

**PLANNING BOARD**  
**BOROUGH OF BERNARDSVILLE**  
**Minutes – April 27, 2023**  
**VIRTUAL ONLINE MEETING**

1. **O.P.M.A. Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols, as set forth on this meeting's web-posted agenda, was read by Chair, Robert Graham, at 7:30 pm.
2. **Oath of Office:** Class IV – Borough Resident Christopher Otteau (T. Thompson unexpired term 1/20 ~ 12/23) – Administered by stand-in Board attorney Christopher Sobieski.

3. **Roll Call:**

Present – Members Canose, Gardner, Graham, Horowitz, McQueen and Otteau.

Absent – Members Kellogg, Macmillan and Simoff

Board Professionals Present: Attorney Christopher Sobieski (for Steven Warner), Planner David Novak (for John Szabo, Jr.) and Engineer Robert Brightly. Also present was Bernardsville Recreation Director Robert Markowick.

4. **Minutes:** Review draft minutes of 3/16/23 meeting.

Ms. Gardner stated that she had numerous questions regarding the 3/16 minutes about which she will contact Mr. Mottola to discuss. Chair Graham announced that the minutes are carried to the next meeting.

5. **Communications:** None.

6. **Business of Visitors not related to the agenda:** None.

7. **Old Business:** None.

8. **New Business:**

A. Workshop review of 7/28/22 draft "Parks and Recreation Master Plan" w/ Recreation Director Bob Markowick; First draft reviewed 5/26/22; Revised plan rec'd 7/28/22; Workshop review scheduled for 4/27/23.

Mr. Markowick opened by noting that he had sent the Council and recreation committee a document stating the status of the Recreation Department's progress on approved projects since the latest Parks & Recreation (P&R) plan was completed. He recognized Aaron Duff and Kerry Hazelton, who were in attendance, as having helped build out some of the trails. He said that the individual park recommendations in Chapter 8 of the plan are the only adjustments he thinks need made to the plan. Wherever shown, the number for Mine Brook Park needs to be changed from 271 to 267 to reflect the actual address. He said that the 271 Mine Brook Park concept plan show

in Figure 8.2 has evolved by making some of the shown features more natural and removing others deemed less suitable for actual site conditions. They have moved away from having a disc golf course in favor more hiking and mountain bike trails, many of which have been completed on the property through help from volunteers. Similarly, based on community input, the fitness court, playground and band shell located nearer to Rt. 202 have been removed, also in favor of more natural spaces, which he said is more agreeable to budgeting for the overall P&R plan. *(Upon request, Mr. Mottola shared his screen to display various pages of the P&R plan document being discussed.)* Mr. Markowick said that a disc golf course may be possible in the future but that it's preferable to have the hiking and mountain bike trails across the majority of the site. Responding to the Chair, he said that an existing cottage could be converted into a restroom. A new septic field would have to be added but water and electricity are already on site. A grass or grass paver parking lot with a split rail fence is envisioned where shown on Fig. 8.2. It would include some accessible spaces. The building and water tower on the lot have already been demolished. Mr. McQueen said that proposed changes to the P&R plan that currently exists should be taken to the Council for approval prior to further adoption into the Borough master plan. Mr. Markowick said that since the start of work on the P&R plan in 2019, costs are up 33%. Additionally, the estimated costs provided by the plan's consultant, who is out of Kentucky, were not accurate for this section of the country. The cost of the amenities shown near the bottom of the lot alone would be more than \$3 million. Mr. Otteau asked if the large reduction in activities in the concept plan wasn't more cost based than based on community input. Mr. Markowick replied that it was both. The terrain is not well suited to all of the amenities shown; it would be a difficult build-out and upkeep would also be very expensive. Mr. Otteau also asked about potential liabilities for the town in having a grass parking lot. Mr. Markowick said the suggestion came from the P&R engineers and capital projects manager for the town. There would be limitations to use of the parking area, such as dawn to dusk use and restricted use in the winter months. Lighting may eventually be added. Mayor Canose said that she would not want to rule out having a natural amphitheater with a simple platform stage at this property given how well the site's natural contours could accommodate the use. She reminded all that this is a concept plan showing what might be possible to do, but not necessarily what ultimately will be done. Mr. Otteau opined that having more family oriented amenities like playgrounds would be more enticing and attractive to families considering moving to Bernardsville. Mr. Markowick said the sentiment was that this property could become a hub for the town. The changes to its conceptual plan is the main amendment to the P&R plan he wished to highlight for the Board.

Responding to Chair Graham, Mr. Markowick said that the town-owned 251 Claremont property is being evaluated by an architect for use as a community space, with a great room to facilitate various types of programming. As a recreation center it would identify with the almost completed trails in the back, adjacent to Peter's tract. He believes the adjacent lot at 261 Claremont is being considered for purchase for use as a parking lot that can accommodate 12 to 14 cars. Mayor Canose noted that the lot is too wet to be able to create a half field there, possibly a playground could be there. The purpose envisioned is to widen the adjacent driveway, maybe create a loop, and improve vehicular visibility. Chair Graham expressed confidence that the site can accommodate a half field and using it to expand parking may not be its best and highest use. He felt the town could work with the DEP regarding wetlands on the site. Mr. Markowick said that the building at 251 Claremont has good sized restrooms that can be made ADA accessible. Responding to Mr. Horowitz, he said he didn't think the plan needs to be adapted to reflect the

changing demographics from all of the multi-family housing that will be built, due to all of the trails and outdoor spaces being built for the community. He feels that there are enough county, state and federal facilities to accommodate the recreational needs of a much larger population. Mr. McQueen opined that there needs to be a reassessment of field availability with the expected influx of population. Mr. Markowick said the need already exists for one more full ball field in the Borough, but currently there is not a location to build one. Chair Graham expressed the need for improvements to Moraine Crest Park as it is an eyesore on the way into town on Mt. Airy Rd. and reflects poorly on the community. Mr. Markowick said that cleanups have been started and are now underway. He thinks that due to the wetness of the site, natural trails are the only thing that can be developed there. Ms. Gardner thought that maybe the simple addition of something like a split-rail fence could improve the park's appearance.

Mr. Horowitz said that although the plan lists short and medium term objectives, he wondered how those are prioritized. Mr. McQueen responded that prioritization is the Council's job and that there is a three or four phase plan that is either approved or being considered based on the availability of funds. In the past, the Council has asked the recreation department for a prioritized list and then decided how to move forward with the funding. Mr. Markowick said a list was presented to Council in August 2021 that was based on the P&R master plan at the time. He said the committee was interested in having a balance between active and passive spaces and uses for different age groups in the community. It was acknowledged that a prioritization graphic was edited out of Section 9 of the previous version of the P&R plan. Perhaps given the span of time it takes to accomplish many of the objectives, it makes more sense to only have an inventory in the plan whereas prioritization should be more approximate to current cost estimates and the availability of funds. Mr. Markowick summarized the status of many park and open space initiatives that are in progress or have been completed. Given the work that has been accomplished or is currently underway, he felt the P&R plan document should be updated and re-prioritized. Mr. McQueen added that phase one of the plan is fully underway and that while components listed in the plan may end up in a different location, it is important that they remain listed in the plan. He said that the finance committee has recently met and it is focused on completing phase one of the plan and making the polo grounds the pinnacle park. He believes that once that is done, priorities will shift to prioritizing amenities in other areas. He agrees with Mr. Horowitz that the plan may need to be reassessed in light of a population increase. It was discussed that with the upcoming dam reclamation project and changing demographics, Nerville Park could become a much more important communal area for a possible playground and amphitheater. Chair Graham thought that it is important to give extra weighting to improving areas that have greater public visibility.

#### Comments from members of the public:

Aaron Duff, 51 Crestview Dr.: Acknowledged the work that has been accomplished since the Planning Board last met on the plan; suggested additional uses be considered for Kiwanis Park beyond the existing parking; the amenities shown for 271 Mine Brook in Mr. Hoagland's report were not supported by the community survey; the driveway shown in the plan for 217 Mine Brook is not appropriate as it is only temporary and the plan should reflect the optimal solution regardless of what DOT may or may not approve; supported the idea of an outdoor concert venue at Nerville Park; believes a single trail connecting Laurelwood, Meeker and Whitenack parks

should be created in accordance with the greenways envisioned in the 2013 open space plan. He pointed out that the subject P&R plan is meant to supplement, not supersede the 2013 OSRP.

Johanna Wissinger, Environmental Commission Chair: recommended having as little asphalt pavement as possible wherever new parking lots are constructed; responded to Mr. Otteau's comments about the changes to the 271 Mine Brook plan stating that in addition to the survey, many wish list ideas were included that understandably need to be scaled back.

Kerry Haselton, (no address given): agreed that there was little community input on the amenities shown on Mr. Hoagland's concept plan for 271 Mine Brook and that Council would have the final say.

Chair Graham suggested that Mr. Szabo be consulted regarding the feasibility of the greenway referred to in Mr. Duff's comments. Mr. McQueen agreed and said that Council supports the idea of connectivity between the various parts of town, which is reflective of the expressed sentiments of residents. Mr. Markowick noted that a 10-year comprehensive trail connection plan was included in the department's recommendations to Council. He agreed that Mr. Szabo should be asked to weigh in on the matter. Mr. Novak said that he would discuss same with Mr. Szabo but it would be important to know to what extent the Borough wants it studied. Considering environmental constraints, grading aspects and ADA requirements, an engineer would have to be brought in at some point. He shared his screen and displayed Map 10 from the 2016 Open Space and Recreation Plan, which was prepared by the Land Conservancy and identifies trails and greenways. Mr. Markowick stated that he is familiar with the map and had used it in the past to explain the locations of trails. All agreed the map should be placed in the current plan and should not be dropped as a long term vision. Mr. McQueen thought Section 8.4 would be a good place to insert it, with a short preface stating the Borough's vision for connectivity throughout the Borough. Mr. Markowick noted that Section 7.4 in the P&R plan references the county's 2019 ***Walk-Bike-Hike Somerset County Plan***, which recommends a shared use path to parallel Rt. 202 that would provide a spine through the Borough that could be used to connect neighborhoods, parks and destinations in Bernardsville. This spine would connect to the Somerset/Morris County line to the east and to Far Hills Borough and a north-south trail on the west.

Mr. Novak explained that the next steps would be for the edits discussed tonight to be incorporated into a further revised P&R plan; a presentation of those made to the Council, given the need for funding and lastly, the plan would have to return to the Planning Board for formal adoption via a properly noticed public hearing. Mr. Markowick said he does not have an editable version of the P&R plan but will endeavor to get one from the consultant. Mr. Novak offered his and Mr. Szabo's editing assistance. The Board and he summarized the plan revisions discussed above for the purpose of editing and relaying changes to Mr. Szabo. It was noted that when the P&R plan was originally prepared and last discussed, the disposition of Nervine Park had not yet been decided. Accordingly, new concepts for that park need to be added to the plan. Mr. McQueen thought that another piece of property across from Kiwanis Park on Pine St. that the Borough owns and is Green Acres funded should be added to the inventory. He shared his screen to display an aerial view of the property. Mr. Brightly identified it as Block 114, Lot 1.01 and as having 0.42 acres. Mr. Novak confirmed that the property is on the Borough's ROSI list. For the two lots at the top of Kiwanis Park, Mr. McQueen said he envisions extending the existing parking lot and putting some kind of practice facility on Lot 2. He will relay that thought to Mr. Markowick for plan inclusion. Mr. Mottola will provide Mr. Markowick with links to the recordings of tonight's meeting.

**B. Board of Adjustment 2022 Annual Report to Council & Planning Board.**

Mr. Mottola had provided the Board with a copy of the Board of Adjustment's (BOA) annual report, a copy of the section of the zoning ordinance for which the BOA seeks clarification and a recitation of the question being asked by the BOA in item G3 of its report.

Ordinance Section **LD-12-23.4 Garages in Residential Zone Districts** reads, "*No building permit shall hereinafter be granted for the erection of a garage for more than four motor vehicles in a residential zone district. A garage shall be connected by an adequately surfaced driveway to the adjacent street, road or lane. The provisions of this section must be met on the single lot for which the garage, carport or approved shelter is accessory to the main use of the premises. These provisions shall not be deemed to limit commercial trucks or cars used upon a farm.*"

The Council, having been asked to clarify whether the intent is to limit the number motor vehicle garage bays on a residential lot to four or just limit the number of motor vehicle bays in individual garages to four each, is seeking the Planning Board's advice before deciding the matter.

It has been regularly interpreted that residential properties are limited to four motor vehicle garage bays per property and any additional require a variance from the BOA. However, based on the actual ordinance language, that interpretation was challenged during the course of a recent BOA hearing of an application for a detached accessory 3-car garage on a residential lot.

After lengthy discussion by the Board, with both Mr. Novak's and Mr. Brightly's input, it was the Board's recommendation that Council should limit residential properties to having one attached garage with up to four single width vehicular entrances and one detached garage with up to four single width vehicular entrances. Mr. Novak said he would work with Mr. Szabo on drafting an ordinance revision to reflect the above.

**C. Review of 4/27/23 Bills List w/ Invoices.**

Upon review, Ms. Gardner asked for a clarification on a Ferriero Engineering invoice for the Upton Pynes application, which Mr. Brightly and Mr. Mottola provided. She also sought clarification of a pair of charges on Board attorney's invoice #17460 that Mr. Sobieski explained were for work on the Community In Crisis litigation. Subsequently, a motion to pay the listed invoices in the amount of **\$4,946.50** was made by Mayor Canose and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

**9. Board Reviews/Public Hearings/Pending Applications: The Board acknowledge the following matters and their current status:**

**A. Application #SP-238A – EQUINET PROPERTIES, LLC – AMENDED PRELIMINARY & FINAL RESIDENTIAL SITE PLAN w/ Variance & Design Waivers; 55 Claremont Road, B:71, L:6, Quimby Lane Redevelopment Zone – Subarea 6; Received 3/16/23, Deemed complete 4/13/23; Scheduled to be heard 5/11/23.**

**B. Application #SP-245 – WEBBER – Conforming Conditional Use for Home Professional Office; 2 Mullens Lane, B:63, L:13; Received 1/6/23; Deemed incomplete 2/14/23; Determined to be jurisdiction of Board of Adjustment upon receipt of updated survey.**

**C. Application #SP-246 – FEST, LLC. – Addition & Renovation to Existing Mixed Use Bldg.; 12 Mine Brook Road, B: 99, L: 2, Zone: D-C; Received 2/6/23; Pending completeness review.**

***D. Application #SP-247 – AR at BERNARDSVILLE, LLC – PRELIMINARY MAJOR SITE PLAN w/Variances & Design Waivers; 39 Olcott Sq.+ 5 Morristown Rd.; B:125, L: 1-3, Zone: D-C; Received 3/21/23; Pending completeness review.***

**10. Business of Visitors – second opportunity:** None.

**11. Executive Session:** None.

**12. Adjournment:** Chair Graham adjourned the meeting at 10:24 pm.

Respectfully submitted,



Frank Mottola, Planning & Zoning Boards  
Administrative Officer & Recording Secretary

Keywords: Otteau-oath-parks-recreation-master-plan-annual-report-garages-vehicles-bays.