

MINUTES OF THE PLANNING BOARD MEETING
Thursday July 25, 2019

Present:

Chairman Larry Lonergan
Vice Chairman Jennifer Critchley
Ms. Melissa Collins
Mr. Steven Neale
Mr. Al DeOld
Ashley Neale, Planning Board Secretary

Councilman Roman
Mr. Paul Mathewson
Ms. Jessica Pearson
Mr. Tim Camuti
Mr. Greg Mascera, Planning Board Attorney

Meeting called to order at 7:37 P.M. by Chairman Lonergan

Pledge of Allegiance:

Chairman Lonergan reads Open Public Meetings Act Statement.

Reorganization of the Planning Board

Chairman Lonergan asks Greg Mascera if the Oaths of Office have been administered to:

- i. Jack McEvoy- Class I Member Term Expires June 30, 2021
- ii. Paul Mathewson- Mayors Designee Term Expires June 30, 2021
- iii. Alex Roman- Class III Member Term Expires June 30, 2020
- iv. Larry Lonergan- Class IV Member Term Expires June 30, 2023

Mr. Mascera states that all those oaths have been administered.

Mr. Lonergan asks for nominations for Chairman of the Board. Ms. Jennifer Critchley nominates Larry Lonergan. Ms. Pearson seconds. Roll call is taken. All present vote yes.

Chairman Lonergan asks for nomination for Vice Chairman. Ms. Pearson nominated Jen Critchley. Ms. Collins seconds. Roll call is taken. All present vote yes.

Chairman Lonergan asks for a roll call vote on the appointment of Ashley Neale as Board Secretary.

Yes: Chairman Lonergan, Mr. Mathewson, Councilman Roman, Ms. Pearson, Mr. Camuti, Mr. DeOld, Ms. Collins, Vice Chairman Critchley
Abstain: Mr. Neale

Chairman Lonergan asks for a roll call vote on appointment of Greg Mascera as Board Attorney. Roll call is taken. All present vote yes.

Reorganization of Sub-Committees

The Architectural Review Board will consist of Mike DeCarlo, Assistant Township Engineer, Ms. Critchley, Ms. Collins and Councilman Roman.

The Site Plan and Subdivision Committee will consist of Mike DeCarlo, Assistant Township Engineer, Ms. Critchley and Mr. Mathewson.

The Landscape and Environmental Review Committee will consist of Mike DeCarlo, Assistant Township Engineer, Ms. Pearson, Mr. Neale, and Mr. Camuti

The Master Plan Implementation Committee will consist of Mike DeCarlo, Assistant Township Engineer, Greg Mascera, Planning Board Attorney, Chairman Lonergan, Mr. DeOld, Ms. Pearson and Mr. Camuti

Approval of Future Meeting Dates

After asking the Board if there are any obvious issues with the scheduled dates, Chairman Lonergan asks for a roll call vote to approve 2019-2020 meeting dates. Roll call was taken. All present voted yes.

Nomination of Official Newspaper

Chairman Lonergan asks for nomination for the official Board Newspaper. Councilman Roman nominates the Verona-Cedar Grove Times. Ms. Critchley seconds. All other in favor.

Public Hearing

Chairman Lonergan asks if anyone from the public would like to address the board on topics not on this meeting's agenda. No public participation.

Approval of Minutes

Chairman Lonergan asks for a voice vote to approve the minutes from the Regular Planning Board meeting held on June 27, 2019. Councilman Roman makes note that he was the one that called the meeting to order, as the Chairman was not present at the time, and asks the minutes be changes to reflect that. Chairman Lonergan asks for a motion to approve the minutes. Mr. Neale makes the motion. Councilman Roman seconds. All in favor. Abstain: Mr. DeOld, Vice Chairman Critchley and Mr. Mathewson

Memorialization of Resolution

Chairman Lonergan asks for a motion to memorialize Resolution 2019-03, Minor Subdivision Block 2006 Lot 28, also known as 77 Hillside Avenue. Ms. Collins makes the motion. Ms. Pearson seconds. Roll call was taken. Abstain: Mr. DeOld, Vice Chairman Critchley, Mr. Mathewson.

Mr. Mascera makes note that the Board at times also uses the Star Ledge to advertise, and therefore it should be added under item H as an official newspaper. Councilman Roman nominates the Star Ledger to be added to the list of official newspapers. Ms. Collins seconds. Roll call was taken. All present vote yes.

New Business

Preliminary Investigation to determine if Block 303 Lot 4, also known as 1 Sunset Ave, qualifies for designation as a non-condemnation area in need of redevelopment in accordance with *N.J.S.A. 40A:12A-1 et seq.* as per the Resolution 2019-99 of the Township of Verona Council dated May 6, 2019

Mr. Mascera introduces Mr. Fred Suljic and Mr. Robert Benecke from Benecke Economics to the Board. Mr. Suljic introduces himself as well as his credentials and background. Mr. Benecke also introduces himself and explains some of what Benecke Economics does as a company as well as other townships and projects they have worked on. Mr. Benecke hands out copies of the Power Point presentation he and Mr. Suljic will be presenting to the Board.

Mr. Benecke goes into an overview of the property, stating that according to the Deed it is owned by the Children's Institute, and is known as Block 303 Lot 4 and consists of 5 acres in Verona and 2 in Montclair. He notes that there is no intention of work being done in Montclair. He continues with an overview of the Local Redevelopment Housing Law.

He also notes that at a Special Meeting held in February, the Board had heard a report from Jason Kasler on the same property that is used as an amendment to their report.

Mr. Suljic goes through the list of criteria that could be used to qualify a property as an Area in Need of Redevelopment. He goes through some history of the building including it being 50 years old and previously occupied by Hoffman LaRoche. He adds that it was transferred to the Children's Institute in 1993. Mr. Suljic continues explaining the current use and layout of the building. Specifically the facility being obsolete for its current use, having smaller classrooms with over 100 special needs students and a 150 staff. He adds that most of the students have severe disabilities and require the use of elevators, one of which is on the outside of the building. He notes that the buildings classrooms and bathrooms are undersized and not all handicap accessible. In addition, the cafeteria is undersized and students must eat in shifts, there is no full size gym, all contributing factors to the property being obsolete.

Mr. Suljic continues with explaining smart growth and how the property would fit into those criteria. He adds that in their report they recognizes that this property meet 3 (D, E & H) of the criteria, required to determine if an property can be designated as an Area in Need of Redevelopment, but only 1 is required to make the determination.

Chairman Lonergan asks that Mr. Benecke explain how obsolete is being used in the context of the report. Mr. Benecke clarifies that it means, "no longer used at its most optimum or maximum effectiveness."

Ms. Pearson asks if the school has been functioning for over 20 years, why is the building now considered obsolete. Mr. Benecke responds that with the growing population of special needs children in the area and need for more room to properly educate the children, the property can be considered obsolete for its current use.

There is discussion amongst the Board on the definition of obsolete. As well as how the courts have interpreted this in the past. Discussion continues about how the much emphasis should be put on the current property owner viewing it as obsolete, does that make it obsolete for all other purposes.

Chairman Lonergan calls for a 5-minute break at 8:59 PM. Meeting is called back to order at 9:08 PM.

Ms. Collins asks for clarification on what new information as stated in the report was found to warrant a new study. Mr. Benecke explains that the new information that was brought about to the Township was the affordable housing issues, as well as some of the building conditions, and that both required more research. Chairman Lonergan asks what the difference is between this report of the property and the Jason Kasler report that was presented to the Board previously. Mr. Benecke responds by noting that the prior report did not include some of the current restrictions the school is facing to be compliant with regulations for a special needs school. He adds that the smart growth principle was not fully covered in the earlier report. Mr. Benecke reads N.J.S.A 52:18A 196 paragraph H, New Jersey Smart Growth into the record. "An adequate response to judicial mandates respecting housing for low and moderate income persons requires sound planning to prevent sprawl, and to promote suitable use of land. He adds Verona is in a Planning Area 1 region of the state, which is a preferred area for redevelopment and affordable housing because of the availability of infrastructure.

Mr. Suljic continues with explain more of criteria H which is the smart growth principles. He adds the idea is to try and make communities more comprehensive, walkable able provide housing opportunities. Mr. Benecke notes that as a matter of public record the Township has entered into an agreement with the school to provide for affordable housing, which would demonstrate smart growth principles. Mr. Benecke clarifies that they typically do not see designation based on this criteria alone, it is preferable to have the property fit another criteria, which this one does.

Mr. Camuti notes that in the report it states that the building can only be used as a school. He asks if it could be made into anything else, such as a healthcare center. Mr. Benecke explains that it would cost about \$125 per square foot to retrofit the building; therefore, the use needs to be something marketable, which at this time is multifamily housing.

Mr. Suljic concludes that it is their position the Board should determine that this property meets the criteria to qualify as an Area in Need of Redevelopment based on criteria D, E and H as set forth in his report and explained tonight.

Chairman Lonergan asks if anyone from the public would like to come up and speak.

Derek Orth from Inglesino & Webster. 600 Parsippany Road, Parsippany, NJ 07054; states his firm represents the property owner Spectrum 360. Mr. Orth distributes and reads into the record a letter from the executive director, Dr. Bruce Ettinger.

Greg Meese from Price, Meese, Shulman & D'Armnio, Woodcliff Lake NJ. States he is here on behalf of property owner in town, Bobcar Corp., Neil Joy Assoc. and Forsons Partners, they own property at 111 Mount Prospect Avenue and 25 Commerce Court. He adds in their view the reports lack the necessary facts for the Board to be able to determine this property meets the criteria of an Area in Need of Redevelopment. Mr. Meese notes that he has a licensed planner that he intends to call up for testimony, after he questions the experts. Mr. Meese questions Mr. Benecke and Mr. Suljic about their testimony from their report. Mr. Meese asks Mr. Suljic extensive questions regarding his inspection of the building and property.

Chairman Lonergan ask for a motion from the Board to continue this testimony to another meeting, as it is getting late and Mr. Meese still has a witness to call. Mr. Mascera clarifies that no new notice will be given. Mr. Camuti makes a motion to continue the topic to the next regular scheduled Board meeting on August 22. Mr. Meese state his witness will be out of the country and asks if the Board would consider having a special meeting to continue. After discussion on scheduling, Chairman Lonergan asks for a motion to hold a Special meeting on Tuesday, August 13. Ms. Collins makes the motion. Councilman Roman seconds. All other in favor.

Adjourn

After a motion made by Ms. Pearson and seconded by Mr. Neale, there was a unanimous vote to adjourn at 10:45 PM.

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.