BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
June 7, 2016

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 Planner David Banisch, Board Engineer Tom Quinn, and Township Planner David Schley were also present.

CLOSED SESSION
On motion by Ms. Alper and seconded by Mr. Malay, a closed session commenced at 7:45 p.m. to discuss pending litigation concerning the Islamic Society of Basking Ridge v. Township of Bernards, et al. The reason a closed session is necessary is so the Board Attorney can render legal advice regarding the litigation where confidentiality is required to exercise his duties as a lawyer.
Roll call:
Aye: Alper, Baldassare Axt, Harris, Kleinert, Malay, Piedici, Santoro, Plaza
Motion carried

Mr. Baldassare left the meeting after the Closed Session was adjourned.

APPROVAL OF MINUTES
The motion was made by Mr. Santoro and seconded by Ms. Piedici to approve the minutes of February 2, 2016, regular meeting, as drafted.
Roll call:
Aye: Alper, Axt, Harris, Kleinert, Piedici, Santoro, Ross, Plaza
(Mr. Malay & Mr. Moschello were ineligible to vote)

Motion carried

The motion was made by Mr. Santoro and seconded by Ms. Alper to approve the minutes of February 16, 2016, regular meeting, as drafted.

Roll call:

Aye: Alper, Axt, Harris, Kleinert, Piedici, Santoro, Moschello, Ross, Plaza

(Mr. Malay was ineligible to vote)

Motion carried

Approval of the minutes of February 16, 2016, Closed Sessions 1 & 2 was tabled until the next meeting.

REVIEW OF CHARGES AGAINST ESCROW ACCOUNTS

The charges submitted by EKA Associates for April 16 to April 30, and May 1-15, 2016 and by David Schley, for May 2016, were reviewed.

ORDINANCE REVIEW – Ordinance #2344 – Amending, Revising and Supplementing Chapter 21 – Zoning Maps – Regarding Properties to be located in the P-1 Public Purpose Zone.

Mr. Schley explained that the purpose of this ordinance is to change the zoning of various properties that are owned by Bernards Township or are used for a public purpose. He noted that some of these changes were recommended in the 2010 Master Plan.

The motion was made by Ms. Alper and seconded by Mr. Santoro to find the proposed ordinance not inconsistent with the Master Plan.

Roll call:

Aye: Alper, Axt, Harris, Kleinert, Piedici, Santoro, Moschello, Plaza

Abstain: Malay

Motion carried

RESOLUTION – Ecological Solutions for Mine Brook Road, LLC – Bock 4701, Lots 2.01 through 2.13 – Third Amended Preliminary and Final Subdivision & Site Plan Approval to Allow the Replacement of a Bioretention Swale with a Rip-rap Trench

The agenda was amended to include the approval of this resolution.

The motion was made by Mr. Santoro and seconded by Ms. Kleinert to approve Version 2 of this resolution as amended at this meeting.

Roll call:

Aye: Axt, Harris, Kleinert, Santoro, Moschello, Ross, Plaza

(Ms. Alper & Mr. Malay were ineligible to vote)

Motion carried
CONTINUED PUBLIC HEARING – Fellowship Senior Living, Inc. (PB13-006) – Block 9301, Lot 33 – 8000 Fellowship Road – Preliminary and Final Site Plan (Community Center & Health Center Additions)

Public hearing was re-opened for public comment:

- Helen Mallon, 7105 Fellowship Road, was sworn in. She reported that the Fellowship Senior Living (FSL) Residents Council had voted to approve the plans for this expansion at their January 5, 2016 meeting.

- William Corson, 120 Governor Drive, was sworn in. He identified himself as the director of Light Opera of New Jersey (LONJ) and said they produced two shows a year. He said that FSL was a business and had the right to expand to include more activities. He said that LONJ currently performs at St. Mark’s Episcopal Church and there are no complaints about traffic or noise. He said people like the shows they produce and that encouraging the arts in this community was important.

- Charel Schaub, 3204 Fellowship Road, was sworn in. She said she moved to FSL in 2005. She said FSL was encouraging residents to use the Helping Hands program but this was reducing the number of available parking spaces. She said a larger auditorium was needed but not a Broadway theatre. She noted her concerns that this proposal will be too expensive for FSL and, that should FSL go bankrupt; any assets will go to the Fellowship Deaconry.

  John Busher, 6111 Fellowship Road, asked her about her source for information about bankruptcy plans for FSL.

- Ellen M. Pinson, 99 Allen Road, was sworn in. She submitted three exhibits, identified as P-1, a three-page memo entitled “Application of Fellowship Senior Living, Inc. – Landscape Screen of Pinson property, Lot 8, Block 9401; P-2 two sheets labeled Landscape Plan – Development Area B and a reduced copy of the Grading Plan for Development Area B, and P-3, a photograph of her property looking towards FSL. Ms. Pinson stated that this version of the buffer plan was not submitted to the Board and it was noted that the Board had not seen this plan before the meeting. She referred to the photograph of existing conditions along her property line and asked that lower limbs not be removed from these pine trees. She said she approved this buffer plan and asked to be noticed when the Landscape Committee made their inspection.

- Jay Barre, 165 South Maple Avenue, was sworn in. She said that Trilogy Repertory Theatre was approached by FSL to design a theatre that would enhance both FSL and Bernards Township. She asked the Board to approve the project.

- Kathy Walker, 8 Alexandria Way, was sworn in. She said she is an employee of FSL and noted her support for a new health center.

- Joan Beldan, 4123 Fellowship Road, was sworn in. She expressed her concern about how the presence of a theatre opened FSL up to more use by the public.

- Elizabeth H. Ryman, 6104 Fellowship Road, was sworn in. She said she has been a FSL resident for 20 years. She supports the changes because she likes the idea of being able to walk from her home to see a show.

- Charlotte Peterman, 1120 Fellowship Road, was sworn in. She said she has been a resident of FSL for 19 years. She said that residents had been kept informed on a regular basis about the plans and she supported the plans.
Dorothy Zufall, 5219 Fellowship Road, was sworn in. She said she opposed the proposed changes and asked the Board to reject the plan. She said she had attended Trilogy performances and was concerned about the impact on residents from rehearsals held at FSL and the number of people involved with Trilogy as well as the number of people attending performances. She said the residents only need a larger room for meetings. She characterized the proposed changes to the Health Care Center and use of the Household Model as a model used in nursing homes, not CCRCs.

Joanne Spohler, 5124 F Road, asked Mrs. Zufall if these were her concerns or someone else’s.

Bill Corson, 120 Governor Drive, explained that Light Opera of New Jersey rehearses at St. Mark’s Episcopal Church and would not rehearse at FSL. He said the new theatre would promote cultural activities at FSL.

Marie Robertson, 6103 Fellowship Road, was sworn in. She said she has lived at FSL since 2013. She said she moved here for the serenity of the location. She is not in favor of the proposed changes.

David Becker, 28 North Maple Avenue, was sworn in. He said he thought the proposed theatre would be a positive benefit to FSL.

Steven Fulda, 4122 Fellowship Road, was sworn in. He said he had been a Planning Board member in Madison, NJ and was on the boards of several non-profit organizations, including Light Opera of New Jersey. He said the parking plan would help residents and he did not think people coming for performances would make parking hard for residents. He said this reflected long-term planning on the part of FSL. He said he was the chair of the Finance Committee for FSL and these changes will not cause distress to residents. He said he did a small study, based on 19 residents, of how FSL residents felt about this proposal. He said 14 of his sample support these changes.

Rafael Ortega-Maggi, 3205 Fellowship Road, was sworn in. He said he was upset at the controversy about this application. He said the survey taken by Mr. and Mrs. Schenk relied on opinion, not facts.

Dorothy Zufall, 5219 Fellowship Road, asked what changes he had seen at FSL since he moved here.

Lauren Corson, 120 Governor Drive, was sworn in. She said her mother had lived at FSL. She wants to be able to present shows from Light Opera of New Jersey to FSL residents.

Jean Lamp, 8107 Fellowship Road, was sworn in. She said her daughter had been to previous meetings and had mentioned that residents were worried that if they signed the petition that was circulated two years ago that there would be retribution.

Ruth Penner, 5126 Fellowship Road, was sworn in. She said she supported the application because of a need for a larger auditorium. She said the community needs a decision so that the community can be healed.

Lois Fey, 1217 Fellowship Road, was sworn in. She said she has resided at FSL for 11 years. She said they had musical programs that are not well attended so she did not see a need for a 240-seat theatre. She noted that residents do not have the option to move. She wanted FSL to be a quiet retreat.
Barbara Chittenden, 1105 Fellowship Road, was sworn in. She expressed her concerns, saying that they needed a larger room for meetings but they didn’t need a fly tower and other bells and whistles.

Joanne Spohler, 5124 Fellowship Road, was sworn in. She said she has lived at FSL for 17 years. She has seen improvements made to the facilities. She supported the application because she sees a need for larger space.

George and Maya Schenk, 8106 Fellowship Road, were sworn in.

Due to the lateness of the hour, and the amount of time the Schenks asked for, Mr. Plaza adjourned the public hearing portion of this hearing. Mr. Drill announced that the next public hearing on this application will be held on July 19, 2016, at which time public comment will be heard. No further notice is required of the applicant. The applicant extended the time to act to July 31, 2016.

There was discussion about the exhibits Mr. and Mrs. Schenk asked to submit to the Board as part of their public comment. Mr. Bisogno disputed the relevance of National Fire Protection Association (NFPA) standards and Township buffer ordinance regulations. Mr. Plaza overruled these objections on behalf of the Board.

Comments by Members –
Mr. Moschello asked if Board members wanted to have Township email addresses to keep their private emails separate from those received about Planning Board matters. Mr. Baldassare will see if Board of Adjustment members would like this privilege as well.

Mr. Harris asked if ID badges could be made available as well. Mr. Malay said he would enquire.

There being no further business, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board
BERNARDS TOWNSHIP PLANNING BOARD

RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such matters, specifically: (1) pending litigation titled The Islamic Society of Basking Ridge et al. v. Township of Bernards, et al., Docket No. 3:16-cv-01369-MLC-LHG (the “litigation”); and (2) matters falling within the attorney-client privilege where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely, legal advice regarding the litigation;

WHEREAS, this Board believes the public should be excluded from those discussions;

NOW, THEREFORE, BE IT RESOLVED by the Bernards Township Planning Board on June 7, 2016, that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session may not be disclosed to the public because they will involve attorney-client privileged advice and information.

The above Resolution was approved on the 7th day of June, 2016, by the following vote of the members of the Board:

AYES: Alper, Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Santoro, Plaza
NAYES: none
Motion carried

I, Frances Florio, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on June 7, 2016.

___________________________
FRANCES FLORIO, Board Secretary
RESOLUTION MEMORIALIZING THE GRANT OF THIRD AMENDED PRELIMINARY AND FINAL SUBDIVISION AND SITE PLAN APPROVAL TO ALLOW THE REPLACEMENT OF A BIORETENTION SWALE WITH A RIP-RAP TRENCH

WHEREAS, Ecological Solutions for Mine Brook Road, LLC (the “applicant”) owns 88.94 acres of property along Mine Brook Road designated on the Bernards Township (“Township”) tax maps as Block 4701, Lots 2.01 through 2.13 (all lots together referred to as the “property”), which property is situated in the R-1 zoning district (the “R-1 zone”) as well as the Natural Resource Conservation Development Overlay zone (the “NRCD zone”), and the applicant obtained from the Bernards Township Planning Board (the “Board”), as memorialized in a Resolution adopted on July 8, 2008 (the “2008 Resolution”), preliminary and final subdivision and site plan approval with exceptions (the “2008 approvals”) to subdivide the 88.94-acre property into a 13-lot Natural Resource Conservation Development subdivision (the “subdivision”), consisting of 12 residential lots ranging in size from 3.02 acres to 24.45 acres, and one (1) 8.19-acre common ownership lot (“community Lot 2.13”), which final approval included a 2-year protection against zoning ordinance changes through July 8, 2010 (the “final protection period”);

WHEREAS, the applicant recorded a final plat perfecting the subdivision on February 1, 2010, along with various easements, a roadway dedication, and a declaration establishing a homeowners’ association to be responsible for all common ownership property, including the community lot, all in accordance with the 2008 approvals;

WHEREAS, the applicant thereafter obtained from the Board three separate one-year extensions of the final protection period, the first extending the protection period through July 8, 2011, as memorialized in a Resolution adopted on October 19, 2010, the second extending the protection period through July 8, 2012, as memorialized in a Resolution adopted on August 2, 2011, and the third and final extension extending the protection period through July 8, 2013, as memorialized in a Resolution adopted on July 17, 2012;

WHEREAS, the applicant thereafter made application to the Board for amended preliminary and final subdivision and site plan approval along with certain exceptions from various subdivision / site plan ordinance requirements (the “amended application”) to allow a number of changes to the subdivision and site plan which, in summary, proposed to: (a) change the primary option for water service for the subdivision to individual private wells (making the previously approved public water system a secondary option), (b) change the location of the community septic system previously approved on community Lot 2.13, and (c) scale back the community facilities on the property;
WHEREAS, the Board granted, in part, the amended application (the “2013 approval”) and memorialized the 2013 approval by Resolution adopted on January 31, 2013 (the “2013 Resolution”);

WHEREAS, with regard to the request to allow the primary water service for the subdivision to be individual private wells, the Board determined, as set forth in the 2013 Resolution, that “[a]mended preliminary and final approval shall not be granted to allow private wells for water service in place of public water until and unless the applicant further amends the EIS to include all required documentation required to prove, and the applicant then does in fact prove to the satisfaction of a hydrogeological expert to be appointed by Board and to the Board itself, that the addition of private wells will not have an adverse impact on the six existing private wells of the neighboring residential lots which are situated within the same aquifer as the property”;

WHEREAS, the applicant thereafter made application to the Board for a second amended preliminary and final major subdivision and site plan approval (the “second amended application”) to allow the installation of individual private wells in place of public water to provide potable water to the property;

WHEREAS, the Board granted the second amended application (the “2014 approval”) and memorialized the 2014 approval by Resolution adopted on June 3, 2014 (the “2014 Resolution”);

WHEREAS, the applicant thereafter made application to the Board for a third amended preliminary and final subdivision and site plan approval (the “third amended application”) to allow the applicant to eliminate the proposed bioretention swale located on Lots 6, 7, 8, 9 and 10 in Block 4701 from the stormwater management system plan for the project and replace same with a rip-rap trench;

WHEREAS, the Board has subject matter jurisdiction over the third amended application by virtue of N.J.S.A. 40:55D-46, 50, 51, 52, 60 and 20;

WHEREAS, the third amended application was deemed to be complete;

WHEREAS, the applicant has submitted a grading plan to the Board for review and approval in connection with the third amended application, and various Board and Township experts submitted certain review letters / memos to the Board, all of which documents are on file with the Board and are part of the record in this matter, and the following documents are the latest versions of the plans, drawings and documents submitted by the applicant for approval by the Board in connection with the third amended application:

1. Revised Master Grading Plan (the “Grading Plan”) prepared by Eric B. Rupnarain, PE (of Goldenbaum Baill Engineering, Inc.) dated June 8, 2015 showing the location of the bioretention swale that the applicant proposed to remove as well as the approximate location of the rip rap trench proposed to replace the bioretention swale; and

WHEREAS, David Schley, PP, AICP, Township Planner and planning expert, reviewed the third amended application and, in a memo dated December 16, 2015, concluded that the third amended application “includes no changes to the previously approved layout or to the design or location of any other site improvements or infrastructure” and recommends that certain specified conditions be imposed on a third amended approval in the event the Board is inclined to grant such approval;

WHEREAS, Thomas J. Quinn, PE, CME, Board Engineer, reviewed the third amended application and, in a memo dated December 21, 2015, concluded that the third amended application would comply with the State stormwater management rules and that the elimination of the bio-retention swale would have the added benefit of reducing an appreciable amount of land disturbance associated with it;

WHEREAS, David J. Banisch, PP, AICP, Board planning expert, reviewed the third amended application and, in a memo dated December 21, 2015, found that “the 700-foot-long bio-retention swale is not needed for water quality, owing to a conservative stormwater design that was originally approved by the Board”;

WHEREAS, the Board considered the third amended application at a duly noticed public hearing on December 22, 2015, thereby conferring procedural jurisdiction over the third amended application with the Board, during which hearing the applicant was represented by Andrew J. Camelotto, Esq. (of Gibbons P.C.), and the Board was represented by Jonathan E. Drill, Esq. (of Stickel, Koenig, Sullivan & Drill);

WHEREAS, the hearing was carried without further notice until the public hearing was concluded on March 8, 2016;

WHEREAS, during the hearing, the following witnesses appeared, were sworn to testify under oath, and were subject to cross examination, including cross examination by Michael Barth (interested party residing at 14 Annin Road):

1. Eric B. Rupnarain, PE (applicant’s engineer),
2. Thomas Quinn, PE (Board’s engineering expert),
3. David Banisch, PP, AICP (Board’s planning expert), and
4. David Schley, PP, AICP (Township Planner and Township planning expert);

FOLLOWING FINDINGS AND CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10g(2) ITS ACTION IN GRANTING THE THIRD AMENDED APPLICATION:

A. FINDINGS AND CONCLUSIONS

1. **The Property, Zoning, Subdivision and Prior Approvals.** As set forth above, the property is a 13-lot Natural Resource Conservation Development subdivision, consisting of 12 residential lots ranging in size from 3.02 acres to 24.45 acres, and one (1) 8.19-acre common ownership community lot. The community lot (Lot 2.13) fronts on Mine Brook Road and the 12 residential building lots front on River Farm Lane, a private road providing access to Mine Brook Road. The property is situated in the R-1 zone as well as the NRCD zone, and the applicant obtained the 2008 approvals from the Board, memorializing the grant of preliminary and final subdivision and site plan approval with exceptions to create the permitted subdivision. On February 1, 2010, the applicant recorded a final plat perfecting the subdivision along with various easements, a roadway dedication, and a declaration establishing a homeowners’ association to be responsible for all common ownership property, including community lot 2.13, all in accordance with the 2008 approvals. Thereafter, the applicant obtained from the Board three separate one-year extensions of the final protection period, the first extending the final protection period through July 8, 2011 as memorialized in a Resolution adopted on October 19, 2010, the second extending the final protection period through July 8, 2012, as memorialized in a Resolution adopted on August 2, 2011, and the third and final extension extending the final protection period through July 8, 2013 as memorialized in a Resolution adopted on July 17, 2012. By a resolution dated January 31, 2013, the Board granted the 2013 approval – amended preliminary and final subdivision and site plan approval – to allow a number of changes to the subdivision and site plan including: (a) a change to the location of the community septic system previously approved on community Lot 2.13, and (b) the scaling back the community facilities on the property. By a resolution dated June 3, 2014, the Board granted the 2014 approval – amended preliminary and final subdivision and site plan approval – to allow the installation of individual private wells in place of public water to provide potable water to the property.

2. **The Third Amended Application.** The applicant has applied for a third amended preliminary and final subdivision and site plan approval to allow the applicant to eliminate the approved bioretention swale located on Lots 6, 7, 8, 9 and 10 and to replace such swale with a smaller rip rap trench (the “proposed changes”).

3. **Review of the Proposed Changes.** The Board reviewed the proposed changes and finds that there are no deviations or variances from the zoning ordinance of the Township of Bernards. With respect to the impact on the stormwater management system, the applicant submitted the Stormwater Report and Grading Plan for review and approval by the Board’s experts. After reviewing the Stormwater Report and Grading Plan, Mr. Quinn, the Board’s engineer, concluded, among other things, that the stormwater report for the original application was overly conservative in estimating the existing site runoff by assuming the farmed area of the site acted like pasture, or open range grass-
land, and that the surface runoff coefficient used for pastureland is substantially lower than that used for crop farming. Mr. Quinn also concluded that "the project will comply with the stormwater management rules at N.J.A.C. 7:8 with the elimination of the bio-retention swale" and that the "elimination of this feature will also have the added benefit of reducing an appreciable amount of land disturbance associated with this feature." The Board agreed with Mr. Quinn’s conclusions and found that the third amended application would not be a detriment and would actually be a benefit to the project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD BY MOTION DULY MADE AND SECONDED ON MARCH 8, 2016 THAT THE FOLLOWING RELIEF IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

B. RELIEF GRANTED

1. Third Amended Preliminary and Final Subdivision and Site Plan Approval. Subject to the conditions set forth below, third amended preliminary and final subdivision and site plan approval is granted to allow the proposed changes, specifically, the replacement of the approximately 700-foot-long bio-retention swale with a rip rap trench approximately 100 feet long as reflected on the amended plans.

C. CONDITIONS

1. Revisions to Amended Plans and Other Documents. Revisions to the amended plans as well as to the following other documents shall be made by notes and/or drawings to the satisfaction of the Township Planner and the Board’s engineering expert to incorporate the following comments contained in the following review letters / memos:

   a. Following comments in the memo to the Board from David Schley, PP, AICP dated December 16, 2015:

      (1) Revise the submitted plans as follows:

         (a) Add title/notes identifying the plans as the third amended subdivision and site plans, citing the adoption date of the Board’s resolution and specifying that these plans supersede the previously approved plans;

         (b) Show details and dimensions of the proposed rip rap trench;

         (c) Add a note identifying any changes to previously approved landscape plans; and

         (d) Show the proposed changes to the boundaries of the existing detention basin, drainage and access easement, consistent with the amended stormwater management design.

      (2) Amend the recorded Detention Basin, Access, and Drainage Easement and the Declaration for the homeowners association to reflect the
amended stormwater management design. The amended documents must be executed by
the applicant and recorded with the Somerset County Clerk prior to issuance of any
further construction permits for development and prior to any reduction in any
performance bond for the project.

(3) The proposed amended plans are subject to approval by the
Somerset-Union Soil Conservation District.

b. Following comments in the memo to the Board from Thomas
Quinn, PE dated December 21, 2016:

(1) The applicant’s engineer shall provide a point of discharge
and downstream stability analysis per the NJSESC manual.

(2) The applicant’s engineer shall identify where the proposed
curve number of 82 for farm fields was obtained.

2. Third Amended Approval Remains Subject to Prior Approval Condi-
tions. With the exception of any prior approval conditions specifically modified by the
within third amended approval, the within third amended approval remains subject to all
conditions of the 2008 Resolution, the 2013 Resolution and the 2014 Resolution.

3. Subject to Other Approvals and Laws. The within approval and the use of the
property are conditioned upon and made subject to any and all laws, ordinances, requirements
and/or regulations of and/or by any and all municipal, county, State and/or Federal governments
and their agencies and/or departments having jurisdiction over any aspect of the property and/or
use of the property. The within approval and the use of the property are also conditioned upon
and made subject to any and all approvals by and/or required by any and all municipal, county,
State and/or Federal governments and their agencies and/or departments having jurisdiction over
any aspect of the property and/or use of the property. In the event of any inconsistency(ies)
between the terms and conditions of the within approval and any approval(s) required above, the
terms and/or conditions of the within approval shall prevail unless and until changed by the Board
upon proper application. The within approval and use of the property is specifically subject to all
conditions set forth in the 2008 Resolution, the 2013 Resolution and the 2014 Resolution, and all
conditions contained therein shall remain in full force and effect to the extent not amended by this
resolution.

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VOTE ON MOTION DULY MADE AND SECONDED ON MARCH 8, 2016:

THOSE IN FAVOR: AXT, HARRIS, KLEINERT, SANTORO, MOSCHELLO, ROSS,
PLAZA

THOSE OPPOSED: NONE.
The above memorializing resolution was adopted on June 7, 2016 by the following vote of eligible Board members:

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I, Frances Florio, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on June 7, 2016.

FRANCES FLORIO, Board Secretary