

**BERNARDS TOWNSHIP  
PLANNING BOARD**

**MINUTES v2**

Re-organization Meeting and Regular Meeting  
January 17, 2017

Jonathan E. Drill, Esq., Board Attorney, called the reorganization meeting to order at 7:35 p.m.

**FLAG SALUTE**

**OPEN MEETING STATEMENT**

Counselor Drill read the following open meeting and procedural statements:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this special 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, Bernardsville, and to the Courier News, Bridgewater on December 12, 2016 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 p.m. and no new witnesses or testimony heard after 10:30 p.m."

**OATHS OF OFFICE**

Counselor Drill swore in the following members:

- Carolyn Gaziano, Regular Member, Class I, one-year term expiring 12/31/17
- Leon Harris, Regular Member, Class II, one-year term expiring 12/31/17
- John Malay, Regular Member, Class III, one-year term expiring 12/31/17
- James Baldassare, Regular Member, Class IV, filling the unexpired four-year term of Leon Harris, expiring 12/31/17
- Barbara Kleinert, Regular Member, Class IV, four-year term expiring 12/31/20
- Richard Moschello, Regular Member, Class IV, four-year term expiring 12/31/20
- Jeffrey Plaza, Regular Member, Class IV, four-year term expiring 12/31/20
- Scott Ross, Alternate 1, Class IV, filling the unexpired two-year term of Richard Moschello, expiring 12/31/17

Continuing Board members: Paula Axt, Kippy Piedici

**ROLL CALL:**

Members Present: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello, Piedici, Plaza, Ross

Members Absent: NONE

Also Present: Board Attorney Jonathan Drill, Township Planner David Schley

**CHAIRMAN OF THE PLANNING BOARD**

Counselor Drill called for nominations for Chairman of the Planning Board for 2017.

Ms. Piedici nominated Mr. Plaza for the position of Chairman for 2017.

Roll Call:

For Mr. Plaza:

Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello, Piedici, Plaza

Abstain: NONE

**VICE-CHAIRMAN OF THE PLANNING BOARD**

Chairman Plaza called for nominations for Vice-Chairman of the Planning Board for 2017.

Mr. Harris nominated Ms. Piedici for the position of Vice Chairman for 2017.

Roll Call:

For Ms. Piedici:

Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello, Piedici, Plaza

Abstain: NONE

**CHAIRMAN PRO TEMP OF THE PLANNING BOARD**

Chairman Plaza called for nominations for Chairman Pro Temp of the Planning Board for 2017.

Committeeman Malay nominated Mr. Moschello for the position of Chairman Pro Temp for 2017.

Roll Call:

For Mr. Moschello:

Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello, Piedici, Plaza

Abstain: NONE

**ENGINEER**

Chairman Plaza called for appointments for Engineer for the Planning Board for 2017.

The Chair advised the Board that the motion involves a contract for professional services which would be exempt from public bidding under the Local Public Contracts Law, that the Chief Financial Officer of the Township has provided a Certificate that municipal funds are available for this purpose, and that the approval is subject to a written contract.

**Resolution #17-01**

WHEREAS, the Planning Board requires the services of Thomas J. Quinn, P.E. of EKA Associates, P.A. in order to offer professional engineering support to the Planning Board; and

WHEREAS, such professional services are exempt from public bidding under the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer's Certificate to be appended hereto certifies that municipal funds are available for same.

NOW THEREFORE, be it RESOLVED by the Planning Board of the Township of Bernards that this contract for service is awarded, subject to a written contract to be concluded.

Be it further resolved that a copy of this resolution be published according to law.

Motion by Committeeman Malay that Thomas J. Quinn, P.E. of EKA Associates, P.A., be appointed as Engineer to the Board for the year 2017 and that

Resolution

#17-01 be adopted as read.

Second by Ms. Kleinert.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza

Abstain: NONE

Motion carried.

**PLANNER**

Chairman Plaza called for appointments for Planner for the Planning Board for 2017. The Chair advised the Board that Banisch Associates was requesting a change in their fee schedule. It was decided that this request would be

discussed in a closed session, and a professional services contract resolution would be considered at the next regular meeting.

Motion by Mr. Baldassare that Francis J. Banisch, PP/AICP and David J. Banisch, PP/AICP of Banisch Associates be appointed as Planners to the Board for the year 2017 subject to discussion during closed session.

Second by Vice Chairman Piedici.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza

Abstain: NONE

Motion carried.

### **SECRETARY OF THE PLANNING BOARD**

Chairman Plaza called for appointments for the office of Secretary of the Planning Board for the year 2017.

Moved by Committeeman Malay that Cyndi Kiefer be appointed as Secretary of the Board for the year 2017.

Second by Vice Chairman Piedici.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza

Abstain: NONE

Motion carried.

### **LEGAL COUNSEL**

Chairman Plaza called for appointments for Legal Counsel of the Planning Board for the year 2017.

The Chair advised the Board that the motion involves a contract for professional services which would be exempt from public bidding under the Local Public Contracts Law, that the Chief Financial Officer of the Township has provided a Certificate that municipal funds are available for this purpose, and that the approval is subject to a written contract.

### **Resolution #17-03**

WHEREAS, the Planning Board requires the services of Jonathan E. Drill, Esq., of Stickel, Koenig, Sullivan & Drill to offer legal counsel in order to offer advice to the Planning Board; and

WHEREAS, such professional services are exempt from public bidding under the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer's Certificate to be appended hereto certifies that municipal funds are available for same.

NOW THEREFORE, be it RESOLVED by the Planning Board of the Township of Bernards that this contract for service is awarded, subject to a written contract to be concluded.

Be it further resolved that a copy of this resolution be published according to law.

Moved by Committeeman Malay that Jonathan E. Drill, Esq. of the firm Stickel, Koenig, Sullivan & Drill be appointed as Legal Counsel of the Board for the year 2017 and that Resolution #17-03 be adopted as read.

Second by Ms. Axt.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza  
Abstain: NONE

Motion carried.

### **OFFICIAL NEWSPAPERS**

Chairman Plaza called for designating official newspapers for the publication of all advertisements and notices required by law to be published by the Planning Board.

Moved by Vice Chairman Piedici to designate the Bernardsville News, Bernardsville, NJ and the Courier News, Bridgewater, NJ as the official newspapers for 2017. The Daily Record of Morristown, NJ and the Star Ledger of Newark, NJ are designated newspapers which may be given notice by the Secretary when the publication schedule of the Bernardsville News or the Courier News does not enable it to publish advance notice of special or rescheduled meetings.

Second by Ms. Kleinert.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza  
Abstain: NONE

Motion carried.

**MEETING DATES**

Chairman Plaza called for the adoption of a Planning Board meeting schedule for regular and special meeting dates for 2017.

Moved by Committeeman Malay that the regular meetings of the Planning Board be scheduled on the first Tuesday and the third Tuesday after the first Monday of the month, at 7:30 p.m. in the Municipal Building, Collyer Lane, Basking Ridge. Special meetings, if necessary, will be scheduled accordingly.

Second by Mr. Moschello.

**Resolution #17-04**

Chairman Plaza read the following list of meeting dates for 2017:

| <u>1st Tuesday:</u> | <u>3rd Tuesday:</u> |
|---------------------|---------------------|
| - - - - -           | January 17          |
| February 7          | February 21         |
| March 7             | March 21            |
| April 4             | April 18            |
| May 2               | May 16              |
| June 6              | June 20             |
| - - - - - *         | July 18             |
| August 8            | August 22           |
| September 5         | September 19        |
| October 3           | October 17          |
| November 7**        | November 21         |
| December 5          | December 19         |

\* The 1<sup>st</sup> Tuesday in July is Independence Day (no meeting scheduled)

\*\* The 1<sup>st</sup> Tuesday in November is Election Day (meeting scheduled)

Notice of revisions or additions to the above schedule will be posted and advertised as required by law.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza

Abstain: NONE

Motion carried.

**ADOPTION OF RULES AND REGULATIONS OF THE PLANNING BOARD**

Counselor Drill read the following resolution:

**Resolution #17-05**

WHEREAS, the Municipal Land Use Law provides that every municipal agency shall adopt and may amend reasonable rules and regulations which are not inconsistent with law, N.J.S.A. 40:55D-8, and that every municipal agency shall make rules governing hearings held on applications for development, N.J.S.A. 40:55D-10b;

WHEREAS, the Board determined that the rules and regulations attached hereto (bearing a print date of January 13, 2017) should be readopted as the rules and regulations for the year and shall continue in effect until otherwise replaced or amended as the Board believes same are reasonable and consistent with law;

NOW, THEREFORE, BE IT RESOLVED by the Bernards Township Planning Board on January 17, 2017 as follows:

1. The Rules and Regulations as attached hereto (bearing a print date of January 13, 2017) are hereby readopted and shall govern the administration of the Board's functions, power and duties for the year 2017 and shall continue in effect until and unless otherwise replaced or amended.

2. Copies of the Rules and Regulations shall be maintained in the office of the Secretary of the Planning Board and the Clerk of the Township of Bernards and shall be available to any person who requests same upon payment of a reasonable fee for such copy.

Moved by Vice Chairman Piedici and seconded by Mayor Gaziano that Resolution #17-05 be adopted as read.

Roll call:

Aye: Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,  
Piedici, Plaza

Abstain: NONE

Motion carried.

**ADJOURNMENT**

Motion by Mr. Baldassare to close the reorganization meeting of the Planning Board.

Second by: Ms. Kleinert.

Motion carried by unanimous consent.

The reorganization meeting adjourned at 7:55 p.m.

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**LANDSCAPING COMMITTEE APPOINTMENT**

Committeeman Malay volunteered to fill the vacancy on the Landscaping Committee for the Bocina/Winter subdivision.

**APPROVAL OF RESOLUTIONS**

**RESOLUTION** – Recommendation that Block 6001, Lot 6 (former Quarry) is an Area in Need of Redevelopment

Motion made by Mr. Baldassare and seconded by Ms. Axt to approve the resolution as drafted.

Roll Call:

Aye: Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Plaza

Nay: NONE

Abstain: NONE

Not Eligible: Gaziano, Moschello

Motion carried.

**RESOLUTION** – Reid, Peter V., Trustee, Linda E. Read Living Trust and Peter V. Reid Living Trust, (#PB15-004); Block 11,601, Lots 31 and 32; Minor Subdivision (lot line adjustment), Bulk Variances.

Motion made by Committeeman Malay and seconded by Mr. Harris to approve the resolution as drafted.

Roll Call:

Aye: Axt, Harris, Kleinert, Malay, Plaza

Nay: NONE

Abstain: NONE

Not Eligible: Baldassare, Gaziano, Moschello, Piedici

Motion carried.

**COMPLETENESS REVIEW**

**APPLICATION #PB16-002** – Wells Fargo Bank, NA, Block 1802, Lot 1; 59 South Finley Avenue; Preliminary & Final Site Plan

The following board members recused themselves from deliberations concerning this application: Ms. Axt, Mr. Harris, Ms. Kleinert, Vice Chairman Piedici, Chairman Plaza.

Chairman Pro Temp Moschello referred to the Completeness Review Memo from Township Planner David Schley dated December 7, 2016. The memo noted that the applicant had requested a submission waiver for one checklist item: Project report/environmental impact assessment. Because both Mr. Schley and Township Planner David Banish, PP, AICP, had to recuse themselves, it was



decided that the reports would be generated by Mr. Drill and Planning Board Engineer, Thomas J. Quinn, PE, CME.

Chairman Pro Temp Moschello asked for a motion to grant the checklist waiver request. Committeeman Malay moved approval and Mr. Baldassare seconded.

Roll Call:

|          |   |
|----------|---|
| Aye:     | Baldassare, Gaziano, Malay, Moschello, Ross |
| Nay:     | NONE  |
| Abstain: | NONE  |

Motion carried.

Those board members professionals who had recused themselves were called back into the room.

### **RESOLUTION AUTHORIZING CLOSED SESSION**

Mr. Drill stated that the closed session of the meeting had been noticed as a joint session between the Planning Board and the Township Committee to discuss matters of litigation. The Planning Board would approve its resolution to authorize the closed session first.

Vice Chairman Piedici moved approval and Ms. Kleinert seconded.


Roll Call:

|          |   |
|----------|---|
| Aye:     | Axt, Baldassare, Gaziano, Harris, Kleinert, Malay, Moschello,<br>Piedici, Plaza |
| Nay:     | NONE  |
| Abstain: | NONE  |

Motion carried.

The open session of the January 17, 2017 Planning Board meeting was adjourned at 8:05 p.m.

Respectfully submitted,



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Cyndi Kiefer, Secretary  
Bernards Township  
Planning Board

