

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

July 20, 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 and Mr. Cunningham. Mr. Willard, Board Attorney, and Evan Jacobs, Board Engineer, were also present.

Adoption of Minutes:

June 15, 2016

A motion was made by Mr. Einbinder, seconded by Mr. Woodruff, to adopt the Minutes of the Regular Meeting of June 15, 2016 as presented. The voice vote was unanimous.

Referral:

Township Council Resolution No. 153-2016 authorizing the Planning Board to undertake a preliminary investigation utilizing Harbor Consultants, Inc. in order to recommend to the Township Council whether the properties identified as Block 702, Lot 17; Block 702, Lot 18; the Sherman Avenue Right-of-Way; the Lone Pine Drive Right-of-Way; the Sherman Avenue Easement/Right-of-Way (located on a portion of Block 702, Lots 13, 14, 15 and 17) in the Township of Berkeley Heights, or any portion thereof, are an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

Discussion took place with regard to the Township Council Resolution and the consensus of the Board was in favor of utilizing Harbor Consultants for the preliminary investigation.

Consideration of Resolution:

Resolution memorializing the action taken by the Board on July 20, 2016, with regard to the proposed preliminary investigation referenced above.

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

Application for Review:

App.#SP-3-16: The Connell Company, 250 Connell Drive, Block 4301, Part of Lots 1.011 and 1.012 (OR-B Zone) and Block 4102, Lot 1 (OR-A Zone)

The Connell Company is now seeking amended preliminary and final major site plan approval and bulk variances to construct a hotel (approx. 184,070 sq. ft.) with 176 rooms which is intended to operate as an Embassy Suites Hotel and which includes various amenities, such as a coffee bar, a pub, conference and catering facilities and fitness facilities. (The hotel is currently under construction. On May 7, 2014, as memorialized in a resolution adopted June 18, 2014, the Planning Board granted approval for a 174-room hotel with various amenities. The applicant is now seeking several modifications to the plans that were approved in 2014. Those changes, including an increase in hotel rooms to 176 from 174 and a 2,200 sq. ft. conservatory addition, are outlined in detail in the application package.)

Douglas Janacek, attorney for the applicant, stated that the hotel is currently under construction. There is an area located next to the hotel that was proposed to have a tent for outdoor events and it has been decided to replace that with a conservatory/solarium. In addition, the signage for Embassy Suites is proposed to be changed from one line to two lines and a mural is proposed next to the restaurant area. The proposed mural would take up two building walls. The applicant is also proposing to replace the originally proposed pads for the cooling and generator equipment to eliminate the grass and make it all concrete which is better for maintenance. That will result in a slight increase in impervious coverage but will still meet the ordinance requirements. The original approval for the hotel was for 174 rooms which was a miscount so now the applicant is seeking approval for 176 rooms.

Joseph Venezia was sworn and accepted as an expert witness in engineering and planning. Mr. Venezia stated that in the original application there were 174 bedrooms and two storage rooms. It was always intended that there be 176 rooms so now the applicant is asking that 176 be approved. The increase in the number of rooms requires two additional parking spaces but there is already an excess amount of parking.

Mr. Venezia presented Exhibit A-1 – colorized rendering of the site plan with landscaping. Mr. Venezia stated that the tent area previously proposed for outdoor functions is now proposed to be a conservatory/solarium addition that is attached to the building. The concrete pad for the cooling/generator will increase the impervious coverage slightly. The detention basin still meets or exceeds the requirements. Some minor modifications of the landscaping will be made to allow the proposed mural sign to be visible. Comments have been received from the Environmental Commission regarding the landscaping and the applicant will comply with their requested changes. There is no change proposed to the exterior lighting and no impact on any of the other site plan elements.

Mr. Venezia presented Exhibit A-2 – rendering of the proposed solarium in the location of the former outdoor tent. The restaurant to be identified as The Grill & Cane will be located at the southwest corner of the building and the mural is proposed as shown on Exhibit A-3. Technically it is considered a sign although it is intended to be art showing the history of the Connell Company.

Discussion took place regarding whether or not the proposed mural should be considered a sign subject to the signage requirements of the ordinance. In response to questions from the Board, Mr. Venezia stated that the mural will only be visible from within the Connell site so there will be no detriment to the area or the zoning plan. The consensus of the Board was in favor of treating the mural as a sign and granting a variance.

In response to further questions from the Board, Mr. Venezia stated that there is exterior lighting for the building but no spotlight specifically for the mural. An additional variance is needed since the ordinance requires that signage be on the top floor and this sign will be on the first floor.

Mr. Venezia further stated that from a planning standpoint the hotel is a permitted use and signage is ancillary to the use, promotes the purposes of the MLUL and does not impact the area in any negative way. In his opinion the mural/sign will enhance the site. In summary, Mr. Venezia stated that these are all positive changes in terms of the aesthetic appearance of the building. The benefits associated with the proposed variances outweigh the detriments and there will be no detriment to the surrounding neighborhood.

In response to questions from the Board, Mr. Venezia stated that the solarium will have glass panels that will be electronically controlled for shade and cooling and the windows can be opened. There will be no impact on the detention basin. Mr. Janacek stated that the hotel is already under construction and is scheduled to open in January of next year.

Open to Public

The meeting was opened to the public for comments or questions. There were no members of the public present.

Mr. Willard summarized the application and the motion to be made for approval. He noted that the applicant has agreed to comply with the recommendations of the Neglia report and the recommendations of the Environmental Commission.

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to approve App.#SP-3-16: The Connell Company, 250 Connell Drive, Block 4301, Part of Lots 1.011 and 1.012 (OR-B Zone) and Block 4102, Lot 1 (OR-A Zone) for amended preliminary and final major site plan approval and bulk variances, subject to the recommendations of the Board professionals and 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 6-0 with Mr. Einbinder, Mr. Johnson, Mr. Woodruff, Mr. Niceforo, Mr. Hall and Mr. Cunningham voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:10 p.m.

Regina Giardina, Secretary Pro-Tem