

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

March 20, 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. Johnson, Mr. Hall, Ms. Poage, Ms. Schwartz, Mr. Mangold, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, and Mr. Solfaro, Board Engineer, were also present.

Adoption of Minutes:

January 23, 2019 Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adopt the Minutes of the Regular Meeting of January 23, 2019 as presented. The voice vote was unanimous.

Adoption of Resolution:

App.#SP-10-18: The Connell Company, 200 Connell Drive, Block 4301, Lot 1.011

In September 2018 an application was submitted by The Connell Company, but a public hearing did not take place. The applicant has now revised the initial plan, and the proposed site improvements have been reduced in scope. The proposed improvements on Lots 1.012 and 1.02 in Block 4301 have been removed from the application, with improvements now proposed only for Lot 1.011, Block 4301, 200 Connell Drive. The current proposal is to convert the southwest building access drive from a cul-de-sac to a square configuration, provide additional parking to the site, and replace the existing curbs and sidewalks around the perimeter of the building. All other previously proposed improvements, including expansion of The Grove and the fitness trail, will be part of a future application. (OR-B Zone)

A motion was made by Mr. Einbinder, seconded by Mr. Mangold, to adopt the above Resolution. The roll call vote was 8-0 with Mr. Einbinder, Mr. Johnson, Mr. Hall, Ms. Poage, Ms. Schwartz, Mr. Mangold, Ms. Greenwald and Mr. Cunningham voting in favor. There were none opposed.

Application for Review:

SM-1-19: Nokia of America Corporation, 600 Mountain Ave., Block 3701, Lot 1

Applicant is seeking a soil movement permit in connection with the modification of an existing above-ground stormwater detention basin. The modifications are needed in order to comply with NJDEP requirements. The majority of the work is located within the Township of Berkeley Heights but a small portion of the regrading appears to encroach into the Borough of New Providence as well. A separate grading application will be made to New Providence to address this work.

Scott Collins, attorney for the applicant, stated that this is an application for a soil movement permit in connection with modification to the existing detention basin on the Nokia site.

Lou Mastriani, engineer, was sworn, gave his professional and educational background and was accepted as an expert witness. Mr. Mastriani stated that the modification to the detention basin is required because of an adjustment by the DEP to the existing permit for the site. Mr. Mastriani presented Exhibits A-1 – photo of the entire Nokia site showing the location of the existing detention basin, Exhibit A-2 – enlargement of Exhibit A-1 showing the existing condition of the detention basin, Exhibit A-3 – proposal for the modification of the detention basin including limestone trench, and Exhibit A-4 – second option for the modification without the limestone trench. Two alternatives are being proposed for approval because the applicant does not know if the limestone trench will be required. Mr. Mastriani also presented Exhibit A-5 – soil stockpile grading plan. He stated that all soil will remain on the site and this exhibit shows where those stockpiles will be located.

In response to questions from the Board, Mr. Mastriani stated that the soil stockpiles will be relatively close to the detention basin, 81 trees between 8-18” inches are proposed to be removed, the basin was constructed in the 1940s or 50s before the trees were there, and the applicant will work with the Township Engineer and the tree inspector with regard to tree replacement. The modification will enhance the water quality in the area and there will be no increase in run-off.

Mr. Solfaro advised that a decision has not yet been made whether or not to replace the trees or for a contribution to be made to a tree replacement fund.

Mr. Mastriani stated that the proposal has been submitted to the DEP and they have received approval.

Mr. Collins stated that the applicant has received the reports from the Township Engineer and from the Environmental Commission and will work with them to address the issues raised.

Open to Public

The hearing was opened to the public for questions regarding Mr. Mastriani's testimony and for comments or questions regarding the application.

Richard Leister, Chair of the Environmental Commission, 49 Summit Avenue, questioned Mr. Mastriani regarding the presence of copper in the detention basin and the DEP regulations with respect to copper.

Mr. Mastriani stated that the question is not in his area of expertise and he does not know what the DEP regulations are with regard to copper.

Mr. Leister discussed natural storm water management and stated that the Environmental Commission would suggest the types of trees and shrubs that could be used in a natural retention area.

Mr. Collins stated that the applicant would agree to take the Environmental Commission's comments into consideration and address their concerns as best they can and to coordinate tree replacement with the Township Engineer.

Mr. Robertson summarized the proposed conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Cunningham, to approve App.#SM-1-19: Nokia of America Corporation, 600 Mountain Ave., Block 3701, Lot 1, for soil movement permit, 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. Johnson, Mr. Hall, Ms. Poage, Ms. Schwartz, Mr. Mangold, Ms. Greenwald and Mr. Cunningham voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Mangold, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:20 p.m.

Regina Giardina, Secretary Pro-Tem