

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
December 18, 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 25, 2018; 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: Bianchi, Crane, Damurjian, Hurley, McNally, Malay, Piedici
Members Late: NONE
Members Absent: Asay, McNally, Surano, 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 Dr. Coelho and seconded by Mr. Hurley, all in favor and carried, the absences of Ms. Asay, Mr. McNally, Mr. Surano and Vice Chairman Zaidel were excused.

APPROVAL OF MINUTES

November 6, 2018- Regular – On motion made by Mr. Hurley and seconded by Mr. Crane, all in favor and carried, the minutes were approved as written.

APPROVAL OF MINUTES

November 20, 2018 – Regular – On motion made by Deputy Mayor Malay and seconded by Mr. Crane, all in favor and carried, the minutes were approved as written.

LIGHTING COMMITTEE SELECTION

Mr. Schley noted that, as a condition of approval in the resolution for application #PB18-001 (Ridge Oak Inc.), the Board's lighting committee must conduct a night light test prior to the issuance of a Certificate of Occupancy. Chairwoman Piedici, Dr. Coelho and Mr. Crane volunteered to serve on that committee.

Mr. Crane recused himself and left the building.

PUBLIC HEARING – EXTENSION OF TIME

SJP/Mountainview Corporate Center LLC; #PB15-007A; Block 11301, Lot 1; 180-181 Mountain View Blvd.; Site Plan

Present: Thomas J. Malman, Esq., Attorney for the Applicant

Thomas J. Malman, Esq., attorney with *Day Pitney LLP*, Parsippany, NJ, advised the Board that he was present on behalf of the applicant. He stated that site plan approval for offices was granted on July 18, 2017. Because the two (2) year vesting period for protection against zoning changes and the deadline to obtain construction permits are set to expire on July 18, 2019, the applicant was requesting a one (1) year extension to July 18, 2020 for both. Mr. Malman stated that the applicant was asking for the extension because a proposed residential development project for that site would not be ready to move forward until sometime after the July 18, 2019 deadline. He added that the original office zoning approvals would be voided once the residential project approvals are granted.

After deliberating, Deputy Mayor Malay moved to grant a one (1) year extension of the approval and to grant a one (1) year extension to obtain construction permits, both to expire on July 18, 2020. Dr. Coelho seconded.

Roll Call: Aye: Bianchi, Coelho, Damurjian, Hurley, Malay, Piedici
 Nay: NONE

Motion carried.

PUBLIC HEARING (continued from November 20, 2018)

Crown Court Associates LLC; #PB18-004; Block 8501, Lots 7 & 9; Crown Court Dr.; 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

Mr. Damurjian and Dr. Coelho submitted signed and notarized documents certifying that they had viewed a video of the November 20, 2018 Planning Board meeting and were therefore eligible to vote.

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. In addition to addressing concerns raised at the previous meeting, the applicant was requesting an increase in side yard setback relief (north side of the building) by one (1) foot (for a total of 5 feet) to allow for some flexibility in the final design of the building.

Catherine Mueller, PE, CME, engineer with *Page-Mueller Engineering Consultants PC*, Warren, NJ, was reminded by Chairwoman Piedici that she was still under oath.

Referring to Sheet L-1, the Landscaping Plan for Crown Court, prepared by Page-Mueller Engineering Consultants, PC, dated 09/14/18 and last revised 11/29/18, Ms. Mueller testified that the tot lot had been enlarged and relocated from the south side of the property to the northwestern corner. She noted that there was both fencing and landscaping proposed for the entire perimeter of the tot lot although the details were not specified on the plans.

In response to concerns raised at the previous meeting about the proposed heating and cooling systems, Sheet L-1 showed ground mounted condensers for each unit. The landscaping was also adjusted to visually buffer the condensers while still allowing access for maintenance.

Referring again to Sheet L-1, Ms. Mueller specified the area of the building to be enlarged to accommodate the wider staircase landings as requested by the emergency services personnel. Originally, an extension of four (4) feet was proposed however the applicant was now requesting a total extension of five (5) feet to allow for construction tolerances in the redesign of the stairwells. This would leave a 10 foot minimum setback, where 15 feet was required. She noted that if the final design did not require all of the extra footage, the setback would be larger.

Ms. Mueller concluded her testimony by stating that, other than the alterations she had just reviewed, there were no changes in the remainder of the proposal.

Citing an ordinance requiring recreation facilities for children of all age groups, Committeewoman Bianchi questioned what was proposed for the older children. Ms. Mueller stated that the large lawn area to the south of the site was currently used by the older children for field games and no development was proposed for that area. It was agreed that a note stating that that open lawn was to remain as a play area would be added to the cover sheet and to the landscaping plan.

Mr. Kasuba stated that the tot lot would be designed for ages 2 to 12 and that there would be benches for the parents. He stipulated that, as a condition of approval, the tot lot fencing, landscaping and play equipment would be subject to the review and approval by the Board Planner, Mr. Banisch and the Township Planner, Mr. Schley.

Ms. Marcelli recommended that an additional crossing be provided from the building to the tot lot with depressed curbing to facilitate the use of strollers. The applicant agreed to the suggestion.

Noting that there were no further questions from either the board members or professionals, Chairwoman Piedici opened the meeting to the public for questions of the witness. Hearing none, she closed that portion of the hearing.

Mr. Kasuba opined that the applicant’s professionals had satisfied all of the concerns expressed by the board’s professionals and board members. He noted that all the bulk requirements had been met with the exception of the side yard setback variance request which came about as an accommodation to emergency services personnel.

There was discussion as to why the applicant was requesting relief from the ordinance requiring that a conservation easement be granted for the wetlands transition area. Mr. Kasuba stated that the property had been developed before transition areas came into effect and no further infringement in those areas was proposed.

** * * The Open Session was recessed at 8:10 PM and reconvened at 8:15 PM * * **

A NJDEP GIS 2012 Somerset County Wetlands 2015 aerial photo was entered into evidence as **Exhibit A-3**. Referring to that exhibit, Mr. Kasuba, as a condition of approval, agreed to work with Mr. Schley to create a conservation easement to the extent practicable. Mr. Schley suggested that signs, rather than ground markers, be used for delineation.

Finally, Mr. Kasuba noted that this is an inclusionary site that is part of the municipality’s affordable housing compliance plan. In addition to the new affordable units that are proposed to be built, the applicant proposed to extend the affordability controls for 19 existing units within the Crown Court complex.

The meeting was opened to the public for comments. Hearing none, that portion of the hearing was closed.

After deliberations, Dr. Coelho moved to grant the variance relief requested for the side yard setback and to approve the preliminary and final site plan application. Mr. Hurley seconded.

Roll Call: Aye: Bianchi, Coelho, Damurjian, Hurley, Malay, Piedici
Nay: NONE

Motion carried.

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS

Chairwoman Piedici thanked Committeewoman Bianchi, Deputy Mayor Malay and Mr. Surano for their service on the Planning Board.

ADJOURN

On motion made by Deputy Mayor Malay and seconded by Dr. Coelho, all in favor and carried, the meeting was adjourned at 8:24 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board