

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
April 16, 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, Mastrangelo, Piedici, Zaidel
Members Late: Coelho (7:36 PM)
Members Absent: McNally
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Board Planner, David Banisch, PP, AICP;
Board Secretary, Cyndi Kiefer

Moved by Ms. Mastrangelo and seconded by Mr. Crane, all in favor and carried, Mr. McNally's absence was excused.

APPROVAL OF MINUTES

April 2, 2019 – Regular Session - On motion made by Ms. Asay and seconded by Mr. Hurley, all in favor and carried, the minutes were approved as drafted.

April 2, 2019 – Closed Session – On motion made by Committeewoman Harris and seconded by Mr. Zaidel, all in favor and carried, the minutes were approved as drafted.

On motion made by Ms. Mastrangelo and seconded by Committeewoman Harris, all in favor and carried, the Board voted to release the Closed Session minutes of April 2, 2019 to the public by placement in the applicable open session minutes book.

Mr. Crane recused himself and left the room at 7:33 PM.

ORDINANCE REFERRAL

Ordinance #2415 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey Amending Chapter 21, Article XIII Affordable Housing to Address the Requirements of the Fair Housing Act, the Uniform Housing Affordability Controls (UHAC) Regulations, and the Court-Approved Settlement Agreement with the Fair Share Housing Center Regarding Compliance with the Township's Affordable Housing Obligations

Mr. Banisch gave a synopsis of the proposed ordinance and recommended the Board find that the proposed ordinance is *not inconsistent* with the Master Plan.

Mr. Hurley moved to deem proposed Ordinance #2415 *not inconsistent* with the Township's Master Plan. Ms. Asay seconded.

Roll Call: Aye: Asay, Damurjian, Esposito, Harris, Hurley, Mastrangelo, Piedici, Zaidel
Ineligible: Coelho (arrived at 7:36 PM, after the discussion)

Motion carried.

Ordinance #2416- 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 Multifamily Housing in the B-5 Village Center Zone

Mr. Banisch gave a synopsis of the proposed ordinance and recommended the Board find that the proposed ordinance is *not inconsistent* with the Master Plan.

Mr. Zaidel moved to deem proposed Ordinance #2416 *not inconsistent* with the Township's Master Plan. Ms. Mastrangelo seconded.

Roll Call: Aye: Asay, Coelho, Damurjian, Esposito, Harris, Hurley, Mastrangelo, Piedici, Zaidel

Motion carried.

Mr. Crane returned to the room at 7:39 PM.

2019 MASTER PLAN REEXAMINATION REPORT DISCUSSION

Mr. Banisch explained that this Board is tasked by law, to conduct a reexamination of the 2010 Master Plan and to issue a report advising whether the document is considered relevant as it stands or whether revisions, additions and/or deletions are recommended.

Mr. Banisch stated that when the last report and Master Plan were issued, the Township had satisfied its affordable housing obligation and hence, it was not an issue. He opined that since affordable housing has now become an evolving concern, it should be addressed in Section "c" of the 2019 report.

The Board felt that the problems and objectives listed in Section "a" of the 2008 report remain valid in 2019.

Mr. Banisch explained that the Township's land development ordinances must be reviewed during this process. Mr. Zaidel felt that the Master Plan should contain more specific language about the reasoning, intent and purpose behind these regulations to help the Zoning Board during its deliberations on applications requesting ordinance relief. The Board also agreed that land use board members should familiarize themselves with the Master Plan.

The Board moved to Section "b" of the 2008 Reexamination Report which listed the extent to which the problems and objectives listed in Section "a" had reduced or increased in importance. Issues expressed during the discussion of Section "a" were included in this discourse. A suggestion was made to incentivize the owners of commercial properties to encourage remodeling and upgrading.

Referring to areas such as acquired open spaces and conservation easements, Mr. Zaidel noted that the current policy of requiring that those areas remain "natural" had had unintended negative consequences. Many of these areas had become overrun with invasive species and he felt that this should be addressed in the report.

Each of the items in Section "b" was discussed. In addition, updating of dwelling unit density data and stream buffer requirements, mapping of public water and sewer service areas, a tree removal plan to prevent damage during storms and ways to mitigate the potential destruction caused by Emerald Ash Borer were among other issues considered for inclusion in the report. Mr. Banisch noted that many of these points belonged in Section "d."

Hearing no further discussion on Section "b," the Board moved to Section "c." Mr. Drill suggested that references to the Highlands Council be removed based on the Township's decision not to participate in the Highlands Regional Master Plan process. Chairwoman Piedici stated that much of Section "c" would be updated by staff.

The "General Objectives" section of the "Goals and Objectives" chapter listed the items in Section 2 of the Municipal Land Use Law (MLUL) that is entitled "Purposes of the Act." Mr. Banisch suggested that the report recommend the inclusion of the two (2) new "purposes" which were added this year. The first dealt with alternatives to traditional development through the use of planning tools such as clustering and lot-size averaging. The second dealt with development around military facilities.

A straw poll determined that the Board felt that the section entitled "A Vision for the 21st Century" should be revised with clear ties to the goals and objectives or eliminated altogether.

A second straw poll determined that the remainder "Goals and Objectives" chapter should be discussed at the next meeting scheduled for May 7, 2019.

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS

Chairwoman Piedici asked Mr. Banisch to send a memo to the Board outlining the discussion points for the next meeting.

ADJOURN

By unanimous Voice Vote, the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as written 05-07-2019

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