

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

January 22, 2020

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder 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 in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Oath of Public Officers – Newly Appointed Members

Joseph Graziano, Sr., Class I Mayor's Designee

The oath of office was administered by William Robertson.

Roll Call:

Members present were Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Mangold, Ms. Poage and Ms. Greenwald. Mr. Robertson, Board Attorney, Mr. Solfaro, Board Engineer, and Mr. Hughes, Township Planner, were also present.

Adoption of Minutes:

January 8, 2020 Reorganization and Regular Meeting

January 8, 2020 Executive Session (at 7:40 pm)

January 8, 2020 Executive Session (at 8:05 pm)

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to adopt the Minutes of the Reorganization and Regular Meeting of January 8, 2020 as presented. The voice vote was unanimous.

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the Minutes of the Executive Sessions of January 8, 2020 as presented. The voice vote was unanimous.

Applications for Review:

App.#SP-1-20: 391 Springfield Ave., LLC, 389-391 Springfield Ave., Bl. 208, L. 20

The applicant is proposing to convert 2nd and 3rd floor commercial office space into a total of 8 residential units. The existing first floor tenant space (business use) will remain unchanged. The second and third floors will each contain 4 residential units. Each floor shall have two 2-bedroom apartments and two studio apartments. The residential apartments would be a permitted use but require site plan approval from the Planning Board. (DD-Zone)

August Santore, attorney for the applicant, stated that this is a pre-existing structure in the DD zone to which changes are proposed including change to a total of eight residential units on the second and third floors

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows reviewed the existing site conditions. He noted that there are 37 parking spaces available where 26 are required. There are no changes proposed to the exterior of the building and no new storm water detention or expansion of the site. Mr. Hollows reviewed the Neglia report and stated that the applicant will comply with the items in the report.

In response to a question regarding affordable housing, Mr. Santore stated that he believes none is required but he will research that issue and the applicant will comply with the ordinance.

Open to Public

The hearing was opened to the public for questions regarding Mr. Hollows' testimony. There were no members of the public who had questions.

Robert Forst, owner of the property, was sworn and stated that he built the building in 1988 and he is confident that the repairs to the building and parking deck can be addressed. He stated that the applicant will comply with the downtown standards with respect to street lights, pavers, etc. The proposal is to convert the 2nd and 3rd floors to residential units.

Open to Public

The hearing was opened to the public for questions regarding Mr. Forst's testimony. There were no members of the public who had questions.

Open to Public

The hearing was opened to the public for questions or comments with regard to the application. There were no members of the public who had questions or comments.

Mr. Robertson reviewed the application and the conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to approve App.#SP-1-20: 391 Springfield Avenue, LLC, 389-391 Springfield Ave., Bl. 208, L. 20 for preliminary and final site plan approval subject to the conditions discussed and further subject to the requirements, restrictions and limitations that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting.

The Motion was carried 6-0 with Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Mangold, Ms. Poage and Ms. Greenwald voting in favor. There were none opposed.

**App.#M-1-19 : Thomas & Barbara Pugliese,
Debbie Place & Mountain Avenue, Block 2401, Lots 2.01 and 4 (R-15 Zone)**

Proposed lot line adjustments to two existing lots. Applicant is also seeking approval to build a pool, a patio with pergola (15' x 15') and a shed (6' x 15') on Lot 2.01 and a new home on Lot 4. Variances will be needed for the project.

August Santore, attorney for the applicant, stated that this is an application for a proposed lot line adjustment and approval to build a pool, a patio with pergola and a shed and a new home.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows reviewed the existing site conditions and stated that the plan was revised as a result of discussions with Mr. Solfaro. The application involves two lots in the R-15 zone, one is the applicant's home on Debbie Place (Lot 2.01) and the other is a flag lot off of Mountain Avenue that is vacant (Lot 4). Both lots conform as to lot area. Mr. Hollows presented Exhibit A-1 – colorized version of the site plan. The applicant is proposing to take some land from Lot 4 and add it to Lot 2.01 through a lot line adjustment in order to build a swimming pool, pergola, patio and shed. Eventually the existing structure on the flag lot would be removed and a new building could be put on that property.

Mr. Hollows reviewed the existing and proposed drainage on the two lots and stated that he has no concerns about the drainage. He stated that there will be a fence around the pool and some landscaping. The proposed shed is 6' x 14' and the purpose of the shed will be for storage of pool-related equipment. The pergola will have some lighting that will be screened with landscaping.

Mr. Hollows stated that he has reviewed Mr. Solfaro's report and the applicant will comply with all the recommendations. He also reviewed the letter from the Sewer Department and the Environmental Commission and there are no issues with those.

Open to the Public

The hearing was opened to the public for questions regarding Mr. Hollows' testimony.

Members of the public, including Therese McCutcheon, Lance Kasak, Mike DellaDonna, Kevin Garcia and Loretta Hakim, raised questions regarding whether the driveway on the flag lot is wide enough for vehicles, where the access to the property will be for construction of the pool and if the proposed construction will affect or exacerbate the existing drainage problems.

Mr. Hollows stated that the driveway is 20 feet wide and there will be a drainage plan submitted that will be reviewed by the Township Engineer.

Thomas Pugliese, applicant, was sworn and presented Exhibits A-2 and A-3 – photos of the abandoned property showing the clean-up he did and the fence he installed after purchasing the property, Exhibit A-4 – photo of the proposed pool and outdoor kitchen, and Exhibit A-5 – photo of the existing house on Lot 4.

In response to questions from the Board, Mr. Pugliese stated that he has a No Further Action Letter from DEP regarding an underground tank removal with regard to Lot 4 which he will provide, he obtained permits for all the tree removal, there have not been any water run-off problems, and he has had no problem accessing the property from the driveway.

Mr. Pugliese reviewed the proposal for the pool, outdoor kitchen, patio, fireplace, TV and the shed. He stated that there will be no bathroom, no flood lights and no speaker system and he is not seeking to disturb the neighbors.

In response to questions with regard to the Lot 4 property, Mr. Pugliese stated that he intends to have a vegetable garden now but sometime in the future he might want to have a house built for one of his children. He further stated that he would agree to provide screening between his properties and the neighboring properties and will continue to maintain the property. The existing structure does not have electricity or a bathroom and he is currently using it to store plants.

Mr. Santore stated that there will be a condition of approval that would require the applicant to provide details of any proposed structure on the property. Anything to be done on the property will be subject to review by the Zoning Officer and Township

Engineer. The applicant would not object to meeting with Mr. Solfaro to see if there are measures that could be taken to improve the drainage problems in the area. The applicant cannot solve the neighborhood drainage problem, but they will not make it worse. Pervious material will be used for the driveway as suggested by Mr. Solfaro.

Open to the Public

The hearing was opened to the public for questions regarding Mr. Pugliese's testimony.

Members of the public, including Therese McCutcheon, Lance Kasak, Mike DellaDonna, and Loretta Hakim, raised questions with regard to the driveway, when a house will be built on the vacant property, if the trees that were removed will be replaced, when the pool will be constructed, landscaping around the pool, how long the construction will take, the permitted hours for construction and how township rules will be enforced during construction.

Mr. Santore stated that the applicant will make sure that the driveway conforms to the ordinance and the applicant will do whatever is required with regard to the trees.

Mr. Pugliese stated that the pool construction will take place when the permits are obtained, probably in the spring, and he will address the other property in the fall. The existing structure will be demolished but he has no current plans to build on the property.

Ms. Greenwald advised that construction is permitted 7 am to 7 pm Monday thru Friday and a portion of Saturday. There is no construction permitted on Sunday.

Mr. Pugliese stated that he is willing to address any concerns from the neighbors.

Open to the Public

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

Kevin Garcia was sworn and stated that he is concerned about run-off from the pool. Mr. Garcia presented Exhibits G-1, G-2, G-3, G-4 and G-5 – photos of the Lot 4 property showing the existing run-off and ponding problems. He stated that there has been no silt fencing on the property and asked about soil disturbance requirements.

Mr. Solfaro reviewed the conditions under which the applicant would be required to apply for a permit for the soil disturbance. Mr. Hollows indicated on the plan the proposed location of drainage for the pool.

Mr. Santore stated that Mr. Pugliese has shown willingness to cooperate with the neighbors to address their concerns. The professionals will walk the property to come up with some ideas to deal with the drainage problems. If the fire department requires a fire hydrant when a house is built on Lot 4 the applicant will comply.

Mr. Solfaro stated that he will meet with the neighbors to discuss the results of the property inspection and meetings with the applicant's engineer and Mr. Santore agreed to send notice to the neighbors regarding the findings.

Mr. Robertson reviewed the application and the conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to approve App#M-1-19 : Thomas & Barbara Pugliese, Debbie Place & Mountain Avenue, Block 2401, Lots 2.01 and 4 (R-15 Zone) subject to the conditions discussed and further subject to the requirements, restrictions and limitations that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting.

The Motion was carried 6-0 with Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Mangold, Ms. Poage and Ms. Greenwald voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:35 p.m.

Regina Giardina, Secretary Pro-Tem