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BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
MINUTES
April 10, 2018 – COMBINED AGENDA/REGULAR MEETING

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ORDINANCE #2387 - AN ORDINANCE OF THE TOWNSHIP OF BERNARDS APPROPRIATING $4,489,400.00 FOR VARIOUS CAPITAL IMPROVEMENTS - INTRODUCTION

ADJOURNMENT
CALL TO ORDER
The mayor called the meeting to order at 7 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL
Present: Baldassare, Bianchi, Gaziano, Malay, Carpenter
Absent:  
Also Present: Administrator McArthur, Attorney Belardo, Engineer Timko, and Municipal Clerk/Assist. Admin. Szabo

POLICE PROMOTIONS & SWEARING IN CEREMONY

Resolution #2018-0199 - Personnel Appointment, Michael Voorhees, Deputy Police Chief
Motion by Baldassare, second by Gaziano, and unanimously agreed that Resolution #2018-0199 be approved.

WHEREAS, the full time Deputy Police Chief position became available due to a promotion within the department; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Michael Voorhees has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Michael Voorhees to full time Deputy Police Chief.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Michael Voorhees be appointed full time Deputy Police Chief with a hire date of April 11, 2018 at an annual salary of $155,998.00 for a 40 hour work week.

Resolution #2018-0200 - Personnel Appointment, Mark Leopold, Captain
Motion by Malay, second by Gaziano, and unanimously agreed that Resolution #2018-0200 be approved.

WHEREAS, the full time Captain position became available due to restructuring within the department; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Mark Leopold has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Mark Leopold to the position of full time Captain.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Mark Leopold be appointed full time Captain with a hire date of April 11, 2018 at an annual salary of $152,413.74 for a 40 hour work week.

Resolution #2018-0201 - Personnel Appointment, Jon Burger, Lieutenant
Motion by Gaziano, second by Bianchi, and unanimously agreed that Resolution #2018-0201 be approved.

WHEREAS, the full time Lieutenant position became available due to a promotion within the department; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Jon Burger has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Jon Burger to the position of full time Lieutenant.
NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Jon Burger be appointed full time Lieutenant with a hire date of April 11, 2018 at an annual salary of $140,082.17 for a 40 hour work week.

Resolution #2018-0202 - Personnel Appointment, Timothy King, Sergeant
Motion by Malay, second by Baldassare, and unanimously agreed that Resolution #2018-0202 be approved.

WHEREAS, the full time Sergeant position became available due to a promotion within the department; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Timothy King has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Timothy King to the position of full time Sergeant.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Timothy King be appointed full time Sergeant with a hire date of April 11, 2018 at an annual salary of $121,061.47 for a 40 hour work week.

Resolution #2018-0203 - Personnel Appointment, Steven Matthews, Corporal
Motion by Gaziano, second by Bianchi, and unanimously agreed that Resolution #2018-0203 be approved.

WHEREAS, the position of Corporal was established per Resolution #2018-0153 appointing Corporals in place of the existing Designated Shift Commanders; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it appropriate to fill these positions; and

WHEREAS, Steven Matthews has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Steven Matthews to the position of full time Corporal.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Steven Matthews be appointed full time Corporal with a hire date of April 11, 2018 at an annual salary increase of $1,600.00.

Resolution #2018-0204 - Personnel Appointment, Alexander McKnight, Corporal
Motion by Baldassare, second by Malay, and unanimously agreed that Resolution #2018-0204 be approved.

WHEREAS, the position of Corporal was established per Resolution #2018-0153 appointing Corporals in place of the existing Designated Shift Commanders; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it appropriate to fill these positions; and

WHEREAS, Alexander McKnight has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Alexander McKnight to the position of full time Corporal.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Alexander McKnight be appointed full time Corporal with a hire date of April 11, 2018 at an annual salary increase of $1,600.00.

Resolution #2018-0205 - Personnel Appointment, Ray Gzienski, Corporal
Motion by Gaziano, second by Bianchi, and unanimously agreed that Resolution #2018-0205 be approved.
WHEREAS, the position of Corporal was established per Resolution #2018-0153 appointing Corporals in place of the existing Designated Shift Commanders; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it appropriate to fill these positions; and

WHEREAS, Ray Gizienski has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Ray Gizienski to the position of full time Corporal.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Ray Gizienski be appointed full time Corporal with a hire date of April 11, 2018 at an annual salary increase of $1,600.00.

Resolution #2018-0206 - Personnel Appointment, Robert Herndon, Corporal
Motion by Bianchi, second by Baldassare, and unanimously agreed that Resolution #2018-0206 be approved.

WHEREAS, the position of Corporal was established per Resolution #2018-0153 appointing Corporals in place of the existing Designated Shift Commanders; and

WHEREAS, Robert Herndon has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Robert Herndon to the position of full time Corporal.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Robert Herndon be appointed full time Corporal with a hire date of April 11, 2018 at an annual salary increase of $1,600.00.

Resolution #2018-0207 - Personnel Appointment, Christopher Hurst OEM Coordinator
WHEREAS, Michael Shimsky, has submitted his resignation as OEM Coordinator, due to his promotion to Chief of Police; and

WHEREAS, Christopher Hurst has served as the Deputy OEM Coordinator since 2006; and

WHEREAS, the Chief of Police, Township Administrator, and Chief Financial Officer and Human Resources Officer recommend Christopher Hurst be appointed as the OEM Coordinator.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Sergeant Christopher Hurst is hereby appointed as the OEM Coordinator for a 3 year term expiring April 10, 2021.

Resolution #2018-0211 - Personnel Appointment, John Neiman OEM Deputy Coordinator
Motion by Bianchi, second by Malay and unanimously agreed that the resolution be approved.

WHEREAS, the 1 year term of the Office of Emergency Management Deputy Coordinator is set to expire on 12/31/2018 and is now considered vacant due to the promotion of Sergeant Christopher Hurst to OEM Coordinator; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer and Human Resources Officer recommend appointment of Detective Neiman as the OEM Deputy Coordinator; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Detective Neiman be hereby appointed as the Emergency Management Deputy Coordinator to complete the unexpired 1 year term of Sergeant Hurst, expiring 12/31/2018, with an effective date of April 11, 2018.
Clerk Szabo swore in Chief Michael Shimsky. Shimsky made some brief remarks, acknowledged the large group of well-wishers in the audience, and congratulated all his recently promoted officers.

Clerk Szabo swore in Police Officer Dominick Aboosamara.

Clerk Szabo swore in Deputy Chief Michael Voorhees, Captain Mark Leopold, Lieutenant Jon Burger, Sergeant Timothy King, Corporal Steven Matthews, Corporal Alexander McKnight, Corporal Raymond Gizienski, and Corporal Robert Herndon.

PUBLIC COMMENT
Chris McManemin, Lurline Drive commented on Lafayette Lane Bridge, and township website
John Crane, Decker Street, commented on the outgoing and incoming administrator.
Todd Edelstein, Riverside Drive, commented on the last township committee meeting.
Bill Allen, Holmesbrook Drive and Debra Dewitt, Spencer Road, commented on the quarry security bond.

TOWNSHIP COMMITTEE/STAFF COMMENTS
Committee and staff members reported on their activities.

UNFINISHED BUSINESS
Ordinance #2383 - An Ordinance Accepting Keystone Court – Public Hearing
Motion by Malay, second by Baldassare, that Ordinance #2383 be adopted and advertised as required by law.

Roll Call:
Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter
Nay:
Abstain:
Motion carried.

2018 Municipal Budget & Golf Utility Presentation (State Budget Document) (User Friendly Budget)
CFO/HR Officer Johnson and Treasurer McCarthy made a budget presentation.

The mayor opened the public hearing. There were no public comments.

Resolution #2018-0198 - Adoption of 2018 Municipal Budget and 2018 Golf Utility Budget
Motion by Gaziano, second by Malay, that Resolution #2018-0198 be approved.

Roll Call:
Aye: Bianchi, Carpenter, Malay, Baldassare, Gaziano
Nay:
Abstain:
Motion carried.

WHEREAS, the Township Committee of the Township of Bernards declares that the statutory requirements found in NJSA 40:A:4-8 subsection 1.a. and 1.b. for posting a complete copy of the approved budget have been met, permitting the budget to be read by title; and

WHEREAS, the budget was read by title and a public hearing was held on March 13, 2018 in accordance with the law.

BE IT RESOLVED by the Township Committee of the Township of Bernards, County of Somerset that the budget hereinafter set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

$ 19,924,291.84 for Municipal Purposes, and
$ 2,399,932.00 for Municipal Library

MUNICIPAL BUDGET
SUMMARY OF REVENUES

GENERAL REVENUES
Surplus Anticipated $ 13,000,000.00
Miscellaneous Revenues Anticipated $ 6,034,980.63
Receipts from Delinquent Taxes $ 305,000.00

AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES $ 19,924,291.84
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL LIBRARY $ 2,399,932.00

Total Revenues $ 41,664,204.47

SUMMARY OF APPROPRIATIONS

GENERAL APPROPRIATIONS
Within “CAPS”
Operations Including Contingent $ 24,586,248.31
Deferred Charges and Statutory Expenditures—Municipal $ 2,779,147.96
Excluded from “CAPS”
Operations – Total Operation Excluded from “CAPS” $ 3,945,804.65
Capital Improvements $ 6,263,900.00
Reserve for Uncollected Taxes $ 4,089,103.55

Total Appropriations $ 41,664,204.47

SELF-LIQUIDATING GOLF UTILITY
GOLF GENERAL REVENUES $ 447,930.00
GOLF GENERAL APPROPRIATIONS $ 447,930.00

NEW BUSINESS

Consent Agenda
The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Malay, second by Baldassare, that the Consent Agenda be approved.

Roll Call:
Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter
Nay: 
Abstain: 
Motion carried.

** Begin Consent Agenda **

Approval of Minutes

03/27/2018 Open Session
These minutes were approved for content and release.

03/27/2018 Closed Session
These minutes were approved for content only.

Resolution #2018-0197 - Approval of the Bill List Dated 04/10/2018

April 10, 2018
12:41 PM

TOWNSHIP OF BERNARDS

Page No: 1

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 04/10/18 to 04/10/18


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pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

WHEREAS,
on sixty days written notice and pay CJHRC for the services rendered up to the termination date; and

no longer require the Township to hire the services of CJHRC, Bernards Township may terminate this Agreement

WHEREAS,

Affordable Housing Coordinating Center (CJHRC) at a Cost Not to Exceed $53,957.08 (Funding for this Contract is not from General Revenues, but from Funds Contributed by Developers to the Development Fee Account Pursuant to Section 21-76.16 of Revised Land Use Ordinances of the Twp of Bernards)

Section 21-76.16 of Revised Land Use Ordinances of the Twp of Bernards)

is a HUD certified agency specialized in the state and federal housing regulations; and

CJHRC proposes to enter into an agreement with Bernards Township to provide such services as an Affordable Housing Coordinating Agency for existing low and moderate income rental and purchase units pursuant to Uniform Housing Affordability Controls, N.J.A.C. 5:80-16.18 -4i-viii; and

WHEREAS, Central Jersey Housing Resource Center (CJHRC) is a nonprofit collaboration of businesses, financial institutions, social service agencies, public officials and housing advocates who work to increase the accessibility and availability of affordable housing in Central New Jersey; and

WHEREAS, CJHRC currently operates a centralized housing resource information center in Somerset County and is a HUD certified agency specialized in the state and federal housing regulations; and

WHEREAS, CJHRC proposes to enter into an agreement with Bernards Township to provide such services as an Affordable Housing Coordinating Agency for existing low and moderate income rental and purchase units pursuant to Uniform Housing Affordability Controls, N.J.A.C. 5:80-16.18 -4i-viii; and

WHEREAS, should the State Legislature or Governor adopt legislation or executive orders that eliminate COAH or no longer require the Township to hire the services of CJHRC, Bernards Township may terminate this Agreement on sixty days written notice and pay CJHRC for the services rendered up to the termination date; and

WHEREAS, this contract was awarded without public advertisement as defined in N.J.S.A. 19:44A-20-7 and pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

Resolution #2018-0208 - Approval of Independent Agreement with Central Jersey Housing Resource Center (CJHRC) at a Cost Not to Exceed $53,957.08 (Funding for this Contract is not from General Revenues, but from Funds Contributed by Developers to the Development Fee Account Pursuant to Section 21-76.16 of Revised Land Use Ordinances of the Twp of Bernards)
WHEREAS, the Chief Financial Officer has certified funds are available in the Affordable Housing Trust Fund line item appropriation or ordinance account #T-13-56-055-COA; and

WHEREAS, funding for this contract are not derived from general revenues but from monies contributed by developers to the development fee account pursuant to Section 21-76.16.

NOW BE IT RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

NOW BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve an agreement at a cost not to exceed $53,957.08 with the Central Jersey Housing Resource Center (CJHRC) effective May 1, 2018 through April 30, 2019; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that we do hereby authorize the Mayor and Clerk to execute the agreement with the Central Jersey Housing Resource Center (CJHRC) on behalf of the Township; and

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that notice of this contract award be published in the official Township newspaper, and a copy of the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

I agree to the terms as stated in the Resolution and by signing this document, I am committed to following all terms of this award.

____________________________________________________
Sharon Clark, Executive Director CJHRC

CHIEF FINANCIAL OFFICER CERTIFICATION
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed $53,957.08. Monies are available in the Affordable Housing Trust account #T-13-56-055-COA.

Date: 4/2/2018
Terri Johnson
Chief Financial Officer

Resolution #2018-0209 - Approval of Special Event Permit Community Hope, Inc., 17th Annual Flag Day 5K and 1 Mile Walk, June 14, 2018 (Rain-date 06/21/2018)

WHEREAS, Julia Ahmet, representing Community Hope, Inc., 959 Route 46 East, Suite 402, Parsippany, NJ, 07054, “the applicant,” has requested a special event permit for their 17th Annual Flag Day 5K and 1 Mile Walk on June 14, 2018, Rain-date 6/21/18, from 5pm to 9pm for the purpose of fundraising; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief and Recreation Director have reviewed the application and recommend approval; and

WHEREAS, the applicant will hire one off-duty police officer to control traffic.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved as submitted.
Resolution #2018-0210 - Authorizing a Waiver to the Township’s Noise Ordinance to New Jersey American Water Company (NJAWC) and CRJ Contracting Inc. (CRJ) for Water Main Improvements Along South Maple Avenue (Prospect Avenue to Hill Top Road)

WHEREAS, NJAWC/CRJ proposes to replace the water main on South Maple Avenue during the night hours of 8 PM to 5 AM, starting at Prospect Avenue working south to Hill Top Road (see attached sketches), expecting to last for the duration of April through June 2018; and

WHEREAS, the night work is safer for the construction crews by reducing traffic immediately adjacent to the excavation and avoids limited “day” hours; these limited hours lengthen the overall time for the project. Night work will also diminish or eliminate the disruption of water service for the businesses open during the day and homeowners within the work area; and

WHEREAS, NJAWC/CRJ has requested a waiver from the Township’s Noise Ordinance, §3-9 of the Revised General Ordinances of the Township; and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards hereby expresses support for the project and grants the request for a waiver of the Township’s Noise Ordinance with the following stipulations:

1. No construction activities shall be permitted on Saturday nights into Sunday or Sunday nights into Monday.
2. Disturbed areas shall be backfilled and all excess materials, trash, supplies, etc. shall be removed the same day. All areas along the project route shall be kept neat and clean during the course of construction.
3. All material and equipment staging areas shall be approved by the Township prior to the start of construction activities.
4. Bernards Township Engineering Permits must be obtained for any excavation or disturbance of Township roadways, and restoration requirements shall be per ordinance or as directed by the Township.
5. NJAWC/CRJ shall be responsible for all utility mark outs and test holes. Adjustments to the location of the proposed water main may be required in the field to avoid disturbance of existing Township sewer facilities.

Resolution #2018-0212 - Authorizing and Approving Purchase of Firefighters Protective Clothing and Equipment from New Jersey State Contract T0790/A80961 to New Jersey Fire Equipment Company, 119-131 Rt 22. Green Brook, NJ 08812 In the Amount Not to Exceed $ 49,860.00

WHEREAS, the Township of Bernards wishes to purchase firefighters protective clothing and equipment from N. J. State Contract T0790/A0961; and

WHEREAS, the N.J. State Division of Purchase and Property awarded a contract to New Jersey Fire Equipment Company, 119-131 Rt 22. Green Brook, NJ 08812; and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and 12; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Budget for the same and the line item appropriation or ordinance to be charged is Capital Ordinance #2337; line account #C-04-55-337-H01 ($200.00), and Capital Ordinance # 2366; line account # C-04-55-366-G02 ($49,660.00); and

WHEREAS, it is the recommendation of the Purchasing Agent to purchase Firefighters Protective Clothing and Equipment from N. J. State Contract T0790.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to New Jersey Fire Equipment Company, 119-131 RT 22. Green Brook, NJ 08812.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed $49,860.00. Monies are available in Capital Ordinance #2337; line account #C-04-55-337-H01 ($200.00), and Capital Ordinance # 2366; line account # C-04-55-366-G02 ($49,660.00).

Date: 4/4/2018

Terri Johnson, Chief Financial Officer
**Resolution #2018-0213** - Issuance of Solicitor's License to Alexander Vasquezmor, Alice’s Crew, Inc. d/b/a Bridgeville Ice Cream, Periods 01/01/2018–06/30/2018 and 07/01/2018–12/31/2018

WHEREAS, Alexander Vasquezmor, Alice’s Crew, Inc. d/b/a Bridgeville Ice Cream, 713-C East Main St., Bridgewater, NJ 08807, has applied for a Solicitor’s License for the periods of 01/01/2018–06/30/2018 and 07/01/2018–12/31/2018 for the purposes of selling ice cream from a mobile truck; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, applicant has provided required documentation and paid the applicable fee; and

WHEREAS, the Municipal Clerk, the Chief of Police, the Health Officer, and the Zoning Officer have reviewed said application and recommend approval.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the application be approved as submitted.

**End Consent Agenda**

**Resolution #2018-0214** - Millington Quarry, Inc. and Tilcon New York, Inc. Security for Rehabilitation Reduction

Motion by Malay, second by Baldassare, that Resolution #2018-0214 be approved.

Roll Call:
- Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter
- Nay:
- Abstain: Motion carried

WHEREAS, the Township of Bernards, Somerset County, New Jersey 07920, pursuant to Section 4-9.6 of its General Ordinances has the following security for rehabilitation on file with the Office of the Township Engineer:

| NAME OF APPLICANT: | Millington Quarry, Inc. (“MQI”) |
| ADDRESS OF APPLICANT: | P.O. Box 367, Millington, NJ 07946 |
| NAME OF APPLICANT: | Tilcon New York, Inc. (“Tilcon”) |
| ADDRESS OF APPLICANT: | 9 Entin Road, 3rd Floor, Parsippany, NJ 07054 |
| BOND NUMBER: | #8866149 $4,333,338.00 |
| INSURANCE COMPANY: | Fidelity and Deposit Company of Maryland, as surety on behalf of MQI and Tilcon |
| IRREVOCABLE STANDBY LETTER OF CREDIT NO.: | #30099147 $3,226,805.42 |
| BANK: | Capital One, N.A. as surety on behalf of MQI |
| CASH: | Peapack Gladstone Bank $ 875,464.67 |

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<td>TOTAL AMOUNT OF SECURITY:</td>
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<td>FOR:</td>
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WHEREAS, MQI and Tilcon have requested a reduction in the security for rehabilitation pursuant to Section 4-9.6 of the Township’s Revised ordinances; and

WHEREAS, Township Engineer Thomas Timko has indicated that MQI has completed work in the quarry pit that includes demolition of garages, reclamation blasting, grading of the “meadow” area and riprap installation; and
WHEREAS, Mr. Timko has calculated that MQI has completed work in the amount of $5,000,000.00, and that the MQI and Tilcon security should be reduced by $5,000,000.00; and

WHEREAS, the Township shall release $5,000,000.00 of MQI’s and Tilcon’s security for rehabilitation as set forth below:

1. Release entirely of MQI and Tilcon Fidelity Company of Maryland Bond # 8866149 in the amount of $4,333,338.00.
2. Release entirely of Tilcon Quarry Reclamation Escrow Account cash RC0605249T of $240,741.00 and interest of $16,934.09.
3. Release entirely of MQI Quarry Reclamation Escrow Account RC0605249M cash of $240,741.00 and interest of $16,934.09.
5. Release of $14,973.20 of MQI Quarry Rehabilitation escrow account RC1414186M leaving a remaining balance of $343,560.74 and interest of $1,580.55.

WHEREAS, the following escrow account balances after the security rehabilitation reduction will remain in the amount of $3,435,608.09 consisting of MQI Capital One Bank, N.A. #30099147 letter of credit of $3,090,466.80 and cash of $343,560.74 consisting of MQI Quarry Reclamation Escrow Account RC1414186M and interest of $1,580.55.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the aforesaid MQI and Tilcon security for rehabilitation reduction be approved.

Ordinance #2385 - Accepting a Stormwater Facility Maintenance Agreement and an Amended Wetlands Conservation Easement on Property Located at 77 Liberty Corner Road, Block 9601, Lot 5.01, from United States Golf Association to the Township of Bernards – Introduction
The clerk read the ordinance by title. Motion by Malay, second by Gaziano, that Ordinance #2385 be introduced on first reading, advertised as required by law, and schedule for a public hearing on 04/24/2018.

Roll Call:
Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter
Nay:
Abstain:
Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from United States Golf Association, a not for profit Delaware Corporation, with a mailing address at 77 Liberty Corner Road, Far Hills, New Jersey, 07931, a Stormwater Facility Maintenance Agreement and an Amended Wetlands Conservation Easement on Block 9601, Lot 5.01, in Bernards Township.

2. The agreement and easement are on file with the office of the Township Clerk.

3. This Ordinance shall take effect upon its final passage and publication according to law.

Ordinance #2384 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplemeting the Code of the Township of Bernards, Chapter 21, “Revised Land Use Ordinances”, Regarding Multifamily Housing in the B-5 Village Center Zone – Introduction
Motion by Baldassare, second by Malay, that Ordinance #2384 be introduced on first reading, advertised as required by law, referred to the Planning Board, and schedule for a public hearing on 05/15/2018.

Roll Call:
Aye: Baldassare, Bianchi, Malay, Carpenter
Nay: Gaziano
Abstain:
Motion carried.

Gaziano expressed her disapproval of the ordinance. She felt the proposed development was too dense for the site, having 4 story buildings with a parking garage and 198 units on only 8 acres. The town does not know the configurations of the bedrooms and there are no occupancy controls. She also opined that rental units have twice as many public school students versus owner occupied units with an estimated 133 new public school students.

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, entitled “Land Development”, of the Code of the Township of Bernards shall be amended, revised and supplemented as follows:

Part I. Existing § 21-10.8.1, “B-5 Village Center Zone”, is amended as follows (new text is underlined; deleted text is strikethrough):


a. Purpose. The purpose and intent of the zone is to provide for a village center to serve the retail needs set forth in the Master Plan through an attractive retail setting with a sense of community for both the residents and employees of the Township and the surrounding communities. To achieve this goal, the detailed requirements herein shall be adhered to for development of a village center project in the zone.

b. Uses.

1. Permitted principal uses:

   (a) A retail commercial development and public development with common parking and service areas (a "village center"). The development may contain retail sales of goods and services, restaurants, a bank, a liquor store, a health club, a theater not to exceed a maximum of 450 seats and a detached child-care center not in excess of 12,000 square feet.

   (b) Public parks, roads, recreation, open space and other public purpose uses.

   (c) Professional and administrative offices.

2. Permitted accessory uses:

   (a) Accessory uses customarily incidental to the above permitted uses located on the same lot and within the same district permitting the principal use.

   (b) Public and private parking.

   (c) Signs pursuant to Section 21-17 of this chapter, except as otherwise expressly designated herein.

3. Permitted accessory structures:

   (a) Gazebo.

   (b) Clock tower.

   (c) Restroom and storage building associated with the soccer field to be dedicated to the Township.

4. Prohibited uses. Any use not designated as a permitted principal use or accessory use in the zone is prohibited, including but not limited to:

   (a) Detached restaurant pad sites.
(b)(a) Adult entertainment uses, defined as establishments consisting of, including or having the characteristics of any or all of the following:

1. Adult bookstore. An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital area.

2. Adult cabaret. 
   [a] An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas;
   [b] A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators or similar entertainers for observation by patrons.

3. Adult mini motion-picture theater. An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

4. Adult motion-picture theater. An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

(c)(b) Amusement arcades. A primarily indoor or outdoor area or open structure, open to the public, that contains coin-operated games, rides, shows and similar entertainment facilities and devices.

c. Area, yard and building requirements for the zone are as follows:

1. Minimum tract area. A village center in the zone must be a development having one or more parcels of land with a total initial land area of at least 21 acres forming a land block for use by the development. For the purpose of calculating parcel acreage or any bulk requirements, the area of existing or proposed public and private streets and/or rights-of-way on the parcel shall be included.

2. Total nonresidential floor area of a village center development shall not exceed the following:
   (a) Maximum project size (including bank, excluding child-care center): 95,000 square feet.
   (b) Maximum first floor (excluding bank, professional offices and child-care center): 69,000 square feet
   (c) Maximum individual building size (footprint): 24,000 square feet.
   (d) Maximum single use: 24,000 square feet.*
   (e) Maximum retail use (69,000 square feet first floor/11,000 square feet second floor): 80,000 square feet

   * NOTE: The tenant of the largest single use building shall be limited to retail sales of food and other related products with limited on-site consumption.

3. Minimum building and parking setbacks for nonresidential uses.
   (a) Front.
      (1) Front yard for buildings: 150 feet from the right-of-way of any county road.
      (2) Front setbacks for buildings: 20 feet from the curbline of any internal street or parking area.
(3) Front yard for parking: 100 feet from the right-of-way of any county road.

(b) Side yard for buildings:

(1) From exterior street: 75 feet.

(2) From property line: 75 feet.

(3) From another building: 10 feet.

(4) From curbline of any internal street or drive: 10 feet.

c) Rear.

(1) Rear yard for buildings: 75 feet to property line.

(2) Rear setback for buildings: 20 feet from the curbline of any internal street or parking area.

(3) Rear setback for parking: 10 feet to property line.

4. Maximum building height: 2 1/2 stories not to exceed 40 feet. Clock towers and flagpoles shall not exceed 50 feet.

5. A child-care center in a village center development shall be subject to the following area and setback requirements:

   (a) Minimum lot area: 1.0 acre.

   (b) Front yard: 25 feet.

   (c) Side yard: 25 feet.

   (d) Rear yard: 100 feet.

   d) Site Plan for nonresidential development. The developer of a village center shall comply with all applicable site plan provisions of the Revised Land Use Ordinances of Bernards Township. The following provisions shall also apply to a village center in the B-5 Village Center Zone:

1. The site plan shall be organized to include the vehicular circulation, parking, service access, pedestrian circulation and building locations substantially in accordance with the "Dewy Meadow Retail Study" plan entitled "Final Report" dated May 1, 1998, prepared by Nadaskay Kopelson Architects, and included as Figure A of this chapter. The developer shall provide suitable access for pedestrian and bicycle traffic between the village center project and Crown Court Drive and Spring Valley Boulevard. A decision by the Board regarding access for vehicular traffic through Crown Court Drive shall be considered only after receipt and review of a professional traffic study and demonstration for the need of access. The justification for northbound and southbound vehicular traffic through Crown Court Drive shall be considered separately, with the objective of reducing any unnecessary traffic through Crown Court Drive.

2. Site plan details shall also include the following:

   (a) Sidewalks shall be located so as to provide access to each of the proposed structures, to the village green and gazebo and to King George Road. The sidewalks shall range from four feet to eight feet in width and be designed substantially in accordance with the sidewalk detail provided as Figure B of this chapter. The final location of the sidewalks shall be as approved by the Board based on the final building architecture.

   (b) Benches and trash receptacles. Benches and trash receptacles shall be provided as shown on the site plan and are considered the minimum amount required.
(1) Benches shall be Kingsley-Bate Hyde Park type as shown on Figure C of this chapter, five-foot teak benches or approved equal.

(2) Trash receptacles shall be Victor Stanley Type H-24-IPE type with an in-ground post or approved equal as shown on Figure D of this chapter.

(c) All paver and concrete colors shall be approved by the Board.

(d) Street trees located in the sidewalk areas shall have tree grates of a style and color approved by the Board.

(e) Lighting. All street and parking lot lighting shall be Savannah Lantern ContraCline type light fixtures as shown in Figure E of this chapter or approved equal and mounted on a ten-foot Washington type post or approved equal and located as shown in Figure F of this chapter. Exterior lighting around the buildings shall be in conformance with the architectural concept approved by the Board for the project.

(f) Landscaping and buffering. A landscape plan shall be submitted and prepared by a certified landscape architect and shall include at a minimum the following elements:

(1) A solid visual barrier shall be provided along any property boundary adjacent to residential neighborhood buildings. The buffer shall consist of evergreens a minimum of 10 feet in height and shall be full plants and planted a maximum of 10 feet on center in a staggered double row or as otherwise approved by the Board.

(2) Street trees shall be a minimum of three inches caliper and of a genus and specie as approved by the Board.

(3) The landscape plan shall include an entrance treatment at each driveway and at all proposed signage.

(4) The landscape plan shall include a tree preservation plan accurately locating all existing trees greater than six inches in caliper and within 250 feet of King George Road.

(5) The landscape plan shall provide detailed landscaping at each of the proposed structures, street trees along drives and around the Village Green.

(6) The landscape plan shall conform with all engineering and drainage requirements as required by the Township Revised Land Use Ordinance and soil erosion and sediment control regulations.

(g) Architecture.

(1) Architecture for a village center shall be in accordance with the elevations provided at Figures G to K of this chapter. The elevations are meant as a guideline with final architecture to be approved by the Board.

(2) Structures shall exhibit residential detailing, including porches, columns, cupolas and dormers and constructed of material such as clapBoard siding, brick, stone and dimensional style shingle roofs on all facades. Exterior materials shall be selected for suitability to the types of buildings and the design in which they are to be used.

(3) The architectural style shall be eclectic in nature yet shall exhibit a compatibility through the use of a similar material and detailing.

(4) A gazebo and clock tower shall be incorporated in accordance with the detail provided as Figure L of this chapter. These structures shall include interior lighting for evening use.

(5) The footprints as shown on the site plan are meant as a guideline with the final footprints to be approved by the Board.
(h) Other requirements.

(1) Site amenities. The developer of a village center must provide outdoor seating areas in addition to the proposed benches and gazebo and should be encouraged to provide outdoor spaces in association with the various retail uses, including but not limited to outdoor eating.

(2) Recreational facilities. At a minimum, the developer of a village center project must subdivide and dedicate in fee simple an area to the Township for a soccer field graded and seeded in accordance with accepted recreational standards and in the size and location as shown on Figure A of this chapter. In addition, a restroom/storage building is to be designed and constructed by the developer as shown in Figure A. Any other required recreational facilities will be incorporated into the developer's agreement required by this chapter.

(3) Signage. The applicant for a village center shall comply with Section 21-17 and provide a complete signage program which shall provide a coordinated signage theme for all tenants for Board approval, including the main entrance sign, directory signs, directional signs and building signs, which shall be of a uniform design and color scheme and compatible with the project architecture. The Board may grant relief from standards governing size and location of signs only upon satisfactory proof that overall design and aesthetics of the village center will be improved because of the requested relief. [Ord. #1715, 4-13-2004, amended; Ord. #1809, 9-13-2005, amended]

(4) Mechanical equipment and other utility hardware placed on the roof of any buildings shall be properly screened from public view and must be within the forty-foot maximum building height requirement.

(5) Any ground level utility cabinets shall be fenced and/or landscaped.

(6) All uses shall be serviced by public water and public sanitary sewer systems.

(i) Comprehensive design standards.

(1) A comprehensive design for a village center must be approved as a single development by the Board. Phasing of approval and construction of the village center is prohibited.

(2) The design of the village center must be based upon a common architectural and landscaping theme.

(3) The design of a trail system for greenways purposes shall be incorporated.

(j) Parking standards. The number of parking spaces shall be as determined in Section 21-22 and constructed as per Figure A of this section. Notwithstanding the number of parking spaces determined in Section 21-22, there shall be no less than 600 parking spaces required for the village center project.

(k) Subdivision of lots. The subdivision of lots may be permitted by the Board, provided that there is conformance to an approved site plan. The intent of this provision is to prevent individual buildings, except the child-care center, from existing on or as separate lots. However, each individual lot shall be subject to, and may only be improved in accordance with, the final site plan approval for a village center in accordance with this chapter. Final subdivision approval may be granted only as part of or subsequent to final site plan approval for the village center. The Board shall condition final subdivision approval upon submission by the applicant and approval by the Board Attorney, of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances dealing with items, including but not limited to access, security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items that are to be provided for the village center development.

(l) Name. The village center shall be named "Dewy Meadow Village."
(m) Macadam sidewalk. Subject to the developer's ability to obtain county and state approvals or permits, the Board shall require that the developer construct a macadam sidewalk from the entrance of the village center project on King George Road extending in a southerly direction to the Township border. The developer must also construct and complete a sidewalk extending from Spring Valley Boulevard in a southerly direction along Crown Court Drive to the access to the Village Center Project from Crown Court Drive.

(n) Dedication of Crown Court Drive. If Crown Court Drive has not been dedicated to the Township as a public road, the developer must compensate the Township for all costs involved in acquisition of Crown Court Drive from the owner thereof and other property required to provide access to the village center project from Crown Court Drive, including all costs pursuant to eminent domain proceedings.

(o) Conservation dedication. In recognition that construction of the village center project is dependent upon the required conveyance to the Township by Crown Court Associates, as set forth in subdivision Map 2592 filed on May 3, 1988, with the Somerset County Clerk, of the conservation deed for Lot 5.17 in Block 182 consisting of approximately 54.169 acres (the "adjoining lot"), the Board shall not grant final site plan approval for a village center project until the Township Attorney has approved a deed of conveyance of the adjoining lot to the Township by Crown Court Associates, its successors and/or assigns.

e. Developer's agreement. The developer and the Township shall enter into an agreement prior to or at final site plan approval including the provisions of N.J.S.A. 40:55D-39a, and setting forth the implementation requirements for a village center project. The substance of the developer's agreement shall be consistent with the laws of the State of New Jersey, the Township of Bernards Revised Land Use Ordinances and the conditions and standards applicable to village center projects. The developer's agreement shall be in a form satisfactory to the Township Attorney and Township Committee and shall include but may not be limited to provisions relating to the following:

1. The disposition and acquisition of any lands required to be set aside for public, semipublic, open space, greenways purposes and outdoor recreation uses.

2. The phasing, financing and extent of any required municipal off-tract traffic and sidewalk improvements.

3. Public approvals and municipal and developer actions required to implement any public infrastructure improvements, such as public sewers, stormwater control and sidewalks.

4. The developer's obligation to maintain the project and comply with site plan approval conditions dealing with signage, building exteriors, common areas, lighting, landscaping, drainage, security, security cameras, buffer areas and open spaces, trash removal and internal roadways.

5. Any agreements relating to an environmentally sensitive area in a village center development.

6. Consideration of whether the impact of the proposed development will result in budgetary increases to the Township in order to provide any additional services and facilities that will be necessary to service the proposed development. If the impact of the proposed development will result in such budgetary increases, then the Township may request a contribution from the developer so as to limit such budgetary increases and provide the additional services and facilities.

f. Multifamily Housing Overlay Zone within the B-5 Zone.

1. Purpose. The purpose and intent of the multifamily housing overlay zone is to further the purposes of the B-5 Village Center Zone to provide for the housing needs set forth in the Township Master Plan.

2. Where Permitted. Multifamily housing shall be permitted as an overlay use in the B-5 Zone, which is comprised of an approximately 17 acre tract (block 8501, lots 39 and 43) presently occupied by the village center development known as Dewy Meadow Village. Except as otherwise specified herein, the multifamily housing overlay zone provisions set forth below shall apply only to new multifamily development and shall not apply to the existing village center.
3. Applicability of Other Regulations. Except as otherwise specified below, a multifamily housing development in the B-5 Zone shall be subject to all other requirements of this chapter, including all requirements of the B-5 Zone. Where a provision set forth elsewhere in this chapter conflicts with a multifamily housing overlay zone provision set forth below, the multifamily housing overlay zone provision shall supersede.

4. Permitted principal uses:
   (a) Multifamily dwelling units, including townhouse units.
   (b) A child-care center.

5. Permitted accessory uses:
   (a) Accessory uses customarily incidental to the above permitted uses located on the same lot and within the same district permitting the principal use.

6. Prohibited uses. Any use not designated as a permitted principal use or accessory use is prohibited.

7. Area, yard and building requirements for a village center containing multifamily housing are as follows:
   (a) Minimum tract area. Notwithstanding that the minimum initial tract area for a village center in the B-5 Zone is 21 acres, the minimum tract area for a village center containing multifamily housing is 17 acres. The tract may be comprised of one or more parcels of land in the B-5 Zone.
   (b) Minimum lot area. The minimum lot area for an individual lot containing multifamily housing shall be 6 acres.
   (c) Maximum number of multifamily dwelling units: 198, provided that 15 percent of the units are set aside and affordable to low and moderate income households for 30 years. The 30-year term shall begin from the date of issuance of a certificate of occupancy for each set-aside unit. Affordable units shall be provided in accordance with the schedule set forth in N.J.A.C. 5:93-5.6(d), as required in U.H.A.C. (N.J.A.C. 5:80-26.1 et seq.) and in accordance with all other applicable NJ regulations and statutes governing the delivery of affordable units for inclusionary development.
   (d) Maximum nonresidential floor area. The total square footage of nonresidential floor area within a village center containing multifamily housing shall not exceed the amount of floor area existing as of the date of adoption of the Multifamily Housing Overlay Zone provisions. The following shall also apply:
      (1) Any existing nonresidential floor area which is removed or demolished shall not be reconstructed on the tract except in its existing location, however, a maximum of 12,000 square feet of removed or demolished floor area may be reconstructed in a different location.
      (2) The provision requiring that the tenant of the largest single use building be limited to retail sales of food, as set forth elsewhere in this subsection, shall not apply.
   (e) Maximum height
      (1) Multifamily building, excluding townhouse units: four stories and 55 feet. Height shall be calculated as set forth in this chapter, however the rear wall of the structure shall be excluded when calculating the average ground level.
      (2) Townhouse units: three stories and 48 feet.
   (f) Building configuration. Multifamily units including townhouses, nonresidential uses, and multi-story parking permitted within the multifamily housing overlay zone may be provided in a single building or separate buildings.
(g) Minimum setback for a multifamily building from the right-of-way of King George Road: 550 feet.

(h) Minimum setback for a multifamily building from a tract boundary: 20 feet.

(i) Minimum setback for a multifamily building from the curbline of any internal street or parking area: 10 feet.

(j) Minimum distance between any two buildings on the tract: 50 feet.

(k) A child-care center may be located within a multifamily building or within a single-tenant or multi-tenant nonresidential building. A nonresidential building containing a child-care center shall be subject to the minimum building setbacks for nonresidential uses, as set forth elsewhere in this subsection. The area and setback requirements for a detached child-care center, as set forth elsewhere in this subsection, shall not apply.

(l) Minimum setback for parking from a tract boundary: 10 feet. The minimum parking setback from the King George Road right-of-way is 100 feet.

(m) Maximum impervious coverage on the tract: 80%.

8. Minimum number of parking spaces for a village center containing multifamily housing. The minimum number of parking spaces for nonresidential uses shall be one space for every 200 square feet of gross floor area. Parking for a multifamily use shall comply with the New Jersey Residential Site Improvement Standards (RSIS; N.J.A.C. 5:21). All required parking spaces shall be located on the same lot as the use requiring the parking; however, parking spaces for a multifamily use may be located on a different lot within the tract provided the parking spaces are located within 100 feet of the multifamily building and identified with signs and reserved solely for the multifamily use.

(a) Parking spaces may be provided as surface parking or in a multi-story parking deck, provided, however, that no parking deck shall be exposed to public view.

9. Site plan for a village center containing multifamily housing.

(a) The site plan shall be organized substantially in accordance with Figure W of this chapter, provided that the building and parking layout shown on Figure W is meant as a guideline with the final layout to be approved by the Board.

(b) Mechanical equipment and other utility hardware placed on the roof of any buildings shall be properly screened from public view and must be within the 55-foot maximum building height requirement.

(c) All uses shall be serviced by public water and public sanitary sewer systems.

10. Subdivision of lots. The subdivision of the tract shall be permitted by the Board, notwithstanding that a lot containing a multifamily use may no longer abut a public street, subject to the requirements of N.J.S.A. 40:55D-36, and subject to the Board conditioning final subdivision approval upon submission by the applicant and approval by the Board Attorney, of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances dealing with items, including but not limited to access, security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items that are to be provided for the village center development.

11. Neighborhood Recreation Amenities. All multifamily housing developments shall provide adequate neighborhood recreation amenities on the tract, which shall be subject to approval by the Planning Board at the time of site plan approval. Neighborhood recreation amenities shall provide for formal and informal recreation activities, such as but not limited to, recreation fields; outdoor swimming areas; playgrounds; tot lots; play fields; and tennis and other court game facilities. Neighborhood recreation amenities shall also include paths for bike riding, hiking and/or walking. Some level of outdoor recreation shall be provided to serve each age group residing in the multifamily and/or townhouse development.
Part II. Existing § 21-17.4, “Signs for Nonresidential Uses”, is amended as follows (new text is underlined; deleted text is stricken):

§ 21-17.4 Signs for Nonresidential Uses. [Ord. #1809, 9-13-2005, adopted]

d. B-5 Zone. Only the following signs shall be permitted:

1. **Main Entrance Signs.** Two signs not exceeding ten feet in height shall be permitted. Each sign shall not exceed 32 square feet in area and may identify up to four nonresidential tenants. For a village center containing a multifamily use, each sign shall not exceed 60 square feet in area and may identify up to four nonresidential tenants and the multifamily use. In addition, each sign shall be permitted to contain the words "Dewy Meadow Village" in individual letters up to nine inches high.

2. Tenant Directory Signs (Nonresidential Uses Only). Two signs shall be permitted. Each sign shall not exceed 60 square feet in area, 14 feet in height and 12 feet in vertical dimension, and shall be located not less than five feet from any street right-of-way.

3. Store and Multifamily Directional Signs. Sign(s) not exceeding 24 square feet in area for each sign shall be permitted.

4. Temporary Freestanding Signs (Nonresidential Uses Only). For each tenant, one sign not exceeding six square feet in area and four feet in height shall be permitted. The sign shall not be illuminated and may be displayed only at times when the business is actually "open," i.e., actively in operation.

5. Wall-mounted Signs (Nonresidential Uses Only).

   a. Building A. Two signs shall be permitted. One sign shall not exceed 24 square feet in area, 12 feet in width and two feet in vertical dimension. Any second sign shall not be located on the same building facade and shall not exceed 48 square feet in area, 12 feet in width and four feet in vertical dimension. No portion of any sign shall extend above the limits of the wall on which it is mounted or extend more than 18 feet above ground level.

   b. Buildings B, C, D, E, F and G. For each first floor tenant, one sign not exceeding 24 square feet on each building facade occupied by that tenant shall be permitted. Each sign shall not exceed 12 feet in width and two feet in vertical dimension, unless otherwise approved by the Board. No portion of any sign shall extend above the limits of the wall on which it is mounted or extend more than 18 feet above ground level.


   a. First floor tenants. For each tenant, permanent and temporary signs that are not illuminated shall be permitted, provided the total area of the signs does not exceed 24 square feet on each building facade occupied by that tenant.

   b. Second floor tenants. For each tenant, only nonilluminated window lettering shall be permitted, not to exceed 25% of the area of the window and not to exceed one sign on each building facade occupied by that tenant.

7. Freestanding Signs for Multifamily Use. For a village center containing a multifamily use, one freestanding sign not exceeding 30 square feet in area, or two freestanding signs not exceeding 20 square feet in area per sign, shall be permitted. Each sign shall identify only the multifamily use, shall not exceed six feet in height, and shall be located not less than 550 feet from the right-of-way of King George Road.

8. Parking Identification Signs for Multifamily Use. Signs designating parking spaces reserved for multifamily units shall be permitted. Such signs may be freestanding or affixed to buildings or curbs and shall not exceed 1.5 square feet in area.
The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

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 – Introduction

Motion by Malay, second by Baldassare, that Ordinance #2386 be introduced on first reading, advertised as required by law, referred to the Planning Board, and scheduled for a public hearing on 05/15/2018.

Roll Call:
Aye: Baldassare, Bianchi, Malay, Carpenter
Nay: Gaziano
Abstain:
Motion carried.

Gaziano gave her reason for not supporting the ordinance which was the similar argument on density as given for Ordinance #2384 above.

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, entitled “Land Development”, Article XI, entitled “Regulations Applicable to the R-5 Zoning District to Provide Low- and Moderate-Income Housing”, of the Code of the Township of Bernards shall be amended, revised and supplemented to add the following new Section 21-79A:

SECTION 21-79A
Crown Court Overlay Zone
§ 21-79A.1 Purpose.

The purpose and intent of the Crown Court Overlay Zone is to provide for the housing needs set forth in the Township Master Plan by encouraging additional inclusionary development in the existing Crown Court development. The Crown Court development presently contains a total of 96 housing units, including 19 low- and moderate-income units. The Crown Court Overlay Zone is designed to permit 24 additional housing units, including 4 low- and moderate-income units for a period of 30 years. If built to full density, the Crown Court development will include a total of 120 housing units, including 23 low- and moderate-income units.

§ 21-79A.2 Where Permitted.

Development pursuant to the Crown Court Overlay Zone shall be permitted on a tract of land containing at least 15 acres with frontage on Crown Court Drive in the R-5 Zone. Except as otherwise specified in this Section, the provisions of the Crown Court Overlay Zone shall apply only to new development, and shall not apply to the existing Crown Court development.

§ 21-79A.3 Applicability of Other Regulations.

Except as otherwise specified in this Section, development pursuant to the Crown Court Overlay Zone shall be subject to all regulations applicable to PRD developments in the R-5 zoning district as set forth in this Article XI. Where a provision set forth elsewhere in this chapter conflicts with this Section, this Section shall supersede.

§ 21-79A.4 Use Regulations.

Permitted principal uses and accessory uses shall be the same as permitted in PRD developments in the R-5 zoning district, as set forth in this Article XI. Any use not designated as a permitted principal use or accessory use is prohibited.

§ 21-79A.5 Maximum Number of Dwelling Units.

The total number of dwelling units shall not exceed 120.

§ 21-79A.6 Low- and Moderate-Income Units.

The controls on affordability for 19 existing low- and moderate-income units shall be extended for an additional 30 years. Four of the 24 proposed additional dwelling units shall be affordable to low- and moderate-income households for 30 years, which shall be established at the time the market-rate units are provided.

§ 21-79A.7 Area, Yard and Building Requirements.

a. Minimum tract area: 15 acres.

b. Maximum Building Height: three stories and 48 feet.

c. Minimum Building Setback from the right-of-way of Crown Court Drive: 25 feet.

d. Minimum Distance Between Buildings: As set forth in this Article XI with the following exceptions:
   1. Front window wall to rear window wall: 50 feet.
   2. Front building face to common parking area: 10 feet.

e. Maximum Building Coverage: 35%.

§ 21-79A.8 Parking Requirements.

Parking shall be in accordance with the New Jersey Residential Site Improvement Standards (RSIS; N.J.A.C. 5:21).

§ 21-79A.9 Neighborhood Recreation Amenities.
Neighborhood recreation amenities shall be provided appropriate to the needs and age groups of the residents, which shall be subject to approval by the Planning Board at the time of site plan approval. Neighborhood recreation amenities shall provide for neighborhood recreation activities, such as but not limited to, a tot lot, a play field, a court for games, outdoor seating, and paths for bike riding and walking. Some level of outdoor recreation shall be provided to serve each age group residing in the neighborhood.

§ 21-79A.10 Site Plan

a. The site plan shall be organized substantially in accordance with Figure X of this chapter, provided that the building and parking layout shown on Figure X is meant as a guideline with the final layout to be approved by the Board.

b. All uses shall be serviced by public water and public sanitary sewer systems.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

Ordinance #2387 - An Ordinance of the Township of Bernards Appropriating $4,489,400.00 for Various Capital Improvements - Introduction

Motion by Malay, second by Gaziano, that Ordinance #2387 be introduced on first reading, advertised as required by law, referred to the Planning Board, and schedule for a public hearing on 04/24/2018.

Roll Call:

Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter

Nay:

Abstain:
Motion carried.

**BE IT ORDAINED** by the Township Committee of the Township of Bernards in the County of Somerset, New Jersey that the sum of $4,489,400.00 is hereby appropriated from the Capital Improvement Fund, for the following purposes:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$2,155,000.00</td>
<td>Engineering Improvement Projects including but not limited to Roadway Management and Reconstruction, Sidewalk and Drainage Improvements, and Pedestrian Bridges &amp; Paths.</td>
</tr>
<tr>
<td>B</td>
<td>$430,000.00</td>
<td>Facility Improvements including but not limited to Town Hall HVAC, Repairs and Improvements to the following structures: Engineering Services Building, Health Dept., Police HQ, Various Parks &amp; Recreation Facilities, and Municipal Building.</td>
</tr>
<tr>
<td>C</td>
<td>$420,000.00</td>
<td>DPW Projects and Equipment including but not limited to: Various Roadway Repairs, Bituminous Concrete Facility Repair; Guiderail Repair and Replacement; Repair and Retrofit Drainage; Small Equipment.</td>
</tr>
<tr>
<td>D</td>
<td>$33,400.00</td>
<td>Various Systems Improvements including Hardware and Software Upgrades, and Police Mobile Data Terminals.</td>
</tr>
<tr>
<td>E</td>
<td>$210,000.00</td>
<td>Purchase of Various Emergency Equipment and Emergency Vehicles for the Basking Ridge First Aid Squad.</td>
</tr>
<tr>
<td>F</td>
<td>$85,000.00</td>
<td>Purchase of Various Emergency Equipment and Self Contained Breathing Apparatus for the Basking Ridge Fire Company.</td>
</tr>
<tr>
<td>G</td>
<td>$674,000.00</td>
<td>Purchase of Various Emergency Equipment and Emergency Apparatus for the Liberty Corner Fire Company.</td>
</tr>
<tr>
<td>H</td>
<td>$72,000.00</td>
<td>Purchase of Various Grounds Maintenance Equipment, including but not limited to Mowers, and Small Equipment.</td>
</tr>
<tr>
<td>I</td>
<td>$315,000.00</td>
<td>Parks and Recreation Facility Improvements including but not limited to Playgrounds, Tennis Courts, Parks, and Field infrastructure, equipment and lighting.</td>
</tr>
<tr>
<td>J</td>
<td>$30,000.00</td>
<td>Purchase of Police Equipment including, but not limited to, Patrol Car Equipment; Radar Units and Message Trailers.</td>
</tr>
<tr>
<td>K</td>
<td>$65,000.00</td>
<td>Pleasant Valley Pool Facility Improvements including, but not limited to Painting, Replacement of Soft Surfacing, and Equipment.</td>
</tr>
</tbody>
</table>

Any grant moneys received for the purposes described above hereof shall be applied to direct payment of the cost of the improvements and shall reduce the amount authorized from the capital improvement fund to the extent that such funds are so used.

The period of usefulness is five years or more. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services is on file with the Township Clerk and are available for public inspection.

**BE IT FURTHER ORDAINED**, this ordinance shall take effect immediately upon final passage and publication in accordance with law.

**ADJOURNMENT**

By unanimous consent, the meeting adjourned at 8:45 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

__________________________
John Carpenter
Mayor