

November 11, 2021

**March 21, 2023 (Revision No. 1)**

Zoning Board of Adjustment  
Township of Berkeley Heights  
**Connie Valenti, Board Secretary**  
29 Park Avenue  
Berkeley Heights, New Jersey 07922

**VIA E-MAIL** [cvalenti@bhtwp.com](mailto:cvalenti@bhtwp.com)

Re: Preliminary and Final Major Subdivision Application – Engineering Review (Revision No. 1)  
**Applicant: OZ Custom Builders, LLC. (Application No. 15-21)**  
**Owner: Westminster Presbyterian Church**  
**725 Mountain Avenue (Block 2006, Lot 32)**  
Township of Berkeley Heights, Union County, New Jersey  
Neglia File No. BERKSPL21.013

Honorable Board Members:

Neglia Group (“Neglia”) has reviewed the plans and submitted application documents for the above-referenced development. Specifically, we have reviewed the following:

- A completed copy of the Township of Berkeley Heights Planning Board Application for a Major Subdivision, Application Number P&F # 1-21, as well as the corresponding checklist and other supporting documents, dated May 4, 2021;
- A completed copy of the Township of Berkeley Heights Planning Board/Zoning Board of Adjustment Design Standards Checklist, dated May 4, 2021;
- A Township of Berkeley Heights Resolution Granting Preliminary Subdivision Approval for Application Number P&F # 1-15, dated April 6, 2016;
- A Township of Berkeley Heights Resolution Granting Extension of Preliminary Major Subdivision Approval for Application Number P&F # 1-15, dated June 19, 2019;
- A completed copy of the Township of Berkeley Heights Application for Sanitary Sewer Capacity Allotment prepared by William G. Hollows, P.E., of Murphy & Hollows Associates, LLC., undated;
- A copy of the Township of Berkeley Heights, Union County Ordinance No. 16-2020;

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- A transmittal letter from Connie Valenti, Board Secretary, for Application #15-21: OZ Custom Builders, LLC 725 Mountain Avenue, Major Subdivision with variance(s), dated October 29, 2021;
  - A signed and sealed Traffic Report entitled, “Traffic Impact Statement for OZ Custom Builders, LLC., Proposed Residential Development, 725 Mountain Avenue, Township of Berkeley Heights, Union County, New Jersey,” prepared by Gary W. Dean, P.E., P.P., and Douglas J. Polyniak, P.E., both of Dolan & Dean Consulting Engineers, LLC., dated August 16, 2021;
  - A signed and sealed Stormwater Management Report entitled, “Westminster Presbyterian Church, Block 2006, Lot 32, Berkeley Heights Township, Union County, New Jersey,” prepared by Catherine Mueller, P.E., of Murphy & Hollows Associates LLC., dated October 2021, **last revised January 2022**;
  - A signed and sealed set of engineering plans, consisting of thirteen (13) sheets, entitled “Final Major Subdivision Plan, Westminster Presbyterian Church, Lot 32 Block 2006, Mountain Avenue & Plainfield Avenue, Township of Berkeley Heights, Union County, New Jersey,” prepared by William G. Hollows, P.E., P.L.S., P.P., of Murphy & Hollows Associates, LLC., dated April 30, 2021, **last revised December 6, 2022**;
  - A traffic safety study, prepared by Douglas J. Polyniak, P.E., and Gary W. Dean, P.E., P.P., of Dolan & Dean Consulting Engineers, LLC., dated May 23, 2022;
  - Four (4) County of Union’s Bureau of Planning and Land Use review letters, prepared by Kamal Saleh, P.P., A.I.C.P., Supervising Planner, dated June 14, 2016, August 23, 2022, November 10, 2022, and January 5, 2023;
  - Review comments, via email correspondence, from Jim Hopkins, Township Fire Official, dated May 24, 2021, and January 19, 2023;
  - Email correspondence from Sgt. Andrew Glaydura, of the Township Police Department, dated October 27, 2022;
  - Review comments from Joseph Bonaccorso, of the Township Wastewater Treatment Plant, dated May 25, 2021, and March 16, 2022;
  - Review memos from the Berkeley Heights Environmental Commission, dated June 2021, November 1, 2021, and February 7, 2022;
  - Zoning Comments, prepared by Thomas A. Bocko, Township Zoning Officer, dated February 11, 2016; and
  - Planning Review No. 1 & 2 for Application No. P&F 1-21, Major Subdivision w/Variances, Oz Custom Builders, Block 2006, Lot 32, R-15 Zone, prepared by Keenan Hughes, A.I.C.P., P.P. of Phillips, Preiss, Grygiel, Leheny, and Hughes, LLC., dated August 17, 2021, last revised November 1, 2021.

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## Project Description

The subject property is identified as Lot 32 in Block 2006 per Township of Berkeley Heights Tax Map No. 20. The subject site is further identified as 725 Mountain Avenue and is located within the 'R-15' Residential Zone, per the Township of Berkeley Heights Zoning Map. The site is located in the northeast corner of the Mountain Avenue and Plainfield Avenue intersection. The site currently consists of the existing Westminster Presbyterian Church, the associated parking lot, one-and-one-half (1 ½) story residential dwelling and a garage. In addition, the site also contains trees and shrubs throughout the property, and ingress and egress driveways onto Mountain Avenue. The Applicant for the project is OZ Custom Builders, LLC., 324 Springfield Avenue, Berkeley Heights, N.J. 07922. The Owner of the property is the Westminster Presbyterian Church, located at the subject site.

The Applicant previously obtained preliminary major subdivision approval for the project in 2016 from the Planning Board. Subsequently in 2019, the Applicant applied for and received an extension for the preliminary approval. Neglia understands that the extended preliminary approval has since expired. At this time, the Applicant is seeking Preliminary and Final Major Subdivision approval to subdivide the existing property into five (5) lots. The existing church and associated parking lot would remain on proposed Lot 32.01. While the other four lots (32.02, 32.03, 32.04, 32.05) would be developed with four (4) new detached single-family dwellings, one on each parcel. Other than the existing church and associated parking lot, all other existing site improvements are proposed to be removed in order to facilitate the new construction. The Applicant also proposes to construct a new public right-of-way to provide access for the new dwellings off of Plainfield Avenue.

The Applicant has indicated that a d(2) use variance is required as part of this application. Neglia defers review of all zoning and variances to the Board Planner.

## **1 Major Subdivision Comments**

- 1.1 The Final Major Subdivision Plan submitted for this application shall be prepared in accordance with the Filed Map Law, now known as the "Recordation Act" P.L.2011, c.217 (NJSA 46:26A-1 et al.). The Applicant shall make the following revisions:
  - 1.1.1 Per N.J.S.A. 46:26B-2b (2), "...curve data shall include the radius, delta angle, length of arc, chord distance and chord bearing..." The plan shall be revised to include this information for each curve depicted. **This comment still applies.**
  - 1.1.2 Per N.J.S.A. 46:26B-2b(7), "All permanent easements, including sight right easements and utility easements, shall be shown and dimensioned." The plan shall be revised as required. Additionally, the Applicant shall confirm if an easement is required to encompass the roadway storm drain system located within Proposed Lot 32.03. **This comment still applies.**
  - 1.1.3 Per N.J.S.A. 46:26B-2b(8), "The map shall clearly show all monumentation required by this chapter, including monuments found, monuments set, and monuments to be set...A minimum of three corners distributed around the tract shall indicate coordinate values. The outbound corner markers shall be set pursuant to regulations promulgated by the State Board of Professional Engineers and Land

Surveyors.” The Applicant shall revise the plan to include the required monuments, required coordinate values, and set the required outbound corners (outbound corners must be set prior to signing the final plat). **This comment still applies.**

- 1.1.4 Per N.J.S.A. 46:26B-2b(9), “The map shall show as a chart on the plat any other technical design controls required by local ordinances, including minimum street widths, minimum lot areas and minimum yard dimensions.” The Applicant shall include the Zoning Criteria Table on this plan. **This comment still applies.**
- 1.1.5 Per N.J.S.A. 46:26B-2b(10), “The map shall show...the name of the last property owner...” The Applicant shall revise the plan to include both the current Owner as well as the Applicant information. **This comment still applies.**
- 1.1.6 Per N.J.S.A. 46:26B-2b(12), the Applicant shall include the proper certificate of the record surveyor in accordance with this section. **This comment still applies.**
- 1.1.7 Per N.J.S.A. 46:26B-2b(14), the Applicant shall include the proper certificate of the Municipal Engineer in accordance with this section. **This comment still applies.**
- 1.1.8 Per N.J.S.A.46:26B-2b(15), the Applicant shall include the proper certificate of the Owner in accordance with this section. **This comment still applies.**
- 1.1.9 Per N.J.S.A. 46:26B-2b(16), the Applicant shall include the proper certificate of the Municipal Clerk in accordance with this section. **This comment still applies.**
- 1.1.10 Per N.J.S.A. 46:26B-3(1)b, the Applicant shall depict the required monumentation on the plan in accordance with this section. **This comment still applies.**
- 1.2 The Applicant shall revise the title of the “Layout Plan” to be “Major Subdivision Plan.” **This comment still applies.**
- 1.3 The Applicant shall confirm that the proposed lot designations are approved by the Tax Assessor. **This comment still applies.**
- 1.4 The Applicant shall confirm whether the existing parcel is subject to any easements, covenants, or restrictions. If so, the applicable documents shall be provided to this office for review. If not, a statement shall be added to the plan. **This comment still applies.**
- 1.5 The Applicant shall check and revise proposed Lot 32.02 northerly lot distance. The distance depicted “151.93” along Westminster Court is not correct. Once corrected the lot area shall also be checked and revised as needed. **This comment still applies.**

- 1.6 The Applicant shall add the missing course data along the curve of Plainfield Avenue at the westerly most corner of proposed Lot 32.01. **This comment still applies.**
- 1.7 The Applicant shall check and revise proposed Lot 32.04 northerly lot distance. The distance depicted "179.58" is not correct. **This comment still applies.**
- 1.8 The Applicant shall fix the side yard setbacks depicted on the plan. Each parcel shall have one side yard of 12 feet and the opposing side yard shall be 18 feet in order to comply with the required combined 30 feet. **This comment still applies.**
- 1.9 Once all the lot dimension data has been added and modified as needed, this office will check the lot closure for each proposed parcel. **This comment still applies.**

## **2 Engineering Comments**

- 2.1 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. The Applicant's professionals shall provide testimony in support of all required variance and waiver relief. **This comment still applies.**
- 2.2 The Applicant shall revise the plans to include a painted crosswalk across Westminster Court to connect the two proposed ADA curb ramps and associated sidewalks. **This comment still applies. Details of the same shall be provided.**
- 2.3 The Applicant shall provide a "STOP" text where the stop bar is proposed. Detail of the same, including the stop bar, shall be provided. **This comment still applies.**
- 2.4 The Applicant shall provide a public roadway pavement repair detail in accordance with the Township Ordinance for work on municipal roadways (existing or proposed), and a detail for the same within the Union County right-of-way with the County's standards for pavement repair. **This comment still applies. The Applicant shall be advised the municipal roadway pavement detail consists of two (2) inches of HMA 9.5M64 Surface Course, four (4) inches of HMA 19.5M64 Surface Course, and six (6) inches of DGA. Additionally, the Applicant shall revise the curb and sidewalk detail to indicate a minimum 28-day compressive strength of 4,000 psi, and the ability to withstand H-20 loading, for all concrete in the R.O.W., as well as in any vehicular loading location.**
- 2.5 The Existing Conditions plan indicates what appears to be a fenced-in area north of the existing church building. This fenced-in area will be impacted by the proposed grading for the diversion swale, retaining wall and street trees. The Applicant shall revise the plans and provide testimony to identify the existing use of this area and clearly indicate how the aforementioned improvements will impact this area. **This comment still applies.**
- 2.6 The Applicant proposes retaining walls in excess of four (4) feet in height. Should the Board act favorably, and prior to construction, the Applicant shall provide structural stability calculations, signed, and sealed by a New Jersey Licensed Professional Engineer. Upon completion of construction if granted approval, all retaining walls

four (4) feet or higher will require certification by a licensed Professional Engineer in the State of New Jersey confirming that the wall was built in accordance with the plans and details, and it will support its designed and intended loads. **This comment still applies.**

- 2.7 The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Township of Berkeley Heights and Neglia prior to the import of any material by a professional. Recycled material or demolished materials are not permitted for the purposes of backfilling a vacated excavation area. **This comment still applies.**
- 2.8 The Applicant shall provide testimony regarding the need for any Land Use or other permitting and if such is required in order to clear-cut existing vegetation and construct the proposed improvements. The Applicant shall provide copies of all correspondences with the respective regulatory agencies regarding any required permitting. The Applicant shall refer to additional comments below pertaining to outside permitting. **This comment still applies.**
- 2.9 The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property. A note stating the same shall be provided on the Site Plan. **This comment still applies.**
- 2.10 The Applicant shall ensure that all disturbed work areas are stabilized. The Applicant shall topsoil, seed, hay, and straw mulch to ensure lawn growth, where appropriate. **This comment still applies.**
- 2.11 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. **This comment still applies.**
- 2.12 **The Applicant shall revise all details utilizing concrete in any vehicular traversing areas to indicate a minimum 28-day compressive strength of 4,000 psi, and the ability to withstand H-20 loading.**
- 2.13 **The Applicant shall provide testimony on how the change of grade along Plainfield Avenue will affect the line of sight.**

### **3 Grading, Drainage, and Utility Comments**

- 3.1 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. **This comment still applies.**
- 3.2 Proposed public sidewalks shall be constructed with cross-slopes that do not exceed 2.0%. Notation indicating the same shall be provided on the Site Plans. **This comment still applies.**

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- 3.3 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. All proposed utility connections shall be coordinated with the appropriate authority or governing agency. **This comment still applies.**
- 3.4 The Applicant shall perform a fire hydrant flow test as well as any water system modeling in the vicinity of the project site to verify that adequate pressure and flow is present within the existing water infrastructure. In addition, the Applicant shall verify that the proposed water main connection will provide adequate domestic and fire flow and pressure, considering the grade change from the main to the top of the street and houses, which are upwards of 40 feet above Plainfield Avenue. This verification shall be in accordance with the Residential Site Improvements Standards (RSIS) and any applicable building, plumbing, or construction codes. **This comment still applies.**
- 3.5 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. **Furthermore, the current sewer operator and wastewater treatment plan engineer should review the proposed sanitary sewer improvements. This comment still applies.**
- 3.6 The Applicant proposes to disturb over one (1) acre of soil in order to construct the proposed improvements. In accordance with both N.J.A.C. 7:8 and Township Ordinance §13.17 (Stormwater Control), the subject application is considered to be a “Major Development.” As such, the Applicant is required to comply with applicable sections of both regulations, related to stormwater quantity, stormwater quality, and groundwater recharge. The Applicant has provided a stormwater management report; however, testimony shall be provided to confirm that all aspects of the proposed stormwater management systems are fully compliant with applicable regulations and codes. **This comment still applies. If this project obtains Board Approval, a follow-up meeting with the design professionals is required to satisfy all conditions.**
- 3.7 The Applicant proposes stormwater improvements such that stormwater emanating from Headwall-5.0 will be discharged at a velocity of 4.17 feet per second onto the mulch and sand layers in the bioretention basin. Per the “Standards for Soil Erosion and Sediment Control in New Jersey,” the maximum allowable velocity for sand is only 1.8 feet per second. As such, the proposed velocity exceeds the maximum allowable velocity, thereby triggering the need for conduit outlet protection. The Applicant shall revise the plans accordingly to demonstrate compliance with the conduit outlet protection standards. **The plans have been revised to remove the headwall and replace the same with a stormwater outfall with an outlet protection in the form of a scour hole.**
- 3.8 In accordance with the New Jersey Stormwater Best Management Practices (“BMP”) Manual, “All inflow must be evenly distributed across the surface of the small-scale bioretention system to ensure all vegetation receives sufficient runoff during small rain events.” The Applicant proposes to construct point discharges (i.e., outfall pipes) as the source of inflow for Bioretention Basins ‘A’ and ‘E’ which does not distribute flow evenly. The Applicant shall revise the plans accordingly to demonstrate compliance with the BMP manual. **The Applicant**
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**has revised the plans to include proper stormwater outfalls with conduit outlet protection. This comment has been addressed; no further action required.**

- 3.9 The Applicant has provided stormwater conveyance calculations which utilize a Manning's roughness coefficient ("n" value) of 0.012. However, in accordance with N.J.A.C. 5:21 (RSIS), concrete pipe shall be modeled with a minimum "n" value of 0.013. The Applicant shall revise the calculations accordingly. **This comment still applies.**
- 3.10 The Applicant proposes to construct Bioretention Basin 'D' such that the only discharge from the basin is via a 6-inch underdrain pipe which appears to discharge under the existing church lot, Proposed Lot 32.01. The Applicant shall revise the subdivision plan accordingly to depict an associated drainage easement, including all metes and bounds. Additionally, the Applicant shall revise the plans to provide a proper stormwater outfall, including but not limited to, a solid outfall pipe, headwall or flared end section, and demonstration that conduit outlet protection is not required (i.e., scour hole, riprap apron, etc.). **The Applicant has revised the plans to provide a stormwater outfall with a riprap apron. However, the Applicant shall revise the plan to depict an associated drainage easement, including all metes and bounds. This comment still applies.**
- 3.11 The Applicant proposes to construct a trench drain in the lawn area of Proposed Lot 32.05, upstream of Bioretention Basin 'D'. The Applicant shall provide testimony as to the intended use of this trench drain, as well as the efficacy of said drain in a lawn area considering that little to no overland flow is directed towards the trench drain. **The trench drain has been relocated to the driveway on Lot 32.05. This comment no longer applies.**
- 3.12 The Applicant proposes drainage improvements such that velocities within the concrete pipes will exceed ten (10) feet per second, which is considered to be erosive. The Applicant shall revise the plans **and calculations** accordingly to reduce the excessive velocities within the drainage system. **This comment still applies.**
- 3.13 The Applicant proposes to construct a modular block retaining wall around Bioretention Basin 'A' with a top of wall elevation listed as 325.2. However, the elevations on both sides of this proposed wall are as low as 321, thereby resulting in a "freestanding" wall which is intended to retain water. The plans simply indicate a "waterproof retaining wall," to be designed by others, with no other information provided. The Applicant shall provide testimony regarding the type of wall, means of construction in close proximity to the property line of adjacent Lot 33, and architectural or aesthetic finish of the wall. Should the Applicant require access to or construct improvements upon any adjacent property, the Applicant shall furnish documentation from the owner of said property authorizing such access or improvements thereupon. Should the Applicant be unable to furnish this authorization, the Applicant shall revise the plans accordingly to maintain all improvements, and required access for the construction of those improvements, on the subject property. **The subject wall has been revised to a four (4) foot high (Max) retaining wall with no additional grading information. The Applicant shall provide testimony on the same.**
- 3.14 The Applicant proposes to construct multiple bioretention basins which are situated uphill of homes and properties, both on- and off-site. Neglia has concerns regarding the ability of the basins to retain water sufficiently along the side slopes of the basin. The bottom of the basin is constructed with an impermeable



liner, however, the side slopes are simply earthen embankments. This may result in attenuated water seeping or bleeding through the downhill embankments, which may lead to runoff and/or erosion issues. The Applicant shall provide testimony regarding the same. **This comment still applies.**

- 3.15 In accordance with N.J.A.C. 7:8., the Applicant shall provide a Stormwater Operations and Maintenance Manual, signed and sealed by a New Jersey Licensed Professional Engineer, for review and for future maintenance purposes. The Applicant shall file the manual with the property's deed, if approved. **This comment still applies.**
- 3.16 The Applicant shall provide testimony regarding the proposed drainage improvements to verify that the proposed design meets all Berkeley Heights, Standards for Soil Erosion and Sediment Control in New Jersey and NJDEP drainage requirements including specific reference to the requirements for bioretention basins, and offsite stability. **This comment still applies.**
- 3.17 The Applicant proposes improvements and disturbances within steeply sloped areas on the site, specifically in areas between 15% and 25% slopes, and areas of greater than 25% slopes. Township Ordinance §3.1.11 dictates that disturbance within areas sloped greater than 25% is not permitted, except for roadway or utility improvements, if the Applicant can demonstrate that the roadway or utility improvements are necessary in this steeply sloped area. Additionally, "Site design and grading on slopes greater than 15% shall provide the minimum disruption of view corridors and scenic vistas and shall preserve significant natural topographic features to the greatest extent possible." The Applicant shall provide testimony to demonstrate compliance with these requirements. **This comment still applies. A steep slopes plan shall be provided.**
- 3.18 The Applicant shall ensure that stormwater runoff does not negatively affect neighboring properties. Any damages caused by an increased runoff or improper drainage shall be repaired by the Applicant. Notation regarding this shall be added to the plan. **This comment still applies.**
- 3.19 Should the Board act favorably upon this application, and prior to construction, the Applicant will require a soil movement permit. Neglia reserves the right to provide additional comments related to grading, drainage, and soil movement until the time of submission and Neglia's review of said soil permit application. **This comment still applies.**
- 3.20 The Applicant shall perform percolation/permeability testing shall be performed in the vicinity of any proposed groundwater infiltration facilities. The Applicant shall also locate the seasonal high ground water table to ensure a minimum depth of two feet below the bottom of the infiltration practice. Neglia shall be notified a minimum forty-eight (48) hours in advance of this testing so that a representative of our office may be present for this testing. The engineer-of-record, or a representative thereof, shall be present during percolation/permeability testing. In addition, the engineer-of-record shall submit a signed and sealed certification regarding the results of said testing. These tests may be performed after issuance of the requested Soil Movement Permit, but prior to the installation of the infiltration system(s). However, Neglia strongly recommends that the testing is performed as soon as possible to confirm the current design is feasible. Should on-site testing yield undesirable percolation/permeability rates, the Applicant may be required to provide an

alternate design which does not rely on percolation (i.e., detention basin, closed chambers, etc.). **This comment still applies.**

#### **4 Lighting and Landscaping Comments**

4.1 No proposed lighting is shown on the plans and there does not appear to be any existing lighting within the area. The Applicant shall verify if lighting provided by any existing nearby streetlights will provide adequate lighting levels at the intersection of the proposed cul-de-sac and Plainfield Avenue. The Applicant shall provide testimony regarding the existing lighting within the area and whether any proposed lighting will be part of this development. **This comment still applies.**

4.2 As per the Township of Berkeley Heights Ordinance, §10.6.3.E, the Applicant shall provide a Landscape Plan which shall be prepared, signed, and sealed by a Landscape Architect, licensed in the State of New Jersey. **This comment still applies.**

4.3 The Applicant shall revise the plans and provide testimony to indicate the exact number of trees to be removed from the subject site in order to construct the proposed improvements. The Applicant shall confirm the number of trees to be planted in replacement for those which are removed, and the characteristics thereof. **This comment still applies as a formal tree replacement/removal table is required.**

4.4 The Applicant shall provide planting details and any other necessary details as well as standard landscape notes to the plan. **This comment still applies.**

4.5 The Applicant shall revise the Plant List within the provided Tree Plan in accordance with §10.6.3.F.2. and §10.6.9.A.1. of the Township of Berkeley Heights Ordinance, specifically the size of proposed deciduous shade trees and evergreen trees. Additionally, the Applicant shall refer to the Township's Preferred Tree Species list and incorporate the same to the maximum extent practical. **This comment still applies.**

4.6 The Applicant shall revise the Tree Plan in accordance with §10.6.9.A.2.c. of the Township of Berkeley Heights Ordinance. **This comment still applies.**

#### **5 Traffic Engineering Comments**

5.1 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. **This comment still applies.**

5.2 The Applicant proposes a new intersection with Plainfield Avenue, which is a Union County roadway (Route 663). In addition, the Applicant proposes to connect to the new storm system to the existing one within Plainfield Avenue. Accordingly, the Applicant shall submit to the County of Union for review and approval. The Applicant shall provide copies of all letters of approval, denial, or comments to the Board for review. **This comment still applies.**

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- 5.3 In accordance with N.J.A.C. 5:21-4.2, Table 4.2(e), "...cul-de-sacs shall provide for a cartway turning radius of 40 feet." The submitted plan depicts a radius of only 39 feet, whereas 40 is required. As such, the Applicant proposes a condition which will deviate from the standards required in N.J.A.C. 5:21 (Residential Site Improvement Standards, "RSIS"). In accordance with N.J.A.C. 5:21-3.6, the Applicant shall formally request a waiver from the RSIS standards and provide testimony and documentation to support the same. This documentation shall include, but not be limited to, a vehicular circulation and maneuvering plan to depict the safe and efficient circulation of the largest responding fire department apparatus, garbage truck, or other municipal vehicle to demonstrate that such can accommodate the undersized roadway. **The Applicant has revised the proposed Westminster Court cartway turning radius to 40 feet. This comment has been addressed; no further action required.**
- 5.4 In accordance with N.J.A.C. 5:21-4.19, Table 4.6, the minimum radius for curbs for a cul-de-sac (special purpose) street is twenty-five (25) feet, whereas the Applicant proposes to construct radii of twenty-one (21) feet. As such, the Applicant proposes a condition which will deviate from the standards required in N.J.A.C. 5:21 (Residential Site Improvement Standards, "RSIS"). In accordance with N.J.A.C. 5:21-3.6, the Applicant shall formally request a waiver from the RSIS standards and provide testimony and documentation to support the same. This documentation shall include, but not be limited to, a vehicular circulation and maneuvering plan to depict the safe and efficient circulation of the largest responding fire department apparatus, garbage truck, or other municipal vehicle to demonstrate that such can accommodate the undersized curb radii entering and exiting the site. **This comment still applies.**
- 5.5 The Applicant shall provide a sight distance exhibit, complete with calculations, indicating that adequate horizontal and vertical (i.e., line of sight) stopping sight distance can be provided. The Applicant indicates that a proposed sight easement will be provided on Lot 32.01 (south of the proposed intersection); however, this area is densely wooded. As such, in order to provide actual sight distance visibility, the Applicant shall maintain all vegetation within the easement to remain below 30 inches in height and trees limbed to a minimum height of 7 feet above grade. North of the proposed intersection, the Applicant cannot provide or enforce a sight easement on adjacent Lots 33 and 34, without prior written authorization/consent from the respective property owners. As such, adequate sight distance may not be achievable in either direction of the new intersection, unless enforceable sight triangle easements are provided, including the required clear cutting. The Applicant shall investigate and provide testimony if said sight distance can physically be provided. **This comment still applies.**
- 5.6 The Applicant provides a radial dimension of **forty (40)** feet for the proposed cul-de-sac roadway. The Applicant shall coordinate with the Berkeley Heights Fire Department regarding the accessibility of the Township's fire apparatus through the cul-de-sac. Additionally, the Applicant shall coordinate with the Fire Department or Fire Prevention regarding location, spacing, and number of proposed fire hydrants. **This comment still applies.**
- 5.7 The Applicant shall provide fire apparatus vehicle turning templates within the roadway, including the cul-de-sac area. **This comment still applies.**
- 5.8 The Applicant shall revise the plan to indicate the required 8-foot buffer area along the proposed cul-de-sac, in accordance with RSIS. **This comment still applies.**
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- 5.9 The Applicant shall provide testimony addressing vehicle turning maneuvers and vehicular circulation for delivery/mail vehicles, trash/recycling procedures, and fire apparatus. **This comment still applies.**
- 5.10 **The Applicant shall obtain comments from the Township of Berkley Heights Fire Official and Police Department Traffic Safety Officer regarding emergency site access, safety, or other concerns.**
- 5.11 **The Applicant has provided sight distance triangles at the proposed intersection of Plainfield Avenue and Westminster Court. The sight triangles provided show the Union County line of sight requirement and the AASHTO line of sight requirement. The sight triangles projected south of Westminster Court are shown to be projected through a wooded area with a callout stating that this area shall be cleared has been provided. The Applicant has provided a callout within the submitted site plans indicating that all vegetation will be removed within the Westminster Court sight distances. No further action is required.**
- 5.12 **As per the New Jersey Administrative Code, Section §5:21-4.14 (RSIS), the parking requirements for single-family detached housing are as follows:**
- 5.12.1. **1.5 spaces per 2-Bedroom Unit;**
  - 5.12.2. **2.0 spaces per 3-Bedroom Unit;**
  - 5.12.3. **2.5 spaces per 4-Bedroom Unit; and**
  - 5.12.4. **3.0 spaces per 5-Bedroom Unit.**
- The Applicant shall provide testimony on the compliancy of the number of parking spaces provided with the RSIS standards.**
- 5.13 **Neglia has reviewed the Traffic Safety Study, dated May 23, 2022, and we note the following:**
- 5.13.1. **The Trip Generation provided uses the 10th Edition of the ITE Trip Generation Manual to source their trip generation rates. We take no issue with the results shown.**
  - 5.13.2. **The recorded Weekly Average Peak morning has a traffic volume of 693 vehicles, and the weekly average peak evening volume is 685 vehicles. The reported 85th percentile speed of Plainfield Avenue is 37 MPH, which is 2 MPH higher than the posted speed limit. The intersection of Plainfield Avenue and Mountain Avenue has a history of 5 motor vehicle accidents within a 3-year period.**

## **6 Final Comments**

- 6.1 Should the Board look favorably upon this application, a performance bond and inspection escrow will be established in accordance with the Municipal Land Use Law.

- 6.2 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 Height 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.
- 6.3 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 Neglia will not be reviewed.
- 6.4 Revised reports, plans and exhibits, which are to be considered at the hearing, should be submitted ten days prior to the scheduled hearing.
- 6.5 The above comments are based on a review of materials submitted and/or testimony provided to date. Neglia reserves the right to provided new or updated comments as additional information becomes available.
- 6.6 The Applicant is responsible for the payment of all applicable fees, including but not limited to application, escrow, COAH, tax map revisions, permits, sewer, and the like.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,  
**Neglia Group**



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

TRS/mjg

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