

**BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
MARCH 16, 2010
MASTER PLAN PUBLIC HEARING**

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

ROLL CALL:

Members present: Fonde, Huckins, Malay, Santoro, Spitzer, Winter, Bianchi, Gilmore

Members late: none

Members absent: Del Vento, Orr, Parsekian

Board Planner Frank Banisch, Board Attorney Stuart Koenig (7:50 p.m.) 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, to the Courier News, Bridgewater, NJ, and to the Star-Ledger, Newark, NJ, all on January 11, 2010, 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. Huckins to approve the minutes of December 8, 2009 as drafted.

Roll call:

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

Motion carried

The motion was made by Mr. Fonde and seconded by Mr. Huckins to approve the minutes of December 22, 2009 as drafted.

Roll call:

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

Motion carried

The motion was made by Mr. Fonde and seconded by Mr. Malay to approve the minutes of January 5, 2010, regular meeting, as drafted.

Roll call:

Aye: Fonde, Huckins, Malay, Santoro, Spitzer, Bianchi, Gilmore, Winter
Motion carried

The motion was made by Mr. Malay and seconded by Mr. Santoro to approve the minutes of January 19, 2010 as drafted.

Roll call:

Aye: Fonde, Huckins, Malay, Santoro, Spitzer, Bianchi, Gilmore, Winter
Motion carried

APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS

The motion was made by Mr. Fonde and seconded by Mr. Huckins to approve the charges submitted by Banisch Associates for January 2010 and for October-December 2009 Master Plan preparation, by EKA Associates for February 16-29, 2010, and by Stuart Koenig, Esq. for January 2010.

Roll call:

Aye: Fonde, Huckins, Malay, Orr, Parsekian, Santoro, Spitzer, Bianchi, Winter
Motion carried

COMPLETENESS REVIEW – Church of Our Lady of Perpetual Help – Block 2301, Lot 23 (formerly Block 90, Lot 18) – 145 Mt. Airy Road – Preliminary and Final Site Plan for Niche Garden, Holy Cross Cemetery

Mr. Schley stated as per his March 9, 2010 memo that four items had not been submitted by the applicant.

The motion was made by Mr. Fonde and seconded by Mr. Malay to deem the application incomplete.

Roll call:

Aye: Fonde, Huckins, Malay, Santoro, Spitzer, Bianchi, Gilmore, Winter
Motion carried

COMPLETENESS REVIEW – Orthmann, James E. and Kyung-Mi – Block 9601, Lot 4 – 49 Liberty Corner Road – Amended Minor Subdivision & Bulk Variance

Mr. Schley stated as per his memo of March 2, 2010, that all required items had been submitted.

The motion was made by Mr. Malay and seconded by Mr. Huckins to deem the application complete.

Roll call:

Aye: Fonde, Huckins, Malay, Santoro, Spitzer, Bianchi, Gilmore, Winter
Motion carried

COMPLETENESS REVIEW – The Pingry School – Block 11601, Lot 3.01 – Martinsville Road – Preliminary and Final Site Plan & Bulk Variance (Headmaster’s Residence)

Mr. Schley stated that three of the items identified on his March 9, 2010 memo as incomplete had been submitted. The applicant had not submitted an approval of the wastewater treatment system from the Health Department.

The motion was made by Mr. Malay and seconded by Ms. Bianchi to deem the application incomplete.

Roll call:

Aye: Fonde, Huckins, Malay, Santoro, Spitzer, Bianchi, Gilmore, Winter
Motion carried

MASTER PLAN – PUBLIC HEARING ON 2010 MASTER PLAN DRAFT

Mr. Winter informed the public that comments and questions on all of the plan elements would be heard at this meeting.

Public hearing was opened for questions and comments on the 2010 Master Plan. The following residents spoke:

- Bill Allen, 44 Holmesbrook Road, was sworn in by Mayor Spitzer (in the absence of the Board Attorney). Mr. Allen submitted hard copies of two letters he had previously sent electronically to the Board. The first memo, dated March 9, 2010, commented upon the Green Element, Parks & Recreation Element and the Land Use Element. He said he was disappointed that the Board had not discussed his proposal to allow the substitution of two town houses for a single-family house. The second memo, dated March 10, 2010, contained his recommendations for the future use of land in the M-1 (mining) zone. He listed five recommendations concerning issues of lake ownership, lake maintenance, and the benefits of residential clustering.

Mr. Koenig joined the meeting.

- Bill Kimzey, 101 Linden Drive, was sworn in. He commented on the differences between the goals in the 2003 Master Plan and the ones in the current draft. He asked that a statement concerning the need to protect public health and safety be added.
- Joseph Murphy, 20 Squire Court, asked that the recommendation from the 2009 Board of Adjustment Annual Report re revising current lot coverage percentages be added. He described how current lot coverage requirements affected his lot.
- John Crane, 39 Decker Street, said that he wanted to meet with Frank Banisch to discuss minor technical changes to the draft. He complimented Mr. Banisch for his work on this Master Plan. Mr. Crane made specific comments on use of data from the Highlands Regional Master Plan, conflicting recommendations re 150-ft buffers for water ways found in different sections, references to figures from the Mullhall report and the identification of vacant lots. He recommended that this document use a residential density calculation based on current septic regulations.

He objected to the Board relying on the Mulhall report because no public hearing on that report had been held. He supported revising front yard setbacks for open porches in the R-6 and R-7 zones.

- Carl Porambo, 48 Jamestown Road, supported a recommendation to change impervious lot coverage percentages.
- Hoddy Mahon, 31 Squire Court – supported a recommendation to change impervious lot coverage percentages.
- Skip D’Aliso, 114 Canterbury Way, supported a recommendation to change impervious lot coverage percentages.
- James Loescher, 427 Lyons Road, supported a recommendation to change impervious lot coverage percentages.

Hearing no further questions or comments, the public portion of this hearing on the 2010 Master Plan was closed.

Mr. Malay responded to the comments concerning a recommendation regarding lot coverage requirements. He noted that this was not a new issue, and that one response to this concern could be to amend the ordinance. Another approach would be to depend on the Board of Adjustment to decide individual cases. He noted even for those lots with drywells and other forms of stormwater remediation that there were enforcement issues. He recommended that the Master Plan acknowledge the Board of Adjustment’s concerns but that no recommendation to revise existing lot coverage requirements be added.

Board members also discussed the recommendation in the Board of Adjustment Annual Report encouraging open porches. There was discussion on the setback issues involved and potential impact on individual architectural styles. The Board decided not to make a specific suggestion regarding porches but instead to make a general recommendation promoting variety in architectural design.

The Board continued the discussion on lot coverage. Mr. Spitzer suggested the Board recognize the Board of Adjustment 2009 Annual Report and also include a recommendation that the Planning Board and Township Committee review and explore the issue and potential ordinance changes. A straw poll was taken and the Board supported adding this language.

Mr. Winter announced that the formal resolution adopting the 2010 Master Plan would be voted on the next meeting.

Comments from Members

Mr. Fonde said he thought it appropriate that the Board send a letter supporting the proposed use of one of the barns and residential buildings at 135 North Maple by the Trilogy Repertory Company. By a voice vote, the Board agreed with Mr. Fonde’s recommendation.

Having no further business to discuss, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board