

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES v2

Regular Meeting
February 18, 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: Crane, Esposito, Harris, Hurley, Manduke, Piedici, Zaidel
Members Absent: Asay, Damurjian, McNally, Mastrangelo
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Engineer, Cathleen Marcelli, PE, CME;
Board Secretary, Cyndi Kiefer

Moved by Mr. Hurley, seconded by Committeewoman Harris, all in favor and carried, that the absences of Ms. Asay, Mr. Damurjian, Mr. McNally and Ms. Mastrangelo be excused.

APPROVAL OF MINUTES

February 4, 2020 – Regular Session - On motion made by Mr. Crane and seconded by Ms. Manduke, all eligible in favor and carried, the minutes were adopted as amended. Abstention for absence: Hurley

Mr. Crane recused himself and left the building. Moved by Mr. Hurley, seconded by Committeewoman Harris, all in favor and carried, that Mr. Crane's absence be excused.

PUBLIC HEARING

Fairmount Cemetery Association of Newark and Somerset Hills; Block 2301, Lots 12 & 18; 95 Mount Airy Road; Preliminary/Final Site Plan; #PB19-007

Present: Michael Osterman, Esq., Attorney for the Applicant
Richard Gilman, Superintendent for the Applicant
Anthony Gianforaro, AIA, Architect for the Applicant
James O. Madsen, PE, Engineer for the Applicant
John P. Peel, PP, Planner/Environmental Consultant for the Applicant

Michael Osterman, Esq., attorney with the firm of *Osterman Law LLC*, Somerville, NJ, advised the board that he was present on behalf of the applicant who is seeking preliminary and final site plan approval to remove an existing dilapidated maintenance shed and replace it with a larger new one. He noted that during the review process, it was determined that bulk variance relief for minimum buffer width where a nonresidential use abuts a residentially zoned lot and three (3) exceptions are also required.

Mr. Zaidel and Chairwoman Piedici stated that they had driven past the project site and viewed the current structure.

Ms. Kiefer confirmed that notices were sent to all those listed in the 200-foot Property Owners Lists for Bernardsville and Bernards Township. Mr. Drill then stated that he was not comfortable substantiating that the notice was totally sufficient because, although the usual "catch-all" phrasing was included, none of the exceptions or variance relief listed in Mr. Schley's 02/11/2020 memo was mentioned in the notice. He advised that should the applicant choose to proceed with the hearing, it would be at the its own risk. Mr. Osterman responded that the applicant would accept that responsibility.

The professionals for both the applicant and the board were duly sworn by Mr. Drill.

Exhibit A-1 and A-2, color photos showing the existing maintenance building were entered into evidence.

Richard Gilman, superintendent of the subject property, stated that his responsibilities include overseeing equipment repair and site maintenance. He testified that there had been maintenance buildings on the subject property since at least the late 1950's and that it is customary to have such a structure at a cemetery. Noting that the current building is deteriorating, he stated that much of the equipment required to maintain the site remains outside because the existing structure is too small. He testified that the new larger building will be sited in the same location as the old building and will be able to house that equipment including dump trucks and a backhoe. Noting that equipment access to the current structure is on the east side which faces the residential dwelling on Stacy Lane, he testified that equipment access to the new structure is on the west side which faces away from that residence. Finally, he confirmed that the project had been discussed with the neighbors and that they were in favor.

Mr. Gilman addressed the comments under his purview in the board professionals' memos. He also provided testimony about the locations of the existing and proposed drywells.

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

Anthony Gianforcaro, AIA, principal at *Gianforcaro Architects, Engineers & Planners*, Chester, NJ, was accepted by the board as an expert in the field of architecture. He testified that he had designed the proposed building and advised that several changes had been made since those plans were submitted to the board. The applicant now proposes to raise the eaves on the sides of the building to accommodate a 12-foot high door (one-foot higher than originally proposed). Although the height of the building would remain the same, the pitch of the roof would change. Mr. Drill requested a brief recess so that Mr. Gianforcaro could draw the revisions on the existing plans.

* * * *The Open Session was recessed at 8:05 PM and reconvened at 8:11 PM.* * * *

Exhibit A-3, sheet A-1, "Floor Plan/Elevations and Site Plan" of plans prepared by Mr. Gianforcaro and dated 03/12/2019, showing the revised heights of the door and eaves and the new roof pitch drawn in by Mr. Gianforcaro was entered into evidence.

Noting that the proposed building is a pole barn with a wood frame, a metal roof and metal siding, Mr. Gianforcaro described the floor plan.

Referring to Comment #5 in Mr. Schley's memo dated February 11, 2020 which stated that no exterior lighting for the building and new parking lot is shown on the plan, Mr. Gianforcaro described possible locations for lighting fixtures. Mr. Drill requested a brief recess so that Mr. Gianforcaro could draw the proposed lighting fixtures on **Exhibit A-3**.

* * * *The Open Session was recessed at 8:20 PM and reconvened at 8:26 PM.* * * *

Using **Exhibit A-3**, Mr. Gianforcaro continued his discussion about the proposed exterior lighting. A straw poll confirmed that a lighting committee comprised of board members should inspect the site after the project

is complete to confirm that the proposed lighting as installed causes no light spillage onto the adjacent residential property. A discussion ensued and Mr. Drill requested a brief recess to address some confusion that had surfaced over the total number and type of exterior lights being proposed.

* * * *The Open Session was recessed at 8:31 PM and reconvened at 8:35PM.* * * *

A straw poll determined that the board felt it could not make a decision based on the plans as presented because of the numerous changes that the applicant had made during the meeting and the application was carried to March 3, 2020 *with no further notice*. In addition, the 21-day rule (submissions must be made a minimum of 21 days prior to a hearing date) was relaxed by the board and the applicant agreed to provide revised plans by close-of-business, Friday, February 21, 2020, which would satisfy the statutory 10-day rule.

COMMENTS FROM STAFF OR BOARD MEMBERS – NONE

ADJOURN

At 8:45 PM, Committeewoman Harris moved, Mr. Hurley seconded, all in favor and carried, and the meeting was adjourned.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

03-03-2020 Approved as drafted

02/25/2020 dskpjd