

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

August 14, 2019

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

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 in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. 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. Graziano, Mr. Mangold, Ms. Greenwald, Mr. Cunningham and Mr. Monaco. Mr. Robertson, Board Attorney, Mr. Solfaro, Board Engineer, and Mr. Hughes, Township Planner, were also present.

Adoption of Minutes:

June 19, 2019

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to adopt the Minutes of the Regular Meeting of June 19, 2019 as presented. The voice vote was unanimous.

Adoption of Resolutions:

Request to Extend Preliminary Subdivision Approval

App. P&F#1-15: Westminster Presbyterian Church, 725 Mountain Ave., Bl. 2006,

L. 32

Request to extend the preliminary subdivision approval that was granted in 2016.

A motion was made by Mr. Einbinder, seconded by Mr. Mangold, to adopt the above Resolution. The roll call vote was 3 - 0 with Mr. Einbinder, Mr. Mangold, and Ms. Greenwald voting in favor. There were none opposed.

App.#SP-2-19: Elite Properties at Berkeley Heights, LLC, 663 & 665 Springfield Avenue and 88 River Road, Block 502, Lots 1, 2, 4 and 5

The applicant is requesting preliminary and final site plan approval for two apartment buildings which are proposed to be constructed on the former Berkeley Florist site. “Building One” would be a three-story, mixed use building with 4,300 square feet of retail space and 37 residential units. “Building Two” would be a two-story residential building with 8 units. Of the 45 residential units, 9 would be affordable COAH units. (HB-3 Zone / Berkeley Crossing Redevelopment Area)

A motion was made by Mr. Einbinder, seconded by Mr. Cunningham, to adopt the above Resolution. The roll call vote was 4 - 0 with Mr. Einbinder, Mr. Mangold, Ms. Greenwald, and Mr. Cunningham voting in favor. There were none opposed.

Application for Review:

App.#SP-3-19 Lone Pine Drive Urban Renewal, LLC, Bl. 703, L. 3, 4 and 8 (“Mill Creek” / “Modera Berkeley Heights”)

Applicant is seeking preliminary and final site plan approval for the redevelopment of the property. The proposed project consists of a 3-story apartment building containing 170 residential units, including 26 affordable housing units, with a 4-level parking garage and other amenities and related site improvements. (Zone DH-24 Redevelopment Area)

Andy S. Norin, attorney for the applicant, stated that the applicant is seeking preliminary and final major site plan approval for a 170-unit apartment building and related improvements. The applicant is also seeking approval for some minor sign variances, a de minimis exception from the residential site improvement standards and various waivers identified by the Board’s professionals.

Samantha Alfonso, attorney representing Chemtrade, the adjacent property owner, stated that her client has an objection with regard to the notice and other objections with regard to the site plan.

Discussion took place regarding the objection letter submitted with regard to the notice. Mr. Robertson provided an explanation of the issue and stated the opinion that the notice was sufficient and the Board has jurisdiction to proceed.

Mr. Norin stated that there has been a lengthy and public process that has led to this application. He reviewed the process that resulted in a settlement of the affordable housing litigation that was reached by the Township, approved by the Court and adopted by the governing body.

Ms. Alfonso summarized the objections of Chemtrade and stated that they are concerned about emergency access, safety of the residents and operation of their chemical manufacturing facility. She noted that Chemtrade has attempted to discuss with the applicant the relocation of the parking garage to provide a structural buffer for the residents and for the facility. They have engaged experts and provided a plan for the relocation of the parking garage.

Mr. Norin noted that it is the Board's role to evaluate the applicant's plan and not another plan. The governing body has determined that the applicant's site plan is consistent with the redevelopment plan.

David Minno, engineer and planner, was sworn, gave his professional and educational background and was accepted as an expert witness.

Mr. Minno presented Exhibit A-1 – a three-slide power point presentation. He indicated the location of the New Jersey Transit line adjacent to the site, the Chemtrade property and the shopping center. Mr. Minno reviewed the ground floor plan, second floor and third floor layout. He stated that there will be 170 dwelling units, 26 of which will be affordable. The market rate units will include 81 one bedroom and 63 two bedroom units and the affordable units will include 5 one bedroom, 15 two bedroom and 6 three bedroom units. The parking requirement is 323 parking spaces and they will provide 279 spaces in the parking garage and 16 surface spaces in front of the building. There will be 28 banked spaces. There will be no dwelling units that will have windows looking at the train tracks or hearing the noise from the train tracks.

Mr. Minno reviewed the plans for the parking garage, the ground floor amenities, and the 3,000 square foot amenity deck on the roof. He presented the elevations of the building and indicated the location of the HVAC units. Mr. Minno presented Exhibit A-2 – sample board of the materials to be used on the building.

In response to questions from Ms. Alfonso, Mr. Minno indicated the location of the garbage and recycling area and explained how deliveries and pick-ups would be handled.

Richard Murphy, representative of Mill Creek, was sworn and responded to additional questions with regard to trash and recycling.

In response to further questions from Ms. Alfonso, Mr. Minno indicated the location of emergency exits, explained how the circulation system would work, and stated that the emergency exit plan conforms to building code.

Open to Public

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

Eric Keller, engineer and planner, was sworn, gave his professional and educational background and was accepted as an expert witness. Mr. Keller reviewed the existing conditions on the site, the design of the proposed roadway, the existing drainage and the DEP flood hazard rules. He stated that the project is consistent with the design standards set forth in the redevelopment plan.

In response to questions from the Board, Mr. Keller stated that the intent is to dedicate the roadway to the Township. Mr. Solfaro advised that the town does not have to accept the roadway dedication. Discussion took place regarding the proposed dedication and whether or not it would be in the best interest of the township to accept the dedication. Mr. Graziano stated that as the public works director for the township he would not be in favor of the dedication.

Mr. Keller discussed the variances being requested with regard to signage and stated that the building will comply with setback and impervious coverage requirements of the redevelopment plan.

Mr. Keller discussed the traffic circulation throughout the site and garage and stated that the building access has been discussed with the fire department and they are satisfied with it.

In response to a question from the Board, Mr. Keller stated that the emergency access and circulation complies with both RSIS and all building code requirements. He discussed the traffic calculations used and stated that for this type of building 1.27 spaces are needed per unit. The applicant believes they have more than enough parking to meet the needs of the residents, guests and visitors. The banked parking spaces are located in the flood hazard zone and require DEP approval. Mr. Keller indicated on the plan the vehicular and pedestrian circulation on the site and stated that the sidewalk system will be fully compliant with the streetscape standards.

Discussion took place regarding the maintenance of the sidewalk on Lone Pine Drive and Mr. Murphy stated that they will maintain the sidewalk.

Mr. Keller noted that the applicant met with the Deputy Fire Chief and they will comply with the fire department's requirements relating to access and circulation of fire trucks.

Mr. Keller discussed the grading of the property, storm water management and compliance with DEP regulations, utility connections and landscaping.

Open to 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 drainage and storm water management. Mr. Solfaro noted that his office will review the pre-existing and the post-construction conditions and these will also be reviewed as part of the DEP approval process.

Mr. Keller reviewed the proposed signage including a monument sign and a sign on the canopy over the main entrance and noted that these variances can be granted without substantial detriment to the public good and zoning ordinance. Mr. Hughes stated that the proposed signage will work well for this site.

Mr. Keller reviewed the traffic study and stated that he is comfortable that this project will not have any traffic impacts along Lone Pine Drive or at any of the nearby intersections.

Discussion took place regarding the current traffic conditions at the intersections and how this project might make those conditions worse. Mr. Keller stated that he did not think there will be a material impact on operations at the intersections.

In response to questions from Ms. Alfonso with regard to emergency access through Chemtrade's property, Mr. Norin stated that the access for the project complies with RSIS and if the township in the future wanted additional access it could be done in connection with the redevelopment plan, through eminent domain or through purchase but that is a matter of concern for the township. The applicant has obtained the approval of the Deputy Fire Chief. The applicant will meet the DEP regulations with respect to the roadway.

Mr. Solfaro advised that the applicant's professionals have addressed many of the comments in his report.

Mr. Keller stated that they have worked with Mr. Solfaro and are confident that the applicant will address all the comments contained in the Neglia report to Mr. Solfaro's satisfaction.

Mr. Hughes stated that the applicant has addressed most of the comments in his review. He noted that with respect to parking, the banked parking spaces require a DEP permit and if that is not obtained, they will not comply with the parking requirements of the plan.

Mr. Robertson noted that if the application is approved there would be a condition that the applicant will satisfy the requirements of the Board Engineer and the Township Planner.

Mr. Keller stated that they have reviewed the report of the Environmental Commission and will comply with their comments except for the solar panels. They also have no issue with the report of the sewer department.

Mr. Norin stated that this concludes the applicant's presentation and he would reserve time for summation following the presentation by the objector's attorney, Ms. Alfonso.

Ms. Alfonso stated that she will present testimony of three witnesses.

Drew Fleming, was sworn and stated that he is the regional manufacturing manager for Chemtrade, responsible for the Berkeley Heights facility. Mr. Fleming provided the history of the acquisition of the property by Chemtrade in 2014 and its operation of the chemical manufacturing facility. He stated that he spoke to the representative of Mill Creek several times regarding buffering between the apartment building and the chemical manufacturing plant and it was suggested that the parking garage be located between the two, but Mill Creek advised that it was not feasible. They also discussed landscaping and advice in the leases to the tenants about the chemical plant. Chemtrade is concerned about potential complaints from the residents. They retained the services of experts to review the application and the DEP permit applications. Those experts developed a conceptual design showing the feasibility of relocating the parking garage.

Ms. Alfonso noted that Chemtrade is concerned since the proposed building is 42' high and the residents will be looking directly at the chemical manufacturing facility. Their experts have done a concept design that shows it is feasible to move the parking garage and that they would have the same result but more protection would be provided for the residents and Chemtrade.

In response to questions, Mr. Fleming stated that Chemtrade is making vaccinations. He reviewed the comments from the fire department in which it was suggested that the developer provide emergency access onto Chemtrade's property. Mill Creek has not requested access through the property.

Open to Public

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

Richard Murphy, Mill Creek representative, stated that Mill Creek tried to purchase some of Chemtrade's property and negotiated with them for three years without result.

Mr. Norin discussed the proposed lease provision that would advise tenants of the location of the chemical manufacturing facility.

The hearing of the application was carried to September 4, 2019 with no further notice required. The applicant granted an extension of the time in which the Board has to act on the application to the extent needed.

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 10:40 p.m.

Regina Giardina, Secretary Pro-Tem