BERNARDS TOWNSHIP
PLANNING BOARD
REGULAR MEETING
MINUTES
October 18, 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, Harris, Kleinert, Malay, Piedici, Moschello, Ross, Plaza.
Members Late: NONE
Members Absent: Santoro; on motion by Piedici, seconded by Kleinert, the absence of Santoro was excused.
Also Present: Board Attorney Jonathan Drill, Esq., Board Planner David Banisch PP, AICP; Township Planner David Schley PP, AICP, Board Secretary, Frances Florio.

APPROVAL OF MINUTES
Motion was made by Ms. Piedici and seconded by Ms. Alper to approve the minutes of August 2, 2016 as drafted.

Roll Call:
Aye: Alper, Axt, Baldassare, Harris, Piedici, Ross, Plaza
Nay: NONE
Abstain: Malay
(Ms. Kleinert & Mr. Moschello were ineligible to vote)
Motion carried.

It was noted by several board members that the microphones were not working properly.
REVIEW OF CHARGES AGAINST ESCROW ACCOUNTS
The charges submitted by Banisch Associates for June to October, 2016, John Belardo, Esq. for August 2016, by EKA Associates for September 1-30, 2016 and by Jonathan Drill, Esq. for September 2016 were reviewed.

RESOLUTION – Fellowship Senior Living, Inc. (PB13-006) – Block 9301, Lot 33 – 8000 Fellowship Road – Conditional Use & Preliminary and Final Site Plan Approval, Additions to Health Care Center and Community Center
Motion was made by Mr. Malay and seconded by Ms. Piedici to approve the resolution as drafted.

Roll Call:
   Aye: Malay, Piedici, Plaza
   Nay: NONE
   Abstain: NONE
(Ms. Alper, Ms. Axt, Mr. Baldassare, Mr. Harris, Ms. Kleinert, Mr. Moschello, & Mr. Ross were ineligible to vote)
Motion carried.

DISCUSSION – Preliminary Investigation Report – Designation of Block 6001, Lot 6 (Millington Quarry) as a Non-Condemnation Redevelopment Area
Mr. Drill referred to a flowchart he had emailed to the board members outlining the process for designating a site as an Area in Need of Redevelopment. The governing body had adopted a resolution directing the Planning Board to undertake a preliminary investigation of the designated property (Millington Quarry) which constituted the first step of that process. Next, the Planning Board had directed Mr. Banisch to prepare a draft report outlining the applicable statutory criteria and to create a map of the designated area. This meeting was meant to be a workshop meeting for the board members and consultants to discuss that draft.

Mr. Banisch advised the board members that if they decided that the site met the statutory criteria, the Planning Board would hold a duly noticed public meeting to discuss the final report and to decide whether to recommend to the governing body that the Millington Quarry site be designated as a Non-Condemnation Area in Need of Redevelopment. The Board would make no determination as to how the site should be developed, only whether or not it should be designated as a redevelopment area.

Mr. Banisch continued by stating that the statute governing designation of redevelopment sites is meant to help municipalities remediate blighted areas. Should the Board recommend that the site be designated as a redevelopment area, the governing body could then adopt a resolution to make that designation. Assuming the resolution is adopted, the next step would be to create a Redevelopment Plan which would supersede local zoning and give the municipality much broader zoning options and much more control over the development process. He added that because these redevelopment areas are blighted, there are various State grants available. Bonus affordable housing credits are also available if low income housing is developed within the site.

Mr. Banisch began discussing the draft report by describing the proposed redevelopment site, the Millington Quarry property. The 179 acre property is almost completely surrounded by residential uses. On the north and the east side are the New Jersey Transit right-of-way and
tracks but just beyond those are residential areas. He noted that with the exception of a single driveway into the site there is no connectivity between the property and the surrounding areas. He also noted that there is a significant elevation difference between the site itself and the natural grade of the surrounding areas which would create considerable development challenges. There is no vegetation on the site except in the buffer zone and the property is partially reclaimed.

Mr. Banisch advised the board members that Criteria B, C and E of the statutory criteria used for evaluation of sites are relevant to this property and are listed in Appendix A. Criterion B refers to the abandonment of buildings to the extent that they have become untenantable. Criterion C refers to classes of land ownership. It also makes reference to unimproved vacant land that has remained in that state for at least 10 years prior to the adoption of the resolution by the governing body and is not likely to be developed through private capital. Finally, Criterion E refers to the total lack of utilization of a property caused by the condition of title or ownership of the property that results in stagnant or not fully productive condition of land that could be potentially useful or valuable for contributing to serving the public health, safety and welfare. Mr. Banisch summarized by stating that the quarry is an obsolete land use with considerable topographic challenges which under a redevelopment plan could be made useful and valuable to the public. He reiterated that it was not the intent of this report to suggest what form that redevelopment should take. The report was meant to confirm that the proposed site did meet the criteria to be designated as an Area in Need of Redevelopment.

In response to a question from a board member, Mr. Banisch stated that, aside from the sales of residual materials mined previously, the only activities he was aware of are: (1) reclamation and fill activities which are supervised by the Township and (2) remediation of contaminated soil which is being supervised by the New Jersey Department of Environmental Protection (NJDEP). Mr. Drinn requested that Thomas Timko, PE, CME, Township Engineer, submit an opinion as to the quantity of those remaining materials.

Mr. Banisch advised board members that if one or more of the three (3) conditions listed in Appendix A is found to exist, the Board could make a finding that conditions exist on the site, and by virtue of that finding, the Board could then make a recommendation to the governing body that the area be designated as a redevelopment area.

Mr. Banisch referred to a memo that he had passed out that evening with text he proposed to add to the discussion on page 5 in Criterion C. The proposed text describes the site as a 179 acre property which is isolated from the surrounding areas by limited access, sheer rock walls, contaminated soil and challenging physical features. The conclusion of the discussion of Criterion C was that because of the many challenges involved in redeveloping this property, it would not be developed on its own through the instrumentality of private capital.

Mr. Banisch referred the board members to page 7 of the report which highlighted the portions of each of the three (3) criteria that specifically pertained to the subject property. It was his recommendation that there was basis in at least three (3) of the statutory conditions for the Planning Board to make a recommendation to the governing body that the quarry site be designated as a Non-Condemnation Redevelopment Area.

After discussion by the board members, they agreed to establish a date for a public hearing on the finalized preliminary investigation report including the requested addendum from Mr. Timko.
Mr. Malay motioned that the public hearing be held on December 6, 2016. Mr. Moschello seconded and by unanimous Voice Vote, the motion was carried.

**COMMENTS BY MEMBERS**
Noting that there was nothing on the Planning Board agenda for the November 8, 2016 meeting, Ms. Piedici suggested that the meeting be canceled. The other board members agreed and they directed the board secretary to cancel that meeting.

After discussion about the microphones and the difficulty in maintaining control, Mr. Malay volunteered to speak to Information Technology (IT).

There being no further business, the meeting was adjourned at 8:27 p.m.

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I, Cyndi Kiefer, certify that I was not in attendance at this meeting and that these minutes were prepared after viewing a recording of this meeting.

Respectfully submitted,

Cyndi Kiefer, Secretary
Planning Board