

**BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
FEBRUARY 2, 2010**

The Board Chairman called the meeting to order at 7:30 p.m. This meeting was video-streamed.

ROLL CALL:

Members present: Del Vento, Fonde, Malay, Orr, Parsekian, Santoro, Spitzer, Winter, Bianchi, Gilmore

Members late: Huckins (7:35 p.m.)

Members absent: none

Board Attorney Stuart Koenig, Board Planner David Banisch, Board Engineer Thomas Quinn, and Assistant Township Planner David Schley were also present.

OPEN MEETING STATEMENT

“In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this public hearing 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 mailed to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ all on December 9, 2009, and was mailed to all 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 p.m., and no new witnesses or new testimony heard after 10:30 p.m.”

APPROVAL OF MINUTES

The motion was made by Mr. Fonde and seconded by Mr. Spitzer to approve the minutes of October 20, 2009, regular meeting, as drafted.

Roll call:

Aye: Del Vento, Fonde, Santoro, Spitzer, Winter
(Mr. Malay, Mr. Orr, Ms. Parsekian, Ms. Bianchi and Ms. Gilmore were ineligible to vote)

Motion carried

Mr. Huckins joined the meeting

The motion was made by Mr. Fonde and seconded by Mr. Santoro to approve the minutes of October 20, 2009, closed session, as drafted.

Roll call;

Aye: Del Vento, Fonde, Huckins, Santoro, Winter
(Mr. Malay, Mr. Orr, Ms. Parsekian, Ms. Bianchi and Ms. Gilmore were ineligible to vote)

Motion carried

APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS

The motion was made by Mr. Orr and seconded by Mr. Fonde to approve the charges submitted by John Belardo, Esq. for December 2009, by Stuart Koenig, Esq. for December 2009 and by David Schley for January 2010.

Roll call:

Aye: Del Vento, Fonde, Huckins, Orr, Parsekian, Santoro, Spitzer, Bianchi,
Winter

Abstain: Malay

Motion carried

PUBLIC HEARING – JAFFA BUILDING, LLC – Block 11401, Lots 36 & 37 – 16 & 20 Harvest Way – Minor Subdivision and Bulk Variance

John Dusinberre, Esq. represented the applicants. He described the application as a lot line adjustment to create a conforming improvable lot area on Lot 37. The proposed changes required relief for the width for lot 36. Mr. Dusinberre also said that the second variance requested was for maximum lot yield.

Mr. Dusinberre presented Richard A. Keller, PE, PP, Casey & Keller, Inc. Millburn, NJ, who was sworn in. Mr. Keller described the existing conditions of the two lots. He said that the variance for maximum lot yield was needed because while the two lots were 5.49 acres, the exclusion of 1.89 acres that included an easement, wetlands and steep slopes, resulted in a total development area of only 3.596 acres. There was discussion on the issue of the definition of density under the ordinance. Mr. Koenig clarified that the variance being sought was for maximum lot yield and not density, which is based on gross acreage of the lot.

Mr. Quinn recommended that the calculation of steep slopes should be checked. Mr. Keller said that the relief requested would reduce the frontage on Lot 36 but the nine foot difference between the lots would not be visible.

Mr. Keller presented Exhibit A-1, a copy of Sheet 4 of 4 showing the location of test borings. He presented Exhibit A-2, a letter from the Board of Health dated January 29, 2010 which stated that land was available on each lot to locate a reserve septic field. Mr. Keller said that a rain garden would be added in the rear.

Mr. Keller addressed the comments in Mr. Schley's January 27, 2010 memo. He said that the applicants did not want to merge the two lots since they wanted to build two houses similar in size to the existing neighborhood. Board members asked about the applicants' site plan and the sizes of adjacent lots. Mr. Keller said that the difference in lot width would not be obvious and that the applicants could not obtain additional land to make these lots conforming.

Joseph Volturo, Jaffa Building, Inc. was sworn in. He said that he had spoken to Mr. Sorge, the adjacent property owner, about purchasing 12 to 15 sq feet of land but Mr. Sorge was not interested.

Public hearing was opened for questions of these two witnesses; hearing none, the public portion of this hearing on this application was closed.

Board members asked the applicants to address their questions about the locations of houses on these lots. Mr. Dusinberre said the applicant would agree to carry the application to April 6, 2010.

Appointment of Planning Board Representative to Quarry Mediation Team

Mr. Malay moved and Mr. Orr seconded to amend the agenda to appoint a representative from the Planning Board to the quarry mediation team.

Mr. Spitzer said that Ms. Gaziano and Mr. Carpenter were representing the Township Committee on the Quarry Mediation Team. Mr. Huckins volunteered to be the Planning Board representative. On motion by Mr. Malay and seconded by Ms. Bianchi, the Board approved this by a voice vote.

Mr. Malay left the meeting.

On motion by Mr. Orr and seconded by Mr. Fonde, the Board went into closed session at 9:27 p.m. to discuss pending litigation filed by St. Bernards Protestant Episcopal Church.

WHEREAS, the Board has determined that it is necessary in the public interest that issues concerning pending litigation filed by St. Bernards Protestant Episcopal Church against the Board be discussed in executive session and has estimated that, as nearly as can now be determined, the results of these discussions can be disclosed to the public when appropriate,

NOW THEREFORE, it is resolved that the public be excluded from the executive portion of the meeting, during which only the aforesaid matters will be discussed. No formal action will be taken.

The closed session on litigation was adjourned at 9:50 p.m. and the public meeting was re-opened.

Comments from Members

Board members discussed the possible impact of the proposed changes to COAH, currently proposed by Senator Lesniak.

Having no further business to discuss, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Frances Florio, Secretary to the Board