

**BERNARDS TOWNSHIP**  
**PLANNING BOARD**

**Minutes**

Regular Meeting  
November 21, 2017

Chairwoman Piedici called the meeting to order at 7:34 PM.

**FLAG SALUTE**

**OPEN PUBLIC MEETING STATEMENT**

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was sent to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, on January 19, 2017 and was electronically mailed to those people who have requested individual notice and paid the required fee.

The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM."

**ROLL CALL:**

Members Present: Baldassarre, Gaziano, Moschello, Piedici, Zaidel.  
Members Late: Kleinert (7:38 PM)  
Members Absent: Malay, Ross.  
Also Present: Board Attorney, Jonathan Drill, Esq.; Township Planner, David Schley, PP, AICP;  
Board Secretary, Cyndi Kiefer.

Mr. Moschello motioned for the absences of Committeeman Malay and Mr. Ross to be excused. Mayor Gaziano seconded and by unanimous Voice Vote, the motion was carried.

Chairwoman Piedici advised the public that there would be a change in the order of business as stated on the Agenda. The Completeness Hearings and the Public Hearing would be moved ahead of the Approval of Minutes and Executive Session.

**COMPLETENESS HEARING**

Pizzo, Kenneth & Meaghan; Block 7301, Lot 42.04; 37 Kenworthy Court; Revision to Preliminary & Final Major Subdivision; #PB11-008B.

Mr. Schley advised the board members that although the applicants had satisfied Item #1 in his Completeness Review Memo dated November 2, 2017, Items #2 and #3 were still missing. He also noted that the applicants' attorney, Frederick B. Zelle, with *Bisogno, Loeffler & Zelle LLC*, Basking Ridge, NJ had advised him via telephone and email, that the applicants would be ready for a Completeness Hearing and a Public Hearing during the January 16, 2018 meeting.

Mr. Baldassarre moved to deem the application *incomplete* and Mr. Moschello seconded.

## Roll Call:

Aye: Baldassare, Gaziano, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

Ms. Kleinert arrived at 7:38 PM.

**COMPLETENESS HEARING**

Loujor, LLC; Block 7301, Lot 42.05; 27 Kenworthy Court; Revision to Preliminary & Final Major Subdivision; #PB11-010B.

Mr. Schley advised the board members that although the applicant had satisfied Item #1 in his Completeness Review Memo dated November 2, 2017, Items #2 through #4 were still missing. He also noted that the applicant's attorney, Frederick B. Zelle, with *Bisogno, Loeffler & Zelle LLC*, Basking Ridge, NJ had advised him via telephone and email, that the applicant would be ready for a Completeness Hearing and a Public Hearing during the January 16, 2018 meeting.

Mr. Moschello moved to deem the application *incomplete* and Mr. Zaidel seconded.

## Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

Mr. Baldassare recused himself from the following Completeness Hearing and Public Hearing and left the room.

**COMPLETENESS HEARING**

Bell, C. & CC Edwards Dev. LLC; Block 7702, Lots 10 & 11; 3526 & 3536 Valley Road; Final Major Subdivision; #PB17-008.

Present: John Gallina, Esq., Attorney for the Applicants

Mr. Schley referred to his Completeness Memo dated October 27, 2017 and advised the board members that all outstanding items had been submitted.

Mr. Moschello moved to deem the application complete and Ms. Kleinert seconded.

## Roll Call:

Aye: Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**PUBLIC HEARING**

Bell, C. & CC Edwards Dev. LLC; Block 7702, Lots 10 & 11; 3526 & 3536 Valley Road; Final Major Subdivision; #PB17-008.

Present: John Gallina, Esq., Attorney for the Applicants

John Gallina, attorney from Flemington, NJ advised the board members that he would be representing the applicants during this hearing. Referring to Mr. Schley's memo dated October 31, 2017, Mr. Gallina stated that the applicants would stipulate to all the comments made with the exception of Item #5B ("Time to Obtain Construction Permits, Commence and Complete Construction and Obtain Certificates of Occupancy"). He requested that that condition be waived.

A discussion ensued regarding the expiration dates and the applicants requested the following, should the application receive final approval: (1) extend the life of all variances granted to 5 years; (2) 3 one-year extensions to the final approval for a total of 5 years; and (3) 3 one-year extensions to the zoning change protection period for a total of 5 years, all commencing on the date of the memorialization of the resolution.

Mr. Drill advised the board members that as stated in Mr. Schley's memo, this Final Major Subdivision application complied with all the conditions set forth in the Preliminary Major Subdivision application.

Chairwoman Piedici opened the meeting to the public for comment. Hearing none, she closed that portion of the meeting.

Mr. Gallina requested that the Board extend the time to obtain the Certificates of Occupancy from 12 months to 24 months from the date of issuance of the construction permit. After further discussion with the board members, he agreed to accept an 18 month extension.

Ms. Kleinert moved approval of the application with the requested extensions, subject to the stipulations as stated during testimony and board deliberations. Mr. Zaidel seconded.

Roll Call:

Aye: Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

Mr. Baldassare returned to the room at 8:01 PM.

### **EXECUTIVE SESSION**

**Resolution authorizing a closed session for the purpose of:** (1) review of approved closed session minutes to determine whether any of such minutes can be made public; and (2) matters falling within the attorney-client privilege where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely legal advice regarding the review of closed session minutes to determine whether any of such minutes can be made public. Formal action may be taken upon return to Open Session.

Chairwoman Piedici read the entire resolution into the record.

Mayor Gaziano moved approval of the resolution as read. Mr. Moschello seconded and the motion was approved by unanimous Voice Vote.

The Open Session of the November 21, 2017 Planning Board meeting was recessed at 8:03 PM.

\* \* \* \* \*

Mayor Gaziano moved, Ms. Kleinert seconded, and by unanimous Voice Vote, the Open Session of the November 21, 2017 Planning Board meeting was reconvened at 8:27 PM.

**APPROVAL OF MINUTES- Closed Sessions**

**September 20, 2016 - Closed Sessions #1 and #2** - Mr. Moschello moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici.

Nay: NONE

Abstain: NONE

Motion carried.

**November 22, 2016 - Closed Sessions #1, #2 and #3** - Mr. Moschello moved approval of the minutes as written and Mr. Baldassare seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici.

Nay: NONE

Abstain: NONE

Motion carried.

**January 17, 2017 - Joint Closed Session** - Mayor Gaziano moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici.

Nay: NONE

Abstain: NONE

Motion carried.

**February 7, 2017 - Closed Session** - Mayor Gaziano moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**March 7, 2017 - Closed Sessions #1 and #2** - Mayor Gaziano moved approval of the minutes as written and Mr. Baldassare seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**April 4, 2017 - Closed Session** - Mr. Baldassare moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Kleinert, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**June 6, 2017 - Closed Session** - Mayor Gaziano moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**August 22, 2017 - Closed Session** - Mayor Gaziano moved approval of the minutes as written and Mr. Moschello seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**October 17, 2017 - Closed Session** - Mayor Gaziano moved approval of the minutes as written and Mr. Moschello seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici.

Nay: NONE

Abstain: NONE

Motion carried.

Mayor Gaziano left the meeting at 8:34 PM.

### **RELEASE OF CLOSED SESSION MINUTES**

Mr. Moschello moved and Ms. Kleinert seconded that the following closed session minutes be released to the public: May 11, 1984; May 29, 1984; June 17, 1997; June 5, 2001; May 22, 2007; January 6, 2009 Session #1; April 4, 2017.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

### **APPROVAL OF MINUTES - Open Sessions**

**August 8, 2017 - Whispering Woods Hearing** - Mr. Baldassare moved approval of the minutes as written and Mr. Zaidel seconded.

Roll Call:

Aye: Baldassare, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**August 22, 2017 - Regular Session** - Mr. Baldassare moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici.

Nay: NONE

Abstain: NONE

Motion carried.

**October 3, 2017 - Regular Session** - Ms. Kleinert moved approval of the minutes as written and Mr. Baldassare seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici, Zaidel.

Nay: NONE

Abstain: NONE

Motion carried.

**October 17, 2017 - Regular Session** - Mr. Baldassare moved approval of the minutes as written and Mr. Moschello seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici.

Nay: NONE

Abstain: NONE

Motion carried.

**COMMENTS FROM MEMBERS OR STAFF**

Chairwoman Piedici noted that there were no applications or business available for either the December 5th or the December 19th, 2017 meetings and suggested that both be cancelled which was approved by unanimous Voice Vote.

Hearing no further business, Chairwoman Piedici asked for a motion to adjourn. Mr. Moschello moved, Ms. Kleinert seconded and by unanimous Voice Vote, the meeting was adjourned at 8:43 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary  
Township of Bernards  
Planning Board