

TOWNSHIP OF BERNARDS

PLANNING BOARD

MINUTES v2

REGULAR SESSION

December 19, 2023

Chairwoman Piedici called the meeting to order at 7:33 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, Ladyzinski, Manduke, Mastrangelo, Piedici
Members Absent: Eorio, Seville
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Secretary, Cyndi Kiefer

*via telephone

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

APPROVAL OF MINUTES

December 5, 2023 – Regular Session – On motion made by Ms. Manduke and seconded by Mr. Cuozzo, all eligible in favor and carried, the minutes were adopted as drafted (ineligible: Ladyzinski).

December 5, 2023 – Executive Session – On motion made by Ms. Mastrangelo and seconded by Committeeman Baumann, all eligible in favor and carried, the minutes were adopted as drafted (ineligible: Ladyzinski).

COMPLETENESS HEARING

Aucta Pharmaceuticals, Inc.; Block 2401, Lot 4; 170 Mount Airy Road; Preliminary/Final Site Plan; PB23-001

Present: Vageles Sophias, PE, Engineer for the Applicant
Nicole Magdziak, Esq., Attorney for the Applicant

Nicole Magdziak, Esq., attorney with the firm of *Day Pitney LLP*, Parsippany, NJ, entered her appearance on behalf of the Applicant. Referring to Mr. Schley's Completeness Review memo dated 12/13/2023, Ms. Magdziak stated that the Applicant submitted most of the outstanding completeness items and was requesting waivers for the remaining two (2) items: (1) A wetlands delineation or absence determination prepared by a qualified consultant and verified by a Letter of Interpretation by the NJDEP and (2) A project report/environmental impact assessment. Opining that the proposal was minor in scale, she described the project as construction of an elevator/hallway addition and replacement/relocation of an existing roll-up door/loading with a larger roll-up door/loading ramp. Finally, she noted that construction would be limited to areas on the site that are already disturbed and that those areas are more than 300 feet from any wetlands. Both Mr. Schley and Mr. Banisch confirmed that they would not need those documents to write their review memos.

Noting that the application would be automatically deemed complete 45 days after the last submission, Ms. Manduke moved to grant the two (2) submission waivers as requested by the Applicant. Ms. Mastrangelo seconded.

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

Motion carried.

ORDINANCE REFERRAL – Ordinance #2541 – An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances," to Create the Westgate Village Mixed Use Senior Overlay Zone within the E-3 Zone.

Referring to his memo dated 12/16/2023, Mr. Banisch advised the Board that proposed Ordinance #2541 would establish the Westgate Village Mixed Use Senior Overlay Zone in the E3 Zone, adding that the overlay zoning would only apply to the Westgate Corporate Center located at 477 Martinsville Road (Block 11301 Lot 7).

Mr. Banisch opined that the proposed overlay zone promotes several of the Master Plan's Goals and Objectives and hence, Ordinance #2541 is *not inconsistent* with the Master Plan.

Mr. Cuozzo moved to deem Ordinance #2541 *not inconsistent* with the Master Plan. Mr. Damurjian seconded.

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

Motion carried.

COMMENTS FROM MEMBERS OR STAFF

Ms. Mastrangelo presented Chairwoman Piedici with flowers and congratulated her on her retirement from the Board and on her many years of service to the Township.

Mr. Banisch, Mr. Schley and Attorney Drill were excused from the remainder of the meeting and left the building at 7:49 PM.

EXECUTIVE SESSION

Chairwoman Piedici read the resolution authorizing the Executive Session in its entirety into the record.

On motion made by Mr. Damurjian and seconded by Ms. Manduke, all eligible in favor and carried, the Open Session of the meeting was recessed at 7:49 PM to discuss matters involving the employment of the Board's professionals.

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On motion by Ms. Mastrangelo and seconded by Mr. Cuozzo, all in favor and carried, the Executive Session was closed and the Open Session was reconvened at 8:07 PM.

ADJOURN

Moved by Ms. Mastrangelo and seconded by Chairwoman Piedici, all eligible in favor and carried, the meeting was adjourned at 8:09 PM.

Respectfully submitted,

Cyndi Kiefer

Cyndi Kiefer, Secretary
Planning Board

01/18/2024 dsjdp

Adopted as drafted 02/06/2024.

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 19, 2023 that the Board now go into closed session and the public be excluded and that the Board believes that the matters discussed in closed session will not be disclosed to the public as they will involve confidential information concerning personnel.

The above Resolution was adopted on December 19, 2023, by the following vote of the members of the Board:

AYES: Baumann, Crane, Cuozzo, Damurjian, Ladyzinski, Manduke,
 Mastrangelo, Piedici

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 19, 2023.

Cyndi Kiefer

CYNDI KIEFER, Board Secretary