

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

## **MINUTES**

Regular & Reorganization Meeting  
January 16, 2018

### **Call to Order**

Ms. Kiefer called the reorganization meeting to order at 7:31 PM.

### **Flag Salute**

### **Open Meeting Statement**

Ms. Kiefer read the following open meeting and procedural statements:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this special 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 mailed to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ on November 30, 2017 and was mailed to all 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."

## **REORGANIZATION MEETING**

### **Oaths of Office**

Jonathan Drill, Esq., Board Attorney, swore in the following members:

- John Malay, Class I Member, one-year term expiring 12/31/18
- John Coelho, Class II Member, one-year term expiring 12/31/18
- Carol Bianchi, Class III Member, one-year term expiring 12/31/18
- John Crane, Class IV Member, filling the unexpired term of Jeffrey Plaza, expiring 12/31/2020
- Kathleen Piedici, Class IV Member, four-year term expiring 12/31/21
- Scott Ross, Class IV Member, four-year term expiring 12/31/21
- John Surano, Class IV Member, filling the unexpired term of Paula Axt, expiring 12/31/2018
- Michael Zaidel, Class IV Member, filling the unexpired term of Barbara Kleinert, expiring 12/31/20
- Jennifer Asay, Class IV Member, Alternate 1, two-year term expiring 12/31/19

Continuing Board Member: Richard Moschello.

### **Roll Call**

Members Present:	Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.
Members Late:	NONE
Members Absent:	NONE
Also Present:	Attorney, Jonathan Drill; Planner, David Banisch; Township Planner, David Schley; Cyndi Kiefer.

**Nominations for Chairman**

Ms. Kiefer called for nominations for Chairman of the Board for 2018.

Committeeman Malay nominated Ms. Piedici for the position of Chairwoman of the Board for 2018. Committeewoman Bianchi seconded the nomination. There were no further nominations.

Roll Call for Ms. Piedici:

Aye:	Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

**Nominations for Vice Chairman**

Chairwoman Piedici called for nominations for Vice Chairman of the Board for 2018.

Mr. Surano nominated Mr. Ross for the position of Vice Chairman of the Board for 2018. Committeeman Malay seconded the nomination. There were no further nominations.

Roll Call For Mr. Ross:

Aye:	Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

**Nominations for Vice Chairman Pro Temp**

Chairwoman Piedici called for nominations for Vice Chairman Pro Temp of the Board for 2018.

Mr. Moschello nominated Mr. Zaidel for the position of Vice Chairman Pro Temp of the Board for 2018. Committeeman Malay seconded the nomination. There were no further nominations.

Roll Call For Mr. Zaidel:

Aye:	Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

**Closed Session**

**Resolution authorizing closed session for the purpose of:** discussion of matters involving the employment and terms and conditions of employment of professionals appointed by the Board.

Chairwoman Piedici read the resolution into the record. Mr. Ross motioned, Mr. Moschello seconded and by unanimous Voice Vote, the Open Session of the meeting was recessed at 7:39 PM.

\* \* \* \* \*

Mr. Surano motioned, Mr. Zaidel seconded and by unanimous Voice Vote, the board members voted to adjourn the Closed Session and reconvene the Open Session of the meeting at 8:52 PM.

Chairwoman Piedici advised the public that during the closed session, the contracts for Board Planner, David J. Banisch, PP, AICP; Board Attorney, Jonathan E. Drill, Esq. and Board Engineer, Thomas J. Quinn, PE, CME were discussed. The Board decided to initiate a "Request for Proposal" for the position

of Board Engineer and a subcommittee consisting of Committeewoman Bianchi, Mr. Surano, and Chairwoman Piedici was formed to interview respondents.

#### **Appointment of Board Engineer**

Chairwoman Piedici read **Resolution #18-01** as amended ("Professional Services Contract for the term January 1, 2018 through June 30, 2018 Planning Board Engineer awarded to Thomas J. Quinn, PE, CME, of the firm EKA Associates PA in the Not to Exceed Amount of \$5,000") in its entirety into the public record.

Motion by Mr. Ross that Resolution #18-01 as amended be adopted as read. Second by Dr. Coelho.

Roll Call:

Aye: Asay, Bianchi, Coelho, Malay, Moschello, Piedici, Ross, Surano, Zaidel.

Nay: NONE.

Abstain: Crane.

Motion carried.

#### **Appointment of Board Planner**

Chairwoman Piedici read **Resolution #18-02** ("Professional Services Contract for 2018 Planning Board Planner awarded to Francis J. Banisch PP, AICP and David J. Banisch PP, AICP of the firm, Banisch Associates, Inc. in the Not to Exceed Amount of \$5,000") in its entirety into the public record.

Motion by Mr. Surano that Resolution #18-02 be adopted as read. Second by Mr. Moschello.

Roll Call:

Aye: Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.

Nay: NONE.

Abstain: NONE.

Motion carried.

#### **Appointment of Board Attorney**

Chairwoman Piedici read **Resolution #18-03** ("Professional Services Contract for 2018 Planning Board Attorney awarded to Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill in the Not to Exceed Amount of \$20,000.00, including matters of litigation") in its entirety into the public record.

Moved by Mr. Moschello that Resolution #18-03 be adopted as read. Second by Mr. Ross.

Roll Call:

Aye: Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.

Nay: NONE.

Abstain: NONE.

Motion carried.

#### **Adoption of 2018 Schedule of Meeting Dates**

Chairwoman Piedici read the following resolution into the public record:

#### **Resolution #18-04**

**"PLEASE TAKE NOTE** that the Planning Board of the Township of Bernards will meet to discuss or act upon public business at 7:30 PM on each of the dates set forth below at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

January 16, 2018 - Reorganization Meeting  
January 8, 2019 - 2019 Reorganization Meeting

February 6	February 20
March 6	March 20
April 3	April 17
May 8	May 22
June 5	June 19
July 3	July 17
August 7	August 21
September 4	September 18
October 2	October 16
November 6*	November 20
December 4	December 18

\*Election Day

Notice of revisions or additions to the above schedule will be posted and advertised as required by law."

Moved by Committeeman Malay that Resolution #18-04 be adopted as read. Second by Mr. Surano.

Roll Call:

Aye:	Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.
Nay:	NONE.
Abstain:	NONE.

Motion carried.

### **Adoption of Official Newspapers**

Chairwoman Piedici called for the designation of official newspapers for the publication of all advertisements and legal notices required by law to be published by the Board.

Moved by Mr. Moschello to designate the Bernardsville News, Bernardsville, NJ and the Courier News, Bridgewater, NJ as the official newspapers for 2018. The Daily Record of Morristown, NJ and the Star Ledger of Newark, NJ shall be designated newspapers which may be given notice by the Secretary when the publication schedule of the Bernardsville News or the Courier News does not enable publication of advance notice of special or rescheduled meetings. Second by Committeewoman Bianchi.

Roll Call:

Aye:	Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.
Nay:	NONE.
Abstain:	NONE.

Motion carried.

### **Adoption of Rules & Regulations for the Planning Board**

Chairwoman Piedici read **Resolution #18-05** ("Rules and Regulations for the Year 2018") in its entirety into the public record.

Dr. Coelho moved approval of Resolution #18-05 as read. Second by Mr. Zaidel.

Roll Call:

Aye: Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.  
Nay: NONE.  
Abstain: NONE.

Motion carried.

**Appointment of Secretary for the Board**

Chairwoman Piedici called for appointments for the office of Secretary for the Board for the year 2018.

Moved by Committeewoman Bianchi that Cyndi Kiefer be appointed as Secretary for the Board for the year 2018. Second by Mr. Moschello.

Roll Call:

Aye: Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.  
Nay: NONE.  
Abstain: NONE.

Motion carried.

**Adjournment of the Reorganization Meeting**

Motion by Committeewoman Bianchi to close the reorganization meeting of the Planning Board. Second by Dr. Coelho.

Roll Call:

Aye: Asay, Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.  
Nay: NONE.  
Abstain: NONE.

Motion carried.

The reorganization meeting adjourned at 9:16 PM.

**REGULAR MEETING**

**Approval of Resolutions**

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

Mr. Moschello moved approval of the resolution as drafted. Second by Mr. Zaidel.

Roll Call:

Aye: Moschello, Piedici, Zaidel.  
Nay: NONE.  
Abstain: NONE.

Motion carried.

**Resolution** - Authorizing release of certain closed session minutes.

Chairwoman Piedici read the resolution authorizing the release of certain closed session minutes in its entirety into the public record.

Mr. Zaidel moved approval of the resolution as drafted. Second by Mr. Moschello.

Roll Call:

Aye: Moschello, Piedici, Zaidel.

Nay: NONE.

Abstain: NONE.

Motion carried.

### **Completeness Hearing**

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

Mr. Schley referred to his memo dated January 5, 2018 which stated that the application had been reviewed for completeness pursuant to Section 21-51 and that it had been determined that all applicable items had been submitted.

Mr. Ross motioned to deem the application complete. Second by Committeewoman Bianchi.

Roll Call:

Aye: Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.

Nay: NONE.

Abstain: NONE.

Motion carried.

### **Completeness Hearing**

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

Mr. Schley referred to his memo dated January 5, 2018 which stated that the application had been reviewed for completeness pursuant to Section 21-51 and that it had been determined that all applicable items had been submitted.

Mr. Surano motioned to deem the application complete. Second by Mr. Moschello.

Roll Call:

Aye: Bianchi, Coelho, Crane, Malay, Moschello, Piedici, Ross, Surano, Zaidel.

Nay: NONE.

Abstain: NONE.

Motion carried.

### **Public Hearing**

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

Because the final completeness materials were received after the submission deadline for this hearing, it was announced that the application would be carried *with no further notice* to the February 6, 2018 regularly scheduled meeting date. Ms. Kiefer confirmed that the board had jurisdiction since the applicant had made adequate notice.

**Public Hearing**

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

Because the final completeness materials were received after the submission deadline for this hearing, it was announced that the application would be carried *with no further notice* to the February 6, 2018 regularly scheduled meeting date. Ms. Kiefer confirmed that the board had jurisdiction since the applicant had made adequate notice.

A discussion ensued as to the rules governing site visits. Mr. Drill explained that unless there was a quorum, no public notice was required for site visits and that applicants submit a site visit consent form with their application. He advised the board members that during a visit they should not discuss the application with the applicant and that during the hearing, they must disclose observations made during their visit.

**Comments from Staff** - None

**Comments from Members** - None

**Adjournment of the Regular Meeting**

Having no further business, Chairwoman Piedici asked for a motion to adjourn. Dr. Coelho moved, Mr. Zaidel seconded and by unanimous Voice Vote, the meeting was adjourned at 9:26 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary  
Township of Bernards  
Planning Board

