

MINUTES OF THE PLANNING BOARD MEETING
Tuesday February 5, 2019

Present:

Chairman Lonergan
Vice Chairman Critchley

Ms. Jessica Pearson

Mr. Steven Neale

Mr. Tim Camuti

Mr. Greg Mascera, Planning Board Attorney

Jason Kasler, Township Planner

Mayor Ryan

Ms. Melissa Collins

Councilman Roman

Mr. Jim Kirby

Mr. Al DeOld

Ashley Neale, Planning Board Secretary

Meeting called to order at 7:31 P.M. by Chairman Lonergan.

Pledge of Allegiance:

Chairman Lonergan reads Open Public Meetings Act Statement.

Public Participation: None

New Business

Chairman Lonergan explains that the Board has been asked by the Township Council to determine if Block 2301 Lots 1 to 19 and Block 2205 Lot 6 would qualify as an Area in Need of Redevelopment. Chairman Lonergan marks Mr. Kirby as present at 7:34. Mr. Mascera clarifies the reason for the meeting, and explains that Jason Kasler the Planner will walk through the criteria the Board must consider when determining if an area qualifies as an Area in Need of Redevelopment. Mr. Mascera also explains that the Board is only determining if the properties meet the criteria, and the Township Council, would be the entity ultimately making the determination. Councilman Alex Roman present at 7:36.

Mr. Mascera introduces Jason Kasler. Mr. Kasler states that he is a licensed Professional Planner with the State of New Jersey, and is certified by the American Institute of Certified Planners. Mr. Kasler explains that the Local Redevelopment Housing Law has eight criteria for a property to be considered an Area in Need of Redevelopment. Mr. Kasler explains in detail all eight criteria, lettered A through H, that can be view in his Plan or the Local Redevelopment Housing Law.

Mr. Kasler continues by explaining that because the first property consists of multiple lots, the Board can decide to pick out individual lots, if they feel that the whole group does not meet the criteria listed. Mr. Kasler begins explaining his report for Block 2301 Lots 1 to 19. He explains that the Townships Master Plan recommends that area be mixed office use. He continues with stating the zoning of the properties. Mr. Kasler continues by explaining each Lot listed in the subject area, and why they meet one or more of the eight criteria's.

Chairman Lonergan asks that the Board go around and ask any questions they may have for Mr. Kasler.

Mr. DeOld asks what categories were used to evaluate the conditions of the houses. Mr. Kasler clarifies that he uses, "fair condition for anything above dilapidated."

Mr. Camuti asks if the term "non-conforming" is equivalent to "substandard." Mr. Kasler responds by saying that "non-conforming" in this context means anything that does not meet current zoning conditions. Mr. Camuti continues by asking if the Board is considering this as a whole or lot-by-lot. Mr. Mascera explains that it can be taken however, the Board likes, they can choose to go lot by lot or they can eliminate certain lots, and that it is ultimately at the digression of the Board how they choose to make their recommendation to the Council.

Chairman Lonergan asks for clarification on an area of redevelopment and acquiring property through eminent domain. Mr. Mascera explains that the Redevelopment Law allows as Township to include eminent domain in a designation of an Area in Need of Redevelopment. However, this subject property does not include the right to acquire property under eminent domain, as stated in the resolution and notice.

Ms. Pearson asks Mr. Kasler why he did not use criteria "B", the discontinued use of a building previously used for commercial manufacturing, for the Cameco building. Mr. Kasler explains that "B", could be added but usually requires inspection, and he did not have enough time to enter the building and determine if it was in disrepair, and that it met other criteria.

Mr. Kirby asks if it should be looked at as a whole or individual lots since some lots have brand new building while others are vacant. Mr. Kasler explains that the Township Council has asked for it to be looked at as a whole, but if there are individual lots that the Board thinks do not meet the criteria, those can be pulled out. Mr. Kirby also asks if there would be any detriment to the owners of these properties, if they were included in an Area in Need of Redevelopment. Mr. Kasler responds by saying that the Boards recommendations would then go to the Township Council who would make the final determination. The Council would then ask the Planning Board to approve a Redevelopment Plan or multiple plans. Mr. Kasler explains there is a "grandfather clause" in the Municipal Land Use Law, which would allow anyone to use his or her property as zoned at the time of ownership. He adds that there could be issues if a property tried to expand the use in the future, and it is no longer permitted. However, they could go to the Board of Adjustment for a variance. Mr. Mascera adds that it does not create an extra burden on the property owners because they would need a variance for any change in use if it were non-conforming.

Ms. Collins asks Mr. Kasler to elaborate on why he chose "D" & "E" as the criteria for the cluster of single-family homes. Mr. Kasler states that they mostly meet criteria "D" because these single-family homes are located at the intersection of Pine Street and Depot Street, and the lots are narrow and deep. He adds that because of this there is no enough land area or proper side yard set backs on these lots.

Ms. Pearson notes that in the summary section in the back of the report state that lot 9 meets letter "C" criteria, but it should be "D" because the property is not vacant. Mr. Kasler says that must have been a typo and it should be criteria "D." Mr. Kasler clarifies that in the body of the report lot 9 is listed as meeting criteria, "D" & "E."

Ms. Critchley asks if determining Annin an Area in Need of Redevelopment set a precedent, and should the same consideration be taken for this property. Mr. Mascera explains that it did not, and that every property is different and the Board does not need to rely on any prior decisions. Mr. Kasler adds that any other property would have to undergo the same process. Ms. Critchley also asks if public testimony should be considered in making the determination. Mr. Mascera states that it should not, they are only determining if it meets the criteria.

Chairman Lonergan asks for clarification on what is meant by deficient land area and lot widths. Mr. Kasler states that it simply means that current zoning may require a certain amount of square feet and the lot does not meet that standard. Chairman Lonergan notes that this is a very broad statute, and he is not in favor of those types of statutes.

Mayor Ryan would like to reiterate the fact that by determining that these lots meet the criteria for an Area in Need of Redevelopment, it would not restrict the property to owners in anyway. They would still be required to get approval by a Board to make any adjustments to the property because of their irregular lots. He also adds that the Township is in negotiations to purchase the Cameco property, and that it is not a done deal.

Mr. Mascera brings up criteria "H" smart growth options. He reads from the New Jersey Smart Growth website, that its purpose is to develop cohesively, increase choices of goods in the community, and rebuilding existing structures instead of building on open land. Mr. Mascera asks if instead of looking at all lots individually could you look at them as a whole and argue criteria "H" would be met. Mr. Kasler agrees that overall, it would meet the criteria. Mayor Ryan asks why "H" was not listed in the report. Mr. Kasler explains that that criterion is more subjective than the others are, and he prefers to use more concrete criteria.

Mr. Roman inquires since the report mentions that on Lot 1, nothing could be developed without a variance, is that because of the size and shape of the lot. Mr. Kasler states that yes because of the size shape and parking requirements, nothing could be developed on that lot alone without a variance.

Mr. Neale asks if the Board were to carve out individual lots from the Redevelopment Area, would there be any negative impact for any homeowner not included on the Redevelopment Plan. Mr. Mascera states that would be personal opinion, if one were carved out they may lose opportunity for development, but the zoning code could be changed. Mr. Neale asks the Board what their thoughts are now that criteria "H" has been brought up as an option.

Chairman Lonergan states that it is something that the Board should consider but that he would like to hear from the public before the Board deliberates. Chairman Lonergan asks any members of the public to come up and address the Board.

Carol Thomas from 9 Balston Drive. Asks how many of the 19 properties are currently paying regular taxes. Mr. Mascera states that 18 pay regular taxes. Carol asks if the area were declared an Area in Need of Redevelopment, would it automatically switch to a PILOT program. Mr. Mascera explains that a PILOT program or Payment In Lieu of Taxes is not automatically put into place for an Area in Need of Redevelopment, but it can be used as an incentive for future developers. Carol asks if it is true, that Cameco also owns three houses included in the subject property. Mr. Mascera states that "Yes," Cameco also owns Lots 12, 14 and 15.

Michelle Gruet from 35 Fells Road. Asks if the Board is still planning to discuss Block 2205 Lot 6 at this meeting. Chairman Lonergan states that they are, it is the next topic on the agenda.

Chairman Lonergan call for a 10 minute break from 8:47 to 8:57PM. Chairman Lonergan calls the meeting to order at 8:57PM. Chairman Lonergan asks the Board to go around and express their thoughts on the subject property.

Mr. DeOld states that he doesn't think it would do any harm to the residents of the area. Mr. Camuti says that there seems opportunities for the property in the future. Ms. Pearson says her concern is the single family properties located in the middle, as opposed to the industrial lots located on the outer part of the subject property. She asks is a redevelopment plan could have different overlay zones for the industrial lots, and residential lots. Mr. Kasler explains that the Board could come up with more than one Redevelopment Plan to accommodate different zones. Mr. Kirby uses the West Essex Building Supply as an example, to ask if after the area is deemed an Area in Need of Redevelopment, that property could decide to sell and put up apartments at their digression. Mr. Kasler responds by saying it would depend on what the Redevelopment Plan called for, but they could also go for a variance if it were not a permitted use. Mr. Kirby asks if the PILOT program goes "hand in hand" with a redevelopment area. Mr. Mascera explains that the Redevelopment Law allows for tax abatements as incentives for builders, but they do not have to go hand in hand. Ms. Collins would like to discuss the applicability of criteria "H" since it was brought up as an option. Mr. Kasler explains that criteria "H" is the most subjective, and it allows for more cohesive development, because it says if all surrounding properties meet criteria for an Area in Need of Redevelopment, but the middle does not it could be included in the area. Mr. Kasler states he did not use those criteria for this subject property because all of the lots met other criteria. Chairman Lonergan reads, criteria "H" for the record: "The designation of the delineated is consistent with smart growth planning principles adopted pursuant to law or regulation." Chairman Lonergan asks what law or regulation is being referred to in this instance. Mr. Kasler states it would be the State Redevelopment Plan under Planning Category 2 Suburban Development, which is where Verona and most of northern New Jersey fall. Mr. Mascera clarifies that smart growth principal's goals are to promote walkability and have everything in one place. Someone could get off the bus and be able to get everything they need in one area. Vice Chairman Critchley states that she was originally reluctant, but after thinking it over, she feels criteria "H" would apply to the area, she also states that it could not be used in other sections of town, but because these lots contain mixed uses, it is an option to consider. Chairman Lonergan says he has no other comments. Mayor Ryan agrees with Vice Chairman Critchley saying that he would be reluctant also if the lots did not meet at least one other criteria, and they all do. He also stresses that eminent domain would not apply to this Area in Need of Redevelopment. Councilman Roman adds that this area has a wide range of uses, and is cautious on using criteria "H" because it is overly broad, but feels that they do meet other criteria Mr. Kasler outlined. Mr. Neale states he had concerns about the residential properties on the subject area but feels that criteria "H" covers the properties of concern.

Chairman Lonergan asks for a motion to determine if the lots depicted on the map prepare by Jason Kasler meet the criteria and qualify as an Area in Need of Redevelopment. Mayor Ryan makes the motion, seconded by Mr. Camuti.

Roll Call is taken. Mr. Camuti, Ms. Pearson, Mr. Kirby, Ms. Collins, Vice Chairman Critchley, Mr. Neale, Councilman Roman, Mayor Ryan, and Chairman Lonergan all vote in favor.

Chairman Lonergan states that the Township Council has asked the Planning Board to conduct a Preliminary Investigation to determine if Block 2205 Lot 6 meets the criteria to qualify as an Area in Need of Redevelopment. Mr.

Mascera explains that it is the same process and criteria used on the previous subject property, but it is slightly different because it is only a single lot. He states that under the law a single lot can be designated as an Area in Need of Redevelopment.

Mr. Kasler starts by explaining the overall characteristics of the property. He states that the Master Plan of the Township recommends for this to be an Area in Need of Redevelopment. He adds the property is currently zoned for town houses and has been vacant for more than 10 years. He states that because it has been vacant for that length of time, it meets criteria "C." The property is privately owned and underutilized because it is vacant.

Ms. Pearson states that she has looked at the property and it consists of many slopes, and could easily be considered a steep slope property. She adds that it is currently in the A3 zone and if it were to be developed; approximately 14 units could be built. She states that she does not see how that property could hold 14 units. Mr. Camuti asks what the billboard on the property is considered. Mr. Kasler responds by saying it would be considered a structure not a building or improvement. Mr. Lonergan clarifies that an owner for developer would have to deal with any Steep Slope Ordinance if they decided to build on the property.

Chairman Lonergan asks if any member of the public would like to address the Board on this topic.

Rose Karmel, from 12 Oakridge Road. States that the areas acts as a catch basin to the neighborhood, she does not see how it could be developed. She adds there are so few areas in Verona that are undeveloped.

Yvonne Tou from 14 Oakridge Road. Says she utilizes the bus shelter on the property. Comments that she does not see how it could meet the criteria as an Area in Need of Redevelopment if it has never been developed. She adds that she feel this lot better serves Verona as a natural lot.

Martha Lutsky from 52 Fells Road. Comments that there is a tunnel on the property that the deer and fox use to get across the street. She adds that there is a lot of run off and there is a pool of water on her property, as well as the neighbors and building on the lot would create a mess.

Mr. Mascera clarifies that the property is currently zoned for townhouses, so regardless of the determination of an Area in Need of Redevelopment town houses are permitted to be built there. Mayor Ryan adds that whoever decides to develop the property still has to come to the Board with a plan, where all the concerns for storm water management and steep slopes would be addressed. Councilman Roman adds that he feels like it meets criteria "C" and "D", and he feels that the topography has a lot to do with why the property was never developed.

Rose Karmel from 12 Oakridge. Asks if someone had to request this as a redevelopment area. Mr. Mascera states that they did not. Ms. Karmel asks if the Township would be helping financial to subsidize any developments. Mr. Mascera explains tax abatements as an incentive for builders.

Michelle Gruet from 35 Fells Road. Comments that she lives right across from the lot, she feels that it is a nice barrier of Bloomfield Ave from Fells Road. She likes to sit on her porch and look at the trees and wild turkey. Asks when considering redevelopment, could something ever be rezoned as natural space. She adds there are not a lot of lots with just trees on them in town.

Deborah Michelson from 1 Gordon Place. Comments that when considering the development an area for trees should be left for the animals and natural beauty.

Chairman Lonergan asks if there are any other comments from the Board or the public. There is none.

Chairman Lonergan asks for a motion to determine if Block 2205 Lot 6 meets the criteria and qualifies as an Area in Need of Redevelopment. Vice Chairman Critchley makes the motion. Councilman Roman seconds.

Roll call is taken.

Mr. Camuti, Mr. Kirby, Ms. Collins, Vice Chairman Critchley, Mr. Neale, Mayor Ryan, and Chairman Lonergan all vote in favor. Ms. Pearson votes against. Motion is carried.

Adjourn

After a motion made by Mr. Kirby and seconded by Ms. Pearson, there was a unanimous vote to adjourn at 9:57pm.

Respectfully submitted,

Ashley Neale
Planning Board Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4805.