The Chairman called the regular meeting to order at 7:41 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, Malay, Piedici, Santoro, Moschello, Ross, Plaza
Members late: none
Members absent: none
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. Kleinert and seconded by Ms. Axt to approve the minutes of December 22, 2015 as drafted.
Roll call:
   Aye: Axt, Harris, Kleinert, Santoro, Plaza
   (Ms. Alper, Mr. Baldassare, Mr. Malay, Ms. Piedici, Mr. Moschello, and Mr. Ross were ineligible to vote)
Motion carried

REVIEW OF CHARGES AGAINST ESCROW ACCOUNTS
The charges submitted by John Belardo, Esq. March 2016 and by Jonathan Drill, Esq. for March 2016 were reviewed.

CLOSED SESSIONS #1 AND #2
Mr. Plaza announced a change in the agenda. The Board decided to hold two closed sessions at the beginning of the meeting rather than at the end of the meeting. A motion
was made by Mr. Santoro and seconded by Ms. Alper to amend the agenda and to hear Closed Session #2 after Closed Session #1 at the beginning of the meeting.

Roll call:
Aye: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Santoro, Plaza
Motion carried

On motion by Alper, seconded by Piedici, the Board voted to go into and went into two back-to-back closed sessions, closed session #1 and closed session #2.

Roll call:
Aye: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Santoro, Plaza
Motion carried

The Board went into the closed sessions at 7:50 p.m. Mr. Plaza re-opened the public hearing at 9:37 p.m.

Closed Session #1
Mr. Drill announced that the Board had discussed in closed session #1 a draft resolution concerning pending litigation concerning The Islamic Society of Basking Ridge (ISBR) v. Township of Bernards, et al. Mr. Drill said the draft resolution was revised to state that only those Board members who voted on the ISBR application are eligible to vote on whether or not to grant a rehearing of the application. The motion was made by Mr. Malay and seconded by Ms. Axt to approve that revision to the resolution.

Roll call:
Aye: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Santoro, Plaza
Motion carried

Mr. Drill asked if anyone was going to make a second motion to adopt the resolution on ISBR v. Township of Bernards, et al., as revised including these three provisions: 1) to relax the 20-day time limitation to move to rehear the application to 90 days; 2) to have the Board Secretary forward a copy of this resolution to the applicant; and 3) to ask Howard Mankoff, Esq. who represents the Township in litigation filed by the applicant in Federal court, to forward a copy of this resolution to Michael Buchanon, Esq. and Adeel Mangi, Esq., attorneys representing the applicant. The motion was made by Ms. Alper and seconded by Ms. Piedici.

Roll call:
Aye: Alper, Kleinert, Piedici, Santoro, Plaza
Motion carried

Closed Session #2
Mr. Drill explained that he provided advice to the Board in the second closed session concerning anticipated litigation that had been threatened from Maya and George Schenk re Fellowship Senior Living, Inc., and on answering four questions sent by Mr. and Mrs. Schenk to the Board in their March 31, 2016 letter. In response to their question as to who should hire experts to review the proposed plans for the additions to the Community Center and Health Care center, Mr. Drill said the Board does not plan to hire any experts. Mr. and Mrs. Schenk may present experts; the testimony from such experts will not be
limited by any time restraints and will not be deducted from the time allotted to the Schenks for their closing arguments. The Schenks asked for 90 minutes to present their closing arguments; the Board did not grant this request and said that they each have 15-minutes for their sworn comments. Mr. Drill clarified that the unlawful behavior he referred to in his February 16, 2016 email to the Schenks referred to violations of the Municipal Land Use Law (MLUL) and the ex parte contacts made by the Schenks with Board professionals.

Mr. Drill was directed to send a letter to Mr. and Mrs. Schenk conveying these answers to their questions.

HEARING – THE CHURCH OF OUR LADY OF PERPETUAL HELP (PB14-004A) – Block 2301, Lot 23 – 145 Mt. Airy Road – Extension of Time to Submit Revised Plans
Mr. Plaza recused himself from voting on this application; Ms. Alper became Acting Chair in his absence.

Raleigh Steinhauer, Esq. represented the applicant. He said the applicant had received preliminary and final site plan approval for Phase 3A and preliminary site plan approval for Phase 3B on June 2, 2015. One of the conditions of approval was to revise the plans to comply with all conditions of approval by December 2, 2015. The revised plans were not submitted by that date.

The motion was made by Mr. Malay and seconded by Ms. Piedici to grant a six-month extension of time.
Roll call:

Aye: Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Santoro, Moschello, Alper

Motion carried

Mr. Plaza returned to the room.

PUBLIC HEARING – Genesis Property Management (PB15-006) – Block 11201, Lot 4 – 140 Allen Road – Preliminary and Final Site Plan with Bulk Variances
Thomas Malman, Esq. represented the applicant. Dr. Richard Scott, applicant, Ronald Weiss, applicant’s architect, Robert Moschello, applicant’s engineer and Mr. Banisch, Mr. Quinn and Mr. Schley were sworn in.

Robert Moschello, PE, Gladstone Design, Gladstone, NJ, presented his credentials and was accepted as an expert in engineering. Mr. Moschello referred to a PowerPoint presentation which was identified as Exhibit A-1. He used aerial photographs to describe existing conditions, and environmental constraints, including wetlands, riparian zones and stream buffers. He said the applicant was proposing a 30,000 sq ft addition consisting of three floors and 220 new parking spaces. He said the total number of parking spaces would be 408; variance relief is requested since 423 spaces are required.
Mr. Moschello discussed the use of compact car spaces as a way to achieve the required number of spaces. He also noted that there are banked parking spaces on the plan.

Mr. Moschello said the existing generator will be relocated; he said the applicant will comply with the comments in Mr. Quinn’s April 18, 2016 review memo concerning the retention basins and underground detention system. He discussed the revised lighting plan and proposed landscaping and tree removal plans. Mr. Moschello listed the requested variances and exceptions.

Mr. Moschello addressed the comments in Mr. Schley’s April 14, 2016 review memo. The applicant agreed to comply with all comments. Mr. Moschello said the existing walkway will be left as is, and the sidewalk near the covered walkway will be extended along the main driveway.

Board members asked about the review memo from the Fire Official, the reason for the design exception for the parking access road, lack of detail for certain parts of the application, and why the applicant is proposing an addition.

Public hearing was opened for questions of Mr. Moschello; hearing none the public portion of this hearing for questions of this witness was closed.

Ms. Axt left the meeting at 10:42 p.m.

Ronald Weiss, architect, Weiss Design Group, Inc., Livingston, NJ, presented his credentials and was accepted as an expert in architecture. He referred to the elevation drawings and floor plans submitted with the application and described the current and proposed layout. He said the second floor of the addition would be for research labs and the third floor was for offices and storage. Mr. Weiss said the applicant would meet with members of the Liberty Corner First Aid Squad (LCFAS). He said, as per Mr. Schley’s comment #19, that HVAC units on the roof will cover no more than 10% of the roof area.

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

Dr. Richard Scott, one of the partners of Reproductive Medicine Associates of New Jersey (RMANJ) was sworn in. He said that the reason for this expansion was to take care of their patients and improve their research program. He said they needed more employees at this facility but there would be no increase in the number of physicians.

Dr. Scott commented on the April 11, 2016 letter from LCFAS. Dr. Scott said RMANJ did not want to increase the size of the existing elevators. He said they had only between ten and fifteen first aid calls a year and most were for patients on the first floor. He said the gurney fits into the elevator.

Public hearing was opened for questions of Dr. Scott; hearing none, the public portion of this hearing for questions of this witness was closed. Public hearing was opened for
comments on this application; hearing none, the public portion of this hearing on this application was closed.

Board members noted that the LCFAS concerns about the elevators were for employees as well as for patients. Dr. Scott stated that RMANJ will use a private ambulance service if it is needed.

Public hearing was reopened for questions of Dr. Scott’s testimony and further comments on the application. Hearing no one, the public hearing on this application was closed.

The motion was made by Mr. Baldassare and seconded by Mr. Santoro to approve the application with conditions discussed and subject to compliance with the comments in Mr. Schley’s April 15, 2016, Mr. Quinn’s April 18, 2016, and Mr. Banisch’s April 18, 2016 review memos.

Roll call:

Aye: Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Santoro, Moschello, Plaza

There being no further business, the meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board