

## MINUTES

### PLANNING BOARD

#### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

#### Regular Meeting

May 6, 2015

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. Woodruff, Mr. Niceforo, Mr. Beal, Mr. Bocchino and Mr. Cunningham. Mr. Willard, Board Attorney, and Thomas Solfaro, Board Engineer were also present.

#### Adoption of Minutes:

April 15, 2015 Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the Minutes of the Regular Meeting of April 15, 2015 as presented. The voice vote was unanimous.

#### Adoption of Resolution:

##### App.#SP-3-15: JP Morgan Chase Bank, NA, Springfield & Snyder Avenues, Block 801, Lots 29 & 30 (Zone HB-2)

Seeking approval to replace the previously approved VAT (vacuum air tube) with an ATM at the inner drive-through lane at the existing bank. In connection with this, the Applicant is requesting a waiver under Section 10.1.3.B. of the Land Use Procedures Ordinance which allows the Planning Board to classify the application as a Minor Site Plan and waive the requirement of notice and public hearing if certain conditions are met. The applicant received original site plan approval in February 2009 for the construction of the bank building with associated drive-thru and related site improvements. In May 2012 the Planning Board approved an increase in the size of the building, modification of the drive-thru lanes, elimination of the dumpster pad and revisions to the previously approved signage package.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the above Resolution. The voice vote was unanimous with Mr. Einbinder, Mr. Woodruff, Mr. Niceforo, Mr. Beal, Mr. Bocchino, and Mr. Cunningham voting in favor. There were none opposed.

**Referral:**

Township Council Resolution No. 99-2015 authorizing the Planning Board to undertake a preliminary investigation of the Township owned Library Property and the property owned by the Little Flower Church in order to recommend to the Township Council whether these areas, or any portion thereof, are areas in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

Mr. Willard advised that the Township Council is looking for input from the Planning Board as to whether the proposed redevelopment study should be conducted.

Mr. Einbinder advised that this involves land that is now occupied by Little Flower Church and the Berkeley Heights Library. The Township Council has asked the Board to conduct a preliminary investigation as to whether or not these areas are in need of redevelopment.

Mr. Woodruff advised that this would just start the process. A Planner will be hired to determine if the properties meet the criteria for redevelopment,

**Open to Public**

The meeting was opened to the public for questions or comments regarding the referral.

Tom Foregger asked how the Board can authorize a study on properties that the Township does not own.

Mr. Willard advised that the Township does not have to own the property to review whether or not it is an area for redevelopment.

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to undertake a preliminary investigation of the Township owned Library Property and the property owned by the Little Flower Church in order to recommend to the Township Council whether these areas, or any portion thereof, are areas in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

The Motion was carried 7-0 with Mr. Einbinder, Mr. Johnson, Mr. Woodruff, Mr. Niceforo, Mr. Beal, Mr. Pirone, Mr. Bocchino, and Mr. Cunningham voting in favor. There were none opposed.

It was noted that two Board members who had potential conflict regarding the above action were not present and all the Board members who were present and voted on the motion were not conflicted.

**Consideration of Resolution:**

Resolution memorializing the action taken by the Board on May 6, 2015, with regard to the proposed preliminary investigation referenced above.

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adopt the above Resolution. The voice vote was unanimous with Mr. Einbinder, Mr. Johnson, Mr. Woodruff, Mr. Beal, Mr. Bocchino, and Mr. Cunningham voting in favor. There were none opposed.

**Application for Review:**

**App.#SP-4-15: Snyder Avenue Berkeley Heights, L.L.C., 330 Snyder Ave., Bl.1901, L.49**

Proposal to add a second story to a single-story building in order to increase both the office and the warehouse spaces. The occupants of the current building are involved in the business of freight shipping and short term storage, serving both the private and the public (military) sectors. The proposed expansion would require, or would potentially require, variances for the following: Front Yard Setback, Side Yard Setback, Building Coverage, Building Height, Other Coverage, Total Coverage, Accessory Structure and Parking. (LI-Zone)

Fred Zelley, attorney for the applicant, stated that this is an application for site plan approval. The applicant owns the property and the property is occupied by two tenants that are related businesses. All three entities are owned and operated by the same family. The proposal is to double the size of the building by going straight up. There will be very little change in the footprint and very little change to the site itself. A total of eight variances have been identified, many of which reflect current existing conditions. The Board Engineer has identified one additional variance that the applicant missed for a sign on the side of the building.

Ahmed Shawn Singer was sworn and stated that he is an officer of the company that owns the property. The company is owned by his family and they have owned the property since 1986. Two companies owned by his family that occupy the property are Gulf American Lines and New York Forwarding Services. The company is a third party logistics company and operates as the middle man for shipments overseas. They handle the paperwork, customs filings, etc. for commercial goods as well as military shipments. They have a fleet of trucks and there is no long term storage in the facility. The intent is to use the second floor for offices.

In response to questions from the Board, Mr. Singer stated that there is no ammunition or explosives being processed at the facility, there are approximately 30 employees, and all employees have the necessary security clearance.

### **Open to Public**

The meeting was opened to the public for questions regarding Mr. Singer's testimony.

Tom Foregger stated that he looked up the company and asked why their business entity certificate has been revoked.

Mr. Zellely said he will check into that. If the business entity certificate has been revoked for any reason they will have it reinstated.

Paritosh Kumar, architect, gave his educational and business background and was accepted as an expert witness.

Mr. Kumar presented the following exhibits:

Exhibit A-1 – photographs showing the property as it exists now as a one-story warehouse. Mr. Kumar indicated the location of the loading docks in the back and on the side of the building that are to be removed and replaced with five loading docks in the back. He noted that there are existing industrial buildings in the area and the proposed building will fit in with the neighborhood.

Exhibit A-2 - plan showing the existing building including the offices in the front, the small notch that will be squared off and the existing ramp in the back which will be made smaller and moved to the side.

Exhibit A-3 – the same plan showing everything gutted on the first floor, the removal of the existing roof and the addition of the second floor.

Exhibit A-4 - sketch of the new design showing the offices moved to the second floor.

Exhibit A-5 - new design of the exterior. Mr. Kumar described the arches, stucco and brick on the exterior and indicated the location of the parking areas and loading docks. He noted that they have attempted to use several architectural elements to enhance the building.

Exhibit A-6 - color renderings of the exterior of the building. Mr. Kumar reviewed the green materials proposed to be used, indicated the location of skylights, the two-story foyer, the canopy, arches and the brick panel system. He stated that the arches will have

recessed lights that will shine on the wall and there will be a LED strip around the top of the building similar to what is on the Chase building.

In response to questions from the Board, Mr. Kumar stated that the LED strip will not be blue like Chase, it will be standard lighting and will not light up the sky, just the building. There will be one large sign on the front of the building with the company name and a logo sign on the side of the building. In the back and on the side of the building there will be security lighting including motion detection lights and some flood lights on the parking lot side. The company sign will project about 12” from the building, it will be internally lit and the letters on the sign will be about one foot high.

Discussion took place regarding the existing windows on the side of the building that are at different heights and in a haphazard pattern. The applicant agreed to arrange the windows so that they are at the same level and consistent on both sides.

With regard to the height of the building, Mr. Solfaro advised that 40’ is permitted and the proposal is less than 10% more. He suggested that Mr. Bocko be asked for an interpretation regarding the height. He noted that if the height of the main entrance is 45’6” that would require a C variance and be under the jurisdiction of the Board of Adjustment.

Mr. Kumar presented Exhibit A-7 - interior renderings, showing the two story foyer, reception area, glass railings, skylight, private offices, and the open office area in the back.

Mr. Zellely advised that the applicant has reviewed the Berkeley Heights Fire Department letter and will take care of those details. They have also addressed the issues raised in the Neglia report dated 5/1/15.

### **Open to Public**

The meeting was opened to the public for questions regarding Mr. Kumar’s testimony.

Jean Kingsley expressed concern with regard to the LED light that will be similar to the lighting at the Chase Bank. She stated that on a two story building that type of lighting may not be favorable to the neighborhood and asked that the applicant keep in mind that the building is near a residential neighborhood.

Mr. Kumar stated that if it is an issue the LED light can be eliminated. It is intended to be an accent light, not a bright light, and it will be facing down on the building. Mr. Singer stated that they would be willing to compromise on the light.

Thomas Piccirillo, owner of neighboring building, expressed concern about water drainage from the roof. He said that in the past water in the parking lot between the buildings has frozen and caused a dangerous condition. They and the applicant made some corrections in order to move roof water to the back. Mr. Piccirillo asked how the roof drainage will be handled with the new building.

Mr. Kumar stated that there will be 3-4 internal drains about which Mr. Gazzale, the applicant's engineer will testify.

Mr. Piccirillo asked if the side lot will be improved and encouraged the applicant to use downward facing flood lights for the parking lot.

Mr. Singer stated that those concerns will be addressed by the video they will show.

Julie Lloyd, 52 Deerfield Drive, asked if the applicant would be willing to consider taking the columns off the building and bringing the stucco down to the bottom or making the columns thicker. She said that the town looks for a more traditional look and this is Romanesque.

Mr. Kumar said that could be done but it would block the light. Mr. Singer said he thought that would make the building look boxy and would take away from the aesthetics. It was also noted that it would interfere with the walkway.

Mr. Einbinder stated that the applicant has presented their design and suggested that Ms. Lloyd speak to the applicant directly regarding the points she has raised.

Mr. Kumar said they are open to suggestions.

Mr. Singer showed a video showing the existing conditions and the proposed new building.

In response to questions, Mr. Singer advised that the company has customers and clients coming in and out every day. They also have two out of state branches and visitors come from those branches daily. There are four trees on the property that they wish to remove since they obstruct the view of the building and they will replace them with whatever the Board requires and will discuss the tree replacement ordinance with the zoning officer.

Robert Gazzale, engineer, was sworn and accepted as an expert witness. Mr. Gazzale stated that he prepared the plans dated 2/20/15. Currently the building is a single story building with access from Snyder Avenue. The proposal is to square off the building and construct a second story. There are four loading docks on the northerly side of the building and a ramp and two other loading docks in the rear. All utilities exist at the

property and there are 44 existing parking spaces. The handicapped spaces will be relocated and provide access to the front door. All of the roof leaders will drain to the existing inlet on the property which ties into the storm sewer system.

In response to questions, Mr. Gazzale stated that in his opinion the proposal will not create a water problem. The volume of water will be almost the same and the drainage patterns are not being changed. The proposed number of parking spaces will be 66 including three handicapped spaces which he anticipates will be sufficient.

Mr. Singer advised that the current demand for parking is approximately 30-35 and there are currently 44 spaces.

Mr. Gazzale indicated on the plans the proposed location of the trash enclosure that is on a concrete pad with a board on board fence. All lighting will be aimed down on the property and they are proposing two additional light poles along the back of the property. The normal operating hours of the facility are 8 a.m. to 5 p.m. and there will be security lighting in the evening hours.

Mr. Gazzale stated that the reports from the Fire Department and the Environmental Commission have been reviewed and their concerns will be addressed.

Mr. Gazzale stated that he has reviewed the Neglia report of May 1, 2015 and concurs as to the waivers and variances that are required. An exemption request has been filed with regard to soil erosion but the plan details will be added to the plans as requested. The applicant is requesting waivers of the requirement for a landscaping plan to be prepared by a certified landscaper and for the buffer requirements since this is an industrial area. The applicant will consult with Tom Bocko regarding tree replacement and do whatever is required. Mr. Gazzale presented Exhibit A-8 – existing landscaping. The applicant is also requesting a waiver of the decorative light requirement along Snyder Avenue. The parking lot will be restriped and there will be repaving in the area of the handicapped spaces and some spot repairs throughout the lot.

### **Open to Public**

The meeting was opened to the public for questions regarding Mr. Gazzale's testimony.

Thomas Piccirillo, owner of the neighboring building, asked about the logistics of construction, if their cars will have to be relocated, how the cars will be protected and how long the construction will take.

Mr. Singer advised that the building will probably not be occupied during construction and he does not think it will encroach on Mr. Piccirillo's property. Mr. Gazzale stated

that all construction materials will stay on the applicant's property and everything will be done about 10 feet from the property line. The construction will take 9-12 months.

Richard Lapinski, Planner, was sworn and accepted as an expert witness. Mr. Lapinski stated that he has prepared the planning analysis for the second story expansion. Most of the expansion is taking place within the footprint and there are several variances that are relatively minor in nature. Front yard setback will be 31'8" where 40' is required. The side yard setback that is an existing condition is 10'5" where 15' is required and they are proposing to maintain the 10' setback. The building height will be 42'3" where 40' is permitted so this would be a C variance and in his opinion is a minor variance. Parking required based on square footage of the building would be 96 and they are proposing 66 which they believe will be more than sufficient. The building coverage will increase by 0.36%. The existing other coverage is 51.3% where 35% is permitted. The existing total coverage is 86.26% where 70% is permitted and 86.9% is proposed. A variance is needed for the accessory structure that will be relocated and will be 0.8' from the property line. A variance is also required for the logo sign that will be the second sign.

Mr. Lapinski stated the opinion that these variances can be granted because most of them are variances that advance one or more of the purposes of the municipal land use law and represent the best planning solution for the property. The lot is narrow and deep and there is no capability of adding land to the property. The total coverage exceeds the permitted maximum by 16% but the redevelopment of this site in any manner would not eliminate that 16%. Mr. Lapinski further stated that the requested waivers and variances can be granted since the benefits outweigh the detriments and he believes the relief can be granted without detriment to the public good or impediment to the zoning ordinance or the Master Plan.

Discussion took place regarding the proposed height of the building. Mr. Zelley stated that the applicant will consult with the zoning officer for his interpretation and will redesign the building if necessary so that it will require a C variance and not a D variance.

### **Open to Public**

The meeting was opened to the public for questions regarding Mr. Lapinski's testimony. There were no members of the public who had questions and the meeting was closed to the public.

### **Open to Public**

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

Thomas Piccirillo said the plan looks good to him.

Board Comments

Mr. Einbinder asked that the applicant consider the comments made regarding the LED lights and try to keep the lighting as much as possible on their premises. The applicant should also discuss the tree replacement with Mr. Bocko and Mr. Solfaro.

Mr. Niceforo said he thinks it is a good application and the architect did a nice job.

Mr. Cunningham said he also thinks it is a good application and asked if there would be a response to the Neglia report.

Mr. Solfaro advised that there will be a Resolution Compliance follow up.

With regard to the window design, Mr. Solfaro was authorized to work with the applicant on the redesign. The applicant will prepare a rendering for submission to Mr. Solfaro.

Mr. Willard reviewed the application as submitted, the waivers and variances requested and the proposed conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo to approve Application #SP-4-15: Snyder Avenue Berkeley Heights, L.L.C., 330 Snyder Ave., Bl.1901, L.49 for preliminary and final site plan approval with variances and waivers, 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 7-0 with Mr. Einbinder, Mr. Johnson, Mr. Woodruff, Mr. Niceforo, Mr. Beal, Mr. Bocchino, and Mr. Cunningham voting in favor. There were none opposed.

Adjournment:

A Motion was made by Mr. Einbinder, seconded by Mr. Cunningham, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:55 p.m.

Regina Giardina, Secretary Pro-Tem