

**BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
MAY 18, 2010**

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

ROLL CALL:

Members present: Orr, Parsekian, Santoro, Bianchi, Winter
Members late: Gilmore (7:36 p.m.); Huckins (7:40 p.m.)
Members absent: Del Vento, Fonde, Malay, Spitzer
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, 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 CHARGES AGAINST ESCROW ACCOUNTS

The motion was made by Mr. Orr and seconded by Ms. Parsekian to approve the charges submitted by EKA Associates for April 16-30 2010.

Roll call:

Aye: Orr, Parsekian, Santoro, Bianchi, Winter
Motion carried

Ms. Gilmore joined the meeting.

PUBLIC HEARING – GIBSON, JAMES & JILL – Block 5602, Lot 13 – 28 Brittany Place – Amended Minor Subdivision

Michael Osterman, Esq. represented the applicants. He said that Mr. and Mrs. Gibson were granted minor subdivision approval on July 21, 2009. At the time of that application, they intended to remove the existing driveway which provided access from Lyons Place to 28 Brittany Place. They now want to retain that driveway because he intended to sell the home on Brittany Place to a family member.

Mr. Huckins joined the meeting.

Robert Moschello, PE, Gladstone Design, Gladstone, NJ was sworn in. He presented Exhibit A-1, a colored version of proposed site plan. He stated that no variances were needed.

Board members discussed with Mr. Moschello the status of the driveway in event that ownership of this lot changed. There was discussion on revising Condition 3(c) of the July 21, 2009 resolution to allow the driveway to remain up to the turn-around on Lot 13.02.

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

There was consensus among Board members that this driveway may remain but shall be subject to a cross easement stating that either property owners could terminate that agreement. If the driveway is removed, that portion of it located between five feet of the property line between lots 13.01 and 13.02 to a location adjacent to the turnaround on Lot 13.01 will be regraded and reseeded.

The motion was made by Mr. Orr and seconded by Mr. Huckins to approve the requested modification revising Condition 3 (c) as described above and that all other conditions from the original resolution will be complied with.

Roll call:

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

PUBLIC HEARING – GIBSON, JAMES & JILL – Block 5602, Lot 21 (formerly Block 106.04, Lot 18) – 22 Brittany Place – Amended Minor Subdivision

Michael Osterman, Esq., represented the applicants. He explained that the former owner, Jean Sakele, was granted minor subdivision approval in 2004 to increase the lot size on Lot 21. No new house has been built on this lot. The applicants wish to construct a new house; Mr. Osterman said this application requested that the front yard setback of 75 feet be amended to 50 feet.

Robert Moschello, PE, Gladstone Design, Gladstone, NJ was sworn in. He presented Exhibit A-1, a copy of the proposed site plan. He noted that the lot was in two residential zones, RC-4 and R-4. There was a discussion on how front yard setback was calculated for each zone.

Mr. Moschello presented Exhibit A-2, an aerial photograph of the neighborhood. There was a discussion about the existing front yard setbacks on Brittany Place. Mr. Moschello said the location and alignment of the house was designed to provide the owners with a view of the pond in the rear. He said that a Letter of Interpretation was not obtained from NJ DEP in 2004 and that new rules defining riparian buffers were adopted in 2007. The presence of wetlands and riparian buffers had reduced the available building envelope.

Board members discussed if changing the angle of the house or flipping the garage would create a better design.

Mr. Moschello addressed the comments in Mr. Schley's May 14, 2010, Mr. Banisch's May 18, 2010 and Mr. Quinn's May 18, 2010 memos. He said the applicant would comply with all comments.

Dan Lincoln, architect, Bernardsville, NJ, was sworn in. He presented Exhibits A-3 to A-8, floor plans of the first and second floors, and front, rear and side elevations. He described the design of the house and said the style was early 20th century. He said the house was aligned to get the best view of the pond and the barns on Mr. Gibson's lot. He said, in his opinion, that flipping the garage did not improve the design. The applicant agreed that the garage would be a two-car garage.

Public hearing was opened for questions of this witness and comments on the application.

- Bill Koch, 15 Brittany Place, was sworn in. He said that location of the garage did not change much. He said that he could see the pond from Brittany Place and that he would not be able to see the pond when the new house was built.

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

Mr. Osterman presented James Gibson, 58 Lyons Place, who was sworn in. He acknowledged that any house on this lot would block the view from Brittany Place. He thought that architecturally pleasing houses and structures benefited the neighborhood.

Public hearing was re-opened for questions and comments. Hearing none, the public portion of this hearing on this application was closed.

Board members discussed various aspects of this application including the extent of environmental constraints on the lot. They noted that a house on this lot could be wider than the one proposed and debated the importance of the neighbors' views versus the property owners' rights to develop the lot.

The motion was made by Mr. Santoro and seconded by Mr. Huckins to approve the plans as submitted with conditions, including amending the 2004 resolution to permit a 50-ft front yard setback, requiring a conservation easement incorporating all wetlands and riparian buffer areas, and limiting the house to a two-car garage.

Roll call:

Aye: Huckins, Orr, Parsekian, Santoro, Bianchi, Gilmore, Winter

Motion carried

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

Respectfully submitted,
Frances Florio, Secretary to the Board