

## **MINUTES**

### **PLANNING BOARD**

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

Regular Meeting

January 18, 2023

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Chairman Craig Johnson.

Mr. Johnson 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.

#### **Oath of Office**

The oath of office was administered to the following member by William Robertson prior to the start of the meeting:

Jeanne Kingsley – Township Council Representative – 1-year term to end 12/31/23

#### **Roll Call:**

Members present were Mr. Johnson, Mr. Graziano, Ms. Kingsley, Mr. Popolo and Ms. Illis.

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

January 11, 2023 Regular Meeting

January 11, 2023 Executive Session

A motion was made by Mr. Graziano, seconded by Mr. Popolo, to adopt the Minutes of the Regular Meeting of January 11, 2023 as presented. The voice vote was unanimous.

A motion was made by Ms. Illis, seconded by Mr. Graziano, to adopt the Minutes of the Executive Session of January 11, 2023 as presented. The voice vote was unanimous.

**Application for Review:**

**CARRIED FROM DECEMBER 7, 2022 WITH NO FURTHER NOTICE REQUIRED  
EXCEPT FOR CERTAIN NOTICES NOT PREVIOUSLY PUBLISHED OR MAILED:**

**App.#SP-5-22: Enginuity, L.L.C., 550 Springfield Ave., Bl. 609, L. 10 & Bl. 612, L. 1**

In accordance with the Planning Board resolution adopted on April 1, 2020, the applicant shall require approval from the Planning Board for any future tenant use of the previously unused portion of the building to ensure adequate on-site parking or to consider a request for a parking variance for such use. The applicant is now requesting a parking variance. (HB-3 Zone)

Scott Heller, attorney for the applicant, stated that the application is solely for a parking variance at this time and the application for changes to the parking lot has been withdrawn.

Cory Buchholz, engineer, was sworn, provided his educational and professional background and was accepted as an expert witness. Mr. Buchholz indicated on the site plan the location of the parking area on the property that the tenant proposes to expand for use by a proposed senior day care tenant and a non-professional office space.

Discussion took place regarding the three parking spaces along Sherman Avenue and the three spaces on Station Street and whether those spaces can be used exclusively by the applicant.

In response to a question from Thomas Solfaro, Township Engineer, Mr. Buchholz stated that the applicant is proposing to have 60 parking spaces where 78 spaces are required so the variance is needed for 18 spaces.

Keenan Hughes, Township Planner, stated that testimony should be provided with regard to the senior day care center and the proposed number of employees.

In response to a question from the Board, Mr. Buchholz indicated the location of the dumpster which is proposed to remain.

**Open to the Public**

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

Cary Heller, owner of the applicant, was sworn. Mr. Heller provided testimony with regard to the proposed uses of the property, improvements that have been made to the property and the number of employees that will be on the property with each of the tenants. He stated that the dumpster will be enlarged to be suitable for the uses in the building.

In response to questions from the Board, Mr. Heller stated that the hours of operation for the autistic school and the senior day care will be 8 a.m. to 5 p.m. and the café will close at 3-4:00 pm except on Fridays when it will remain open for dinner.

**Open to the Public**

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

Irwin Kizel, planner, was sworn, provided his educational and professional background and was accepted as an expert witness.

Mr. Kizel stated that he has listened to the testimony, has visited the site and reviewed the zoning ordinance and Master Plan. He believes the granting of the requested parking variance is warranted and that the benefits will far outweigh the detriments if the variance is granted. In his opinion the relief can be granted without substantial detriment to the public good, the zoning ordinance and the Master Plan.

**Open to the Public**

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

Discussion took place regarding the spaces on Sherman Avenue and Station Street. It was noted that if improvements are made to Sherman Avenue those spaces could be eliminated. It was also noted that the spaces on Station Street have been used by residents of the applicant’s building for many years.

Following additional discussion it was noted that there will be 54 spaces where 73 are required and there are three street spaces that are available which leaves a gap of 16 spaces for which a variance is required. Board members expressed concern regarding such a large gap but noted that the school and the senior day care are important uses for the township.

**Open to the 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.

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

A motion was made by Mr. Graziano, seconded by Ms. Kingsley, to approve App# SP-5-22: Enginuity, L.L.C., 550 Springfield Ave., Bl. 609, L. 10 & Bl. 612, L. 1, 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 roll call vote was 4-1 with Mr. Johnson, Mr. Graziano, Ms. Kingsley and Mr. Popolo voting in favor and Ms. Illis opposed.

**Adjournment:**

A motion was made by Ms. Kingsley , seconded by Mr. Graziano, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:25 p.m.

Regina Giardina, Secretary Pro-Tem