

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
June 18, 2019

Chairwoman Piedici called the meeting to order at 7:32 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, Coelho, Damurjian, Esposito, Hurley, McNally, Mastrangelo, Piedici
Members Absent: Crane, Harris, Zaidel
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 Ms. Mastrangelo, seconded by Ms. Asay, all in favor and carried, that the absences of Mr. Crane, Committeewoman Harris and Mr. Zaidel be excused.

APPROVAL OF MINUTES

May 21, 2019 – Regular Meeting - On motion made by Mr. Hurley and seconded by Mr. McNally, all in favor and carried, the minutes were approved as drafted.

June 4, 2019 – Regular Meeting - On motion made by Dr. Coelho and seconded by Ms. Mastrangelo, all in favor and carried, the minutes were approved as drafted.

COMPLETENESS HEARING

Skea, Robert & Loriann; Block 1805, Lots 21/39; 42 Dyckman Place/15 Rankin Avenue; Minor Subdivision; #PB19-001

Present: Robert Skea, Applicant

Robert Skea, applicant residing at 42 Dyckman Place (Block 1805, Lot 21), testified that currently, the driveway on his property, encroached onto the adjacent property, 15 Rankin Avenue (Block 1805, Lot 39) which is owned by John and Maryann Dickson. Mr. Skea proposed a lot line adjustment between the two properties to eliminate the encroachment and to bring the driveway into conformity by providing a side setback of more than five (5) feet.

Referring to David Schley's memo dated June 5, 2019, Mr. Skea requested a checklist submission waiver for a wetlands delineation or wetlands absence determination because there had been no wetlands noted in the area during the original subdivision process and the application proposed no disturbance of soil or new construction.

Mr. McNally moved to grant the checklist submission waiver and to deem the application complete. Dr. Coelho seconded.

Roll Call: Aye: Asay, Coelho, Damurjian, Esposito, Hurley, McNally, Mastrangelo, Piedici
Nay: NONE

Motion carried.

ORDINANCE REFERRAL

Ordinance #2423 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 21 "Land Development," Section 58 "Agreements," Subsection 3 "Ownership Organizations"

Referring to his memo dated May 16, 2019, revised May 17, 2019, Mr. Banisch stated that proposed Ordinance #2423 amends the existing Stormwater Management standards to conform to the new New Jersey Department of Environmental Protection (NJDEP) requirements. Because the Master Plan acknowledges the mandate for consistency between NJDEP and municipal stormwater management requirements, he opined that the Board, pursuant to its referral powers as enumerated in the Municipal Land Use Law, may find that Ordinance #2423 is *not inconsistent* with the Master Plan.

Dr. Coelho moved to deem proposed Ordinance #2423 *not inconsistent* with the Master Plan. Ms. Asay seconded.

Roll Call: Aye: Asay, Coelho, Damurjian, Esposito, Hurley, McNally, Mastrangelo, Piedici
Nay: NONE

Motion carried.

2019 MASTER PLAN REEXAMINATION REPORT DISCUSSION

Chairwoman Piedici stated that Section VII, the Parks and Recreation Plan Element and Section VIII, the Conservation and Open Space Plan Element were scheduled for review this evening. She noted that although Section IX, the Utility Service Plan Element, was included in David Banisch's June 14, 2019 memo, it would not be discussed since it was not listed on the agenda. Finally, she affirmed that there would be no formal action taken.

Mr. Banisch recapped the discussions held during the June 4, 2019 meeting and with the exception of a few minor changes, the revisions and recommendations in Subsection "c" of the 2008 Reexamination Report, the 2010 Land Use Element and the 2010 Circulation Plan Element were accepted.

Mr. Banisch stated that Section VII, the Parks and Recreation Plan Element consisted of an expansive list of goals and objectives, an evaluation of the community recreation and open space needs and a comprehensive inventory of facilities owned by the public and private schools, the YMCA, the County and the VA along with an inventory of privately-owned recreation facilities in residential developments. In response to a recommendation to update the tables, lists, assessments, etc., Mr. Hurley opined that since the population had remained almost the same since 2010, the data might have experienced only minor changes. Ms. Asay suggested that all youth sports programs should be inventoried. Finally, a few grammatical corrections were made.

Mr. Banisch began the discussion of Section VIII, the Conservation and Open Space Plan Element by opining that this element and Section II, the Land Use Element and Section IV, the Housing Plan and Fair Share Element were instrumental in the assumption of validity of the zoning ordinances. He suggested that any revisions made should be done with caution. The recommendations made by the Shade Tree Commission (STC) for hazardous trees, invasive species and tree protection for residential lots under three acres were read into the record as suggestions for review.

A discussion ensued about the implications and costs of implementing some of the STC's recommendations and Mr. Banisch advised the Board that the recommendations listed in the Reexamination Report are just suggestions. If the Board decides to move forward with a detailed revision of the Master Plan, the costs and implications involved in implementing those suggestions would then become a factor in the decision-making process.

Noise pollution, the Highlands Regional Master Plan, the use of pesticides and herbicides and the need for electric vehicle charging stations were additional topics recommended for possible inclusion in the Reexamination Report.

Hearing no further recommendations, Chairwoman Piedici opened the meeting to the public for comment.

Bill Allen, 44 Holmesbrook Road, commented on the future use of the quarry land.

Todd Edelstein, 172 Riverside Drive, commented on opting into the Highlands Regional Master Plan and the possibility of restoring the Historic Preservation Commission.

Hearing no further public comment, Chairwoman Piedici closed that portion of the meeting.

Dr. Coelho left the meeting at 9:12 PM.

CLOSED SESSION #1

Resolution authorizing a Closed Session for the purpose of: discussion of such matters, namely Attorney-Client Privileged Advice regarding the Master Plan Reexamination process that the Board is currently undertaking and where confidentiality is required for the Board attorney to exercise his ethical duties as a lawyer.

Chairwoman Piedici read the resolution in its entirety into the record.

Approval moved by Mr. Hurley, seconded by Ms. Asay, all in favor and carried.

CLOSED SESSION #2

Resolution authorizing a Closed Session for the purpose of: discussion of such matters, namely litigation titled Michael S. Barth v. Bernards Township Planning Board, and Attorney-Client Privileged Advice regarding the litigation where confidentiality is required for the Board attorney to exercise his ethical duties as a lawyer.

Chairwoman Piedici read the resolution in its entirety into the record.

Approval moved by Ms. Mastrangelo, seconded by Committeeman Esposito, all in favor and carried.

* * * *The Open Session was recessed at 9:14 PM and reconvened at 10:02 PM.* * * *

On motion by Ms. Asay, seconded by Mr. McNally, all in favor and carried, the Board returned to Open Session.

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS

Noting that the Board had completed its review of the scheduled sections, Chairwoman Piedici stated that during the next meeting (July 16, 2019), Section IX, the Utility Service Plan Element; Section X, Comparison to Other Plans; and Section XI, the Historic Preservation Element would be scheduled for review. Mr. Banisch agreed to circulate a guidance memo to facilitate the discussions.

ADJOURN

Moved by Ms. Mastrangelo, seconded by Ms. Asay, all in favor and carried, the meeting was adjourned at 10:05 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

06/24/19v2 ds kp jd

Approved as written 07/16/2019.