

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

May 6, 2020

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder via Zoom virtual meeting service.

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 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. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Niceforo, Mr. Hall, Ms. Poage, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, and Mr. Hughes, Township Planner, were also present.

Adoption of Minutes:

April 1, Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to adopt the Minutes of the Regular Meeting of April 1, 2020 as presented. The voice vote was unanimous.

Presentation of Master Plan Reexamination Report:

Phillips, Preiss, Grygiel, Leheny, Hughes, LLC shall present a Master Plan Reexamination Report including specific changes recommended for the Master Plan or Township development regulations relating to Block 4102, Lot 1, and Block 4301, Lots 1.011, 1.012, and 1.02 to change the current zoning (OR-A, OR-A1, OR-B) to mixed use, including underlying objectives, policies and standards, or whether a new plan or regulations should be considered.

Keenan Hughes, Township Planner, was sworn and presented the Master Plan Reexamination Report with respect to changes recommended for the Master Plan or Township development regulations relating to the Connell property. Mr. Hughes stated that the report recommends potential rezoning of a portion of the Connell park to accommodate mixed uses. The recommended permitted uses would include offices,

research and development facilities, multi-family residential, retail, fitness center, entertainment, dog park, places of worship, and schools or other educational institutions. The permitted uses would not include big box retail stores and there will be a minimum of five acres of open space that would be accessible to the public.

Mr. Hughes stated that the Reexamination Report is intended to be a policy document for consideration by the governing body in its drafting of an ordinance with respect to the Connell property.

In response to questions from the Board, Mr. Hughes reviewed the limitation on big box stores, stated that a shared parking approach is recommended, there is no intention of adding a second helipad, the educational institutions would not include large schools, and the definition of office use would include medical and personal service facilities.

Discussion took place regarding the impact of the development of the site on traffic, particularly with respect to Twin Falls Road.

Open to Public

The hearing was opened to the public for questions and comments regarding Mr. Hughes' presentation.

Members of the public, including Margaret Illis, Andrew Knapp, Ana Burns, Amalia Canovas and Lisa Marcrum, were sworn and asked questions and made comments with regard to the Reexamination Report. They expressed concerns regarding traffic, negative impact of the development of the Connell property on the Berkeley Heights downtown district, erosion of property values in the Twin Falls Road area, and unavailability of documents with respect to the proposed development.

The members of the public asked that the Board consider the opinions of the local residents and the potential negative impact on the downtown district businesses and reject any changes to the zoning of the Connell property.

Board Discussion

Board members discussed the Reexamination Report and raised questions regarding the process for revision of the Master Plan, the effect on the downtown business district, traffic studies that would be required, and recommendations the Board might make for revisions to the report.

Mr. Hughes stated that the Reexamination Report is a policy document that provides guidelines to the governing body. The existing Master Plan already allows Connell to do most of what is being proposed except for the increase in the amount of retail space on the property. The proposed ordinance will come to the Planning Board for review and the Board will have the opportunity to comment on it. The site plan application will afford the opportunity to review the details with regard to traffic, permitted uses, parking, square footage of retail space, etc.

Mr. Robertson advised that if the report is adopted by the Board the next step would be that the Township Council would consider a proposed ordinance that would implement the recommendations contained in the report and any proposed ordinances would be referred to the Planning Board for recommendations regarding consistency with the Master Plan. Once the ordinance is in place then the property owner can design a project that would meet the parameters of the ordinance as amended. They would have to work within the permitted uses and required bulk standards and the project would come to the Planning Board for site plan review. In approving and adopting the Reexamination Report the Board can make recommendations that would be included in the Resolution.

A motion was made by Mr. Graziano, seconded by Mr. Cunningham to approve the adoption of the April 2020 Master Plan Reexamination Report prepared by Phillips, Preiss, Grygiel, Leheny, Hughes LLC, subject to the Board’s recommendations included in the Resolution of Memorialization adopted by the Board.

The Motion was carried 8-0 with Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Niceforo, Mr. Hall, Ms. Poage, Ms. Greenwald and Mr. Cunningham voting in favor and none opposed.

Presentation of Preliminary Investigation – Block 502, Lot 3 (123 Passaic Avenue)

Mr. Keenan Hughes, Phillips, Preiss, Grygiel, Leheny, Hughes, LLC, will present the findings of the preliminary investigation of the area consisting of Block 502, Lot 3, as identified on the Official Tax Map of the Township of Berkeley Heights, so that the Planning Board may determine if the area meets the criteria set forth in the Local Redevelopment and Housing Law (the “LRHL”) and should be designated as an area in need of non-condemnation redevelopment pursuant to the LRHL.

Keenan Hughes, Township Planner, was sworn and presented the findings of the preliminary investigation of the area, known as Berkeley Crossing, to be designated as an area in need of non-condemnation redevelopment. Mr. Hughes stated that Berkeley Crossing was the subject of a site plan approval granted by the Board last year for a mixed-use project. The developer determined that the project was not economically viable and has acquired the lot adjacent to the property. The existing property was previously determined by the Board to meet the criteria for designation as an area in need

of non-condemnation redevelopment, and at this time it is his recommendation that the additional lot be included in order to facilitate the development of the Berkeley Crossings project. If approved by the Board and the Township Council this would be a new project that would come to the Board for site plan review.

Open to Public

The hearing was opened to the public for questions and comments regarding Mr. Hughes' presentation. There were no members of the public with questions or comments.

Discussion took place and the consensus of the Board was in favor of approving the designation of the additional property as an area in need of non-condemnation redevelopment pursuant to the LRHL.

Mr. Robertson reviewed the Resolution.

A motion was made by Mr. Einbinder, seconded by Mr. Cunningham to accept the findings of the preliminary investigation of the area consisting of Block 502, Lot 3, as identified on the Official Tax Map of the Township of Berkeley Heights, and to approve the determination that the area meets the criteria set forth in the Local Redevelopment and Housing Law (the "LRHL") and should be designated as an area in need of non-condemnation redevelopment pursuant to the LRHL and to adopt the Resolution of Memorialization.

The Motion was carried 8-0 with Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Niceforo, Mr. Hall, Ms. Poage, Ms. Greenwald and Mr. Cunningham voting in favor and 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 10:00 p.m.

Regina Giardina, Secretary Pro-Tem