

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

September 9, 2020

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

Mr. Hall 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. Graziano, Mr. Hall, Mr. Mangold, Ms. Poage, Ms. Greenwald, Mr. Cunningham and Mr. Monaco. Mr. Robertson, Board Attorney, Mr. Solfaro, Township Engineer, and Mr. Hughes, Township Planner, were also present.

Adoption of Minutes:

August 10, 2020 Special Meeting
August 10, 2020 Executive Session
August 19, 2020 Regular Meeting
August 19, 2020 Executive Session

A motion was made by Mr. Graziano, seconded by Mr. Cunningham, to adopt the Minutes of the August 10, 2020 Special Meeting, August 10, 2020 Executive Session, August 19, 2020 Regular Meeting and August 19, 2020 Executive Session as presented. The voice vote was unanimous.

Adoption of Resolution of Denial:

App.#M-2-18: Peter Dellomo, 390 Longview Ave., Block 201, Lot 14 (R-15 Zone)

The Applicant is seeking minor subdivision approval to create two lots from one existing lot on which there is a single-family home. The house would remain, and a new, single-family dwelling would be built on the newly created lot. Various bulk variances would be required as described in the application.

Mr. Robertson reviewed the Resolution.

A motion was made by Mr. Einbinder, seconded by Ms. Poage, to adopt the above Resolution. The roll call vote was 2-0 with Mr. Einbinder and Ms. Poage voting in favor. There were none opposed.

Referral:

Township Council Ordinance Adopting Proposed Redevelopment Plan for Block 702, Lots 17 & 18

The ordinance adopting the Redevelopment Plan prepared by Phillips Preiss Grygiel Leheny Hughes LLC for the property known as Block 702, Lots 17 & 18, along with portions of the Sherman Avenue right-of-way (the “Stratton House Redevelopment Plan”), was introduced by the Township Council at its meeting on September 8, 2020. The Planning Board is being asked to review the Plan in order to make recommendations in a report to be submitted to the Township Council pursuant to the Redevelopment Law.

Keenan Hughes, Township Planner, reviewed the ordinance that was adopted by the Township Council and advised that the changes to the Redevelopment Plan are consistent with the Master Plan.

Discussion took place and the consensus of the Board was in favor of the ordinance.

A motion was made by Mr. Graziano, seconded by Ms. Poage, to adopt the Resolution memorializing the Board’s action. The roll call vote was 8-0 with Mr. Einbinder, Mr. Graziano, Mr. Hall, Mr. Mangold, Ms. Poage, Ms. Greenwald, Mr. Cunningham and Mr. Monaco voting in favor. There were none opposed.

Application for Review:

App.#SP-7-20: Lone Pine Drive Urban Renewal LLC, Block 703, Lots 3, 4 & 8

Application for amended preliminary and final site plan approval. By resolution memorialized on November 6, 2019, the Planning Board approved a development consisting of a 3-story, 170-unit apartment building with a 4-level parking garage. The proposed, modified project consists of a 4-story apartment building containing a total of 173 residential units, including 26 affordable housing units, with a 4-level parking garage. (DH-24 Zone Redevelopment Area)

Andy Norin, attorney for the applicant, reviewed the changes to the application that was previously approved by the Board and the settlement agreement that was reached with the

adjacent property owner. Mr. Norin noted that the number of units proposed is now 173 rather than 170, one story has been added to the building and the buffering between the properties has been increased.

Dave Minno, architect, was sworn and accepted as an expert witness. Mr. Minno presented Exhibit A-1 – power point presentation of the revised plan. Mr. Minno reviewed the reports from the Township Engineer and Township Planner and stated how the applicant will comply with comments in those reports. He indicated the location of the proposed bike rack and noted that there will be room for 40 bikes. He stated that the architectural design of the building, the materials to be used and the energy saving features are the same as in the previous application. The HVAC equipment will be located on the roof with no view from the ground.

Open to the Public

The hearing was opened to the public for questions regarding Mr. Minno’s testimony.

Richard Leister, Environmental Commission, raised questions regarding the recommendations made in the Commission’s report.

Mr. Minno stated that the roof terrace is intended as an amenity area for residents and will not be a green roof. The list of green items included in this application are the same as in the prior application.

Eric Keller, engineer, was sworn and accepted as an expert witness. Mr. Keller presented Exhibit A-2 – power point presentation. He reviewed the proposed development, improvements to Lone Pine Drive, the revised buffer and emergency access through the Chemtrade property. Mr. Keller noted that the revised plan is for 173 units in a four story building and the mix of number of bedrooms has been changed. He stated that there will be 26 affordable units, a four-level parking structure and the design of the building is consistent with the design standards set forth in the Redevelopment Plan. Mr. Keller stated that there are 330 parking spaces proposed with 329 required and he indicated the location of the banked spaces.

Mr. Keller stated that there is no change to the flood hazard plan and wetland areas, the impervious coverage has been reduced from what was previously proposed, there is a reduction in the storm water run-off, and there is no material change to what was previously approved by the DEP. They have reviewed the comments from the Fire Department and the additional hydrant will be provided and the emergency access through the Chemtrade property is shown on the plan.

With regard to landscaping, Mr. Keller stated that an extensive buffer will be provided for screening between this project and the Chemtrade property with irrigation. Mr. Keller stated that there is no change to the proposed signage. He further stated that he has reviewed the reports of the Township Engineer and Township Planner and will work with them to address their comments. Mr. Hughes noted that the signage is as approved in the prior application.

Discussion took place regarding the location of the fire hydrants and the responsibility of the applicant to have the water run through the building system even if one of the hydrants is located in the right of way. It was also noted that the applicant should be responsible for road maintenance. Mr. Robertson advised that all the conditions from the previous Resolution would remain unchanged including the conditions regarding responsibility for the hydrants and road maintenance.

Open to the Public

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

Richard Leister, Environmental Commission, asked questions regarding the guarantee of the plantings, the species proposed to be planted, the irrigation system and the riparian buffer.

Mr. Keller stated that changes were made based on the Environmental Commission's review letter and the plantings in the buffer were agreed upon by all parties to the litigation but they can work on changing the species of plantings. The riparian buffer plan has been provided to the DEP and the irrigation system will be part of the design process as it moves into the construction phase.

Patty Lipere stated that she is concerned about the emergency access road and who will be using it.

Mr. Norin stated that the road will be for emergency vehicles only if there is no access from the main street. The likelihood of it being used is very minor.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments.

The Board members expressed their opinions with regard to the application and the consensus was in favor of approval.

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

A motion was made by Mr. Cunningham, seconded by Mr. Graziano, to approve App. #SP-7-20: Lone Pine Drive Urban Renewal LLC, Block 703, Lots 3, 4 & 8 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 8-0 with Mr. Einbinder, Mr. Graziano, Mr. Hall, Mr. Mangold, Ms. Poage, Ms. Greenwald, Mr. Cunningham and Mr. Monaco voting in favor. There were none opposed.

App.#SP-6-20: Chemtrade Solutions LLC, 235 Snyder Avenue, Block 703, Lot 6

Applicant is seeking minor site plan approval pertaining to the replacement of the existing wastewater storage and discharge improvements at their site. (DMX Zone)

Samantha Alfonso, attorney for the applicant, reviewed the application and the favorable settlement reached with the adjacent property owner. She stated that the application involves replacement of an existing post-process water treatment system and the applicant also requests ratification of the easement across the Chemtrade property. The application complies with all Township ordinances and no variances are required.

Stephen Thorn, Chemtrade Environmental Risk Director, was sworn, gave his educational and professional background and was accepted as an expert witness. Mr. Thorn stated that the purpose of the application is to replace the existing wastewater system and provide some discharge improvements. The current wastewater disposal system to Snyder Avenue brook will be changed to now discharge to the Berkeley Heights wastewater plant.

In response to questions from the Board, Mr. Thorn stated that the primary chemical in the water is sodium chloride and there will not be anything disbursed into the air. It was noted that the Director of the Berkeley Heights Wastewater Plant has confirmed the agreement reached with Chemtrade.

Open to the Public

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

Richard Leister, Environmental Commission, asked if Chemtrade is going to remediate the pond.

Mr. Thorn stated that they are currently working with the DEP on a plan to remediate the pond and this is the first step in that process.

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

Ms. Alfonso presented Exhibit A-1 – minor site plan application package.

Mr. Mitchell described the proposal indicating on Exhibit A-1 the location of the proposed water treatment system and explained how it will be connected to the Township water system. He indicated the location of the proposed tanks and the temporary tanks that will be used during the construction of the new tanks. An agreement has been reached to connect to the Township system and the existing system will be abandoned. He has reviewed the reports of the Township professionals and the applicant will work closely with the Township on the construction sequence.

In response to questions from the Board, Mr. Mitchell stated that the construction of the new tanks will take less than 12 months and their goal is to have permanent tanks as quickly as possible. He described how the tanks will be constructed on site and stated that an appropriate coating will be applied to prevent corrosion.

Mr. Mitchell discussed how the storm water is managed currently and how it will be done with the new tanks.

In response to questions from the Board, Mr. Mitchell stated that the flow will be less than 25,000 gallons per day, he described the lighting and stated that the lighting will not create any glare that would affect the adjacent property owners. Mr. Mitchell reviewed the landscaping and increased buffering on the Mill Creek property. He further stated that the tanks will meet all required regulations.

Open to the Public

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

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments.

The Board members expressed their opinions with regard to the application and the consensus was in favor of approval.

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

A motion was made by Mr. Graziano, seconded by Mr. Mangold, to approve App. #SP-6-20: Chemtrade Solutions LLC, 235 Snyder Avenue, Block 703, Lot 6 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 8-0 with Mr. Einbinder, Mr. Graziano, Mr. Hall, Mr. Mangold, Ms. Poage, Ms. Greenwald, Mr. Cunningham and Mr. Monaco voting in favor. There were none opposed.

Adjournment:

A motion was made by Ms. Poage, seconded by Mr. Graziano, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:55 p.m.

- Regina Giardina, Secretary Pro-Tem