

**BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
APRIL 20, 2010**

The Board Chairman called the meeting to order at 7:35 p.m. This meeting was video-streamed.

ROLL CALL:

Members present: Fonde, Parsekian, Santoro, Spitzer, Winter, Bianchi, Gilmore

Members late: Huckins (7:42 p.m.); Orr (7: 45 p.m.)

Members absent: Del Vento; Malay

Board Attorney Stuart Koenig (7:43 p.m.), Board Planner David Banisch, 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 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. Spitzer and seconded by Mr. Fonde to approve the minutes of February 16, 2010 as drafted.

Roll call:

Aye: Fonde, Parsekian, Santoro, Spitzer, Bianchi, Gilmore, Winter

Motion carried

Mr. Huckins joined the meeting.

The motion was made by Mr. Spitzer and seconded by Mr. Fonde to approve the minutes of March 2, 2010 as drafted.

Roll call:

Aye: Fonde, Huckins, Parsekian, Santoro, Spitzer, Bianchi, Gilmore, Winter

Motion carried

APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS

The motion was made by Mr. Spitzer and seconded by Mr. Fonde to approve the charges submitted by Banisch Associates for January 2010, by EKA Associates for January 1-15, 2010 and by Stuart Koenig, Esq. for February 2010.

Roll call:

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

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

Mr. Schley stated, as per his April 5, 2010 memo, that all the required submission items had been submitted.

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

Roll call:

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

Mr. Orr joined the meeting.

COMPLETENESS REVIEW – Gibson, James and Jill – Block 5602, Lot 13 – 28 Brittany Place – Amended Minor Subdivision

Mr. Schley stated, as per his April 8, 2010 memo, that all the required submission items were received.

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

Roll call:

Aye: Fonde, Huckins, Orr, Parsekian, 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 Approval

Mr. Schley stated, as per his memo of April 6, 2010 that all the required submission items had been received.

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

Roll call:

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

PRESENTATION – Ridge High School Parent-Teacher Organization – Block 2801, Lot 33 – South Finley Avenue – Digital Sign on Ridge High School

Donna Levine, Ridge High School PTO, passed out a hard copy of her PowerPoint presentation. She said the PTO wants to install a digital sign on the west side of the high school building over the cafeteria windows to post messages and announcements about high school activities. She said that the type of messages posted on the sign would be the responsibility of the high school principal. She said they planned for the sign to be on 24 hrs a day and 7 days a week but the PTO was happy to discuss this.

Mr. Koenig clarified that for this application the Board is acting in an advisory capacity only.

Board members noted that they were not happy with the sign being on all night and asked that the PTO try to minimize the impact of this sign on neighboring home owners. They discussed the impact of the level of illumination and the use of red lettering on a white or black background, as well as whether the messages would be static or not. Board members discussed with Ms. Levine hours of operation from 6:00 a.m. to 10:00 p.m. Ms. Levine noted that the PTO was also considering a second free-standing sign on the adjoining Township Health Department property but that was not the subject of this presentation.

Public hearing was opened for questions and comments.

- Sangeeta Dhagat, 274 South Finley Avenue – said that having the sign in use between 6:00 a.m. and 10:00 p.m. was acceptable to him. He noted that he was more concerned about the second sign proposed by the PTO than this one.

Hearing no further questions, the public portion of this hearing on this presentation was closed.

Board members recommended that the proposed sign have adjustable light intensity and that it be in operation only between 6:00 a.m. and 10:00 p.m. except during emergencies and special events. Mr. Spitzer thanked the PTO for funding this project.

On motion by Mr. Santoro and seconded by Mr. Huckins, the Board voted to appoint Mr. Fonde acting chair. Mr. Winter recused himself from hearing the Orthmann application.

Mr. Fonde announced that the continued public hearing on Jaffa Building, LLC for Block 11401, Lots 36 & 37 (16 & 24 Harvest Way) would not be heard and was carried to June 8, 2010.

PUBLIC HEARING – ORTHMANN, James E. & Kyung-Mi – Block 9601, Lot 4 – 49 Liberty Corner Road – Amended Minor Subdivision and Bulk Variance

Vincent Bisogno, Esq., represented the applicants. He reminded the Board that Mr. and Mrs. Orthmann had been granted minor subdivision approval in 2009 to create two lots, one 3.5 acres and the other 10 acres. That approval included the demolition of a carriage house and garage. The applicants noted the Board's dismay and had amended their plans

to save the carriage house and use it as an accessory structure for entertainment purposes. Mr. Bisogno stated that a variance for height of an accessory structure and its location in a front yard were required.

James Orthmann, 122 Emerald Valley Lane, was sworn in. He stated that the carriage house had a height of 31.4 ft to the roof line and 39 ft to the cupola. He said that he and his wife amended their application because the carriage house has local historical interest as part of the Sloan estate. He said he wanted to renovate it to create a music room on the first floor and a photo studio on the second floor. He said it would not be used for guests and that no concerts would be held at the carriage house. He said the garage would be removed but asked that he and his family could use the carriage house and garage as a residence while the new house was being constructed.

Public hearing was opened for questions of this witness. Hearing none, the public portion of this hearing on this witness was closed.

William Bodwell, P.E., Henderson & Bodwell, Somerset, NJ, described the changes to the subdivision. He said that three additional trees would be removed and additional replacement trees would be planted. He stated that lot coverage would not be changed. He said the applicants would comply with the comments in Mr. Schley's April 19, 2010, Mr. Quinn's April 19, 2010 and Mr. Banisch's April 19, 2010 memos. The applicant agreed to remove the garage within 60 days of the certificate of occupancy for the new house being issued.

Public hearing was opened for questions of this witness. Hearing none, the public portion of this hearing on this witness was closed.

Mr. Koenig listed as possible conditions of approval that the carriage house would be used as an accessory structure, that a variance for its location in a front yard was required, that it would be used as a residence while the new house was being constructed, that the applicants agreed to comply with the comments in the professionals' reports, that the Historical Society of the Somerset Hills would have access to the carriage house to take photographs, and the existing shed would be removed.

The motion was made by Mr. Spitzer and seconded by Mr. Huckins to approve the application subject to the conditions discussed.

Roll call:

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

Having no further business to discuss, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Frances Florio, Secretary to the Board