

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES v2
Regular Meeting
March 5, 2019

Chairwoman Piedici called the meeting to order at 7:30 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.

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

Moved by Ms. Asay and seconded by Ms. Mastrangelo, all in favor and carried, Dr. Coelho's absence was excused.

APPROVAL OF MINUTES

January 22, 2019 – Regular Session - On motion made by Mr. Crane and seconded by Mr. Hurley, all in favor and carried, the minutes were approved as drafted.

APPROVAL OF MINUTES

February 5, 2019 – Regular Session - On motion made by Ms. Mastrangelo and seconded by Committeewoman Harris, all in favor and carried, the minutes were approved as drafted. Mr. McNally abstained because he was ineligible to vote.

Mr. Crane recused himself and left the building at 7:39 PM.

APPROVAL OF RESOLUTION

Crown Court Associates LLC – Resolution #PB18-004; Block 8501, Lots 7 & 9; Crown Court Drive; Preliminary/Final Site Plan, Bulk Variances (approved)

Moved by Mr. Hurley, seconded by Mr. Damurjian, that Version 7 of the resolution be approved.

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

Motion carried.

PUBLIC HEARING (continued from January 22, 2019 and February 5, 2019)

Bernards Plaza Assoc. LLC; #PB18-005; Block 8501, Lots 39 & 43; 403 King George Road; Preliminary/Final Site Plan; Bulk Variances, Exceptions

Present: Robert A. Kasuba, Esq., Attorney for the Applicant
Catherine Mueller, PE, CME, Engineer for the Applicant
Avelino Martinez, RA, Architect for the Applicant
Art Bernard, PP, Planner for the Applicant
Joseph Korn, Project Manager, Dewy Meadow (site)

Robert A. Kasuba, Esq., attorney with the firm of *Bisgaier Hoff LLC*, Haddonfield, NJ, entered his appearance on behalf of the applicant, noting that new notice had been given because additional relief was being sought as a result of discussions conducted during the previous meetings.

Mr. Kasuba and Avelino Martinez, RA, architect with *BlackBird Group Architects LLC*, Newark, NJ, addressed comments from the Liberty Corner Fire Company, the Liberty Corner First Aid Squad and Bernards Township Fire Official, Andrew Buterbaugh, to the satisfaction of the Board.

In response to Mr. Banisch's memo dated January 17, 2019, Art Bernard, PP, planner with *Art Bernard and Associates LLC*, Lambertville, NJ, testified that although the locations of all of the required affordable units were shown on the plan, the final determination as to exactly which of those units would be very-low-income, low-income and moderate-income would be made by the Township's Administrative Agent once marketing actually began.

Mr. Bernard advised that the applicant would not seek a variance for minimum distance between buildings which would have allowed for the construction of full balconies on units facing the area between the two buildings. Instead, the applicant proposed to build "Juliet" balconies on those units in order to maintain the allowable minimum distance. Standard balconies would be installed elsewhere.

In reference to the two (2) bulk variances requested for signage, Mr. Bernard presented testimony to address both the negative and positive criteria required for c(2) or "flexible" c" variances.

Mr. Bernard testified that the applicant was seeking an exception from the Residential Site Improvement Standards (RSIS) which required a 24-foot aisle for direct access to individual 90-degree parking stalls. The applicant felt that the proposed stacked/tandem parking design (hence, no aisle) for some of the units was consistent with the intent of RSIS because this design efficiently addressed parking needs while creating less impervious surface than a parking design with an aisle.

Mr. Bernard stated that the applicant was requesting three (3) design exceptions for lighting. He noted that a Planning Board subcommittee for lighting and landscaping would review the site once the lighting and landscaping was installed. As a condition of approval, the applicant stipulated to making any revisions or additions recommended by the subcommittee.

Mr. Bernard noted that, since the last meeting, the applicant had created two (2) "cut-out" loading areas, one for each building, to be used for deliveries and tenants moving in and out of the apartments. **Exhibit A-8**, a one-page copy of a Preliminary/Final Site Plan entitled "Loading Areas," prepared by Page-Mueller Engineering Consultants PC and dated 03/05/2019, was entered into evidence. After some discussion, it was agreed that each cut-out would be 40 ft. X 10 ft. Although the size still didn't comply with the ordinance for loading spaces, Mr. Bernard opined that these cut-outs would serve the functional intent of the ordinance which made the request for a design exception reasonable. Ms. Mueller stated that the two spaces would be marked as "Loading Zone Only" or designated in some other fashion to ensure appropriate use of the spaces.

Mr. Korn agreed to use free standing signs as required by ordinance rather than wall mounted signs for building identification if the placement of utilities made the option possible.

There were no questions or comments from the public.

Mr. Kasuba gave a brief summary.

After deliberations, Mr. McNally moved to approve the preliminary and final site plan application and to grant the exceptions and variance relief sought by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Ms. Asay seconded.

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

Motion carried.

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS

The regular meeting scheduled for March 19, 2019 was cancelled.

ADJOURN

On motion made by Ms. Asay, seconded by Mr. Hurley, all in favor and carried, the meeting was adjourned at 9:08 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as written 04-03-2019

03/12/19 v2 dskpjd