

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES v3
Regular Meeting
December 17, 2019

Chairwoman Piedici called the meeting to order at 7:32 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, Whippany, NJ, and to the Courier News, Bridgewater, NJ, on January 9, 2019; and was electronically mailed to those people who have requested individual notice.

The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM.

ROLL CALL:

Members Present: Crane, Damurjian, Esposito, Harris, Hurley, McNally, Mastrangelo, Piedici, Zaidel
Members Absent: Asay, Coelho
Late: Board Planner, David Banisch, PP, AICP (8:55 PM)
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Engineer, Larry Plevier, PE; Board Secretary, Cyndi Kiefer

Moved by Ms. Mastrangelo, seconded by Mr. Crane, all in favor and carried, that Ms. Asay's absence be excused.

APPROVAL OF MINUTES

December 3, 2019 – Regular Session - On motion made by Committeeman Esposito and seconded by Mr. Hurley, all eligible in favor and carried, the minutes were approved as drafted. Abstention: Crane, McNally, Zaidel

December 3, 2019 – Executive Session - On motion made by Mr. Hurley and seconded by Mr. Zaidel, all eligible in favor and carried, the minutes were approved as drafted. Abstention: McNally

APPROVAL OF RESOLUTION

Resolution #19-09 – Award of Change Order #2 – Professional Services Contract for the 2019 Planning Board Planner to increase the "not-to-exceed" amount to \$22,000.

Ms. Mastrangelo moved to approve the resolution as drafted. Committeewoman Harris seconded.

Roll Call: Aye: Crane, Damurjian, Esposito, Harris, Hurley, McNally, Mastrangelo, Piedici, Zaidel
Nay: NONE

Motion carried.

COMPLETENESS HEARING

Shaw, Adrian; Block 3301, Lot 3; 490 South Maple Avenue; Minor Subdivision, Bulk Variance; #PB19-005

Referring to his memo dated December 3, 2019, Mr. Schley stated that none of the items deemed missing or deficient had been submitted. He noted that during the application review, it had been discovered that the application required a "d-1" or "use" variance. Because this board lacks jurisdiction to hear "d" variances, the applicant intends to withdraw the application and reapply to the Zoning Board of Adjustment. Mr. Drill advised that, out of an abundance of caution, the application should be deemed *incomplete*.

Mr. Crane moved to deem the application *incomplete*. Mr. Hurley seconded.

Roll Call: Aye: Crane, Damurjian, Esposito, Harris, Hurley, McNally, Mastrangelo, Piedici, Zaidel
 Nay: NONE

Motion carried.

COMPLETENESS HEARING

Martin, J./Berman, L.; Block 2001, Lot 4; 35 Spruce Street; Minor Subdivision, Bulk Variances; #PB19-006

Present: Frederick B. Zelley, Esq., Attorney for the Applicants

Referring to his memo of December 5, 2019, Mr. Schley stated that none of the items deemed missing or deficient had been submitted.

Committeewoman Harris moved to deem the application *incomplete*. Ms. Mastrangelo seconded.

Roll Call: Aye: Crane, Damurjian, Esposito, Harris, Hurley, McNally, Mastrangelo, Piedici, Zaidel
 Nay: NONE

Motion carried.

Mr. Zaidel and Mr. Crane recused themselves and left the dais.

PUBLIC HEARING – (continued from 12/03/19)

Mountainview Corporate Center LLC; Block 11301, Lots 1 & 5; Mountain View Boulevard;
Preliminary/Final Major Site Plan, Preliminary/Final Major Subdivision, Bulk Variances; #PB19-003

Present: Thomas J. Malman, Esq., Attorney for the Applicant
 Ronald A. Kennedy, PE, Engineer for the Applicant
 Robert C. Moschello, PE, Engineer for the Applicant
 Thomas S. Carman, LA, Landscape Architect for the Applicant
 John J. McDonough, PP, Planner for the Applicant

Thomas J. Malman, Esq., attorney with the firm of *Day Pitney LLP*, Parsippany, NJ, advised the board that he was present on behalf of the applicant. He entered into evidence **Exhibit A-5**, a 16-page power point presentation entitled, "The Residences at Mountain View" and **Exhibit A-6**, a 11X17 color copy of the Mountainview Photo Exhibit dated 12/17/2019, prepared by Gladstone Design Inc., one page, entitled, "The Residences at Mountain View." Mr. Drill noted that this hearing had been carried, *with no further notice*, from the Planning Board's December 3, 2019 meeting.

After being reminded that he was still under oath, Ronald A. Kennedy, PE, president of *Gladstone Design Inc.*, Gladstone, NJ, returned to discuss the open issues from the previous meeting. In response to concerns expressed by the Bernards Township Fire Official, Mark Sylvester, and the Liberty Corner Fire Company (LCFC), he testified that the applicant had replaced the proposed "lollipop" looped water system which required variance relief for a dead-end water line with a plan to create a continual loop from Martinsville Road to Mountain View Boulevard to Mountain Road to Emerald Valley Lane and back to Martinsville Road, eliminating the need for relief.

Mr. Kennedy reviewed the other comments in the LCFC memo dated 11/22/2019 and stated that the applicant intends to conform to the enhanced National Fire Protection Association's (NFPA) codes for alarm systems and

firewalls. As a stipulation of approval, Mr. Kennedy testified that the applicant would work with the fire company to find mutually agreeable resolutions for the remaining applicable comments.

Deputy Chief Carl Blanchard, representing LCFC, was duly sworn by Mr. Drill and stated that the fire company was in support of the proposed new water loop design and that they would work with the applicant on any open comments listed in their memo dated 11/22/2019.

Responding to a comment from Mr. Damurjian, Mr. Kennedy stated that mountable curbing would only be used in areas that pose maneuvering issues for trucks.

Hearing no further questions from the board or its professionals for this witness, Chairwoman Piedici opened the hearing to the public for questions. Hearing none, that portion was closed.

Using **Exhibit A-5**, Mr. Kennedy testified that there would be three (3) monument signs for the project. One would be located on Mountain View Boulevard near the entrance to the Memorial Sloan Kettering (MSK) parking lot and will identify the proposed development as a whole. The second sign which identifies the apartment complex will be located at the entrance to the parking area of those buildings and the last identification sign will be located at the entrance to the townhouse complex. Mr. Kennedy stated that the township's ordinance allows for one (1) identification sign for each neighborhood and that the applicant is seeking relief for the "orphan" sign located around the entrance to MSK. He added that there are two (2) additional "wayfinding" signs that did not require relief.

Mr. Kennedy testified that there are five (5) signs on the three (3) apartment buildings. Each identifies an entrance either to the garage or to a building, is externally illuminated and complies in size. Mr. Schley noted that these signs must be approved by the board.

Mr. Kennedy noted that to provide an increased buffer from Pacer Court, a new row of 30 evergreen trees has been added to the west side of Mountain View Boulevard just north of the project where there is a steep drop-off from the road.

Mr. Kennedy discussed the efforts made to control light spillage from the parking garage areas. As a condition of approval, he stipulated to filling in the cut-outs on either side of the garage door on Building #1 in order to further cut down light spillage towards Pacer Court.

After hearing testimony from Mr. Kennedy about the tot lot recreation area that was added to the plans as a result of comments made at the last meeting, board members voiced concerns about its proposed location and its small size in relation to the number of dwelling units proposed. Mr. Malman noted that the township's ordinance requiring recreation areas specifically exclude townhouses however a straw poll indicated that the board still felt the tot lot area should be larger and include two (2) shaded benches. A request that the applicant return in January with a plan for a recreation area for older children was supported by a second straw poll. The board also discussed its concerns about parking.

Mr. Banisch arrived at 8:55 PM.

* * * *The Open Session was recessed at 8:58 PM and reconvened at 9:15 PM.* * * *

Mr. Kennedy explained that in order to provide a pedestrian/bike path from the proposed development to Martinsville Road along Mountain View Boulevard, it will have to be located within the road surface area because of the existing topography along the sides of most of the roadway. He reminded the board that the applicant's traffic expert, Gary W. Dean, had testified at the last meeting that removing/repurposing the third existing travel lane that ran along part of Mountain View Boulevard would have no negative effect on the road's ability to handle the projected vehicular traffic load. Mr. Dean also noted that narrowing the remaining two lanes will serve as a traffic calming mechanism, will widen the path buffer area and will allow for an eight-to-ten-foot wide walk/bike path. Mr. Plevier agreed that this proposal is an acceptable plan given the

limitations of the site. Mr. Schley added that the pathway satisfies a Master Plan objective by connecting Martinsville Road to County open space along Mountain Road.

A discussion ensued about the timing of the installation of the berms and fences. Mr. Kennedy stated that construction in the townhouse section of the development will not begin until the berms are substantially completed on the east and west sides. Landscaping will be installed during the next growing season after the berms are completed. A straw poll supported the extension of time limits for items such as obtaining construction permits and certificates of occupancy.

Mr. Malman advised that an exception is being requested for a contribution to the tree replacement fund as required by the ordinance because the applicant is using much larger trees in lieu of planting more trees or contributing to the fund. He added that this relief had been granted for the office building project approved for this site years ago.

Mr. Malman agreed to submit an itemized list of the equipment proposed for the tot lot.

Hearing no further questions from the board, Chairwoman Piedici opened the hearing to the public for questions of this witness.

Celeste Como, 32 Primrose Lane, asked why the applicant is not contributing to the tree fund. Mr. Kennedy reiterated that the trees being planted are larger than what is required and that that will compensate for the fact that the actual number of replacement trees is lower than what is required.

Suzanne Glassman, 109 Emerald Valley Lane, asked if there could be further mitigation of the sound coming from the play area with more buffering or by limiting one building to residents 55 years of age and older. Mr. Kennedy opined that the fencing on the top of the berms and the 20-foot tall trees are the most that the applicant could do. She also questioned whether the Liberty Corner Fire Company would have to expand to handle this complex and Mr. Drill responded that this was outside the jurisdiction of the board.

Lourdes Cornejo-Krohn, 25 Emerald Valley Lane, questioned why the play area couldn't be placed in another part of the subject property. Mr. Kennedy responded that there is no other location available because of the wetlands and conservation easements.

Todd Edelstein, 172 Riverside Drive, expressed concern because there are no exit signs in the parking lots.

Denise Coyle, 55 Van Holten Road, felt that there are still too many unanswered questions.

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

Noting the late hour, the hearing was continued *with no further notice* to the regularly scheduled board meeting on January 17, 2020. Mr. Malman granted an extension of time to act through February 18, 2020.

COMMENTS FROM STAFF OR BOARD MEMBERS - None

ADJOURN

At 11:09 PM, Mr. McNally moved, Committeeman Esposito seconded, all in favor and carried, to adjourn.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

01/21/2020 Approved as drafted

01/14/20 dsjdp