

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – January 13, 2022
VIRTUAL ONLINE REORGANIZATION 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 the temporary Chair, Robert Graham, at 7:33 pm.
2. **Oaths of Office:** Administered by Mr. Kaplan to: Class III – Council Member: Chad McQueen (1 yr. term) and Class IV – Borough Resident: Karen Gardner (4 yr. term).
3. **Roll Call:**
Present – Members Gardner, Graham, Horowitz, Kellogg, Macmillan, McQueen, Paluck and Thompson.
Absent – Hal Simoff, who was reappointed as a Class IV member but was unable to attend.
Board Professionals Present: Attorney John Kaplan, Planner John P. Szabo, Jr. and Engineer Robert Brightly.
4. **Election of Officers:**
A. Ms. Gardner nominated Robert Graham for Chair;
Ms. Thompson seconded. There were no other nominations.
Voice vote:
All members voted in support of Mr. Graham as Chair.
B. Ms. Thompson nominated Jeffrey Horowitz for Vice Chair;
Ms. Kellogg seconded. There were no other nominations.
Voice vote:
All members voted in support of Mr. Horowitz as Vice Chair.
C. Ms. Thompson nominated Frank Mottola as Board Secretary;
Ms. Gardner seconded. There were no other nominations.
Voice vote:
All members voted in support of Mr. Mottola as Board Secretary.
5. **Appointments:**
Chair Graham appointed Frank Mottola as Recording Secretary for 2022.
6. **Resolutions:**
A. #2022-01: Re-adopt By-Laws (as last revised January 9, 2020).
B. #2022-02: Board Attorney – Ventura, Miesowitz, Keough & Warner, (Steven Warner, Esq.)
C. #2022-03: Board Planner – Burgis Associates, Inc. (John P. Szabo, Jr., P.P. AICP).
D. #2022-04: Board Engineer – Ferriero Engineering, Inc.
E. #2022-05: 2022 Meetings Schedule.
F. #2022-06: Board Administrative Officer – Frank Mottola.
G. #2022-07: Official Newspapers – Bernardsville News & Courier News.

Motion to adopt resolutions #2022-01 through #2022-07 as drafted: Ms. Thompson; seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

7. Committee Assignments and Committee Chair Nominations:

A. Chair Graham. assigned all members to both committees.

B. Chair Graham appointed and Ms. Kellogg accepted the position of Subdivision and Site Plan Review Committee chair.

C. Chair Graham nominated and Ms. Gardner accepted the position of Evaluation Committee Chair.

8. Minutes: Review of draft 12/26/21 meeting minutes:

Upon review several typographic errors were noted for correction. Chair Graham call for a voice vote to approve the minutes as corrected. All eligible members voted in the affirmative.

9. Communications: The Board acknowledged and/or discussed the following distributed documents:

A. A. Suriano 1/11/22 transmittal of Ordinance 2022-1907 re: PB D26a master plan consistency review (*discussed under 12A*).

B. A. Suriano 1/11/22 transmittal of Council resolution #22-25 re: AINR study directive (*discussed under 12B*).

C. R. Brightly 12/30/21 email to B. Curnin & G. Miller re: Bernardsville Centre parking lot islands (*discussed under 11*).

D. Draft 2022 Planning Board membership roster (*no discussion*).

10. Business of Visitors not related to the agenda: None.

11. Old Business:

Regarding his email correspondence with the Bernardsville Centre and Fire Chief Miller (*9C above*) Mr. Brightly said there is nothing new to report since his letter was sent.

12. New Business:

A. D26a Master plan consistency review of introduced Ordinance #2022-1907 re: simplifying LDR language stating requirements for public notice of hearings and, consideration of PB Resolution #2022-08 finding ordinance #2022-1907 not inconsistent with the master plan.

Mr. Mottola explained that the reason he requested the subject ordinance text change was to simply the language to make it readily understandable to all users. Mr. Szabo opined that this change is more procedural than master plan related. In that it simplifies the ordinance language to make it more user friendly he finds the change commendable and certainly not inconsistent with the master plan.

A motion to find the proposed ordinance change not inconsistent with the master plan and concurrently adopt Planning Board resolution #2022-08 was made by Mr. McQueen and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

B. Council directive for PB study of 35 and 39 Olcott Square and 5 Morristown Road; Block: 125, Lots 1,2 & 3 as possible Area In Need of Redevelopment - per Council resolution #22-25.

Mr. McQueen explained that the Council is directing the Planning Board to initiate a study of the designated properties for consideration as an "Area In Need of Redevelopment (AINR). The underlying reason being, to provide a transitional space for businesses likely to be displaced with the actualization of the Quimby Lane redevelopment plan. He said the Council believes it's an area that falls under the criteria of an AINR, which consists of four buildings on three parcels.

Mr. Mottola contrasted the Council's current directive to the Planning Board with the Council's prior direct hiring of planning consultants for the 65 Morristown Road site and Quimby Lane area. He said this requires the Board to select a planning consultant to conduct the study for presentation to the Board and the public. Mr. McQueen interjected that it is the wish of the Council that planning firm Topology is involved in the study because they have been involved in all the previous redevelopment studies. He said that Borough Counsel Pidgeon asked him to relay that wish to the Planning Board directly. Mr. Mottola stated that Borough Administrator Czerniecki had already solicited and received an AINR study proposal from Topology, which he has not yet shared with anyone. He said the Board can decide if it wants to solicit proposals from other firms including its own planner's firm, Burgis Associates. Responding to the Board's inquiry, Mr. Szabo said that while his firm is fully capable of performing the subject study, if it is the desire of the Council to use Topology, he would have no issues with that. He can advise the Board to the extent it desires. He suggested that the Board review the scope, deliverables and cost of Topology's proposal and determine if it wishes to hire them as its study consultant. The Board asked that Mr. Czerniecki provide it with the proposal he received from Topology for consideration at its next meeting. The Board also requested copies of the prior agreements the Council had with Topology for the 65 Morristown Road and Quimby Lane AINR studies. Mr. Mottola agreed to obtain and provide these to the Board prior to its next meeting.

13. Board Reviews/Public Hearings/*Pending Applications*: The Board acknowledge and/or discussed the following pending applications:

A. Application #SP-236 Community In Crisis – Minor Non-residential Site Plan w/out Variances 9 Church Street, B:67, L:4, Zone: D-C; Received 12/28/21; Scheduled to be heard 1/27/22.

Upon Mr. Mottola's inquiry, Board members indicated which of them wished to receive hard copies of this application for use at the public hearing.

B. Application #SP-237 Bistro 73 – Preliminary & Final Major Non-residential Site Plan w/ Variance; 73 Morristown Road, B:77, L:8, Zone: D-C; D-C; Received 12/22/21; Pending completeness review.

Upon the Board's inquiry, Mr. Mottola stated that this application seeks to add an additional floor of residential apartments and enlarge its outdoor dining area.

14. Business of Visitors – second opportunity: None.

15. Executive Session: None.

16. Adjournment: Chair Graham adjourned the meeting at 8:13 pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'F. Mottola', with a large, stylized initial 'F' and a trailing flourish.

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

Keywords: oaths-elections-appointments-officers-committees-D26-ordinance-1907-AINR-study