

# **TOWNSHIP OF BERNARDS** **PLANNING BOARD**

## **MINUTES v2** **REGULAR SESSION** April 20, 2021

Chairwoman Piedici called the meeting to order at 7:33 PM.

### **FLAG SALUTE**

### **OPEN 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 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 mailed to the Bernardsville News, Whippany, and to the Courier News, Bridgewater on January 20, 2021 and was mailed to all those people who have requested individual notice and paid the required fee.

"The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 p.m. and no new witnesses or testimony heard after 10:30 p.m."

### **ROLL CALL:**

Members Present: Asay, Crane, Damurjian, Eorio, Esposito, Fields\*, McNally, Manduke, Mastrangelo, Piedici  
Members Absent: Baumann  
Also Present: Board Attorney, Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP;  
Board Planner, David Banisch, PP, AICP; Board Engineer, Larry Plevier, PE, CME;  
Board Secretary, Cyndi Kiefer

\*Arrived at 7:36 PM

Moved by Ms. Asay, seconded by Ms. Mastrangelo, all eligible in favor and carried, that the absence of Mr. Baumann be excused.

### **APPROVAL OF MINUTES**

April 6, 2021 - Regular Session - On motion made by Mr. McNally and seconded by Mr. Crane, all eligible in favor and carried, the minutes were adopted as drafted.

### **PUBLIC HEARING**

Shaw, Adriane; Block 3301, Lot 3; 490 South Maple Avenue; Minor Subdivision, Bulk Variances; PB21-002

Present: Frederick B. Zelley, Esq., Attorney for the Applicant  
William G. Hollows, PE, PP, PLS, Engineer for the Applicant  
Adriane Shaw, Applicant

Frederick B. Zelley, Esq., attorney with the firm of *Bisogno, Loeffler & Zelley, LLC*, Basking Ridge, NJ, entered his appearance on behalf of the Applicant. He advised the Board that the Applicant sought approval for a minor subdivision requiring two (2) variances and one (1) exception in order to create two (2) lots from existing Lot 3. One variance for the existing dwelling, minimum front yard setback, is a result of the proposed street right-of-way dedication. The second variance, maximum height of an accessory structure, is for the existing barn. The exception, minimum driveway setback from a side lot line, results from creating a shared driveway to South Maple Avenue that would traverse the common property line between the proposed lots.

Chairwoman Piedici, Ms. Mastrangelo and Mr. Crane stated that they had visited the site and shared their observations with the Board.

Mr. Hollows, Ms. Shaw, Mr. Schley, Mr. Banisch and Mr. Plevier were duly sworn.

William G. Hollows, PE, PP, PLS, engineer, surveyor and planner for the firm of *Murphy & Hollows Associates LLC*, Stirling, NJ, was accepted by the Board as an expert in the fields of civil engineering and land surveying. He gave a brief description of the existing conditions of the property, stating that with the exception of the areas that are developed with the house and barn, the property is almost all wooded. He noted that there are wetlands, wetlands transition areas and steep slopes on the southeast corner but stated that no development is proposed for that area.

**Exhibit A-1**, a colorized version of Sheet 6 "Tree Plan" of plans prepared by Mr. Hollows, last revised 02/05/2021, was entered into evidence. The exhibit showed the trees to be removed/planted on both proposed Lot 3.01 (with the existing dwelling and barn) and proposed new Lot 3.02 (shown with a conceptual house) however, until actual plans for the new house are submitted, he could not give an exact number. He noted that both lots would be compliant with all of the Township's zoning regulations for lot size, width, etc. He stipulated that the cooking facilities, toilets, sinks and bathing facilities in the apartment in the barn would be removed and the septic system which now services that apartment would be abandoned, all prior to recording the subdivision map or deeds. Finally, he noted that by creating a shared driveway for both lots which would utilize the existing single driveway opening on South Maple Avenue, the intent was that no additional roadside vegetation would be removed.

**Exhibit A-2**, a sight line plans consisting of three (3) sheets, prepared by Mr. Hollows, dated 04/16/2021 was entered into evidence. Mr. Hollows stated that he developed these plans to address the sight line issues raised by the Somerset County Planning Board (SCPB). The required sight lines from the driveway looking towards Basking Ridge are not an issue however the sight lines looking towards the river are obscured by trees and in some areas the topography of proposed Lot 3.01. He testified that numerous trees, many of which are older and declining, would have to either be trimmed or removed completely and there would have to be some regrading in order to create clear sight lines. Once SCPB approved the plans, he stipulated that the site plans submitted with the application would be revised to incorporate the information on **Exhibit A-2** and that the initial tree replacement numbers stated on **Exhibit A-1** would be revised to reflect the additional number of trees that are removed. He confirmed that the Applicant would grant a sight easement, as opposed to widening the proposed right-of-way to Somerset County.

Mr. Hollows testified that the Applicant would comply with all the comments in Mr. Schley's memo dated 02/22/2021 and in Mr. Banisch's memo dated 02/26/2021. Although the Environmental Commission's memo dated 12/28/2020 recommended against the use of Norway Spruce, Mr. Schley opined that the Applicant should look for a balance between using species such as Norway Spruce which provide good screening versus the exclusive use of native plants. Mr. Hollows stipulated to the use of a double silt fence, as recommended in that memo.

Mr. Hollows responded to questions from the Board.

Chairwoman Piedici opened the hearing to questions from the public, either present or via telephone, of this witness.

Kelly J. Mertz (present), 21 Riverside Drive, stated that after seeing the tree planting plans, her concerns about privacy were satisfied.

Todd Edelstein (present), 172 Riverside Drive, questioned the width of the driveway. Mr. Hollows responded that it would be widened to 10 feet in all areas and expanded to 18 feet and paved towards the road to allow for two cars to pass each other. He added that maintenance of the shared portion of the driveway would be the responsibility of the two (2) owners.

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

Mr. Zelle advised the Chair that he had no further witnesses. He then addressed the positive and negative criteria for "c(1)" or "hardship" variances for the relief requested.

Chairwoman Piedici opened the hearing to the public, either present or via telephone, for comments. Hearing none, she closed that portion of the hearing.

Mr. Schley confirmed that since there are two (2) different deadlines for planting (one for each new lot), there would be two (2) landscape committee inspections.

Mr. Zelle did not offer a summary.

After the Board completed its deliberations, Ms. Mastrangelo moved to direct the Board Attorney to draft a resolution memorializing the Board's decision to grant Minor Subdivision approval along with the variances and design exception requested subject to the conditions stipulated to by the Applicant and as stated during deliberations. Ms. Asay seconded.

Roll call:                   Aye:   Asay, Crane, Damurjian, Fields, Esposito, McNally, Manduke, Mastrangelo, Piedici  
                                  Nay:   NONE

Motion carried.

**COMMENTS FROM MEMBERS OR STAFF** - None

**ADJOURN**

On motion by Ms. Asay, seconded by Mayor Fields, all eligible in favor and carried, the meeting was adjourned at 8:28 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary  
Planning Board

*Adopted as drafted 05-04-2021*

04/26/2021 dskpjd