

**BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
MAY 4, 2010**

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

ROLL CALL:

Members present: Huckins, Malay, Santoro, Spitzer, Winter, Bianchi, Gilmore
Members late: Parsekian (7:40 p.m.)
Members absent: Del Vento, Fonde, Orr
Board Attorney Stuart Koenig, Board Planner David Banisch, Board Engineer Tom 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, to the Courier News, Bridgewater, NJ, and to the Star-Ledger, Newark, NY 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 Ms. Bianchi and seconded by Mr. Huckins to approve the minutes of March 16, 2010 as drafted.

Roll call:

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

APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS

The motion was made by Mr. Malay and seconded by Mr. Huckins to approve the charges submitted by Banisch Associates for February and March 2010, by John Belardo, Esq. for March 2010, by Stuart Koenig, Esq. for January through March 2010 litigation, and by David Schley for April 2010.

Roll call:

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

Ms. Parsekian joined the meeting.

HEARING – Request for Extension of Final Major Subdivision Approval for Somerset Country Living Properties, LLC for Block 6001, Lots 10.01, 10.02, 10.05 to 10.10 to May 16, 2011.

Christopher Quinn, Esq. represented the applicants. He said that the applicants had previously requested two one-year extensions of final major subdivision approval to extend protection from zoning changes. This application requested an additional one-year extension to May 16, 2011.

Mr. Quinn said that three lots did not meet the current minimum improvable lot area requirement of 22,000 sq ft for the R-3 zone.

Victor Huljack, Boulder Construction, Scotch Plains, NJ, was sworn in. He testified that all homeowners on Tall Timber Lane signed a disclosure statement concerning lot coverage on their lots. Mr. Quinn noted that if this extension were not granted each of these lots would require a variance for any construction.

Mr. Schley asked that any extension of approval be conditioned on compliance with current storm water management, building height, and affordable housing fee requirements.

The motion was made by Mr. Malay and seconded by Ms. Bianchi to grant the extension of final major subdivision approval to May 16, 2011, subject to compliance with the current storm water management, building height, and affordable housing fee requirements.

Roll call:

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

CONTINUED PUBLIC HEARING – Boulder Construction, LLC – Block 6301, Lots 34.01 to 34.04 – Modification of Final Major Subdivision Approval to allow fencing in conservation easements

Christopher Quinn, Esq., represented the applicants. He reminded the Board that at the April 6, 2010 meeting the Board voted to permit fencing in the conservation easement on Lot 34.04.

William Hollows, Murphy & Hollows, Stirling, NJ, was sworn in. He described the grass swale and inlets that have been constructed on Lots 34.02 and 34.03. He said in his opinion that a fence on a swale would not affect the swale given the location of the drainage inlets.

Public hearing was opened for questions of this witness and comments. The following residents spoke:

- Conrad Kempinska, 21 Hunters Lane, was sworn in. He said that the system as installed is working. He said that he has a fence on his property and would not like to see a second fence on the adjacent property.

- Calvin Forsberg, 11 Hunters Lane, was sworn in. He said the swale solves the drainage problem for the neighborhood.

Hearing no further questions, the public portion on this application was closed.

The Board discussed with the applicant how the fencing for a pool would be treated should one of these property owners decide to construct a pool.

Public hearing was re-opened for questions concerning this testimony.

- Tom Kempinska, 21 Hunter Lane – said he didn't want to lose the view he has currently. He asked that no fencing be allowed on Lot 34.03.

Hearing no further comments, the public portion of this hearing on this application was closed.

Board members discussed possible options for fencing. There was general agreement that parallel fencing along the side property lines between the lots should be permitted, similar to what the Board granted to Somerset Country Living Properties on Tall Timber Lane.

The motion was made by Mr. Malay and seconded by Mr. Spitzer to approve the modification subject to no tree removal, fencing being 50% open, consistent with current ordinance requirements for fencing in front yards, installing conservation easement markers, and filing amended easements.

Roll call:

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

PUBLIC HEARING – BISHOP JANES UNITED METHODIST CHURCH – Block 1510, Lot 3 – Washington Avenue and Ridge Street – Minor Subdivision and Bulk Variance

Mr. Winter recused himself from hearing this application. On motion by Mr. Malay, seconded by Ms. Parsekian, Mr. Fonde became acting Chair.

Vincent Bisogno, Esq. represented the applicants. He said that Evergreen Cemetery at the corner of Washington Avenue and Ridge Street was owned by the Methodist Church and was approximately 150 years old. The portion of the cemetery that was the subject of this application was not part of the original cemetery and contained no graves. He noted that a subdivision in 1985 had created five lots on Washington Avenue. He briefly described the proposed minor subdivision, noted that it required relief from the minimum improvable lot area and lot width requirements, and said that there was no adjoining land that could be acquired. He said the church planned to sell the new lot to provide funds to maintain the cemetery.

He presented Glenn Vanbuskirk, co-manager of Evergreen Cemetery, who was sworn in. Mr. Vanbuskirk said that maintenance of the cemetery was funded by a perpetual care

account. He said the cemetery began in 1953 with 13 acres. He said there were 3000 graves sites of which approximately one half were used. He stated that the church needed additional funds. He also noted that there had been discussion about using the lot for a manse. He said that it was not possible to add land to this lot due to the presence of existing grave sites in the cemetery.

Mr. Vanbuskirk said they would install a chain link fence on the rear property line. He said the church is willing to plant trees would work with the Township Engineer to create a buffer. If needed, the applicant would make a contribution to the tree bank.

Ms. Parsekian questioned him about the architectural style of the proposed house. Mr. Vanbuskirk said it would be similar to the houses on Washington Avenue.

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

William Hollows, PE, Murphy & Hollows, Stirling, NJ, was sworn in. He said the cemetery had 13.6 acres. He described the proposed lot as a builder's half acre or 20,000 sq ft. and said the lot width was similar to adjacent lots. He discussed the tree replacement plan.

Mr. Hollows said the applicant would comply with the comments in Mr. Banisch's March 15, 2010 memo. He addressed the comments in David Schley's April 18, 2010 memo and said that creating a 50-ft wide buffer on the cemetery lot was not necessary (Comment #8). He said the applicant would comply with all of the other comments, and with the comments in Mr. Quinn's February 23, 2010 memo.

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

Adrian Humbert, PP, Morristown, NJ, was sworn in. He presented two photo boards, identified as Exhibit A-1 and A-2, showing views of the site and adjacent lots. He discussed the variances for minimum improvable lot area and lot width. He said there was no land available and it would be difficult to relocate graves in the cemetery. He said this application presented no substantial detriment to the neighborhood and was consistent with the Master Plan.

Public hearing was opened for questions of this witness; hearing no one, the public portion of this hearing on this testimony was closed.

Mr. Koenig listed as possible conditions of approval, including:

- Extending curbing from Washington Street to Ridge Street (Schley comment #14)
- Relocate detention basin (Quinn Comment #7)
- compliance with tree ordinance requirement for 24 replacement trees
- architectural style of the house to be similar to adjacent houses on Washington Avenue

- compliance with all other comments in Mr. Quinn's February 23, 2010, Mr. Banisch's March 15, 2010, and Mr. Schley's April 18, 2010 memos

The motion was made by Mr. Malay and seconded by Mr. Huckins to approve the proposed subdivision with conditions as discussed.

Roll call:

Aye: Huckins, Malay, Parsekian, Santoro, Spitzer, Bianchi, Gilmore

Motion carried

Comments from Members

Ms. Parsekian asked the Board for support of the appointment of a Historic Preservation Committee.

Having no further business to discuss, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board