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NEW YORK

May 16, 2024

Steve Toth, Chairman
and Members of the Board
Wayne Township Zoning Board of Adjustment
475 Valley Road
Wayne, NJ 07470

**Re: 55 Hall St NJ, LLC – Use Variance with Preliminary and Final Major Site Plan
Block 1508, Lots 1 & 2
55 Haul Road, Township of Wayne
Zoning Board Case #BOA-2023-030**

Dear Chairman Toth and Members of the Board:

On behalf of the Township Planning and Engineering Departments, our office has reviewed the below documents for the subject application. The applicant seeks approval to allow outdoor storage of cars, trucks and storage containers.

- Application submitted to the Township on May 13, 2024.
- Site Plan entitled “Preliminary and Final Site Plan, 55 Haul Road, Block 1508, Lot 1+2, 55 Haul Road Wayne Township, Passaic County, New Jersey” consisting of five (5) sheets by Langan, sheets 1, 2, 4 and 5 dated September 1, 2023, sheet 3 dated January 23, 2024; all sheets revised to March 20, 2024.
- “ALTA/NSPS Land Title Survey, Wayne Warehouse Expansion Project, 55 Haul Road, Block 1508, Lots 1 and 2, Wayne Township, Passaic County, New Jersey” sheet 1 of 4, dated July 23, 2021, revised to August 27, 2021.
- “Union Carbide General Plant Layout” dated June 15, 1978.
- FEMA Flood Insurance Rate Map 34031C0192G revised to April 17, 2020 with Flood Profile.

Our review addresses site plan design. New striping and signage is proposed. We offer the following comments for the Board’s consideration:

1. Applicant has not provided MAD/TADA calculations with the application. What appears to be a previously unused area of dirt/gravel is proposed to be used as storage.
2. The applicant has not requested design waivers.

3. The applicant needs design waivers unless the plans are amended to satisfy Code requirements. These waivers are listed under Attachment A.
4. The plans need revisions to properly construct the improvements, which are listed under Attachment B.
5. The proposed application does not meet the definition of 'Major Development.' Comments are listed under Attachment C.

Future submissions of revised plans must be accompanied by a cover letter that lists every change and/or revision, and indicates how each comment was addressed (following the same numbering system as the report). In addition, all plan revisions shall be clearly identified ("clouded" or similar treatment, and numbered). Furthermore, submissions must be accompanied by a County Planning Board letter granting unconditional approval or a waiver letter. Revised plans submitted without necessary cover letter and/or County Planning Board letter shall be returned without further review or comment.

FINAL COMMENTS

Should the Board consider granting Preliminary and Final Major Site Plan with Design Standard Exceptions approval, the following Engineering Conditions should be attached:

1. Prior to issuance of a Building Permit or any work being done on the site, whichever comes first, the applicant shall:
 - A. Submit revised plans for Engineering Division review and approval addressing all review comments, including any other special conditions and/or notes imposed by the Board.
 - B. Receive all required State and County approvals and Township permits including, but not limited to:
 - 1) HEPSCD Soil Erosion Control plan certification. **(required)**
 - 2) NJDEP Flood Hazard Area Verification. **(required)**
 - 3) NJDEP Flood Hazard Area Permit(s) **(if required)**
 - 4) County of Passaic Planning Board Approval or Waiver letter **(required)**.
 - 5) NJDEP Wetlands Letter of Interpretation (LOI) **(required)**.
 - 6) NJDEP Wetlands Permits(s) **(if required)**.
 - 7) Wayne Township Special Flood Hazard Area Permit **(required)**.
 - 8) NJDEP Treatment Works Approval (TWA-1) (not required).

- C. Have remitted payment for all outstanding fees and contributions, including but not limited to:
 - 1) Township wide off-tract drainage assessment (Chapter 134-10.3 of the Township Code). Applicant shall provide calculations of both the “Pre-Development” and the “Post-Development” C-factors based upon the rational Method for the calculation of this fee. **(if required)**.
 - 2) Sewer Connection fee. (not required).
 - 3) Water Connection fee. (not required).
 - D. At least one week prior to commencement of work, set up and attend a Pre-construction meeting between himself, his engineer, his contractor, representatives of the County, representatives of the NJDOT, affected utility companies, Township Engineer, Township Inspector, Township Planner, Zoning Officer, representatives of the Building Department and the Parks Department to discuss the requirements and regulations for on-site construction. Six sets of construction drawings reflecting all conditions as approved by the Board and the Engineering Division shall be submitted at least one week in advance of the pre-construction meeting for stamping and distribution.
 - E. The applicant shall notify the HEPSCD at least forty-eight hours prior to any land disturbance activity. Proof of notification shall be provided to the Engineering Division upon request.
 - F. Prior to the issuance of a Building Permit, the applicant shall submit a certified copy of the deed of record showing that the Maintenance Plan for the Stormwater Management Measures have been recorded upon the Deed of Record for the property in question, as required under NJAC 7.8-5.8(d).
 - G. Have submitted a Title 39 application (for lots 9 & 9.01) and obtained approval of a Striping and Signage Plan.
2. Upon commencement of and during construction of the project, the applicant shall:
- A. Delineate on site the limits of disturbance as approved by the Board with soil erosion silt fence, or in the absence of silt fence requirements, snow fence. No clearing, tree cutting, or construction work shall occur on the site until the limits of disturbance and soil erosion control measures are in place and have been approved in the field by the Township Engineer.
 - B. Construct the soil erosion control measures and stormwater detention system as the first item of work. The stormwater detention system shall be made fully functional, and all runoff from the project while under construction shall be directed into it. In addition, temporary fencing or the permanent fence and gate shall be installed around the basin. Clearing and tree cutting shall not occur until erosion control measures are in place and approved in the field by the Engineering Inspector.

- C. Should any dirt spill or tract onto the Township, County and/or State roads attributed to this project, the applicant and/or his contractor shall clean up same prior to the end of the work day and shall implement corrective measures to prevent same from re-occurring.
 - D. Should any soil and/or sediment deposition occur attributed to this project which adversely affects surrounding drainage courses and/or properties, the applicant and/or his contractor shall prior to the end of the work day abate same, clean up the sediment, and shall repair and/or reinforce the soil erosion control measures to eliminate such erosion.
 - E. Cover each temporary inoperative fire hydrant with a suitable bag for easy identification so as to prevent problems during required emergency use, and notify the Fire Official of such hydrant locations.
 - F. Request and obtain engineering inspection, as per Chapter 134-113 of the Township Code, of all improvements. Work shall not be covered until inspected and passed/approved. Installation of public improvements shall not be performed on Saturdays, Sundays and/or Township holidays unless authorized in advance by the Township Engineer.
3. Prior to the issuance of any Certificate of Occupancy, the applicant shall:
- A. Have completed all on-site and off-site improvements, including but not limited to pavement, drainage, storm water detention/water quality system, curbing, sidewalks, striping, permanent stabilization and lighting.
 - B. Have submitted a professional engineer's certification that the stormwater detention system including outlet control structure(s) and the water quality/system(s) have been constructed to the required volume and orifice sizes/elevations in accordance with the approved design.

4. The applicant is advised of the following:
 - A. Any blasting of rock shall require a Township Blasting Operations Permit and full compliance with all the provisions of the Wayne Township Blasting Regulations in Chapter 52 of the Township Code.
 - B. Performance Bonds may be returned upon satisfactory completion of the work and/or issuance of Final Certificate of Occupancy. A letter requesting the return of same shall be filed with the Township Clerk, with a copy to the Township Engineer.

Very truly yours,

C. P. STATILE, P.A.

(original signed)

Christopher P. Statile, P.E.
Consultant Engineer

Attachment A

Attachment B

Attachment C

c: Christopher Kok, Township Planner

Heather Vitz-Del Rio, P.E., Director of Public Works and Engineering

Attachment A – Design Waivers required, but not requested by the Applicant

1. 134-72.1.B. Township Code requires that parking areas for nonresidential uses shall not be permitted within 10 ft. from any building. The proposed parking areas #1 and #6 are directly adjacent to the existing building. We **object** to granting of this design waiver. See Attachment B, Comment #3.
2. 134-72.1.C. Township Code requires that in the Industrial Districts only, no areas specifically intended for parking or loading use shall be located between the front building line and the street line. The proposed area #5 does not conform to this standard. We **do not object** granting of this design waiver
3. 134-72.2.A(1) Township Code requires that all two-way drive aisles for 90 degree parking spaces be a minimum of 24 feet. Area #3 has proposed drive aisles of 15 ft. and 12 Ft. (scaled at northeastern space) ft. We **do not object** granting of this design waiver if the applicant can provide testimony on the use of the spaces and access.
4. 134-72.2.B(1) Township Code requires that all parking areas be identified by means of four-inch-wide white painted lines. No striping is proposed in area #6. We **do not object** granting of this design waiver.
5. 134-72.2.B(4) Township Code requires that parking areas with a capacity of 40 spaces or more are required to provide landscaped islands. None are provided in Area # 4. We **do not object** to the granting of this design waiver.
6. 134-72.2.B(6) Township Code requires that Parking areas with a capacity of 40 spaces or more are required to provide landscaped islands. All parking lots with a capacity of 40 or more vehicles be designed to include pedestrian walkways throughout the lot. None are provided. We **do not object** to the granting of this design waiver.
7. 134-72.3.E Township Code requires that all parking or loading areas serving heavy-duty vehicles shall be constructed with a minimum of six inches HMA stabilized base course and two inches HMA surface course and sufficiently drained so as to prevent an accumulation of water on the site. The proposed parking area #1 is dirt/gravel in areas and does not meet this standard. We **object** granting of this design waiver (note there is an inconsistency between plan sheets).

8. 134-72.3.I. Township Code requires that all parking areas be provided with granite block curbing. It does not appear that any curbing exists. We **do not object** granting of this design waiver if adjacent wetlands can be protected from spillage. See Attachment C, Comment #4.

Attachment B – Required Plan Revisions

1. The color representations on the Site Plan should be defined on the plans, or be removed.
2. The site plan is not definitive as to what, where, and to what extent, exterior storage is to occur. The storage appears to be non-related to the principal use of the existing of the facility, i.e. what specific use is the variance to approve and to what extent. The Board must consider the feasibility of future Township land use enforcement to prevent the site from becoming overwhelmed with illicit operations, equipment and materials storage.
3. Does the applicant intend to create outdoor storage bins composed of concrete block walls using equipment to load stored materials onto trucks?

Are areas of the open lots going to be fenced off for different lessors which may impair fire department operations to fight a fire, or for local police to respond to an incident?

4. The exterior storage of ‘infrastructure supplies’ is overly broad, as it could include liquid or solid chemicals, de-icing salt, asphalt millings, lubricants, etc., some of which could leach into the nearby streams and ditches if exposed to rainfall.
5. Turning stencils should be provided for the 12 trailer parking spaces north of the building.
6. Routine exterior (outside) vehicle maintenance should be strictly prohibited unless the use is specifically requested with the use variance.
7. The exterior storage of new or used motor vehicle and truck parts (which are ‘non-hazardous’) should be prohibited unless specifically requested.
8. The exterior storage of unregistered motor vehicles, trucks, and trailers should be prohibited unless specifically requested.
9. According to FEMA mapping, the entire property appears to be within the 100-year flood hazard area and/or riparian zone. The riparian zone limits should be shown.
10. Any NJDEP permit numbers, including any required Permit-by-Rule with conditions must be shown on the site plan. The applicant should testify regarding the storage of any unsecured materials since “Building Supplies” is a broad term.

We believe an FHA Individual Permit is required due to the storage of materials (including dealership vehicles) which are not related to the principal use of the facility, all within the Flood Hazard Area and Riparian Zone. The Permit-By-Rule only allows exterior uses related to a principal use.

11. Freshwater Wetlands are shown on the subject and adjacent properties. However, no reference to the determination of these wetlands as well as any associated transition areas is shown. All NJDEP Letter of Interpretation and/or permit numbers must be shown on the site plan. The applicant should testify as to the nature of the proposed storage and the potential for spillage/stormwater runoff into the adjacent wetlands.
12. The southerly parking area is shown as “asphalt” on Dwg. CS101, but as “dirt/gravel” on Dwg. CA701. If the gravel area is to be paved, then stormwater management controls will be necessary. This must be clarified, and the plans amended accordingly.
13. Parking of trucks immediately adjacent to the building (Area 6) may hinder the potential for the Fire Department trucks to effectively respond to emergencies at the building.
14. Existing lighting levels have not been provided, yet light fixtures are shown. We are unable to determine compliance with Design Standards 134-72.2.B.(2) and 134-77. Provision of this information would prevent the random addition of future floodlighting which may trespass onto adjacent properties.
15. The applicant should testify that no outdoor loading will occur in the proposed storage areas. If outdoor loading is proposed, any loading space must be shown to meet the requirements of Sections 134.72.1.B. and 134-72.3.B, or a design waiver must be granted.
16. Are the storage containers dumpsters, tractor trailers, or flammable? Dumpsters placed on an asphalt pavement will gouge the surface in the summer heat. Generally, dumpsters are placed on concrete pavements. This must be addressed.
17. A detail for proposed striping to meet the requirements of Township Section 134-72.3.H. must be provided.
18. ADA compliant spaces are not shown in the employee parking area. Location and details must be provided since the lot appears to be re-striped
19. The crosswalk from the employee parking area to the building sidewalk should be striped since this is in the truck route to the rear of the building.
20. The easements should note whether they are private or public, and the grantee. Any proposed parking over easements should be specifically called out and permitted by the grantee, if necessary.

Attachment C – Stormwater Management

The proposed development does not meet the definition of “Major Development” because the project does not disturb over one acre of land or increase regulated motor vehicle surface by more than one-quarter acre. If the parking area south of the building is to be paved, then stormwater management devices will be necessary. This must be clarified at the hearing.

End of Review Report