

## **MINUTES**

### **PLANNING BOARD**

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

Virtual Online Public Meeting

June 3, 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. Niceforo, Mr. Hall, Ms. Schwarz, Ms. Poage, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, Mr. Solfaro, Township Engineer, and Mr. Hughes, Township Planner, were also present.

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

May 20, 2020, Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the Minutes of the Regular Meeting of May 20, 2020 as presented. The voice vote was unanimous.

#### **Application for Review:**

##### **App.#SP-3-20: Gennaro Raimo & Elizabeth Fernandez, 462 Springfield Ave., Block 702, Lot 3 (DD-Zone)**

Proposed retail coffee roastery on the ground floor. The proposed establishment of 900 square feet would be used to sell fresh roasted coffee by the cup and bag as well as coffee related items (no seating). The plans include the demolition of the two-car garage in order to provide five parking spaces. The upstairs apartment would remain unchanged.

Gennaro Raimo and Elizabeth Fernandez were sworn. Mr. Raimo stated that they would like to open a retail specialty coffee shop on the ground floor of the building. There would be no seating, just retail sale of 10-12 types of coffee beans and sale of coffee by

the cup. The items offered would also include hand crafted gifts, fresh baked goods and coffee and tea gift baskets and equipment. He stated that he believes there is a demand for this type of store in Berkeley Heights. The property was previously used for an accounting office, insurance agency and sale of soda. There are tenants currently living in the two-bedroom apartment and there will be five parking spaces provided.

### **Open to Public**

The hearing was opened to the public for questions regarding Mr. Raimo's testimony.

Charm Blair, Springfield Avenue, asked if the tenants were aware of the applicants' plans and that they would not have access to the backyard.

Mr. Raimo stated that the tenants are aware of the plans. The proposed store hours will be 7 am to 4 pm.

James Weill, architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Weill reviewed the proposed changes to the exterior of the building, presented a rendering of the ground floor coffee roastery and discussed the proposed signage. With respect to the sign, Mr. Weill noted that the ordinance does not permit signage on the second floor nor signage that is not attached to the building. He discussed the reasons for these exceptions and stated the opinion that they are justified due to the existing grading of the building and visibility. He does not believe there will be any detriment to the ordinance. Mr. Weill presented a proposed floor plan for the interior of the roastery and stated that it will be ADA compliant. The exterior rendering was marked as Exhibit A-5 and the floor plan was marked as Exhibit A-6.

In response to questions from the Board, Mr. Raimo stated that when he purchased the property it was his intent to convert the ground floor to retail, the entrance to the second floor apartment is in the front rather than the back to allow for additional parking, they will comply with the township requirements for the downtown district with respect to signage, pavers, lighting, etc. With respect to the second-floor apartment, Mr. Raimo stated that he would be willing to accommodate the tenant's needs for storage on the ground floor for bikes and other things that would be difficult to carry up the stairs to the apartment.

In response to questions from Mr. Hughes, Mr. Raimo stated that he would use whatever colors the Board wanted for the signage and awning, the awning could be retractable, there will be no illumination on the sign, and he agreed to work with Mr. Hughes and the Township Beautification Committee to make sure the sign is fully compliant. Mr. Hughes stated the opinion that the proposed location of the sign makes sense because of the visibility.

### **Open to Public**

The hearing was opened to the public for questions regarding Mr. Raimo's and Mr. Weill's testimony.

Susanne Cordillo raised questions regarding the signage, adherence to the township's downtown district requirements, lighting, and the possibility of water run off into the ground floor store.

Mr. Weill stated that they looked at lighting for the sign but decided not to have the sign lit. Mr. Raimo stated that there will be a lamppost and that and the other street lighting should be sufficient.

Charm Blair, Springfield Avenue, stated that she is concerned about the second-floor signage since she lives across the street from the building.

Richard Keller, engineer, was sworn, gave his educational and professional background and was accepted as an expert witness.

Mr. Keller presented Exhibit A-1 – aerial photograph of the property and indicated the location of the building. Mr. Keller stated that the existing garage will be removed to provide parking, they will try to match the sidewalk of the neighboring property and there is no room for the stairs on the side of the building. Mr. Keller presented Exhibit A-2 – photographs of the site as it previously existed, as it exists now, the driveway, view of Springfield Avenue, buildings across the street and landscaping, and Exhibit A-3 – site plan. Mr. Keller reviewed the parking area, the drainage, proposed landscaping and lighting, the variances being requested and the existing non-conforming conditions.

Mr. Keller stated that the applicant will work with Neglia to address all the items in its report to their satisfaction. The applicant will meet with the Environmental Commission to discuss plant materials and their recommendations and will comply with the requests from the fire department.

In response to questions from the Board, Mr. Keller stated that the applicant will install a grease trap if it is required, they will match the sidewalk on Springfield Avenue and provide whatever width is required, and they will work with the Township professionals on the lighting. The existing drainage will be maintained since there will be no increase in the amount of run off and the applicant will work with the Township Engineer on drainage.

In response to a question regarding noise, Mr. Raimo stated that they will be grinding coffee beans but only on a small scale that will not generate noise. They will not encourage patrons to stay on the premises and there will be no seating.

Mr. Keller stated that the benefits of the application outweigh any potential detriments and the proposed use will meet the needs of the existing and new residents of the area. He believes this will be an attractive addition to the streetscape and that the variances requested can be granted without any substantial detriment to the public good.

### **Open to the Public**

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

Discussion took place regarding the location of the proposed signage above the first floor and its not being flush with the building. Mr. Keller stated the opinion that locating the sign on the first-floor level would affect the success of the business. The applicant will consult with the Township professionals and the Beautification Committee on the signage and the suggestions for location of a bench, bike rack and trash receptacle.

### **Open to the Public**

The hearing was opened to the public for questions or comments regarding the application.

Charm Blair was sworn and stated that the applicant did a nice renovation of the house. Her only concern is traffic.

Susanne Cordillo was sworn and stated that she came before the Board with a proposal for this property a few years ago and was denied. She thinks the Board should approve this application since it will be a bonus to the downtown area.

Jeanne Kingsley, Downtown Beautification Committee, was sworn and stated that she thinks this is a great business concept. She suggested that the color of the awning be changed to black and that the sidewalk be consistent with the CVS property rather than the properties in the other direction.

Mr. Raimo thanked the members of the public for their input and stated that they have no problem with the black awning and they will work with the Township professionals on the sidewalks.

#### Board Discussion

Discussion took place regarding the application and the majority of the Board stated that they are in favor of the application provided that the applicant work with the Township professionals and the Beautification Committee. Ms. Greenwald stated that she is opposed to the application and believes it is an overutilization of the property.

Mr. Robertson reviewed the application and the conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to approve App.#SP-3-20: Gennaro Raimo & Elizabeth Fernandez, 462 Springfield Ave., Block 702, Lot 3 (DD-Zone) for preliminary and final 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 7-1 with Mr. Einbinder, Mr. Johnson, Mr. Niceforo, Mr. Hall, Ms. Schwarz, Ms. Poage, and Mr. Cunningham voting in favor and Ms. Greenwald opposed.

#### Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:15 p.m.

Regina Giardina, Secretary Pro-Tem