Ms. Piedici, in the absence of Chairman Plaza and Vice Chair Alper called the regular meeting to order at 7:40 PM. 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 regular 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 PM, and no new witnesses or new testimony heard after 10:30 PM."

**ROLL CALL:**

Members Present:      Axt, Baldassare, Kleinert, Malay, Moschello, Piedici, Ross.
Members Late:        Plaza (8:25 p.m.); Harris (8:30 p.m. telephone)
Members Absent:      Alper (work); Santoro (vacation); on motion by Malay, seconded by Kleinert, the absences of Alper & Santoro was excused and Plaza was excused. Motion carried by unanimous Voice Vote.
Also Present:            Board Attorney, Jonathan Drill, Esq.; Township Planner, David Schley, PP, AICP.

The motion was made by Mr. Ross and seconded by Mr. Malay to appoint Ms. Piedici as Chairman Pro Temp.

Roll Call:

   Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Piedici, Ross.
   Nay: NONE
   Abstain: NONE

Motion carried.

**APPROVAL OF MINUTES**

March 8, 2016 – Regular Meeting - The motion was made by Ms. Kleinert and seconded by Mr. Moschello to approve the minutes as drafted.
Roll call:

Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Ross, Piedici.
Nay: NONE
Abstain: NONE

Motion carried.

April 19, 2016 – Regular Meeting - The motion was made by Ms. Kleinert and seconded by Mr. Malay to approve the minutes as drafted.

Roll call:

Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Ross, Piedici.
Nay: NONE
Abstain: NONE

Motion carried.

April 19, 2016 – Closed Sessions #1 and #2 - The motion was made by Mr. Baldassare and seconded by Mr. Malay to approve the minutes as drafted.

Roll call:

Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Ross, Piedici.
Nay: NONE
Abstain: NONE

Motion carried.

May 17, 2016 – Regular Meeting - The motion was made by Ms. Kleinert and seconded by Ms. Axt to approve the minutes as amended.

Roll call:

Aye: Axt, Kleinert, Piedici
Nay: NONE
Abstain: NONE
Ineligible: Baldassare, Malay, Moschello, Ross

Motion carried.

June 7, 2016 – Closed Session - The motion was made by Ms. Axt and seconded by Mr. Ross to approve the minutes as drafted.

Roll call:

Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Ross, Piedici.
Nay: NONE
Abstain: NONE

Motion carried.
REVIEW OF CHARGES AGAINST ESCROW ACCOUNTS
The charges submitted by John Belardo, Esq. for September & October 2016, by EKA
Associates for October 16-31, 2016, by Jonathan Drill, Esq. for October 2016, and David Schley
for October 2016 were reviewed.

APPOINTMENT OF LANDSCAPE COMMITTEE
Mayo; Block 7301, Lot 42.05; 27 Kenworthy Court; Amended Preliminary/Final
Subdivision Approval; #PB11-010.
Ms. Axt, Mr. Baldassare, and Mr. Malay volunteered to serve on the landscape committee.

PUBLIC HEARING
The Church of Our Lady of Perpetual Help (Holy Cross Cemetery); Block 2301, Lot 23;
145 Mount Airy Road; Amended Preliminary and Amended Final Site Plan Approval for
Phase 3A; Amended Preliminary Approval and Final Site Plan Approval for Phase 3B;
#PB16-003.

Present: Raleigh F. Steinhauser, III, Esq., attorney for the Applicant
Father John Fell, Pastor for The Church of Our Lady of Perpetual Help
Anthony Gianforcaro, PE, PP, engineer/architect for the Applicant

Raleigh F. Steinhauser, III, Esq., attorney with Bisogno, Loeffler and Zelley LLC advised the
board members that he would be representing the applicant during this hearing. The applicant
was seeking approvals to construct a mausoleum on the subject property at 145 Mount Airy
Road and he gave a brief history of the past applications. Phase 3A involved the front of the
mausoleum consisting of 504 crypts and 100 niches. Phase 3B involved the back of the building
consisting of 480 crypts and 100 niches. The applicant wished to reduce the number of crypts
and increase the number of niches because (1) there was more interest shown in niches and (2)
the applicant wished to make more room for a stained glass back window.

Father John Fell, Anthony Gianforcaro and David Schley were all duly sworn in by Mr. Drill.

Father Fell testified that he had been with The Church of Our Lady of Perpetual Help (OLOPH)
since 2002 and that he had been involved with the mausoleum project since the beginning. He
confirmed that all the changes were internal and that there would be no change in the building
footprint, height or square footage from that which was approved in the original 2015
application. The Church had also decided to construct both phases at the same time.

Mr. Schley confirmed that there were no variances or exceptions and also that the applicants had
already complied with all the conditions of approval from the earlier approval.

After hearing no questions from the board members, Ms. Piedici opened the meeting to the
public for questions. Hearing none, she closed that portion of the meeting.

Anthony Gianforcaro, PE, PP, engineer with Gianforcaro Architects, Engineers & Planners,
Chester, NJ, provided his experience history and education credentials to Ms. Piedici. After
confirming that his licenses were up-to-date, Mr. Gianforcaro was accepted as an expert in both architecture and engineering.

Mr. Gianforcaro described the project and stated that the current site plan contained all the revisions required as conditions of approval however it remained substantially identical to the one that was approved in 2015. The rear elevation had been changed to include the stained glass window which had generated changes to the floor plans. He reiterated that all of the changes were interior and that there would be no change in the footprint, the height or the square footage.

There were no questions from the board members.

Mr. Gianforcaro stipulated as a condition of approval to the two (2) comments listed in the “Specific Comments” section of Mr. Schley’s memo dated November 21, 2016.

Ms. Piedici opened the hearing to the public for questions or comments. Hearing none, she closed that portion of the hearing.

Mr. Steinhauer summed up by stating that no variances were being requested and that all the changes were internal. The exterior remained the same as what was previously approved.

After deliberations, the motion was made by Mr. Baldassare and seconded by Mr. Malay to approve the application subject to compliance with the two (2) comments in Mr. Schley’s November 21, 2016 review memo.

Roll call:

Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Piedici, Ross.
Nay: NONE
Abstain: NONE

Motion carried.

Ms. Piedici asked for a 30 minute recess to allow for the arrival of Mr. Plaza. Mr. Baldassare moved approval, Mr. Malay seconded and by unanimous Voice Vote, the meeting was recessed at 8:00 PM.

* * * * *

The meeting was reconvened at 8:30 PM.

**RESOLUTION AUTHORIZING CLOSED SESSION**

Mr. Plaza the following resolution into the record:

**WHEREAS, N.J.S.A. 10:4-12 (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”); (2) pending litigation titled United States of America v. Township of Bernards, NJ and Bernards Township Planning Board, and (3) 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 November 22, 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.

Mr. Drill advised the board members that for the record, (1) Jeffrey Plaza had arrived and (2) Leon Harris, board member, was participating via cell phone and under the Open Public Meetings Act, a board member can participate in administrative issues via cell phone.

Ms. Piedici moved approval of the resolution to go into closed session and Mr. Ross seconded.

Roll call:

Aye: Axt, Baldassare, Kleinert, Malay, Moschello, Piedici, Plaza, Ross.
Nay: NONE
Abstain: NONE

Motion carried.

The Open Session of the Planning Board was recessed at 8:31 PM.

* * * * *

The Open Session of the Planning Board was reconvened at 9:25 PM.

COMMENTS FROM MEMBERS OR STAFF
Ms. Florio advised the board members that the quarry redevelopment project would be heard at the next meeting.

Hearing no further comments from members or staff, Chairman Plaza asked for a motion to adjourn. Ms. Axt motioned, Mr. Baldassare seconded and the meeting was adjourned at 9:26 PM.

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

Respectfully submitted,

Cyndi Kiefer, Secretary
Planning Board