

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting

February 5, 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 and paid the required fee.

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

ROLL CALL:

Members Present: Asay, Crane, Damurjian, Esposito, Harris, Hurley, Mastrangelo, Piedici, Zaidel

Members Late: NONE

Members Absent: Coelho, McNally

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 Ms. Asay and seconded by Mr. Crane, all in favor and carried, the absences of Dr. Coelho and Mr. McNally were excused.

ORDINANCE REFERRAL

Ordinance #2406 – an Ordinance to Amend the Revised Land Use Ordinances of the Township of Bernards Chapter 21 "Land Use," Section 59, "Installation of Improvements: Guarantee Agreement."

Mr. Banisch stated that this section of the Ordinance is being amended by the governing body to achieve consistency with new mandatory requirements in the Municipal Land Use Law which prescribe procedures for securing bonds and guarantees on improvements that will be dedicated to the municipality.

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

Mr. Crane moved to deem Ordinance #2406 *not inconsistent* with the Township's Master Plan. Second by Ms. Mastrangelo.

Roll Call: Aye: Asay, Crane, Damurjian, Esposito, Harris, Hurley, Mastrangelo, Piedici, Zaidel

Nay: NONE

Abstain: NONE

Motion carried.

Mr. Crane recused himself and left the building at 7:40 PM.

PUBLIC HEARING

Bernards Plaza Assoc. LLC; #PB18-005; Block 8501, Lots 39 & 43; 403 King George Road;
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
Bruce J. Davies, PP, ASLA, Landscape Architect for the Applicant
John P. Peel, PP, Environmental Expert for the Applicant
Joseph Korn, Project Manager, Dewy Meadow (site)

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, noting that this was a continuation of the January 22, 2019 hearing.

Exhibit A-3, a Conceptual Walking Path Plan dated 01/24/2019, prepared by Page-Mueller Engineering Consultants, PC and consisting of one (1) page; **Exhibit A-4**, proposed signage plan dated 01/28/2019, prepared by Bergen Sign Company and consisting of nine (9) pages; and **Exhibit A-5**, an Overall Lighting Plan dated 01/29/2019, prepared by Page-Mueller Engineering Consultants, PC and consisting of one (1) page, were entered into evidence.

Mr. Kasuba requested that Catherine Mueller, PE, CME, principal engineer with *Page-Mueller Engineering Consultants PC*, Warren, NJ return to the podium to complete her testimony and she was reminded that she was still under oath. Referring to discussions held at the last meeting about the existing detention basin, Ms. Mueller stated that Residential Site Improvement Standards (RSIS) had not changed since the basin was originally designed and that the required safety ledges were included. The applicant proposed to draw down the water elevation in the basin so that they could be examined to determine if repairs were necessary. Ms. Mueller agreed to add a note to the plan stipulating that this would be conducted to the satisfaction of the Township Engineer.

Another issue that had been discussed at the previous meeting was whether the proposed buildings exceed the total number of stories allowed. Ms. Mueller reviewed Sheet 5A "Grading Plans" of the plan set which was submitted with the application (13 sheets, entitled, "Preliminary/Final Site Plan for Dewy Meadow Village," dated 11/06/2018, prepared by Page-Mueller Engineering Consultants PC). She then referred to the term "basement" as defined in the Township code and opined that the garage level of each building qualified as a basement. Per Township code, basements in residential structures do not count towards the number of stories hence, even with the loft areas in some of the apartments, the buildings complied with the code for maximum number of stories allowed.

Ms. Mueller referred to **Exhibit A-5**, the Overall Lighting Plan and said that the applicant was requesting exceptions for maximum pole spacing, for maximum average illumination in a residential vehicular area and for maximum average illumination in a residential pedestrian area. She stated that she would review the areas with excessive illumination levels, noting that these "hot spots" were areas in which there were both street lights and bollards.

Exhibit A-6, a color aerial photo of the subject property with the proposed buildings superimposed, dated 02/04/2019, prepared by BlackBird Group Architects LLC and consisting of one (1) page, was entered into evidence. Ms. Mueller demonstrated that in any given direction from the proposed buildings, there is some sort of buffering to mitigate any lighting impact. Mr. Banisch commented that the architectural plans depicted some large openings through the exterior walls of the parking garages and although there were efforts shown to alleviate light spillage from these openings, there was no way to measure the success of these efforts. He also noted that the buffering to the north is mainly deciduous plants which could present a concern during the winter months. Mr. Kasuba stated that the applicant would agree to any adjustment to the landscaping and lighting to help mitigate the issue. He also stipulated to the formation of a Lighting Subcommittee of the Board to conduct an in-service lighting inspection prior to the issuance of a certificate of occupancy.

Referring to an email dated 01/23/2019 from Liberty Corner Fire Company Chief, Ron DePasquale, Ms. Mueller agreed to the items under her purview with the exception of Item #5 (mountable curbs throughout). She proposed that only the northwest, northeast and southeast corners have mountable curbing because the applicant wanted to discourage cars from mounting the curbs in the remaining areas. She testified that all of the roads comply with RSIS and that she would work out the details of the curbing and pavement striping with the Township Fire Official,

Andrew Buterbaugh. Mr. Drill requested that the locations of all hydrants including the proposed additional fire hydrant and the relocation of the watermain be submitted to Mr. Buterbaugh and to the Board Secretary.

A discussion ensued regarding the utility easements required between the buildings. Ms. Mueller testified that, depending on the final location of the utilities, full balconies for each unit might not be feasible since they require columns and foundations. Mr. Kasuba stated that the applicant would like the option to include the full balconies where possible and to switch to a Juliet style balcony where a full balcony is not viable. He agreed that variance relief would be required and stipulated that the applicant would install full balconies if possible. Ms. Mueller added that the proposed water feature might be modified, again depending on the final location of the utilities.

Responding to a question concerning traffic flow, Ms. Mueller stated that all roadways including the parking garage entrances, are designed for two-way traffic, noting that this project represents a reduction in traffic from the previous use (A&P). Ms. Marcelli agreed that project as designed allows for acceptable traffic flow.

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

Mr. Kasuba asked Joseph Korn, Project Manager for Dewy Meadow, to provide additional testimony and Mr. Drill reminded him that he was still under oath. Mr. Korn discussed the various recreational amenities proposed for the development, opining that the applicant had met the intent of the ordinance which requires passive and active recreation for all ages in residential developments. **Exhibit A-7**, a compendium of four (4) pages of playground equipment details dated 08/19/14 and prepared by Superior Recreational Products, was entered into evidence. Mr. Korn testified that this would be the type of equipment used in the playground area, adding that it is suitable for ages 2 through 12.

Mr. Korn stated that, once the applicant purchases adjacent Lot 44 (currently a soccer field) which is owned by the Township and is part of the affordable housing settlement agreement, the property would be used to create a walking path along with open mowed field areas pending approval from the New Jersey Department of Environmental Protection (NJDEP). Mr. Schley noted that the applicant would have to return to the Board for approval of that proposal at a later date and that a more detailed plan would be required.

Referring to **Exhibit A-4**, the proposed signage plan, Mr. Korn testified that two (2) minor variances would be required. For the main ID signage, the applicant proposed to have six (6) tenants' names listed rather than the four (4) permitted however the overall square footage would not exceed the maximum allowed. For the building entrance ID signage, the applicant requested the option to provide two (2) wall mounted signs rather than two (2) free-standing signs.

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

Mr. Kasuba asked Avelino Martinez, RA, architect with *BlackBird Group Architects LLC*, Newark, NJ, to provide additional testimony and Mr. Drill reminded him that he was still under oath. He stipulated to the comments under his purview which were made in the Township Fire Official, Andrew Buterbaugh's email to Mr. Schley dated 01/23/2019. Referring to an email from Ron DePasquale, Chief of the Liberty Corner Fire Company (LCFC), dated 01/23/2019, Mr. Kasuba stated that the applicant would comply with all appropriate construction codes. Mr. Martinez testified that the firewalls could not be placed from foundation to roofline as requested because having firewalls throughout the garage level would impede circulation.

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

Bruce J. Davies, PP, ASLA, landscape architect with *Davies Associates Landscape Architects, LLC*, Morris Plains, NJ, was accepted by the Board as an expert in the field of landscape architecture after outlining his professional credentials and confirming that his New Jersey license was current. He was duly sworn by Mr. Drill.

In response to a comment by the LCFC, Mr. Davies testified that none of the trees proposed to be planted would exceed 20 feet in height. In the future, they would be pruned so as not to surpass that height.

Referring to a 5-page set of plans entitled, "Landscape Plan – Dewy Meadows (sic) Residential", dated 10/23/2018 and prepared by Davies Associates Landscape Architects, LLC, Mr. Davies described the types and numbers of plantings proposed. He also discussed the materials to be used in the trellises, walls and fencing. Once the location of the utilities was finalized, the plan would be revised so that there would be no root issues in the easement areas. He added that Sheet 2 would be revised to show the staking of new trees.

A discussion ensued about the depth of the pool and whether dogs would be allowed.

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

Mr. Kasuba stated that that was the conclusion of the testimony available that evening.

Mr. Schley asked that the applicant respond to items #41 through #51 in his review memo dated 01/18/2019. Mr. Kasuba responded that the applicant would comply with all of them. Mr. Korn accepted Mr. Drill's suggestion that the deadline to obtain a certificate of occupancy be extended to two (2) years after the issuance of construction permits.

Mr. Banisch asked the applicant to provide a written breakdown of the low- and moderate-income units by bedroom units. He also asked that the applicant submit a list of all relief requested.

The application was carried to March 5, 2019 requiring revised notice.

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS

The regular meeting scheduled for February 19, 2019 was cancelled.

ADJOURN

On motion made by Ms. Asay and seconded by Committeewoman Harris, all in favor and carried, the meeting was adjourned at 9:43 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as written 03-05-2019

02/13/19v2 dskpjd