

TOWNSHIP OF BERNARDS

PLANNING BOARD

MINUTES v2 **Regular Meeting** December 8, 2020

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 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

*Present via telephone

APPROVAL OF MINUTES

November 17, 2020 – Regular Session- On motion made by Committeewoman Harris and seconded by Ms. Asay, all eligible in favor and carried, the minutes were adopted as drafted.

LANDSCAPE AND LIGHTING COMMITTEE SELECTION

Crown Court Associates LLC; Block 8501, Lots 7 & 9; Crown Court Drive; PB18-004

Mr. Schley advised the Board that as a condition of approval when this application was granted, the Applicant agreed that the installation of the landscaping and lighting shall be subject to inspection by a Board appointed Landscape and Lighting Committee to ensure that the installations are in accordance with the plans approved by the Board. Chairwoman Piedici, Ms. Mastrangelo and Mr. McNally volunteered.

Deputy Mayor Esposito recused himself from hearing the following application.

COMPLETENESS AND PUBLIC HEARING

Moye, William & Carol; Block 11401, Lot 11; 11 Mountain Road; Minor Subdivision, Bulk Variance; #PB17-001

Present: Stephen E. Parker, PE, PP, Engineer and Planner for the Applicants
William & Carol Moye, Applicants

Mr. Drill noted that the Applicants, Mr. Parker and the Board's professionals had been duly sworn at the 02/04/2020 meeting.

Stephen E. Parker, PE, PP, engineer with the firm of *Parker Engineering & Surveying, PC*, Somerville, NJ, gave a brief summary of the application stating that as a result of comments made at the 06/02/2020 public hearing, the location of the proposed house had been moved closer to both roads and because of that

relocation, the area of wetlands proposed to be filled had been significantly reduced, creating a much larger preservation easement area. He stated that the application still required relief for maximum lot yield.

Mr. Banisch noted that the Master Plan calls for 200-foot setbacks in this area (the CR-1 District), except where new development is located behind natural features in the landscape. The new proposed location of the house (approximately 100 feet from Martinsville Road and approximately 120 from Mountain Road) would be consistent with the Master Plan because there is a significant hedgerow existing along the roadways. He suggested that the resolution allow the future homeowner some flexibility for changes in that vegetation as long as it adequately buffers the house as indicated on the plans.

A discussion ensued regarding whether to require vegetative buffering along the common lot line with Lot 12 (21 Mountain Road). The results of a straw poll indicated that the Board did not want to make that requirement.

Mr. Parker stipulated, as conditions of approval, to the comments made in Mr. Banisch’s memo dated 12/06/2020. He also stipulated to those in Mr. Schley’s memo dated 11/24/2020, adding the words “if necessary” to Comment #4 which notes that supplemental landscape buffering should be provided if the proposed septic field on Lot 11.02 is raised above the existing ground level.

Mr. Parker testified that a parking area was added to the front of the dwelling so that this amenity would be available for a future buyer/developer and noted that it was in compliance with the ordinance. Via straw poll, the Board indicated that it was in favor of leaving the parking area in the plan.

Mr. Parker presented testimony to satisfy both the positive and negative criteria required for “c-2” or “benefits outweigh detriments” variance relief for the maximum lot yield deviation.

Chairwoman Piedici opened the hearing to the public, either present or via telephone, for questions of the witness. Hearing none she closed that portion and opened the hearing for public comment. Hearing none, she closed that portion of the meeting.

Mr. Parker opined that the testimony presented was sufficient and offered no summation.

After deliberations, Mr. McNally moved to grant minor subdivision approval and variance relief as requested by the Applicants subject to the conditions stipulated to by the Applicants during testimony and as stated during deliberations. Ms. Asay seconded.

Roll Call:	Aye:	Asay, Crane, Damurjian, Harris, Hurley, McNally, Manduke, Mastrangelo, Piedici
	Nay:	NONE

Motion carried.

Deputy Mayor Esposito returned to the meeting. Committeewoman Harris and Mr. Crane recused themselves and left the meeting.

POST APPROVAL HEARING AND RESOLUTION REVIEW

Martin, J./Berman, L; Block 2001, Lot 4; 35 Spruce Street; Minor Subdivision, Bulk Variances; PB19-006

Present : Frederick B. Zellely, Attorney for the Applicants
 Rudolf L. Holzmann, PE, Engineer for the Applicants
 James Martin, Applicant

Frederick B. Zellely, Esq., attorney with the firm of *Bisogno, Loeffler & Zellely LLC*, Basking Ridge, NJ, entered his appearance on behalf of the Applicant. He explained that there had been an audio malfunction during the 09/08/2020 hearing which did not allow members of the public to participate and noted that he did renounce for this meeting (12/08/2020).

Chairwoman Piedici opened the hearing to the public either present or via telephone, to question Mr. Holtzman or Mr. Martin or to provide comment on the application. Mr. Drill added that anyone could ask the professionals for testimony if they were unable to hear it at the September meeting.

Reynold Santoro (present), 15 Spruce Street, expressed concern over the number of trees that were removed prior to the Applicant securing a Tree Removal Permit. Mr. Drill stated that extensive testimony on this subject had been presented during 08/18/2020 hearing. Mr. Schley summarized by stating that the Applicant would have to replace those trees removed prior to receiving permission along with those scheduled to be removed to the satisfaction of the Engineering Department. Mr. Drill added that, in addition, the Applicant must plant a landscape buffer which must be approved by a Landscape Committee to be appointed by the Planning Board. Adjoining property owners will be served notice when the inspection is scheduled to take place.

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

Mr. Drill noted that the Board had already deliberated and voted on the application. Mr. Zellely stated that he was satisfied with that evening's proceedings.

COMMENTS FROM STAFF OR BOARD MEMBERS

Chairwoman Piedici cancelled the 12/22/2020 meeting. Noting that Mr. Hurley and Committeewoman Harris would not be returning to the Board in 2021, she thanked both for their service to the Township.

Mr. Drill, Mr. Schley and Mr. Banisch were excused from the meeting and left the building.

EXECUTIVE SESSION

[Resolution Authorizing a Closed Session](#) - For the purpose of discussion of terms and conditions for the 2021 Planning Board Professionals.

Chairwoman Piedici read the resolution in its entirety into the record. On motion made by Mr. Hurley, seconded by Committeewoman Harris, all eligible in favor and carried, the resolution was approved as read and the open session of the meeting was recessed at 8:36 PM.

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On motion made by Ms. Asay, seconded by Committeewoman Harris, all eligible in favor and carried, the open session of the meeting was reconvened at 9:20 PM.

ADJOURN

Mr. Hurley moved, Mr. McNally seconded, all in favor and carried, and the meeting was adjourned at 9:20 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

Adopted as drafted 02/16/2021

02/08/2021 dskpjd

**TOWNSHIP OF BERNARDS
2019 PLANNING BOARD APPLICATION**



- | | |
|--|--|
| <input checked="" type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Site Plan - Preliminary |
| <input type="checkbox"/> Major Subdivision - Preliminary | <input type="checkbox"/> Site Plan - Final |
| <input type="checkbox"/> Major Subdivision - Final | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Other (specify): _____ |

1. APPLICANT: William & Carol Moyer

Address: 313 Martinsville Rd, Basking Ridge, NJ, 07920

Phone: (home) 908-580-1227 (work) 973-416-1755 (mobile) 973-454-0941

Email (will be used for official notifications): W.C. 494@hotmail.com

2. OWNER (if different from applicant): Same Abv.

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: Steve Parker - Surveying + Profession: Engineering

Address: 370 East Main Street - Somerville, N.J. 08876

Phone: 908-725-4400 Email (will be used for official notifications): Parkeres@aol.com

5. PROPERTY INFORMATION: Block(s): 11401 Lot(s): 11 Zone: R-3

Street Address: 11 Mountain Rd. Total Area (square feet/acres): 3.19 Acre

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? No Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? No Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

[X] No [] Yes (if yes, explain and attach copy) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

Property being subdivided into two lots, one with 2.70 Acres and the other 3.19 Acres

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.): _____

NO

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

Conforming Subdivision

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

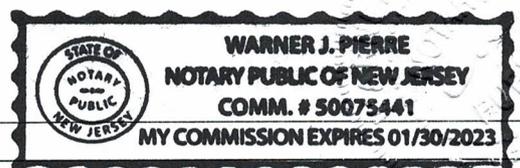
APPLICANT(S) SIGN HERE:

I/we, William Moya and Carl Moya 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): William Moya and Carl Moya

Sworn and subscribed before me, this 21st day of Nov., 2019.

Dan Pi
Notary



OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

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:

I/we, _____ the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making 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): _____

Sworn and subscribed before me, this _____ day of _____, 2019.

Notary

BERNARDS TOWNSHIP PLANNING BOARD

RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters:

WHEREAS, the Board is about to discuss such matters, specifically, matters involving the employment and terms and conditions of employment of professionals appointed by the Board;

WHEREAS, this Board believes the public should be excluded from those discussions;

NOW, THEREFORE, be it resolved by the Bernards Township Planning Board on December 8, 2020 that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session should be disclosed to the public after the Board takes formal action when it returns to open session and the minutes of the open session should include the matters discussed in closed session.

The above Resolution was adopted on December 8, 2020, by the following vote of the members of the Board:

AYES: Asay, Baumann, Crane*, Damurjian, Esposito, Harris, Hurley, McNally, Manduke, Mastrangelo, Piedici

NAYES: NONE

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on December 8, 2020.

CYNDI KIEFER, Board Secretary