

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES v2
Regular Meeting
March 3, 2020

Chairwoman Piedici called the meeting to order at 7:32 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, Hurley, McNally, Mastrangelo, Piedici, Zaidel
Members Absent: Esposito, Harris, Manduke
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

Moved by Mr. Crane, seconded by Mr. Hurley, all in favor and carried, that the absences of Committeeman Esposito, Committeewoman Harris and Ms. Manduke be excused.

APPROVAL OF MINUTES

February 18, 2020 – Regular Session - On motion made by Mr. Hurley and seconded by Mr. Zaidel, all eligible in favor and carried, the minutes were adopted as amended. Abstention for absence: Damurjian

APPROVAL OF RESOLUTION

Mountainview Corporate Center LLC; #PB19-003; Block 11301, Lots 1 & 5; Mountain View Boulevard; Preliminary/Final Major Site Plan, Preliminary/Final Major Subdivision, Bulk Variances (approved) – Moved by Mr. Hurley, seconded by Mr. Damurjian that the version #5 of resolution be adopted as drafted.

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

Motion carried.

Chairwoman Piedici announced a change in the order of business as listed in the agenda, stating that the Board would hold the public hearing for Application #PB19-007 Fairmount Cemetery Association of Newark and Somerset Hills prior to going into Executive Session.

Mr. Crane recused himself and left the room.

PUBLIC HEARING (continued from 02/18/2020)

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

Present: Michael Osterman, Esq., Attorney for the Applicant
Richard Gilman, Superintendent for the Applicant
Anthony Gianforcaro, 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.

Anthony Gianforcaro, AIA, principal at *Gianforcaro Architects, Engineers & Planners*, Chester, NJ, was reminded by Mr. Drill that he remained under oath. Mr. Gianforcaro testified that in response to comments made at the 02/18/2020 meeting, revised plans had been submitted on 02/21/2020 which showed the change in the roof pitch which was made when the eaves were raised on the sides of the proposed building to accommodate a taller overhead door. In addition, the proposed colors for the building and the light fixture locations and details were added.

Hearing no questions from the Board or its professionals, Chairwoman Piedici opened the hearing to the public for questions of the witness. Hearing none, that portion was closed.

James O. Madsen, PE, engineer with the firm of *Apgar Associates*, Far Hills, NJ, was reminded that he remained under oath and was accepted by the Board as an expert in the field of engineering. He discussed the engineering aspects of the proposed project and testified that although 18 new evergreen trees are proposed within the southeasterly buffer area, in order to comply with the township's tree replacement ordinance, 13 additional trees are proposed but not shown on the plans. Their locations will be determined at a future date. Noting that some of the trees are proposed to be planted in an existing right-of-way within the buffer area, Mr. Osterman stipulated, as a condition of approval, that since the right-of-way was no longer needed, it would not be used to access Lot 18 without Board approval.

Mr. Madsen testified that gravel was proposed instead of pavement in the new parking area to lower costs and to reduce runoff. He stated that pavement is usually installed if there is any public use, but since the lot is for the sole use of the employees, he opined that gravel would be sufficient. Also, he stipulated, as a condition of approval, that the triangular area southeast of the building will be landscaped to address the ordinance. Noting that the access roads to the new maintenance shed and to the parking area are proposed to be narrower in width than the required 24 feet, Mr. Osterman stated that, like the parking lot itself, the roads would be used solely by employees and site equipment and therefore constitute a low intensity use.

Mr. Madsen requested an exception to the ordinance requiring curbing in all parking and loading areas because of the low intensity use of those areas, opining that this option would allow the water to run off as sheet flow to the adjacent wooded areas and therefore represents a better alternative to the installation of curbing which could cause water pooling. Mr. Schley advised that this request would be considered a "specific approval" because it did not rise to the level of an "exception." Mr. Madsen stipulated, as conditions of approval, to the comments which were under his purview in Mr. Schley's 02/24/2020 memo.

A discussion ensued concerning the long-term effects of the use of gravel and the lack of curbing. Mr. Osterman recalled Richard Gilman, Superintendent of the property and reminded him that he was still under oath. After hearing Mr. Gilman's testimony as to the use of these areas, there were no further questions from either the Board or its professionals.

Mr. Madsen stipulated, as conditions of approval, to all comments in Ms. Marcelli's memo dated 02/12/2020 which were under his purview with the exception of Comment #C.2.d, which requested details for a "proposed" water valve and faucet which are already in existence on the site. He also stipulated as condition of approval, that there would be no washing of vehicles or equipment done on site.

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

John P. Peel, PP, planner and environmental consultant with the firm of *PK Environmental*, Chatham, NJ, was reminded that he was still under oath and accepted by the Board as an expert environmental consultant and professional planner. He testified that even though the applicant was requesting relief for minimum buffer requirements, the proposal is providing a buffer where none currently exists. He further testified that the application and relief sought promoted zoning purposes in numerous ways including the promotion of a desirable visual environment and opined that approval of the application would present no detriment to the public good or to the intent of the zoning ordinance.

Hearing no further questions from the Board or its professionals, Chairwoman Piedici opened the hearing to the public for questions of the witness or comments in general. Hearing none, that portion was closed.

Mr. Osterman gave a brief summary which outlined the justification for approval of the application.

Mr. Drill stated that, although absent from the 02/18/2020 meeting when testimony for the application was initially presented, Ms. Asay, Mr. McNally and Ms. Mastrangelo were eligible to vote since they had certified that they had listened to and viewed the video for that hearing.

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

Roll call:	Aye:	Asay, Hurley, McNally, Mastrangelo, Piedici, Zaidel
	Nay:	NONE
	Ineligible:	Damurjian

Motion carried.

Mr. Crane returned to the dais. Mr. Plevier left the meeting.

EXECUTIVE SESSION

Resolution authorizing closed session for: Discussion of the Master Plan amendment process.

Chairwoman Piedici read the resolution in its entirety into the record. On motion made by Ms. Asay and seconded by Mr. McNally, all in favor and carried, the resolution was approved as read and the open session of the meeting was recessed at 8:57 PM.

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On motion made by Ms. Asay, seconded by Mr. McNally, all in favor and carried, the open session of the meeting was reconvened at 9:55 PM.

COMMENTS FROM STAFF OR BOARD MEMBERS

Chairwoman Piedici stated that the regular meeting scheduled for March 17, 2020 would be cancelled.

ADJOURN

Mr. Hurley moved, Ms. Asay seconded, all in favor and carried, and the meeting was adjourned at 9:56 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as drafted 04/21/2020

03/13/2020dsjdkp