

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

July 15, 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. Hall, Ms. Poage, Ms. Greenwald and Mr. Cunningham. Mr. Warner, Conflict Board Attorney, Mr. Solfaro, Township Engineer, and Mr. Hughes, Township Planner, were also present.

Adoption of Minutes:

June 3, 2020 Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the Minutes of the Regular Meeting of June 3, 2020 as presented. The voice vote was unanimous.

Referral:

Township Council Ordinance Regarding the Amended and Restated Redevelopment Plan for the property identified as Block 502, Lots 1 through 5

The ordinance adopting the Amended and Restated Redevelopment Plan prepared by Keenan Hughes, Phillips, Preiss, Grygiel, Leheny, Hughes, LLC, Township Planner, in June 2020 for Block 502, Lots 1 through 5 (the "Redevelopment Plan"), was introduced by the Township Council at its meeting on June 23, 2020. The Township Council is asking the Planning Board to review the Redevelopment Plan and make recommendations in a report to be submitted to the Township Council pursuant to the Redevelopment Law.

Keenan Hughes, Township Planner, was sworn and presented the Amended and Restated Redevelopment Plan for review by the Board. Mr. Hughes stated that the developer was able to acquire the adjacent Lot 3 and the Plan is being amended to include that lot. Mr. Hughes presented a revised rendering for the Berkeley Crossing development which will include approximately 5,000 square feet of retail space and 53 residential units. The Board is being asked to review the revised Plan and make a determination as to its consistency with the Master Plan.

In response to questions from the Board, Mr. Hughes stated that the parking will be shared between the retail and residential space. The parking requirement is one space per 300 square feet of retail space and two spaces per residential unit and 68 of the spaces will be in the garage portion of the site. The developer will be permitted to bank 30 of the parking spaces. The Board will have an opportunity to review the parking during the site plan review. Mr. Hughes stated that in his opinion the Amended and Restated Redevelopment Plan is consistent with the Master Plan.

Open to the Public

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

Richard Leister, Environmental Commission, discussed the Environmental Commission's recommendations including the requirement that 50% of the plantings be native species and for inclusion of green infrastructure and asked if those recommendations will be considered.

Mr. Hughes advised that these are issues that can be considered during site plan review but the Board can make a recommendation to the governing body now.

Discussion took place and the consensus of the Board was in favor of recommending that the governing body include the Environmental Commission's suggestions in the Amended and Restated Redevelopment Plan.

Discussion took place and the consensus of the Board was in favor of advising the Township Council that the Board finds the ordinance to be consistent with the Master Plan and recommends that the Township Council adopt the Ordinance regarding the Amended and Restated Redevelopment Plan as prepared and as amended as discussed. The Board Secretary was authorized to advise the Township Council of the Board's determination and recommendation.

A motion was made by Mr. Hall, seconded by Mr. Johnson, to adopt the Resolution memorializing the Board's action. The roll call vote was 6-0 with Mr. Einbinder, Mr. Johnson, Mr. Hall, Ms. Poage, Ms. Greenwald and Mr. Cunningham voting in favor. There were none opposed.

Application for Review:

App.#M-1-20: Elite Properties at Berkeley Heights, LLC, 182 Plainfield Ave., Block 614, Lot 3 (DH-12 Zone)

Proposed public park (10,450 sq. ft.) and a 10-unit multifamily residential building with 15% (2 units) affordable housing set aside. Upon completion of the project, the property will be subdivided into two lots: Lot 3.01 for the Mondelli Park, dedicated to the Township in fee simple title, and Lot 3.02 for the Berkeley Crossing II residential development.

Rob Simon, attorney for the applicant, stated that the application is for a minor subdivision and preliminary and final site plan approval. The property has been declared in need of redevelopment and the project is subject to the Redevelopment Plan. The subdivision will create two lots, one of which will be a public park of 10,450 square feet that will be deeded over to the Township and the other lot will have a 10-unit residential building that will include two affordable units. Under the redevelopment plan the park was to be 11,500 square feet but a 5' strip of land has to be deeded to the County and that reduces the park to 10,450 square feet. Mr. Simon reviewed the waivers, variances and exceptions that may be required for the development.

Lee Titus, engineer and planner, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Titus stated that he is familiar with the site plan, the redevelopment plan, the property and the neighborhood. He provided an overview of the project and reviewed the proposed building, parking, and access to the property. Mr. Titus indicated on the site plan the location of the two lots proposed for the park and the building. He stated that the park will include a gazebo, walkway, bike rack and benches, additional landscaping and a fence. The application complies with the ordinance except for lot size for the park and exceeds or meets all standards that are required. The project will also comply with the Township's downtown design standards. Mr. Titus reviewed the parking and circulation as shown on the site plan. There will be 20 spaces under the building and two spaces in front of the building. In his opinion circulation is adequate for a site of this size and this is a safe and efficient design. Mr. Titus reviewed the drainage plan, storm water management, erosion control plan and the survey showing existing conditions of the site.

Mr. Titus stated that the applicant will address the recommendations of the Fire Department to the satisfaction of the fire official and will comply with the recommendations made by Mr. Solfaro in the Neglia report dated July 13, 2020.

In response to questions from the Board and the township professionals, Mr. Titus agreed that a perc test will be done to determine if it is possible to change to pervious pavers. He further stated that the gazebo in the park will be ADA compliant, the proposed block wall in front of the property will be decorative, the portico and columns are excluded from the setback requirements by the Redevelopment Plan, and the applicant will be constructing the park.

Open to Public

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

Mr. Hall left the meeting (9:00).

Anthony Carrara, landscape architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Carrara reviewed the proposed landscaping plan which was marked as Exhibit A-1, and stated that the applicant would provide underground irrigation for the landscaping and would make the changes suggested by Mr. Hughes. The applicant has agreed to provide NJ Transit the opportunity to review the plan for tree planting.

Open to Public

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

Richard Leister, Environmental Commission, asked how long the applicant would guarantee the plantings and if the applicant is willing to take the suggestions of the Commission into consideration.

Mr. Simon stated that the applicant would guarantee the plantings for one year and will take the Commission's suggestions into consideration.

Bill Lopez asked about the existing trees on the property, whether any traffic studies had been done and how will deliveries be made to the building.

Mr. Titus stated that all the existing trees are to be removed, no traffic studies were done since the project will not generate more than 25 trips per hour, and there will be two spaces in front of the building that can be used for deliveries.

Kathy Lynn Burke questioned how delivery trucks parked on Plainfield Avenue will impact traffic, how this project will affect the existing drainage problems, what will be done with the existing fence on the property and whether the units will be for sale or rent.

Mr. Titus stated that he believes the 40' width of Plainfield Avenue will allow enough room if trucks park there, the project will improve the existing drainage situation, the fence will not be disturbed and the units will be rentals.

John Saracco, architect, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Saracco reviewed the elevations and floor plans. He stated that there will be 10 residential units, 8 two bedroom, 1 one bedroom and 1 three bedroom. Two of the units will be affordable. Mr. Saracco indicated the location of the parking garage, lobby, elevator, trash room, mechanical room, elevators and stairs. He described the materials to be used for the exterior and stated that the applicant will work with the Beautification Committee on the selection of colors and compliance with the design standards. There will be a waste management plan during the construction process. Mr. Saracco stated that there is no signage proposed. He presented Exhibits A-2 and A-3 – details of the lighting and decorative sconces for the building. Mr. Saracco stated that he has reviewed the Board Engineer's letter of July 13 and the applicant will comply with all comments.

In response to questions from the Board members and professionals, Mr. Saracco stated that details of the balcony design will be provided, the garage doors will remain closed and residents will be provided with remote control to open them. Mr. Titus stated that one of the parking spaces in front of the building can be designated for deliveries. Mr. Saracco indicated the location of the gutters and leaders and Mr. Titus stated that they will be connected to the drainage system. The stairway in the back of the building will only be used for emergencies and the landlord will be obligated to maintain it.

Open to Public

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

Mr. Titus stated that in his opinion as a professional planner, the approval of the application will create no substantial detriment to the public good, the benefits of the project outweigh the detriments and it will not substantially impair the intention of the Master Plan and the zoning ordinance. The development will be consistent with the neighborhood, is a permitted use and will provide two affordable housing units. The variances can be granted without detriment to the public good and without impairment of the Master Plan and zoning ordinance.

Mr. Hughes stated that with respect to the public park there should be a condition of approval that the Township will have the opportunity to review the plans. Mr. Simon stated that the applicant would agree to that condition and is in the process of negotiating a maintenance agreement with the Township.

Open to Public

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

Bill Lopez was sworn and expressed concern regarding the impact the development will have on traffic on Plainfield Avenue. He stated that this will create a dangerous situation for pedestrians and children walking to and from school.

Yanzi Hu, Cottage Street, asked if there have been any traffic studies done or any evaluation of the effect on the value of surrounding properties and what pricing will be for the units.

Mr. Simon stated that a traffic study was not required, there has been no evaluation of the effect on property values and he does not know anything about the pricing.

Mr. Saracco stated that the landlord will have the obligation to maintain the sidewalks, driveway, walkway and the parking areas. The Township will have no obligation for snow removal.

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

A motion was made by Ms. Greenwald, seconded by Mr. Cunningham, to deem complete App.#M-1-20: Elite Properties at Berkeley Heights, LLC, 182 Plainfield Ave., Block 614, Lot 3 (DH-12 Zone) and approve the application 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 5-0 with Mr. Einbinder, Mr. Johnson, 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. Johnson, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:55 p.m.

Regina Giardina, Secretary Pro-Tem