

BERNARDS TOWNSHIP
PLANNING BOARD

Minutes

Regular Meeting
June 6, 2017

Vice Chairwoman Piedici called the meeting to order at 7:35 PM.

FLAG SALUTE

OPEN PUBLIC MEETING STATEMENT

Vice Chairwoman Piedici 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 PM and no new witnesses or testimony heard after 10:30 PM."

ROLL CALL:

Members Present: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel.
Members Absent: Baldassare
Also Present: Board Attorney Jonathan Drill, Esq.; Township Planner David Schley, PP, AICP,
Board Secretary Cyndi Kiefer.

Mr. Moschello motioned that the absence of Mr. Baldassare be excused. Committeeman Malay seconded and by unanimous Voice Vote, the motion was carried.

ELECTION OF OFFICERS

Committeeman Malay nominated Vice Chairwoman Piedici to fill the position of Chairperson of the Planning Board for 2017. Ms. Kleinert seconded the nomination.

Roll Call:

For Piedici: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel.
Against: NONE
Abstain: NONE

COMMITTEE SELECTION

Committee Malay, Mr. Moschello and Mr. Ross volunteered to serve on the Landscaping Committee for Application #PB06-004 Bocina Homes Corp./Winter (Walden Place).

APPROVAL OF RESOLUTIONS

Resolution: Wells Fargo Bank, NA; Block 1802, Lot 1; 59 South Finley Avenue; Preliminary & Final Site Plan (approved); #PB16-002.

Chairwoman Piedici and Ms. Kleinert recused themselves and left the room.

Mr. Drill suggested a revision to Section D "Conditions", Item 2 "Night Light Test" to read, "...There shall be a night-light test conducted by the applicant and the results of such test shall be submitted to and be to the satisfaction of the Township Engineer..." as opposed to, "...There shall be a night-light test conducted by the Township Engineer..."

Chairman Pro Temp Moschello asked for a motion to approve the resolution as amended. Mr. Ross moved approval and Committeeman Malay seconded.

Roll Call:

Aye: Gaziano, Malay, Moschello, Ross, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

Chairwoman Piedici and Ms. Kleinert returned to the room.

Resolution: United States Golf Association; Block 9601, Lot 5.01; 77 Liberty Corner Road; Amended Preliminary & Final Site Plan (approved); #PB17-003.

Ms. Kleinert moved approval of the resolution which was seconded by Mr. Moschello.

Roll Call:

Aye: Kleinert, Moschello, Piedici, Ross, Zaidel.
Nay: NONE
Abstain: Gaziano*, Malay*

Motion carried.

*Not present at meeting when application was heard.

APPROVAL OF MINUTES

January 17, 2017 – Reorganization and Regular Meeting - Councilman Malay moved approval of the minutes as written and Ms. Kleinert seconded the motion.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross.
Nay: NONE
Abstain: Zaidel*

Motion carried.

*Not a member of the board at that time

February 7, 2017 – Regular Meeting - Mr. Moschello moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

March 7, 2017 – Regular Meeting – Mr. Ross moved approval of the minutes as written and Ms. Kleinert seconded.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

April 4, 2017 – Regular Meeting – Ms. Kleinert moved approval of the minutes as written and Mr. Zaidel seconded.

Roll Call:

Aye: Kleinert, Malay, Piedici, Ross, Zaidel.
Nay: NONE
Abstain: Gaziano,* Moschello*

Motion carried.

*Not present at the meeting.

May 23, 2017 – Special Meeting - Open Session – Mr. Moschello moved approval of the minutes as written and Mr. Zaidel seconded.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Moschello, Piedici, Zaidel.
Nay: NONE
Abstain: Ross*

Motion carried.

*Not present at the meeting.

May 23, 2017 – Special Meeting – Closed Session – removed from the agenda.

COMPLETENESS HEARING

- Wenzel, Michael & Heather; Block 4701, Lot 19; 152 Annin Road; Conforming Conditional Use (addition for Single Family Apartment); Lot Area, Lot Width, Front Yard Setback, Side Yard Setback, Combined Side Yard Setback, Pool located in Stream Buffer #PB-17-006.

Present: Frederick B. Zelley, Esq., attorney for the applicants

Mr. Schley advised the board members that per his memo dated May 19, 2017, the applicants had satisfied all of the checklist requirements. A Roll Call Vote was taken to deem the application complete.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel
Nay: NONE
Abstain: NONE

PUBLIC HEARING

- Wenzel, Michael & Heather; Block 4701, Lot 19; 152 Annin Road; Conforming Conditional Use (addition for Single Family Apartment); Lot Area, Lot Width, Front Yard Setback, Side Yard Setback, Combined Side Yard Setback, Pool located in Stream Buffer #PB-17-006.

Present: Frederick B. Zelle, Esq., attorney for the applicants

Frederick B. Zelle, Esq., attorney with *Bisogno, Loeffler & Zelle LLC*, Basking Ridge, NJ advised the board members that through an oversight, the Public Notice of Hearing was not published a minimum of ten (10) days prior to the hearing as required by Municipal Land Use Law however letters were served to the property owners within 200 feet within the prescribed timeframe. He requested that the application be carried with no further notice to the June 20, 2017 Planning Board meeting and stated that Public Notice would be published in the June 8, 2017 edition of the *Bernardsville News*.

Mr. Drill requested that a copy of the notice be forwarded to him that evening for his review and Mr. Zelle agreed.

Chairwoman Piedici announced that there would be a change in the order of business as listed on the agenda.

CLOSED SESSION

Resolution authorizing closed session for the purpose of: (1) discussion of pending litigation titled Cody Smith v. Bernard Township and Bernards Township Planning Board Docket No. L-659-17 and (2) discussion of matters falling into the scope of attorney-client privilege.

Chairwoman Piedici read the resolution into the record.

Ms. Kleinert moved approval of the resolution and Mr. Moschello seconded.

Roll Call:

Aye:	Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

The Open Session of the June 6, 2017 Planning Board meeting was recessed at 7:52 PM.

* * * * *

The Open Session of the June 6, 2017 Planning Board meeting was reconvened at 8:00 PM.

APPROVAL OF RESOLUTION

Resolution authorizing defense of litigation titled Cody Smith v. Bernards Township and Bernards Township Planning Board Docket No. L-659-17.

Chairwoman Piedici read into the record the Resolution authorizing the Board Attorney, Jonathan E. Drill, Esq., to defend the Board in the above referenced litigation.

Mr. Moschello moved approval of the resolution and Mr. Ross seconded.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Moschello, Piedici, Ross, Zaidel.
Nay: NONE
Abstain: NONE

Motion carried.

PUBLIC HEARING

- Tullo-McVicar, Jamie Marie; Block 1604, Lot 7; 55 South Maple Avenue; Preliminary/Final Site Plan, Front Yard Setback (So. Maple Avenue) Front Yard Setback (Henry Street), Rear Yard Setback, Minimum Lot Area, Floor Area Ratio, Lot Coverage, Parking, Building Height (new roof); #PB17-005.

Present: David J. Tullo, father of the applicant
Nicholas J. Ferrara, RA, architect for the applicant
Frederick B. Zelley, Esq., attorney for the applicant

Mr. Moschello recused himself and left at 8:02 PM.

Frederick B. Zelley, Esq., attorney with *Bisogno, Loeffler & Zelley LLC*, Basking Ridge, NJ, advised the board members that he would be representing the applicant during these proceedings. He described the subject property as the past home of the Basking Ridge Fire Company. The structure currently housed an interior decorator shop and bagel shop on the first floor and two (2) apartments on the second floor. He noted that the building's previous owner, David J. Tullo, had received an award for preserving the historical nature of the building.

Mr. Zelley explained that the flat roof of the building had been causing maintenance issues for some time. Mr. Tullo, father of the current applicant, wanted to replace the flat roof with a pitched roof that had been designed to keep the historical style of the building intact. Work had begun on the project in 2016 without the necessary approvals and a Stop Work Order was issued by the Township.

Mr. Tullo, Nicholas J. Ferrara, RA, and Township Planner, David Schley, PP, AICP, were duly sworn in by Mr. Drill.

Mr. Tullo testified that he had been involved with the building since 1993 when he bought it from the Township. **Exhibit A-1**, a display board with four (4) color renderings of the building was entered into evidence. Mr. Tullo described some of the changes and improvements that he had made over the years as shown on the renderings, all in keeping with the historical nature of the structure. He then described the current problems which involved the main section of the upper roof built in 1914. Because of the design of the parapet roof, the apartments below were experiencing water damage due to water and ice buildup due to poor drainage design. In 1995, the Board of Adjustment had granted site plan and variance approvals to permit renovation of the property for business and residential use. Condition (3) of that Resolution states that, "...the Applicant will construct the new roof of tile which is similar in style and color to the existing tiles." The new roofing material currently proposed would look like the existing clay tile but it would be made of metal with a lifetime guarantee.

Exhibit A-2, side 1 of a *CertainTeed Matterhorn Metal Roofing* sample board with pictures depicting the available colors, was introduced into evidence. Side 2 of the board contained a physical sample of the roofing material in Weathered Canyon (color) and was introduced into evidence as **Exhibit A-3**. **Exhibit A-4** was an actual piece of the clay tile taken from the canopy cover. Mr. Zelley stated

that the applicant planned to choose a color for the new roofing that was as close as possible to the actual tile.

Mr. Tullo explained that he had chosen this roofing material because it matched the tile on the canopy and over the doors of the building. It was lightweight (1/5 the weight of the tile) and more stable. He stated that the clay tiles often broke off especially in the cold and then became projectiles.

Mr. Drill requested confirmation that if the application was approved, the applicant would use *CertainTeed Matterhorn* roofing material in a color matching the existing roof tiles to be decided at a later date. Mr. Tullo stipulated to that condition.

Chairwoman Piedici asked the board members if there were any further questions. Hearing none, she asked if the public had any questions for Mr. Tullo. There were no questions and Chairwoman Piedici closed that portion of the meeting.

Nicholas J. Ferrara, RA, 38 Greenwood Drive, Millington, NJ, provided his education and experience history to Chairwoman Piedici and after confirming that his license was in good standing was accepted as an expert in the field of architecture.

Mr. Ferrara described the style of the proposed roof and contrasted it with the existing. The proposed hip style was designed to lessen the impact of the change. The pitch was kept to the minimum recommended for a metal roof. There would be a one (1) foot overhang to move the gutters and leaders away from the building which would protect the exterior brick and mortar. The commercial size metal gutter and leader system would collect the water from all four (4) elevations. The roofing material color would be chosen to best match the existing.

Mr. Ferrara testified that the metal roofing material was chosen because it was much lighter, lower in maintenance and more stable than clay tile. He explained that reinforcement bars would be added to the parapet and confirmed that the new roof height was 33.72 feet. Finally, he noted that the addition of the one (1) foot overhang was the cause of the additional encroachment into the front and rear setbacks.

Chairwoman Piedici asked if there were any further questions from the board members. Hearing none, she asked if the public had any questions for Mr. Ferrara. There were none and she opened the meeting for public comment. Hearing none, she closed that portion of the meeting.

Ms. Kleinert moved approval of the application with the conditions as stipulated and Committeeman Malay seconded.

Roll Call:

Aye:	Gaziano, Kleinert, Malay, Piedici, Ross, Zaidel.
Nay:	NONE
Abstain:	NONE

Motion carried.

Mr. Drill directed Mr. Schley to ask the Construction Official to allow the permits to be processed even though the Resolution was not written.

The meeting was recessed at 9:05 PM for a short break.

* * * * *

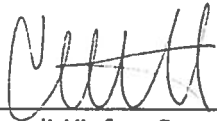
Chairwoman Piedici reconvened the meeting at 9:05 PM.

Mr. Drill advised Mr. Zelley that the notice to be sent to property owners within 200 feet for the Wenzel Application should be sent to his office for review and that the application could not be carried to the June 20, 2017 *without further notice*.

ADJOURNMENT

Hearing no comments from either the board members or staff, Chairwoman Piedici asked for a motion to adjourn. Ms. Kleinert motioned, Committeeman Malay seconded and by unanimous Voice Vote, the meeting was adjourned at 9:15 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cyndi Kiefer', written over a horizontal line.

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

