BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
September 20, 2016

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, Kleinert, Malay, Piedici, Moschello, Plaza
Members late: none
Members absent: Harris, Santoro; Ross on motion by Piedici, seconded by Kleinert,
the absences of Harris, Santoro & Ross were excused.

Board Attorney Jonathan Drill, Esq., Board Planner David Banisch, Board Engineer Tom
Quinn, and Township Planner David Schley were also present.

APPROVAL OF MINUTES
The motion was made by Ms. Alper and seconded by Ms. Piedici to approve the minutes
of April 5, 2016, as amended.

Roll call:

Aye: Alper, Axt, Kleinert, Piedici
     (Mr. Baldassare, Mr. Malay, Mr. Plaza & Mr. Moschello were ineligible
to vote)

Motion carried

The motion was made by Mr. Malay and seconded by Mr. Kleinert to approve the
minutes of June 7, 2016 as drafted.

Roll call:

Aye: Alper, Axt, Kleinert, Malay, Piedici, Moschello, Plaza
Abstain: Baldassare

Motion carried

The motion was made by Ms. Alper and seconded by Mr. Baldassare to approve the
minutes of July 19, 2016 as drafted.
Roll call:
   Aye:  Alper, Axt, Baldassare, Malay, Piedici, Plaza
         (Mr. Moschello was ineligible to vote)
Motion carried

REVIEW OF CHARGES AGAINST ESCROW ACCOUNTS
The charges submitted by John Belardo, Esq. for July 2016, by EKA Associates for
August 1-15, 2016, by Jonathan Drill, Esq. for August 2016, and by David Schley for
August 2016 were reviewed.

RESOLUTION – Genesis Property Management, LLC (PB15-008) – Block 11201,
Lot 4 – 140 Allen Road – Preliminary & Final Site Plan & Variances
The motion was made by Mr. Malay and seconded by Ms. Piedici to approve the
resolution as drafted.
Roll call:
   Aye:  Axt, Baldassare, Kleinert, Malay, Piedici, Moschello, Plaza
         (Ms. Alper was ineligible to vote)
Motion carried

It was noted that the applicant currently has an escrow shortage.

RESOLUTION – Christopher Bell and CC Edwards Developers, LLC (PB11-011) –
Block 7702, Lots 10 & 11 – Preliminary Major Subdivision (5 lots) & Variances
Mr. Baldassare, Mr. Malay, Mr. Moschello, and Mr. Plaza left the dais because they are
not eligible to vote on this application. The motion was made by Ms. Alper and seconded
by Ms. Piedici to approve the resolution as drafted.
Roll call:
   Aye:  Alper, Axt, Kleinert, Piedici
         (Mr. Baldassare, Mr. Malay, Mr. Moschello, & Mr. Plaza were ineligible
to vote)
Motion carried

Mr. Baldassare, Mr. Malay, Mr. Moschello, and Mr. Plaza returned to the meeting.

COMPLETENESS REVIEW – Wells Fargo Bank, N.A. (PB16-002) – Block 1802,
Lot 1 – 59 South Finley Avenue – Preliminary and Final Site Plan
There was discussion on the issue of whether a Board member should or should not
recuse themselves from voting on this application. Mr. Harris and Mr. Ross had already
recused themselves and were not at the meeting. Mr. Plaza, Ms. Axt and Ms. Piedici felt
that they should recuse themselves and left the dais. Ms. Alper took over as acting Chair.

Mr. Schley said, as per his September 14, 2016 memo that ten items were deficient or had
not been submitted. He noted that the applicant was requesting a waiver of the
environmental impact assessment. No representative of the applicant was present to
discuss this request.
The motion was made by Mr. Malay and seconded by Mr. Moschello to deem the application incomplete.

Roll call:

Aye:  Alper, Baldassare, Kleinert, Malay, Moschello
Motion carried

Mr. Plaza, Ms. Axt and Ms. Piedici returned to the dais.

**Closed Sessions #1 and #2**

Mr. Plaza read the resolutions to go into closed session for Closed Session #1 – Pending Litigation titled The Islamic Society of Basking Ridge et al. v Township of Bernards et al. and Closed Session #2 - Threatened Litigation from Maya and George Schenk concerning Fellowship Senior Living, Inc.

On motion by Alper, seconded by Baldassare, 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, Kleinert, Malay, Piedici, Moschello, Plaza
Motion carried

The Board went into the closed sessions at 8:04 p.m. Mr. Plaza re-opened the public hearing at 8:37 p.m.

There being no further business, the meeting was adjourned at 8:37 p.m.

**NOTE:** These minutes were prepared by Frances Florio, Secretary to the Planning Board at the time of the meeting and approved as drafted during the December 6, 2016 meeting.

Respectfully submitted,

[Signature]

Cyndi Kiefer, Secretary
Planning Board

9/20/16 – Planning Board