

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

May 15, 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. Niceforo, Mr. Hall, Ms. Schwarz, Ms. Poage, Ms. Greenwald and Mr. Cunningham. Mr. Robertson, Board Attorney, was also present.

Adoption of Minutes:

April 3, 2019

The Minutes of the Regular Meeting of April 3, 2019, as presented, were adopted by unanimous voice vote.

Adoption of Resolutions:

*App. SM-1-19: Nokia of America Corporation, 600 Mountain Ave., Bl.3701, L. 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.
(Resolution of Approval)*

Mr. Robertson reviewed a paragraph that was added to the Resolution.

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adopt the above Resolution. The roll call vote was 7 – 0 with Mr. Einbinder, Mr. Johnson, Mr. Hall, Ms. Schwarz, Ms. Poage, Ms. Greenwald, and Mr. Cunningham voting in favor. There were none opposed.

App. SP-1-19: Insite Property Group, 100 Industrial Rd., Bl 1301, L 14.03 (LI Zone)

The project involves converting an existing building and site improvements from the current use of warehousing to a proposed use of self storage, which is a permitted use. Proposed improvements include interior modifications to re-tenant the building, covered loading zone over existing parking area, resurfacing the parking lot and driveway aisles, replacing various existing concrete pads with asphalt and constructing a dumpster enclosure within existing parking area.

(Resolution of approval)

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the above Resolution. The roll call vote was 5-0 with Mr. Einbinder, Mr. Johnson, Mr. Niceforo, Ms. Poage, and Ms. Greenwald voting in favor. There were none opposed.

Request to Extend Preliminary Subdivision Approval:

App. P&F#1-15: Westminster Presbyterian Church, 725 Mountain Ave., Bl. 2006, L. 32
Request to extend the preliminary subdivision approval that was granted in 2016.

Ms. Schwarz and Mr. Cunningham recused themselves from the hearing of this matter.

Mr. Robertson explained the request which was submitted by the applicant's attorney in a letter dated 4/5/19 and how the preliminary approval previously granted provides certain protections for a period of up to three years. That time period is now up. The applicant is seeking an extension of the approval as allowed under the Municipal Land Use Law.

Discussion took place about granting two, one-year extensions rather than one two-year extension.

A question came up that the Resolution of Approval granted in 2016 does not mention COAH requirements. After some discussion it was suggested that the request to extend the preliminary subdivision approval be tabled to a later meeting so the matter can be clarified. Mr. Robertson agreed that the adjournment of the decision would be possible and not a disadvantage to the applicant. Any extension of the subdivision approval would be retroactive to the date the approval period ended. It was agreed to carry the decision to a future meeting and request that the applicant be present.

Ms. Schwarz and Mr. Cunningham were invited to join the Board again.

Public Hearing – Presentation of Preliminary Investigation – 182 Plainfield Avenue

Mr. Keenan Hughes, Phillips Preiss Grygiel Leheny Hughes LLC, will present the findings of the preliminary investigation of the area consisting of Block 614, Lot 3, as identified on the Official Tax Map of the Township of Berkeley Heights, so that the Planning Board may determine if the area meets the criteria set forth in the Local Redevelopment and Housing Law (the “LRHL”) and should be designated as an area in need of non-condemnation redevelopment pursuant to the LRHL.

Keenan Hughes, Township Planner, was sworn.

Mr. Hughes stated that his firm, Phillips Preiss Grygiel Leheny Hughes LLC, was authorized by the Township Council Resolution adopted July 2018 to prepare the Redevelopment Study with respect to 182 Plainfield Avenue, Block 614, Lot 3 (commonly known as the “Mondelli Property”), to determine if the property meets the criteria to be designated as a non-condemnation area in need of redevelopment.

Mr. Hughes presented his report dated May 1, 2019. Mr. Hughes reviewed the research that was done and summarized the characteristics of the property and its location. He stated that the property is currently owned by Elite Properties of Berkeley Heights and talked about the history of the use of the property by Vito Mondelli, the former owner, prior to his death, and the structures that had been on the property. Mr. Hughes also mentioned Mr. Mondelli’s bequest of a portion of the property to the Township for a public park. Mr. Hughes stated that the structures on the site were demolished after the authorization of the study by the Township Council in July 2018 and prior to the completion of his investigation in May 2019. However, his study of the property proceeded as if the structures still existed.

Mr. Hughes briefly reviewed the existing zoning of the site and the criteria for the redevelopment determination. Mr. Hughes added that the reason the structures on the site were demolished by the property owners in December 2018 was a concern for public safety after the buildings had been broken into and vandalized.

Mr. Hughes described the condition of the structures that had been on the property, the environmental and health concerns that had been cited, and reviewed the conditions that led to the determination that the Study Area be declared an area in need of redevelopment.

There was discussion about possible soil contamination on the property and additional testing.

In response to questions from the Board, Mr. Hughes reviewed the procedures that would take place if the Planning Board were to recommend to the Governing Body that the Mondelli Property meets the criteria for designation as an area in need of redevelopment. Those procedures would then lead to the development of a Redevelopment Plan.

Mr. Hughes gave a very brief description of the proposed multi-family residential development, the public park, and the affordable housing settlement, all of which would be outlined in the Redevelopment Plan.

Open to Public

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

Mr. Robertson explained the action to be taken by the Board recommending to the Governing Body that this property be declared an area of non-condemnation redevelopment. If the Board is in agreement, he would then prepare a resolution stating that the Planning Board believes the criteria have been met and recommends that the Study Area be designated an area in need of redevelopment. That resolution would then be forwarded to the Township Council.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, that the Board agrees with the findings of the Preliminary Investigation Report dated May 1, 2019, and recommends to the Township Council that the study area be designated an area in need of non-condemnation redevelopment.

The Motion was carried 8-0 with Mr. Einbinder, Mr. Johnson, Mr. Niceforo, Mr. Hall, Ms. Schwarz, Ms. Poage, Ms. Greenwald and Mr. Cunningham voting in favor. There were none opposed.

Adjournment:

A Motion was made by Mr. Niceforo, seconded by Mr. Hall, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:27 p.m.

Connie Valenti, Secretary