

## **MINUTES**

### **PLANNING BOARD**

#### **TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY**

Virtual Online Public Meeting

March 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. Mangold, Mr. Monaco, Ms. Kingsley, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, Mr. Solfaro, Board Engineer, and Mr. Hughes, Township Planner, were also present.

#### **Adoption of Minutes:**

February 17, 2021 Regular Meeting

A motion was made by Ms. Kingsley, seconded by Mr. Graziano, to adopt the Minutes of the February 17, 2021 Regular Meeting as presented. The voice vote was unanimous.

#### **Adoption of Resolution of Denial:**

#### **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.

A motion was made by Mr. Graziano, seconded by Ms. Kingsley, to adopt the above Resolution as presented. The roll call vote was 6-0 with Mr. Johnson, Mr. Hall, Mr. Graziano, Mr. Mangold, Mr. Monaco and Ms. Kingsley voting in favor. There were none opposed.

**Application for Review:**

**App.#SP-8-19: Elshiekh Enterprises, L.L.C., 495 Springfield Ave., Bl. 206, L. 14 & 15**

Proposed mixed-use building consisting of 1,673 sq.ft. of commercial/retail space on the ground floor and four residential apartment units contained within the remaining two floors of the structure. (DD-Zone)

Erwin Schnitzer, attorney for the applicant, stated that the application involves construction of a multi-purpose building for which variances and design waivers are required.

Hany Elshiekh, applicant, was sworn and stated that the first floor of the building will be for commercial use and the second and third floors will be for residential units. The residential units will be three two-bedroom apartments and one one-bedroom apartment, and the project is too small to have an affordable unit. Mr. Elshiekh described the proposed landscaping plan and the materials to be used on the exterior of the building.

**Open to the Public**

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

Edward Dec, engineer, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Dec reviewed the site plan and the variances and waivers being requested.

In response to questions from the Board, Mr. Dec stated that the title search did not reveal any agreement or easement for the driveway and the applicant is not proposing to put any obstruction along the property line. The neighboring property owner has not responded to the applicant's communication regarding the driveway. The residential units will be rentals, not for sale.

Mr. Dec further stated that he has reviewed Mr. Solfaro's report and many of the items have been addressed. Mr. Dec reviewed the drainage plan and the proposed use of existing utilities.

Discussion took place and concerns were expressed regarding the maneuverability for cars using the rear parking lot. Mr. Dec stated that he will provide a turning template for the parking area. Mr. Solfaro expressed concern regarding the access to the shared driveway and the need for an agreement to be reached with the neighbor.

Mr. Dec reviewed the lighting, landscaping and trash enclosure.

**Open to the Public**

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

Roger Winkle, architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Winkle presented Exhibit A-1 – colored rendering of the building, and reviewed the trash enclosure, parking, signage and the exterior materials for the building. He reviewed the floor plans for the first floor commercial space and for the residential units on the second and third floors and explained why they are proposing to leave the entrance to the garage open without doors. He noted that lighting will be added to the plans and the trash enclosure will be designed to meet the downtown standards.

**Open to the Public**

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

Keenan Hughes, Township Planner, stated that there are many outstanding issues that remain to be resolved including the issue of the access driveway and suggested that the Board consider whether it wants to hear further planning testimony before those issues are addressed.

Discussion took place and it was determined that the hearing should be carried in order to provide the applicant an opportunity to work with Mr. Solfaro and Mr. Hughes and to return with a revised plan that addresses the comments and concerns that have been raised.

The hearing of the application was carried to April 21, 2021 with no further notice required. The applicant granted an extension of the time for the Board to act on the application.

**Adjournment:**

A motion was made by Ms. Kingsley, seconded by Mr. Hall, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:30 p.m.

Regina Giardina, Secretary Pro-Tem