

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES v2
Regular Meeting
January 21, 2020

Chairwoman Piedici called the meeting to order at 7:30 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, Whippany, NJ, and to the Courier News, Bridgewater, NJ, on January 8, 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 Engineer, Larry Plevier, PE, CME; Board Secretary, Cyndi Kiefer

APPROVAL OF MINUTES

December 17, 2019 – Regular Session - On motion made by Mr. Hurley and seconded by Ms. Mastrangelo, all eligible in favor and carried, the minutes were approved as drafted. Abstention: Asay, Manduke

Mr. Crane recused himself and left the dais.

COMPLETENESS HEARING

Fairmount Cemetery Association; Block 2301 Lots 12 & 18; 95 Mount Airy Road; Preliminary/Final Site Plan; #PB19-007

Referring to his memo dated 01/17/2020, Mr. Schley advised the board that the applicant is requesting a waiver from obtaining a new Letter of Interpretation ("LOI") from the New Jersey Department of Environmental Protection. He stated that the original 2002 LOI had expired and that the applicant had submitted a letter from an environmental consultant confirming that the 2002 delineation remains accurate. The board professionals all opined that since the application proposed the replacement of an existing maintenance building in the same location, they would not need a new LOI to in order to prepare their memos.

Mr. McNally moved to grant the waiver request for completeness purposes only. Committeewoman Harris seconded.

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

Motion carried.

Mr. Crane returned to the dais.

Mr. Crane and Mr. Zaidel recused themselves from the remainder of the meeting and left the building.

EXECUTIVE SESSION

Resolution authorizing a Closed Session on 01-21-2020 for the purpose of discussion of matters of attorney-client privilege and attorney-client advice where confidentiality is required for the Board Attorney to exercise his duties as an attorney specifically: special review standards applicable to Affordable Housing development review.

Chairwoman Piedici read the resolution in its entirety into the record. On motion made by Ms. Asay, seconded by Committeewoman Harris, all eligible in favor and carried, the resolution was approved as read and the open session of the meeting was recessed at 7:40 PM.

Moved by Mr. Hurley, seconded by Ms. Asay, all in favor and carried, to excuse the absences of Mr. Crane and Mr. Zaidel.

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On motion made by Ms. Asay, seconded by Ms. Mastrangelo, all eligible in favor and carried, the open session of the meeting was reconvened at 8:10 PM.

PUBLIC HEARING (continued from 12/17/2019)

Mountainview Corporate Center LLC; Block 11301, Lots 1 & 5; Mountain View Boulevard;
Preliminary/Final Major Site Plan, Preliminary/Final Major Subdivision, Bulk Variances; #PB19-003

Present: Thomas J. Malman, Esq., Attorney for the Applicant
Ronald A. Kennedy, PE, Engineer for the Applicant
Robert C. Moschello, PE, Engineer for the Applicant
Thomas S. Carman, LA, Landscape Architect for the Applicant
John J. McDonough, PP, AICP, Planner for the Applicant

Exhibit A-7, a 26-page power point presentation entitled, "The Residences at Mountain View- Recreational Opportunity Exhibits" and dated 01/21/2019 was entered into evidence.

Thomas J. Malman, Esq., attorney with the firm of *Day Pitney LLP*, Parsippany, NJ and present on behalf of the applicant, advised the board that this power point presentation (**Exhibit A-7**) would address concerns that had been voiced at the 12/17/2020 hearing about the perceived lack of recreational opportunities.

Thomas S. Carman, LA, principal with the firm of *Melillo & Bauer Associates Inc.*, Brielle, NJ, was reminded that he remained under oath. Using slides from **Exhibit A-7**, he reviewed the three (3) core external locations proposed for recreation: the pool courtyard, the passive (lawn) courtyard and the play field area. He noted that the strategy in planning these areas is to allow for as much flexibility as possible so that management could be responsive to the residents. Using the lawn area as an example, he opined that management could set up corn holes, croquet and/or badminton nets during the day and replace them at night with an outdoor movie screen.

Mr. Carmen testified that in response to comments from the board about the diminutive size of the tot lot in relation to the proposed number of dwelling units and about the lack of recreational facilities for older children, a second play area specifically for children ages 5 to 12 was added along with a half-court basketball court for older children. This was accomplished by eliminating three (3) parking spaces. Around each of the two (2) play areas, there are two (2) benches for parents and in addition, there is a table with four (4) chairs in between the two areas so that parents with children in both areas can supervise them at the same time. Benches are also proposed for the basketball court. The play areas are targeted to the specific age groups through the equipment used in each.

Mr. Malman advised the board that a ten (10) foot high fence is proposed between the basketball court and the parking lot for safety purposes. This requires an additional variance to exceed the maximum permitted fence height of six (6) feet.

Noting that the play field area is also adjacent to a parking area, Ms. Mastrangelo asked if any fencing was proposed to keep children from running into the parking lot. A discussion ensued and the applicant agreed to install a fence from the widest portion of the easterly side of the play field along the parking area to the crosswalk area at the narrow end of the play field (approximately 120 feet).

Hearing no further questions from the board, Chairwoman Piedici opened the hearing to the public for questions of this witness. Hearing none, that portion was closed.

John J. McDonough, PP, AICP, principal of the firm, *John McDonough Associates LLC*, Morris Plains, NJ, was duly sworn and accepted by the board as an expert in the field of professional planning. He began his testimony by stating that the Multi-Family Housing Zone ("MH-1") had been approved for an inclusionary development for this property and that all of the bulk requirements such as height and setbacks had been met. He opined that the steep slope disturbance relief could be granted in all three (3) categories and provided testimony supporting both the positive and negative criteria for "c-1" or "hardship" variance relief.

Mr. McDonough opined that relief for the eight (8) foot high fencing on the top of the berms and for the 10-foot high fence between the basketball court and parking area (both where 6-feet is allowed) could be granted and provided testimony supporting both the positive and negative criteria for "c-2" or "benefits outweigh detriments" variance relief.

In reference to the variance relief required for the additional monument sign located on Mountain View Boulevard near the entrance to the proposed development, Mr. McDonough testified that relief could be granted and provided testimony to support both the positive and negative criteria for "c-2" or "benefits outweigh detriments" variance relief. Ms. Mastrangelo asked if relief could also be granted under the "c-1" or "hardship" variance criteria and he agreed that it could.

Finally, Mr. McDonough testified that exceptions for the loading space size, lighting levels and tree replacement could be granted and applied the "standard of reasonableness" criterion to each.

Mr. Malman stated that the current request for an exception for the required contribution to the tree replacement fund is the same relief as was granted in the 2007 approval (#PB06-002) for this site and that the cost of purchasing and installing the 20-foot tall trees as currently proposed far exceeds the amount that would have to be contributed to the fund.

Hearing no further questions from the board, Chairwoman Piedici opened the hearing to the public for questions of this witness. Hearing none, that portion was closed.

Mr. Malman advised the board that this concluded the testimony for this application.

Chairwoman Piedici opened the hearing to the public for comment.

Lourdes Cornejo-Krohn, 25 Emerald Valley Lane, expressed concern about the process used in the selection of the Mountain View Boulevard site for an affordable housing project and about the effects of the subsequent zoning amendments adopted by the Township Committee.

Hearing no further comments from the public, this portion of hearing was closed.

Mr. Malman delivered a brief summation and opined that the applicant had made every effort to be as sensitive to the neighbors' concerns as possible. Finally, he stated that this project would have significantly less impact than the office complex previously approved in 2007.

Prior to deliberations, Chairwoman Piedici thanked the applicant for being responsive to comments made by the neighbors and to comments made by the board. She also thanked the board's professionals for their support and the applicant for working so diligently with them.

After deliberations, Ms. Mastrangelo moved to grant Preliminary and Final Site Plan approval, Preliminary and Final Subdivision approval and to grant the variance relief and exceptions sought by the applicant subject to the conditions stipulated to by the applicant during testimony and as stated during deliberations. Ms. Asay seconded.

Roll call:

Aye: Asay, Damurjian, Esposito, Harris, Hurley, Mastrangelo, McNally, Piedici

Nay: NONE

Abstain: Manduke

Motion carried.

COMMENTS FROM STAFF OR BOARD MEMBERS

Chairwoman Piedici thanked the board for all its hard work during the past few months. She also thanked the professionals for their support throughout the period.

ADJOURN

At 9:24 PM, Ms. Asay moved, Committeewoman Harris seconded, all in favor and carried, to adjourn.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Adopted as drafted 02/04/2020

01/27/2020 ds