The Chairman called the regular meeting to order at 7:39 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 January 11, 2016, 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, Piedici, Santoro, Moschello, Ross, Plaza
Members late: none
Members absent: Malay; on motion by Alper, seconded by Baldassare, the absence of Mr. Malay 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 MINUTES
The motion was made by Ms. Alper and seconded by Ms. Kleinert to approve the minutes of October 6, 2015 as drafted.
Roll call:
Aye: Alper, Axt, Harris, Kleinert, Santoro, Plaza
(Mr. Baldassare, Ms. Piedici, Mr. Moschello and Mr. Ross were ineligible to vote)
Motion carried

The motion was made by Ms. Alper and seconded by Ms. Axt to approve the minutes of October 20, 2105 as drafted. Mr. Santoro questioned whether the activities listed were being held in the Health Center; Ms. Florio stated that this was what Mr. Danton said. Roll call:
Aye: Alper, Axt, Harris, Kleinert, Piedici, Santoro, Plaza
(Mr. Baldassare, Mr. Moschello, and Mr. Ross were ineligible to vote)
Motion carried
APPROVAL OF CHARGES AGAINST ESCROW ACCOUNTS
The motion was made by Ms. Piedici and seconded by Ms. Alper to approve the charges submitted by John Belardo, Esq. for January 2016 and for Jonathan Drill, Esq. for January 2016.
Roll call:
Aye:   Alper, Axt, Baldassare, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza
Motion carried
Mr. Plaza announced that the agenda order was amended and that the two Closed Sessions would be heard after the public hearings

PUBLIC HEARING – ELRAC, LLC d/b/a Enterprise Rent-A-Car (PB15-006) – Block 1802, Lot 24 – 135 South Finley Avenue – Preliminary and Final Site Plan Approval with Bulk Variances
Raleigh Steinhauer, Esq., attorney for ELRAC, acknowledged receipt of two separate memos from David Banisch, dated February 15, 2016 and February 16, 2016. Mr. Drill stated that as per Mr. Banisch’s February 16, 2016 memo, the use proposed by the applicant was not a permitted use in the B-1 zone and that the jurisdiction to hear this application was with the Board of Adjustment.

The motion was made by Ms. Piedici and seconded by Mr. Baldassare to dismiss the application for lack of subject matter jurisdiction.
Roll call:
Aye:   Alper, Axt, Baldassare, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza
Motion carried

PUBLIC HEARING – SCHULER, Gillian & Jason (PB14-006A) – Block 1609, Lot 19 – 115 North Maple Avenue – Amended Conditional Use & Bulk Variance Approval
Gillian and Jason Schuler, applicants, Eric Baker, applicants’ architect, Mr. Schley, Mr. Banisch and Mr. Quinn were sworn in.

It was noted that the applicant received approval in May 2015. Mr. Baker said the applicants revised their design and removed a garage from the plans. He said they would comply with the comments in Mr. Quinn’s February 11, 2016 review memo.

The comments in Mr. Schley’s February review memo were addressed. There was discussion on the adequacy of the proposed off-street parking. Mr. Schuler said they would comply with the comments in Mr. Schley’s memo. Board members indicated that they support the work that the Schulers are doing to their home.

Public hearing was opened for questions and comments on the application. Mr. David Becker, 128 North Maple Avenue, was sworn in. He identified himself as the Schulers’ neighbor on the other side of North Maple Avenue and said he supported this application.
Hearing no further comments, the public portion of this hearing on this application was closed.

The motion was made by Mr. Santoro and seconded by Ms. Kleinert to approve the application subject to compliance with the comments in Mr. Schley’s February 3, 2016 and Mr. Quinn’s February 11, 2016 review memos
Roll call:
   Aye: Alper, Axt, Baldassare, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza
   Motion carried

Mr. Schley and Mr. Quinn left the meeting.

CLOSED SESSION #1
On motion by Ms. Piedici and seconded by Mr. Santoro, a closed session commenced at 8:06 p.m. to discuss employment matters relating to Banisch Associates as Planning Board Planner. The reason a closed session is necessary is because the Board believes the public should be excluded from this discussion.
Roll call:
   Aye: Alper, Axt, Baldassare, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza
   Motion carried

The closed session was adjourned (on motion by Baldassare and seconded by Axt) and the public meeting re-opened at 8:14 p.m.

The motion was made by Ms. Alper and seconded by Ms. Piedici to approve the request by Banisch Associates to increase their hourly rates.
Roll call:
   Aye: Alper, Axt, Baldassare, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza
   Motion carried

Mr. Schley re-joined the meeting.

CLOSED SESSION #2
On motion by Ms. Piedici and seconded by Ms. Axt, a closed session commenced at 8:17 p.m. to discuss a matter, specifically involving the preparation and adoption of a 2016 Housing Plan Element and Fair Share Plan to comply with the pending Mount Laurel affordable housing obligations. The reason a closed session is necessary is because the discussion will involve attorney-client privileged information and the Board attorney advises that confidentiality is required for him to exercise his ethical duties as an attorney to the Board.
Roll call:
   Aye: Alper, Axt, Baldassare, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza
Motion carried

The closed session was adjourned (on motion by Baldassare, seconded by Santoro) and the public meeting re-opened at 9:49 p.m. Mr. Drill announced that there will be a Master Plan Public Hearing on March 8, 2016 to discuss an amended Housing Plan Element and Fair Share Plan.

There being no further business, the meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board