on the Application resumed. In the interim, the Board was provided with email memorandums from the Police and Fire Departments. The Police Department deferred to the engineering professionals to address traffic and safety issues. The Fire Department indicated they would like to see a fire hydrant in the cul-de-sac and the electric utilities installed underground. No additional testimony was taken and the hearing on the Application was concluded.

WHEREAS, the Board took action on the Application at the April 6, 2016 meeting and this Resolution constitutes a memorialization of the action taken in accordance with N.J.S.A.40:55D-10(g); and

NOW THEREFORE, the Township of Berkeley Heights Planning Board, after carefully considering all of the evidence and documentation submitted, hereby finds and concludes as follows:

1. The Board has jurisdiction over the Application.
2. The testimony of William Hollows was credible and accepted by the Board.
3. The Applicant sustained its burden of proof as to the proposed variances and the purposes of the Municipal Land Use Law will be advanced by the requested deviations from the zoning requirements and the benefits derived therefrom will substantially outweigh any detriments associated therewith.
4. The proposed subdivision will create four (4) conforming residential lots consistent with the existing neighborhood. The Church and parking lot represent existing conditions and the coverage variances are only required because the size of the Church Lot will be reduced upon subdivision of the Property.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Berkeley Heights on this 4th day of May, 2016, confirming the action taken by the Board on April 6, 2016, that the Application of Westminster Presbyterian Church for Preliminary Major

Subdivision Approval with variances to subdivide the Property into five (5) Lots to be known as Lots 32.01, 32.02, 32.03, 32.04 and 32.05 is hereby granted based on the evidence, testimony and documentation submitted subject to the following conditions:

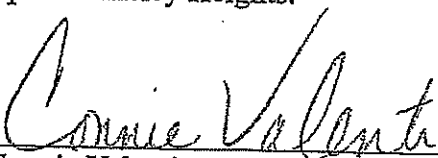
1. The Applicant shall comply with the requirements, conditions and recommendations set forth in the January 28, 2016, Email Memorandum from Tom McAndrew, Superintendent of the Township of Berkeley Heights WWTP.
2. The Applicant shall comply with the requirements, conditions and recommendations set forth in the February 16, 2016, Zoning Comments from Thomas Bocko, Township of Berkeley Heights Zoning Officer.
3. The Applicant shall comply with the requirements, conditions and recommendations set forth in the February 16, 2016, Report of Thomas R. Solfaro, P.E., C.M.E., Township of Berkeley Heights Planning Board Engineer.
4. The Applicant shall comply with the requirements, conditions and recommendations set forth in the March 8, 2016, Email Memorandum of Jim Hopkins, Deputy Chief/Fire Official of the Berkeley Heights Fire Department.
5. The Applicant shall comply with all recommendations, conditions and requirements of the County of Union.
6. The Applicant shall submit revised plans addressing all requirements, conditions and recommendations of the Board and the Board's Engineer.
7. The Applicant shall obtain any and all approvals required by outside agencies, including, but not limited to, NJDOT, NJDEP, Union County, Somerset-Union Soil Conservation District, Township of Berkeley Heights, Township of Berkeley Heights Police Department, Township of Berkeley Heights Fire Department, Township of Berkeley Heights Emergency Management, and Township of Berkeley Heights Department of Public Works.
8. The Applicant shall provide in a form acceptable to the Township Attorney, all required Sight Easements, Drainage Easements and Right-of-Way Dedications.
9. The Applicant shall obtain Final Subdivision and Site Plan Approval from the Board and comply with any and all conditions thereof.
10. All representations, commitments and agreements made by the Applicant or their representatives at the hearings in this matter or contained in any document, plat, sketch or submission delivered to the Board at any time prior to this approval, including notes contained in original or revised

submissions, will be considered as conditions of approval of this Application and are hereby incorporated into this Resolution by reference.

11. The Applicant shall pay comply with all Federal, State, County and Municipal statutes, regulations, requirements and ordinances.

BE AND THE SAME IS HEREBY GRANTED

I hereby certify that the above Resolution is a true copy of the Resolution adopted on May 4, 2016 by the Planning Board of the Township of Berkeley Heights.


Connie Valenti, Secretary

Motion to Approve

On April 6, 2016: Mr. Einbinder

Second: Mr. Graziano

Ayes: Mr. Einbinder, Mr. Graziano, Mr. Beal,
Ms. Kingsley and Mr. Bocchino

Nays: None

Abstentions: Mr. Cunningham (Alternate #1)

Absences: Mr. Johnson, Mr. Woodruff, Mr. Niceforo,
Mr. Hall, and Mr. Mangold (Alternate #2)

**PLANNING BOARD
TOWNSHIP OF BERKELEY HEIGHTS**

Application No.: P&F #1-15

**RESOLUTION GRANTING EXTENSION OF
PRELIMINARY MAJOR SUBDIVISION APPROVAL
Westminster Presbyterian Church
Block 2006, Lot 32**

WHEREAS, the Westminster Presbyterian Church (“Applicant”), filed an application identified as Number P&F #1-15 with the Berkeley Heights Planning Board (the “Board”) for Preliminary Major Subdivision approval for property known as Block 2006, Lot 32, as shown on the Tax Maps of the Township of Berkeley Heights (the “Property”); and

WHEREAS, Preliminary Major Subdivision approval was granted by the Board and adopted by Resolution No. P&F #1-15 (the “Resolution of Approval”) dated May 4, 2016;

WHEREAS, the Applicant has filed a request for a two year extension of the approval pursuant to N.J.S.A. 40:55D-49(c); and

WHEREAS, a public hearing was conducted by the Planning Board on May 15, 2019, and June 19, 2019; and

WHEREAS, public notice of the hearing was not required for this application; and

WHEREAS, the application reviewed by the Board consisted of the following:

1. Letter from Anthony Rinaldo, Esq. dated April 5, 2019, requesting extension.

WHEREAS, the Board, after reviewing the information submitted, finds as follows:

1. The Applicant was granted Preliminary Major Subdivision approval by Resolution dated May 4, 2016 for property known as Block 2006, Lot 32.

2. N.J.S.A. 40:55D-49 provides that preliminary major subdivision approval of a major subdivision confers upon the applicant certain rights for a period of three years, including protection from changes in the general terms and conditions upon which preliminary approval was granted.

3. N.J.S.A. 40:55D-49(c) provides that the Planning Board may grant extensions of the preliminary approval for additional periods of at least one (1) year, but not to exceed a total of two (2) years; and

4. The Applicant's attorney advises that the Applicant has not filed for final subdivision approval because the Applicant has not been able to sell the property due to unfavorable economic conditions and, as a result, the Applicant requests a two (2) year extension of the preliminary approval.

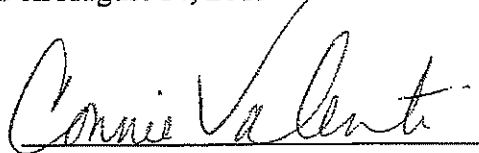
5. The Board finds that the two (2) year extension of the Preliminary Major Subdivision approval is reasonable and should be granted.

6. The Board specifically notes that the Resolution granting preliminary approval specifically requires the Applicant to comply with applicable COAH requirements, including the payment of the 1.5% Residential Development Fee.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Berkeley Heights on this 14th day of August, 2019, that the Applicant's request to extend the Preliminary Major Subdivision approval for a period of two (2) years until May 4, 2021.

BE AND THE SAME IS HEREBY GRANTED

I hereby certify that the above Resolution is a true copy of the Resolution
adopted by the Berkeley Heights Planning Board on August 14, 2019



Connie Valenti,
Secretary of the Planning Board

Roll Call Vote on 6/19/19: 5 – 0

Motion to Approve: Mr. Einbinder

Second: Mr. Niceforo

Ayes: Mr. Einbinder, Mr. Niceforo, Mr. Mangold,
Ms. Poage, and Ms. Greenwald

Nays: None

Abstentions: None