

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

May 20, 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, Ms. Poage, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, and Mr. Hughes, Township Planner, were also present.

Adoption of Minutes:

May 6, 2020, Regular Meeting

A motion was made by Mr. Graziano, seconded by Mr. Niceforo, to adopt the Minutes of the Regular Meeting of May 6, 2020 as presented. The voice vote was unanimous.

Application for Review:

CARRIED TO JUNE 17, 2020, WITH NO FURTHER NOTICE REQUIRED:

App.#SP-2-20: Lockhern Associates, L.L.C., 428-432 Springfield Avenue, Block 702, Lot 17, Unit B (C00B) (DD-Zone)

Proposed renovation to the exterior façade of the existing shopping plaza building; replacement of the existing, four-sided plaza sign with a new, shorter, two-sided plaza sign; and resurfacing the existing retaining wall with cultured stone. Various variances and waivers are being sought.

Mr. Robertson advised that the applicant has requested that the application be carried to June 17, 2020.

Patrick McAuley, attorney for the applicant, was present and confirmed that the applicant has requested the adjournment. He stated that he has provided proof of publication and service to the property owners.

Referral:

Proposed Ordinance which was introduced by the Township Council at the public meeting on May 12, 2020 regarding an amendment to the Berkeley Heights Municipal Land Use Procedures Ordinance. The amendment would replace the current OR-A and OR-A1 Zones with a new Mixed-Use (MU) Zone. The Ordinance is submitted to the Planning Board for its review and recommendation in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64.

The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral of the above referenced Ordinance, a report including an identification of any provisions in the proposed Ordinance which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate.

Mr. Robertson advised that the Board is required to make a determination as to whether the proposed ordinance is consistent with the Master Plan and to send a report as to its findings to the governing body.

Keenan Hughes, Township Planner, reviewed the report that has been provided by his office regarding the proposed ordinance. He noted that this is not a public hearing and that there will be a public hearing regarding the ordinance before the Township Council prior to adoption of the ordinance. Mr. Hughes stated that the report concludes that the proposed ordinance is consistent with the Master Plan Reexamination.

In response to questions from the Board, Mr. Hughes stated that the ordinance is exclusive to the Connell property, the zoning involves the majority of the property but not including the L'Oreal site and the Lifetime Fitness facility, he does not anticipate that the existing buildings will be torn down, there will be new construction that would be mixed use with retail on the ground floor, some of the existing buildings can be converted into retail space, and there will be no single retail tenant that would exceed 50,000 square feet. Mr. Hughes further stated that the existing ordinance contains a definition of entertainment facilities but this proposed ordinance does not expressly define entertainment uses. With respect to the COVID situation, any potential development will be subject to whatever rules and regulations exist in the future.

Mr. Robertson reviewed a proposed Resolution to be adopted by the Board with respect to the Ordinance.

A motion was made by Mr. Graziano, seconded by Mr. Niceforo to approve the transmission to the Township Council of a report advising that the Board has determined that the proposed ordinance is consistent with the Master Plan and that the Board has no recommendations with respect to the ordinance, and further to adopt the Resolution of Memorialization.

The Motion was carried 7-0 with Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Niceforo, Ms. Poage, Ms. Greenwald and Mr. Cunningham voting in favor and none opposed.

Mr. Robertson was authorized to submit a letter to the Township Council providing the Resolution and confirming the Board's determination that the ordinance is consistent with the Master Plan.

Adjournment:

A motion was made by Mr. Graziano, seconded by Mr. Niceforo, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:00 p.m.

Regina Giardina, Secretary Pro-Tem