

TOWNSHIP OF BERNARDS

PLANNING BOARD

MINUTES ^{v2} **REGULAR SESSION**

March 21, 2023

Chairwoman Piedici called the reorganization meeting to order at 7:34 PM.

FLAG SALUTE

Chairwoman Piedici read the following open meeting and procedural statements:

OPEN MEETING STATEMENT

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this 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 mailed to the Bernardsville News, Whippany, and to the Courier News, Bridgewater on January 18, 2023 and was mailed to all 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: Baldassare, Crane, Cuozzo, Damurjian, Ladyzinski, Manduke, Mastrangelo, Piedici, Seville
Members Absent: Baumann, Eorio
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Engineer, Bryce D. Good, PE, CPESC;
Board Secretary, Cyndi Kiefer

Moved by Ms. Mastrangelo, seconded by Ms. Manduke, all eligible in favor and carried, the absences of Mr. Eorio and Mr. Baumann were excused.

PUBLIC HEARING

Fellowship Village Inc.; Block 9301 Lot 33, Block 9401 Lot 9; 33 & 55 Allen Road; Conditional Use, Preliminary/Final Site Plan; PB22-005

Present: David S. Fowles, AIA, Architect for the Applicant
Daniel J. Dougherty, PE, PP, Engineer for the Applicant
Christopher Black, Vice-President, building projects for Applicant
Jennifer Phillips Smith, Esq., Attorney for the Applicant

Jennifer Phillips Smith, Esq., attorney with the firm of *Gibbons PC*, Red Bank, NJ, entered her appearance on behalf of the Applicant. She stated that the Applicant is seeking approval for Preliminary and Final Site Plan, Conditional Use approval and exceptions to demolish an existing single-family house and to construct a structure that will resemble a single-family dwelling but will house up to 14 employees of Fellowship Village Inc. She added that the subject property would be merged with the main Fellowship Village property (Block 9301 Lot 33) at a future date.

Attorney Smith advised that initially, an exception had been sought for the minimum number of replacement trees required and the Applicant had requested permission to contribute to the Township Tree Replacement Fund in lieu of planting the deficient number of trees. She confirmed that that request has been withdrawn and the Applicant now intends to plant the required number of replacement trees.

Mr. Fowles, Mr. Dougherty, Mr. Black and the Board's professionals were duly sworn by Attorney Drill.

David S. Fowles, AIA, architect with the firm of *KDA Architects*, Cherry Hill, NJ, was accepted by the Board as an expert in the field of architecture. **Exhibit A-1**, an undated color aerial photo of the subject site with property lines superimposed on it was entered into evidence and Mr. Fowles confirmed that the photo accurately depicts the property as it currently exists. Using sheet 1 of the architectural plans (issue date 08/03/2022) that were submitted with the application, he described the floor plan of the dwelling which has 7 bedrooms, 4 bathrooms and several other shared living areas and is planned to house a maximum of 14 employees. Finally, he stated that the exterior of the structure will be residential in style and complementary in color to the neighboring dwellings on Zion Court.

Mr. Fowles addressed the comments under his purview in Fire Official Frank N. D'Amore's memo (03/07/2023), Mr. Schley's memo (03/03/2023) and Mr. Good's memo (03/15/2023) to the satisfaction of the Board.

Mr. Crane questioned the orientation of the house (front facing the residence's parking lot, rear facing Allen Road). **Exhibit A-2**, a colorized site plan rendering by Dynamic Engineering Consultants PC and dated 03/21/2023 was entered into evidence. Using the exhibit, Mr. Fowles testified that the existing driveway to Allen Road would be removed and a new entrance from Fellowship Road would be created. Since the entrance to the staff residence would now be from Fellowship Road, he opined it made more sense for the house to present to Fellowship Village. Although there is a significant wooded area between the proposed dwelling and Allen Road which Mr. Fowles felt would obscure the view of the dwelling from the road, he agreed to enhance the rear elevation with architectural details to more resemble a front façade. He added that additional landscaping would be provided to further improve the screening from Allen Road. A straw poll indicated that the Board was in favor of requiring the landscaping and the enhanced architectural features, both subject to the approval of Mr. Banisch.

Mr. Fowles confirmed that there would be no emergency generator for the residence. He explained that if there is a power outage, the employees would be directed to go to the main facility, which does have areas that will be powered by generators.

The hearing was opened to the public for questions of this witness. Ellen Pinson, residing in Reno, NV and owner of adjacent property 99 Allen Road (Block 9401, Lot 8), asked for clarification about the orientation of the proposed residence. Hearing nothing further, that portion of the hearing was closed.

Daniel J. Dougherty, PE, PP, engineer with the firm of *Dynamic Engineering Consultants PC*, Lake Como, NJ, was accepted by the Board as an expert in the field of civil engineering. **Exhibit A-3**, a color aerial photo representing a combination of the first two exhibits and based on Google Maps (06/05/2022), was entered into evidence. Mr. Dougherty testified that the exhibit provided a zoomed-out view of the subject property and surrounding areas including Mrs. Pinson's house on 99 Allen Road. He then gave an overview of the proposed residence, parking area and new driveway, adding that the Pinson house has a setback similar to that of the staff residence. Noting that the residence's parking lot will have seven (7) spaces plus one (1) ADA compliant stall, he confirmed that the parking in the Fellowship Village complex is sufficient to accommodate all of its employees, including those living in the staff residence. Mr. Dougherty then reviewed the existing landscaping between the subject property and Lot 8 (the Pinson property), testifying that a new landscaping plan would be prepared showing where replacement trees would be planted to fill in the holes in the vegetative buffer along the shared property line. He also confirmed that if more trees are disturbed during construction, more replacement trees would be planted.

Mr. Dougherty testified that since all deliveries, including mail and Amazon packages would be directed to the main facility at Fellowship Village, there is no need for a loading space at the staff residence. He addressed the remainder of the comments in Mr. Good's memo (03/15/2023) to the satisfaction of the Board.

A discussion ensued about reducing the lighting levels in the parking area and Mr. Dougherty stated that because the employees work several different shifts, they would be traversing the parking lot both day and night, and he felt that lower lighting levels would represent a safety hazard. He confirmed that there would be no light spillage on the adjacent properties. Finally, he addressed the remaining comments under his purview in

Mr. Schley's memo (03/03/2023), Fire Official Frank N. D'Amore's memo (03/07/2023) and the Environmental Commission's memos (11/30/2022 and 03/02/2023) to the satisfaction of the Board.

Mr. Damurjian noted that not all the trees in the area of the existing dwelling were not shown on the plan and that he was not comfortable with the tree count on the remainder of the property. Attorney Smith stated that the current landscaping plan was based on the original request for permission to contribute to the Township Tree Replacement Fund in lieu of planting replacement trees. However, now that the Applicant has decided to plant all required replacement trees, a new landscaping plan would have to be submitted. Two (2) straw polls indicated that the Board was in favor of delegating approval of the revised landscaping plan to its professionals. The results of an additional straw poll indicated that the Board was in favor of delegating an on-site tree survey to Mr. Good's engineering firm (Finelli Consulting Engineers Inc.).

Mr. Dougherty stated that no electric vehicle (EV) stations are required. He confirmed that the project will conform to all fire code requirements and that the stormwater management systems would meet all the major development requirements.

The Board indicated support for Attorney Smith's request to extend the deadline for submitting revised plans from six (6) months to one (1) year.

Hearing no further questions from the Board, the hearing was opened to the public for questions of the witness. Ms. Pinson questioned the sufficiency of the proposed buffering enhancements between her property (Lot 8) and the subject property (Lot 9). She also asked if any further development was planned for the subject property. Attorney Smith responded that the Applicant would have to return to the Board for any future projects. Hearing nothing further, that portion of the hearing was closed.

Christopher Black, Vice President of Building Projects, was presented as a fact witness. He explained that because of a shortage of employees, Fellowship Village hoped to attract caregivers by providing living accommodations for them. Referring to the number of parking stalls, he testified that many of employees do not have cars and that because it is a walkable campus, the proposed number of parking stalls will be adequate.

Mr. Black advised the Board that there is an orientation process for all new employees and he agreed to include parking regulations and instructions that no one is permitted to walk on Lot 8 (the Pinson property) in that orientation. He also stipulated, as a condition of approval, that there would be no further disturbance in the wooded area of the subject property without first seeking approval from the Board.

The hearing was opened to the public for questions of this witness. Ms. Pinson questioned whether the proposed plantings would survive and provide screening for her property. She asked if fencing could be substituted since it would also serve as a solid barrier between her property and the two (2) Fellowship properties to prevent trespassers from Fellowship. After a lengthy discussion, Chairwoman Piedici advised Ms. Pinson that a lighting and landscaping committee would be formed when the project is complete to ensure that her property was adequately screened. She added that the committee will note any holes in the screening and determine whether additional vegetation or fencing would best address the situation. The Applicant agreed to install the proposed landscaping along the property line during the construction process rather than at the end.

Hearing no further questions, that portion of the hearing was closed and the hearing was opened to the public for comments. Ellen Pinson, residing in Reno, NV, and owner of adjacent property 99 Allen Road (Block 9401, Lot 8), was duly sworn and opined that fencing would provide better screening and also serve to deter trespassers on her property. Hearing no further comments, that portion of the hearing was closed.

No summary was provided.

After the conclusion of the Board's deliberations, Committeeman Baldassare moved to grant Preliminary and Final Site Plan approval and the additional relief requested by the Applicant to allow construction of a 7-bedroom dwelling for employees of Fellowship Village Inc., subject to the conditions stipulated to by the Applicant and as stated during deliberations. Mr. Cuzzo seconded.

Motion carried.

ADJOURN

Cyndi Kiefer

04/04/2023 dskpjd