

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

February 20, 2013

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

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 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. Johnson, Mr. Bruno, Mr. Hall, Mr. Cuocci and Mr. Monaco. Mr. Einbinder, Mr. Niceforo, Mr. Franchino, Mr. Graziano, Mr. Russo and Ms. Perna were absent. Mr. Cresitello, Board Attorney, and Mr. Solfaro, Board Engineer, were also present

Discussion:

Delicious Heights, LLC -- awning

Mr. Solfaro advised that the applicant obtained approval of an amended site plan in July 2012 at which time there was extensive discussion about what type of awning would be permitted and how it should connect to the existing structure. Mr. Solfaro presented a photograph of the design from the vendor that was submitted by the applicant for the building permit that is a cantilevered awning. The Building Department is seeking clarification that this is acceptable. Mr. Solfaro read the section of the Resolution of approval that provides that the awning was only to be installed on the Sherman Avenue side of the building.

Mr. Cresitello noted that the Resolution states that the awning is to be a traditional building-mounted awning that is completely retractable.

Discussion took place regarding the design and it was noted that there should be no skeleton frame hanging off the side of the building.

Application for Review:

App. #SP-6-12: Summit Medical Group, One Diamond Hill Road, Block 3601, Lot 6

Seeking preliminary and final major site plan approval to permit the construction of additional off-street grade-level parking areas and associated drainage facilities in phases on the Property. Also seeking conditional use approval if deemed required by the Board and a waiver from Chapter 12.16 of the ordinances of the Township of Berkeley Heights with respect to the number of replacement trees proposed. The Applicant will also apply for such other waivers and/or variances as may be required. (OR-Zone)

Tom Malman, attorney for Summit Medical Group, stated that the applicant is seeking preliminary and final approval for additional parking on the site as well as landscaping and drainage. The site plan is consistent with the ordinance except for the tree replacement requirements.

Brian McMorrow, engineer, was sworn, gave his background and experience and was accepted as an expert witness. Mr. McMorrow presented Exhibit A-1 – existing parking, Exhibit A-2 – existing conditions map, and Exhibit A-3 – proposed parking improvements.

Mr. McMorrow indicated on Exhibit A-1 the various parking areas that exist today and how the lots have been signed to separate staff, patients, visitors and valet parking. The parking spaces on the site are at times almost entirely utilized and on occasion the lawn areas adjacent to the parking area have had to be used for cars to park. The number of parking spaces on the property does meet the ordinance requirements for parking. The facility as it exists is required to have 798 spaces and they have 831. On paper there is adequate parking but because of the success of the Summit Medical Group and the fact that the facility has a number of different uses that keeps patients on site longer than normal there are parking problems that need to be addressed.

Mr. McMorrow indicated in Exhibit A-2 the location of the property along Diamond Hill Road, the streets, the adjacent neighborhood, the buildings as identified and the existing parking. He stated that he was the engineer of record when the property was converted from Dun & Bradstreet to the Summit Medical Group campus. Great pains were taken to make sure there was little or no encroachment to the Grassman Place area. The property is very campus-like and lighting fixtures are no higher than 14'. Efforts were made to preserve the privacy of the residents on Grassman with fencing and additional landscaping. There are environmental constraints on the property including wetlands and a riparian zone. There is little opportunity for more development in the southerly direction and the impervious coverage on the property is 29.8% where 40% is allowed.

Mr. McMorrow indicated on Exhibit A-3 the proposed construction areas for parking. He stated that they have been careful to make sure that none of the new parking extends into the wetlands or wetlands buffer and that none of the environmental constraints on the property are impacted as a result of the proposal. The net result is 150 additional paved parking spaces that will probably be done in segments so there is not a lot of construction activity on the property. The first phase of construction would result in 65 additional spaces and then after the success of that addition is assessed work will proceed on other areas of the campus.

Mr. McMorrow stated that a detention basin between the two driveways that front on Diamond Hill Road was constructed and a number of underground pipe systems were also provided. Run off is all toward the south and through channels that run toward I-78. There is no direct pipe connection to the Berkeley Heights storm sewer system. With this project they are proposing a similar underground pipe system for each of the parking areas. There are 35 trees to be removed and some new trees will be planted. The ordinance requires replacement trees or a donation to the tree fund. In the Neglia report it was suggested that the caliber of the trees be increased in order to meet the requirements of the ordinance and the applicant has agreed to that. As to lighting for the parking areas, the applicant is proposing to use the same fixtures that are there now. No lights will be taller than 14' and there will be no adverse impact on neighbors. The proposed coverage with all the work would be 32.2% which is below the 40% allowed.

In response to questions, Mr. McMorrow stated that the proposed new parking will be within current grass areas with the exception of areas B and E where certain parts of the existing parking lot will be restriped and area D where the new parking will be constructed over an existing parking area. Each of the parking areas will have its own drainage and the site will meet current New Jersey storm water regulations. The applicant will consult with Mr. Solfaro and the Environmental Commission as to the type of trees to be planted. There is presently some carpooling and shuttle service for employee parking but that is a fairly small percentage. The proposed parking will comply with all ADA requirements.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. McMorrow's testimony.

Jim Coughlin, 113 Diamond Hill Road, stated that he is the owner of the Old School House. When Summit Medical Group built their complex they destroyed his property and he has spent years fixing it. There is an underground pipe that has water running off their property that makes mud on his property. Ghost Pony Road has flooded three times and in 15 years the road will collapse. Mr. Coughlin asked that the Board not make a decision without seeing the photographs that he has showing the impact on his property.

Paul Munich, 798 Grassman Place, asked how many of the 831 spaces are being used, if there are any photographs of cars parked on the grass and why the applicant needs a 20% increase in parking spaces. Mr. Munich also asked how much more encroachment there will be onto Grassman Place and where the trees to be removed are located.

Mr. McMorrow said all of the 831 parking spaces are being used and the amount of parking required by the ordinance is not enough. The applicant is not adding any new space and there will be no new building construction. There are activities on the site that require more parking than they presently have. There will be no further encroachment onto Grassman Place and all of the work will be clustered toward the buildings. Mr. McMorrow indicated on the exhibit the location of the trees to be removed and stated that there will be no impact on Grassman Place or the residents there. There will be no increase in traffic; the proposal is just to accommodate the cars that are already coming to the site.

Susan Portnoy, 165 Grassman Place, asked if the buffer area close to Grassman Place will be affected. She noted her concerns about the view and the problems in the past with people smoking in the buffer area.

Mr. McMorrow stated that none of the trees that currently exist between the parking lot and the adjacent properties are being removed and the view will not change. The applicant is willing to build up the buffer area along Grassman.

Mr. Munich stated that he does not understand why the applicant needs a 20% increase in parking and that to him that means more traffic.

Tom Farrager, Dorset Road, asked how it was determined that 150 additional parking spaces are needed.

Mr. McMorrow stated that the applicant does not believe there will be too many spaces. They plan to construct one area at a time and not 150 spaces at one time.

Mr. Farrager asked how the formula for parking required is calculated and whether there may be a mistake in the formula.

Mr. Cresitello noted that the ordinance is what guides the calculation of required parking spaces. The witness does not have any control over whether there are mistakes in the formula used by the ordinance.

In response to questions regarding the maintenance of the dry wells and other drainage facilities, Mr. McMorrow stated that a maintenance manual was provided for the new facilities proposed 10 years ago. He was unable to answer the question as to how often the facilities are maintained but said there was a manual done then and they have been asked by the Board Engineer to update that manual in connection with this application.

Brian Natale, Security Manager for Summit Medical Group, was sworn and stated that he is involved in the day-to-day operations including parking. Mr. Natale stated that the existing parking is inadequate and they frequently have approximately 50-80 cars overflowing on to the grass areas. The proposed additional parking lots are intended to resolve the current issue and there are no plans to expand the footprint of the buildings or the operations. The existing space is being used more efficiently and that has brought the additional cars to the site. Valet parking began approximately two years ago because of the parking problems. Employee carpooling was also tried but that was difficult because of staggered shifts. Mr. Natale indicated the location of the first parking addition and stated that the applicant is requesting approval in order to have the option to build the rest of them. He does not believe the inclusion of Blue Cross/Blue Shield will result in an increase in traffic but there may be an increase in the wait time for appointments.

In response to questions from the Board, Mr. Natale stated that the peak overflow hours are Monday through Friday 8:30 a.m. to 3:00 p.m. The operations that are in place today will remain the same and there are no changes or expansion proposed to any of the buildings. He does not believe that offsite employee parking with shuttling to the site would be a long term solution. A parking garage was considered but it was determined that the blacktop

parking is more in line with the campus. The campus is smoke-free and they have been responsive to calls from residents and will continue to do their best to resolve any problems.

Discussion took place regarding the condition of the waterway and clean-up of any debris as well as the Grassman Place buffer. The applicant was asked to do what they can to address those issues.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Natale's testimony.

Jim Coughlin stated that at the time that Summit Medical Group was constructed there was agreement that there would not be an entrance off Diamond Hill Road because of the safety issue. Now there are at least 100 cars a day making illegal turns and he asked why it isn't closed off and why there is a sign that says please use Mountain Avenue.

Mr. Natale said the sign is for nighttime when the gates are in the closed position.

Paul Munich asked what time on a weekly basis do they reach full capacity for parking, if there is a time when parking is static and whether parking on the grass is mostly by employees or patients.

In response to Mr. Munich's questions Mr. Natale stated that 100% capacity fluctuates each day and the problem hours generally are from 9-10 to 11:30 and 12-1 to 2 every day Monday through Friday with people parking on the grass. He indicated the locations of employee parking and the patient parking close to the buildings. They try to limit the grass parking to employees.

Gene Sautner, Summit Medical Group Facilities Manager, was sworn and stated that he is familiar with the day to day operations of the site and landscaping and maintenance issues. Mr. Sautner indicated on the exhibit the location of the drain at the base of the Ghost Pony Road culvert and where water ends up. The pipe was cleaned 10 days ago and it is kept clear as part of the landscaping contract. There is a regular maintenance schedule and when residents on Ghost Pony Road call and tell him the pipe is blocked with leaves he calls the landscaper to clean it out.

In response to questions from the Board with regard to drainage and the stream that leads to the rear of Mr. Coughlin's property, Mr. Sautner indicated the location of the detention pond and discussed how the drainage is handled. He stated that they do not do maintenance of the stream and as to the maintenance of the detention basins they are buried below the parking lot. Mr. Sautner said he did not know anything about the pipe Mr. Coughlin referred to.

Mr. Solfaro stated that he has asked to see the maintenance plan.

Mr. Cresitello advised that the Board should require updated maintenance information to be provided to the Board Engineer. There should be a condition of approval that an inspection

be done to determine the current status. The applicant should be maintaining a log to show that maintenance is being done and the log should be submitted.

McMorrow stated that when this system was installed there was no requirement to maintain a log but that would be an acceptable condition.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Sautner's testimony.

Jim Coughlin asked if Mr. Sautner knew how many trees have fallen down in the area he indicated on the map.

Mr. Sautner said he did not know.

Mr. Solfaro asked if the applicant would agree to a drainage study as part of this project.

Mr. McMorrow stated that a study was done 10 years ago but he does not have any current survey data. The obligation to maintain the basin was the obligation of the original developer of the Grassman development and Summit Medical Group assumed the maintenance of that basin in response to a request from the Township because of the concerns. A new study may be an analysis that would be more far ranging than is appropriate given the minor nature of this application and it could be a very expensive drainage study.

Open to the Public

The hearing was opened to the public for questions or comments with regard to the application.

Jim Coughlin was sworn and stated that he has photographs that show that the applicant started the drainage problems. There are trees down on the property and the gentleman in charge of maintenance did not know anything about them. He has photographs over a three year period and he has spent three years trying to reinstate his property. The traffic on Diamond Hill Road is very heavy and now with senior housing on Mountain Avenue there will be more cars and the Blue Cross/Blue Shield people will be going to this facility too. When the project was being done there was an agreement that the entrance on Diamond Hill Road would be closed off. There are 100 cars a day making illegal turns and that could be substantial revenue for the Township. He put out a sign that he buys antiques and he got a call about it but nothing happens with all of this stuff going on. The turn from Diamond Hill Road is a major safety hazard and people should not be allowed to make left turns.

Mr. McMorrow was recalled to further discuss drainage. Mr. McMorrow suggested that it would be appropriate under the circumstances to perform an analysis of the run off from the site to the pond upstream. An analysis of what can be happening upstream seems to be far reaching but they can assess the run off from the site and make sure that they are meeting all County and State rules and regulations. If there is need to make an improvement it should be kept in mind that the State protects the stream corridors and wants a natural environment.

Open to the Public

In response to questions from the Board, Mr. McMorrow stated that the stream existed prior to the development and there has not been a significant change in the parking lot from when Dun & Bradstreet was there.

The hearing was opened to the public for questions or comments with regard to the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

Board Comments

Mr. Cuocci asked that the applicant's engineer take a look at the stream flow into Ghost Pony Road because it has done damage.

Mr. Bruno stated that Summit Medical Group has been an asset to the Township. However, they have an obligation to be good neighbors to the residents on Grassman Place. Trees that have died should be replaced and the Environmental Commission would be happy to assist the applicant in that regard.

Mr. Hall stated that parking on the grass every day needs to be addressed and he supports the application. He suggested that the applicant involve the Environmental Commission and obtain their recommendations as to trees. Mr. Hall expressed concern about the lack of maintenance of the drywells and asked for that to be taken care of. He also requested that trees that have fallen into streams be removed to assist the neighbors.

Mr. Malman stated that the applicant will work with the engineers and produce a log showing that maintenance is being done.

Mr. Monaco agreed with the other Board comments and suggested that the applicant be more aware of the impact of the maintenance or lack thereof on surrounding residents.

Mr. Johnson said he believes the maintenance has not been kept up as much as it should have been. He encouraged the applicant to do a study and see what can be done to minimize flow on to streams impacting Mr. Coughlin's property. He also suggested that additional planting be done along the road and attention be given to prevent smokers going on to neighboring properties.

A motion was made by Mr. Bruno, seconded by Mr. Hall, to approve App. #SP-6-12: Summit Medical Group, One Diamond Hill Road, Block 3601, Lot 6 for amended preliminary and final site plan approval for site modifications as testified to with respect to additional parking and related improvements, and including a waiver of tree replacement requirements, subject to standard conditions and those specified on the record.

The Motion was carried 5-0 with Mr. Johnson, Mr. Bruno, Mr. Hall, Mr. Cuocci and Mr. Monaco voting in favor. There were none opposed.

Board Discussion

Mr. Cresitello advised that correspondence dated 2/20/13 was directed to the Board Secretary from the Acting Township Clerk regarding a redevelopment resolution that was introduced at the Township Council meeting. The resolution is a formal referral from the governing body to the Planning Board recommending that the Board engage in a study of certain properties to determine whether or not the area referred to is an area in need of redevelopment. That would involve authorizing the Township Planner to prepare a map of the area in question which is the municipal complex. The Board should consider whether or not to engage Michael Mistretta to prepare the map, detailed analysis and study as to whether or not this property meets the legal definition to be designated as an area in need of redevelopment.

Mr. Hall stated that the proposal involves a land swap and it is necessary to determine the value of the property. Mr. Mistretta's study will be presented to the governing body.

A motion was made by Mr. Hall, seconded by Mr. Cuocci to authorize the Michael Mistretta of Harbor Consultants, to undertake the study as discussed to determine whether or not the property in question meets the criteria to be designated as an area in need of redevelopment.

The Motion was carried 5-0 with Mr. Johnson, Mr. Bruno, Mr. Hall, Mr. Cuocci and Mr. Monaco voting in favor. There were none opposed.

Adoption of Minutes:

Regular Meeting February 6, 2013

A motion was made by Mr. Bruno, seconded by Mr. Hall, to adopt the Minutes of the Regular Meeting of February 6, 2013 as presented. The voice vote was unanimous.

Adjournment:

A motion was made by Mr. Cuocci, seconded by Mr. Bruno, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:57 p.m.

Regina Giardina, Secretary Pro-Tem