The Chairman called the regular meeting to order at 7:42 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, Malay, Piedici, Santoro, Ross, Plaza
Members late: none
Members absent: Kleinert; Moschello; on motion by Piedici, seconded by Ross, the absences of Kleinert and Moschello were excused
Board Attorney Jonathan Drill, Esq., Board Planner David Banisch, and Township Planner David Schley were also present.

APPROVAL OF MINUTES - carried

REVIEW OF CHARGES AGAINST ESCROW ACCOUNTS
The charges submitted by John Belardo (June 2016), EKA Associates (July 1-15, 2016), and by David Schley (July 2016) were reviewed.

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)
Vincent Bisogno, Esq., represented the applicant. Mr. Bisogno presented his closing statement. He noted that this was the 19th hearing on this application. He said the application was a simple one; he said the objectors’ reasons were based on issues that were not under the purview of the Planning Board. Mr. Bisogno discussed the variance relief associated with providing only one loading space, and providing parking that uses grass pavers. He said the applicant was required to provide 603 parking spaces; the plans show 614.
Mr. Bisogno said the plans provide for safe and efficient vehicular circulation. With the exception of the one-way circulation in the Oval, no changes were proposed to circulation at Fellowship Senior Living (FSL). He noted that employee parking has already been moved to provide adequate parking for residents and visitors, the applicant has agreed to a parking management plan, and the applicant will be required to appear before the Planning Board annually to show compliance with the parking management plan. He concluded that there are no issues concerning access for residents.

Mr. Bisogno said the seating in the multi-purpose room / theater will not be fixed, thus permitting the room to be used for many purposes. FSL residents will have priority in the use of this room and wheelchair access is guaranteed. The 240 seats will address the current problems associated with the existing meeting room which holds only 80 people. He estimated that 90% of the use of multi-purpose room / theater will be for FSL residents’ programs.

Mr. Bisogno said the fly tower part of the multi-purpose room / theater met ordinance height requirements and is located 1,000 ft from any residences. He noted that the objectors had not provided any contrary testimony. He called the fly tower a critical part of the application.

Mr. Bisogno addressed whether the applicant provided testimony regarding the requested relief from Condition 13 from the 1998 resolution. He said there are currently 257 independent living units and 122 assisted health care units. He said the number of beds in the assisted health care was increasing to 152 with the addition of one and two-bedroom units, which increases the number of beds by 30. He said the number of independent living units and assisted living units would not change.

Mr. Bisogno said Condition #28 of the 1998 resolution allows up to 132 assisted health care units. Because all FSL residents are guaranteed a place in the Health Care Center, an expansion is needed. He said that 452 units are allowed by ordinance. He said FSL residents want more amenities and need more health care, particularly for dementia patients. Mr. Bisogno said that Mr. Lawrence testified to the Township Committee in 2014 about the need to expand the Health Care Center and, in particular, to provide memory care units. The Township Committee adopted an ordinance amendment which included permitting a theater as a part of a CCRC, as well as the use of such facilities by outside organizations. Mr. Bisogno read part of Ordinance #2248 which referenced the number of Baby Boomers who are retiring at earlier ages. He said the amended ordinance addressed changed circumstances for FSL.

Mr. Bisogno said that the FSL residents who objected to this application based their objections on personal opinion and had presented no expert testimony. He said that without the proposed additions, FSL might lose the opportunity to continue to provide a first-class facility.
Mr. Bisogno said the use of the multi-purpose room / theater would be 90% by residents and 10% by outside organizations. There was discussion on how FSL can guarantee that residents will have priority in getting tickets and if discounted prices will be available to them.

Mr. Plaza opened the meeting for deliberation by Board members.

Ms. Axt listed the required conditional use standards. She disagreed with the applicant’s assessment of the visual impact of the fly tower and said it did not fit in with the existing architecture at FSL. She said she could vote for the application only if the fly tower is removed from the plans.

Mr. Harris said he was concerned about the proposed use of the multi-purpose room/theater by outside groups. He agreed with Ms. Axt; if the fly tower is not removed from the plans, he cannot vote for the application.

Ms. Alper said that she, as well, found that the fly tower was inconsistent with the existing architecture. She said FSL was a residential facility, unlike a school or a movie theatre. She concluded that the multi-purpose room/theater did not need a fly tower. She said she would vote for the application only if the fly tower was removed.

Mr. Malay said he found the applicant’s expert testimony to be credible and the number of parking spaces to be adequate. He did not feel that the use of the multi-purpose room/theater by non-residents will negative affect residents. He did feel that there should be a way that the cost of a ticket would not deny a FSL resident access to a performance. He did not find the use of grassed parking spaces or the loading space deficiency to be reasons to deny the application. He thought that National Fire Protection Association regulations concerning fire aisles do apply to this facility. In general, he considered that the new amenities are needed and he will vote for the application.

Ms. Piedici said she felt the applicant had explained why they wanted relief from Conditions 13 & 28 from the 1998 resolution and she agreed with those reasons. She agreed with Mr. Malay about granting the exceptions relative to loading space and grassed parking spaces. She said the larger multi-purpose room/theater was needed and that the fly tower was necessary; and would be a benefit to residents. She said she would vote to approve the application.

Mr. Santoro asked Mr. Drill to read his statement because he had lost his voice. He commented on the hearing process. He felt the fly tower did conform to ordinance requirements; he said he would vote to approve the application.

Mr. Plaza said he concurred with the previous comments from Mr. Malay, Ms. Piedici and Mr. Santoro. He agreed that the fly tower met the required setbacks for a structure of this size and he felt it was not an inconsistent use in a Continuing Care Retirement Community (CCRC). He said a CCRC was like a microcosm of the larger community.
and its residents should have access to the arts. He said he was in favor of the application.

Mr. Drill asked the Board to vote on a series of straw polls. Board members were in agreement on the following straw polls:
1 – To grant the two exceptions for the number of loading spaces and the use of grassed paver parking spaces.
2 – To not require curbing of the grassed paver parking spaces.
3 – The plan meets conditional use requirements for landscaping.
4 – The plan meets conditional use requirements for internal circulation.
5 – The plan meets ordinance parking standards.
6 – To grant relief from Conditions 13 & 18 from the 1998 resolution.

The last straw poll concerned approval of the fly tower and whether it complied with ordinance section 21-12.2.d. Four Board members said that it did and three said it did not.

Mr. Drill recommended that the Board vote on this application in two motions. The first motion is to grant the exceptions, determine that all remaining ordinance provisions have been complied with (with the exception for the conditional use standard relating to the design of the fly tower), and eliminate Conditions #13 and #28 from the 1998 approval. Ms. Piedici made the motion and Mr. Plaza seconded it.

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

Mr. Drill said the second motion was to grant conditional use approval and preliminary and final site plan approval (with those voting no voting that the fly tower did not satisfy the conditional use standard relating to its design). The motion was made by Mr. Malay and seconded by Ms. Piedici.

Before this motion could be voted on, there was discussion on Mr. Malay’s recommendation that FSL residents should be able to attend theater performances for free. Mr. Bisogno said the applicant was not able to do this and, that under such a provision, FSL could not afford to bring in outside groups to perform. Mr. Bisogno said FSL agreed to sell tickets at a discount to FSL residents as stated in item #7 of the possible conditions of approval prepared by Mr. Drill and previously agreed to by the applicant.

Mr. Malay withdrew his previous motion, and Ms. Piedici withdrew her second of that motion. Mr. Malay made a revised motion to grant preliminary and final site plan and conditional use approval and to include the conditions, including condition #7 as drafted. Ms. Piedici seconded the revised motion. Mr. Drill said that a no vote meant the fly tower did not meet the conditional use standards relating to its design.

Roll call vote:
Aye: Malay, Piedici, Santoro, Plaza
Nay: Alper, Axt, Harris
Motion carried

Mr. Harris, Mr. Malay and Mr. Santoro left the meeting.

PUBLIC HEARING – United States Golf Association (PB16-001) – Block 9601, Lot 5.01 – 77 Liberty Corner Road – Preliminary and Final Site Plan Approval (Administration Office Building Addition)
The applicant was represented by Thomas Malman, Esq. He described the application as an expansion to the Administrative Office Building for the United States Golf Association (USGA).

Mr. Drill swore in Susan Pikitch, CEO, USGA, Robert Moschello, PE, Gladstone Design, applicant’s engineer, Reid Brockmeier, Gensler Architecture, applicant’s architect, Mr. Banisch and Mr. Schley. A hard copy of their PowerPoint presentation was marked as Exhibit A-1.

Ms. Pikitch said the proposed renovations were part of the USGA’s master plan. She said Phase 1 had been approved in January 2016. Phase 2 is the current application to provide additional space for administrative staff, to add meeting space, and to design a better working environment.

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

Mr. Robert Moschello presented his credentials and was accepted as an expert in engineering. He described existing conditions at the campus and discussed environmental constraints. He said the applicant has applied for a new Letter of Interpretation (LOI) from NJDEP. He said the construction previously approved by the Planning Board was under way. He discussed the proposed changes to parking and driveways and pre-existing encroachments into the 50-ft buffers along the adjacent residential properties. Mr. Moschello said changes to the front of the building would distinguish the Museum from the Administration Building. The addition to the Administration Building will increase the floor area by 10,000 sq ft. There will be 298 parking spaces. A new septic system will be installed and two bioretention basins are being added to the storm water management facility. There was discussion on the number of replacement trees and the lighting design which includes the removal and replacement of some light poles.

Mr. Moschello discussed previously approved variance relief including the location of the equipment testing building and maintenance building, and the location of parking spaces less than 50 ft from the southwestern property line. He discussed the plans to construct a 10 ft high retaining wall.

Mr. Moschello said the current freestanding identification sign was removed to permit access by construction vehicles. He said the applicant wants to replace this sign with two
signs placed at a different orientation to Liberty Corner Road. It was noted that the installation of two signs requires variance relief.

Mr. Moschello discussed the proposed encroachment into the 50-ft buffer adjacent to residential properties. He said this encroachment was in two locations, one of which was near the new loading dock. Board members asked if the adjoining property owner had been contacted; Ms. Pikitch said this owner had questions about the proposed construction but no objections.

Mr. Moschello identified the locations of three light poles in the 50-ft residential buffer. He said these would be moved into the parking lot. There was discussion on the height of the new light poles. Mr. Moschello noted that the bioretention basin on the south side of the parking lot would be in the residential buffer in order to avoid tree removal.

Mr. Moschello said they had not received any comments from Janet Lake, Bernards Township Fire Official. There was discussion on the existing fire lanes and aisle width. There was further discussion on proposed signage; Mr. Moschello said the applicant would submit revised plans on this issue.

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

Mr. Drill announced that the application would be carried to August 16, 2016, no further notice required.

There being no further business, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Frances Florio
Secretary to the Board