

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
May 21, 2019

Chairwoman Piedici called the meeting to order at 7:34 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: Crane, Damurjian, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
Members Absent: Asay, Coelho, Mastrangelo
Members Late: Harris (7:40 PM)
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP; Board Secretary, Cyndi Kiefer

Moved by Mr. Crane and seconded by Mr. Hurley, all in favor and carried, that the absences of Ms. Asay and Ms. Mastrangelo be excused.

APPROVAL OF MINUTES

May 7, 2019 – Regular Session- On motion made by Mr. Hurley and seconded by Committeeman Esposito, all in favor and carried, the minutes were approved as drafted.

APPROVAL OF RESOLUTION

Bernards Plaza Assoc. LLC; #PB18-005; Block 8501, Lot 39, 43; 403 King George Road; Preliminary/Final Site Plan; Variances, Exceptions (granted)

Mr. Drill noted revisions on pages 26 and 34. Moved by Mr. McNally, seconded by Mr. Hurley, that the resolution be approved as revised.

Roll Call: Aye: Damurjian, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
Nay: None
Ineligible: Crane

Motion carried.

PUBLIC HEARING – MODIFICATION OF CONDITION OF APPROVAL

United States Golf Association; Block 9601, Lot 5.01; 77 Liberty Corner Road; Extension of time to either commence construction of the approved parking layout or apply to the Board for a modified parking layout; PB17-003A

Present: Thomas J. Malman, Esq., Attorney for the Applicant

Thomas J. Malman, Esq., attorney with the firm of *Day Pitney LLP*, Parsippany, NJ, entered his appearance on behalf of the applicant. He stated that Amended Preliminary and Final Site Plan and associated bulk variances granted on June 6, 2017 provides for a two-phase approach to the previously approved parking improvements in order to accommodate the possibility of acquiring the adjacent Pyne property. Phase I includes construction of an "interim" parking area for temporary use (complete) until Phase 2, construction of the permanent parking area, is finished. Condition #9 of that approval provides that the applicant shall either commence construction of the permanent parking improvements or submit an application to the Board for a modified parking layout no later than June 6, 2019. Because acquisition of the Pyne Property took longer than anticipated, the applicant was requesting an extension of two (2) years to June 6, 2021 in order to revise the final permanent parking plans and return to the Board with an amended site plan proposal.

The hearing was opened to the public for questions or comments. Hearing none, that portion was closed.

Mr. Zaidel moved to grant the request for modification of Condition #9 to extend the deadline for two (2) years to June 6, 2021. Committeeman Esposito seconded.

Roll Call:	Aye:	Crane, Damurjian, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
	Nay:	None

Motion carried.

Mr. Crane recused himself at 7:50 PM and left the room.

ORDINANCE REFERRAL

Ordinance #2420 – An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending Chapter 21, "Revised Land Use Ordinances," 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 Fair Share Housing Center Regarding Compliance with the Township's Affordable Housing Obligations and Amending Section 85, "Affordable Housing Obligation," Section 3, "Affordable Housing Programs," Subsection d, "Down Payment Affordability Assistance Program" and Subsection e, "Homeowner Affordability Assistance Program"

Mr. Banisch stated that this ordinance contained technical revisions to Ordinance #2415 which this Board had previously reviewed for consistency. Since there were no substantive changes being made, he opined that the Board could conclude, as it had with Ordinance #2415, that this ordinance was *not inconsistent* with the Master Plan.

Mr. McNally moved to deem Ordinance #2420 *not inconsistent* with the Master Plan. Mr. Hurley seconded.

Roll Call:	Aye:	Damurjian, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
	Nay:	None

Motion carried.

Mr. Crane returned to the room at 7:53 PM.

2019 MASTER PLAN REEXAMINATION REPORT DISCUSSION

Referring to his memo dated May 16, 2019, Mr. Banisch gave a summary of the conclusions reached by the Board during its May 7, 2019 meeting.

The Board had reached a consensus that the overall review of the Master Plan should be done at a high level. In general, there was satisfaction with the organization of the goals and objectives listed in Chapter I, "Goals and Objectives" however the results of a straw poll indicated that the Board was in favor of clarifying the connection *between* each objective and goal.

A brief recess was requested.

* * * *The Open Session was recessed at 8:11 PM and reconvened at 8:18 PM.* * * *

Mr. Banisch then reviewed the discussion of Subsection "c" which pertains to the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis of the Master Plan. After a lengthy dialogue on the topic of "density and distribution of population and land use," there was consensus that the verbiage should reflect the need to develop strategies to address the housing needs of emerging demographic trends. The Board also felt that this should also be included in "housing conditions."

In reference to "conservation of natural resources," it was decided that the topic would be revisited once the recommendations in the Shade Tree Commission's memos dated May 17, 2019 and May 20, 2019 were reviewed.

That concluded the review of the results of discussions held during the May 7, 2019 meeting.

Mr. Banisch then reviewed Subsection "d" from the 2008 Reexamination Report which makes recommendations for specific changes to the Master Plan and/or development regulations. Impervious coverage zoning standards, Conservation Residential District planning and management, the Environmental Sustainability Plan, Category 1 streams, and zoning map updates were topics mentioned in this subsection. He opined that the recommendations listed acknowledged a priority to control future growth which is consistent with the Board's current viewpoint. A discussion ensued and there was general consensus that these were still relevant issues.

Mr. Banisch explained that 2010 Land Use Element identifies the various land use districts in the municipality. The Board agreed with Chairwoman Piedici's suggestion that all tables and data in the element should be reviewed and updated. In response to discussions during the previous meeting, Mr. Banisch prepared a statement addressing the Mining District and read it into the record. A dialogue ensued, and the statement was truncated to recommend that a land use examination of existing zoning and possible alternative arrangement and design options be conducted.

The Board also agreed with recommendations to update the Land Use Element to reflect the three (3) new affordable housing sites and to create a more enhanced purpose statement for each zoning district. Mr. Zaidel felt that the latter would be useful when determining whether or not variance relief requested should be granted.

Noting that the Board had completed its review of the scheduled topics, Chairwoman Piedici stated that during the next meeting (June 4, 2019), Section III (Demographic and Housing Summary) and Section V (Circulation Plan Element) would be reviewed. Mr. Banisch agreed to circulate a guidance memo to facilitate the discussions.

COMMENTS FROM STAFF

Ms. Kiefer said that several members of the current Board had not attended the MELJIF Land Use Seminar given by Mr. Drill. Participation is required in order to become eligible for a special policy created to protect the trained members from personal exposures that are excluded in commercial policies. She agreed to circulate an email to those members to ascertain availability if the seminar were to be presented prior to the June 18, 2019 meeting.

COMMENTS FROM BOARD MEMBERS

Mr. Crane asked that the 2008 Mulhall Report be posted on the Township website.

The July 2, 2019 meeting was cancelled after it was determined that several members would be unable to attend.

ADJOURN

Moved by Mr. Crane and seconded by Mr. Hurley, all in favor and carried, that the meeting be adjourned at 9:20 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as written 06/18/2019

06/10/19 v2 dskpjd