

BERNARDS TOWNSHIP

PLANNING BOARD

MINUTES

Regular Meeting
July 16, 2019

Chairwoman Piedici called the meeting to order at 7:31 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, Hurley, Piedici, Zaidel

Members Absent: Asay, Coelho, Harris, McNally, Mastrangelo

Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;
Board Planner, David Banisch, PP, AICP (8:37 PM); Board Secretary, Cyndi Kiefer

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

APPROVAL OF MINUTES

June 18, 2019 – Open Session – Regular Meeting - On motion made by Mr. Damurjian and seconded by Committeeman Esposito, all in favor and carried, the minutes were approved as drafted.

June 18, 2019 – Closed Session #1 – Regular Meeting - On motion made by Mr. Hurley and seconded by Mr. Damurjian, all in favor and carried, the minutes were approved as drafted.

June 18, 2019 – Closed Session #2 – Regular Meeting - On motion made by Mr. Damurjian and seconded by Mr. Hurley, all in favor and carried, the minutes were approved as drafted.

COMPLETENESS HEARING

Genesis Property Management LLC; Block 11201, Lot 4; 140 Allen Road; Preliminary/Final Site Plan, Bulk Variance; #PB19-002

Present: Nicole M. Magdziak, Esq., Attorney for the Applicant Corporation

Nicole M. Magdziak, Esq., attorney with the firm of *Day Pitney LLC*, Parsippany, NJ, entered her appearance on behalf of the applicant corporation, Genesis Property Management, LLC ("GPM"). She stated that GPM proposed to add a 9,000-gallon cryogenic above-ground tank which required relief for exceeding the maximum height of an accessory structure. Referring to Mr. Schley's completeness review memo dated 07/09/2019, she asked the board for a checklist submission waiver for a project report/environmental impact statement because, in her opinion, the relief requested was de minimis.

Mr. Damurjian moved to grant the checklist submission waiver and to deem the application complete. Mr. Hurley seconded.

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

Motion carried.

PUBLIC 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, was duly sworn as were the board's professionals. He stated that in order to rectify a driveway encroachment issue, he proposed to purchase land from John and Maryann Dickison, owners of the adjacent property (15 Rankin Avenue). Although the additional square footage would make his property more conforming, variance relief for maximum allowable lot coverage was still required partially due to the installation of pavers along the driveway and a paver walkway along with enlarging an existing patio, all done by Mr. Skea.

Mr. Skea testified that on the original survey, the driveway was gravel and located entirely on the subject property however, when the property was delivered to him, the driveway was paved and, unbeknownst to him, partially located on the Dickison's property. **Exhibit A-1**, a drawing by Mr. Skea illustrating the width of the driveway with a five-foot setback *without* the proposed lot line adjustment, was entered into evidence. He opined that without the additional land, cars would have difficulty safely maneuvering in or out of the third bay of his garage because of the narrowness of the driveway at that point. With the additional property, the driveway would be entirely on the subject property, conform to the setback requirements and the third bay would be easily accessed by cars.

Mr. Skea stated that he had the property regraded to help remediate existing drainage issues and also discovered that the builder had installed three (3) drywells during the original construction of the house. Mr. Crane advised the board that he had walked throughout the property and, despite the extra impervious coverage, he saw no drainage issues. He opined that the house and its improvements fit well into the neighborhood.

Mr. Skea stipulated, as conditions of approval, to items 4, 5, 6, 7 and 8 of Mr. Schley's memo dated 07/12/2019 and to comments made in the Somerset County Planning Board's memo dated 06/18/2019. In addition, he stated that the buyer of his house had been made aware that any further improvements which generated new impervious coverage would require board approval.

After deliberating, the Board felt that the applicant had satisfied the positive and negative criteria required for a "c(1)" or "hardship" variance for Block 1805, Lot 39 (15 Rankin Avenue) for minimum lot width and for a "c(2)" or benefits vs. detriments" variance for Block 1805, Lot 21 (42 Dyckman Place) for maximum lot coverage. Mr. Damurjian moved to grant the application for minor subdivision and variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Crane seconded.

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

Motion carried.

2019 MASTER PLAN REEXAMINATION REPORT DISCUSSION

Chairwoman Piedici stated that Section IX, the Utility Service Plan Element; Section X, Comparison to Other Plans; and Section XI, the Historic Preservation Plan Element were on the agenda for discussion that evening. She affirmed that no formal action would be taken.

Referring the Mr. Banisch's memo dated 07/13/2019, Chairwoman Piedici recapped the revisions made during the 06/18/2019 meeting to Section V, the Circulation Plan Element; Section VII, the Parks and Recreation Plan Element; and Section VIII, the Conservation and Open Space Plan Element and all were accepted. Chairwoman Piedici's suggestion that the information contained in all of the tables should be updated was also accepted.

* * * *The Open Session was recessed at 8:27 PM and reconvened at 8:37 PM.* * * *

Mr. Banisch arrived at 8:37 PM and began discussion of Section IX, Utility Service Plan Element. Several areas that required updating or contained inconsistencies were noted. A suggestion was made to catalog all the solar photovoltaic installations in the township and to monitor the use of solar energy to determine whether any regulation was required. Another suggestion was made that the same type of cataloging should be done for electric car charging stations and that recommendations should be developed to encourage the placement additional facilities elsewhere in the township. Real numbers for wastewater management, actual capacity numbers for the plant and a map of all the water mains as well as areas that contained stormwater control measures were some of the other suggestions made. In reference to wireless telecommunications towers and antennas, Mr. Banisch recommended that that section be updated to reflect the new federal regulations associated with the deployment of 5G telecommunications facilities. Finally, it was agreed that the recommendations contained in items 3, 4 and 5 in the Environmental Commission's memo dated 07/11/2019 should be included in the reexamination report.

There were no comments made for Section X, Comparison to Other Plans.

Mr. Banisch began discussion on Section XI, the Historic Preservation Plan Element. Mr. Crane noted that although the Basking Ridge Historic District is listed in the New Jersey and National Registers of Historic Places (Table X1-1), over 50% of the property owners in that district voted *not* to deem it an historic district. Mr. Banisch opined that this merited further research.

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

Todd Edelstein, 172 Riverside Drive, commented on utility waste water and conservation of potable water and spoke in favor of encouraging more electric car charging stations and gray water systems.

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

COMMENTS FROM STAFF - None

COMMENTS FROM BOARD MEMBERS

Noting that the Board had completed its review of the elements on the agenda, Chairwoman Piedici stated that during the next meeting (08/06/2019), the final two (2) elements, Section XI, the Farmland Preservation Element and Section XIII, the Green Buildings and Environmental Sustainability Plan Element would be scheduled for review. Mr. Banisch agreed to circulate a guidance memo to facilitate the discussions.

Chairwoman Piedici stated that because several staff members and board professionals would be attending the New Jersey State League of Municipalities Convention on 11/19/2019, that meeting would have to be cancelled.

ADJOURN

Moved by Mr. Crane, seconded by Committeeman Esposito, all in favor and carried, the meeting was adjourned at 9:26 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Approved as written 08/06/2019.

07/26/19 v3 dskpjd