

TOWNSHIP OF BERNARDS

PLANNING BOARD

MINUTES ^{v3}

REGULAR SESSION

December 5, 2023

Chairwoman Piedici called the meeting to order at 7:32 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: Baumann, Crane, Cuozzo, Damurjian, Eorio, Manduke, Mastrangelo, Piedici, Seville
Members Absent: Ladyzinski
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Engineer, Bryce Good, PE;
Board Secretary, Cyndi Kiefer

Moved by Ms. Mastrangelo and seconded by Ms. Manduke, all eligible in favor and carried, the absence of Mr. Ladyzinski was excused.

APPROVAL OF MINUTES

October 10/03/2023 – Regular Session – On motion made by Mr. Crane and seconded by Committeeman Baumann, all eligible in favor and carried, the minutes were adopted as drafted (ineligible: Manduke).

APPROVAL RESOLUTION #23-07 – Award of Change Order #1 – 2023 Professional Services Contract for Planning Board Planner - Moved by Ms. Mastrangelo and seconded by Mr. Cuozzo that the resolution be adopted as drafted.

Roll call: Aye: Baumann, Crane, Cuozzo, Damurjian, Eorio, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE

Motion carried.

PUBLIC HEARING – 2023 Master Plan

Attorney Drill stated that notice was sufficient and timely. Mr. Banisch was duly sworn.

After Mr. Banisch provided a summary of the revisions included in the proposed 2023 Master Plan, the meeting was opened to the public for questions.

- William W. Allen, 44 Holmesbrook Road – researched water quality of Millington Quarry lake? (no)
- Ana E. McCarthy, 38 Kinnan Way – changes in zoning? (none proposed)
- Jeffrey J. McBride, 77 Alder Lane – address warehouse guidelines? (not proposed)

- Jeffrey Petrosillo, 40 Briar Lane – ECHO housing (the Township has maxed out its affordable housing rehabilitation credits), conservation easement mapping (available on the tax maps) and deer population management (referred to the Deer Management Advisory Committee)

Hearing no further questions, that portion of the hearing was closed and the hearing was opened for public comment.

- William W. Allen, 44 Holmesbrook Road, was duly sworn by Attorney Drill and presented a residential concept proposal that he developed in the early 2000's for the Millington Quarry property. Mr. Allen confirmed that the presentation was for information only and that he was not asking that it be added to the 2023 Master Plan.
- Jeffrey J. McBride, 77 Alder Lane, was duly sworn by Attorney Drill and suggested that the Board address warehouses and distribution centers in this Master Plan and in the Township ordinances. Mr. Banisch noted that in the Township ordinances, any use such as warehousing, that is not specifically enumerated as a permitted use, is prohibited.
- Donna M. Mascio, 77 Alder Lane, was duly sworn by Attorney Drill and suggested that the Township's definition of "light manufacturing" be clarified. Ms. Mastrangelo opined that, if the definition was more specific, it might inadvertently omit future issues or uses that were not considered at the time.
- Lilly "Pui Wan" Wong, 178 Liberty Corner Road, was duly sworn by Attorney Drill and urged the Board to address warehousing in this Master Plan. She also opined that contrary to what the Master Plan currently states, there are not enough electric vehicle charging stations in the Township to accommodate those residents who are prohibited from installing in-house charging stations.
- Jeffrey Petrosillo, 40 Briar Lane, was duly sworn by Attorney Drill and revisited the issues he presented previously in the evening. He offered several additional recommendations including the prohibition of warehousing and manufacturing in the Township.

* * * *The Open Session was recessed at 8:57 PM and reconvened at 9:02 PM.* * * *

- Todd Edelstein, 172 Riverside Drive, was duly sworn by Attorney Drill and spoke in favor of light manufacturing and against warehousing and Mr. Allen's proposal for the Millington Quarry property (specifically the suggestion that the Township purchase the lake and operate it as a public swim club). He commended the board members on the time and effort they had invested in revising the Master Plan. Ms. Manduke and Mr. Damurjian noted that Mr. Edelstein had attended every work session and thanked him for his continued participation in Township meetings.

Hearing nothing further, the public comments portion of the hearing was closed.

Mr. Banisch reminded the Board that the Master Plan could be revised at any time in the future to address any issues including those cited by the residents. Several board members opined that the elements in the document had been extensively reviewed over a long period of time and that they supported the 2023 Master Plan as drafted. Ms. Manduke moved to adopt the 2023 Master Plan in its revised final draft form (dated 11/21/2023). Ms. Mastrangelo seconded.

Roll call:	Aye:	Baumann, Crane, Cuozzo, Damurjian, Eorio, Manduke, Mastrangelo, Piedici, Seville
	Nay:	NONE

Motion carried.

COMMENTS FROM MEMBERS OR STAFF

Chairwoman Piedici stated that she is resigning from the Planning Board effective 12/31/2023. The board members thanked her for her many years of service to the Planning Board and the Township.

Mr. Good, Mr. Banisch, Mr. Schley and Attorney Drill were excused from the remainder of the meeting and left the building at 9:25 PM.

EXECUTIVE SESSION

Chairwoman Piedici read the resolution authorizing the closed session in its entirety into the record.

On motion made by Ms. Mastrangelo and seconded by Ms. Manduke, all in favor and carried, the Open Session of the meeting was recessed at 9:25 PM to discuss matters involving employment of the Board's professionals. The matters discussed in closed session will not be disclosed to the public as they will involve confidential information concerning personnel. The Board will appoint its professionals at its reorganization meeting in January, 2024 in open session.

* * * *

On motion by Ms. Mastrangelo and seconded by Ms. Manduke, all in favor and carried, the Executive Session was closed and the Open Session was reconvened at 10:28 PM.

ADJOURN

By unanimous voice vote, the meeting was adjourned at 10:28 PM.

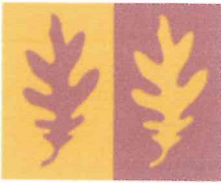
Respectfully submitted,

Cyndi Kiefer

Cyndi Kiefer, Secretary
Planning Board

Adopted as drafted 12/19/2023.

12/12/2023dskpjd



Resolution of the Township of Bernards Planning Board

277 S. Maple Ave
908-204-3026; www.bernards.org

Resolution #23-07

Change Order #1 – Increase of 50,000.00

Professional Services Contract for 2023 Planning Board Planner

Awarded to Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500 of the Firm Banisch Associates, Inc.

For a New Not to Exceed Amount of \$55,000.00

(Excluding Charges covered by Escrow Funds)

WHEREAS, the Bernards Township Planning Board adopted Resolution #23-02 on January 17, 2023 in the amount of \$ 5,000.00 appointing Francis J. Banisch III PP/AICP, NJ Lic. # 33L100168600 and David J. Banisch PP/AICP, NJ Lic. # 33L100556500, of the firm Banisch Associates, Inc., as Planning Board Planner; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2023 Current Professional Planning Services of the Planning Board Other Expenses, account #3-01-21-180-204; and

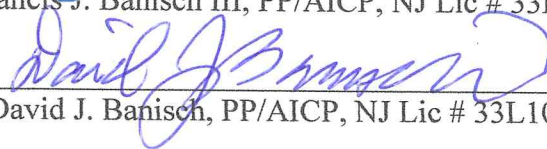
NOW, THEREFORE BE IT RESOLVED, by the Bernards Township Planning Board of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order to; Francis J. Banisch III PP/AICP, NJ Lic. # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500, of the firm Banisch Associates, Inc., in the amount of \$50,000.00 for a new not to exceed amount of \$55,000.00.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Bernards Township Planning Board of the Township of Bernards, Somerset County that this resolution be placed on file and available for public inspection in the office of the Bernards Township Planning Department.

I agree to the terms as stated in the Resolution and by signing this document, I am committed to following all terms of this award.



Francis J. Banisch III, PP/AICP, NJ Lic # 33L100168600



David J. Banisch, PP/AICP, NJ Lic # 33L100556500

EXPLANATORY STATEMENT:

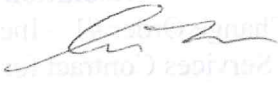
Continued planning services from David Banisch are required to review and submit the Township's 2023 Master Plan to the Planning Board for adoption.

Date: 12/05/2023 Cyndi Kiefer, Board Secretary

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify the line item appropriations to be charged are Planning Board Other Expenses, for Professional Planning Services, account Fees and Compensation #3-01-21-180-204 for an additional amount of \$50,000.00 for a new not to exceed amount of \$55,000.00.

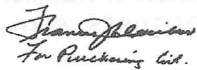
Date: December 5, 2023


Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

I hereby certify that I have reviewed this resolution for accuracy.

Date: December 4, 2023

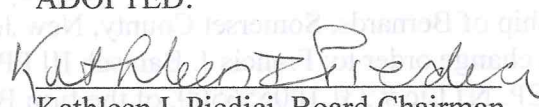

Francis J. Decibus, QPA
Purchasing Agent

Dated: December 5, 2023

ATTEST:


Cyndi Kiefer, Board Secretary

ADOPTED:


Kathleen I. Piedici, Board Chairman

BERNARDS TOWNSHIP PLANNING BOARD

RESOLUTION ADOPTING 2023 MASTER PLAN v2

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Bernards Township Planning Board (the “**Board**”) held a public hearing on December 5, 2023 on the adoption of an updated master plan (the “**2023 Master Plan**”) prepared by the Board with the assistance of David Banisch, PP, AICP (of Banisch Associates, Inc.), which 2023 Master Plan bears a final revised draft date of November 21, 2023;

WHEREAS, the Board held work sessions open to the public on each and every element of the 2023 Master Plan from October 20, 2020 through October 3, 2023, culminating in the final revised draft dated November 21, 2023;

WHEREAS, David Banisch provided sworn testimony in support of the adoption of the 2023 Master Plan at the December 5, 2023 hearing, was subject to questions from the Board and from members of the public, and members of the public were given the opportunity to make sworn statements and did, in fact, make sworn statements regarding various issues relating to the 2023 Master Plan during the hearing and, upon the conclusion of the public hearing, the Board determined that the 2023 Master Plan should be adopted in its final revised draft form (dated November 21, 2023) because (1) the 2023 Master Plan will guide the use of lands in the Township in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28a; and (2) the land use element and fair share element of the 2023 Master Plan are designed to achieve access to affordable housing to meet present and prospective housing needs with particular attention to low and moderate income housing, in accordance with N.J.S.A. 52:27D-310;

NOW THEREFORE BE IT RESOLVED, by motion duly made and seconded on December 5, 2023, that the 2023 Master Plan is hereby adopted in its revised final draft form (dated November 21, 2023).

BE IT FURTHER RESOLVED that a copy of the within resolution along with the 2023 Master Plan shall be submitted by the Planning Board Secretary to the Mayor and Township Committee, the Somerset County Planning Board, and the State Office of Planning Advocacy not more than 30 days after the date of the adoption of this resolution.

The above memorializing resolution was adopted on December 5, 2023 by the following vote of eligible Board members:

<u>Members</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
BAUMANN	X			
CUOZZO	X			
CRANE	X			
DAMURJIAN	X			
ERIO	X			
LADYZINSKI				X
MASTRANGELO	X			
MANDUKE	X			
PIEDICI	X			
SEVILLE	X			

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on December 5, 2023.

Cyndi Kiefer

CYNDI KIEFER, Board Secretary

BERNARDS TOWNSHIP PLANNING BOARD

RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters:

WHEREAS, the Board is about to discuss such matters, specifically, matters involving the employment and terms and conditions of employment of professionals appointed by the Board;

WHEREAS, this Board believes the public should be excluded from those discussions;

NOW, THEREFORE, be it resolved by the Bernards Township Planning Board on December 5, 2023 that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session should be disclosed to the public after the Board takes formal action when it returns to open session and the minutes of the open session should include the matters discussed in closed session.

The above Resolution was adopted on December 5, 2023, by the following vote of the members of the Board:

AYES: Baumann, Cuozzo, Crane, Damurjian, Eorio, Manduke, Mastrangelo,
 Piedici, Seville

NAYES: NONE

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on December 5, 2023.

Cyndi Kiefer

CYNDI KIEFER, Board Secretary