

# **TOWNSHIP OF BERNARDS** **PLANNING BOARD**

## **REGULAR MEETING AGENDA**

Warren Craft Meeting Room  
August 2, 2022  
7:30 PM

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Optimum/Cablevision TV – Channel 15 and Verizon FIOS TV – Channel 35 and the meeting will also be streamed live for those interested in watching on their computers. The link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township homepage. Questions/comments from the public will be accepted in person and **only** during the public questions/comment periods of the meeting.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
  - A.** June 7, 2022 – Regular Session
  - B.** June 21, 2022 – Regular Session
- 6. HEARING – MODIFICATION OF CONDITION**
  - A.** [Fenwick Basking Ridge Homeowners Association Inc.](#); Block 7702, Lots 10.01-10.05; 3, 6, 7 10, 11 Fenwick Place; Modification of Condition of Approval (PB11-011); PB22-002
- 7. PUBLIC HEARING**
  - A.** [United States Golf Association](#); Block 9601, Lot 5.01; 77 Liberty Corner Road; Amended Preliminary/Final Site Plan Approval, Bulk Variance; PB22-003
- 8. COMMENTS FROM MEMBERS** (5-minute limit per member)
- 9. COMMENTS FROM STAFF**
- 10. ADJOURN**

07/12/2022 dskpjd

**TOWNSHIP OF BERNARDS  
2022 PLANNING BOARD APPLICATION**

RECEIVED

MAY 20 2022

PLANNING/ZONING BOARDS

- |  |   |
|--|---|
| <p><input type="checkbox"/> Minor Subdivision<br/><input type="checkbox"/> Major Subdivision - Preliminary<br/><input type="checkbox"/> Major Subdivision - Final<br/><input type="checkbox"/> Conditional Use</p> | <p><input type="checkbox"/> Site Plan - Preliminary<br/><input type="checkbox"/> Site Plan - Final<br/><input type="checkbox"/> Informal Review<br/><input checked="" type="checkbox"/> Other (specify): <u>Modification of condition of approval</u></p> |
|--|---|

**1. APPLICANT:** Fenwick Basking Ridge Homeowners Association Inc.

Address: P.O. Box 156, Liberty Corner, NJ 07938

Phone: (home) 908-591-5384 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email (will be used for official notifications): brian@rockerassociates.com

**2. OWNER (if different from applicant):** See attached

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**3. ATTORNEY:** Jeffrey Lehrer, Esq.

Address: 15 Mountain Boulevard, Warren, NJ 07059

Phone: 908-757-7800 ext. 180 Email (will be used for official notifications): jlehrer@newjerseylaw.net

**4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):**

Name: \_\_\_\_\_ Profession: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**5. PROPERTY INFORMATION:** Block(s): 7702 Lot(s): 10.01-10.05 Zone: R-4

Street Address: 3, 6, 7, 10 & 11 Fenwick Place Total Area (square feet/acres): 10.5 acres

**6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY?** ☐ No ☒ Yes (if yes, explain or attach Board resolution) Planning Board approval dated May 17, 2016

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?** ☒ No ☐ Yes (if yes, explain) \_\_\_\_\_

**8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?**

☐ No ☒ Yes (if yes, explain and attach copy) See attached

**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:** \_\_\_\_\_

Property is a 5 lot subdivision which was approved by the Planning Board, Application #PB 11-011. As a condition of approval, the Planning Board required a tree preservation/buffer easement which allows initial planting of trees and landscaping in the easement area, but prohibits structures including fences and irrigation systems.

**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):** \_\_\_\_\_

N/A

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** \_\_\_\_\_

The current condition makes it difficult for property owners to maintain the tree preservation/buffer easement area. Further testimony will be provided at the hearing on this matter.

**12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):**

**APPLICANT(S) SIGN HERE:**

I/we, Jeffrey Lehnert and \_\_\_\_\_ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): [Signature] and \_\_\_\_\_  
Jeffrey Lehnert, Attorney for Applicant

Sworn and subscribed before me, this 19<sup>th</sup> day of May, 2020

Susan J. Bateman  
Notary Attorney at Law of N.J.

**OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):**

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, \_\_\_\_\_ the owner(s) of the property described in this application,

hereby authorize \_\_\_\_\_ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): \_\_\_\_\_

Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary



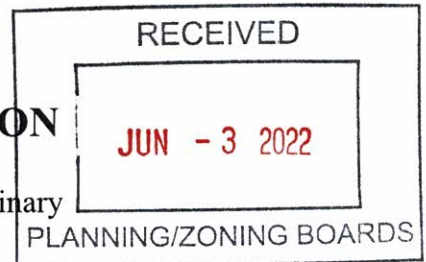
## **DESCRIPTION OF APPLICATION**

This application is a request for a modification of a condition imposed by a prior Resolution of Approval of the Bernards Township Planning Board (the “Board”) for property located at Block 7702, Lots 10 and 11 as previously designated on the Tax Map of the Township of Bernards (now designated as Block 7702, Lots 10.01-10.05) (the “Property”).

On May 17, 2016, the Board granted preliminary subdivision approval with “c” variances and exceptions to subdivide Block 7702, Lots 10 & 11 into 5 new lots. The Resolution of Approval (the “Resolution”), a copy of which is attached hereto, was adopted on September 20, 2016. Condition 11b. of the Resolution requires a “(t)ree preservation/buffer easement which shall allow for initial planting of additional trees and landscaping within the easement area and maintenance and replanting of any dead or dying landscaping but which shall prohibit otherwise removing or cutting or trimming landscaping, and shall prohibit structures, including but not limited to fences and irrigation systems.” This restriction was also included in the Declaration of Covenants and Restrictions for the Fenwick Court Homeowners’ Association (Exhibit G attached hereto).

Applicant, Fenwick Court Homeowners’ Association Inc., now seeks to modify this condition as the condition makes it difficult to maintain the tree preservation/ buffer easement area.

**TOWNSHIP OF BERNARDS  
2022 PLANNING BOARD APPLICATION**



☐ Minor Subdivision  
☐ Major Subdivision - Preliminary  
☐ Major Subdivision - Final  
☐ Conditional Use

☒ Site Plan - Preliminary  
☒ Site Plan - Final  
☐ Informal Review  
☐ Other (specify): \_\_\_\_\_

**1. APPLICANT:** United States Golf Association

Address: 77 Liberty Corner Road, P.O. Box 708, Far Hills, NJ 07931

Phone: (home) 516-754-9463 (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email (will be used for official notifications): rtedaldi@usga.org

**2. OWNER (if different from applicant):** N/A

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email (will be used for official notifications): \_\_\_\_\_

**3. ATTORNEY:** Thomas J. Malman and Nicole N. Magdziak, Day Pitney, LLP

Address: One Jefferson Road, Parsippany, NJ 07054

Phone: 973-966-8179 Email (will be used for official notifications): tmalman@daypitney.com  
973-966-8027 nmagdziak@daypitney.com

**4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):**

Name: Ronald Kennedy, Gladstone Design, Inc. Profession: Engineer

Address: 265 Main Street, P.O. Box 400, Gladstone, NJ 07934

Phone: 908-234-0309 Email (will be used for official notifications): rkennedy@gladstonedesign.com

**5. PROPERTY INFORMATION:** Block(s): 9601 Lot(s): 5.01 Zone: GH

Street Address: 77 Liberty Corner Road, Far Hills Total Area (square feet/acres): 68.537 acres

**6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY?** ☐ No ☒ Yes (if yes, explain or attach Board resolution)

Several Board of Adjustment applications before the Property was rezoned to GH. Prior application to Planning Board for a building addition and generators, parking, and related improvements. Copies of prior resolutions relating to the parking lot expansion and administrative building are attached.

**7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY?** ☒ No ☐ Yes (if yes, explain) \_\_\_\_\_

**8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?**

☐ No ☒ Yes (if yes, explain and attach copy) Wetland Buffer Conservation Easement, recorded in the Somerset County Clerk's Office March 6, 2006 at Deed Book 5868, Page 242.

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Bernards Township Planning Board

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**9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:** \_\_\_\_\_

Please see attached Proposal

**10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS** (*include Ordinance section no.*):

None

**11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:** \_\_\_\_\_

Testimony will be provided at the public hearing by the Applicant and its professionals.

**12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):**

**APPLICANT(S) SIGN HERE:**

I/we, Thomas J. Malman, attorney for the Applicant and \_\_\_\_\_ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s):  and \_\_\_\_\_

Sworn and subscribed before me, this 3rd day of June, 2022.

Nicole Magdziak

~~Notary~~ Attorney at Law, State of New Jersey  
Nicole M. Magdziak, Esq.

**OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):** APPLICANT IS THE OWNER.

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, \_\_\_\_\_ the owner(s) of the property described in this application,

hereby authorize \_\_\_\_\_ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

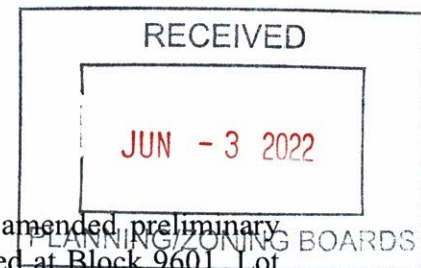
Signature of owner(s): \_\_\_\_\_

Sworn and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary



## PROPOSAL



The United States Golf Association (the "Applicant") is seeking amended preliminary and final site plan approval, as described below, relating to property located at Block 9601, Lot 5.01, more commonly known as 77 Liberty Corner Road, Bernards Township, New Jersey (the "Property"). The Property has frontage along Douglas Road, Liberty Corner Road and Mount Prospect Road and is situated in the Golf Heritage (GH) Zone. The Property contains an administrative office building, museum, research/testing facility, maintenance building, and other associated site improvements.

The Applicant received preliminary and final site plan and bulk variance approval (Application #PB15-003) from the Bernards Township Planning Board ("Board") by a unanimous vote taken on August 16, 2016, as memorialized in a Resolution of the Board dated April 4, 2017 (the "2016 Approval"). That approval, among other things, authorized the construction of an addition to the administrative office building and the construction of additional parking spaces, drainage improvements, landscaping and other related improvements.

The Applicant also received amended preliminary and final site plan and bulk variance approval (Application #PB17-003) from the Bernards Township Planning Board ("Board") by a unanimous vote taken on May 16, 2017, as memorialized in a Resolution of the Board dated June 6, 2017 (the "2017 Resolution"). The 2017 Resolution approved several modifications to the 2016 Approval, included a two phased development plan for on-site parking facilities and imposed a condition ("Condition #9") obligating the Applicant, by June 6, 2019 ("Parking Plan Date"), to either construct the full buildout of the approved parking plan or submit an application to the Board for approval of an amended layout. Condition 9 reads as follows:

The applicant shall either commence construction of the permanent parking spaces consistent with the 2016 Approval or submit an application to the Board for a modified parking layout by June 6, 2019 (which is within two years of the date of the adoption of the within resolution on June 6, 2017). During that two-year time period, the applicant shall be permitted to obtain a certificate of occupancy for the administrative office building, which is presently scheduled to be fully constructed by early 2018.

The Board, by resolution adopted on May 21, 2019 ("2019 Resolution") subsequently granted the Applicant's request to extend the Parking Plan Date and the final site plan protection period to June 6, 2021 and subsequently granted a second extension of the Parking Plan Date to June 6, 2022 by Resolution dated October 19, 2021.

The Applicant is submitting the current amended site plan application to propose an alternative parking lot configuration, as contemplated by Condition #9 of the 2017 Resolution. The 2017 Resolution approved the phased construction of 351 parking spaces, where 274 parking spaces are required. The current plan proposes a total of 327 parking spaces, a reduction of 24 parking spaces, which continues to meet the ordinance requirement of 274 parking spaces. The Applicant is proposing to modify the layout of the parking area by reconfiguring the access driveway in front of the existing museum and administrative/office building and providing

parking spaces proximate to the entrance of the administrative/office building. The Applicant is further proposing to install stormwater management improvements, landscaping, lighting and other related site improvements.