

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

March 16, 2022

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Chairman 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. Medeiros, Mr. Cunningham, Mr. Monaco, Ms. Poage and Ms. Illis.

Adoption of Minutes:

February 16, 2022 Regular Meeting

A motion was made by Mr. Medeiros, seconded by Ms. Poage, to adopt the Minutes of the Regular Meeting of February 16, 2022 as presented. The voice vote was unanimous.

Applications for Review:

App.#M-1-22: Profita Development 25 Wilson LLC, 162 Kline Blvd., Block 1902, Lot 1 (R-15 Zone)

Proposed minor subdivision. The existing parcel would be subdivided to create two new lots (proposed lots 1.01 and 1.02). The existing house would be razed and two new homes constructed. The proposal would require bulk variance relief.

Mr. Johnson announced that the hearing of this application has been carried to April 20, 2022 with no further notice required except for certain notices not previously mailed.

App.#M-2-22: Connell Real Estate & Development Co., a Division of The Connell Company, 100 & 200 Connell Drive, Block 4301 Lots 1.011 & 1.02 (MU-Zone)

Proposed subdivision of two lots (existing Block 4301 Lots 1.011 and 1.02) into three lots. No site disturbances or improvements are proposed as part of the application.

Mr. Robertson advised that this application for minor subdivision has been reviewed by the Technical Review Committee and referred to the Planning Board for determination that it should be classified as a minor subdivision. Mr. Robertson explained the criteria for such a determination and the procedures followed by the Technical Review Committee.

A motion was made by Ms. Poage, seconded by Mr. Medeiros, to deem App.#M-2-22: Connell Real Estate & Development Co., a Division of The Connell Company, 100 & 200 Connell Drive, Block 4301 Lots 1.011 & 1.02 (MU-Zone) a minor subdivision as recommended by the Technical Review Committee. The roll call vote was 5-1 with Mr. Johnson, Mr. Medeiros, Mr. Cunningham, Mr. Monaco and Ms. Poage voting in favor and Ms. Illis opposed.

Peter Flannery, attorney for the applicant, stated that the purpose of the subdivision is to create a third lot where there are two lots existing.

Bryan Waisnor, engineer, was sworn, provided his professional and educational background and was accepted as an expert witness. Mr. Waisnor presented Exhibit A-1 – existing tax lot configuration, and Exhibit A-2 – proposed tax lot configuration showing three lots. He noted that the purpose of the subdivision is to separate the open space and grove areas on a separate tax lot for financing purposes. There are no variances being requested and there will be no impact on the impervious coverage.

Mr. Waisnor stated that he has reviewed Mr. Solfaro's report, and the applicant will comply with the suggestions made and provide the further information requested.

Mr. Solfaro, Township Engineer, stated that all of his comments have been satisfied.

Mr. Hughes, Township Planner, stated that subdivisions of this type are permitted, and he agreed with the interpretation presented in Mr. Waisnor's testimony.

In response to a question regarding site improvements, Mr. Flannery stated that any proposed improvements would be subject to a separate application before the Board. Mr. Waisnor described the existing improvements on the site and stated that any further improvements would have to be approved by the Board.

In response to a question regarding possible tax impact of the subdivision, Mr. Flannery stated that he believes the taxes will remain the same as the three lots will have the same value. The purpose of the subdivision is to preserve the open space so that it is not encumbered by any mortgage.

Mr. Robertson advised that the only application before the Board at this time is the subdivision. Any future use or change of use would have to be consistent with the ordinance or any variance would have to be approved by the Board. At this time the applicant is requesting approval of the subdivision and would have to return to obtain approval for any improvements.

Ms. Illis expressed the opinion that not having a public hearing regarding this subdivision is not in the best interest of the public.

Mr. Robertson reviewed the conditions of approval.

A motion was made by Mr. Monaco, seconded by Ms. Poage, to approve App.#M-2-22: Connell Real Estate & Development Co., a Division of The Connell Company, 100 & 200 Connell Drive, Block 4301 Lots 1.011 & 1.02 (MU-Zone) for minor subdivision, 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 roll call vote was 5-1 with Mr. Johnson, Mr. Medeiros, Mr. Cunningham, Mr. Monaco and Ms. Poage voting in favor and Ms. Illis opposed.

Discussion

Mr. Johnson advised that the Master Plan will be posted by March 25 and the public hearing will be scheduled on April 6 with the possibility of being postponed to the first meeting in May. Mr. Johnson will request that Mr. Hughes provide further information regarding the changes made to the Plan.

Mr. Johnson advised that the Board meetings will begin to be in-person public meetings beginning in May. The meetings will be recorded, and viewing will be possible by the public. Public participation will be only in person.

Discussion took place regarding the benefits of virtual meetings including providing an opportunity for public participation. Board members' views will be polled.

Adjournment:

A motion was made by Mr. Monaco, seconded by Ms. Poage, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:30 p.m.

Regina Giardina, Secretary Pro-Tem