

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

January 20, 2021

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Craig Johnson via Zoom virtual meeting service.

Mr. Johnson confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted on the Township website. The Agenda for the meeting, as well as instructions for public participation in the meeting, have also been posted on the Township website and sent to the newspaper of record. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Johnson, Mr. Hall, Mr. Graziano, Mr. Niceforo, Mr. Monaco, Ms. Schwarz, Ms. Kingsley, Ms. Greenwald, Mr. Cunningham and Ms. Poage. Mr. Robertson, Board Attorney, and Mr. Solfaro, Board Engineer, were also present.

Adoption of Minutes:

January 6, 2021 Reorganization Meeting

January 6, 2021 Executive Session

A motion was made by Mr. Niceforo, seconded by Mr. Hall, to adopt the Minutes of the January 8, 2021 Reorganization Meeting as presented. The voice vote was unanimous.

A motion was made by Mr. Niceforo, seconded by Ms. Kingsley, to adopt the Minutes of the January 8, 2021 Reorganization Meeting as presented. The voice vote was unanimous.

Adoption of Resolutions:

App.SP-9-20: Berkeley Heights Redevelopers, LLC, 434 Springfield Ave. & Lone Pine Dr., Block 702, Lots 17 & 18 (“Stratton House”)

Applicant is seeking preliminary and final major site plan and minor subdivision approvals to construct a 211-unit inclusionary multi-family development. This application amends the previously approved site plan for a residential development of 150 units which was approved by Planning Board Resolution adopted June 20, 2018.

Mr. Robertson reviewed the Resolution as amended.

Discussion took place regarding the Resolution and it was suggested that it be further amended to include compliance with the recommendations of the Downtown Beautification Committee in its December 8, 2020 report. The consensus of the Board was in favor of such amendment.

A motion was made by Mr. Hall, seconded by Mr. Monaco, to adopt the above Resolution as amended. The roll call vote was 7-0 with Mr. Johnson, Mr. Hall, Mr. Graziano, Ms. Schwarz, Ms. Poage, Mr. Monaco and Mr. Cunningham voting in favor. There were none opposed.

Application for Review:

**App.#M-4-20: Ciraco Construction, 124 & 126 Washington Street,
Block 105, Lots 13 & 13.01 (R-10 Zone)**

The applicant is seeking approval for a minor subdivision in order to build a single-family dwelling on each lot, Lot 13 and Lot 13.01. The two lots are considered to be one single lot according to Section 3.1.5. of the Municipal Land Use Procedures Ordinance, because they are adjoining lots under the same ownership and both lots do not conform with the minimum area requirements for the R-10 zone. (Lot size: 50' x 100'). There is currently a small ranch house on Lot 13.01. Lot 13 is a vacant lot.

Paul Weeks, attorney for the applicant, stated that the application is for a subdivision and construction of two one-family homes. He advised that there was an application made to the Board of Adjustment to designate the lots as two individual lots and the Board of Adjustment decided that the lots are deemed to be consolidated since they have the same owner.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows reviewed the application and the variances being requested. He presented Exhibit A-1-power point including colorized version of existing conditions, colorized version of proposed conditions and tax map showing similar sized lots. Mr. Hollows reviewed the impervious coverage and the proposed drainage improvements.

In response to questions from the Board, Mr. Hollows stated that there is no storm water drainage on the street, he does not believe a rain garden would be needed, the tree being removed will be replaced and he believes the proposed dry wells will be more than adequate to deal with run-off.

Mr. Solfaro stated that discharge will be required to be onto the property and not the street. The drainage plan will be submitted to his office for review and approval.

Open to the Public

The hearing was opened to the public for questions or comments with regard Mr. Hollows' testimony.

Members of the public, including David Bates, Ryan Whalen, Jason Wanca, Ana Schwenk, and Sue Cedo raised questions regarding the drainage, proposed dry wells, location of the proposed patio, whether this subdivision will set a precedent for lot size in the neighborhood, driveway parking for the two homes and whether driveways can be widened.

Mr. Hollows stated that he believes the dry wells will be adequate to deal with drainage, indicated the location of the patio, and a two-car driveway is possible but would require a variance. He noted that according to the tax map these are two existing non-conforming lots and there are numerous lots of the same size in the neighborhood.

Nicolas Ciraco, applicant, was sworn. Mr. Ciraco described the houses proposed to be built on the two lots. He stated that he has over 30 years of experience building homes in Berkeley Heights and he lives in this neighborhood. Mr. Ciraco stated that the height of the homes will comply with the ordinance, the patio will be located 17' from the property line, dry wells will deal with drainage, the tax map shows many similar sized lots in the neighborhood and the proposed houses will not be as big as the existing house. Mr. Ciraco stated the opinion that two smaller houses will fit in with the neighborhood better than one large house. He described the interior and exterior of the proposed 2,000 square foot houses.

In response to questions from the Board, Mr. Ciraco stated that a title search was done on the property and there was no indication that the property was ever subdivided. Mr. Weeks noted that this is considered by the tax assessor to be two lots but because of common ownership it is considered one lot. Mr. Robertson advised that the applicant would be permitted to build one larger home that conforms with the ordinance.

Open to the Public

The hearing was opened to the public for questions or comments with regard Mr. Ciraco's testimony.

Members of the public, including David Bates and Ana Schwenk, raised questions regarding the size of the houses across the street and whether others in the neighborhood will seek to subdivide their properties.

Mr. Ciraco stated that there are two larger houses across the street.

A short recess was taken in order for the applicant and his attorney to discuss whether or not they wish to have testimony provided by a professional planner.

Mr. Weeks requested that the hearing be adjourned to give the applicant an opportunity to consult with a professional planner.

The hearing of the application was carried to the meeting of the Board on February 3, 2021 with no further notice required.

Correspondence:

Memo dated December 17, 2020 from the Downtown Beautification Committee to the Mayor, Township Council, and Planning Board concerning the Berkeley Heights municipal complex lampposts and sidewalk/pavers

Ms. Kingsley discussed the concerns with regard to the lighting and sidewalks. It was the consensus of the Board that a letter should be sent to the Township Council advising that the Planning Board supports the position of the Downtown Beautification Committee. Mr. Robertson will prepare the letter.

For Discussion:

2019 Annual Report of the Zoning Board of Adjustment

Mr. Robertson reviewed the Annual Report of the Zoning Board of Adjustment and noted that the Planning Board should advise the Township Council of its opinion on the recommendations contained in the report. Mr. Robertson noted that the Township Planner has advised that he would support the recommendations. The consensus of the Board was in favor of authorizing Mr. Robertson to prepare a letter stating the Planning Board's support for the recommendations.

Open to the Public

The hearing was opened to the public for questions or comments with regard to the application.

Adjournment:

A motion was made by Mr. Niceforo, seconded by Ms. Greenwald, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:52 p.m.

Regina Giardina, Secretary Pro-Tem