# BERNARDS TOWNSHIP

### **PLANNING BOARD**

### MINUTES v2

Regular Meeting November 17, 2020

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 October 5, 2020; 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, Baumann\*, Crane\*, Damurjian, Esposito, Harris\*, Hurley, McNally, Manduke,

Mastrangelo, Piedici

Members Absent: NONE

Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;

Board Planner, David Banisch, PP, AICP; Board Secretary, Cyndi Kiefer

### **APPROVAL OF MINUTES**

November 3, 2020 – Regular Session- On motion made by Ms. Asay and seconded by Mr. Hurley, all eligible in favor and carried, the minutes were adopted as drafted. Abstention for absence: McNally, Manduke

Mr. Crane recused himself from hearing the following application.

### **COMPLETENESS AND PUBLIC HEARING**

Bernards Plaza Associates LLC; Block 8501, Lots 39, 43, 44; 403 King George Road; Preliminary/Final Site Plan; PB20-003

Present: Danielle Kinback, Esq., Attorney for the Applicant

Catherine Mueller, PE, CME, Engineer for the Applicant John P. Peel, PP, Environmental Expert for the Applicant Joseph Korn, Project Manager, Dewy Meadow, Crown Court

Ms. Mueller, Mr. Peel, Mr. Korn and the Board's professionals were duly sworn by Mr. Drill.

Danielle Kinback, Esq., attorney with the firm of *Bisgaier Hoff, LLC*, Haddonfield, NJ, entered her appearance on behalf of the Applicant. She stated that the Applicant sought preliminary and final site plan approval to develop Lot 44 which is encumbered by wetlands and floodplain, with a walking path and benches to be used as an additional recreational amenity for the surrounding multi-family developments (Dewy Meadow and Crown Court). In accordance with the affordable housing agreement (2018) and second amendment (2019) between the Applicant and the Township, Lot 44 was rezoned to B-5 Village Center Zone (from P-1 Public Purpose Zone) and then purchased from the Township by the Applicant. Finally, Ms. Kinback stated that approval of this current site plan application would satisfy Condition #5 of the Dewy Meadow (Bernards Plaza

<sup>\*</sup>Present via telephone

Associates LLC, #PB18-005, 2019) site plan approval which requires that the Applicant obtain preliminary and final site plan approval for recreational amenities on Lot 44 prior to obtaining certificates of occupancy for any housing units in the Dewy Meadow development.

Ms. Mastrangelo stated that she had visited the site which she described as an active construction site and open field area.

Catherine Mueller, PE, CME, engineer with the firm of *Page-Mueller Engineering Consultants, PC*, Warren, NJ, was accepted by the Board as an expert in civil engineering. She gave a brief description of the subject property noting that the project requires New Jersey Department of Environmental Protection (NJDEP) approval because of the existing environmental constraints. She described the proposed path as 6' wide and 992' long in a loop configuration, consisting of an excavated area lined with plastic edging and mulched with a wood chip type material. The property will remain vegetated (no additional plantings are proposed) and the existing building will be used for storage of equipment. Finally, Ms. Mueller testified that a sign will be erected at the entrance of the pathway signifying that it is an environmentally sensitive area.

A discussion ensued about the possible placement of trash cans however, the results of a straw poll indicated that the Board was not in favor of requiring them.

In response to a question from Mr. Damurjian as to why the Applicant chose not to pave the path, Ms. Mueller testified that that option would require a different, more involved process with the NJDEP and the site development itself, and that the Applicant is seeking to keep the area as natural as possible. Mr. Damurjian stated that the use of mulch would preclude any recreational use other than walking and opined that because of the limitation, it did not satisfy the intent of the Township's ordinance requiring recreational amenities for multi-family developments. Mr. Drill read aloud Condition #5 of the Dewy Meadow resolution in its entirety, noting that the recreational amenities listed in that condition are an "open field and walking trails" as is currently being proposed.

In response to the Board's concern about the mulch floating away in rainstorms, Joseph Korn, Project Manager, testified that the mulch would be replenished as needed.

Chairwoman Piedici opened the hearing to the public for questions of the witnesses. Noting that there is a dedicated telephone line for those members of the public watching the meeting via computer or cable, she announced the telephone number. Hearing no questions from either those present or via telephone, she closed that portion of the hearing.

John P. Peel, PP, with the firm *PK Environmental,* Chatham, NJ, was accepted by the Board as an environmental specialist. He opined that because the subject property is environmentally sensitive and wet, and the proposed usage is low level in nature, the use of mulch for the pathway is preferable to pavement.

Mr. Korn stated that in addition to the proposed walking path, there are several recreational areas available, including a pool and playgrounds, on both the Dewy Meadow and Crown Court sites. He testified that, as indicated in the Master Plan, the proposed path would tie into an existing Township trail system which is present on the adjacent property. A discussion ensued as to whether mulch, gravel or pavement should be used on the proposed pathway. The results of a straw poll indicated that the Board felt mulch was more in keeping with the environmentally sensitive nature of the area.

Mr. Korn agreed to provide movable soccer goals which will be stored in the existing building. He added that the areas within a few feet of the path would be mowed on a regular basis and the field itself on a twice-a-year schedule unless otherwise dictated by the needs of the residents of both developments. In response to a question as to the type of mulch that would be used, Mr. Korn stipulated, as a condition of approval, to coordinating the choice of mulch with the Township to the satisfaction of the Township Planner.

Hearing no further questions from the Board, Chairwoman Piedici opened the hearing to the public, either present or via telephone, for questions of the witnesses.

Todd Edelstein, 172 Riverside Drive, was present and questioned the use of plastic edging as opposed to wood. Ms. Mueller stated that it is thinner than wood edging and would therefore create less disturbance, adding that it would also last longer.

Hearing no further questions, that portion of the hearing was closed.

Mr. Korn stipulated, as conditions of approval, to the comments made in Mr. Schley's memo dated 10-28-2020 noting that the existing building did not contain any restroom facilities and that there are no plans to use it for anything other than storage. He also stipulated to allowing public access across Lots 39 and 44 for the purpose of maintaining a public pedestrian link between King George Road and the Township open space to the west of Lot 44, as outlined in Mr. Schley's 11/02/2020 memo. In response to the Environmental Commission's memo dated 10-27-2020, he stated that there would be no public parking or public restrooms provided.

Hearing no further questions from the Board, Chairwoman Piedici opened the hearing to the public, either present or via telephone, for questions of the witnesses. Hearing none, she opened the hearing to the public either present or via telephone for comments.

Todd Edelstein, 172 Riverside Drive, was duly sworn by Mr. Drill and commented on the use of plastic edging material. He also opined that a raised walkway using planks would be more accessible for public use.

Hearing no further comments, that portion of the hearing was closed.

Ms. Kinback opined that the testimony presented was sufficient and offered no summation.

After deliberations, Mr. McNally moved to grant preliminary and final site plan approval subject to the conditions stipulated to by the Applicant during testimony and as stated during deliberations. Ms. Manduke seconded.

Roll Call: Aye: Asay, Esposito, Harris, Hurley, McNally, Manduke, Mastrangelo, Piedici

Nay: Damurjian

Motion carried.

Mr. Crane returned to the meeting.

### **MASTER PLAN REVIEW** – Chapter 1 "Goals and Objectives"

Mr. Banisch stated that the purpose of his memos dated 11/15/2020 and 11/17/2020 was to provide the Board with an updated, revised draft of the Goals and Objectives section of the Master Plan, incorporating suggestions made by the Board at its meeting on 10/20/2020 and in subsequent emails. All revisions were reviewed and accepted by the Board.

Mr. Banisch then discussed the prior actions taken by the Township regarding Highland Plan Conformance. He noted that Mr. Schley had found that it was reviewed during the 12/06/2006 Township Committee meeting. At that time, the Committee decided to opt out of the regulations.

Mr. Banisch stated that his research had yielded two (2) municipalities that received reduced affordable housing obligations related to Highlands Plan Conformance. Both reductions were granted during settlement negotiations in recognition of the percentage of land within municipal boundaries designated Highlands Preservation Area.

Hearing no further comments pertaining to the Goals and Objectives draft, Chairwoman Piedici asked Mr. Banisch to prepare a memo addressing the Land Use Element for the 01/19/2021 meeting.

In response to Chairwoman Piedici's question, Mr. Schley affirmed that a request for updates from the Parks and Recreation Department is underway.

Ms. Asay commented that many of the pictures in the 2010 Master Plan were unidentified.

**COMMENTS FROM STAFF OR BOARD MEMBERS** – The Board was in favor of holding a small holiday party prior to the December 8, 2020 meeting.

### **ADJOURN**

Ms. Mastrangelo moved, Mr. McNally seconded, all in favor and carried, and the meeting was adjourned at 8:59 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary Township of Bernards Planning Board

12/03/2020v2 dskpjd

Adopted as drafted 12/08/2020

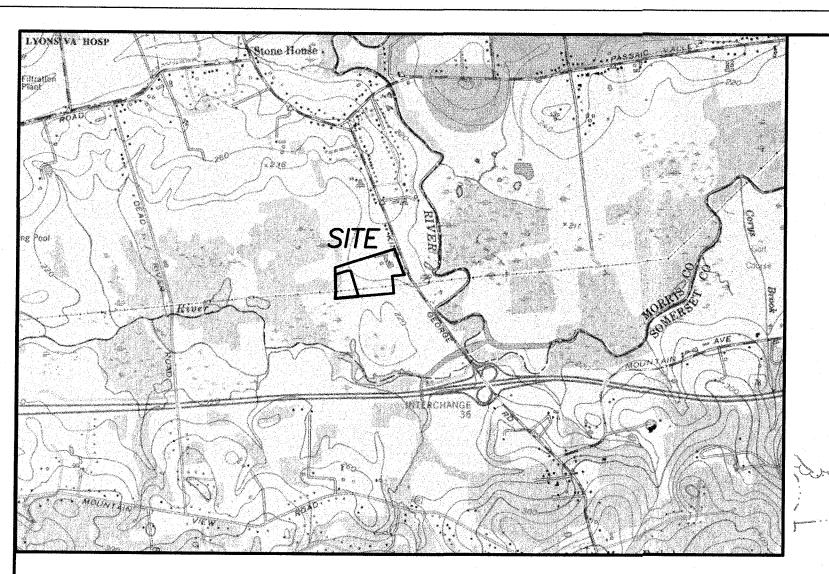
-			
H-	CE	1//	=
1 / 1		IVL	

TOWNSHIP OF BERNARDS
2020 PLANNING BOARD APPLICATION

SEP 2 4 2020

[ ] Minor Subdivision	
1. APPLICANT: Bernards Plaza Associates, L.L.C.	
Address: 820 Morris Turnpike	
Phone: (home) (work) (mobile)	
Email (will be used for official notifications):JoeK@gardenhomes.com	
2. OWNER (if different from applicant): Same as Applicant	
Address:	
Phone: Email (will be used for official notifications):	
3. ATTORNEY: Richard J. Hoff, Jr., Esq Bisgaier Hoff, LLC	
Address: 25 Chestnut St., Ste. 3 Haddonfield, NJ 08033	
Phone: Email (will be used for official notifications):	
4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessor	ary):
Name: Catherine Mueller, P.E. (Page-Mueller Engineering) Profession: Engine	
Address: P.O. Box 4619, Warren, NJ 07059	
Phone: 732-805-3979 Email (will be used for official notifications):cmueller	
5. PROPERTY INFORMATION: Block(s): 8501 Lot(s): 39, 43, 44	
Street Address: 403 King George Road Total Area (square feet/acres):	
6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF AN APPLICATIONS INVOLVING THE PROPERTY? [ ] No [ x] Yes (if yes, explain or resolution) Application # PB-18-0005. See cover letter for further explination.	r attach Board
7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE THE PROPERTY? [x] No [] Yes (if yes, explain)	INVOLVING
8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE  [ ] No [ ] Yes (if yes, explain and attach copy)  02/06/19  Bernards Township Planning Board	PROPERTY? Page 1 of 2

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:  As a condition of the May 21, 2019 Preliminary and Final Site Plan approval, Applicant seeks
approval for a walking path on Lot 44. See cover letter for further explanation.
10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):  None
11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:  Testimony to provided at public hearing. See cover letter for further explanation.
12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):
APPLICANT(S) SIGN HERE:  I/we, Joseph Korn and Lara Assor hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.  Signature of Applicant(s):  Sworn and subscribed before me, this 20 day of Assor HEATHER C. DUETSCH NOTARY PUBLIC OF NEW JERSEY  COMMISSION # 2446131  MY COMMISSION # 2446131  MY COMMISSION # 2446131  MY COMMISSION EXPIRES 57/2024
If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:  L/we,
and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.  Signature of owner(s):
Notary



# U.S.G.S. MAP SCALE: 1" = 2,000'

# PROPERTY OWNERS WITHIN 200 FEET

(AS CERTIFIED BY THE TOWNSHIP OF BERNARDS TAX ASSESSOR 7/8/20)

BERNARDS, TOWNSHIP OF BERNARDS TWP SEWERAGE AUTHORITY PO BOX 247 LIBERTY CORNER NJ 07938 ONE COLLYER IN BASKING RIDGE, NJ 07920 JCP&L C/O GPU TAX DEPT CROWN COURT ASSOCIATES 820 MORRIS TURNPIKE OAKBROOK IL 60522 SHORT HILLS, NJ 07078 BERNARDS, TOWNSHIP OF SATHE, NIKIL P & RENUKA HEDGE ONE COLLYER LN BASKING RIDGE, NJ 07920 425 KING GEORGE RD BASKING RIDGE NJ 07920 SUNRISE B R ASSISTED LIVING, LLC CROWN COURT ASSOCIATES 7902 WESTPARK DR/TAX DEPT SHORT HILLS, NJ 07070 MCLEAN VA 22102 CROWN COURT ASSOCIATES BERNARDS, TOWNSHIP OF ONE COLLYER LN BASKING RIDGE, NJ 07920 SHORT HILLS, NJ 07070

## MUNICIPAL AND UTILITIES CONTACT LIST

ALGONQUIN GAS TRANSMISSION CO 1 LINDBERGH RD STONY POINT, NY 10980 (908) 757-1212

CROWN COURT ASSOCIATES 820 MORRIS TURNPIKE

BELL ATLANTIC CORPORATION SECRETARY. 46TH FLOOR 1717 ARCH PHILADELPHIA, PA 19102

JCP & L/GPU SERVICE TAX DEPT PO BOX 1911 MORRISTOWN, NJ 07962-1911

PUBLIC SERVICE ELECTRIC & GAS MANAGER - CORPORATE PROPERTIES 80 PARK PLAZA, T6B NEWARK, NJ 07102

VERIZON COMMUNICATIONS ENGINEERING 290 W MT PLEASANT AVE: STE 1400

VOORHEES, NJ 08043

LIVINGSTON, NJ 07039-2763 NEW JERSEY AMERICAN WATER CO DONNA SHORT, GIS SUPERVISOR NJ-AMERICAN WATER COMPANY, INC. 1025 LAUREL OAK RD

SOMERSET COUNTY PLANNING BOARD PO Box 3000 Somerville, NJ 08876

CABLEVISION OF RARITAN VALLEY 275 CENTENNIAL AVE; CN6805 PISCATAWAY, NJ 08855 ATTN: MERGURITE PRENDERVILL CONSTRUCTION DEPT

BERNARDS TWP SEWERAGE ATHTY 1 COLLYER LN BASKING RIDGE, NJ 07920 (908) 204-3002

ENVIRONMENTAL DISPOSAL CORP WILLIAM HALSEY, PRESIDENT PO BOX 709 PLUCKEMIN, NJ 07978 (908) 234-0677

NEW JERSEY BELL TELEPHONE CO EDWARD D. YOUNG III, SECRETARY VERIZON LEGAL DEPT. 540 BROAD ST-ROOM 2001 NEWARK, NJ 07101 (201) 649-2233

TRANSCONTINENTAL GAS PIPELINE DIVISION OFFICE 3200 S WOOD AVE LINDEN, NJ 07036

VERIZON BUSINESS/MCI RIGHT OF WAY DEPT. 2400 N GLENVILLE DR RICHARDSON, TX 75082

### LIST OF REQUIRED GOVERNMENTAL APPROVALS (BEFORE THE COMMENCEMENT OF ANY CONSTRUCTION)

SOMERSET COUNTY PLANNING BOARD

SOMERSET-UNION SOIL CONSERVATION DISTRICT

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

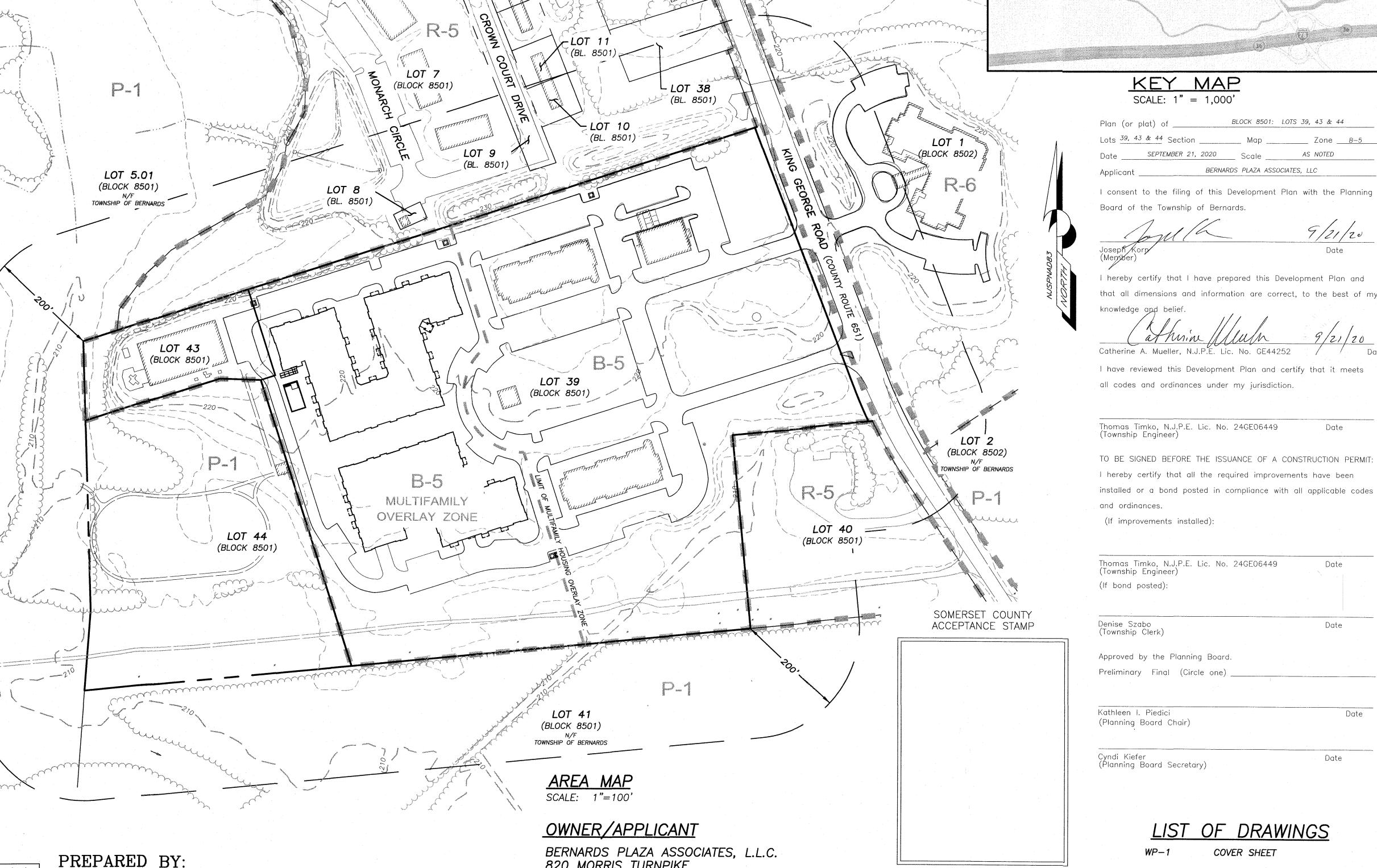
BERNARDS TOWNSHIP SEWERAGE AUTHORITY

# GENERAL NOTES/REFERENCES:

- 1. EXISTING BOUNDARY ACQUIRED FROM AN EXISTING CONDITIONS SURVEY PREPARED BY KENNON SURVEYING SERVICES INC., DATED 10/16/18, LAST REVISED 10/30/18.
- 2. EXISTING IMPROVEMENTS & PHYSICAL FEATURES SHOWN ON THIS SHEET ACQUIRED FROM BERNARDS TOWNSHIP TOPOGRAPHIC MAPS.
- 3. WETLAND TRANSITION AREA REDEVELOPMENT APPROVED PER NJDEP FILE NO. 1802-19-0001.1FWW190001.
- 4. PROPOSED WALKING PATH APPROVED PER NJDEP FWW GP-17 TRAILS/BOARDWALKS PERMIT NUMBER #1802-19-001.2 LUP190001.

PRELIMINARY & FINAL SITE PLAN FOR DEWY MEADOW VILLAGE BLOCK 8501: LOTS 39, 43 & 44 (TAX MAP SHEET NUMBER 85)

TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY



820 MORRIS TURNPIKE SHORT HILLS, NJ 07078 973-467-5000

# **ATTORNEY**

PAGE-MUELLER ENGINEERING CONSULTANTS, P.C.

(732) 805 - 3979 \* FAX (732) 805 - 3978

POST OFFICE BOX 4619

WARREN, NEW JERSEY 07059

SEPTEMBER 21, 2020

RICHARD HOFF, JR., ESQ. BISGAIER HOFF 25 CHESTNUT ST, SUITE 3 HADDONFIELD NJ 08033 PH: 856-795-0150

Date SEPTEMBER 21, 2020 Scale AS NOTED BERNARDS PLAZA ASSOCIATES, LLC

SCALE: 1" = 1,000'

I consent to the filing of this Development Plan with the Planning Board of the Township of Bernards.

I hereby certify that I have prepared this Development Plan and

that all dimensions and information are correct, to the best of my

I have reviewed this Development Plan and certify that it meets all codes and ordinances under my jurisdiction.

Thomas Timko, N.J.P.E. Lic. No. 24GE06449 (Township Engineer)

TO BE SIGNED BEFORE THE ISSUANCE OF A CONSTRUCTION PERMIT: I hereby certify that all the required improvements have been installed or a bond posted in compliance with all applicable codes

(If improvements installed):

Thomas Timko, N.J.P.E. Lic. No. 24GE06449 (Township Engineer) Date (If bond posted):

Denise Szabo (Township Clerk)

Approved by the Planning Board. Preliminary Final (Circle one)

Kathleen I. Piedici

LIST OF DRAWINGS COVER SHEET

WP-2PROPOSED WALKING PATH

DEWY MEADOW VILLAGE SITE PLAN [PME # 1133-030] BERNARDS TOWNSHIP, SOMERSET COUNTY, NJ

THESE PLANS ARE NOT ACCEPTED

FOR CONSTRUCTION UNLESS THIS

BLOCK IS STAMPED AND SIGNED BY A

STAFF MEMBER OF THE SOMERSET

ACCEPTANCE OF THESE PLANS EXPIRES TWO (2) YEARS FROM THE STAMPED DATE.

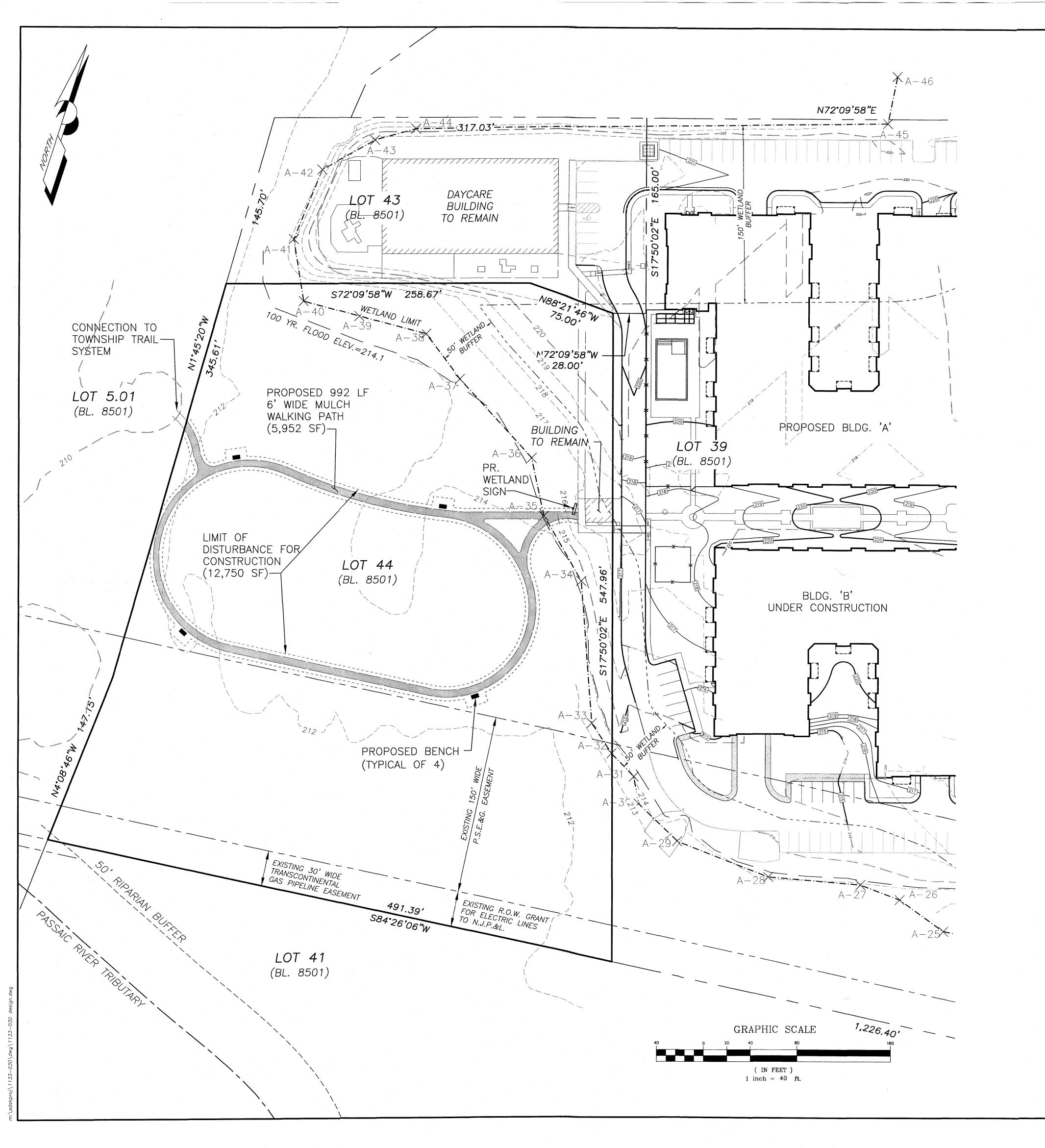
REVISED ....

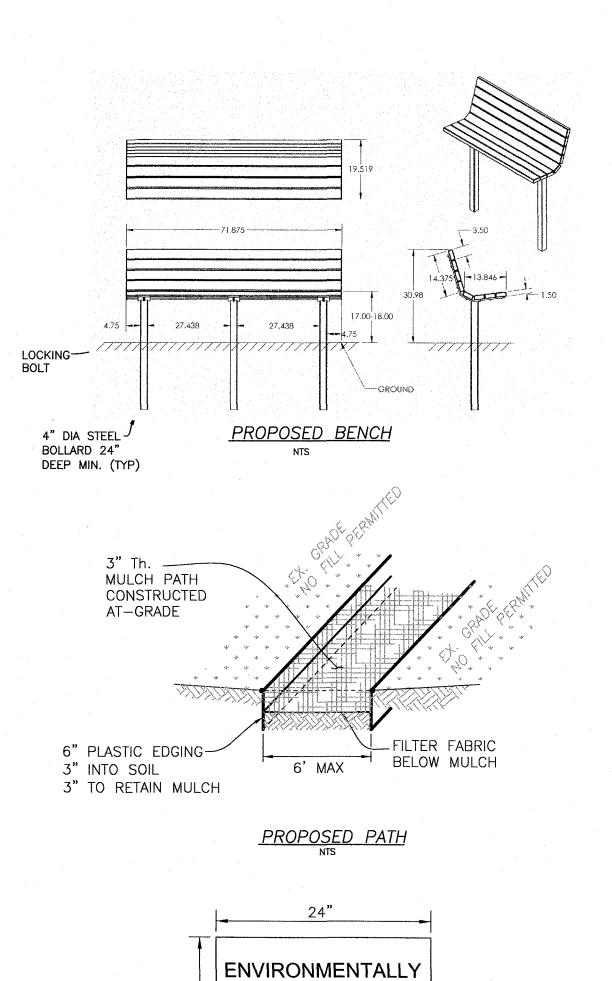
COUNTY ENGINEERING DIVISION.

drawing no. WP-1

Date

Date





# WETLANDS AREA 4"x4" WOOD POST WETLANDS SIGN DETAIL

SENSITIVE

# GENERAL NOTES/REFERENCES:

- 1. BOUNDARY ACQUIRED FROM AN EXISTING CONDITIONS SURVEY PREPARED BY KENNON SURVEYING SERVICES INC., DATED 10/16/18, LAST REVISED 6/13/19.
- 2. EXISTING IMPROVEMENTS & PHYSICAL FEATURES SHOWN ON THIS SHEET ACQUIRED FROM BERNARDS TOWNSHIP TOPOGRAPHIC MAPS.
- 3. WETLAND FLAGS DELINEATED BY PK ENVIRONMENTAL, FIELD LOCATED BY KENNON SURVEYING SERVICES INC.
- 4. WETLAND TRANSITION AREA REDEVELOPMENT FOR LOT 44 & 39 APPROVED PER NJDEP FILE NO. 1802-19-0001.1FWW190001.
- 5. FLOOD HAZARD ELEVATION VERIFICATION APPROVAL PER NJDEP 1802-19-0001.1FHA 19001.
- 6. VERTICAL DATUM NAVD88.
- 7. THE OFF—SITE PASSAIC RIVER IS DESIGNATED AS FW2 NON—TROUT WITH A 50' RIPARIAN BUFFER WHICH DOES NOT ENCROACH THE PROJECT AREA.
- 8. ALL TEMPORARY CONSTRUCTION DISTURBANCE TO BE RESTORED TO NATURAL, PRE-DISTURBANCE CONDITION.
- 9. PROJECT COMPLIES WITH FLOOD HAZARD PERMIT BY RULE #22 CONSTRUCTION OF A TRAIL AS FOLLOWS:
- 1. THE PROPOSED TRAIL IS 6' MAXIMUM.
- 2. THE PATH WILL BE CONSTRUCTED AT EXISTING GRADE.
- 3. NO DISTURBANCE IS LOCATED WITHIN 25' OF ANY TOP OF BANK. THE NEAREST TRIBUTARY IS ~200' TO THE SOUTH.
- 4. NO TREES WILL BE REMOVED. THE AREA OF THE TRAIL WAS FORMERLY A SOCCER FIELD.
- 5. THE AREA OF THE TRAIL IS 5,952 SF, LESS THAN 1/4 ACRE.

