

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting

October 2, 2018

Chairwoman Piedici called the meeting to order at 7:31 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: Bianchi, Coelho, Crane, Damurjian, Hurley, Malay, Piedici, Surano, Zaidel

Members Late: NONE

Members Absent: Asay, McNally

Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Secretary, Cyndi Kiefer

On motion made by Mr. Surano and seconded by Dr. Coelho, all in favor and carried, the absences of Ms. Asay and Mr. McNally were excused.

APPROVAL OF MINUTES

August 21, 2018 - Regular Session

On motion made by Dr. Coelho and seconded by Deputy Mayor Malay, all in favor and carried, the minutes were approved as written. Mr. Hurley, Mr. Surano and Mr. Zaidel were ineligible to vote.

APPROVAL OF MINUTES

September 4, 2018 - Regular Session

On motion made by Mr. Surano and seconded by Dr. Coelho, all in favor and carried, the minutes were approved as written. Deputy Mayor Malay was ineligible to vote.

COMPLETENESS HEARING

Harmaty/Krikorian; PB18-002; Block 6001, Lot 10.09; 7 Tall Timber Lane; Amended Preliminary/Final Major Subdivision.

Present: Robert F. Simon, Esq., Attorney for the Applicants

Referring to his memo dated October 1, 2018, Mr. Schley stated that all applicable checklist items had been submitted. He suggested that the application be scheduled for a public hearing on November 6, 2018 pending receipt of the remaining (17) application packets on or before October 15, 2018. Mr. Simon responded that the applicant would be available for the hearing date and that the submissions would meet the October deadline date. He added that the applicant would supply notice.

Deputy Mayor Malay motioned to deem the application complete. Dr. Coelho seconded.

Roll Call:

Aye: Bianchi, Coelho, Crane, Damurjian, Hurley, Malay, Surano, Piedici, Zaidel
Nay: NONE
Ineligible: NONE

Motion carried.

Mr. Crane recused himself and left the room.

COMPLETENESS HEARING

Millington Quarry Inc.; PB18-003; Block 6001, Lot 6; 135 Stonehouse Road; Minor Subdivision, Bulk Variances

Mr. Schley stated that earlier in the afternoon, he had received an email from the applicant's attorney, Michael T. Lavigne, Esq., advising that the application was being withdrawn and that it would be resubmitted to the Zoning Board of Adjustment at a later date. Mr. Schley explained that because the application contained a "d-1" use variance, it did not fall under the Planning Board's purview.

COMPLETENESS HEARING

Crown Court Associates LLC; PB18-004; Block 8501, Lots 7 & 9; Crown Court Drive; Preliminary/Final Site Plan

Present: Danielle N. Kinback, Esq., Attorney for the Applicant
John Peel, PP, Environmental Consultant for the Applicant

Danielle N. Kinback, Esq., attorney with *Bisgaier Hoff LLC*, Haddonfield, NJ, requested a waiver for a wetlands delineation verified by a Letter of Interpretation (LOI) issued by the New Jersey Department of Environmental Protection (NJDEP). She explained that this was the only outstanding checklist item listed in Mr. Schley's revised Completeness Review memo dated October 1, 2018. John Peel, PP, environmental consultant with *PK Environmental*, Chatham, NJ, testified that he had submitted a report stating that there are no wetlands within 150 feet of the limits of proposed site disturbance. He opined that since there would be no buffer, no LOI should be required. Mr. Schley stated that the project would be constructed within an area that was already developed and that it would be located a significant distance away from the wetlands area behind an existing apartment building. He added that the Board always had the option of requesting an LOI at a later date, if necessary.

Deputy Mayor Malay motioned to approve the waiver request and to deem the application complete. Mr. Hurley seconded.

Roll Call:

Aye: Bianchi, Coelho, Damurjian, Hurley, Malay, Surano, Piedici, Zaidel
Nay: NONE
Ineligible: NONE

Motion carried.

Mr. Crane returned to the room.

Deputy Mayor Malay and Mr. Zaidel left the meeting.

EXECUTIVE SESSION

Resolution authorizing a closed session for the purpose of: Land use liability seminar to be given by Planning Board Attorney, Jonathan E. Drill, Esq., concerning prevention of land use liability claims. Attorney-Client privileged legal advice will be given where confidentiality is required for the attorney to exercise his ethical duties as a lawyer.

Chairwoman Piedici read the resolution in its entirety into the record.

Committeewoman Bianchi moved approval and Mr. Crane seconded.

Roll Call:

Aye: Bianchi, Coelho, Crane, Damurjian, Hurley, Piedici, Surano
Nay: NONE
Ineligible: NONE

Motion carried.

The Open Session of the October 2, 2018 meeting of the Planning Board was recessed at 7:49 PM.

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The Open Session was briefly reconvened at 7:51 PM in order to conduct the remainder of the Open Session business.

COMMENTS FROM STAFF- None

COMMENTS FROM BOARD MEMBERS

Committeewoman Bianchi asked that the email from Mr. Lavigne requesting withdrawal of the Millington Quarry Inc. application (#PB18-003) be forwarded to the board members.

Chairwoman Piedici cancelled the October 16, 2018 meeting for lack of business to conduct.

On motion of Mr. Surano, seconded by Committeewoman Bianchi, all in favor and carried, the Open Session of the Planning Board was recessed at 7:59 PM and the Board went back into closed session for the purpose of the Land use liability seminar to be given by Planning Board Attorney, Jonathan E. Drill, Esq., concerning prevention of land use liability claims. Attorney-Client privileged legal advice will be given where confidentiality is required for the attorney to exercise his ethical duties as a lawyer.

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On motion by Mr. Surano, seconded by Committeewoman Bianchi, all in favor and carried, the Board voted to close the Closed Session and return to Open Session at 9:13 PM.

ADJOURN

By unanimous Voice Vote, the meeting was adjourned at 9:14 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board