

# **BERNARDS TOWNSHIP**

## **PLANNING BOARD**

### **MINUTES**

Regular Meeting  
November 5, 2019

Chairwoman Piedici called the meeting to order at 7:33 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, Hurley, Mastrangelo, Piedici, Zaidel  
Members Absent: Asay, Coelho, McNally  
Members Late: Harris 7:38 PM  
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;  
Board Planner, David Banisch, PP, AICP; Board Secretary, Cyndi Kiefer

Moved by Mr. Zaidel, seconded by Ms. Mastrangelo, all in favor and carried, that the absence of Mr. McNally be excused.

### **APPROVAL OF MINUTES**

**October 22, 2019 – Regular Session** - On motion made by Mr. Hurley and seconded by Ms. Mastrangelo, all eligible in favor and carried, the minutes were approved as drafted. Abstentions for those who were absent: Crane

### **PUBLIC HEARING** – (carried from 10/22/19)

**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: Nicole M. Magdziak, Esq., Attorney for the Applicant

It was announced that this application would be carried to and heard during the December 3, 2019 meeting (7:30 PM, Warren Craft Meeting Room, Collyer Avenue) with no further notice.

Committeewoman Harris arrived at 7:38 PM.

**COMPLETENESS HEARING**

[NY SMSA LP d/b/a Verizon Wireless](#); Block 804, Lots 2.01 & 16; One Verizon Way; Preliminary/Final Site Plan, Bulk Variances; #PB19-004

Present: Richard L. Schneider, Esq., Attorney for the Applicant

Moved by Mr. Zaidel, seconded by Mr. Crane, that the application be declared complete.

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

Motion carried.

The public hearing was scheduled for January 7, 2020.

**EXECUTIVE SESSION**

[Resolution authorizing closed session](#) for the purpose of: 2020 Board Professionals Appointments

Chairwoman Piedici read the resolution in its entirety into the record. On motion made by Committeeman Esposito, seconded by Ms. Mastrangelo, all in favor and carried, the resolution was approved as read and the open session of the meeting was recessed at 7:42 PM.

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On motion made by Ms. Mastrangelo, seconded by Committeewoman Harris, all in favor and carried, the open session of the meeting was reconvened at 8:13 PM.

**APPROVAL OF RESOLUTIONS**

[Resolution #19-07 – Adoption of the 2019 Reexamination Report](#) – Moved by Mr. Zaidel, seconded by Committeeman Esposito, that the report be adopted as drafted.

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

Motion carried.

[Genesis Property Management LLC](#); Block 11201, Lot 4; 140 Allen Road; Preliminary/Final Site Plan, Bulk Variances; #PB19-002 (approved)

Moved by Committeewoman Harris, seconded by Mr. Hurley, that the resolution be adopted as drafted.

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

Motion carried.

Mr. Crane recused himself and left the room.

**PUBLIC HEARING TO ADOPT THE AMENDED HOUSING PLAN ELEMENT/FAIR SHARE PLAN**

[Resolution #19-08 – Adoption of the 2019 Housing Plan Element and Fair Share Plan](#)

After being duly sworn by Mr. Drill, Mr. Banisch stated that this was the 5<sup>th</sup> amendment of the housing element and that he was the draftsman. He testified that the township's Special Master had disallowed four (4) bonus credits and that this amendment identifies the ways in which this deficit is to be remedied. Once adopted, the amended housing element will complete the outstanding administrative tasks necessary to fully comply with the temporary Judgement of Compliance issued to the township by the court in June of 2019.

A few nonsubstantive corrections were noted and Mr. Banisch agreed to make the revisions in the final document.

The hearing was opened to the public for comment.

Todd Edelstein, 172 Riverside Drive, expressed concern as to the reason the bonus credits were disallowed.

Hearing no further comment from the public, that portion of the hearing was closed.

Mr. Drill read the entire resolution into the record.

Moved by Mr. Hurley, seconded by Committeewoman Harris, that the 2019 amended Third Round Housing Plan Element and Fair Share Plan be adopted as revised.

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

Motion carried.

Mr. Crane returned to the room.

### **ORDINANCE REFERRAL**

[Ordinance #2433](#) - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, "Land Development", Prohibiting Vape Shops and Smoke Shops in all Township Zones

Referring to his memo dated November 1, 2019, Mr. Banisch stated that the proposed ordinance would amend Section 21-10.3 "Prohibited Uses", by adding a second sentence which states that Smoke Shops and Vape Shops are expressly prohibited as uses in all zones within the township. Also, two (2) new definitions would be added to the Section 21-3.1 "Definitions": Smoke Shop and Vape Shop.

Mr. Banisch opined that the proposed ordinance is *not inconsistent* with the township's Master Plan because it implements zoning that is consistent with the first "General Objective" in Chapter 1, "Goals and Objectives", which, in part, states that action should be taken to guide the use and development of land in such a way as to "...promote the public health, safety, morals and general welfare."

In addition, Mr. Banisch opined that the proposed prohibition of Smoke and Vape Shops is consistent with the "Non-residential Development Objectives" in the same chapter which states, in part, that non-residential development should be planned for areas where it "...will not adversely impact residential development."

Finally, Mr. Banisch noted that there is a typographical error in the definition of "Smoke Shop" which should be corrected.

Ms. Mastrangelo moved that proposed Ordinance #2433 as revised be deemed *not inconsistent* with the Master Plan. Mr. Damurjian seconded.

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

Motion carried.

### **COMMENTS FROM STAFF**

Ms. Kiefer reminded the board that the annual holiday party would be held at 6:30 PM, on December 3, 2019, and that the computer training session on harassment which was sent to the board by Human Resources had to be completed within two (2) weeks. Mr. Crane noted that he was having technical difficulties with the program and asked if a computer could be provided at the Engineering Services Building for his use.

**COMMENTS FROM BOARD MEMBERS**

Chairwoman Piedici reminded the board that the November 19, 2019 meeting was cancelled and that a site visit for Application #PB19-003 Mountainview Corporate Center LLC is scheduled for November 16, 2019 at 10:00 AM.

**ADJOURN**

At 8:40 PM, Ms. Mastrangelo moved, Committeewoman Harris seconded, all in favor and carried, to adjourn the meeting.

Respectfully submitted,

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Cyndi Kiefer, Secretary  
Township of Bernards  
Planning Board

*Adopted as drafted 12/03/2019.*

11/12/19v2 dskpjd