

# **BERNARDS TOWNSHIP**

## **PLANNING BOARD**

### **MINUTES**

Regular Meeting

May 8, 2018

Chairwoman Piedici called the meeting to order at 7:30 PM.

### **FLAG SALUTE**

### **OPEN PUBLIC MEETING STATEMENT**

Chairwoman Piedici read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting 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 sent to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, on January 19, 2017 and was electronically mailed to those people who have requested individual notice and paid the required fee.

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 testimony heard after 10:30 PM."

### **ROLL CALL:**

Chairwoman Piedici informed the Board that Mr. Moschello had submitted his resignation, effective immediately.

Members Present: Bianchi, Crane, Malay, Piedici, Surano, Zaidel.

Members Late: NONE

Members Absent: Asay, Coelho.

Also Present: Board Attorney, Jonathan Drill, Esq.; Township Planner, David Schley, PP, AICP;  
Board Planner, David Banisch, PP, AICP; Board Secretary, Cyndi Kiefer.

Deputy Mayor Malay moved to excuse the absences of Ms. Asay and Dr. Coelho. Mr. Surano seconded and by unanimous Voice Vote, the motion was carried.

### **ELECTION OF VICE CHAIRMAN**

Mr. Surano nominated Mr. Zaidel for the position of Vice Chairman for the remainder of 2018. Deputy Mayor Malay seconded. There were no further nominations.

Roll Call for Mr. Zaidel:

Aye: Bianchi, Crane, Malay, Piedici, Surano, Zaidel.

Nay: NONE

Abstain: NONE

### **APPROVAL OF MINUTES**

**April 17, 2018 - Regular Session** - Mr. Crane made the following correction in the third paragraph on page 3, "Mr. Crane offered to hold a seminar *with Mr. Moschello on fire safety in planning* for the Board..." Mr. Surano moved approval of the minutes as amended. Second by Mr. Zaidel.

Roll Call:

Aye: Crane, Piedici, Surano, Zaidel.  
Nay: NONE  
Abstain: NONE

Motion carried.

**April 17, 2018 - Closed Session** - Mr. Surano moved approval of the minutes as drafted. Second by Mr. Zaidel.

Roll Call:

Aye: Piedici, Surano, Zaidel.  
Nay: NONE  
Abstain: NONE

Motion carried.

Mr. Crane read the following statement into the record: "I will be recusing myself from all affordable housing matters that come before the Board, not due to any actual conflict of interest but, out of an abundance of caution, to avoid any appearance of a conflict." He left the room at 7:35 PM.

Committeewoman Bianchi asked Mr. Drill whether Class I and Class III Planning Board members (Township Committeemen) had to recuse themselves from voting on the proposed ordinance referrals. Mr. Drill stated that the Municipal Land Use Law (MLUL) made note of instances when Class I and Class III members would be ineligible to vote. For example, in consolidated land use boards, Class I and Class III members were prohibited from participating in consideration of applications requiring "d" variances. There was no such prohibition listed in the MLUL from participation in ordinance referral actions and based on that, Mr. Drill opined that the Class I and Class III members did not need to recuse themselves from these votes.

**ORDINANCE REFERRAL** - Ordinance #2384 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances", Regarding Multifamily Housing in the B-5 Village Center Zone (see Figure W).

Board Planner, David Banisch, PP, AICP, referred to his memo dated May 4, 2018 which provided a basis for the Planning Board to find that proposed Ordinance #2384 is "not inconsistent" with the Bernards Township Master Plan. This ordinance would add a Multifamily Housing Overlay Zone within the B-5 Village Center Zone (Dewy Meadow Village shopping center) which would provide 198 dwelling units with a 15% set aside for units affordable to low- and moderate-income households.

Mr. Banisch cited portions of the Bernards Township 2015 Housing Plan Element and Fair Share Plan and the Goals and General Objectives in the Bernards Township 2010 Master Plan. He opined that the proposed ordinance would promote the general welfare, would implement overlay inclusionary zoning which was encouraged in those documents and would further the Township's commitment to providing its fair share of low and moderate-income housing, in support of his finding that the proposed ordinance was "not inconsistent" with the Master Plan.

Hearing no further comments from the Board, Chairwoman Piedici opened the meeting to the public for comment. Hearing none, she closed that portion of the meeting.

A straw poll was taken as to whether the Board wanted to forward any recommendations to the Township Committee or whether to simply vote on inconsistency. The Board was unanimously in favor of the latter option.

Deputy Mayor Malay motioned to find that proposed Ordinance #2384 was "not inconsistent" with the Township's Master Plan. Mr. Surano seconded.

Roll Call:

Aye:	Bianchi, Malay, Piedici, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

**ORDINANCE REFERRAL** - Ordinance #2386 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances", to Create a Crown Court Overlay Zone (see Figure X).

Mr. Banisch again referred to his memo dated May 4, 2018 which provided a basis for the Planning Board to find that proposed Ordinance #2386 is "not inconsistent" with the Bernards Township Master Plan. This ordinance would add a Crown Court Overlay Zone within the existing R-5 Residential Zone (Crown Court Drive and Monarch Circle) which would provide 24 additional dwelling units including 4 units affordable to low- and moderate-income households. This property is located adjacent to the Dewy Meadow Village shopping center and the proposed Multifamily Housing Overlay.

Once again, Mr. Banisch cited portions of the Bernards Township 2015 Housing Plan Element and Fair Share Plan and the Goals and General Objectives in the Bernards Township 2010 Master Plan and opined that the proposed ordinance was "not inconsistent" with the Master Plan in much the same ways as proposed Ordinance #2384.

Deputy Mayor Malay informed the Board that the extension of controls for the existing Crown Court apartments had been a Township objective from the beginning of their discussions with Crown Court's developer. Although the developer was initially reluctant, in the end, the Township was successful in obtaining the extension.

Hearing no further comments from the Board, Chairwoman Piedici opened the meeting to the public for comment. Hearing none, she closed that portion of the meeting.

A straw poll was taken as to whether the Board wanted to forward any recommendations to the Township Committee or whether to simply vote on inconsistency. The Board was unanimously in favor of the latter option.

Mr. Surano motioned to find that proposed Ordinance #2386 was "not inconsistent" with the Township's Master Plan. Deputy Mayor Malay seconded.

Roll Call:

Aye:	Bianchi, Malay, Piedici, Surano, Zaidel.
Nay:	NONE
Abstain:	NONE

**COMMENTS FROM STAFF**

Ms. Kiefer noted that several members were having difficulty accessing the on-line required Stormwater Management Training course from their computers and offered to have a computer set up at the 277 South Maple Avenue location to facilitate access to the site.

Mr. Drill referred to a member's request for the source of the requirement for the Stormwater Management Training course and stated that he had forwarded to Ms. Kiefer the appropriate passage from the Tier A Municipal Stormwater General Permit section of the New Jersey Department of Environmental Protection regulations should anyone wish to review it.

**COMMENTS FROM MEMBERS**

Chairwoman Piedici cancelled the next regularly scheduled meeting of the Planning Board (May 22, 2018) after confirming with Ms. Kiefer that there was no business on the agenda for that date.

**ADJOURN**

Having no further business to conduct, Chairwoman Piedici asked for a motion to adjourn. Mr. Surano moved, Deputy Mayor Malay seconded and by unanimous Voice Vote, the meeting was adjourned at 8:07 PM.

Respectfully submitted,

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Cyndi Kiefer, Secretary  
Township of Bernards  
Planning Board