

## MINUTES

### PLANNING BOARD

#### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

March 4, 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.

#### **Roll Call:**

Members present were Mr. Einbinder, Ms. Schwarz, Mr. Mangold, Ms. Poage, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, Mr. Atkinson, Board Engineer, and Mr. Hughes, Township Planner, were also present.

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

February 19, 2020 Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Mangold, to adopt the Minutes of the Regular Meeting of January 19, 2020 as presented. The voice vote was unanimous.

#### **Adoption of Resolutions:**

##### **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.

Mr. Robertson reviewed the revision to the Resolution with respect to the fire hydrant.

A motion was made by Mr. Einbinder, seconded by Mr. Mangold, to adopt the above Resolution. The roll call vote was 4-0 with Mr. Einbinder, Mr. Mangold, Ms. Poage and Ms. Greenwald voting in favor. There were none opposed.

**Informal Concept Review:**

**Mr. August N. Santore, Jr., 6 Maple Avenue, Block 902, Lot 1 (R-15 Zone)**

Proposal to subdivide this lot on the corner of Maple Avenue and Springfield Avenue into two lots.

August Santore presented a concept review for a proposed subdivision. He indicated the location of the property on a copy of the tax map and stated that the actual square footage according to the survey is 17,098 square feet. The property is in the R-15 zone which requires 15,000 square feet for a lot but most of the homes in the area fit the R-10 requirements. He stated that he has highlighted in blue those properties in the area that are deficient in lot size with the average lot ranging from 7500 to 9200 square feet. Mr. Santore stated that he is proposing to split the existing lot into two lots of 8500 and 8598 square feet.

In response to questions from the Board, Mr. Santore reviewed the proposed side yard setbacks, the proposed rear yard setback and the variances that will be required for the subdivision. He stated that there is an existing house on the property which would be torn down and both of the proposed new houses would face Maple Avenue.

Mr. Santore stated his opinion that two modest sized houses would be a better fit on the property and the neighborhood than one house that would be larger than any of the other houses in the area. He requested feedback from the Board members prior to proceeding with the application. It was suggested that he talk to some of the neighbors to obtain their opinions about the proposal and that if an application is submitted it include specific plans for the proposed homes.

Mr. Robertson noted that this is an informal concept review and neither the applicant nor the Board is bound by any of the comments made.

**Application for Review:**

**App.#SP-10-19: Enginuity, LLC, 550 Springfield Avenue/128 Station Street, Block 612, Lot 1 & Block 609, Lot 10 (HB-3 Zone)**

The former tenant at this site, the YMCA, has moved to a new building. Enginuity, LLC, the owner of the property, has signed a lease for a portion of the 550 Springfield Avenue building with a children's autism therapy center. (A tenant for the remainder of the space is unknown at this time.) The use is permitted in the zone but is subject to Planning Board site plan review and approval as per Section 10.1.2 Submission and Approval of Site Plan Required; Alterations. The applicant requests an exemption from details pursuant to Section 10.1.3.A and waiver of site plan hearing pursuant to Section 10.1.3B.

Scott Heller, attorney for the applicant, stated that the application involves a new tenant that will be leasing half of the building and there are no changes being proposed.

Michelle Charles, representing the proposed tenant, Bierman ABA, Inc., was sworn and described the operations of the proposed facility that provide one-on-one support for autistic children. The hours of operation would be 8:30 am to 4:30 pm, Monday through Friday, year-round. The children would be dropped off and picked up by their parents. It is anticipated that there will be 20-25 children and 20-30 staff members. The company operates in eight locations around the country and this will be the first one in New Jersey.

In response to questions from the Board, Ms. Charles stated that they do not hold any special events at the facility but do anticipate participating in local community events that might be appropriate. They will have fire drills on a regular basis and the doors will have alarms that will be triggered when they are opened. They do anticipate having children from adjacent towns attend the facility and, in her experience there would probably not be a high percentage of children with physical disabilities in addition to autism.

Mr. Heller stated that there are no exterior changes proposed to the building and signage would comply with the township ordinance.

Discussion took place regarding the existing condition of the handicap parking area and it was requested that it be brought up to current standards. Mr. Heller advised that the applicant will agree to that upgrade.

Mr. Heller described how the drop-off and pick-up would operate using the curbed area and the small parking area by the building. The staff would park in the lot across the street. When a second tenant is secured for the building the applicant will have to show based on current usage that there is sufficient parking.

Mr. Hughes stated that this will be considered a school with respect to parking requirements. When the applicant comes back for the second tenant a variance will be needed if there is not enough parking.

Discussion took place regarding the requirement that the crosswalk that was eliminated when the street was repaved be reinstated and the applicant agreed to do so.

In response to questions from the Board, Ms. Charles stated that she ran a facility in Rhode Island that had about 30 team members and 24 children. She said it takes time to build up the number of children.

Cary Heller, owner of the property, was sworn and reviewed the parking and number of people who used the site previously when it was occupied by the YMCA. He stated that Bierman is a substantial company and not a franchise. He has no problem putting in the crosswalk and will work with the Township on that and on the ADA parking. The existing parking worked well with the YMCA and it is important to them that the parking work well for the new tenants. The lease will specify that 22 spaces will be allocated to this tenant in the parking lot.

Discussion took place regarding the number of parking spaces to be allocated to this tenant. Mr. Hughes stated that it will be necessary for the applicant to meet with the zoning officer when a second tenant is proposed in order to calculate the required parking. If that triggers a variance they will have to return to the Board for approval.

Mr. Heller agreed that the applicant will return to the Board if necessary.

### **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 present.

Mr. Robertson reviewed the conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Mangold, to approve App.#SP-10-19: Engenuity, LLC, 550 Springfield Avenue/128 Station Street, Block 612, Lot 1 & Block 609, Lot 10 (HB-3 Zone) for 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, Ms. Schwarz, Mr. Mangold, Ms. Poage, Ms. Greenwald and Mr. Cunningham voting in favor. There were none opposed.

### **Adjournment:**

A motion was made by Mr. Einbinder, seconded by Mr. Cunningham, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:35 p.m.

Regina Giardina, Secretary Pro-Tem