

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES v2
VIRTUAL Regular Meeting
June 2, 2020

Chairwoman Piedici called the meeting to order at 7:35 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 doors of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was sent to the Bernardsville News, Whippany, NJ, and to the Courier News, Bridgewater, NJ, on May 28, 2020; and was electronically mailed to those people who have requested individual notice.

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: Asay, Crane, Damurjian, Esposito, Harris, Hurley, McNally, Manduke, Mastrangelo, Piedici, Zaidel

Members Absent: NONE

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

APPROVAL OF RESOLUTION

[Fairmount Cemetery Association of Newark and Somerset Hills; PB19-007](#); Block 2301, Lots 12 & 18; 95 Mount Airy Road; Preliminary/Final Site Plan, Bulk Variance, Exceptions (approved)

Moved by Mr. McNally, seconded by Mr. Hurley, that version 5 of the resolution be adopted as drafted.

Roll call: Aye: Hurley, McNally, Mastrangelo, Piedici, Zaidel
Nay: NONE
Abstain: Asay
Ineligible: Crane, Damurjian, Esposito, Harris, Manduke

Motion carried.

COMPLETENESS HEARING

[Emerald Valley Homeowners Association Inc.](#); Block 11401, Lots 37.01 & 42; 16 Harvest Way & 181 Mountain Road; Amended Preliminary/Final Major Subdivision (Elimination of Condition); PB20-001

Present: Frederick. B. Zelle, Esq., Attorney for the Applicant

Referring to his memo dated May 28, 2020, Mr. Schley stated that all applicable items not previously waived by the Board had been submitted.

Mr. Hurley moved to deem the application *complete* with the waiver granted previously. Committeewoman Harris seconded.

Roll call: Aye: Asay, Crane, Esposito, Harris, Hurley, McNally, Manduke, Piedici, Zaidel
 Nay: NONE
 Ineligible: Damurjian, Mastrangelo

Motion carried.

Mr. Crane recused himself from the following hearing and left the room.

COMPLETENESS HEARING

[Kearns, William J. & Virginia L.](#); Block 1602, Lot 2.01; 174 South Finley Avenue; Preliminary/Final Major Subdivision, Bulk Variances; PB20-002

Present: Frederick B. Zelle, Esq., Attorney for the Applicants

Referring to his memo dated May 28, 2020, Mr. Schley stated that there were seven (7) items that had either not been submitted or were deficient. Frederick B. Zelle, Esq., attorney with the firm of *Bisogno, Loeffler and Zelle LLC*, Basking Ridge, NJ, entered his appearance on behalf of the Applicants. He stated that the Applicants were requesting waivers for: Item #1, a Letter of Interpretation (LOI) from the NJDEP (an existing LOI had expired); Item #6, soil logs; and Item #7, a project report/environmental impact assessment. He offered reasons for each request and added that the remaining items would be submitted.

Mr. Schley stated that the project is technically considered a major subdivision only because the property was the subject of a minor subdivision (lot line adjustment) previously. In reference to the waiver requests, he suggested that the Applicants submit a letter from a wetlands consultant as would be required for a minor subdivision. Soil logs would have to be submitted at some point to determine what type of stormwater management is needed. Mr. Banisch noted that the stone walls and mature trees that lined the road are important characteristics of the area and suggested that the applicant provide an impact statement as to how those features would be treated.

Mr. Zelle stated that the walls and the trees would remain.

Mr. Drill recommended that the project report/environmental impact assessment be limited to addressing the walls and the trees and that the expired LOI be attached to the report. Mr. Zelle agreed.

Ms. Manduke moved to grant a waiver for Item #1, deny a waiver for Item #6, grant a partial waiver for Item #7 and to delegate completeness to Mr. Schley and Mr. Banisch.

Roll call: Aye: Asay, Damurjian, Esposito, Harris, Hurley, McNally, Manduke Piedici, Zaidel
 Nay: NONE

Motion carried.

Mr. Crane returned to the dais.

Committeeman Esposito recused himself from the following hearing and left the meeting (8:08 PM).

PUBLIC HEARING

[Moye, William & Carol](#); Block 11401, Lot 11; 11 Mountain Road; Minor Subdivision, Bulk Variances; #PB17-001

Present: Stephen E. Parker, PE, PP, Engineer and Planner for the Applicants
 William & Carol Moye, Applicants

Mr. Drill reminded Mr. Parker and the applicants that they had been duly sworn during the February 4, 2020 hearing and remained under oath.

Chairwoman Piedici stated that during the last hearing, Mr. Banisch had advised that a "c" variance is required for maximum lot yield. She asked Mr. Parker to outline the positive and negative criteria for the Board.

Mr. Parker opined that relief could be granted under a "c(1)" or "hardship" variance. A discussion ensued as to whether the property could be considered "unique" because of its isolated wetlands areas and thus qualify as a "hardship." Mr. Parker testified that the project could meet the requirements for a NJDEP General Permit No. 6 and Mr. Drill stated that the permit would eliminate the need for this variance. He suggested that the Applicants obtain the permit and then return to the Board for subdivision approval. The Applicants requested a short recess to discuss the option.

* * * *The Open Session was recessed at 8:22 PM and reconvened at 8:29 PM.* * * *

Mr. Parker advised that the Applicants were inclined to exercise that option.

Mr. Drill asked Mr. Banisch to explain the public benefits of a "c(2)" or "benefits outweigh detriments" variance which would be required should the Applicants accept a suggestion to move the proposed dwelling forward to 100 feet from both Martinsville Road and Mountain Road. Mr. Banisch testified that the 200-foot setback from both roads as proposed in the current application would push the dwelling further into the wetlands and that it was a response to comments in the Master Plan. He stated that moving the dwelling forward to 100 feet from both roads would diminish the impact on the wetlands and, hence, constitute a public benefit. In addition, he opined that the existing hedgerow would mitigate the visual impact of the new house on the roads.

Mr. Parker confirmed that the dwelling would be moved forward. The results of a straw poll indicated that the Board was agreeable to this revision.

The Applicants agreed to an extension of time to act to September 30, 2020. Mr. Drill advised that the application would be carried to the August 18, 2020 meeting *with no further notice* unless Mr. Parker discovered other variances are required as he modifies the plans.

COMMENTS FROM STAFF OR BOARD MEMBERS – The June 16, 2020 meeting was cancelled.

ADJOURN

Committeewoman Harris moved, Ms. Manduke seconded, all in favor and carried, and the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as drafted 07-07-2020

07/01/2020v2 dskpjd