

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

## **MINUTES v2** **REGULAR SESSION** October 4, 2022

Chairwoman Piedici called the meeting to order at 7:31 PM.

### **FLAG SALUTE**

Chairwoman Piedici read the following open meeting and procedural statements:

### **OPEN MEETING 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 19, 2022 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 PM."

### **ROLL CALL**

Members Present:       Baumann, Crane, Damurjian, Eorio, Ladyzinski, Mallach, Manduke, Mastrangelo, Piedici, Seville  
Members Absent:       McNally  
Also Present:         Board Attorney, Joseph C. Tauriello, Esq.; Board Planner, David Banisch, PP, AICP;  
Township Planner, David Schley, PP, AICP; Board Secretary, Cyndi Kiefer

Moved by Ms. Mastrangelo, seconded by Mr. Crane, all eligible in favor and carried, the absence of Deputy Mayor McNally was excused.

### **APPROVAL OF MINUTES**

August 16, 2022 – Regular Session - On motion made by Ms. Manduke and seconded by Mr. Crane, all eligible in favor and carried, the minutes were adopted as drafted. (Ineligible: Damurjian, Eorio)

August 16, 2022 – Executive Sessions #1 & #2 - On motion made by Ms. Mastrangelo and seconded by Mr. Ladyzinski, all eligible in favor and carried, the minutes were adopted as drafted. (Ineligible: Damurjian, Eorio)

September 20, 2022 – Regular Session - On motion made by Mr. Crane and seconded by Mr. Baumann, all eligible in favor and carried, the minutes were adopted as drafted.

Ms. Manduke recused herself from participating in the following hearing and left the dais.

### **PUBLIC HEARING** – Modification of Condition

Orthmann, James & Kyung-Mi; Block 9601, Lot 4.03; 49 Liberty Corner Road; Front Yard Setback; PB22-004  
Present:               Frederick B. Zelley, Esq., Attorney for the Applicants  
James Orthmann, Applicant

Frederick B. Zelley, Esq., attorney with a business address of 53 Division Avenue, Millington, NJ, entered his appearance on behalf of the Applicants and stated that the Applicants seek to modify a condition of a 2014 minor subdivision approval that requires a minimum 270' enhanced front yard setback for the principal dwelling on the subject property. He stated that the existing principal dwelling on the Applicants' property, a carriage house, was constructed as an accessory building to the Frothingham/Sloan mansion, which is presently located on the

adjoining United States Golf Association property. In the 2009 Planning Board approval (PB09-004), the then 14.3-acre Orthmann property was subdivided into two (2) lots. On a 10.1 acre lot, which is the current application site, the carriage house was to be demolished and a new 16,000 sq. ft. principal dwelling was to be constructed. To preserve the existing vistas along the Liberty Corner Road scenic corridor (consistent with the Master Plan), the 2009 approval provided for an enhanced front yard setback of 300' (where 100' is required by ordinance) for the new principal dwelling. In the 2010 Planning Board approval (PB09-004A), the 2009 approval was amended to allow the carriage house to remain as an accessory building, maintaining the 300' front yard setback requirement for the new principal dwelling. In 2014, as a condition of approval in a subsequent application (PB14-003), the front yard setback requirement for the still unbuilt 16,000 sq. ft. principal dwelling was reduced from 300' to 270'. The current application proposes to abandon the approval for the 16,000 sq. ft. dwelling and to continue to use the carriage house as the principal dwelling. The Applicants also propose two (2) additions (garages) to the carriage house along with demolition of the existing detached garage (as required by the earlier approvals). Given that the existing carriage house and proposed additions provide a front yard setback of approximately 221', the Applicants are requesting a modification of the 2014 condition to reduce the minimum front yard setback requirement from 270' to 221'.

Mr. Orthmann, Mr. Schley and Mr. Banisch were duly sworn.

James Orthmann, Applicant residing at 49 Liberty Corner Road, confirmed that he and his family reside in the carriage house, adding that the apartment in the detached garage is unoccupied and will remain as such throughout the renovation/construction process. He then confirmed that he had taken the pictures that were submitted with the application and that they accurately depict the property as it currently exists.

Several Board members advised that they had visited the site and felt that the carriage house and the area surrounding it are well buffered from Liberty Corner Road by existing vegetation. Since the Applicants now propose to abandon the construction of the previously approved 16,000 sq. ft. dwelling, the Board eliminated Condition #9 of the 2009 approval which required the review/approval of the landscaping by a landscape committee once the dwelling was built.

Mr. Orthmann stipulated that as a condition of approval, a Certificate of Occupancy for the additions/renovations must be obtained within 90 days after passing the final inspections and that the existing garage/apartment must be demolished within 90 days of issuance of that Certificate of Occupancy.

The comments in the memos from Mr. Schley (09/21/2022), Mr. Banisch (09/28/2022) and the Environmental Commission (09/28/2022) along with the notes provided by Larry Plevier, PE, Board Engineer, were addressed to the Board's satisfaction. The Board also agreed that the 221' front yard setback request should be amended to 200' to allow flexibility for future projects.

Hearing no further questions from the Board, the hearing was opened to the public for questions or comments. Hearing none, that portion of the hearing was closed.

Mr. Zelle provided a brief summary.

After deliberations, Mr. Crane moved to grant a modification of condition 3 of the 2014 approval to reduce the enhanced front yard setback of 270' for a principal dwelling to 200', to modify condition 5 of the 2014 approval to eliminate stormwater management requirements that are no longer applicable, to modify condition 5 of the 2010 approval to impose deadlines by which the garage/apartment must be removed, and to eliminate Condition #9 of the 2009 approval so as not to require a landscape committee inspection, subject to the conditions stipulated to during testimony by Mr. Orthmann and as stated during deliberations. Ms. Mastrangelo seconded.

Roll call:	Aye:	Baumann, Crane, Damurjian, Eorio, Ladyzinski, Mallach, Mastrangelo, Piedici, Seville
	Nay:	NONE

Motion carried.

Ms. Manduke returned to the dais.

**COMMENTS FROM MEMBERS OR STAFF**

Chairwoman Piedici cancelled the Planning Board meetings scheduled for 10/18/2022 and 11/08/2022.

**ADJOURN**

On motion made by Ms. Mastrangelo, seconded by Mr. Baumann, all in favor and carried, the meeting was adjourned at 8:35 PM.

Respectfully submitted,

*Cyndi Kiefer*

Cyndi Kiefer, Secretary  
Planning Board

10/24/2022 dskp

*Adopted as drafted 12/06/2022.*