

BERNARDS TOWNSHIP PLANNING BOARD

MINUTES^{v2}

Regular Meeting

April 4, 2017

Chairman Plaza called the meeting to order at 7:34 p.m.

FLAG SALUTE

OPEN MEETING STATEMENT

Chairman Plaza read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular 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, NJ, and to the Courier News, Bridgewater, NJ, 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."

ROLL CALL:

Members Present: Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Plaza, Ross, Zaidel
Members Absent: Gaziano, Moschello – on motion by Baldassare, seconded by Piedici, the absences of Ms. Gaziano and Mr. Moschello were excused
Also Present: Board Attorney Jonathan Drill, Township Planner David Schley, Board Planner David Banisch, Board Engineer Thomas Quinn, Board Secretary Cyndi Kiefer

APPROVAL OF RESOLUTION

Resolution – United States Golf Association; Block 9601, Lot 5.01; 77 Liberty Corner Road; Preliminary and Final Site Plan #PB16-001 (approval)

Motion was made by Ms. Piedici and seconded by Mr. Ross to approve the resolution as drafted.

Roll Call:

Aye: Axt, Baldassare, Piedici, Ross, Plaza
Nay: NONE
Abstain: NONE
Not Eligible: Harris, Kleinert, Malay, Zaidel

COMPLETENESS HEARING

United States Golf Association; Block 9601, Lot 5.01; 77 Liberty Corner Road; Amended Preliminary and Final Site Plan #PB17-003

After being advised by Mr. Schley that all outstanding items had been submitted, a motion was made by Committeeman Malay and seconded by Ms. Kleinert to deem the application complete.

Roll Call:

Aye: Axt, Baldassare, Harris*, Kleinert, Malay, Piedici, Ross, Zaidel, Plaza
Nay: NONE
Abstain: NONE

Motion to deem complete was carried.

*At a later point in the meeting, it was determined that Mr. Harris should have recused himself from voting and the voting record was changed accordingly.

COMPLETENESS HEARING

Finley Real Estate LLC; Block 1801, Lot 1, Block 1802, Lot 2; 55 South Finley Avenue, 2 Rankin Avenue; Preliminary & Final Site Plan #PB17-004

Mr. Schley referred to his "Completeness Review" memo dated March 27, 2017 and noted that items #1 (locations of existing structures and other features within 200' of the property) and #3 (contribution disclosure statements for the project attorney, architect and traffic engineer) had been submitted. The applicant was requesting a submission waiver for Item #2. Mr. Schley explained that the applicant had submitted a parking report which addressed the requested parking variance however it did not address other topics as specified on the checklist. He noted that there would be no additional land disturbance so there was no need for an environmental impact analysis and added that the Board had waived the environmental impact analysis during the original application hearing.

Counselor Drill stated that no further expansion was requested in this application. The applicant was requesting relief from the cap on the total number of seats and from the number of parking spaces required (the dumpster enclosure took up one space).

Both Mr. Banisch and Mr. Schley advised the board members that in their opinion there was no need for an environmental impact assessment.

Mr. Baldassare motioned and Committeeman Malay seconded to deem the application complete.

Roll Call:

Aye: Axt, Baldassare, Harris, Kleinert, Malay, Piedici, Ross, Zaidel, Plaza
Nay: NONE
Abstain: NONE

Motion to deem complete was carried.

COMPLETENESS HEARING

Somerset County YMCA; Block 2401, Lots 6 & 7.01; 140 Mount Airy Road; Preliminary & Final Site Plan #PB17-002

Counselor Drill asked that all board members who had to recuse themselves from hearing this application leave the room. Chairman Plaza, Committeeman Malay, Mr. Baldassare, Ms. Kleinert and Mr. Zaidel left leaving Ms. Axt, Mr. Harris, Ms. Piedici and Mr. Ross remaining.

Mr. Schley advised the board members that with the exception of Item #4, all the outstanding items listed in his March 22, 2017 "Completeness Review" memo had been submitted. Item #4 was a Letter of Interpretation (L.O.I.) and the applicant was seeking a submission waiver for this item. He noted that the same waiver had been granted two years prior during the initial

application and it was his recommendation that the waiver be granted again because this was an amendment with no additional land disturbance.

Counselor Drill stated that due to recusals, the Board did not have a quorum to take any action on this application at this time. He added that once the 45 day time period for certification of a complete application expired (04/23/17), the application would automatically be deemed complete and the waiver granted (40:55D-10.3) although the Board would still retain the right to request an L.O.I. during the hearing.

Those members who recused themselves returned to the room with the exception of Committeeman Malay who left since he had recused himself from the remainder of the meeting.

Counselor Drill advised the returning board members what had transpired.

CLOSED SESSION

Resolution authorizing Closed Session for the purpose of: Discussing contract negotiations with David Banisch, PP, AICP, the Board's proposed appointed professional planning expert.

Counselor Drill read the resolution into the record. Mr. Baldassare motioned approval, Ms. Kleinert seconded.

Roll Call:

Aye:	Axt, Baldassare, Harris, Kleinert, Piedici, Ross, Zaidel, Plaza
Nay:	NONE
Abstained:	NONE

Motion carried and at 7:58 p.m. the board members adjourned to Closed Session.

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The open session portion of the meeting was reconvened at 8:05 p.m. Chairman Plaza advised the public that the discussion during the Closed Session concerned a change in Mr. Banisch's hourly rate to the Board and to the escrow accounts from \$140/hour to \$142/hour which represented a 1.4% increase. He added that there would be no Closed Session Minutes since this discussion in essence represented a release of the information which would have been contained in those minutes.

Chairman Plaza read "Resolution 17-02 "Professional Services Contract for 2017 Planning Board Planner Awarded to Francis J. Banisch PP/AICP and David J. Banisch PP/AICP of the firm *Banisch Associates Inc.* in the Not to Exceed Amount of \$5,000 (excluding charges covered by Escrow Funds)" into the record.

Mr. Baldassare motioned approval which was seconded by Ms. Axt.

Roll Call:

Aye:	Axt, Baldassare, Harris, Kleinert, Piedici, Ross, Zaidel, Plaza
Nay:	NONE
Abstain:	NONE

Motion carried.

CANCELLATION OF MEETING

After reviewing the Pending Applications Schedule, the Regular Meeting scheduled for April 18, 2017 was cancelled by unanimous Voice Vote.

PUBLIC HEARING

Christopher Bell/CC Edwards Developers; Block 7702, Lots 10 & 11;
3526 & 3536 Valley Road; Extension of Time to Revise Plans (PB11-011A)

Chairman Plaza, Mr. Baldassare, Mr. Ross recused themselves and left the room.

John P. Gallina, Esq., advised the board members that he was representing the applicant, Christopher Bell/CC Edwards Developers in this proceeding. He had filed a letter with the Planning Board Secretary, Cyndi Kiefer, on March 27, 2017 requesting a six (6) month extension of time to satisfy the conditions of the preliminary major subdivision approval.

Counselor Drill summarized the original resolution which was adopted on September 20, 2016. Condition No. 1 stipulated that the revisions requested be submitted and the plans signed by March 20, 2017. The extension would allow the applicant until September 20, 2017 to satisfy the condition.

Mr. Schley advised the board members that he had no issue with the request.

Vice Chairman Piedici asked if there were any questions from the board members. Hearing none, she asked if there were any questions from the public. Hearing none, she closed the meeting to the public and asked for a motion to approve the extension. Mr. Harris moved approval and Ms. Kleinert seconded.

Roll Call:

Aye:	Axt, Harris, Kleinert, Piedici, Zaidel
Nay:	NONE
Abstain:	NONE

Motion carried.

Counselor Drill advised Mr. Schley to move forward with the revised plans when they were submitted rather than waiting for the resolution approving the extension to be memorialized.

Vice Chairman Piedici asked if there were any further comments or business to be conducted. Hearing none, she asked for motion to adjourn. By unanimous Voice Vote, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,



Cyndi Kiefer, Secretary
Bernards Township
Planning Board