

## MINUTES

### PLANNING BOARD

#### TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

December 9, 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. Pirone, Mr. Bocchino and Mr. Cunningham. Mr. Willard, Board Attorney, and Thomas Solfaro, Board Engineer, were also present.

#### Adoption of Minutes:

November 4, 2015 Regular Meeting

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adopt the Minutes of the Regular Meeting of November 4, 2015 as presented. The voice vote was unanimous.

#### Application for Review:

#### **CARRIED FROM NOVEMBER 4, 2015, WITH NO FURTHER NOTICE REQUIRED:**

#### **App.#M-1-15: Jonell Associates Development, 20 Old Farm Rd., Block 2801, Lot 64**

Requesting approval to demolish an existing home and detached garage, then subdivide the existing lot 64 into two new lots, proposed lots 64.01 and 64.02, and build two new homes. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because proposed lot 64.01 would have a lot area less than the required 22,000 sq. ft. minimum for a corner lot and an insufficient front yard setback along Kingman Road; proposed new lot 64.02 would have a lot area less than the required 20,000 sq. ft. minimum, an average lot depth less than the 150 ft. required and an insufficient rear yard setback. (R-20 Zone)

Paul Weeks, attorney for the applicant, stated that the applicant has resolved the easement issue to his satisfaction. Upon investigation it was determined that the easement that exists to allow access from Lot 63.02 to Old Farm Road is not on the applicant's property and it will not interfere with the proposed subdivision and development. The proposal is for a subdivision of the property and construction of two single family homes.

Aidan Murphy was sworn and accepted as an expert witness in the field of engineering and planning.

Mr. Murphy presented Exhibit A-8 – aerial photograph showing the existing setbacks for properties along Old Farm Road, some of which are less than the 50' required, Exhibit A-9 – plan showing two proposed homes and how they relate to the buildings behind them, Exhibit A-10 – tax map of Berkeley Heights showing lots surrounding the applicant's property with highlighting of properties that are less than 20,000 square feet, and Exhibit A-11 – list of properties on Old Farm Road that do not conform to the 20,000 square foot requirement.

In response to questions from the Board, Mr. Murphy stated that the distance between the two proposed houses will be 40'. The development will meet the positive criteria and the purposes of the municipal land use law. The proposed lot size is in conformance with the neighborhood. The benefits of the proposed project will outweigh the detriments. The amount of impervious coverage will be decreased and additional trees and foliage will be provided.

Mr. Murphy reviewed the landscaping plan and stated that the applicant would agree to change the white pine trees to 7-8'. Mr. Solfaro noted that his office will review the landscaping and make recommendations on trees.

In response to a question regarding grading, Mr. Murphy indicated the location where fill will be provided and stated that the drainage and grading will be done to the satisfaction of the Board Engineer. Mr. Solfaro noted that he does not see any problem with the grading.

### **Open to Public**

The meeting was opened to the public for questions with regard to Mr. Murphy's testimony. There were no members of the public with questions and the meeting was closed to the public.

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

Discussion took place regarding the size of the trees and it was noted that the Board would prefer a smaller number of larger trees. Mr. Weeks stated that the applicant will comply with all recommendations in the professional reports.

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

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to approve Application #M-1-15: Jonell Associates Development, 20 Old Farm Rd., Block 2801, Lot 64 for approval with variances, 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. Pirone and Mr. Cunningham voting in favor. There were none opposed.

**App.#SP-5-15: The Connell Company; 300/400 Connell Drive, 250 Connell Drive, 200 Connell Drive, and 100 Connell Drive, Blocks 4102, Lot 1 and Block 4301, Lots 1.011, 1.012 & 1.02 (OR-A and OR-B Zones)**

Proposal to install trails, an outdoor plaza with a fountain, outdoor seating, landscaped areas, and other related outdoor recreational amenities. In addition to preliminary and final major site plan approval, Applicant seeks a variance pursuant to N.J.S.A. 40:55D-70(c) as some of the proposed accessory structures will have a 0' side yard setback, where 40' is required.

Douglas Janacek, attorney for the applicant, stated that this is an application for comprehensive fitness trails on the Connell campus that would consist of a 2-3 acre park that would have a fountain, benches and gaming areas. This is intended to serve the corporate and hotel users on the Connell campus and a technical variance is needed for a setback issue.

Ronald Kennedy, Main Street Designs, was sworn, gave his professional background and was accepted as an expert witness for engineering and planning.

Mr. Kennedy presented Exhibit A-1 – view of the campus showing the entire campus, the buildings on the property and Green Brook along the bottom of the property. The park will be located between 100 and 200 Connell Drive and the intent is to enhance the experience on the property for the tenants, their employees and guests. The park will include walking trails and fitness activities.

Mr. Kennedy presented Exhibit A-2 – site plan rendering showing details of the proposed park area. A technical variance is needed for setbacks. The area is now mostly lawn and trees with no impervious coverage and there are no changes proposed to the parking area. Mr. Kennedy indicated on the plan the series of walkways, and pathways, all of which will be ADA compliant and the location of seating, tables, benches and game tables. The plaza will have a water feature that will recycle water over a series of rocks.

Mr. Kennedy reviewed the lighting plan, including light poles, lights on seating areas and along walkways. The lighting will comply with the township ordinance. Trees that will be taken down will be replaced and the storm water drainage will be to the existing detention facilities. The walkways will be over existing paths with pea stone or some type of bituminous paving.

In response to questions from the Board, Mr. Kennedy stated that the park will be open to the general public, the fountain will use recycled water that will tie into the public water system and the fountain will be shut down during the winter. Mr. Kennedy stated that the benefits of this project outweigh the detriments and, in fact, there are no detriments to the surrounding neighborhood or the zoning plan.

Mr. Janacek advised that the applicant will comply with all recommendations in Mr. Solfaro's report. The applicant will be meeting with the Environmental Commission and giving them a tour of the site. Construction will begin as soon as possible with the goal to have it completed by late spring, early summer.

### **Open to Public**

The meeting was opened to the public for questions with regard to Mr. Kennedy's testimony. There were no members of the public with questions and the meeting was closed to the public.

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

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

A motion was made by Mr. Pirone, seconded by Mr. Cunningham, to approve Application #SP-5-15: The Connell Company; 300/400 Connell Drive, 250 Connell Drive, 200 Connell Drive, and 100 Connell Drive, Blocks 4102, Lot 1 and Block 4301, Lots 1.011, 1.012 & 1.02 (OR-A and OR-B Zones) for approval with variances, 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 8-0 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.

**Adjournment:**

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:00 p.m.

Regina Giardina, Secretary Pro-Tem