

# **TOWNSHIP OF BERNARDS**

## **PLANNING BOARD**

### **MINUTES v2 REGULAR SESSION**

August 8, 2023

Chairwoman Piedici called the 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."

#### **OATH OF OFFICE**

Chairwoman Piedici advised the Board that, prior to the meeting, Attorney Warner administered the Oath of Office to Committeeman Gary Baumann (Class III Member, one-year unexpired term of J. Baldassare, expiring 12/31/2023).

#### **ROLL CALL**

Members Present: Baumann, Crane, Cuzzo, Ladyzinski, Manduke, Piedici, Seville  
Members Absent: Damurjian, Eorio, Mastrangelo  
Also Present: Board Attorney, Steven K. Warner, Esq.; Township Planner, David Schley, PP, AICP;  
Board Planner, David Banisch, PP, AICP; Board Secretary, Cyndi Kiefer

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

#### **APPROVAL OF MINUTES**

May 16, 2023 – Regular Session – On motion made by Mr. Crane and seconded by Mr. Cuzzo, all eligible in favor and carried, the minutes were adopted as drafted.

**ORDINANCE REFERRAL** - Ordinance #2527 – 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," Regarding the Location of Utility Services.

Referring to his memo (08/03/2023), Mr. Banisch advised the Board that Ordinance #2527 would amend the Land Development ordinances to permit the installation of overhead utility connections between a new building and the street if the street has existing overhead utilities. He stated that the proposed revision would likely result in less land disturbance because extending the utility connection to the new building underground would be eliminated. He added that this amendment was recommended by the Township Engineer based on his experience with the difficulties implementing the current ordinance standards. Finally, Mr. Banisch opined that the amendment would advance purpose "m" of the Municipal Land Use Law (MLUL) cited in the Master Plan as a goal ("To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land..."). Hence, Ordinance #2527 is *not inconsistent* with the Master Plan.

Ms. Manduke moved to deem proposed Ordinance #2527 *not inconsistent* with the Township's Master Plan. Committeeman Baumann seconded the motion.

Roll call: Aye: Baumann, Crane, Cuzzo, Ladyzinski, Manduke, Piedici, Seville  
Nay: NONE

Motion carried.

**ORDINANCE REFERRAL** - Ordinance #2528 – 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," Regarding Submission Requirements for Land Development Applications.

Referring to his memo (08/03/2023), Mr. Banisch advised the Board that the proposed ordinance amendments pertain primarily to updating application review procedures, digital plan submission requirements and escrow deposit requirements for Planning Board and Zoning Board of Adjustment applications. He stated that the Master Plan is silent as far as any policy or recommendation relating to the amendments outlined in the proposed ordinance, hence he opined that Ordinance #2528 is *not inconsistent* with the Master Plan.

Mr. Crane moved to deem proposed Ordinance #2528 *not inconsistent* with the Township's Master Plan. Ms. Manduke seconded the motion.

Roll call: Aye: Baumann, Crane, Cuzzo, Ladyzinski, Manduke, Piedici, Seville  
Nay: NONE

Motion carried.

**ORDINANCE REFERRAL** - Ordinance #2531 – 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," Regarding Certificates of Occupancy.

Referring to his memo (08/03/2023), Mr. Banisch advised the Board that Ordinance #2531 will amend the Bernards Township Land Development ordinances to conform to the current Bernards Construction Department practices when issuing either a Certificate of Occupancy (CO) or a Temporary Certificate of Occupancy (TCO). These practices are aligned with the Uniform Construction Code (UCC) and the municipality is amending the ordinance because local CO and TCO issuance requirements may not supersede, and should be consistent with, the provisions of the UCC. He stated that the Master Plan is silent as far as any policy or recommendation pertaining to the amendments outlined in the proposed ordinance hence, he opined that Ordinance #2531 is *not inconsistent* with the Master Plan.

Mr. Seville moved to deem proposed Ordinance #2531 *not inconsistent* with the Township's Master Plan. Mr. Crane seconded the motion.

Roll call: Aye: Baumann, Crane, Cuzzo, Ladyzinski, Manduke, Piedici, Seville  
Nay: NONE

Motion carried.

**MASTER PLAN REVIEW** – Chapter XI – Historic Preservation Element

Mr. Banisch explained that the Township's residents have a longstanding history of volunteering to maintain the character of historically significant structures/areas located in the municipality. He stated that whenever there is an application for a structure of historical importance, the land use boards typically educate the applicant on that significance and encourage him/her to maintain the character of the building.

Several revisions were suggested and a discussion ensued about Goal #5 in the element (establishing a municipally appointed Historic Preservation Advisory Committee). Noting that the practice of "educate, persuade and encourage" has been successful in the past in preserving the historical character of the Township, a straw poll of the Board indicated that a majority were in favor of eliminating Goal #5.

Hearing no further comments, the meeting was opened to the public for comments. Todd Edelstein, 172 Riverside Drive, spoke in favor of allowing Goal #5 to remain. Hearing nothing further, that portion of the meeting was closed.

Ms. Manduke left the meeting at 8:45 PM.

Chairwoman Piedici advised the Board that this concluded its review of the Master Plan elements. She noted that a subcommittee consisting of Ms. Mastrangelo, Mr. Damurjian and herself had reviewed the draft of the entire Master Plan and submitted their comments to Mr. Banisch. It was agreed that a final, completely edited and formatted draft (including comments from this evening's discussion of the Historic Preservation Element) would be made available to the Board in PDF format (printed copies by request) by the end of August. A straw poll of the Board indicated that final comments from the Board would be made available at the 10/03/2023 meeting and that public hearings/Board adoption would be held by the end of 2023.

**COMMENTS FROM MEMBERS OR STAFF**

Chairwoman Piedici cancelled the meeting scheduled for Tuesday, August 22, 2023.

**ADJOURN**

Moved by Mr. Cuzzo, seconded by Mr. Seville, all eligible in favor and carried, the meeting was adjourned at 8:54 PM.

Respectfully submitted,

*Cyndi Kiefer*

Cyndi Kiefer, Secretary  
Planning Board

*Adopted as drafted 10/03/2023.*

08/15/2023 dsswkp