

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

May 18, 2016

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. Hall, Mr. Beal, Ms. Kingsley, Mr. Bocchino, Mr. Cunningham and Mr. Mangold. Mr. Willard, Board Attorney, and Thomas Solfaro, Board Engineer, were also present.

Adoption of Minutes:

May 4, 2016

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adopt the Minutes of the Regular Meeting of May 4, 2016 as presented. The voice vote was unanimous.

Adoption of Resolution:

App.#M-1-16: Berkeley Development Company, L.P., 390-400 Springfield Avenue, Block 701, Lots 2 & 3 (DD-Zone)

Request for preliminary and final minor subdivision approval. Applicant is seeking to change the size of the existing Lots 2 and 3 by the proposed subdivision. Applicant is not proposing any new construction as part of this application. (Existing Lot 2: 2.902 acres; existing Lot 3: 9.088 acres; Total: 11.990 acres. Proposed Lot 2.01: 2.456 acres; Proposed Lot 3.01: 9.534 acres; Total: 11.990 acres.)

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

Discussion Re Ordinance

Mr. Einbinder advised that the Town Council has asked for comments from the Board as to the proposed change to the ordinance with respect to the design standards. Ms. Kingsley advised that the intent is to make the standards more specific and reduce the amount of interpretation needed by the Board of Adjustment and Planning Board.

Application for Review:

App.#SP-2-16: CoCo Family Trust, 482 Springfield Avenue, Block 613, Lot 7 (DD-Zone)

Applicant is seeking site plan approval along with certain bulk variances in order to use the existing building and add space to the front of the structure for a hair and beauty salon, retail sales and residential use.

August Santore, attorney for the applicant, presented Exhibit A-3 – photo board containing photos of the existing building, renderings of the proposed addition and materials to be used for the addition.

Nicholo Cocuzza, applicant, was sworn and stated that Coco Family Trust is the contract purchaser of the property. They have met with the Beautification Committee and incorporated their recommendations. Mr. Cocuzza reviewed the changes to the proposal and stated that the height of the façade has been increased with the addition of a second floor in order to hide the roof of the existing building and the basement has been removed. They have not determined how they will use the second floor but it may be used as an office, for storage or as a treatment area. Mr. Cocuzza further stated that he has met with Mr. Solfaro and reviewed the comments in the Neglia report and will comply with those recommendations. He will also comply with the design standard requirements included in the new amended ordinance.

With respect to signage, Mr. Cocuzza stated that the two permitted signs will be on the building, they will be either dark chocolate or black with a white background and they will have halo lighting. They are also seeking a variance for two additional signs, one in the rear and one on the west side of the building. The existing freestanding sign on the property will be removed. The roof of the addition will match the roof of the existing building.

Mr. Cocuzza reviewed the existing parking in the area around the site, discussed the existing cooperation among the building owners and the current parking problems created by the dance studio use on the property.

Suzanne Cordillo, member of the Coco Family Trust and proposed occupant of the building, was sworn and stated that she has been in business in that area for over 20 years and over the years there has been an understanding with other tenants including DiMao's as to the sharing of parking on Sherman Avenue and in the parking lots. Her business will have a lower demand for parking than what presently exists for the dance studio.

Discussion took place with regard to the number of parking spaces required under the ordinance for the proposed beauty salon use. It was determined that 14 spaces are required and there are 8 proposed so a variance is required for 6 spaces.

Ms. Cordillo presented Exhibit A-2 – sample appointment schedule of her salon.

Mr. Solfaro discussed how the parking requirement has been calculated. Three spaces are required for each chair with four chairs equaling 12 spaces and two spaces are required for the proposed three bedroom apartment for a total of 14. Discussion took place regarding the number of people on the premises at one time. Ms. Cordillo stated that there will probably be 4 customers and 5 employees with the way her business works. There is an agreement with the present residential tenant that they will not park on the property during business hours.

In response to questions from the Board, Mr. Santore advised that there is an unwritten agreement with the owner of DiMao's Restaurant with respect to parking but the restaurant owner is unwilling to put anything in writing. Ms. Cordillo stated that they would be willing to include windows on the second floor. Use of the second floor as a treatment room will not mean that there is an additional customer or operator.

Mr. Cocuzza reviewed the variances that are required including expansion of existing non-conforming side yard setbacks, front yard setback, signage and parking. Impervious coverage is being reduced by replacing existing asphalt with pavers.

Mr. Solfaro advised that the sight distance calculations, landscaping plan and lighting plan should be submitted and there are some drainage issues to be addressed. The proposed parking spaces are 7' x 16' where 9' x 18' is required. The applicant is requesting a waiver of the size requirement. Discussion took place and it was suggested that it would be better to grant a variance for one more space and have the spaces conform to the size required. Mr. Solfaro stated that he will be able to resolve the remaining issues in his report with the applicant.

Open to Public

The meeting was opened to the public for questions with regard to Mr. Cocuzza's and Ms. Cordillo's testimony.

Robert Delia, 481 Springfield Avenue, asked about the right of way on Summit Avenue, the proposed setbacks on Springfield Avenue and Summit Avenue and variances being requested.

Mr. Cocuzza indicated the location of the Summit Avenue right of way and stated that the setbacks on Summit Avenue are pre-existing conditions and a variance is being requested for the front yard setback.

Discussion took place regarding the parking and the benefit to the town of improving the conditions on Springfield Avenue.

In response to a question, Ms. Cordillo advised that the salon will have sales of shampoo, conditioner, etc. but it will not be a retail store where people come in just to purchase those items.

Open to Public

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

Robert Delia was sworn and stated that his main concern is with the parking. He is a member of the Board of Adjustment and they try to remain as close as possible to the Master Plan and he believes the ordinances with regard to the number of parking spaces required exist for a reason. He believes going from 14 spaces down to 8 is too far from what the Master Plan is trying to accomplish. This is a very congested area and the variance being requested is a major issue.

Discussion took place and it was noted that there are a few properties on Springfield Avenue in need of improvement that will never be improved unless the unique circumstances are taken into consideration.

In response to questions, Mr. Cocuzza stated that he will comply with the recommendations of the Beautification Committee and the Fire Department as well as the requirements in the Neglia report.

Mr. Santore summarized the application and noted that he appreciated Mr. Delia's comments but believes the property will be improved if the Board grants the variances being requested.

Discussion took place as to whether to grant a variance for the lower number of parking spaces and require them to be the correct size and the consensus of the Board was in favor of requiring the larger spaces.

Discussion took place with regard to whether granting the parking variance will set a precedent for future applications and the consideration of the circumstances of the property and the Board's desire to improve the conditions of the downtown area. It was noted that the prohibition on the residential tenant as to parking is probably not enforceable. Mr. Cocuzza stated that he approached other neighboring property owners with regard to parking and was not able to reach agreement with them in writing.

Board Discussion

Mr. Beal stated that there is enough history to justify a special consideration as to parking.

Mr. Niceforo stated that MLUL requires the Board to look at the benefits of the application and when you look at what is there now and what will be there in its place, this is a no-brainer. Overall this will be an improvement to the downtown area and will get rid of an eyesore.

Ms. Kingsley said she agreed that the property is currently an eyesore and thinks that the parking rules need to be addressed by the Council. She would prefer a variance for five spaces and having larger spaces and she does not think this will cause a major parking crisis.

Mr. Johnson said he thinks this will be a big improvement over what is there now and compromise is needed in order to change the downtown area.

Mr. Bocchino said he thinks parking is a big issue and it is the number one complaint he hears. He does not think it is unreasonable to require written agreements with regard to parking since people move in and out over the years. He is not in favor of the application.

Mr. Hall said he agrees that the current building is in bad shape and this would be an improvement. He struggles with the issue of parking and pointing to the municipal lot for overflow parking for private use. He would support the approval of the application but is concerned about the enforceability of the residential tenant not being able to park.

Mr. Einbinder stated that there are a number of properties in the downtown area that are in need of repair and this is an opportunity to take one of them and make it better. The application is not perfect but he would vote in favor.

Mr. Willard summarized the application, the variances required and the proposed conditions of approval.

A motion was made by Mr. Einbinder, seconded by Ms. Kingsley, to approve Application #SP-2-16: CoCo Family Trust, 482 Springfield Avenue, Block 613, Lot 7 (DD-Zone) for site plan 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 8-1 with Mr. Einbinder, Mr. Johnson, Mr. Woodruff, Mr. Niceforo, Mr. Hall, Mr. Beal, Ms. Kingsley and Mr. Cunningham voting in favor and Mr. Bocchino opposed.

App.#M-2-16: Jonell Associates Development, 20 Old Farm Road, Block 2801, Lot 64

Applicant is requesting a modification to a minor subdivision plan which was approved by the Planning Board at its meeting on December 9, 2015, and memorialized by resolution (App. No. M-1-15) adopted January 6, 2016. The approval was granted to demolish an existing home and detached garage, subdivide the existing lot into two (2) new lots, proposed lots 64.01 and 64.02, and build two new homes. Approval is now being sought to move the two proposed homes forward 15 ft. Relief is needed from Article 6.1, Section 6.1.1B, “Schedule of General Regulations” of the Zoning Ordinance because both proposed lots, 64.01 and 64.02, would now have a front yard setback of 35.5 ft. where 50 ft. is required. In doing so, the previously approved variance for a rear yard setback on Lot 64.02 would be eliminated because the rear yard setback would meet the minimum 40 ft. setback requirement. (R-20 Zone)

Paul Weeks, attorney for the applicant, stated that this application was previously approved for a subdivision and construction of two one-family homes. The applicant is seeking an amendment of the approval in order to move the houses 15’ closer to the road.

William Hollows, engineer, was sworn and accepted as an expert witness. Mr. Hollows stated that this subdivision was approved in December 2015 and one large lot was split into two building lots. The proposal was for a 50’ front yard setback and the Board granted a variance for rear yard setback on Lot 64.02. After the existing house was demolished and the applicant got ready for building permits he felt it would be better to move the houses closer to Old Farm Road and make the rear yards larger. The applicant is seeking a variance for the front yard setback and eliminating the need for the rear yard setback variance. There will be no change to the lot lines or to the proposed houses. The front yard setback will be 35’ where 50’ is required. The proposed retaining wall between the houses would be eliminated. There would be no change in the drainage and the impervious coverage will be decreased because of the shorter driveways. The proposed side yard setbacks will remain the same.

Open to Public

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

Mr. Willard summarized the application and the proposed conditions of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to approve Application #M-2-16: Jonell Associates Development, 20 Old Farm Road, Block 2801, Lot 64 for approval of modification to a minor subdivision plan previously approved, 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 9-0 with Mr. Einbinder, Mr. Johnson, Mr. Woodruff, Mr. Niceforo, Mr. Hall, Mr. Beal, Ms. Kingsley, Mr. Bocchino and Mr. Cunningham voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 10:05 p.m.

Regina Giardina, Secretary Pro-Tem