

# **BERNARDS TOWNSHIP**

## **PLANNING BOARD**

### **MINUTES**

Regular Meeting  
January 22, 2019

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 sent to the Bernardsville News, Whippany, NJ, and to the Courier News, Bridgewater, NJ, on January 9, 2019; and was electronically mailed to 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:	Asay, Crane, Damurjian, Esposito, Harris, Hurley, McNally, Mastrangelo, Piedici, Zaidel
Members Late:	NONE
Members Absent:	Coelho
Also Present:	Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP; Board Planner, David Banisch, PP, AICP; Board Engineer, Cathleen Marcelli, PE, CME; Board Secretary, Cyndi Kiefer

On motion made by Mr. Crane and seconded by Mr. Hurley, all in favor and carried, the absence of Dr. Coelho was excused.

### **APPROVAL OF MINUTES**

**December 18, 2018 – Regular Session** – On motion made by Mr. Zaidel and seconded by Ms. Asay, all in favor and carried, the minutes were approved as drafted.

### **APPROVAL OF MINUTES**

**January 8, 2019 – Regular & Reorganization Sessions** – On motion made by Mr. McNally and seconded by Mr. Crane, all in favor and carried, the minutes were approved as drafted.

### **APPROVAL OF MINUTES**

**January 8, 2019 – Closed Session** – On motion made by Mr. Hurley and seconded by Mr. McNally, all in favor and carried, the minutes were approved as revised (typographical error).

### **APPROVAL OF RESOLUTION**

**Harmaty, M. /Krikorian, K.; #PB18-002;** Block 6001, Lots 10.08 & 10.09; 7 Tall Timber Lane; Amended Preliminary/Final Major Subdivision (approved)

Moved by Mr. Zaidel, seconded by Mr. Crane that Version 7 of the resolution be approved as drafted.

Roll Call:	Aye:	Asay, Crane, Hurley, Piedici, Zaidel
	Nay:	NONE
	Abstain:	Damurjian, Esposito, Harris, McNally, Mastrangelo

Motion carried.

Mr. Banisch commented on a condition in the resolution pertaining to tree replacement in the conservation easement located on the east side of the property. Over the years, much of the easement area had transitioned from its natural state to planted lawn area. He opined that since these easements are required by ordinance and are granted by the governing body, it is the Township's responsibility to enforce the terms of the easement, not the Planning Board. Mr. Zaidel stated that, as a member of the Shade Tree Commission, he was concerned that many of the easements which are to remain natural, are now overrun with invasive species of plants. Mr. Banisch suggested that during the Master Plan reexamination, the Board examine the purpose of these easements and make recommendations that are aligned with these concerns.

### **APPROVAL OF RESOLUTION**

**SJP/Mountainview Corp. Ctr. LLC; #PB15-007A;** Block 11301, Lot 1; 180-181 Mountain View Boulevard;  
Extension of Approvals (approved)

Moved by Mr. Damurjian, seconded by Mr. Hurley that Version 2 of the resolution be approved as drafted.

Roll Call:	Aye:	Damurjian, Hurley, Piedici
	Nay:	NONE
	Abstain:	Asay, Crane, Esposito, Harris, McNally, Mastrangelo, Zaidel

Motion carried.

Mr. Crane recused himself and left the building at 7:45 PM.

### **PUBLIC HEARING**

**Bernards Plaza Assoc. LLC; #PB18-005;** Block 8501, Lots 39, 43; 403 King George Rd; Preliminary/Final Site Plan

Present:	Robert A. Kasuba, Esq., Attorney for the Applicant
	Catherine Mueller, PE, CME, Engineer for the Applicant
	Avelino Martinez, RA, Architect for the Applicant
	Sean Sweeney, Landscape Architect for the Applicant
	Arthur Bernard, PP, Planner for the Applicant
	John P. Peel, PP, Environmental Expert for the Applicant
	Joseph Korn, Project Manager, Dewy Meadow (site)

Robert A. Kasuba, Esq., attorney with the firm of *Bisgaier Hoff LLC*, Haddonfield, NJ, advised the Board that he was present on behalf of the applicant. He explained that the applicant was seeking preliminary and final site plan approval to demolish three (3) existing buildings and to construct two (2) four-story buildings with a total of 198 rental units, subject to an Affordable Housing Settlement Agreement dated March 29, 2018 between the applicant and the Township. He noted that the entire project would be located within previously developed areas.

Chairwoman Piedici, Committeeman Esposito, Mr. Hurley, Mr. Zaidel, Ms. Mastrangelo, Committeewoman Harris and Mr. Damurjian stated that they had visited the site.

The applicant's professionals and the Board's professionals were duly sworn by Mr. Drill.

Joseph Korn, Project Manager for Dewy Meadow Village, testified that he had held that position since 1997 when the property was acquired. In response to the many comments that they had received after the settlement agreement was executed, the original project consisting of one (1) building, was redesigned into two (2) buildings which would have the same number of units but with much less mass and more grassy area. **Exhibit A-1**, a color conceptual site plan showing the redesigned project, dated August 2, 2018 and created by BlackBird Group Architects LLC was entered into evidence. He added that with this new design, the daycare center would continue in its current location and remain operational throughout the entire construction process. Mr. Banisch commented that this design represented a significant improvement in vehicular circulation because the ground floor parking area for each of the two (2) buildings would be accessed by two (2) driveways. The original design proposed one (1) driveway into a single parking garage.

Hearing no further questions from either the Board members or staff, Chairwoman Piedici opened the meeting to the public for questioning of this witness. Hearing none, she closed that portion.

Avelino Martinez, RA, architect with *BlackBird Group Architects LLC*, Newark, NJ, was accepted by the Board as an expert in the field of architecture after outlining his professional credentials and confirming that his New Jersey license was current.

**Exhibit A-2**, a color rendering of the proposed two (2) buildings, undated and prepared by BlackBird Group Architects LLC, was entered into evidence. Mr. Martinez testified that 90 units would be located in Building B and the remaining 108 units would be located in Building A. Each building would consist of three (3) residential floors above a ground level parking garage. The proposal also includes a clubhouse, a leasing office and a community center all located in Building A along with an outside inground swimming pool and outdoor seating areas. He added that 30 of the 198 units would qualify as affordable to low- and moderate- income housing units. Mr. Kasuba stated that the breakdown of affordable units is dictated by state.

Mr. Martinez noted that the ground floor parking spaces would be assigned. A trash collection room and utility rooms would also be located on the ground level of each building. He then gave testimony pertaining to the residential unit distribution throughout the various floors of each building, stating that there would be two (2) elevators and two (2) stair towers in each building to provide access to those residential areas.

Mr. Martinez stated that on Sheet A1-1.2, two (2) of the three-bedroom units were actually two-bedroom units and advised that that correction would be made.

A discussion arose about the loft areas. Although the buildings complied with the maximum 55 foot height requirement, if the lofts were considered to be an additional story or additional half-story, variance relief may be required since the ordinance only allowed a maximum of four (4) stories. Mr. Kasuba agreed to research the issue.

Mr. Martinez testified that the architectural components and exterior colors would be consistent with the surrounding buildings, utilizing complementary colors. Chairwoman Piedici noted that the adjacent Crown Court complex used brick and different complementary colors. Mr. Martinez responded that Crown Court was designed to be consistent with *their* surroundings. Both complexes would be similar in style, however the colors would differ. He added that the roof mounted utilities would be located behind the parapet walls and screened from view.

Referring to a letter from BlackBird Group Architects LLC, dated November 16, 2018, Mr. Martinez testified that on each floor there would be a trash room with a chute terminating at a compactor in the trash room on the ground floor. These compactors would feed directly into a dumpster which would then be rolled out for pick up by a private trash hauler. Recyclable materials would be collected in separate containers in the trash rooms and maintenance would deposit those recyclables into dedicated dumpsters on the ground floor. Mr. Korn added trash levels would be monitored daily and that the pick-up schedule would be adjusted to the use of the tenants.

Mr. Martinez stipulated to those items under his purview in Mr. Schley's review memo dated January 18, 2019.

Catherine Mueller, PE, CME, principal engineer with *Page-Mueller Engineering Consultants PC*, Warren, NJ, was accepted by the Board as an expert in the field of civil engineering after outlining her professional credentials and confirming that her New Jersey license was current.

Referring to plans submitted with the application titled "Preliminary/Final Site Plan for Dewy Meadow Village," dated November 6, 2018 and prepared by Page-Mueller Engineering Consultants PC, Ms. Mueller gave a description of the existing conditions and the proposed development noting that the new design decreased the amount of existing

impervious coverage. She discussed the environmental constraints involved adding that all required permit applications had been submitted to the New Jersey Department of Environmental Protection (NJDEP).

Ms. Mueller stated that the proposed development was completely within the Multi-Family Overlay Zone and that it complied with all the requirements. She noted that the distance between the buildings was erroneously measured from foundation to foundation however the measurement should have been taken from the outer edge of the balcony to the outer edge of the balcony. To comply, the balconies would be removed. The ground level parking together with the outdoor surface parking provided more spaces than were required. She confirmed that the daycare center would operate without interruption during the construction process.

Ms. Mueller presented testimony concerning the overall circulation, relocation of a handicapped ramp, stacked parking areas and sidewalks. After a discussion, it was agreed that the width of any sidewalk fronting a parking area would be increased to six (6) feet to accommodate car overhang. She stated that water would continue to drain north to south utilizing the existing detention basin. Volume would be reduced and quality would improve due to the decrease in coverage. Recharge would be satisfied by the coverage reduction and by the increase in lawn area.

Ms. Mueller testified that the utility location plan was based on historical data and that there would be a full utility survey and mark out. She noted that final utility plans would not be generated until the applicant had received input from all the utility agencies. A straw poll established that a majority of the members would support a condition of approval stating that the final utility location details must be provided prior to final sign-off on the plans.

Ms. Mueller described the outdoor inground pool and amenities located on the west side of Building A. Board members expressed concern about parking spaces for residents of Building A being used by others visiting the pool or community center and about the efficiency of the stacked parking areas. Mr. Korn responded that management would work with the tenants on any issues that arose. A straw poll determined that the majority of the members were in favor of allowing the applicant to paint parking assignment numbers on the curbs of the outside spaces if necessary however if the applicant wanted to erect signs, further Board approval would be required.

Ms. Mueller testified that the existing light poles were inventoried and those that could remain were identified. She described the lighting that would be used to supplement the remaining existing lights and asked for a waiver for maximum foot candles in sidewalk areas and vehicular areas. Mr. Banisch suggested that the applicant submit a lighting plan that would provide sufficient information to evaluate the impact of the 24-hour garage lighting on the residences of the adjacent Crown Court complex.

Ms. Mueller discussed Sheet FP-1 "Fire Plan" of the above referenced site plan.

Ms. Mueller addressed the comments that pertained to engineering in Mr. Schley's review memo dated January 18, 2019, in Ms. Marcelli's review memo dated January 17, 2019 and in Mr. Banisch's review memo dated January 17, 2019. Mr. Banisch opined that eliminating the balconies to comply with the minimum distance between buildings requirement was a quality of life issue and suggested that the applicant request variance relief to allow the balconies to remain. Mr. Kasuba responded that he would review the suggestion and determine if re-noticing would be required.

In response to the Environmental Commission's review memo dated January 14, 2019, Ms. Mueller testified that there would be no additional impact on the detention basin and there were no plans to change or upgrade the basin. Mr. Drill advised the Board that although they could not require the applicant to add safety measures to the basin, they could ask the applicant to do so since the area adjacent to the basin was being transitioned from a commercial area into a residential area. Ms. Mueller stated that she would discuss the issue with the applicant.

Ms. Mueller noted that item #2 pertained to Lot 44 which was owned by the Township. Mr. Drill stated that that lot had been a part of the settlement agreement. Referring to the Neighborhood Recreation Amenities requirement, Mr. Drill asked how the applicant intended to comply without including that property. Mr. Kasuba responded that the applicant was not required to purchase that property until after this application was approved and the construction permits were issued. In the meantime, he would discuss with the applicant ways to enhance the currently proposed on-site amenities. Once Lot 44 was acquired and the NJDEP advised what would be allowed on that lot, they would return to the Board with an application. Mr. Drill suggested that the applicant submit a plan which would form the basis for a condition which would state that before any Certificates of Occupancy are issued on any unit, the applicant would have to come back to the Board for approval a recreation plan. Mr. Kasuba felt that that was reasonable.

Mr. Drill suggested that since the next meeting was scheduled for February 5, 2019, the Board should waive the requirement that new documents must be submitted to the Board Secretary a minimum of 21 days prior to the hearing. On motion made by Mr. McNally and seconded by Ms. Asay, all in favor and carried, that rule was waived.

The application was carried to February 5, 2019 with no further notice.

**COMMENTS FROM STAFF** - None

**COMMENTS FROM BOARD MEMBERS**

Mr. Damurjian requested that all future meetings be adjourned no later than 10:30 PM.

Chairwoman Piedici advised that the Board would begin its review of the Master Plan shortly. Mr. Banisch would provide a "road map" for guidance.

**ADJOURN**

On motion made by Committeewoman Harris and seconded by Mr. Hurley, all in favor and carried, the meeting was adjourned at 10:50 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary  
Township of Bernards  
Planning Board

Approved as written 03-05-2019

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