BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
January 5, 2016

The Chairman called the regular meeting to order at 8:03 p.m. The meeting was video-streamed and broadcast.

OPEN MEETING STATEMENT
“In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this special 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 11, 2015, and was electronically mailed to all those people who have requested individual notice.

“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.”

ROLL CALL:
Members present: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Santoro, Moschello, Ross, Plaza
Members late: none
Members absent: Piedici; on motion by Alper, seconded by Malay, the absence of Ms. Piedici was excused.
Board Attorney Jonathan Drill, Esq., Board Engineer Tom Quinn, Board Planner David Banisch, and Township Planner David Schley were also present.

APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS
The motion was made by Ms. Alper and seconded by Ms. Kleinert to approve the charges submitted by EKA Associates for December 1-15, 2015, and by David Schley for December 2015.
Roll call:
Aye: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Santoro, Moschello, Plaza
Motion carried

COMPLETENESS REVIEW- Mountainview Corporate Center, LLC (PB15-007) – Block 11301, Lot 1 – 180-181 Mountain View Boulevard – Final Site Plan Approval, Buildings E & F
Mr. Schley stated, as per his December 22, 2015 completeness review memo, that all the required items had been submitted.

The motion was made by Ms. Alper and seconded by Mr. Santoro to deem the application complete.
Roll call:
Aye: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Santoro, Moschello, Plaza
Motion carried

Mr. Baldassare, Mr. Moschello, and Mr. Ross left the hearing because they are recused from the following application.

CONTINUED PUBLIC HEARING – Fellowship Senior Living, Inc. (PB13-006) – Block 9301, Lot 33 – 8000 Fellowship Road – Preliminary and Final Site Plan Approval (Community Center and Health Center Additions)
The applicant was represented by Vincent Bisogno, Esq. who noted that this was the 13th meeting on this application. Mr. Drill noted that Mr. Gary Dean, applicant’s traffic engineer, was present for cross examination by Mr. Banisch only. However, if Mr. Dean submits new evidence, questions from the public will be allowed.

Mr. Drill also noted that the Board has received from Mr. George Schenk a request to reconsider Mr. and Mrs. Schenk’s motion to dismiss this application. The Board will rule on this request. The Board will also rule on the issue of whether Residential Site Improvement Standards (RSIS) standards apply to this application as per the Quinn et al. October 20, 2015 memo. The last issue to be decided is if Mr. and Mrs. Schenk should be allowed additional time to present their public comments.

Mr. Bisogno presented Mr. Gary Dean, applicant’s traffic engineer. Mr. Banisch recommended that Mr. Dean submit a written parking management plan and noted that the exhibits were hard to follow. Mr. Dean said Parking Distribution Plan ‘B’, submitted May 26, 2015, showed what parking spaces are currently used by residents (in blue) and which were available to employees and visitors (in pink). Mr. Dean said he did not have actual numbers of parking spaces. Mr. Banisch asked about the specific parking demand in Jericho and Gilead Courts. Mr. Dean said a decal was only issued to those residents who have covered parking spaces. There was discussion on how employee parking assignments reflected address changes for residents.

Board members asked if Fellowship Senior Living (FSL) had considered assigning parking spaces to all residents. Mr. Dean said FSL preferred the flexibility of shared parking spaces. He said that all residents’ cars are registered with FSL. Board members asked about parking by the Health Center; Mr. Dean said residents had priority.

Mr. Dean said he had an exhibit to present. It was noted that this was subject to questions from the public. Mr. Dean submitted Exhibit A-28, Parking Management Program. He said FSL met ordinance requirements for the number of parking spaces but the issue was the allocation of parking spaces and future management of parking. He said the proposed plan had six components.
- 1 – All residents’ and employees’ vehicles would be issued a sticker or a hanging tag. This information would be provided to Bernards Township (BT) Police. Only covered parking spaces will be assigned; uncovered parking spaces are available to anyone.
2 – Reserve five parking spaces by the Rehabilitation Facility in the Health Center for therapy patients. Mr. Dean also discussed designating two spaces per court for visitors. Any spaces not needed by residents and visitors would be for employee parking.

3 – There will be a quarterly review of changes in residential tenancy for independent living residents and revisions of parking assignments will be made based on this review.

4 – There will be an annual parking report conducted by an independent professional to evaluate parking demand at peak times. This report would be required two years after the new Health Center is constructed. This report could be provided to the Planning Board.

5 – Use of the grass paver spaces in the Oval for public events would be monitored by parking attendants.

6 – FSL agrees to allow Title 39 enforcement by BT Police.

Mr. Banisch and Board members asked Mr. Dean about each component.

- #1 – Mr. Banisch suggested that the monitoring of parking demand should be clarified. Mr. Drill noted that monitoring and enforcement of parking rules were separate issues. The applicant agreed to provide BT Police with information about the sticker/hang tag designations.

- #2 – There was discussion about the number of parking spaces to be reserved for rehabilitation therapy patients. Mr. Dean said the five spaces reflected the maximum number of patients that can be accommodated during any time slot. Discussion ensued on whether more parking spaces should be reserved for these patients and how use of these spaces should be monitored.

- #3 – Board members suggested that the quarterly review emphasize guaranteeing spaces for residents as well as providing adequate spaces for employees. It was recommended that a color-coded system, particularly for employees’ cars, should aid enforcement.

- #4 – Mr. Bisogno said the applicant would agree to provide an annual parking report.

- #5 – The use of the grass paver spaces, particularly for public events, was discussed.

- #6 – The applicant discussed possible changes to current enforcement of parking regulations under a Title 39 agreement between FSL and Bernards Township.

Public hearing was opened for questions of Mr. Dean.

- Carol Auten, 2303 Fellowship Road – noted that some residents have more than one car. Mr. Dean said currently only a car using a covered space gets a decal. Ms. Auten asked about long term versus short term parking by the Oval and parking demand on holidays.

- Wendy Potter, Mendham, NJ – asked how the timing of theatrical performances would affect residents’ use of parking spaces near the Community Center. Mr. Lawrence said that dinner was served between 4:30 and 6:30 p.m. in the cafeteria and between 5:30 and 7:00 p.m. for formal dining. He anticipated no overlap.
- Tom Hartmann, Esq. identified himself as Mr. and Mrs. Schenks’ legal advisor. He said he was not their attorney at this time.
- George Schenk, 8106 Fellowship Road—objected to Mr. Dean presenting Exhibit A-28 and his testimony at this meeting. Mr. Plaza overruled the objection on behalf of the Board. Mr. Schenk said the dimensions of parking spaces do not meet ordinance requirements; Mr. Bisogno objected; Mr. Plaza sustained the objection on behalf of the Board. Mr. Schenk asked to discuss the parking design as discussed in the Quinn, Drill & Schley October 1, 2015 memo. Mr. Plaza said this memo did not discuss the parking management plan as presented by Mr. Dean.

Hearing no further questions, the public portion of this hearing for questions of Mr. Dean was closed.

Mr. Plaza addressed the request of George and Maya Schenk to reconsider the decision of the Board to deny their motion to dismiss the application. He said he would address only their statement that the Board had made errors. Mr. Plaza said he had reviewed all of the documents relevant to this issue and did not find that the Board had failed to follow municipal land use laws. He denied the motion and upheld the statement made at the September 14, 2015 Planning Board hearing by Vice Chair Alper. He stated that the request to reconsider the motion to dismiss the application was denied on behalf of the Board.

Mr. Plaza addressed the issues discussed in the Quinn et al. October 20, 2015 review memo. That memo concluded that RSIS regulations apply to a mixed use site but only in those locations where residential use is designated and separate from non-residential use. Hence the parking spaces on the Oval are not considered to be designated or a separate residential use. Mr. Plaza agreed with the memo and said these spaces should be 9 ft x 18 ft with a 2-ft overhang, and the grass paver spaces should be 20 ft in length. He noted that the parking by the Health Center was a different situation. The presence of an island permits a 2 ft overhang. However, the applicant’s proposal for 50 compact parking spaces exceeds the permitted number and requires relief.

Mr. Drill asked the Board to rule whether BT ordinance governs the size of parking stalls, as opined by Mr. and Mrs. Schenk in their December 1, 2015 memo. The Quinn et al. 10/20/15 memo says that RSIS regulations do not apply because the residential and non-residential uses are not designated or separate for the Oval, the parking by the Health Center, and in the proposed parking between the Health Center, Gilead and Jericho Courts. By a straw poll of Board members, the unanimous decision was that BT ordinance applies to parking stall size at FSL.

Mr. Bisogno agreed to show the grass paver stalls as 20 ft in length. He also acknowledged that thirteen of the compact parking spaces do not comply with the ordinance and require relief.
Board members discussed a recommendation from the Schenks’ December 1, 2015 letter to increase the width of parking stalls to accommodate elderly FSL residents who use mobility devices. This recommendation suggested that a 10 ft width would help to provide safe and efficient pedestrian circulation. Mr. Banisch suggested that a few of these larger parking stalls be located in each court, close to residential units, as well as in the Health Center lot. The applicant was asked to submit a revised parking plan that showed wider stalls.

The Board relaxed their 21-day submission requirement to ten days, and asked that these revisions be available by January 22, 2016. Mr. Drill said the Title 39 issue will be included in his jury charge. Mr. Bisogno said there would be no further witnesses with the exception of any discussion about the revised plan and the wider parking stalls. Mr. Plaza announced that this hearing was carried to February 2, 2016, no further notice required. He reminded the public that public comments are restricted to fifteen minutes.

Ms. Ellen Pinson, 99 Allen Road, Liberty Corner, asked when the Board would review the landscaping plans for the buffer to her adjacent property.

The applicant extended the time to act to April 30, 2016 and requested that the dates of February 2, 2016 and March 22, 2016 be reserved for this application.

There being no further business, the meeting was adjourned at 11:02 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board