

## MINUTES

### PLANNING BOARD

#### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

October 2, 2019

The Regular Meeting of the Planning Board was called to order at 7:30 p.m. 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 p.m.

#### **Roll Call:**

Members present were Mr. Einbinder, Mr. Johnson, Mr. Niceforo, Mr. Graziano, Ms. Poage, Ms. Greenwald, and Mr. Cunningham. Mr. Robertson, Board Attorney, and Mr. Hughes, Township Planner, were also present.

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

September 18, 2019

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the Minutes of the Regular Meeting of September 18, 2019 as presented. The voice vote was unanimous.

#### **Referral:**

*Township Council Resolution No. 265-2019 authorizing and directing the Planning Board to review the proposed redevelopment plan entitled "Former Mondelli Property Redevelopment Plan" for the property known as Block 614, Lot 3 (the "Redevelopment Plan") and advise the Township Council of its findings in connection therewith in accordance with N.J.S.A. 40A:12A-7(e).*

Mr. Robertson explained the Referral from Council by Resolution No. 265-2019 dated 9/24/19. The resolution authorized and directed the PB to review the proposed Redevelopment Plan for the Mondelli property (Block 614, Lot 3) and make a recommendation back to the Township Council as to whether or not the plan is consistent with the Township's Master Plan and whether or not to proceed with the Redevelopment Plan.

Mr. Hughes, Township Planner, provided background information on the proposed Redevelopment Plan. He stated that the property formerly owned by Mr. Mondelli is now owned by Elite Properties--the same redeveloper of the property where the former Berkeley Florist was located. As part of Mr. Mondelli's last will and testament, a portion of the property was deeded to the township for a public park. The balance of the property would be used for the proposed residential development pursuant to the Township's affordable housing settlement and consistent with the Amended Housing Element and Fair Share Plan. Mr. Hughes stated that the Redevelopment Plan would facilitate a subdivision of the property with the 10-unit, multifamily residential building on one portion and the balance of the property dedicated to the public park and deeded to the Township. All of the residential units would be market rate. (The 2 affordable units were transferred to the former Berkeley Florist property.) The redeveloper would be responsible for constructing and maintaining the park. However, the details would be worked out by the Township Council and Elite Properties as part of the negotiations of the Redevelopment Agreement.

Mr. Hughes gave details on the building's dimensions and the proposed parking plan for the site and commented that he felt it is an attractively designed building, a great addition to the downtown, and consistent with the Master Plan because it is pursuant to the Township's Housing Element in its affordable housing settlement.

In response to questions from the Board, Mr. Hughes confirmed that the units are rental units.

In response to questions about the 39-ft. height of the three-story building, Mr. Hughes stated that the Redevelopment Plan supersedes the Zoning Ordinance and the 39 ft. building height was allowed as part of the Redevelopment Plan.

Ms. Greenwald referenced Page 22 of the Redevelopment Plan and suggested that language be added for the event that the redeveloper wants to amend the Redevelopment Plan. Should the redeveloper wish to amend the Redevelopment Plan, they should have to pay not only the \$5,000 application fee outlined in the Redevelopment Plan but also provide an escrow deposit for paying the township's professionals. Ms. Greenwald also recommended that the required maintenance of the park -- which would be the responsibility of the developer -- include maintenance, repair, and replacement of the initial amenities. Mr. Hughes agreed with the recommendations.

**Consideration of Resolution:**

*Resolution memorializing the action taken by the Board on October 2, 2019, with regard to the proposed Redevelopment Plan.*

Mr. Robertson explained that a proposed resolution had already been drafted and distributed for consideration by the Planning Board, and the Planning Board's vote would be to recommend that the Council adopt the Redevelopment Plan, and the additional recommendations from the Planning Board could be included as an exhibit attached to the Resolution.

Mr. R. reviewed the resolution that would be adopted by the Board and summarized the additional recommendations discussed by the Board. The additional recommendations would require 1) an escrow deposit from the applicant/developer to pay any professional fees resulting from the review of an amendment of the Redevelopment Plan and 2) that the construction, maintenance, repair and replacement of the initial amenities and landscaping be the responsibility of the developer.

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to adopt the Resolution with the recommendations in an exhibit as discussed. The roll call vote was 7 - 0 with Mr. Einbinder, Mr. Johnson, Mr. Graziano, Mr. Niceforo, Ms. Poage, Ms. Greenwald, and Mr. Cunningham voting in favor. There were none opposed.

**Informal Concept Review:**

*Edith Feinstein, 994 Mountain Avenue, Block 2801, Lot 1 (R-20 Zone)  
Proposed minor subdivision.*

Mr. August Santore explained the proposed minor subdivision of the existing dwelling located at 994 Mountain Avenue and stated that this involved one of the private roads in Berkeley Heights. He explained that the parcel is one lot removed from Mountain and serviced by the private roadway, and above it are three more single family homes. The main relief they are seeking relates to the fact that this is a private roadway. There is also one minor issue with proposed Lot 1.01 and the existing home, which would remain on the larger tract, and which may require relief for exceeding “other” impervious coverage allowed for that lot. However, combined coverage would be conforming.

Mr. Santore reiterated that the main issue pertains to the private roadway. There is an easement which is owned by Ms. Feinstein. It is developed to a current standard.

Discussion took place about the location of this property on Mountain Avenue as well as the County's current work on a project to improve drainage in that area.

Mr. Santore stated that the private road is fully paved. Robin Greenwald stated that the street is not a private road; it is a right of way, and the road is not developed to street standards. Mr. Santore stated the right of way is controlled by Ms. Feinstein.

Discussion continued about whether other lots along the private road could be subdivided in the future and the requirements and obstacles to subdivision in that area. Mr. Santore stated that Ms. Feinstein will need to extend the sanitary sewer up because this house is on septic currently. She is not entitled to subdivide without being on sanitary sewer and a subdivided property may also not be on well water.

Mr. Robertson explained that a variance is required for any property that does not have frontage on a public street. There is a provision in the MLUL that provides for the applicant to obtain a variance; a variance can be granted but would be subject to conditions that would provide for adequate access, emergency vehicles, etc.

Discussion took place about other streets in Berkeley Heights which have not been improved to Township standards, emergency access issues, and the possibility of the applicant installing a storm sewer for the proposed subdivision.

Mr. Santore stated the subdivided properties would tie into town water and town sanitary sewer. Discussion followed about how that would be accomplished.

In response to comments from the Board about the steepness of the road, the issue with ice when coming down the road onto Mountain Avenue, and the storm drainage problems in that area, Mr. Santore stated he would consult with the Township Engineer about what would be required.

Ms. Greenwald questioned the benefits to such a project when there is no frontage on a public street. Mr. Santore stated his opinion that gradually the area would be coming off septic and wells. Discussion took place about the benefits to the area compared with adding another house that doesn't conform because it does not front on the public street. Mr. Santore felt that safety relative to Mountain Avenue would be improved by addressing the drainage issue.

**Adjournment:**

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adjourn the meeting. The voice vote was unanimous, and the meeting was adjourned at approximately 8:45 p.m.

Connie Valenti, Secretary