

**BERNARDS TOWNSHIP**  
**ZONING BOARD OF ADJUSTMENT**  
**MINUTES<sup>v2</sup>**  
Special Meeting  
February 16, 2017

**CALL TO ORDER**

Chairman Rhatican called the meeting to order at 7:31 p.m.

**FLAG SALUTE**

**OPEN MEETING STATEMENT**

Chairman Rhatican read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this regular meeting of the Board of Adjustment of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, New Jersey; was mailed to the Bernardsville News, Bernardsville, New Jersey; the Courier News, Bridgewater, New Jersey; and was filed with the Township Clerk all on December 12, 2016, and was mailed electronically to all those people who have requested individual notice."

**ROLL CALL:**

Members Present: Bellows, Breslin, Genirs, Lane, Mastrangelo, Nungester, Rhatican, Surano, Zaidel.  
Members Late: NONE  
Members Absent: NONE  
Also Present: Steven K. Warner, Esq., Township Engineer Thomas Timko PE, Township Planner David Schley AICP PP, Joseph A. Fishinger PE PP PTOE/Retained Traffic Consultant, and Board Secretary Cyndi Kiefer.

**CONTINUED PUBLIC HEARING**

**Verizon Corporate Services Group Inc. (ZB-16-026); Block 804, Lots 2.01 & 16; 295 North Maple Avenue; Floor Area Ratio Variance, Bulk Variances, Preliminary & Final Site Plan for Phase A and Preliminary Site Plan for Phase B.** (application carried with no further notice from the February 16, 2017 meeting)

(Stenographer retained by Applicant)

Stephen E. Barcan, attorney with *Wilentz, Goldman & Spitzer*, Woodbridge, NJ and counsel for the applicant advised the board members that he only had one more witness remaining.

Counselor Warner confirmed that all board members present, with the exception of Ms. Bellows, were qualified to vote on the application.

Keenan Hughes, PP, AICP, LEED AP, planner with *Phillips, Preiss & Grygiel LLC*, Hoboken, NJ, and planner for the applicant was accepted as an expert witness and sworn in by Counselor

Warner. He summarized that the principal reason the application was before *this* Board was because the connectors and the mechanical storage room increased the Floor Area Ratio and exceeded the maximum floor area allowed (d-4 variance). The structure was connected to the building so it triggered a 2 foot (d-6) height variance. He felt that because the connectors/mechanical storage room and not the parking deck itself created the need for variances, the relief sought was di minimis.

Mr. Hughes stated that the number of parking spaces and the internal lighting of the three (3) existing signs triggered additional variances and that a temporary setback variance was required for the temporary parking lot. He also cited several existing nonconformities but noted that nothing in the application impacted them.

The need for additional parking because of the anticipated growth was the main driver for the application, according to Mr. Hughes. The deck itself was internal to the property and would be constructed on existing pavement. He pointed out that Verizon owned nearly all the properties surrounding the site. Those privately owned properties were located at least 1000 feet from the project and were buffered by topographic features and vegetation so there would be no visual impact. In addition, the site itself was still below the maximum lot coverage permitted.

With respect to the negative criteria, Mr. Hughes stated that there was no adverse impact. Environmental issues, storm water management, lighting and traffic issues had been addressed through extensive testimony. There was no substantial impairment of the township ordinances or Master Plan. Although he felt that the (d-6) height variance was really a "c" variance, he was providing proofs as if it were a "d".

Mr. Hughes stated that the variance requested for parking was a "c-2" variance. If more parking were provided to meet the required number, the additional impervious coverage would have a negative visual and environmental impact. The applicant had provided ample empirical data to support the parking numbers provided.

Mr. Hughes noted that the three (3) existing signs were currently illuminated with up-lighting. Internal illumination of the white face of the logo would eliminate that up-lighting and associated glare so there would be no impact on the surrounding residences.

The setback variance would be temporary in nature because once the project was complete, the ball field would no longer be used for parking.

Mr. Hughes said that interior illumination in the parking structure was a necessity. The codes did not anticipate either this situation or roof mounted lighting height. The Bollard lighting along the walkways was necessary for safety.

Finally, Mr. Hughes stated that the driveway configuration was standard also.

Mr. Barcan summarized by stating that all the variances could be granted since the negative criteria had been met.

Mr. Zaidel opined that although the parking was less than what was required, based on the testimony it was adequate for the need. The proposed application was actually improving the parking space ratio per employee which was a positive.

Mr. Zaidel asked if the interior lights would be shut off by 10:00 pm and Joseph Pjura, AIA, LEED AP, licensed architect with *Gensler*, Morristown, NJ, and architect for the applicant confirmed that except during emergencies, the interior lights would not be on past 10:00 pm. He added that the applicant would conform to whatever was stated in the codes for security level interior deck lighting.

Ms. Genirs felt that the interior illumination of the signs was esthetically much better than the current flood lights. Mr. Hughes concurred adding that currently, light tended to spill off the signs. David Schley, PP, AICP, Township Planner, stated that if approved, the spotlights should be removed completely and the signs illuminated internally only.

Robert C. Moschello PE, Director of Engineering, *Gladstone Design Inc.*, Gladstone, NJ, and engineer for the applicant reiterated that all visitors would have to go through the North Maple Avenue security gatehouse.

Counselor Warner asked if the deficit in parking required was lessened by this application. Mr. Hughes confirmed that it was lessened.

Mr. Moschello advised the board members that the applicant would comply with the fire official's comments as outlined in his memo of 02/07/17. He added that the applicant would also comply with items 10 through 17 in the December 21, 2016 memo written by Joseph A. Fishinger, Jr., PE, PP, PTOE, traffic engineer with *NV5*, Parsippany, NJ.

Referring to the January 9, 2017 memo written by Thomas Timko, PE, Township Engineer, Mr. Moschello indicated that the applicant would have no problem complying. He noted that Item #1 which dealt with sanitary sewer service, no longer applied since there would be no amenities building. Mr. Timko agreed.

Referring to the January 11, 2017 memo from Mr. Schley, Mr. Moschello stated that the applicant would have no issue complying with the items up to Item #23 which related to combining lot 16 with the main lot. He said that the applicant wanted to keep them separate for business reasons.

Mr. Barcan noted that lot 16 had a house on it. Mr. Moschello added that at one time it was used as an office but was currently used to store machinery. Mr. Schley said that the current zoning was geared towards keeping the properties separate and Counselor Warner saw no problem with that.

Mr. Moschello stated that for Items #26 and #27, the applicant had applied for the Letter of Interpretation and expected no changes. Once received, if the L.O.I. did make changes to the delineation lines, the applicant would accommodate those changes prior to the issuance of a Certificate of Occupancy. Mr. Schley had no concerns and Mr. Timko stated that construction would not be affected by this.

Mr. Schley indicated that he was satisfied that the applicant would appropriately deal with the remaining items in his memo.

There was further discussion about the access points for construction equipment and material deliveries. Mr. Moschello agreed that the applicant would avoid the peak hours of 7 to 9 and 3 to 5 for tractor trailers. Chairman Rhatican advised the Board that they could not restrict the times for deliveries since the ordinance listed 7 to 7. The applicant agreed not to seek exemptions from township codes governing hours for construction which were 7 to 7 weekdays, 8 to 5 on Saturdays. No work would be permitted on Sundays.

Several members of the public questioned the numbers of deliveries and the source of the primary data collected for the traffic studies. Concerns about impact on the 287 South interchange and the impact on the physical condition of Madisonville Road were also voiced.

Hearing no further questions for the professionals, Chairman Rhatican opened the meeting for public comment.

Kathy Liu, 241 Madisonville Road, was sworn in and expressed concern about the construction noise. In addition, she wanted more trees planted to block the lights.

Hearing no further comments by the public, Chairman Rhatican closed the comment section of the meeting. Mr. Barcan felt that the application had been summarized through testimony.

After deliberations, Mr. Zaidel motioned approval of the application and Mr. Lane seconded.

Roll Call:

Aye:	Breslin, Genirs, Lane, Mastrangelo, Nungester, Zaidel, Rhatican.
Nay:	NONE
Abstain:	NONE

Motion carried.

Mr. Zaidel questioned how the Board could bring the Route 202/North Maple Avenue intersection issue to the attention of the Township Committee. Chairman Rhatican suggested that the Board could make a recommendation to the Planning Board.

Chairman Rhatican asked if there was any further business to discuss. Hearing none, he asked for a motion to adjourn. Ms. Mastrangelo motioned, Chairman Rhatican seconded and the meeting was adjourned at 9:19 pm.

Respectfully submitted,

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Cyndi Kiefer, Secretary  
Bernards Township  
Zoning Board of Adjustment