

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

February 3, 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. Mangold, 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.

Application for Review:

CARRIED FROM JANUARY 20, 2021 WITH NO FURTHER NOTICE REQUIRED:

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.

Mr. Robertson summarized the nature of the application for the benefit of the members of the public present and explained the action taken by the Board of Adjustment with regard to this property.

Paul Weeks, attorney for the applicant, introduced Michael Pessolano, Planner.

Michael Pessolano was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Pessolano described the application for subdivision of the applicant's property and presented Exhibit A-2 – 11 page map and photo exhibit, including tax map, photographs of the property, photographs of the neighboring properties and homes. Mr. Pessolano reviewed the variances being requested and the positive and negative criteria. He stated the opinion that the benefits of the application outweigh the detriments and that approval of the subdivision will advance the purposes of the MLUL and will promote the general welfare.

In response to questions from the Board, Mr. Pessolano stated that two homes will fit in with the harmony of the neighborhood and a larger home on a 100' lot would be larger than the homes on either side of the property. Mr. Pessolano stated that he does not believe granting this subdivision and creating 5,000 square foot lots would set a precedent since every application would be considered on its own merits.

Open to the Public

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

Members of the public including David Bates, Jason Wanca, Ryan Whalen, Debra Varnerin, Janice Sampson and Ana Schwenk, raised questions regarding whether the Board should ignore the Master Plan, if the parking will be sufficient, if one house on the lot would fit better, who will benefit from the subdivision, and if granting the subdivision will create a precedent causing others in the neighborhood to seek subdivision approvals.

Mr. Pessolano stated that the Board can consider the variances being requested, he does not see a problem with parking, and any other property owners seeking a subdivision would have to make an application with variances.

Open to the Public

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

Daniel Bartiromo was sworn and presented Exhibits Bartiromo-1, 2 and 3 - photos of the homes in the neighborhood. Mr. Bartiromo stated the opinion that this subdivision is not acceptable and would be detrimental to the neighborhood.

Janice Sampson was sworn and presented Exhibit Sampson-1 – photographs and documents with respect to the property that was owned by her family for many years. Ms. Sampson stated the opinion that approval of the subdivision would set a dangerous precedent.

Members of the public, including Michelle Liss, Ryan Whalen, David Bates, Jason Wanca, and Ana Schwenk, were sworn and made comments regarding the precedent that would be set by approval of this subdivision, the effect of the subdivision on the neighborhood, and they expressed concerns about parking, property values and turning this into an urban area. The members of the public requested that the Board deny the application.

Daniel Pierra was sworn and stated that he would support the subdivision and he thinks one large house would be out of place.

Scott Sampson was sworn and stated that he was one of the owners who sold this property to the applicant and his family owned the property for over 100 years. Mr. Sampson further stated that there were always separate tax bills and two separate lots. He believes that two homes would be better than one larger home.

Mr. Weeks stated that any future application for subdivision in this neighborhood would have to stand on its own merits and approval of this application cannot be used as a precedent. He believes approval of this subdivision will not be detrimental to the neighborhood and the proposed development of the property will benefit the town.

Nick Ciraco, applicant, previously sworn, stated that 42% of the lots in this neighborhood are undersized and many of the neighbors who spoke have homes on small lots. He believes that two smaller homes will fit better with the neighborhood.

Board Discussion

Members of the Board expressed their opinions and concerns regarding the proposed subdivision and the majority were not in favor of approving the application.

Mr. Robertson reviewed the application and a proposed motion for denial.

A motion was made by Mr. Hall, seconded by Ms. Kingsley, to deny App.#M-4-20: Ciraco Construction, 124 & 126 Washington Street, Block 105, Lots 13 & 13.01 (R-10 Zone) with the Board's action to be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The roll call vote was 8-1 with Mr. Johnson,

Mr. Hall, Mr. Graziano, Mr. Niceforo, Mr. Mangold, Mr. Monaco Ms. Schwarz and Ms. Kingsley voting in favor and Ms. Greenwald opposed.

Adoption of Minutes:

January 20, 2021 Regular Meeting

A motion was made by Mr. Niceforo, seconded by Mr. Graziano, to adopt the Minutes of the January 20, 2021 Regular Meeting as presented. The voice vote was unanimous.

Correspondence:

- Proposed letter to Mayor and Council regarding the Downtown Beautification Committee recommendations
- Proposed letter to Mayor and Council regarding the Board of Adjustment Annual Report and recommendations.

The consensus of the Board was in favor of the above letters and Mr. Robertson was authorized to send them on behalf of the Board.

Adjournment:

A motion was made by Mr. Graziano, seconded by Mr. Hall, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:57 p.m.

Regina Giardina, Secretary Pro-Tem