

BERNARDS TOWNSHIP

PLANNING BOARD

Minutes

Regular Meeting
August 22, 2017

Chairwoman Piedici called the meeting to order at 7:33 PM.

FLAG SALUTE

OPEN PUBLIC MEETING STATEMENT

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: Baldassare, Gaziano, Kleinert, Moschello, Piedici, Ross, Zaidel*.

Members Absent: Malay

Members Late: NONE

Also Present: Board Attorney Jonathan Drill, Esq.; Township Planner David Schley, PP, AICP;
Board Secretary Cyndi Kiefer.

*Mr. Zaidel was out of town and participated via cell telephone. Mr. Drill opined that a board member could contribute via cell phone during a hearing for administrative issues only.

Mayor Gaziano motioned to excuse the absence of Committeeman Malay. Ms. Kleinert seconded and by unanimous Voice Vote, the motion was carried.

CLOSED SESSION

Resolution authorizing a closed session for the purpose of: discussion of (1) pending litigation titled, "The Islamic Society of Basking Ridge et al. v. Township of Bernards, et al., Docket No. 3:16-cv-01369-MLC-LHG" (the "ISBR litigation"); and (2) matters falling within the attorney-client privilege where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely legal advice regarding the adoption of the resolution memorializing the approval of the "Settlement Site Plan and Accompanying Documents" which is one step required under the Settlement Agreement entered into between the Planning Board and ISBR to obtain the dismissal of the ISBR litigation.

Chairwoman Piedici read the entire resolution into the record.

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

Roll Call:

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

Motion carried.

The open session of the August 22, 2017 Planning Board meeting was recessed at 7:37 PM.

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The open session of the August 22, 2017 Planning Board meeting was reconvened at 8:07 PM.

APPROVAL OF RESOLUTIONS

Resolution: Islamic Society of Basking Ridge Inc., Block 9301, Lot 2; 124 Church Street, Preliminary and Final Site Plan; #PB12-001S (approved).

Mr. Drill noted that the application number should read PB12-001A instead of PB12-001S.

Mayor Gaziano moved approval of the resolution as amended. Mr. Ross seconded.

Roll Call:

Aye: Baldassare, Gaziano, Piedici, Ross, Zaidel.
 Nay: NONE
 Abstain: Kleinert, Moschello (all ineligible).

Motion carried.

Resolution: The Church of Our Lady of Perpetual Help (Holy Cross Cemetery); Block 2301, Lot 23; 145 Mount Airy Road, Amended Preliminary Site Plan and Amended Final Site Plan for Phase 3A and Amended Preliminary Site Plan and Final Site Plan for Phase 3B; #PB16-003 (approved).

Mr. Baldassare moved approval of the resolution as drafted. Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici, Ross.
 Nay: NONE
 Abstain: Gaziano, Zaidel (all ineligible).

Motion carried.

Resolution: Somerset County YMCA; Block 2401, Lots 6 & 7.01; 140 Mount Airy Road, Preliminary/Final Site Plan Phase 1, Preliminary Site Plan Phase 2; #PB17-002 (approved).

Mr. Moschello moved approval of the resolution as drafted. Mr. Ross seconded.

Roll Call:

Aye: Moschello, Piedici, Ross.
 Nay: NONE
 Abstain: Baldassare, Gaziano, Kleinert, Zaidel (all ineligible).

Motion carried.

Resolution: 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 (approved).

Mr. Baldassare moved approval of the resolution as drafted. Ms. Kleinert seconded.

Roll Call:

Aye: Baldassare, Kleinert, Moschello, Piedici, Ross, Zaidel.
Nay: NONE
Abstain: Gaziano (ineligible).

Motion carried.

Resolution: Christopher Bell/CC Edwards Developers; Block 7702, Lots 10 & 11; 3526 and 3536 Valley Road; Preliminary Major Subdivision (extension of time to revise plans); #PB11-011A (approved).

Ms. Kleinert moved approval of the resolution as drafted. Mr. Zaidel seconded.

Roll Call:

Aye: Kleinert, Piedici, Zaidel.
Nay: NONE
Abstain: Baldassare, Gaziano, Moschello, Ross (all ineligible).

Motion carried.

Mr. Zaidel left the meeting at 8:13 PM.

COMPLETENESS HEARING

Christopher Bell/CC Edwards Developers; Block 7702, Lots 10 & 11; 3526 and 3536 Valley Road; Final Major Subdivision; #PB17-008.

Present: John P. Gallina, Esq., attorney for the applicant

Mr. Baldassare recused himself.

Mr. Schley referred to his "Completeness Review" memo dated August 4, 2017 and advised the board members that Item #1, the Tax Map Revision Fee, had been submitted however Item #2, submission of revised preliminary subdivision plans and reports, was still outstanding.

Mr. Ross moved to deem the application *incomplete* and Mayor Gaziano seconded.

Roll Call:

Aye: Gaziano, Kleinert, Moschello, Piedici, Ross.
Nay: NONE
Abstain: Baldassare (recused).

Motion carried.

HEARING – EXTENSION OF TIME TO REVISE PLANS

Christopher Bell/CC Edwards Developers; Block 7702, Lots 10 & 11; 3526 and 3536 Valley Road; Preliminary Major Subdivision; #PB11-011B.

Present: John P. Gallina, Esq., Attorney for the Applicant

John P. Gallina, Esq., attorney located in Flemington, New Jersey, advised the board members that the Applicant was seeking a three (3) month extension from September 20, 2017 to December 20, 2017 in order to get the Preliminary Major Subdivision plans revised and signed. He noted comments from Mr. Schley and Mr. Quinn on plans submitted in March were not received until May and July respectively.

Mr. Schley advised Mr. Gallina that this must be completed before October 3, 2017, the scheduled hearing date for the Final Major Subdivision application (#PB17-008).

Mayor Gaziano moved approval of the extension and Mr. Moschello seconded.

Roll Call:

Aye: Gaziano, Kleinert, Moschello, Piedici, Ross.

Nay: NONE

Abstain: Baldassare (recused).

Motion carried.

Mr. Baldassare rejoined the Board.

ORDINANCE REFERRAL – Ordinance #2369

"An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, 'Revised Land Use Ordinances,' Regarding Houses of Worship and Public and Private Schools."

Mr. Schley advised the board members that the ordinance was not inconsistent with the Master Plan.

Mr. Ross moved that the ordinance was not inconsistent with the Master Plan and to instruct the Board Secretary to forward a letter to the Township Committee indicating such. Mr. Moschello seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Moschello, Piedici, Ross.

Nay: NONE

Abstain: NONE

Motion carried.


COMMENTS FROM MEMBERS AND STAFF

After being advised by Ms. Kiefer that there were no agenda items for either of the scheduled September meetings, Chairwoman Piedici asked for a vote to cancel the September 5, 2017 meeting and the September 19, 2017 meeting.

Mr. Moschello moved approval, Mayor Gaziano seconded and by unanimous Voice Vote, the motion was carried.

Hearing no further business, Chairwoman Piedici asked for a motion to adjourn. Mayor Gaziano moved approval, Mr. Moschello seconded and by unanimous Voice Vote, the meeting was adjourned at 8:19 PM.

Respectfully submitted,



Cyndi Kiefer, Secretary
Township of Bernards
Planning Board