

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

August 17, 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, Ms. Kingsley and Mr. Bocchino. Mr. Willard, Board Attorney, was also present.

Adoption of Minutes:

July 20, 2016

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the Minutes of the Regular Meeting of July 20, 2016 as presented. The voice vote was unanimous.

Adoption of Resolution:

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.)

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

Presentation:

Harbor Consultants, Inc, will present the findings of its preliminary investigation of the area consisting of Block 1901, Lot 35, located at 100 Locust Avenue so that the Planning Board may determine whether the area should be designated as an area in need of non-condemnation redevelopment as defined by the New Jersey Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*

Michael Mistretta, Township Planner, was sworn, gave his professional and educational background and was accepted as an expert witness.

Mr. Mistretta stated that his firm, Harbor Consultants, was authorized by the Township Council and the Planning Board to prepare the Preliminary Investigation Report with respect to 100 Locust Avenue (Block 1901, Lot 35) determining the property to be a non-condemnation area in need of rehabilitation. Mr. Mistretta presented the Report dated July 12, 2016 and stated that the Report has been on file with the Township Clerk since July 15, 2016 and available to the public.

Mr. Mistretta presented Exhibit PB-1 – Statement for Basis of Preliminary Investigation dated July 14, 2016, Exhibit PB-2 – Map of the Study Area, Exhibit PB-3 – Preliminary Investigation Report with attachments including the Environmental Report, and Exhibit PB-4 – Affidavit of Proof of Service and Publication.

Mr. Mistretta reviewed the Preliminary Investigation Report including the following topics: description of the study area, history of the property, aerial views of the property, photographs of the property showing the existing conditions, existing zoning and land use regulations, review of the Township Master Plan, review of municipal and construction records with respect to the property, review of environmental documents including report of Peak Environmental LLC, remediation of the site, criteria for redevelopment area determination, evaluation of the study area, finding that the study area meets statutory criteria “b,” “d” and “h” for an area in need of redevelopment and summary of conclusions.

Mr. Mistretta stated that based on the Preliminary Investigation Report it is recommended that the Township Council and the Township Planning Board take action to declare the study area to be a non-condemnation area in need of redevelopment, that a Resolution in support of the Report be adopted, and that a Redevelopment Plan be prepared. Harbor Consultants is prepared to prepare the Redevelopment Plan for this property.

In response to questions from the Board, Mr. Mistretta discussed the Redevelopment and Housing Law and the requirement for the Planning Board and Township Council to adopt a Resolution as to whether the land will be considered a condemnation or non-condemnation redevelopment area. Mr. Mistretta reviewed the process for approval and adoption of the Report by the Planning Board, the action to be taken by the Township Council, and the submission to the DCA. Mr. Mistretta also discussed the memorandum of understanding between the Township Council and Berkeley Developers, the current owner of the property, with respect to development of the property for an age-restricted development. The developer will be required to satisfy all the requirements for site remediation.

Open to Public

The meeting was opened to the public for comments or questions. There were no members of the public who had questions or comments and the meeting was closed to the public on the motion of Mr. Einbinder, seconded by Mr. Niceforo and carried by unanimous voice vote.

Discussion took place and it was the consensus of the Board that the testimony presented by Mr. Mistretta shows adequate need for redevelopment in this area and meets the requirements of the statute.

Mr. Willard summarized the findings of the Planning Board with respect to Mr. Mistretta's presentation. He stated that the Board believes it is appropriate to recommend to the governing body that this property be declared an area of non-condemnation redevelopment and to make that recommendation to the Township Council. Mr. Willard verbally presented a Resolution for approval by the Board.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to approve the adoption of a Resolution, in the form stated by Mr. Willard, stating that the Board finds that the study area is in need of non-condemnation redevelopment and that the Preliminary Investigation Report dated July 12, 2016 should be approved and recommended to the Township Council. The Board's action shall be set forth in a Resolution of Memorialization to be formally adopted by the Board.

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

Mr. Willard will instruct the Board Secretary to notify the Township Clerk of the Board's decision.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Ms. Kingsley, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 8:50 p.m.

Regina Giardina, Secretary Pro-Tem