

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Virtual Online Public Meeting

April 20, 2022

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

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.

Roll Call:

Members present were Mr. Johnson, Mr. Hall, Mr. Graziano, Mr. Niceforo, Ms. Kingsley, Ms. Poage and Ms. Illis.

Adoption of Minutes:

March 16, 2022 Regular Meeting

A motion was made by Ms. Poage, seconded by Mr. Niceforo, to adopt the Minutes of the Regular Meeting of March 16, 2022 as presented. The voice vote was unanimous.

Adoption of Resolution

App.#M-2-22: Connell Real Estate & Development Co., a Division of The Connell Company, 100 & 200 Connell Drive, Block 4301 Lots 1.011 & 1.02 (MU-Zone)

Proposed subdivision of two lots (existing Block 4301 Lots 1.011 and 1.02) into three lots. No site disturbances or improvements are proposed as part of the application.

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

Application for Review:

CARRIED FROM MARCH 16, 2022 WITH NO FURTHER NOTICE REQUIRED EXCEPT FOR CERTAIN NOTICES NOT PREVIOUSLY MAILED:

App.#M-1-22: Profita Development 25 Wilson LLC, 162 Kline Blvd., Block 1902, Lot 1 (R-15 Zone)

Proposed minor subdivision. The existing parcel would be subdivided to create two new lots (proposed lots 1.01 and 1.02). The existing house would be razed and two new homes constructed. The proposal would require bulk variance relief.

Maria LaSala, attorney for the applicant, stated that the purpose of the subdivision is to eliminate the existing single-family home and garage and subdivide into two lots for construction of two single family dwellings.

Anthony Gallarano, engineer, was sworn, provided his professional and educational background and was accepted as an expert witness. Mr. Gallarano presented Exhibit A-1 – subdivision plan, Exhibit A-2 – aerial photograph, and Exhibit A-3 – colorized rendering of the proposed subdivision. He stated that the existing lot is 25,765 square feet, 123 feet wide and 200 feet deep. The property contains an existing single-family home with garage. Mr. Gallarano stated that the applicant proposes to subdivide the property into two lots of 15,180 square feet and 10,585 square feet. Each of the proposed dwellings will have a two-car garage with driveway.

Mr. Gallarano reviewed the variances being requested including for lot size, front yard setback and lot width.

In response to questions from the Board, Mr. Gallarano stated that the majority of the lots in the neighborhood are about 100' in width, there are some lots that are undersized, but most are closer to 15,000 square feet. There are no variances needed for coverage.

Keenan Hughes, Township Planner, stated that in his review letter variances are identified for lot area, lot width, lot depth and front yard setback.

Thomas Solfaro, Township Engineer, stated that if the subdivision is approved there would be a condition that a full site plan for each individual lot would need to be prepared.

In response to further questions, Mr. Gallarano indicated the location of the trees to be removed.

Open to the Public

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

Members of the public including Anthony Cardone, Alicia Meyers, Michael LeBlond, Kevin Ward, Helen Horng, and Richard Mansfield, raised questions regarding how this subdivision would be a benefit or detriment to the neighborhood, whether the notice provided was sufficient, the number of undersized lots and in the neighborhood, and how many other homes in the neighborhood have been granted similar variances.

Mr. Robertson and Ms. LaSala addressed the questions regarding the problems with the notice and how that issue was corrected. Mr. Gallarano indicated on the exhibits the homes in the neighborhood that are not in compliance.

Miguel Martin, architect, was sworn, provided his professional and educational background and was accepted as an expert witness. Mr. Martin presented Exhibits A-4 and A-5 – plans for the proposed dwellings on the subdivided lots and stated that the homes will be 4-bedroom homes of 3,040 and 2,584 square feet. He stated that the proposed homes are modest sized and consistent with homes in the neighborhood. Mr. Martin further stated that a larger home would fit on the property if it is not subdivided.

Open to the Public

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

Members of the public including Michael LeBlond and Richard Mansfield, raised questions regarding French drains in the basement, generators, and the number of homes in the neighborhood less than 2,500 square feet.

Mr. Martin stated that the inclusion of French drains would depend on the water levels and the conditions at the time of construction. He further stated that the applicant has not discussed generators and he does not have the information regarding home sizes less than 2,500 square feet.

Anthony Gallarano was accepted as an expert witness with regard to Planning and stated the opinion that the proposed homes will fit nicely on the subdivided lots and will be more consistent with the neighborhood than a much larger home. He further stated that the homes will be constructed with quality materials and with aesthetically pleasing landscaping. Mr. Gallarano also stated his opinion that the proposed subdivision is an efficient use of the land and the benefits of granting the requested variances outweigh any detriments. There will be no substantial impact on the surrounding area or the ordinance.

In response to questions from Mr. Hughes and from the Board, Mr. Gallarano stated that although the applicant has not expressed interest in building a 8,000 square foot home he believes such a home could fit on the existing lot and that two homes would fit better with the neighborhood. He indicated the location of lots in the area between 14,000 and 15,000 square feet and stated that there are no 10,000-11,000 square foot lots within 200' of the property.

Open to the Public

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

Members of the public including Michael LeBlond, Gary Schmidt, Ronald Weinger and Javier Morales raised questions regarding the ownership of the property, the largest existing home in Berkeley Heights, if it is the applicant's intention to build a large house if the subdivision is denied, whether a large home would be marketable, and the age of the existing home.

Ms. LaSala stated that the applicant is the contract purchaser of the property. She noted that there is very little inventory of houses for sale in Berkeley Heights and the applicant has been approached by many people looking for a home. The applicant has built many homes in Berkeley Heights and the witnesses have presented plans for homes that will be consistent with the neighborhood.

Open to the Public

The hearing was opened to the public for comments regarding the application.

Barbara and Charles Russo, 19 Balmoral Drive, were sworn and expressed their concern with regard to the size of the two proposed new lots, the trees that would have to be removed and the precedent that would be set by approval of the subdivision. They are not in favor of the application and believe it would not benefit the neighborhood.

Anthony Cardone, 42 Balmoral Drive, was sworn and stated that he agrees with Mr. and Mrs. Russo and does not believe the variances are warranted.

Javier Morales, 113 Lawrence Drive, was sworn and stated that approval would set a bad precedent and will change the neighborhood.

Michael LeBlond, 156 Kline Avenue, was sworn and quoted comments made by the Environmental Commission. He stated that he is concerned about the environment, flooding, number of trees to be removed, traffic and the number of variances. He urged the Board to deny the application.

Helen Horng, 37 Balmoral Drive, was sworn and stated that she is opposed to the proposed two houses.

Gary Schmidt, 78 Robbins Avenue, was sworn and stated that he is concerned about the precedent that would be set.

Ronald Weinger, 196 Lawrence Drive, was sworn and stated the opinion that the builder is just interested in profit, and this will not benefit the town.

Richard Mansfield, 58 Balmoral Drive, was sworn and stated that he would rather see one larger home than two small homes.

Cara LeBlond, 156 Kline Avenue was sworn and stated that she is not in favor of the plan.

Board Discussion

Members of the Board expressed their opinions with regard to the application and expressed concern regarding preservation of the zoning, possible damage to the character of the neighborhood, and environmental issues. The consensus of the Board was not in favor of approval of the application.

Mr. Robertson reviewed the proposed motion with regard to the application.

A motion was made by Ms. Kingsley, seconded by Mr. Hall, to deny App.#M-1-22: Profita Development 25 Wilson LLC, 162 Kline Blvd., Block 1902, Lot 1 (R-15 Zone) for minor subdivision. The action of the Board shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting. The roll call vote was 7-0 with Mr. Johnson, Mr. Hall, Mr. Graziano, Mr. Niceforo, Ms. Kingsley, Ms. Poage and Ms. Illis voting in favor of denial and none opposed.

Adjournment:

A motion was made by Mr. Niceforo, seconded by Mr. Graziano, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:36 p.m.

Regina Giardina, Secretary Pro-Tem