

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

September 18, 2013

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. Bruno, Mr. Niceforo, Mr. Graziano and Mr. Hall. Mr. Franchino, Mr. Russo, Mr. Cuocci, Mr. Monaco and Ms. Perna were absent. Thomas J. Molica, Jr., Esq, substituting for Mr. Cresitello, Board Attorney, and Mr. Solfaro, Board Engineer, were also present

Adoption of Resolution:

App. # M-2-13: Menza & Beissel Homes, Inc., 90 Kline Blvd., Block 1503, Lot 26
Requesting minor subdivision approval. The site to be subdivided currently contains a one and one-half story dwelling as well as a freestanding garage with an apartment above it. Elsewhere on the site are other impervious areas consisting of paved driveways, walkways and patios. It is proposed to remove all of the existing site improvements (structures and impervious areas), subdivide the property into two (2) lots and construct single-family dwellings with attached garages, paved driveways, walkways and patios on each of the new lots. (R-15 Zone)

A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the above Resolution. The voice vote was unanimous with Mr. Einbinder and Mr. Johnson voting in favor.

Adoption of Minutes:

Regular Meeting July 17, 2013

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adopt the Minutes of the Regular Meeting of July 17, 2013 as presented. The voice vote was unanimous.

Applications for Review:

App. #M-3-13: Menza & Beissel Homes, Inc., 528 Old Brook Lane (Lackawanna Blvd.), Block 3802, Lot 5

Requesting minor subdivision approval. The site to be subdivided currently contains a two-story frame dwelling with a detached garage and shed serviced by a gravel driveway from Old Brook Lane. It is proposed to subdivide the property into two lots with one lot containing the existing dwelling and out-buildings. The existing gravel driveway is proposed to be extended to Lackawanna Boulevard and to have the existing driveway to Old Brook Lane removed. The other proposed lot will contain a new 2-story dwelling and asphalt driveway. (R-20 Zone)

Conflict Attorney for this application: Thomas J. Molica, Jr., Esq., Vogel, Chait, Collins and Schneider, Morristown, New Jersey

Bartholomew Sheehan, attorney for the applicant, stated that this is a minor subdivision application for a property that is currently owned by Eugene Kilik. A small portion of the property is located in New Providence so the applicant has filed a waiver application there.

Michael Menza, partner of the applicant, was sworn and stated that the property now contains one single family house. The lot is 58,000 square feet and the proposal is to subdivide it into two lots, one 31,000 square feet and the other 27,000 square feet. He has met with the neighboring residents and discussed their concerns about the development of the property. Those neighbors are concerned about the condition of the roadway on Lackawanna Blvd, which is a public street. Mr. Menza is willing to make a \$5,000 contribution towards repair of the roadway. Other concerns that were discussed included silt fencing, the location of top soil during the construction and replacement trees. Initially it was intended that the existing home be kept on the property, but in view of its poor condition the plans have been revised so that the existing home will be demolished and a new house built in its place. That will eliminate the need for one of the variances. The applicant will also comply with the recommendations of the Environmental Commission except for the pervious asphalt driveway.

In response to questions from the Board, Mr. Menza indicated the trees to be taken down and where the replacement trees will be planted. The removal of the existing house will not trigger anything of an historic nature. Mr. Menza also indicated the location of the proposed new houses.

Mr. Menza presented Exhibits A-1 and A-2 – photographs showing the poor condition of the existing home.

Discussion took place regarding the required tree replacement and the past practice of allowing fewer trees of a larger caliper.

Open to the Public

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

Irwin Ostroff, Lackawanna Blvd., asked if the approximately eight dead trees on Lackawanna Blvd opposite his property that are close to the power lines will be removed. He said he would like to see those trees taken down and replaced with 8' evergreens.

Mr. Menza said he would agree to take those down and replace them. It was suggested that since the trees are located near the power lines they not be too tall.

Mr. Ostroff indicated on the plans the location of a set of steps that should also be removed from the applicant's property and Mr. Menza agreed to that.

Frederick Voss, engineer, was sworn and accepted as an expert witness. Mr. Voss described the existing conditions at the site and the proposed subdivision of the property into two lots. Mr. Voss indicated the location of the existing house that is to be removed, described the slope on the property and the existing access to the dwelling by gravel driveway from Old Brook Lane. The proposed dwelling will face and have access to Lackawanna Blvd. The existing dwelling, the driveway, shed, garage and steps will be removed. There are no variances requested for Lot 5.01 and all construction will conform to regulations. There is one variance needed for Lot 5.02 for lot depth. The existing depth is 138' and 150' is required. This is an existing condition that will not be exacerbated in any way. All dead trees on the property will be removed.

Mr. Voss stated that he reviewed the report of the Board Engineer dated September 10, 2013 and the applicant will comply with all the recommendations contained in the report.

Mr. Solfaro advised that there are no open issues from his report. He asked Mr. Voss if there will be permeability tests performed and Mr. Voss said there will be.

In response to questions from the Board, Mr. Voss explained the existing drainage that will remain and stated that there will be no change in the quantity or rate of run off. He also discussed the possible alternatives in the event the permeability tests are not favorable.

Open to the Public

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

Mr. Ostroff asked if the very large tree in front of the house will be removed.

Mr. Menza said they do not plan to remove that tree.

David Harris asked about the tree credits that were mentioned in the engineer's report.

Mr. Einbinder explained that the applicant is required to plant certain size trees and may be given the option to plant fewer but larger trees.

Mr. Menza said he will coordinate with Mr. Harris to fill in any gaps with evergreens to provide a nice buffer area.

In response to further questions from the Board members, Mr. Menza advised that the proposed houses will be about 3400-3500 square feet, with 4-5 bedrooms. Mr. Voss stated that the volume of water to be drained from the existing pond is not significant and will not be a major issue.

Open to the Public

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

David Harris, 7 Lackawanna Blvd., was sworn and said he appreciates that the proposed houses conform to the houses in the neighborhood. He appreciates the placement of the houses toward the left of the property and the applicant's willingness to work with the neighbors. He is sorry to see the wooded lot diminished but the applicant has done a good job. Mr. Harris expressed concern about the extension of Old Brook Lane that currently serves as the owner's driveway. He is concerned that it will be used for dumping of yard waste and is not happy about having an uncontrolled road that provides access to their properties.

Discussion took place regarding the gravel road/driveway and what can be done to limit access. It was suggested that when it is no longer used it will revert to a natural state.

Arthur Saladino, 415 Mountain Avenue, was sworn and stated that the gravel road is maintained by Berkeley Heights. Mr. Kilik calls them and public works brings crushed stone and replenishes it.

Irwin Ostroff, Lackawanna Blvd, was sworn and stated that generally speaking he thinks the applicant has done a good job with the neighbors. He is pleased with the applicant's efforts to meet the residents' needs and to improve the neighborhood and he would urge the Board to grant the approval.

Mr. Sheehan stated that the applicant has demonstrated entitlement to the subdivision and the variance and that there will be no substantial negative impact to the public or the zoning plan.

Board Comments

Mr. Graziano said he thinks it is a good application and he believes the applicant will do a fine job. He will vote in favor of the application.

Mr. Bruno commended the applicant on the presentation. He said it is not very often that the Board hears from residents supporting an application. He has seen the quality of homes the applicant has built in Berkeley Heights and appreciates that the applicant reached out to residents before coming to the Board. He will support the approval of the application.

Mr. Niceforo commended the applicant for reaching out to the neighbors.

Mr. Hall and Mr. Johnson agreed with the other Board members.

Mr. Einbinder said he thinks this is a good application that was well presented and he will vote in favor.

A motion was made by Mr. Einbinder, seconded by Mr. Graziano, to approve Application #M-3-13: Menza & Beissel Homes, Inc., 528 Old Brook Lane (Lackawanna Blvd.), Block 3802, Lot 5 for minor subdivision approval, subject to the conditions discussed during the hearing, the issues raised in the September 10, 2013 Neglia report, the recommendations discussed from the Environmental Commission, and 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 6-0 with Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Niceforo, Mr. Graziano and Mr. Hall voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Bruno, seconded by Mr. Graziano, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:55 p.m.

Regina Giardina, Secretary Pro-Tem