

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
November 20, 2018

Chairwoman Piedici called the meeting to order at 7:31 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:

Members Present: Asay, Bianchi, Crane, Hurley, McNally, Malay, Piedici, Surano
Members Late: NONE
Members Absent: Coelho, Damurjian, Zaidel
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Engineer, Cathleen Marcelli, PE, CME;
Board Secretary, Cyndi Kiefer

On motion made by Mr. Surano and seconded by Mr. McNally, all in favor and carried, the absences of Dr. Coelho, Mr. Damurjian and Vice Chairman Zaidel were excused.

Mr. Crane recused himself and left the building.

COMPLETENESS HEARING

Bernards Plaza Associates LLC (Dewy Meadow); #PB18-005; Block 8501, Lots 39 & 43; 403 King George Road; Preliminary/Final Site Plan

Present: Robert A. Kasuba, Esq., Attorney for the Applicant
John P. Peel, PP, Planner for the Applicant

Mr. Schley, referring to his Completeness Review memo dated November 7, 2018, stated that the applicant had submitted all the items listed as outstanding except for #3 which was a Letter of Interpretation (LOI) issued by the New Jersey Department of Environmental Protection (NJDEP).

Robert A. Kasuba, Esq., with the firm of *Bisgaier Hoff LLC*, Haddonfield, NJ, advised the Board that he was present on behalf of the applicant and that the applicant was requesting a checklist item waiver for the LOI.

John P. Peel, PP, owner of *PK Environmental*, Chatham, NJ, referred to a letter he had written to Mr. Schley dated November 16, 2018 which addressed the checklist item waiver request. Mr. Peel testified that a formal NJDEP application was being prepared in order to secure a Freshwater Wetlands LOI Line Verification, Transition Area Waiver for Redevelopment and a FHA Verification and Applicability Determination. He opined that this would be a relatively straightforward approval because all of the development would occur on already disturbed areas. There would be no further incursion into the regulated areas on the subject property.

A straw poll indicated that the majority of the Board was inclined to approve the LOI waiver request.

Deputy Mayor Malay motioned to grant the waiver for an LOI and to deem the application complete. Mr. Surano seconded.

Roll Call:	Aye:	Asay, Hurley, McNally, Malay, Piedici, Surano
	Nay:	Bianchi
	Ineligible:	NONE

Motion carried.

PUBLIC HEARING

Crown Court Associates LLC; #PB18-004; Block 8501, Lots 7 & 9; Crown Court Drive; Preliminary/Final Site Plan

Present:	Robert A. Kasuba, Esq., Attorney for the Applicant
	Catherine Mueller, PE, CME, Engineer for the Applicant
	Avelino Martinez, RA, Architect for the Applicant

Ms. Mueller, Mr. Martinez, Mr. Schley, Mr. Banisch and Ms. Marcelli were duly sworn by Mr. Drill.

Chairwoman Piedici stated that she had visited the site and asked if any of the other members had also. Committeewoman Bianchi and Deputy Mayor Malay indicated that they had.

Robert A. Kasuba, Esq., attorney with the firm of *Bisgaier Hoff LLC*, Haddonfield, NJ, advised the Board that he was present on behalf of the applicant. He stated that the applicant was seeking preliminary and final site plan approval to construct an additional building within the Crown Court Complex which would house 24 residential units, some of which would be in conformance with the affordable housing set-aside required by ordinance. Also, as a condition of the municipality’s overall affordable housing plan, there would be an extension of controls on the existing affordable units within the complex. Although no variances were originally requested with the application, in response to a November 8, 2019 letter from the Liberty Corner First Aid Squad (LCFAS) requesting that elevators be installed, the applicant proposed to widen the stairwells thus making the building wider. This would require relief for a side yard setback for the north side of the building.

Avelino Martinez, RA, architect with *Blackbird Group Architects LLC*, Newark, NJ, was accepted by the Board as an expert in the field of architecture after outlining his professional credentials and confirming that his New Jersey license was current.

David Lai-Len, Chairman of the LCFAS Executive Committee, was duly sworn by Mr. Drill. He explained the physical difficulties involved in carrying patients down staircases and stated that if the applicant’s proposal was implemented, either the fire department or the police department would have to be present at every call to assist emergency services personnel. Committeewoman Bianchi requested that the applicant install the elevators as requested by the LCFAS in consideration of the emergency services personnel. Mr. Kasuba responded that the applicant found expansion of the landings to be a reasonable solution and would not install elevators because elevators were not required by code.

A straw poll determined that a majority of the Board did not want to recommend the installation of elevators.

Referring to a set of drawings prepared by Blackbird Group Architects LLC consisting of six (6) pages dated June 15, 2018 and last revised September 13, 2018, Mr. Martinez discussed the various sizes of the units. He noted that four (4) of the 24 units would qualify as affordable housing units and the rest would be market rate. Referring to Sheet A-1 “Exterior Elevations,” Mr. Martinez testified that the building was designed to be visually consistent with the surrounding architecture. **Exhibit A-1**, a colored rendering of the exterior of the proposed building, was entered into evidence by Mr. Martinez.

In response to Specific Comment #20 of Mr. Schley’s review memo dated November 16, 2018, Mr. Martinez testified that there would be no roof-mounted utility equipment. Ms. Marcelli asked where the air handlers would be located and if there be any buffering or landscaping. Mr. Kasuba responded that there would be a heat exchanger in each dwelling unit and as such, there would not be any units on the ground or attached to the exterior walls. Mr. Banisch

added that these are the types of units that are seen in hotel rooms. They are typically placed under a window with vents on the outside. Mr. Martinez confirmed that this was not depicted in the architectural plans or renderings.

After conducting a straw poll, the Board requested additional information. Mr. Drill advised that the applicant must provide a revised **Exhibit A-1** rendering along with either revised architectural drawings or revised site plans, depending on whether the applicant chose to place the air handlers on the ground or install heat exchangers. Mr. Banisch noted that should the applicant decide to place the air handlers on the ground, landscaping and noise shrouding measures must also be shown. Mr. Kasuba agreed.

Mr. Martinez addressed comments under his purview in the November 19, 2018 memo from the Liberty Corner Fire Company (LCFC).

Hearing no further questions from the Board or its professionals, Chairwoman Piedici opened the hearing to the public for questions of the witness.

A member of the public asked if someone in a wheelchair would be able to rent a unit on the third floor. Mr. Martinez responded that only the first floor was wheelchair accessible.

Hearing no further questions from the public, Chairwoman Piedici closed that portion of the hearing.

Catherine Mueller, PE, CME, engineer with *Page-Mueller Engineering Consultants PC*, Warren, NJ, was accepted by the board as an expert in the field of civil engineering after outlining her professional credentials and confirming that her New Jersey license was current.

Referring to the Preliminary and Final Site Plan prepared by Page-Mueller Engineering Consultants PC, dated September 14, 2018, consisting of 10 sheets, Ms. Mueller described the proposed project. Noting that with the exception of the side yard setback relief sought as a result of widening the staircase landings, the project met all the bulk zoning requirements.

Ms. Mueller discussed the traffic circulation and testified that the project exceeded Residential Site Improvement Standards (RSIS) for the number of parking spaces. Mr. Banisch suggested that the extra spaces on the southwest corner of the parking lot be removed to create more space between the parking lot and the closest existing residential building. A straw poll was taken and the Board decided against making that recommendation since the lot already met the distance requirement. The Board did agree that as a condition of approval, additional landscaping would be required to obscure headlight glare and mitigate the impact of that light on the existing buildings. A discussion ensued as to the amount and location of the additional shrubbery and it was noted by Mr. Kasuba that there was no ordinance requirement but the applicant would install landscaping as needed. Chairwoman Piedici added that a landscape committee consisting of board members would make a site visit once the landscaping was installed.

Referring to the memo from LCFC, Ms. Mueller testified that the project had full fire access around the buildings and that the width of access road exceeded RSIS. In response to Comment #1 (all curbing should be mountable), Ms. Mueller stated that the applicant did not want to encourage driving over the curbs and offered to use the mountable curbing only at the radii of the two (2) entrances to the site.

In response to Comment #5 (no designated Fire Lanes), after a straw poll was taken, the Board agreed that yellow striping of areas not used for parking would be sufficient to designate fire lanes. Maintenance of the lines by the applicant was added as a condition of approval.

In response to Comment #7 (assigned parking), Ms. Mueller noted that the entire complex was managed by one company and the current policy was not to assign parking. The Board agreed to leave the decision up to the management company.

Ms. Mueller reviewed the grading plan and utility plan.

Ms. Mueller testified that several trees would be removed and replacements would be made as required.

Ms. Mueller stated that the applicant planned to match the existing parking lot lamps and that only three (3) additional poles were proposed. The applicant requested that a lighting committee visit the site at night post construction to determine if the lighting was adequate or whether building mounted lights as opposed to an additional pole would be required.

Ms. Mueller testified that the applicant had no objections to the comments in Mr. Banisch's review memo dated November 16, 2018 with the exception of placing a roof over the dumpster enclosure. A straw poll was conducted and the Board chose not to impose a condition requiring a roof.

Referring to Comment #8 in Mr. Banisch's memo, Mr. Kasuba clarified that, as a condition of the approval, controls on affordability for existing low- and moderate-income units in the Crown Court complex shall be extended for an additional 30 years as a condition of the issuance of construction permits.

Ms. Mueller agreed to provide a curbing detail as requested by Ms. Marcelli.

Exhibit A-2, a Conceptual Tot Lot Plan prepared by Page-Mueller Engineering Consultants PC, dated November 19, 2018, consisting of one (1) page, was entered into evidence by Ms. Mueller. After discussing various aspects of the plan, Mr. Kasuba suggested that the applicant work with staff on the size of the lot and the play equipment.

Committeewoman Bianchi read aloud the ordinance requiring that recreational amenities shall be provided appropriate to the needs and age groups of the residents and shall be subject to approval by the Planning Board at the time of site plan approval. She asked what type of recreational amenities would be provided for the age groups not serviced by the tot lot. Ms. Mueller described the walkability of the entire site and said it would function as passive recreation. Mr. Kasuba added that the "soccer field" located to the rear of Dewy Meadow would eventually provide other recreational amenities. He stipulated, as a condition of approval, to allow residents of Crown Court to have access to that area. A discussion ensued as to the relocation of the tot lot in order to create a large open area for younger children which would be closer to Crown Court than the "soccer field" for parental supervision. Mr. Kasuba stated that the applicant would work with Mr. Banisch to see if this was feasible.

Referring to #26 in his memo, Mr. Schley stated that there is an ordinance requirement that a conservation easement must be provided. He suggested that the applicant show the wetlands delineation on the plans so that the Board could see where it falls, prior to the Board considering a variance. Mr. Kasuba agreed.

In response to Comment #27 in Mr. Schley's review memo requiring a stormwater management easement for the existing and proposed stormwater management facilities, Mr. Kasuba agreed to provide the standard easement form.

Ms. Mueller concluded her testimony.

Hearing no further questions from the Board or its professionals, Chairwoman Piedici opened the hearing to the public for questions of the witness. Hearing none, she closed that portion.

Mr. Kasuba stated that he had no further witnesses.

Chairwoman Piedici opened the hearing to the public for comments. Hearing none, that portion was closed.

Mr. Kasuba agreed to give his summation at the next meeting.

Mr. Drill stated that the application would be carried to the regular meeting scheduled for December 18, 2018 without need for further notice unless the applicant chose to renote.

COMMENTS FROM STAFF

The regular December 4, 2018 meeting was cancelled due to lack of business.

COMMENTS FROM BOARD MEMBERS

Ms. Kiefer noted that the Holiday Party scheduled for the December 4, 2018 meeting would be held prior to the December 18, 2018 meeting.

ADJOURN

On motion made by Mr. Surano and seconded by Ms. Asay, all in favor and carried, the meeting was adjourned at 9:54 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Adopted as written 12/18/18

12/4/18V3 ds jd