

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Agenda  
April 24, 2023 – 7:00 p.m.

**1. CALL MEETING TO ORDER**

Mayor Mary Jane Canose  
Council Member Jay Ambelang  
Council Member Diane Greenfield  
Council Member Jena McCredie  
Council Member Chad McQueen  
Council Member Al Ribeiro  
Council Member Christine Zamarra

**2. STATEMENT OF PRESIDING OFFICER**

Notice of this meeting was provided to the Bernardsville News and Courier News, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 15, 2022.

**3A. PLEDGE OF ALLEGIANCE**

**3B. MAYOR'S WELCOME**

Welcome to the April 24, 2023 meeting of the Bernardsville Borough Council. This meeting is being conducted in person in the council chambers in Borough Hall and it is being broadcast live on YouTube and on Zoom to make it as convenient as possible for residents to attend the meeting. Members of the public who are here in person and those attending remotely on Zoom will be given the opportunity to comment at appropriate times during the meeting in accordance with the following guidelines:

- Members of the public will be allowed to speak during the “Open Session(s)” and during formal “public hearings” on the agenda including public hearings on ordinances
- Comments will be limited to three minutes per speaker, which will be monitored and enforced by the Borough Clerk
- Comments containing offensive, profane or indecent language or language constituting hate speech, will not be permitted.
- Remote participants will be muted unless they are unmuted by the Clerk, and remote participants will not be able to unmute themselves. The Clerk will mute remote speakers at the expiration of their three minutes of allotted time, or if they make any inappropriate or offensive comments.

- All speakers, whether in person or on Zoom, shall state their names and addresses before making their comments. Speakers on Zoom shall activate their cameras so that they can be seen by members of the governing body and audience.
- Failure of the governing body to provide a live broadcast of this meeting, or technological problems encountered during the course of the meeting that affect remote viewing and/or participation, will not invalidate this meeting or any action taken including, but not limited to, the adoption of any ordinance, resolution or motion.

4. **PRESENTATIONS - None**

5. **APPROVAL OF MINUTES**

March 27, 2023 and April 10, 2023

Motion:

Second:

Voice Vote:

6. **OPEN SESSION (FOR ITEMS NOT LISTED FOR A PUBLIC HEARING)**

*Spoken comments will be limited to three minutes per speaker.*

7. **ORDINANCES (Public Hearing)**

*Spoken comments will be limited to three minutes per speaker.*

Mayor to open public hearing on Ordinance #2023-1960, **APPROVING A REDEVELOPMENT PLAN FOR 35-39 OLCOTT SQUARE & 5 MORRISTOWN ROAD**

Mayor to close public hearing

I move to pass Ordinance #2023-1960 on final reading and adopt as published.

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #2023-1961, **AN ORDINANCE AMENDING SALARY ORDINANCE #2023-1955**

Mayor to close public hearing

I move to pass Ordinance #2023-1961 on final reading and adopt as published.

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #2023-1962, **REPEALING LOCAL PAY TO PLAY ORDINANCE THAT HAS BEEN PREEMPTED BY P.L.2023, c.30 AND AMENDING CHAPTER 2 OF THE BOROUGH CODE ENTITLED “ADMINISTRATION”**

Mayor to close public hearing

I move to pass Ordinance #2023-1962 on final reading and adopt as published:

Second:

Roll call vote:

#### **ORDINANCES (Introduction)**

I move that Ordinance #2023-1964, **AN ORDINANCE ESTABLISHING A FEE FOR THE REGISTRATION OF CERTIFICATES OF INSURANCE BY OWNERS OF BUSINESSES AND RENTAL UNITS IN COMPLIANCE WITH N.J.S.A. 40A:10A-2**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, May 8, 2023.

Second:

Voice Vote:

#### **8. RESOLUTIONS**

**#23-101 AUTHORIZING PAYMENT OF BILLS**

**#23-102 AUTHORIZING REFUND OF BOA ESCROW FUNDS  
REGARDING BOA APPLICATION #20-01, APPEAL LITIGATION  
- SAVAS**

**#23-103 AMENDING RESOLUTION #23-41 WHICH ESTABLISHED  
PRELIMINARY COSTS FOR AN ENGINEERING STUDY OF A  
SEWER LINE EXTENSION FOR 65 MORRISTOWN ROAD**

I move that resolutions #23-101 to #23-103 be adopted:

Second:

Roll call vote:

**9. REPORTS**

9A. Mayor's Update

9B. Administrator's Report

- ACCEPTING DEPARTMENT MONTHLY REPORTS

- Capital/Engineering Project Management (April)

- Construction (March)

- Facilities/Public Works (March)

- Police (March)

- Zoning Applications (March)

- Zoning Enforcement/Violations (March)

- Rental Inspections (March)

- Motion:

- Second:

- Voice Vote:

9C. Municipal Attorney

9D. Council Public Safety Committee

9E. Council Finance Committee

9F. Council Organization Development and Personnel Committee

9G. Council Engineering, Technology & Public Works Committee

9H. Land Use Committee

9I. Other committee/commission reports

9I1. Council Liaison Reports

10. **ITEMS OF BUSINESS**

10A. Draft Ordinance - Outdoor Dining

*If ready for introduction:*

I move that Ordinance #2023-1965, **REQUIRING OUTDOOR DINING FACILITIES TO FILE A CERTIFICATE OF INSURANCE AND AN INDEMNIFICATION AGREEMENT WITH THE BOROUGH CLERK**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, May 8, 2023.

Second:

Voice Vote:

10B. Mayor's Appointment of Chris Otteau to Planning Board, Class IV Member, for an unexpired term to 12/31/2023

10C. Board of Adjustment 2022 Annual Report

10D. Correspondence

10E. Unfinished Business

10E (1). Appointment of Christine Zamarra as Environmental Commission Liaison

I move to appoint Christine Zamarra as Environmental Commission Liaison:

Second:

Voice Vote:

10F. New Business

11. **OPEN SESSION (FOR ITEMS NOT LISTED FOR A PUBLIC HEARING)**

See instructions in #6 first open session

12. **CLOSED SESSION**

Council Member \_\_\_\_\_ moves, to adjourn to an executive session to consider:

**Attorney/Client Privilege and Property Acquisition**

*(Collective Bargaining, Contract negotiations, Personnel Matters, Pending or Anticipated Litigation, Property Acquisition, Attorney/Client Privilege), and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved.*

Seconded:

Vote:

13. **REOPEN AND ADJOURNMENT**

**THE PLANNING BOARD OF THE  
BOROUGH OF BERNARDSVILLE**

**RESOLUTION #2023-12 OF THE PLANNING BOARD OF THE  
BOROUGH OF BERNARDSVILLE, NEW JERSEY, FINDING THE  
PALMER SQUARE REDEVELOPMENT PLAN, FOR 35-39 OCLOTT  
SQUARE AND 5 MORRISTOWN ROAD, TO BE CONSISTENT WITH  
THE MASTER PLAN IN ACCORDANCE WITH THE LOCAL  
REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”), authorizes a municipality to determine whether certain property within the municipality constitutes an “area in need of redevelopment” and / or “an area in need of rehabilitation”; and

**WHEREAS**, to make such a determination under the Redevelopment Law, the Borough Council of the Borough of Bernardsville (the “Borough Council”), by way of Resolution No. #22-185, adopted September 12, 2022, designated the properties identified on the Borough’s tax maps as Block 125, Lots 1, 2, & 3, to constitute an area in need of redevelopment without condemnation, which designation would permit the Borough to use all of the redevelopment powers, except for Eminent Domain (a “Non-Condensation Redevelopment Area”), pursuant to Sections 5 and 6 of the Redevelopment Law; and

**WHEREAS**, on March 27, 2023, the Borough Council introduced Ordinance #2023-1960, and approving a Redevelopment Plan for the Non-Condensation Redevelopment Area (the Palmer Square Redevelopment Plan) and referred said Ordinance to the Planning Board for Master Plan consistency review; and

**WHEREAS**, the Planning Board, after appropriate consideration of the Palmer Square Redevelopment Plan, at a duly noticed and constituted public meeting held on April 13, 2023, reviewed the Redevelopment Plan pursuant to Section 7(e) of the Redevelopment Law and found same to be not inconsistent with the Master Plan pursuant to Section 7(e) of the Redevelopment Law; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Bernardsville, as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board hereby finds and determines that Ordinance No. 2023-1960, and the Palmer Square Redevelopment Plan which is attached as **Exhibit A**, is not inconsistent with the Borough’s Master Plan pursuant to Section 7(e) of the Redevelopment Law. A list of recommendations made by the Planning Board, the consideration and compliance of which has no bearing on the aforementioned consistency determination, is attached hereto as **Exhibit B**, for the Borough Council’s consideration, at its sole discretion.

Section 3. The Secretary of the Planning Board shall forward a copy of this Resolution with the attached Ordinance to the Borough Council. This Resolution shall serve as the report to the governing body in accordance with Section 7(e) of the Redevelopment Law.

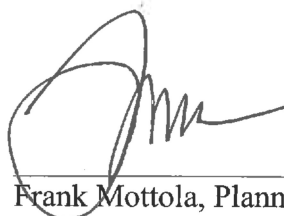
Section 4. This Resolution shall take effect immediately.

ROLL CALL VOTE:

Those In Favor: Canose, Horowitz, Macmillan and Simoff.

Those Opposed: Gardner and Graham.

I, Frank Mottola, Planning and Zoning Boards Administrative Officer of the Borough of Bernardsville, Somerset County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Board at a duly authorized meeting held on April 13, 2023.



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

Dated: April 19, 2023

Recommendations for Ordinance #2023-1960  
(aka “The Palmer Property Redevelopment Plan”)

Below is a list of recommendations from the Bernardsville Planning Board, resulting from its Master Plan Consistency Review of Proposed Ordinance #2023-1960, aka “The Palmer Property Redevelopment Plan” (the “Ordinance”), for the Borough Council’s consideration:

1. Consider including a more expansive discussion of the public benefits of the redevelopment plan as an explanation justifying the permitted residential density.
2. Consider including additional requirements for fire safety, including regulating the locations of electric vehicle (“EV”) charging stations and the imposition of sufficient side-yard setbacks.
3. Reconcile the inconsistency in bulk standards for the positioning of awnings, balconies, and bay windows in the “Placement of Buildings” section with requirements pending in the “Permitted Building Attachment Standards” for same, later in the Ordinance.
4. Include a parking volume requirement for restaurant uses, perhaps 1 space per 4 seats; the Board recommends that if parking is to be permitted off-site, that it be limited only to private property.
5. Require designated loading areas to be onsite only.
6. Require the prospective redeveloper to perform a traffic study, as a prerequisite for site plan approval.
7. Include a definition of a “parking space” consistent with Residential Site Improvement Standards (“RSIS”) that the dimensions of a parking space are 9’ by 18’ with a 24-foot-wide aisle.
8. Consider requiring the prospective redeveloper to provide additional public benefits (e.g., mini-plaza, public parking, additional landscaping along sidewalks, etc.)
9. The Board’s preference is for the affordable housing obligation to be met onsite; however, if the prospective redeveloper provides affordable housing off-site, ensure that the property for the off-site development is under the control of the developer first.
10. Reevaluate the fact that drive-through service is prohibited for financial institutions and restaurants and cafes in the “Principal Permitted Uses Section” with the fact that such drive through facilities are regulated in the “Permitted Building Attachment Standards” section of the Ordinance.

11. Encourage, if not require, the use of solar panels and other renewable energy sources for any proposed development.
12. Consider requiring the prospective redeveloper to provide sufficient emergency power to all units, including requiring an on-site generator and the running of conduits to each unit within the proposed development.
13. Reconsider the difference in permitted residential density given the current maximum in the Borough of 35-units per acre and the 68-unit per acre density maximum proposed in the Ordinance.
14. Resolve the inconsistency in the definition of “pre-development grade” so as to clearly state that such a grade is at a 408 foot elevation.
15. Consider requiring the prospective redeveloper to heavily soundproof all residential units, so as to protect residents from the noise generated by the nearby rail line.
16. Reconcile the size of the precise redevelopment area, specifically whether it is 0.98 acre as per the tax records or 1.08 acres as per the submitted survey.
17. Consider the viability of outdoor dining given the proposed constraints under the Ordinance, including, but not limited to, the requirement of bollards and other safety devices and the corresponding requirement for a 4 foot unobstructed pathway for all sidewalks.
18. Require the prospective redeveloper identify the number of bedrooms and size of units as soon as practicable, and in no event later than at the time of submission of the land use board site plan application.
19. Provide that the Borough Engineer shall review and provide input as to the final location of all driveways, recognizing that the jurisdiction of the respective streets/roadways falls under DOT and Somerset County jurisdiction.
20. Delete the definition of “Bed and Breakfast,” since it appears that the term is not used in the Ordinance.

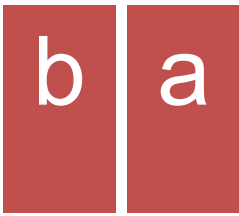
Respectfully,

The Bernardsville Planning Board

Ordinance #2023-1960, Approving a Redevelopment  
Plan for 35-39 Oclott Square & 5 Morristown Road

# Palmer Square Redevelopment Plan

35-39  
Olcott  
Square



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

B U R G I  
S  
A S S O C I A T E S , I N C .

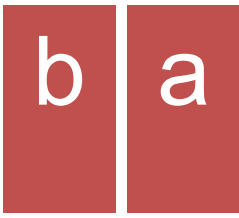
PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak, PP, AICP*

# & Morristown Road

5

Borough of Bernardsville, Somerset County, New Jersey

March 24, 2023



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

B U R G I  
S  
A S S O C I A T E S , I N C .

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak, PP, AICP*

# REDEVELOPMENT PLAN FOR: 35-39 OLCOTT SQUARE & 5 MORRISTOWN ROAD

Borough of Bernardsville  
Somerset County, New Jersey

Prepared for Borough of Bernardsville  
BA #3872.17

The original document was appropriately signed and sealed on March 24, 2023 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

John P. Szabo, Jr., PP, AICP  
Professional Planner #3445

**Members of the Governing Body**  
Mary Jane Canose, Mayor  
Chad McQueen, Council President  
Christina Zamarra  
Jene McCredie  
Diane Greenfield

Al Reibeiro  
Jay Ambelang

**Municipal Attorney**  
John R. Pidgeon, Esq.  
Pidgeon & Pidgeon

**Borough Redevelopment Attorney**  
Joseph Demarco, Esq.  
Cleary, Giacobbe, Alfieri & Jacobs

**Members of the Borough of Bernardsville Planning Board**

Robert Graham, Chairperson  
Jeff Horowitz, Vice Chairperson  
Mary Jane Canose, Mayor  
Chad McQueen, Councilman  
Graham Macmillan  
Karen Gardner  
Mary Kellogg  
Terry Thompson  
Hal Simoff

**Borough Planning Administrator & Board Secretary**  
Frank Mottola

**Planning Board Attorney**  
Steven K. Warner, Esq.  
Savo Schalk  
Corsini, Warner, Gillespie, O'Grodnick & Fischer

**Borough Engineer**  
Robert C. Brightly, PE  
Ferriero Engineering

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## INTRODUCTION

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This document presents the redevelopment plan for parcels of land located within the downtown core area of the Borough of Bernardsville, Somerset County, New Jersey located at 35-39 Olcott Square and 5 Morristown Road (hereinafter referred to as “Palmer Square”) and further identified as Block 125, Lots 1, 2 and 3 by Borough tax assessment records.

Pursuant to the provisions of the Local Redevelopment and Housing Law (LRHL), NJSA 40A:12A, the Borough of Bernardsville has designated the subject properties as “an area in need of redevelopment” without condemnation by Council resolution #22-185 adopted on September 12, 2022.

Subsequently, Resolution #22-209 adopted by the Borough Council on October 24, 2022, authorized Burgis Associates to prepare this redevelopment plan on its behalf. This plan represents the next step in the redevelopment process. It is designed to affirmatively address the statutory requirements set forth in the LRHL, identifying the plan’s relationship to local land use objectives, and enumerating the uses that may be permitted in the area, along with regulatory controls governing the proposed intensity and distribution of those uses. The plan incorporates the philosophy and policies of the State’s Strategic Plan and envisions the creation of a mixed-use commercial and multi-family inclusionary development as a realistic and necessary means to promote redevelopment of the property.

## REDEVELOPMENT PLAN – STATUTORY PROCESS AND REQUIREMENTS

### THE REDEVELOPMENT PROCESS

As outlined by the LRHL, the first step of the redevelopment process for designating an area as an area “In Need of Redevelopment” requires the Governing Body to first introduce a resolution designating the area as such. Such resolution for the subject area was adopted by the Governing Body on September 12, 2022.

An area qualifies as an in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 14 of the LRHL as summarized below:

- |  |   |
|--|---|
| a. Deterioration                               | The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.  |
| b. Abandoned Commercial & Industrial Buildings | The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.   |
| c. Public & Vacant Land                        | Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. |
| d. Obsolete Layout & Design                    | Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.   |

- e. **Property Ownership & Title Issues** A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. **Fire & Natural Disasters** Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. **Urban Enterprise Zones** In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment
- h. **Smart Growth Consistency** The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

With respect to the "h" criterion, there are ten (10) principles of smart growth. These principles are established as follows:

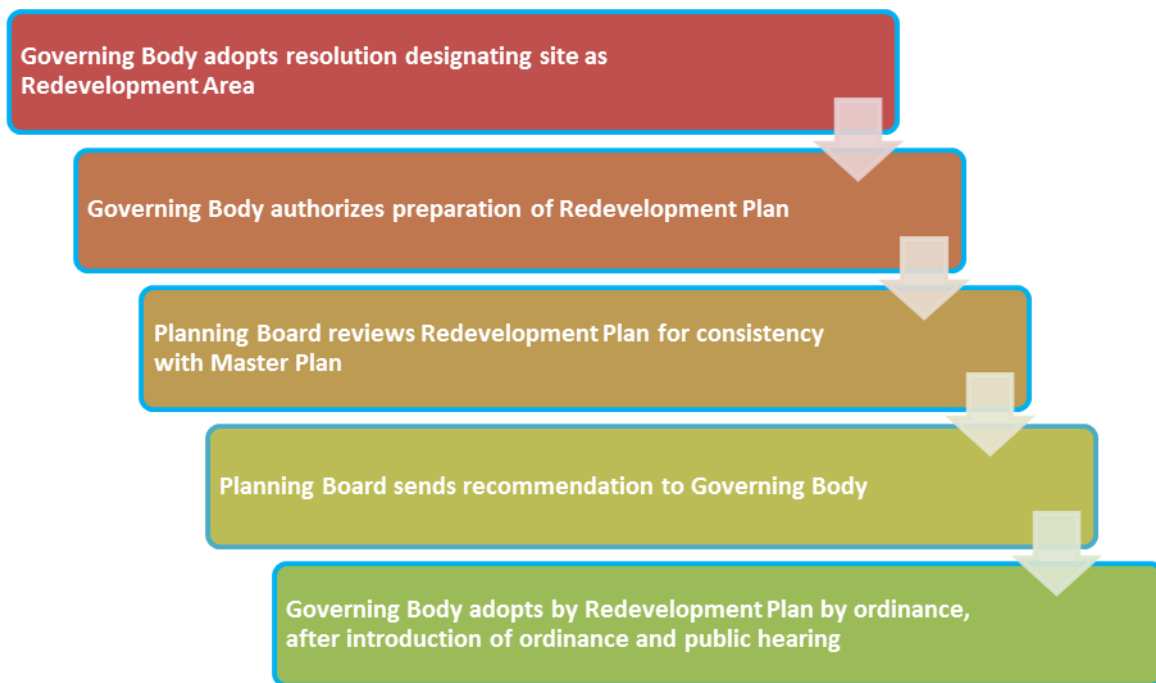
1. Mix of land uses.
2. Take advantage of compact design.
3. Create a range of housing opportunities and choice.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Direct development toward existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective; and
10. Encourage community and stakeholder collaboration in development decisions.

In addition to the above criteria, the LRHL permits the inclusion of land which may not meet the above criteria, but which otherwise is necessary for redevelopment. Section 3 of the LRHL, “redevelopment area” provides for the following:

*“A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12-3).”*

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment, and subsequently a plan is prepared based on that designation. The Governing Body then adopts the redevelopment plan which supersedes zoning and becomes the development regulation for the target area. The accompanying Figure 1 provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.

FIGURE 1- REDEVELOPMENT PROCESS



### THE REQUIRED PLAN COMPONENTS

The Local Redevelopment and Housing Law (LRHL) identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

- A. The relationship to definite local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements;
- B. Proposed land uses and building requirements in the project area;

- C. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to where decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market;
- D. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan;
- E. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.

## PROPERTY CHARACTERISTICS

### Property Description

The following section provides a general overview of the Redevelopment Area, including an analysis of its existing land uses, and surrounding development pattern.

The Palmer Square redevelopment area is located in the southeastern portion of Bernardsville approximately a tenth of a mile (600 feet) northeast of the historic Bernardsville Rail Station. The redevelopment site is situated within the Borough's downtown core area at the critical junction of Olcott Square, Morristown Road (aka US Route 202) and Mount Airy Road.

The redevelopment area is comprised of three parcels that form an irregularly shaped parcel with street frontage on both Morristown Road and Mount Airy Road at the juncture of Olcott Square. According to survey information available for the tracts, the total tract area is 47,168 square feet or 1.08 acres.

According to the preliminary investigation report prepared on behalf of the Borough by Topology<sup>1</sup> existing site characteristics are generally described below:

*The topography on site generally slopes downward from east to west and from north to south. US-202 is situated towards the front of the lots, and the NJ Transit rail right-of-way runs along the rear of the properties.*

*Three buildings are located in the Study Area. The two buildings on Lot 1 include a restaurant, medical office, vacant ground floor office space, an integrative medicine center, a mental health counsellor and a law office. Lot 3 includes a test preparation center, an art gallery and a florist.*

*The buildings utilize a shared surface parking lot in the rear of the property. The parking lot has access points from Mount Airy Road and US-202.*

The following table highlights the property lot area and class designation for each parcel according to Borough tax assessment records.

**Table 1: Existing Land Uses Within the Redevelopment Area**

Bloc k	Lot	Address	Area(Acres)	Property Class
125	1	39 Olcott Square	0.62	4A
125	2	35 Olcott Square	(merged into Lot 1)	4A
125	3	5 Morristown Road	0.36	4A
Total			0.98	

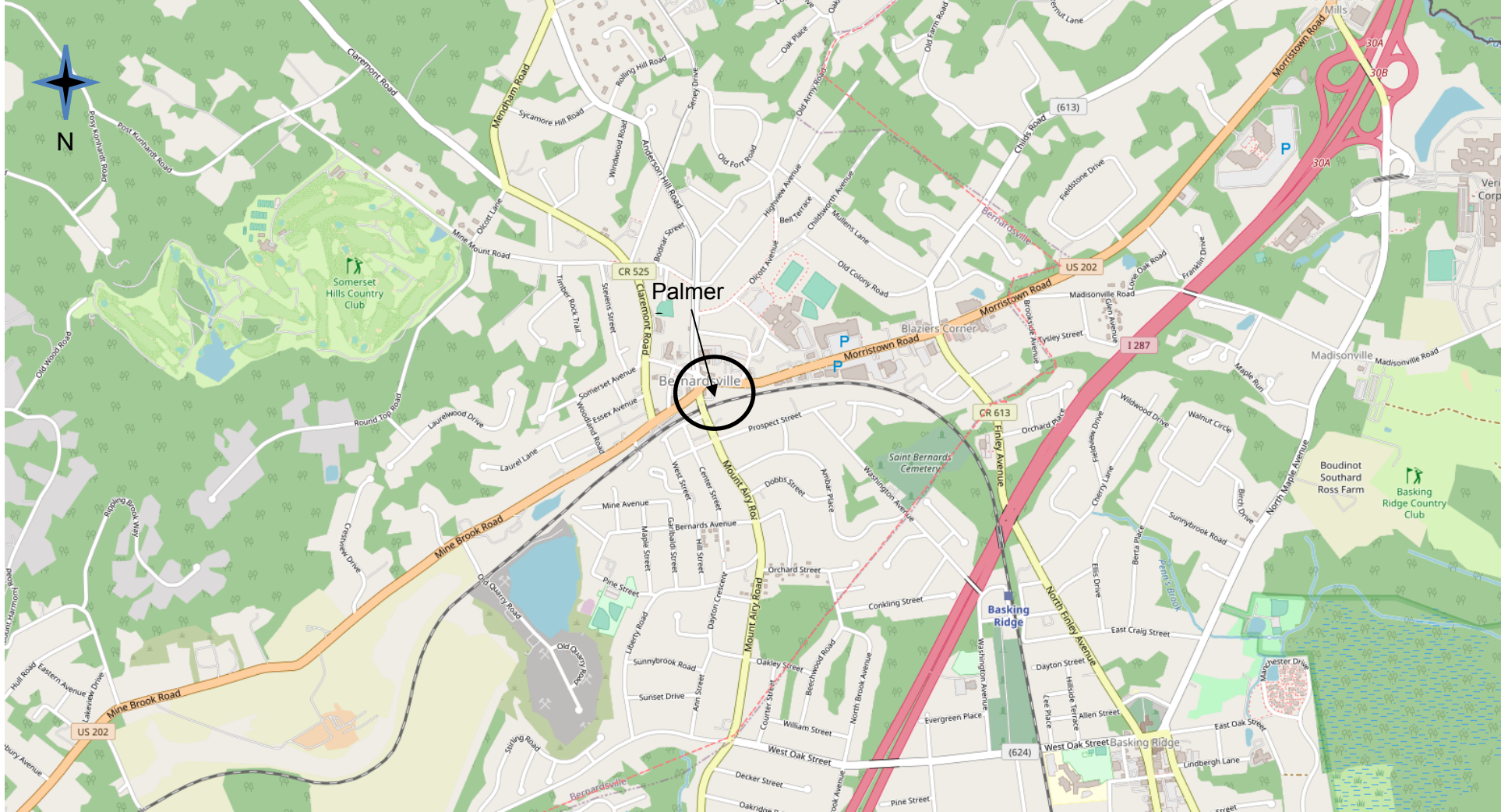
<sup>1</sup> Preliminary Investigation Block 125 Lots 1,2,3 dated April 21, 2022 prepared by Topology.

Surrounding land uses are consistent with the commercial character of the downtown area and include retail and commercial services uses. Immediately adjacent to Palmer Square to the east on Morristown Road is an institutional use that was a former church and now a masonic temple.

All of the parcels within the Study Area are owned by Palmer Enterprises, LLC. Map 1 below provides the location of the study area in context of its location within the Borough.

Map 2 provides the block and lot designations for the redevelopment area as well as that of the surrounding area.

Map 1 – Redevelopment Area Location



Source: NJDEP GeoWeb

Map 2 – Redevelopment Area Lot Line Map

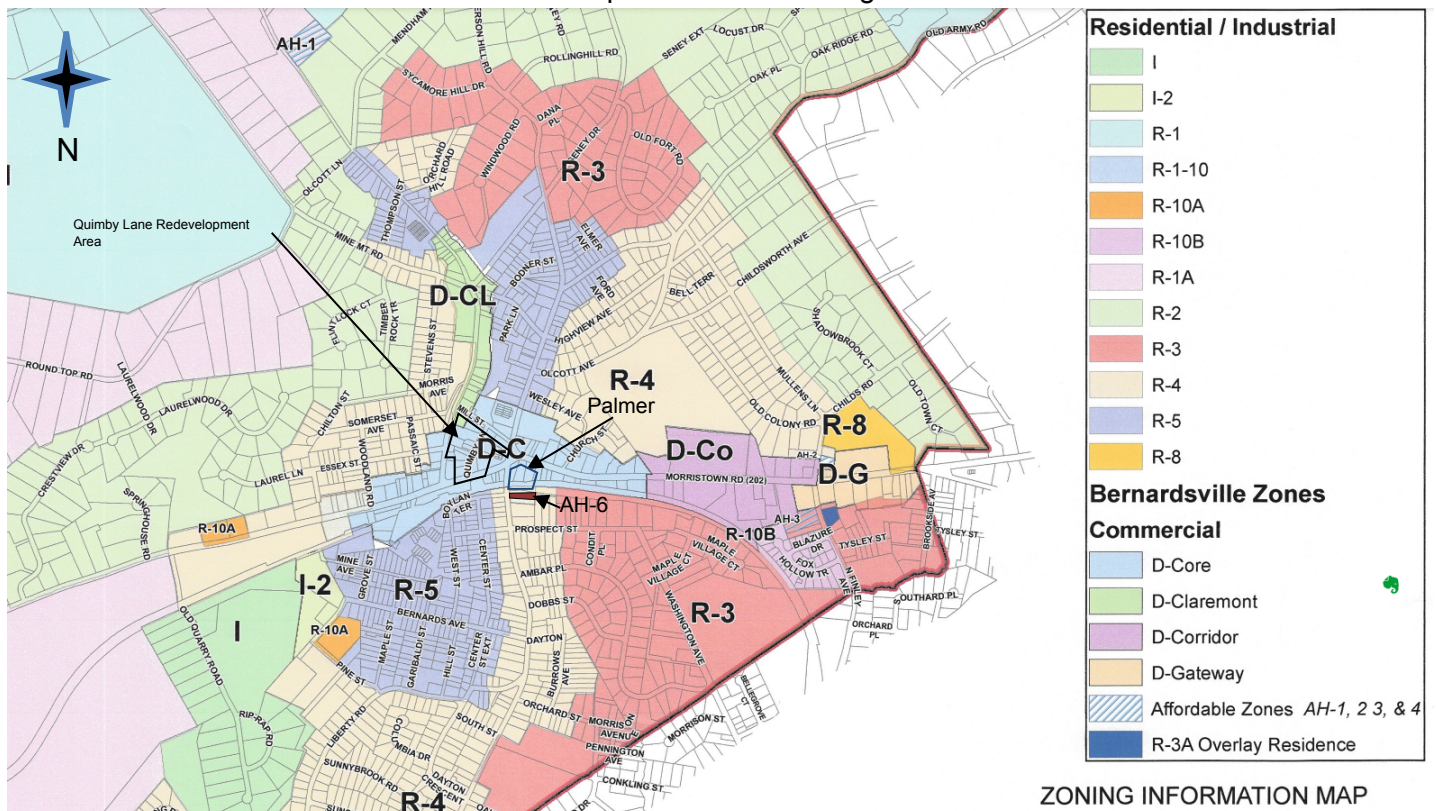


Source: NJDEP GeoWeb

## Current Zoning

As shown on the accompanying zoning map, Palmer Square is located within the Downtown Core or DC, Zone. The Study Area is adjacent to the newly created AH-Zone 6, Affordable Housing Zone (the former Amerman Parking Lot) to the south but is separated from this zone by the NJ Transit rail line. The Quimby Lane Redevelopment Area is located approximately 500 feet to the west of Palmer Square and the Downtown Claremont, D-CL Zone is situated further to the north.

Map 4 – Current Zoning



Source: Bernardsville Zoning Map

The Study Area is located in the D-C, Downtown Core Zone the purpose and intent of which is:

*The Downtown Core sub-district encompasses the heart of downtown Bernardsville. The district is centered around Olcott Square at the intersection of Mine Brook Road, Mt. Airy Road, Anderson Hill Road, and Morristown Road. The district features a variety of building types, but generally buildings are built close to the sidewalk with parking located behind. The intent is to preserve the historic character of the area and to ensure new development is compatible. The district also includes the area around Quimby Lane, an area the Borough envisions to be redeveloped with a mixture of uses and the character of a European village.*

Pursuant to § LD-12-12.6 of the Borough Land Development Regulations, permitted uses within the D-C Zone include a variety of retail and commercial services as well as artisan manufacturing, educational institutions,

financial institutions, restaurants including outdoor dining, theatres including community centers and museums. Residential townhouse and multifamily development including within a mixed use building is also permitted.

Area and bulk regulations are highlighted in the following table:

**Table 2: D-C District Bulk Standards**  
Area & Bulk Regulations

Minimum/Maximum Front Yard: Non-residential (ft)	2/5
Minimum/Maximum Front Yard: Residential (ft)	5/10
Minimum Rear yard (ft)	5/20*
Minimum Side Yard (ft)	0/5*
Minimum Frontage Buildout (%)	80
Maximum Lot Coverage (%)	90
Maximum Building Height Stories	3
Maximum Building Height to Eave (ft)	40
Maximum Building Height to Parapet (ft)	45

\*When adjoining a residentially zoned property.

Furthermore, the Downtown Zone standards highlighted above is a performance-based approach to land use regulation that incorporates numerous design standards to encourage downtown development in a comprehensive manner in order to create an attractive downtown area that is walkable, vibrant, active and safe.

## CONSISTENCY TO OTHER PLANS

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### RELATIONSHIP TO BOROUGH OF BERNARDSVILLE MASTER PLAN

#### Land Use Plan

The Borough of Bernardsville Planning Board conducted its last comprehensive master plan reexamination in 2016 which culminated in the adoption of a master plan reexamination report on December 15, 2016 entitled Borough of Bernardsville 2017 Master Plan Reexamination. The 2017 Reexamination Report reviewed the Borough's 2000 Comprehensive Master Plan as well as subsequent elements that were added to the plan including the 2004 Environmental Resource Inventory adopted on October 28, 2004, the Stormwater Management Plan adopted on March 5, 2005, the Housing Plan Element and Fair Share Plan adopted on November 17, 2005 and subsequently a new Housing Plan adopted on May 20, 2010.

The 2000 Master Plan as amended included a Downtown Plan that provided the following recommendations:

1. *Encourage private building façade enhancement which can include for example, new facades, new color-coordinated signage and new canopies.*
2. *Coordination of public and private parking areas to increase shopper parking by connecting parking areas and provide pedestrian accessways to both the front and rear of stores and to sidewalks.*
3. *Promotion of the greening of the downtown by introducing mini-parks at strategically located visible sites. Provide a pedestrian greenway from the Borough Hall through the downtown and ultimately to connect to Jockey Hollow Park.*
4. *Study of the Mill Street/Quimby Lane area with the aim of improving the streetscape, connecting parking areas and introducing new land uses.*
5. *Encourage the NJDOT to enhance the railroad station building and parking area. Streetscaping improvements in front of the station property are also needed.*
6. *Requiring screening of all front yard parking areas.*
7. *Coordination of the recommendations herein with the land use plan element.*
8. *Seeking of State funding for the downtown improvement grants including enhancement of the railroad station neighborhood and reduction of traffic congestion.*
9. *Develop a downtown center vision plan, based upon the coordinated vision of merchants, landowners, government and citizens.*

As a result of the identification of the Borough's downtown as a Town Center in the State Plan, the 2017 Reexamination also introduced new goals and policies specific to downtown development that were adopted by the Planning Board which included the following:

1. *To promote the downtown as the commercial and civic center of Bernardsville.*
2. *To enhance the physical characteristics of the downtown through sign, façade, architecture and streetscape improvements.*
3. *To improve the circulation patterns into and through the downtown.*
4. *To create a pedestrian-friendly atmosphere in downtown, and*
5. *To provide sufficient parking in the downtown by rationalizing land use with parking needs.*

While the 2017 Reexamination Report identified goals related to downtown development, no specific recommendations were offered to guide redevelopment of the Borough's downtown to implement the goals of the master plan as recommended by the report.

The 2017 Reexamination Report also acknowledged the Borough's constitutional obligation to provide for affordable housing consistent with the New Jersey's Supreme Court Mount Laurel decisions and indicated that the Borough was in the process of preparing a Housing Element and Fair Share Plan (HE&FSP). Subsequently, the Borough adopted a HE&FSP on August 23, 2018 and was granted a judgement of compliance and repose by the New Jersey Superior Court.

The Borough authorized the preparation of a draft downtown zoning ordinance prepared by Common Ground Urban Planning And Design dated September 23, 2019 which ultimately resulted in the adoption of a new comprehensive Downtown zoning ordinance creating four (4) separate downtown districts and downtown design guide in 2020. A master plan reexamination report and amendment to its land use element was adopted in 2020 specifically to recognize and incorporate the land use changes to the downtown area resulting from the Borough's actions.

Subsequently, the Borough authorized the investigation of 65 Morristown Road, also referred to as the Audi site, and Quimby Lane for potential designation as redevelopment areas pursuant to the New Jersey State Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (LRHL). The Borough has designated the Audi site as an area in need of redevelopment and adopted a redevelopment plan for the property on July 13, 2020. The Borough ultimately also designated the Quimby Lane area as an area in need of redevelopment and adopted a redevelopment plan for the area on October 13, 2020.

A review of the Borough's master plan documents supports the redevelopment of the Palmer Square site for mixed commercial and residential inclusionary development as consistent with the master plan goals outlined above. Such development would in fact, promote and implement the goals of the Borough's master plans which have consistently identified the need to promote the Borough's downtown as a vibrant, pedestrian friendly civic center for the community incorporating both

commercial and residential uses. As outlined above, the Borough has taken significant actions to rezone the downtown area in a comprehensive manner that specifically permit the type of mixed-use development contemplated and to be permitted by this redevelopment plan.

### **Housing Element and Fair Share Plan**

The Borough entered into an agreement with the Fair Share Housing Council in settlement of the Borough's its third-round affordable housing obligation in 2017 and adopted a Housing Element and Fair Share Plan (HE&FSP) on May 24, 2018 as amended on August 23, 2018.

Among the guiding principles and goals of the Borough's HE&FSP, the redevelopment plan is consistent with and implements the following core ideals:

*Guiding Principle 1: Respond to the changing needs of the County's population by encouraging a broad range of housing types at all levels of affordability.*

*Guiding Principle 2: Create healthy, attractive, walkable neighborhoods with proximity and access to jobs, cultural and recreational amenities, services and transportation choices.*

*2A. Enhance in-town living and retrofit the suburbs by adding neighborhood amenities and enhancing community assets such as infrastructure, schools, recreation, historic and cultural amenities (particularly within Priority Growth Investment Areas where additional residential growth is encouraged).*

*2B. Maintain and enhance the existing housing stock.*

*2H: Ensure the architecture and design of new housing enhances surrounding areas and includes pedestrian amenities.*

*Guiding Principle 3: Align housing policies and strategies with the principles of regional and local smart growth and sustainability*

*3A. Guide residential and mixed-use infill and redevelopment into areas where existing infrastructure, employment, services and other community assets are concentrated (i.e. Priority Growth Investment Areas).*

*3E. Encourage residential densities that support transit expansion in areas served by existing transit and where transit improvements are planned.*

*3F. Encourage development patterns that allow residents to reduce the costs associated with auto-ownership; total vehicular trips and travel time; as well as vehicular pollution and traffic congestion.*

*Guiding Principle 4: Maximize the dynamic relationship between housing supply, quality of life and the strength of the economy.*

*4B. Use residential and mixed-use redevelopment to return underutilized and vacant properties to productive use and catalyze community revitalization.*

### **RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES**

The redevelopment area does not adjoin any municipal boundaries and will therefore, not impact any adjoining municipal master plans.

## RELATIONSHIP TO HIGHLANDS COMPREHENSIVE MASTER PLAN

Palmer Square is located within the designated “Planning Area” of the Highlands. However, the Borough has opted not to participate in the Highlands master plan consistency process and therefore, the proposed redevelopment plan is not impacted by Highlands Commission regulations within the planning area.

## RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN & STRATEGIC PLAN

The proposed redevelopment plan is consistent with the goals and objectives of the State Development and Redevelopment Plan (SDRP) adopted in 2001. The redevelopment area is located within the Suburban Planning (PA-2) Area. The goals of the PA-2 area is predicated upon a number of broad goals and objectives. These include the following:

1. *Conserve natural resources and systems;*
2. *Promote beneficial growth, development and renewal for all residents of New Jersey;*
3. *Ensure sound and integrated planning and implementation standards.*
4. *Promote growth in Centers and other compact forms and thereby protecting the character of existing stable communities;*
5. *Reverse the current trend toward further sprawl; and*
6. *Revitalize cities and towns.*

The State Planning Commission has since prepared an updated State Strategic Plan on November 14, 2011 which, to date has not been adopted. The plan calls for directing investment into Priority Growth Investment Areas, which were formerly designated Planning 2 Areas in the previous State Plan. These areas are characterized by mature settlement patterns, lack of vacant land and redevelopment opportunities and such are appropriate for revitalization, stabilization, and promoting growth while protecting the character of the existing community. The plan also states:

*These Priority Growth Investment Areas should be supported at all levels of government and, where appropriate, government should consider ways to remove barriers for suitable private and public investment.*

The Palmer Square redevelopment plan is consistent with the goals and strategies identified in both the State SDRP and draft 2011 Strategic Plan.

## RELATIONSHIP TO SOMERSET COUNTY MASTER PLAN

Somerset County adopted its County master Plan in 1987 which identified the following goals and objectives relevant to this Redevelopment Plan:

*To relate development activities to long-range trends and the essential utilities and services necessary to support future development in an economical and environmentally-sound manner.*

*To focus future development opportunities in and around logical areas of existing development by encouraging a variety of housing types, convenient employment opportunities, and investments in utilities and transit facilities in defined areas. The effort should be to prevent further sprawl development by increasing the capacity and efficiency of existing core areas of development in order to attract and accommodate new development.*

*To protect and enhance significant historic, cultural and archeological sites and structures.*

Somerset County updated its planning documents when it adopted the Somerset County Investment Framework Map in 2014 which identifies Local Priority Areas (LPA) for investment. An LPA is defined as:

*Local Priority Areas (LPAs) are a subset of AGIAs. These are distinct small town and village centers, some of which have been designated by the NJ State Planning Commission, and existing/emerging employment nodes, that have limited growth opportunities due to their scale, historic character, environmental and access constraints and municipal preferences. Job retention and community sustainability are high priorities within LPAs.*

As a supplement to its investment framework map, the County released a report entitled “Supporting Priority Investment in Somerset County Phase III Study” which evaluated the Bernardsville LPA within the context of a “Town Center Sub-Area” and recommended optimizing the use of upper floor space above the ground floor.

Finally, the County adopted a Comprehensive Economic Development Strategy (CEDS) in 2013 which targets economic development strategies to the economic development priorities of the County. Of particular note are the strategies identified for Primary Focus Area 2 which references the re-use of significant properties encompassing the following goals:

*Identify and prioritize significant properties for re-use to formulate incentives and resources that facilitate productive occupancy.*

*Enhance the competitiveness of existing occupied and vacant commercial buildings by encouraging and incentivizing energy conservation and efficiency upgrades.*

The Palmer Square redevelopment plan is entirely consistent with the County’s master plan objectives and investment strategies as outlined above by repurposing existing development and promoting mixed use commercial and residential development within a town center setting readily accessible to mass transit, serviceable by existing infrastructure in a manner that will revitalize the downtown core area of the Borough as envisioned by the County’s master plan documents.

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## REDEVELOPMENT PLAN DETAILS

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The Palmer Square redevelopment plan is intended to promote and permit the redevelopment of the property for mixed-use development where commercial uses occupy the first floor with residential development above supported by below grade parking.

The redevelopment plan identifies development regulations designed to enhance the use of the site for such development with zoning and design requirements that promote the appropriate development in a manner consistent with goals and vision of creating a vibrant, diverse and pedestrian friendly town center.

These regulations shall serve as the redevelopment plan for the area, which shall be referred to as the **PS-R, Palmer Square Redevelopment Zone** for Block 125, Lots 1, 2 and 3 as indicated in Map 2. The purpose and intent of this district is to allow for a development of multifamily inclusionary development in a manner that is compatible with the surrounding land uses and appropriate for the designated redevelopment area. This Redevelopment Plan shall supersede all use, area and bulk provisions of the Zoning Ordinance (Land Development Regulations LDAO, LD-1 et. seq.) of the Borough of Bernardsville regulating development within the zone. In all situations, where development regulations are not specifically addressed herein, the Borough of Bernardsville Zoning Regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment of the Borough of Bernardsville Zoning Ordinance and Map.

### PLAN COMPONENTS

**Description of the PS-R, Palmer Square Redevelopment Zone.** The PS-R, Palmer Square Redevelopment Zone shall include the following parcels: Block 125, Lots 1, 2 and 3. , which together shall be treated as a single, unified Lot for purposes of the requirements, standards and guidelines hereinbelow

**Plan Goals.** The primary goal of the Palmer Square Redevelopment Area is to:

1. Promote the redevelopment of the site to enhance the downtown as the commercial and civic center of Bernardsville.
2. Facilitate redevelopment of the site with an attractive, high-quality mixed-use development that is compatible with the surrounding downtown core area in a manner that will enhance the community's downtown in recognition of the site's designation as an Area in Need of Redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law.
3. Enhance the physical characteristics of the downtown through sign, façade, and streetscape improvements.
4. Encourage architectural design that is consistent with the historic character of Bernardsville.
5. Provide opportunities for affordable multifamily housing in accordance with the Borough's constitutional obligation to do so pursuant to the New Jersey Supreme Court Mount Laurel decisions.
6. Address existing pedestrian and traffic circulation concerns in order to create a safe, pedestrian friendly environment and to promote walkability throughout the downtown core area.
7. Accommodate growth within areas having existing infrastructure and proximity to mass transit.

8. Encourage the efficient use of land within areas of existing communities consistent with the Borough's State and County planning policies.

**Purpose.** The purpose of this district is to promote mixed-use commercial and residential redevelopment that implement the goals of the redevelopment plan pursuant to the PS-R regulations enumerated herein.

### **Definitions.**

**Definitions.** The following definitions shall apply solely to Palmer Square Redevelopment Area. Terms contained in this section shall govern where they are in conflict with the other sections of the Land Development Ordinance except where terms are not defined herein, the definitions contained in Article 1, Section 1-3.2 shall apply:

**ARTICULATION:** Treatment of a building facade through the use of offsets, recesses, Attachments, and/or Openings to reduce the mass of the facade.

**ARTISAN MANUFACTURING:** The shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to electronic goods; food, drink and bakery products; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing; provided such facilities are open to the public for the retail sale of goods or services.

**ATTACHMENT:** A structure, excluding signage, attached to the facade of a building.

**BALCONY:** A covered or uncovered occupiable platform attached to a building facade.

**BAY WINDOW:** A space with windows that projects outward from a building facade and forms a recess within.

**BED AND BREAKFAST:** An owner operated private residence that offers sleeping accommodations and breakfast to lodgers in the innkeeper's principal residence. For purposes of this definition, a lodger means an individual(s) who rents a room in a Bed and Breakfast for fewer than 30 consecutive days.

**BELOW GRADE PARKING:** Structured parking, the highest finished floor of which is located below the Predevelopment Grade.

**CEILING:** The upper finished surface of a story.

**ENTRANCE:** An opening intended for the entry or exit of pedestrians in a building.

**FACADE:** The face of a building.

**FACADE, BLANK:** The portion of a facade per story that is permitted to have no Articulation or Opening.

**FRONTAGE:** The area between a building facade and a street, including built and planted elements. Private Frontage is located between a building facade and lot line adjacent to a street. Public Frontage is located in the street right-of-way adjacent to a lot line.

**LOT COVERAGE:** The percentage of lot area that is covered by impervious cover.

OFFICES: Shall include co-working spaces.

OPENING: A window or door within a building facade.

PARAPET: A low protective wall along the edge of a building roof.

PORCH: A covered; occupiable platform attached to a building facade near grade level.

PREDEVELOPMENT GRADE: the predevelopment grade to determine the final building height is hereby set at elevation 408 based upon blended grade along the Morristown Road frontage of the property.

PRINCIPAL BUILDING: A building in which the primary use on the property is conducted.

ROOF: The structure forming the upper covering of a building including parapet walls.

STOOP: A covered platform attached to a building facade near a building entrance.

STORY: A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it as follows:

Any finished floor surface entirely above the established predevelopment grade shall be counted as a story, except that a basement shall be considered to be a story above grade where the finished surface of the floor above the basement is:

1. More than six (6) feet above the existing grade; or
2. More than six (6) feet above existing grade for more than fifty (50%) percent of the total building perimeter; or
3. More than twelve (12) feet above grade at any point.

STREET, PRIMARY: Morristown Road.

STREET, SECONDARY: Mount Airy Road.

TRANSPARENCY: The portion of the building facade made up of openings.

### **Deviation from Standards Defined.**

- a) Deviations from use requirements and standards relating to bulk, building placement, building height, building articulation, building transparency, parking, lighting and signage standards shall be deemed zoning requirements requiring use or variance relief pursuant to N.J.S.A. 40:55D-70(c).
- b) Deviations from design standards relating to architecture, frontage and miscellaneous guidelines shall be deemed design standard exceptions pursuant to N.J.S.A. 40:55D-51.

### **Principal permitted uses. Uses permitted within the PS-R Zone shall be limited to the following:**

1. Artisan manufacturing (including distilleries and micro-brewing).
2. Educational institutions.
3. Financial institutions including banking facilities excluding drive-thru service which is prohibited.
4. Business and professional offices.
5. Outdoor dining as regulated pursuant to the PS-R regulations.
6. Personal Care Services.
7. Recreational type uses such as health clubs, spas and boutique exercise class providers, boutique gaming facilities, arcades, dance and art studios.
8. Residential-multi-family (including within a mixed-use building).
9. Restaurants and cafes excluding drive-thru service which is prohibited.
10. Retail sales.

#### **Permitted accessory uses.**

1. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses.
2. Surface and below grade parking.
3. Signs as permitted by ordinance.
4. Amenities for residential use including but not limited to rooftop amenities.

#### **Residential Development Requirements.**

The total number of residential units permitted in the PS-R Zone shall not exceed 68-dwelling units. Compliance with the Borough's affordable housing obligation shall be subject to the terms and conditions contained within the approved developer's agreement between the designated developer and Governing Body prior to application for site development as required by this redevelopment plan.

#### **Area and Bulk Requirements.**

Lot area, external yard and bulk requirements.

- |   |         |
|---|---------|
| 1. Minimum lot area (acres):                                  | 1.0     |
| 2. Minimum distance between buildings (feet):                 | 0       |
| 3. Minimum setbacks from external lot lines (feet):           |         |
| 4. Front yard (feet):   | 0*      |
| 5. Side yard (feet):  | 0*      |
| 6. Maximum number stories and building height (stories/feet): | 4 /40** |
| 7. Maximum impervious lot coverage (percent):                 | 90      |
| 8. Maximum building length on street frontage (feet):         | 200     |

\* Provided that the sidewalk meets the minimum requirements set forth herein

\*\*height shall be measured from the Predevelopment Grade to building eave of a sloped roof or top of a flat roof (inclusive of the parapet wall). Except as provided herein under Building Height, in no event shall any portion of a building exceed the height of 55 feet for a slope roof or 45 feet for a flat roof (including a parapet wall).

### **Nuisances.**

No retail, restaurant, outdoor dining area, or office in any building shall use any noisemaking instruments such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices which are so situated as to be heard outside any building at a level exceeding 65 decibels during daytime and 50 decibels between 10:00 p.m. and 7:00 a.m. No smoke, dust, fumes or objectionable odor shall be emitted from any building. The display of merchandise on the exterior premises of any building is prohibited, except as to sidewalk sales as provided herein.

### **Placement of Buildings.**

1. Front setbacks from a street shall be measured from the property line. Front and side yard setbacks are measured at a right angle from the adjacent property line. As the redevelopment is a corner lot the redevelopment site shall have two front yards as they front the right-of-way. The remaining yards shall be considered side yards and there shall be no rear yard applicable to the development.
2. Attachments as permitted herein may encroach into setbacks as applicable by sub-district subject to the following maximums:
  - a) Awnings: 6 feet
  - b) Balconies: 7 feet
  - c) Bay Windows: 6 feet
3. Minor elements such as accessory utility structures, mechanical equipment, fences, walls, driveways, walkways, and uncovered stoops and porches may encroach into all setbacks but not across property lines.

### **Building Height.**

1. Building height shall be measured in stories and feet. The measurement of building height in feet shall be made using the defined predevelopment grade which is set at elevation 408. Building height from the predevelopment grade will be measured to the bottom of the eave on a sloped roof or the highest point of the roof surface of a flat roof including a parapet wall. .
2. Any finished floor surface entirely above the established predevelopment grade shall be counted as a story, except that a basement or structured parking shall be considered to be a story above grade where the finished surface of the floor above the basement is:
3. More than six (6) feet above the existing grade; or
4. More than six (6) feet above existing grade for more than fifty (50%) percent of the total building perimeter; or

5. More than twelve (12) feet above grade at any point.
6. Non-occupiable roof elements such as spires, cupolas, chimneys, cell antennas, and similar structures may exceed the maximum height requirements by no greater than 20%.
7. Stairways to the roofs, rooftop shade structures, and rooftop mechanical equipment including solar panels may not exceed the maximum height requirement by more than 10 feet and shall be set back from building facades a minimum of 10 feet. All roof structures, facilities and improvements shall have aesthetic quality consistent with the design standards applicable to the structure as a whole and shall be appropriately screened but in no event shall exceed 60%.
8. Minimum story height requirements shall be measured from the top of the finished floor to the floor above.
9. Minimum ground floor elevation requirements shall be measured from the top of the adjacent sidewalk.
10. Fencing as required by building codes for terraced roofs is permitted but may not exceed the minimum height required by the building code.
11. Accessory Building Height Requirements:
  - a) Maximum Stories: 2
  - b) Maximum Height: 30 feet

#### **Building Façade Standards.**

1. Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block
2. Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only
3. Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal

#### **Building Articulation. Articulation requirements shall be met in one or more of the following methods:**

1. Facade offset with a minimum depth of 2 feet that extends to within 2 feet of the full height of the facade.

2. Facade projection or recession with a minimum depth of 4 inches and a minimum width of 1 foot that extends the full height of the first story of the facade.
3. Variation in building or parapet height of a minimum 2 feet for single story buildings and 4 feet for buildings with 2 or more stories.
4. The use of multiple roof forms to create the effect of different building components.

**Permitted Building Attachment Standards.** Permitted building attachments shall include awnings, canopies, balconies, bay windows, chimney, porches and stoops subject to the following requirements:

1. Awnings/canopies shall have a minimum clear height above a sidewalk of 9 feet and a minimum depth of 5 feet.
2. Balconies shall have a minimum clear height above a sidewalk of 9 feet and a minimum clear depth of 5 feet.
3. Bay windows shall have a maximum projection of 5 feet from a facade.
4. Chimneys shall have a maximum projection of 3 feet from a facade.
5. Drive-through facilities visible from a street shall be recessed a minimum of 10 feet from street-facing facades. Vehicular circulation and stacking for drive-through facilities shall be designed in a manner that does not impede traffic flow on adjacent streets.
6. Porches shall have a minimum clear depth of 6 feet excluding steps.
7. Stoops shall have a minimum clear depth of 4 feet.

**Building Transparency.**

1. Transparency shall be measured by dividing all the transparent surface areas of windows and including doors by the total facade area of a street-facing story.
2. Storefronts which become vacant shall be cleaned of all trash and debris at the front display windows. The property owner or tenant shall install a temporary painted, or otherwise decorated screen that shall obscure all display windows upon the premises to prevent visual exposure of the areas behind the screen. The top of the screen shall be not less than six feet above the adjacent sidewalk area.
3. Primary Street Ground Level – Non-residential: Minimum 70%/Maximum 80%; Maximum sill height at window 2 ½ feet; For non-residential uses, located within a building designed to resemble a single-family residential building type with a porch frontage, required transparency may be reduced to 20%.
4. Secondary Street Ground Level - Non-residential: Minimum 20%/Maximum 80%
5. Primary Street Ground Level – Residential: Minimum 20%/Maximum 60%

6. Secondary Street Ground Level – Residential: Minimum 15%/Maximum 60%
7. Upper Level: Minimum 15%/Maximum 50%

### **Sidewalks.**

A 9-foot sidewalk as measured from the top edge of the curb face shall be provided. Where the sidewalk along a property frontage is less than 9-feet, the front facade must be setback an additional distance to ensure a 9-foot minimum clear sidewalk width.

**Parking.** Parking shall be required for new development or changes in use according to the table below:

<u>USE</u>	<u>REQUIRED PARKING</u>
Residential:	1.5 sp/unit
All nonresidential uses	1 sp/300 square feet

1. Shared parking, where possible, shall be encouraged so as to result in fewer overall parking spaces. The Planning Board may grant reasonable concessions from the above standards where sufficient evidence is provided to the Board that shared parking will not negatively affect the availability of on-site parking at any given time pursuant to a shared parking plan to be submitted per Item 5 below.
2. Parking demand shall be subject to continued review upon completion of development such that any application for a change in occupancy shall include a parking demand analysis demonstrating compliance with the approved development plan prior to the issuance of any certificate of occupancy for the commercial space or any part thereof. In the event that parking demand cannot be satisfied onsite, an application to the Planning Board for amended site plan approval shall be submitted for review.
3. Parking setbacks are measured at right angles to the adjacent property line.
4. Required parking, with the exception of required accessible spaces, may be located off-site, if located within 600 feet from the primary pedestrian entrance.
5. A shared parking plan may be approved by the Planning Board for a mixed-use project when uses are located near one another and have different peak parking demands and operating hours, based upon a shared parking analysis prepared and presented by a qualified New Jersey licensed professional engineer.
6. Cross access between adjacent parking areas is required when technically feasible.

7. Electric Vehicle Parking (EV) charging facilities shall be provided in accordance with §LD-12-23.24 however, the EV parking credit is already factored into the total project parking demand and no further credit will apply.

### **Driveways.**

The residential driveway for access to parking areas shall be located on Morristown Road. The placement of the driveway shall be at the furthest point from the intersection of Morristown Road and Mount Airy Road subject to approval by the Borough Engineer as to final placement and design. Any driveway or vehicle access from Mount Airy road shall be limited loading and unloading for the commercial and residential spaces and not provide access to residential parking areas subject to further time and use restrictions as deemed by the Planning Board.

### **Loading Areas.**

A designated loading area shall be provided suitable to address commercial and residential deliveries and to accommodate move in/out as approved by the Planning Board.

### **Sidewalk Sales.**

Sidewalk sales shall be permitted within the PS-R District, not to exceed more than nine (9) days during each calendar year per business, which days shall be authorized by the Borough Clerk subject to the following standards:

1. Goods and merchandise may be displayed only upon a sidewalk area immediately in front of the business establishment selling same and in such a manner as to permit the free flow of pedestrian traffic on the sidewalk at a minimum width of 48 inches.
2. Goods and merchandise shall be of the same type and quality as that ordinarily maintained and sold by the business establishment conducting the sale.
3. Goods and merchandise shall be displayed in such manner as to permit sales to pedestrians on sidewalk areas. Sales shall not be conducted or made to pedestrians walking or standing in streets, roads or other areas where motor vehicles ordinarily travel.
4. No advertising signs larger than twelve inches by twenty- four inches shall be utilized in sidewalk sales.
5. Business establishments adjacent to parking areas may set aside portions thereof by clearly marking some and restricting the areas to sidewalk sales. Booths or other displays shall be located in such a manner as to permit the free flow of traffic through the area.
6. Sidewalk sales shall be restricted to the hours of 9:00 a.m. to 6:00 p.m., prevailing time.
7. The use of public address systems, bells, music, auctioneers or other devices or activities not otherwise

utilized by business establishments in the ordinary course of business shall not be permitted in conjunction with sidewalk sales.

8. The location of booths and other merchandise displays along sidewalks and in parking areas shall be subject to approval by an authorized member of the Police Department of the Borough of Bernardsville and an authorized member of the Fire Department of the Borough of Bernardsville. Any party failing to comply with a written directive from either of the agencies shall be deemed to be in violation of this section.

### **Outdoor Dining.**

Outdoor Dining shall be permitted within the PS-R District as accessory to an existing indoor restaurant only subject to the following regulations:

1. No outdoor table, shelf or other facility to hold food or drink while the same are being consumed shall be permitted in any nonresidential zone except in accordance with this paragraph.
2. The dining area must be on private property. If any portion of the dining area is on a sidewalk over which the public has a right-of-way, an unobstructed passage not less than four (4) feet wide must be left between the dining area and any street, structure, hydrant, lamppost, highway signpost or other obstruction. No portion of the dining area may be closer than four (4) feet to any fire lane, parking lot or loading dock. No portion of any required parking space or loading dock shall be converted to dining area.
3. The dining area shall be surrounded by a defining barrier not less than two (2) feet high such as landscaping, a fence or ropes and posts. If any portion of the dining area is within ten (10) feet of any area used by vehicles and less than two (2) feet above such area, the barrier shall be designed to protect the dining area unless the same is protected by trees or other means. Any immovable portion of the barrier, or any permanent roof, arbor, platform or similar structure shall be considered a site improvement for the purpose of Section 12-12.4, Administrative Procedures, requiring site plans proposing site improvements to be drawn by a licensed person. The placement of tables and chairs in the dining area and the provision of passages through the barrier shall not obstruct entry to or exit from any building. Folding chairs are prohibited. No advertising or product names are permitted on any tablecloths, chairs or umbrellas in the dining area.
4. Outdoor dining area hours and date of operation subject to local ordinance. If no ordinance is in place use of the dining area shall not be permitted after 10pm or before 6:00 a.m. Sunday through Wednesday. Outdoor dining shall not be permitted after 11:59 pm or before 6:00 am Thursday through Saturday.
5. Convenient containers for trash and recyclables shall be provided. The operator of the dining area shall keep it clean, sanitary and free from litter.
6. With the permission of the Board of Health and/or the Fire Department as to the maximum number of people in the indoor and outdoor spaces, the restaurant may serve indoor and outdoor diners

simultaneously.

### **Signage.**

Signage shall be permitted as regulated pursuant to §12-23-15 of the Borough's Land Development Code.

### **Architectural Standards.**

Architectural standards for development shall be guided by and be consistent with the "Bernardsville Zoning District Guidebook" as referenced in Ordinance No. 2020-1852 adopted by the Borough on October 13, 2020.

### **Architectural and Site Design Guidelines Specific to the District. The following specific design guidelines shall also apply:**

1. Unless otherwise specified, the standards in this section apply to all facades that face a street or public open space and side facades for a minimum depth of 20 feet
2. Buildings shall be generally oriented so that a primary entrance(s) faces the primary street or public open space.
3. Building entrances (excluding service access or emergency egress) shall be defined by a roof covering or by being recessed.
4. Buildings shall be generally built parallel to the street frontage. If the street frontage is not straight, facades shall be generally built tangent to the street frontage.
5. Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.
6. Street-facing facades shall be composed so that the rhythm of ground floor attachments and openings harmonizes with the rhythm of attachments and openings on upper stories.
7. Buildings on corner lots, shall address both streets with openings or the following attachments: porches and bay windows. For the purpose of this standard, a lane or alley is not a street.
8. Miscellaneous Guidelines. Buildings and related elements should be arranged in a manner to indicate the pattern of base, body or shaft, and cap.

### **Facades**

1. Building facades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2 feet), or inside corners.
2. The following materials are prohibited:

- a) E.I.F.S.
  - b) Faux brick, stone, or similar faux masonry panels.
  - c) Vinyl siding
3. Building facades may include horizontal siding, vertical siding with flush joints, stucco, and medium-density overlay plywood (MDO) as an accent material in gables, dormers, and bay windows.
  4. Horizontal siding shall be lap, shiplap, drop, or shingle-style.
  5. Materials, other than masonry, shall be painted, stained, or have a factory-applied finish.
  6. Buildings shall be limited to two colors, excluding accent colors. Colors shall be earth tones from white through natural "red."
  7. Parking structure facades shall incorporate appropriate materials, openings, and detailing and be configured in a manner so as to resemble a building with active uses.
  8. Miscellaneous Guidelines. Natural materials are encouraged. Materials intended to represent natural materials should be minimized.

#### Openings

1. Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.
2. Openings in masonry walls or walls with masonry veneer shall include brickmold casing.
3. Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.
4. Openings in Parking Structure facades may remain open without windows.
5. With the exception of transoms and decorative windows, windows shall be square or vertically proportioned and rectangular in shape. The grouping of individual windows to create a horizontal banding effect is permitted as long as the width of the banding does not exceed 1/2 of the length of the facade.
6. Adjacent windows shall be separated a minimum of 2 in.
7. Windows and doors shall have clear glass.
8. Window muntins, if included, shall be true divided lites or simulated divided lites fixed on the interior and exterior surfaces of the window and shall create panes of square or vertical proportion (as tall as wide or taller than wide).

9. Shutters, if included, shall be the same height as the window, and 1/2 the width of the window. Small windows may have one shutter that is the full width of the window. Shutters shall be operable or designed and installed as if they were operable including hardware.

#### 10. Miscellaneous Guidelines

- a) Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.
- b) Openings above should be equal in size or smaller than openings below.

### Roofs

1. Principal building sloped roofs shall be a symmetrical hip or gable and have a minimum pitch of 8:12.
2. Eaves shall be continuous or include appropriate eave returns, unless overhanging a balcony or porch.
3. Miscellaneous Guidelines
  - a) The ridge of the primary building should generally be oriented either parallel to or perpendicular to the street.
  - b) All gable and hipped roofs of a building, excluding ancillary roofs, should generally have the same slope where visible from a street or open space.

### Attachments. Attachments shall comply with the following standards:

1. Awnings and canopies shall not be internally illuminated.
2. Balconies shall not be fully enclosed.
3. Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.
4. Chimneys shall extend to grade.
5. Drive-through facilities shall be designed to match the architecture of the principal building the facility is attached to.
6. Porches may be enclosed with glass or screens; however, glass enclosures are not permitted on porches that face a street or public open space.
7. Posts and columns shall be generally classically ordered and include a base or pedestal, shaft, and capital. The base of posts, columns, and pedestals shall generally align with the face of the

foundation wall directly below. The outside face of porch beams shall generally align with the face of the top of the column.

8. The above standards shall not preclude the provision for outdoor dining.
9. Miscellaneous Guidelines
  - a) Porches should have square or vertically proportioned openings.
  - b) Balcony, porch, and stoop railings between balusters should have both top and bottom rails.

#### Screening Requirements

1. Utilities visible to the general public shall be appropriately screened with either landscaping or other decorative means.
2. Retaining walls shall be constructed of or clad in brick, stone, or stucco.
3. Decorative walls and fences shall be of a material similar to the facade material of the principal building on the lot.
4. All dumpsters, trash receptacles, and refuse storage containers visible to the public right-of way shall be located within an enclosure providing screening, unless located adjacent to a loading dock at the rear of the building. Enclosure shall meet one of the following standards:
  - a) A decorative masonry wall with a minimum height of 6 feet on three sides and a gate on the fourth side. The gate shall be constructed with an opaque, non-masonry material. The construction materials of the wall shall match materials used on the principal building located on the same lot.; or
  - b) Medium-sized evergreen shrubs shall be arranged, planted a maximum of 6 feet on-center, around the perimeter of the pad area except the side where access is located. This landscaping requirement does not apply when the enclosure is an architectural extension of a principal building.
5. Utilities serving the development shall be placed underground except for transformer pads, utility boxes, and HVAC facilities if not roof mounted. All proposed ground-mounted equipment (i.e., transformers, air conditioner units, etc.) within view from a street shall be screened by evergreen shrubs. Medium-sized evergreen shrubs shall be arranged around the boundary of the equipment and planted a maximum of 4 feet on-center. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening. In no case shall mechanical equipment be allowed along street frontage(s).
6. Plant materials should be native, drought-tolerant species. Invasive plant species are prohibited.

## Stormwater Management

Stormwater management shall be provided in accordance with Chapter 22, Stormwater Regulations.

## Sustainability

Sustainable techniques and practices such as, but not limited to, recycling, green roofs, and solar power, are encouraged to be included in development proposals.

## Frontages

1. **Public Frontage Guidelines.** Public frontages include the area within the public right-of-way. For development and redevelopment that requires improvements to the public right-of-way, the following standards should guide the design of frontages. Actual design may vary depending on the width or condition of the sidewalk and whether an owner or developer is required to improve the sidewalk along the frontage of the development.
  - a) **Sidewalk and Tree Grate.** The Sidewalk-Tree Grate public frontage maximizes the walkable zone and pedestrian amenity zone by maximizing paved area and including street trees in tree grates. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within 5-foot tree grates that include sufficient planting area for tree roots below grade.
  - b) **Sidewalk and Planter.** The Sidewalk-Tree Planter public frontage attempts to balance walkability with streetscaping. Street trees are located in planters that can aid in stormwater infiltration as well as provide additional area for tree growth and supplemental plantings. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within 5 foot by 8-foot minimum planters. Supplemental plantings in planter may include grasses, low shrubs, perennials, and groundcovers.
  - c) **Sidewalk and Planting Strip.** The Sidewalk-Planting Strip public frontage maximizes the planting area for street trees. It should be used in areas where pedestrian activity is anticipated to be the lightest. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within a minimum 5-foot-wide planting strip.
2. **Private Frontages.** Private frontages include the area between the public right-of-way and the building face. The following standards should guide the design of frontages as required by this
  - a) **Shopfront.** The shopfront features buildings close to the sidewalk, shopfront windows, at street level, and most often active uses on the ground floor.
  - b) **Forecourt.** The forecourt is similar to the Shopfront in that buildings are typically built close to the sidewalk, but recesses are permitted to accommodate elements such as outdoor dining or small courtyards.

- c) Stoop. The stoop is common on residential- type buildings built close to the sidewalk. It is shallow, covered, and typically raised above the sidewalk.
- d) Porch. The porch is common on residential- type buildings that have a shallow yard between the building and sidewalk. Porches are deep enough to function as a covered outdoor extension of the building.
- e) Parking. The parking frontage acknowledges that certain areas may require parking between the building and the street. Such parking is typically limited and is screened from the sidewalk by a year- round landscaped buffer.
- f) Yard. The yard is simply a deeper lawn between the face of the building and the sidewalk. The lawn typically contains turf grass but may include landscaping and trees.

### Lighting

1. Security Lighting. Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
2. Commercial Lighting. Where used for commercial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:
  - a) Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
  - b) Other upward directed architectural, landscape or decorative direct light emissions shall have at least ninety (90) percent of their total distribution pattern within the profile of the illuminated structure.
  - c) Externally illuminated signs including commercial building identification or other similar illuminated signs, shall comply with the following:
    - i. Top mounted light fixtures shall be shielded and are preferred.
    - ii. When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
    - iii. All other outdoor lighting shall use shielded light fixtures.
3. Floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.

4. Foundations supporting lighting poles not installed four (4) feet behind the curb, shall not be less than 24 inches above ground.
5. When fifty percent or more of existing outdoor light fixtures are being replaced or modified, then all lighting must be made to conform to the provisions of this section.
6. Light Trespass (Nuisance Light). All light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:
  - a) At a height of five (5) feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 foot-candles in a vertical plane on residentially zoned property.
  - b) Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.
  - c) Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

#### **Administration.**

1. Applicability. The standards and procedures contained herein within Administration, shall apply to all projects within the designated redevelopment area.
2. Computations. Rounding: Where cumulative requirements or limitations are to be computed for purposes of this Plan, fractions shall be carried forward in the summation, and the total rounded to the nearest whole number.
3. Other Actions by the Borough in Furtherance of the Plan. Other actions may be taken by the Borough to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for development. Unless otherwise agreed to by the designated Developer and the Borough as part of a Redevelopment Agreement, the costs for such actions shall be apportioned in accordance with N.J.S.A. 40:55D-42.
4. Approval process.
  - a) No development shall occur within the designated redevelopment area without the designation of a developer by the Borough.
  - b) Upon designation of a developer, the developer shall enter into a Redevelopment Agreement with the Borough. Only designated developers with an executed Redevelopment Agreement with the Borough shall have standing to submit application to the Borough Planning Board for

development. No development nor application for development may occur within the Redevelopment Area without an executed Redevelopment Agreement.

- c) Upon the execution of a Redevelopment Agreement with the Borough, an application shall be made to the Borough Planning Board for Site Plan approval in accordance with the Redevelopment Plan.
- d) Site Plan and Subdivision Review. Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and consistent with the applicable attachments to the Redevelopment Agreement, shall be submitted by the Designated Developer for review and approval by the Borough Planning Board. If there is a material change to the attachments to the Redevelopment Agreement, such material changes must be approved by the Council as a prerequisite to site plan approval.
- e) Excepting de minimis field changes to an approved site plan approved by the Borough Construction Code Official, no construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during, and after completion of the improvements.
- f) The Designated Developer shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as may be required by the Redevelopment Agreement to be executed between the Redeveloper(s) and the Borough.
- g) Deviations. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective, or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b.
- h) Notwithstanding the above, any changes to the uses permitted in this Rehabilitation Area, or any other deviation requiring a "d" variance shall be permitted only by means of an amendment of the Redevelopment Plan by the Governing Body.

- i) Redevelopment Actions. The Borough shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to relocate residents and businesses, to designate Redevelopers, establish clear terms and conditions for rehabilitation through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.
- j) Relocation Requirements. The Redeveloper will comply with any applicable New Jersey law or regulation applicable to relocation of tenants within the Redevelopment Area.
- k) Escrows. The Redevelopment Agreement shall provide that the Designated Developer shall be responsible to post sufficient escrows to cover the reasonable costs of the Borough and the professional consultants retained by the Borough to negotiate the Redevelopment Agreement, any other agreements associated with the project, undertake any studies in connection with the project, review the proposed project and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.
- l) Infrastructure. In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, provide all necessary engineering studies for, and construct or install all on-and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees subject to appropriate credits as required by law. In accordance with N.J.S.A. 40:55D-42, or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, also be responsible for providing all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on-and off-site traffic controls and road improvements for the project or required due to the impacts of the project. The Redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.
- m) This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and a request for same may be submitted to the Borough Council. The Borough of Bernardsville reserves the right to amend this plan. The Redeveloper shall remit an escrow for professional fees if it requests a Plan amendment, while the Borough shall bear its own professional fees if the Plan amendment request originates from the Borough or an agency of the Borough. The Borough, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals.
- n) The provisions of this Redevelopment Plan specifying the redevelopment of the Palmer Square Redevelopment Area and the requirements and restriction with respect thereto shall be in effect

for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Borough Council.

- o) Certificate of Completion. Upon completion of a project, the developer shall submit for a Certificate of Completion.
- p) Land Use Map Amendment. The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Borough of Bernardsville Land Use Map to ensure consistency between the two documents.
- q) Other Applicable Design and Performance Requirements. Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Code of the Borough Of Bernardsville.

**ORDINANCE #2023-1961**  
**AN ORDINANCE AMENDING**  
**SALARY ORDINANCE #2023-1955**

**BE IT ORDAINED**, that the Borough of Bernardsville in the County of Somerset and State of New Jersey, hereby amends Ordinance #2023-1955, as follows:

Chief of Police \* \$187,200 \* SOA CBA Education Pay included

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect twenty days after final passage and publication, according to law.

Attest:

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Introduced:

First publication:

Adopted:

Second publication:

**BOROUGH OF BERNARDSVILLE  
ORDINANCE #2023-1962**

**REPEALING LOCAL PAY TO PLAY ORDINANCE THAT HAS BEEN PREEMPTED  
BY P.L.2023, c.30 AND AMENDING CHAPTER 2 OF THE BOROUGH CODE  
ENTITLED “ADMINISTRATION”**

**WHEREAS**, P.L.2023, c.30 provides in relevant part that:

“25. (New section) Notwithstanding the provisions of any law, rule, or regulation to the contrary, any local ordinance, resolution, or regulation, as may be appropriate, adopted by a county, municipality, independent authority, board of education, or fire district pursuant or prior to section 1 of P.L.2005, c.271 (C.40A:11-51), limiting the awarding of public contracts therefrom to business entities that have made a contribution pursuant to "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) and limiting the contributions that the holders of a contract can make during the term of a contract, shall cease to be in effect and shall expire on the effective date of this act. . . . The awarding of public contracts by a county, municipality, independent authority, board of education, or fire district shall be in compliance with the provisions of sections 3 through 11 of P.L.2004, c.19 (C.19:44A-20.4 through C.19:44A-20.12), sections 2 and 3 of P.L.2005, c.271 (C.19:44A-20.26 and C.19:44A-20.27), and any other applicable provision of current law.; and

**WHEREAS**, as a result, Section 2-16 of the Borough Code entitled “Local Pay to Play Policies” has been preempted;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Committee of the Borough of Bernardsville in the County of Somerset, New Jersey, that Chapter 2 of the Borough Code entitled “Administration” is hereby amended as follows:

**Section 1.** Section 2-16 of the Borough Code entitled “Local Pay to Play Policies” is hereby repealed in its entirety.

**Section 2.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

\_\_\_\_\_  
Anthony Suriano, Borough Clerk

By: \_\_\_\_\_  
Mary Jane Canose, Mayor

*First Reading and Introduction:* April 10, 2023

*1<sup>st</sup> Publication:* \_\_\_\_\_

*Second Reading and Adoption:* \_\_\_\_\_

*2<sup>nd</sup> Publication:* \_\_\_\_\_

**BERNARDSVILLE BOROUGH  
ORDINANCE #2023-1964**

**AN ORDINANCE ESTABLISHING A FEE FOR THE REGISTRATION OF  
CERTIFICATES OF INSURANCE BY OWNERS OF BUSINESSES  
AND RENTAL UNITS IN COMPLIANCE WITH N.J.S.A. 40A:10A-2**

**WHEREAS**, N.J.S.A. 40A:10A-1 provides that:

“a. Except as provided in subsection b. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

b. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence”; and

**WHEREAS**, paragraph a. of N.J.S.A. 40A:10A-2 provides that:

“a. The owner of a business, owner of a rental unit or units and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating compliance with [N.J.S.A. 40A:10A-1] with the municipality in which the business, rental units, or multi-family home is located.”; and

**WHEREAS**, paragraph b. of N.J.S.A. 40A:10A-2 provides that:

“b. The governing body of a municipality may, by ordinance, establish a reasonable administrative fee for the certificate of registration required pursuant to subsection A. of this section for properties located in that municipality. The governing body of a municipality may collect, through a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, C. 274 (C.2A: 58-10 et seq.), a fine of not less than \$500 but no more than \$5,000 against an owner who failed to comply with the provisions of this act”; and

**WHEREAS**, the governing body wishes to establish a reasonable administrative fee for the certificate of registration required pursuant to N.J.S.A. 40A:10A-2;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of  
Bernardsville in the County of Somerset, State of New Jersey, as follows:

**Section 1.** There is hereby created a new Chapter 27 in the Borough Code entitled “Administrative Fees for Registration of Certificate of Insurance Required for Owners of Businesses and Rental Units,” which reads as follows:

**“Chapter 27 Administrative Fees for Registration of Certificate of Insurance Required for Owners of Businesses and Rental Units**

§ 27-1. All owners of businesses, a rental unit or units, and multi-family homes of four or fewer units, one of which is owner-occupied, shall by January 30 of each calendar year, register a certificate of insurance demonstrating compliance with N.J.S.A. 40A:10A-1.

§ 27-2. An administrative fee of \$50.00 shall be charged for each registration required pursuant to this Chapter.

§ 27-3. **Enforcement.** In accordance with the provisions of N.J.S.A. 40A:10A-2, the Mayor may collect through a summary proceeding pursuant to the ‘Penalty Enforcement Law of 1999’ (N.J.S.A. 2A:58-10 et seq.) a fine of not less than \$500 but no more than \$5,000 against an owner who fails to comply with the provisions of this chapter.”

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

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Anthony Suriano, Borough Clerk

By:  
Mary Jane Canose, Mayor

*Introduction:*

*1st Publication:*

*Public Hearing and Adoption:*

*2nd Publication:*

## RESOLUTION 23-101

### AUTHORIZING PAYMENT OF BILLS

RESOLVED, that the list of bills, copies attached hereto, are hereby approved for payment.

01 State & Federal Grants	\$	3,665.20
04 Escrow	\$	5,799.36
06 Outside Employment	\$	5,872.31
10 Current Fund	\$	2,717,532.54
19 Other Trusts	\$	5,095.80
20 Payroll	\$	-
33 Capital Fund	\$	373,323.92
40 Sewer Utility Fund	\$	24,457.60
55 Sewer Capital	\$	233.75
70 COAH Trust	\$	4,716.58
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	-
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
85 Recreation Trust	\$	5,575.00
 TOTAL	 \$	 3,146,272.06

Council Approval at regular meeting:

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I, Anthony J. Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the forgoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 24, 2023

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Anthony Suriano  
Borough Clerk

# **List of Bills - (0410101001000) CASH - ESCROW** **ESCROW**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2738	6386 - BURGIS ASSOCIATES, INC	PO 113368 BOA Planner contract & application servi		375.00	
	04-280-4043-0103	DISBURSEMENTS - GELB-O'CONNOR	375.00		375.00
2739	1307 - FERRIERO ENGINEERING, INC	PO 113367 BOA Engineer contract & application serv		1,967.00	
	04-280-4042-0103	DISBURSEMENTS - BOA #22-05 CAROLAN	455.00		
	04-280-4040-0103	DISBURSEMENTS - BOA #22-04 MADDALI	324.00		
	04-280-4043-0103	DISBURSEMENTS - GELB-O'CONNOR	360.00		
	04-280-4044-0103	DISBURSEMENTS - SIMON ASSAAD	828.00		
		PO 113414 2/6/2023 Inspect Final Grading. Constr		120.00	
	04-280-6002-0103	DISBURSEMENTS - #20-04 INSP. ESCROW - NJAW BO	120.00		
		PO 113415 2/23/23 Review Lot Development Plan. Pr		288.00	
	04-280-7057-0103	DISBURSEMENTS - SEAN FLYNN	288.00		
		PO 113417 2/20/23 Construction management/coordinaEngineer		195.00	
	04-280-7042-0103	DISBURSEMENTS - LEE (STORMWATER) - 20 PFIZER	195.00		2,570.00
2740	7427 - PAUL SAVAS	PO 113429 REFUND OF UNUSED ESCROW BALANCE		2,854.36	
	04-280-4045-0103	DISBURSEMENTS - PAUL SAVAS	2,854.36		2,854.36
TOTAL					5,799.36
Total to be paid from Fund 04 ESCROW		5,799.36			
		=====			
		5,799.36			

# List of Bills - (0110101002000) CASH - STATE & FEDERAL GRANTS STATE & FEDERAL GRANTS

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2388	7390 - AMAZON CAPITAL SERVICES	PO 113302 Trash and Recycling Bags for Stream Clea		341.51	
	01-G22-0110-0361	CLEAN COMMUNITIES (2022) CHAPTER 159	341.51		341.51
2389	4214 - ATLANTIC TACTICAL OF NJ	PO 112800 2023 Body Armor Replacements		35.80	
	01-G22-0110-0369	STATE BODY ARMOR REPLACEMENT FUND	35.80		35.80
2390	7471 - C3 PATHWAYS, INC	PO 113146 Counterstrike Professional Training Syst		1,895.00	
	01-G21-0110-0402	EMAA/OEM GRANT (2019)	1,895.00		1,895.00
2391	6738 - HVI SERVICES, LLC	PO 111809 Recycle Asphalt and Concrete from Road R		833.40	
	01-G22-0110-0380	RECYCLING TONNAGE GRANT (2019)	833.40		
		PO 112951 Recycle Asphalt and Concrete from Road R		222.89	
	01-G22-0110-0380	RECYCLING TONNAGE GRANT (2019)	222.89		1,056.29
2392	31 - NEW JERSEY HILLS MEDIA GROUP	PO 113323 E-Waste Event + Spring Household Cleanu		231.60	
	01-G22-0110-0361	CLEAN COMMUNITIES (2022) CHAPTER 159	231.60		231.60
2393	4213 - SHERRIE CALISH	PO 113372 PROGRAM COORDINATOR SALARY - MAR 2023*		105.00	
	01-G22-0110-0367	2022 MUNICIPAL ALLIANCE (22/23)	105.00		105.00
TOTAL					----- 3,665.20
Total to be paid from Fund 01 STATE & FEDERAL GRANTS		3,665.20			
		=====			
		3,665.20			

VENDOR: 86 - PAYROLL ACCOUNT  
BOROUGH OF BERNARDSVILLE  
BERNARDSVILLE NJ 07924-0000

DIRECT DISB  
Check# 230608

Disb. Journal Entry

ENTRY# 864 DATE: 03/31/2023  
Posted By: tmarkewicz

Account Number	Description	Debit	Credit
06-101-0100-2000	PAYROLL O/S DUTY - 3/31/23		5,872.31
06-285-0600-1004	VERIZON	716.40	
06-285-0600-1030	ST ELIZABETH	1,835.80	
06-285-0600-2065	RANDAZZO PAVING	358.20	
06-285-0600-2064	JOBS4BLUE	2,961.91	
		5,872.31	5,872.31

# List of Bills - (1010101006000) CASH - CURRENT FUND CURRENT FUND

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
64990	6311 - ACTION DATA SERVICES	PO 113392 PAYROLL INVOICE PERIOD END DATE 3/25/23*		213.06	
	10-C00-0110-0205 FINANCE - GENERAL EXPENSE		213.06		213.06
64991	179 - AIRGAS USA, LLC	PO 113390 Cyl. Rental		59.40	
	10-C00-0220-0205 STREETS & ROADS - GEN. EXPENSE		59.40		59.40
64992	1806 - ALLIED OIL LLC	PO 113442 GASOLINE - APRIL 2023( ACCOUNT #10-71636		1,818.75	
	10-C00-0315-0220 GASOLINE - PREMIUM GAS		1,818.75		1,818.75
64993	4500 - AMERICAN BRICKWORK & CONCRETE, INC	PO 112954 Tile Repairs for all three Pools		5,000.00	
	10-C00-0271-0213 SWIM POOL - REPAIRS		5,000.00		5,000.00
64994	4500 - AMERICAN BRICKWORK & CONCRETE, INC	PO 113409 Diving Board Stand Repair		750.00	
	10-C00-0271-0208 SWIM POOL - OPENING/CLOSING		750.00		750.00
64995	4214 - ATLANTIC TACTICAL OF NJ	PO 112362 AMMO		3,692.24	
	10-A00-0195-0215 (2022) POLICE - FIREARMS & AMMUNITION		3,692.24		
		PO 113262 Minardi Uniforms		1,431.26	
	10-C00-0195-0228 POLICE - UNIFORMS NEW OFFICER EQUIPMENT		1,431.26		5,123.50
64996	6836 - ATLANTIC VISITING NURSE	PO 113387 2ND Quarter Contract 2023*		1,332.76	
	10-C00-0250-0215 BOARD OF HEALTH-VISITING NURSE		1,332.76		1,332.76
64997	4915 - B&R UNIFORMS	PO 112309 Command Staff Class A White Shirts and C		499.50	
	10-A00-0195-0205 (2022) POLICE - GENERAL EQUIPMENT		499.50		499.50
64998	3115 - BASKING RIDGE GLASS AND MIRROR	PO 113389 Repair Train Station Broken Glass and Bo		447.00	
	10-C00-0145-0250 BUILD. & GROUNDS - TRAIN STATION		399.00		
	10-C00-0145-0216 BUILD. & GROUNDS - BUILD. MNT.		48.00		447.00
64999	3269 - BRADY DRISCOLL	PO 113408 CONSTRUCTION - MILEAGE 1/1-3/31/2023		222.31	
	10-C00-0285-0213 CONSTRUCTION - MILEAGE		222.31		222.31
65000	6386 - BURGIS ASSOCIATES, INC	PO 113272 BOA Planner 2023 Blanket PO for anticipa		280.00	
	10-C00-0155-0218 BOARD OF ADJ. - PLANNER		280.00		280.00
65001	285 - CERTIFIED SPEEDOMETER SERVICE, INC	PO 113324 Police Vehicle Speedometer Calibrations		440.00	
	10-C00-0246-0206 VEHICLE MAINT. - POLICE		440.00		440.00
65002	6239 - CHRIS DIACIK	PO 113407 CONSTRUCTION - MILEAGE 1/1-3/31/2023		260.33	
	10-C00-0285-0213 CONSTRUCTION - MILEAGE		260.33		260.33
65003	6730 - CLEARY GIACOBBE ALFIERI JACOBS LLC	PO 113081 SPECIAL REDEVELOPMENT COUNSEL - BLANKET		1,930.50	
	10-C00-0100-0221 ADMIN. & EXEC. - DOWNTOWN REVITALIZATION		1,930.50		1,930.50
65004	4239 - COMCAST	PO 113388 HD TV CONNECTION- POLICE DEPT-ACCT# 8499		20.82	
	10-C00-0305-0215 TELEPHONE - PHONE BILLS		20.82		20.82
65005	4239 - COMCAST	PO 113449 HIGH SPEED INTERNET - ACCT 8499052890037		116.85	
	10-C00-0305-0215 TELEPHONE - PHONE BILLS		116.85		116.85
65006	7219 - CURCIO PLUMBING	PO 113195 Misc. Plumbing Repairs at Library - Blan		367.00	

**List of Bills - (1010101006000) CASH - CURRENT FUND****CURRENT FUND**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
	10-C00-0145-0231	BUILD. & GROUNDS - LIBRARY TENANTS EXP.	367.00		367.00
65007	5806 - D & R PLUMBING AND HEATING LLC	PO 113410 Turn Water on at Pool		1,550.00	
	10-C00-0271-0208	SWIM POOL - OPENING/CLOSING	1,550.00		1,550.00
65008	5182 - E-Z PASS	PO 113378 RE ACCOUNT 2000 1155 0723 9 TO REPLINISH		100.00	
	10-C00-0246-0206	VEHICLE MAINT. - POLICE	100.00		100.00
65009	8 - FEDERAL EXPRESS CORP.	PO 113386 FROM L. ROBERSON TO LOUCOPOLOS- BOOTON 3		36.39	
	10-C00-0110-0205	FINANCE - GENERAL EXPENSE	36.39		
		PO 113427 FedEx certified copy of marriage license		29.04	
	10-C00-0102-0205	MUNICIPAL CLERK - GENERAL EXPENSE	29.04		65.43
65010	1307 - FERRIERO ENGINEERING, INC	PO 112546 Engineering, Design, and Inspections Var		1,625.00	
	10-A00-0140-0211	(2022) ENGINEERING - ENGINEERING EXPENSES	1,625.00		
		PO 113271 BOA Engineer 2023 Blanket PO for anticip		70.00	
	10-C00-0155-0217	BOARD OF ADJ. - ENGINEER	70.00		
		PO 113431 February 2023 Engineering		1,265.50	
	10-C00-0140-0206	ENGINEERING - STORMWATER	1,080.00		
	10-C00-0140-0205	ENGINEERING - GENERAL EXPENSES	185.50		2,960.50
65011	2933 - GLENN MILLER ELECTRICAL CONTRACTING	PO 113322 Remove Wire to Boathouse Electrical Serv		270.00	
	10-C00-0145-0205	BUILD. & GROUNDS - GENERAL EXP	270.00		270.00
65012	1914 - GM FENCE	PO 112869 Replace Fence a Pool from Pickleball Ct		9,200.00	
	10-C00-0145-0241	BUILD. & GROUNDS - REC. FIELD MAINT.	9,200.00		
		PO 113247 Gate Repairs at Turf Field and Kiwanis +		1,600.00	
	10-C00-0145-0241	BUILD. & GROUNDS - REC. FIELD MAINT.	1,600.00		10,800.00
65013	3864 - GTEM INC	PO 110316 OPEN P.O. FOR 2022 E-TICKET CHARGES		291.00	
	10-A00-0195-0230	(2022) POLICE - MAINTENANCE CONTRACTS	225.00		
	10-C00-0195-0230	POLICE - MAINTENANCE CONTRACTS	66.00		291.00
65014	124 - JAEGER LUMBER	PO 112676 Blanket PO for B&G Supplies		47.51	
	10-C00-0145-0201	BUILD. & GROUNDS - BLD SUPPLY	47.51		47.51
65015	87 - JCP&L	PO 113400 JCP&L*		2,350.48	
	10-C00-0310-0220	ELECTRICITY - BILLS	2,350.48		2,350.48
65016	87 - JCP&L	PO 113448 JCP&L 3/15-4/12/23*		3,685.70	
	10-C00-0225-0202	STREET LIGHTING	3,685.70		3,685.70
65017	6378 - JOHNY ON THE SPOT	PO 112657 Portable Restroom Rental - 271 Mine Broo		111.32	
	10-C00-0145-0263	BUILD. & GROUNDS - O/S - 271 MINE BROOK	111.32		
		PO 112658 Portable Restroom Rental - Train Station		222.64	
	10-C00-0145-0250	BUILD. & GROUNDS - TRAIN STATION	222.64		
		PO 112659 Portable Restroom Rental - Polo, Rose Bo		1,047.72	
	10-C00-0145-0249	BUILD. & GROUNDS - PORTABLE TOILETS	1,047.72		1,381.68
65018	7091 - JOSEPH FISCHER	PO 113362 Easter DJ		575.00	
	10-C00-0272-0214	RECREATION - EVENTS & ACTIVITIES	575.00		575.00
65019	6247 - JOY AUTO PARTS	PO 112684 Parts blanket		107.29	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	107.29		107.29

# **List of Bills - (1010101006000) CASH - CURRENT FUND** **CURRENT FUND**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
65020	5662 - KEILING TREE CARE	PO 113228 Remove and Relocate Pedestrian Bridge at		2,935.00	
	10-C00-0145-0205 BUILD. & GROUNDS - GENERAL EXP		2,935.00		2,935.00
65021	7097 - LEAH HOROWITZ	PO 113354 Easter Eggstravaganza reimbursement		231.32	
	10-C00-0272-0214 RECREATION - EVENTS & ACTIVITIES		231.32		231.32
65022	4185 - LIFESAVER, INC.	PO 113353 2023 CPR and First Aid Certs		194.00	
	10-C00-0195-0203 POLICE - EDUCATION & TRAINING EXPENSES		194.00		194.00
65023	5805 - LOUIS P. RAGO, ESQ	PO 113278 BOA Attorney 2023 Blanket PO for anticip		1,360.00	
	10-C00-0155-0215 BOARD OF ADJ. - ATTORNEY		1,360.00		1,360.00
65024	6060 - MESLER'S TOWING SERVICE, INC	PO 113375 Towing - Ford Explorer - from 166 Mine B		170.00	
	10-C00-0246-0206 VEHICLE MAINT. - POLICE		170.00		170.00
65025	98 - MJ NEILL, INC	PO 113454 DIESEL USAGE - feb 2023*		489.83	
	10-C00-0315-0230 GASOLINE - DIESEL		489.83		489.83
65026	7329 - MONMOUTH TELECOM	PO 113438 PHONE CHARGES ACCT #36890		576.86	
	10-C00-0305-0215 TELEPHONE - PHONE BILLS		576.86		576.86
65027	2748 - MORRISTOWN AUTO BODY, INC.	PO 113396 2017 CHEVY TAHOE - TOWED FROM MEEKER ROA		120.00	
	10-A00-0246-0206 (2022) VEHICLE MAINT. - POLICE		120.00		120.00
65028	4796 - MTS INTELLIGENCE SURVEILLANCE SOLUTION	PO 113377 2023 Maintenance Contract		4,600.00	
	10-C00-0195-0230 POLICE - MAINTENANCE CONTRACTS		4,600.00		4,600.00
65029	7473 - NATIONAL ASSOC OF FIELD TRAINING OFFICER	PO 113204 Basic Field Training Officer - Feb. 15-1		350.00	
	10-C00-0195-0203 POLICE - EDUCATION & TRAINING EXPENSES		350.00		350.00
65030	142 - NEW JERSEY CONFERENCE OF MAYORS	PO 113058 ANNUAL MAYOR'S CONFERENCE		465.00	
	10-C00-0100-0215 ADMIN. & EXEC. - MAYOR'S EXP.		465.00		465.00
65031	31 - NEW JERSEY HILLS MEDIA GROUP	PO 112878 2023 BLANKET PO FOR BERNARDSVILLE NEWS L		60.18	
	10-C00-0102-0207 MUNICIPAL CLERK - ADVERTISING		60.18		60.18
65032	5616 - NEW JERSEY STATE ASSOC.CHIEFS OF PO	PO 113019 NJSACOP Dress Pocket Badge - Magnetic -		75.00	
	10-C00-0195-0204 POLICE - MISCELLANEOUS		75.00		75.00
65033	5616 - NEW JERSEY STATE ASSOC.CHIEFS OF PO	PO 113020 OPRA and Records Management for Supervis		299.00	
	10-C00-0195-0203 POLICE - EDUCATION & TRAINING EXPENSES		299.00		299.00
65034	6136 - NICK SALVATORE	PO 113393 BOOTS NEXT ELIGIBLE 10/17/23		150.00	
	10-C00-0220-0206 STREETS & ROADS - UNIFORMS		150.00		150.00
65035	57 - NJ AMERICAN WATER CO.	PO 113406 NJ AMERICAN WATER -		392.01	
	10-C00-0145-0219 BUILD. & GROUNDS - WATER BILLS		392.01		392.01
65036	57 - NJ AMERICAN WATER CO.	PO 113412 NJ American Water 3/7-4/5/23*		9,645.75	

# List of Bills - (1010101006000) CASH - CURRENT FUND

## CURRENT FUND

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
	10-C00-0180-0220	FIRE HYDRANT SERVICE	9,600.70		
	10-C00-0145-0219	BUILD. & GROUNDS - WATER BILLS	45.05		9,645.75
65037	6714 - PAYBYPHONE TECHNOLOGIES INC	PO 112738 2023 PARKING METER SERVICE FEES		150.00	
	10-279-5500-1001	RESERVE FOR RAILROAD STATION	26.25		
	10-C00-0145-0254	BUILD. & GROUNDS - PARKING LOTS	123.75		150.00
65038	5749 - POWER PLACE INC	PO 113385 Blade Assembly		169.99	
	10-C00-0220-0224	STREETS & ROADS - SUPPLIES	169.99		169.99
65039	6042 - PSE&G	PO 113399 BILL DATE 4/4/23*		2,242.52	
	10-C00-0320-0225	GAS - NATURAL	2,242.52		2,242.52
65040	6042 - PSE&G	PO 113411 PSE&G 2/26-3/24/23*		1,800.89	
	10-C00-0320-0225	GAS - NATURAL	1,800.89		1,800.89
65041	5573 - RAVE WIRELESS, INC	PO 113394 RAVE ALERT FOR PUBLIC SAFETY, MESSAGING,		5,641.00	
	10-C00-0190-0207	COMMUNICATIONS - EMERGENCY ALERT SYSTEM	5,641.00		5,641.00
65042	4955 - REEGS, INC	PO 110541 OPEN P.O. FOR POLICE VEHICLE BATTERIES		285.90	
	10-A00-0246-0206	(2022) VEHICLE MAINT. - POLICE	285.90		
		PO 112938 OPEN P.O. FOR POLICE VEHICLE BATTERIES		157.90	
	10-C00-0246-0206	VEHICLE MAINT. - POLICE	157.90		
		PO 113373 #116 Battery		285.90	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	285.90		729.70
65043	5906 - REPUBLIC SERVICES OF NJ	PO 112318 Garbage Container Removal and Disposal -		2,061.00	
	10-A00-0235-0213	(2022) LANDFILL - DISPOSAL OF WASTE	2,061.00		2,061.00
65044	5500 - RICOH USA, INC	PO 112936 Open PO for Maintenance, Toner, and Extr		1,173.88	
	10-C00-0195-0230	POLICE - MAINTENANCE CONTRACTS	1,173.88		1,173.88
65045	7142 - SAIF NAQVI	PO 113264 Travel Expenses for LEAD Conference		354.52	
	10-C00-0195-0208	POLICE-EDUCATION-CONFERENCE & TRAVEL EXP	354.52		354.52
65046	7312 - SAMUELS, INC	PO 112686 Parts blanket		741.71	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	741.71		741.71
65047	5108 - SERVICEMASTER ABSOLUTE CLEANING LLC	PO 112680 2023 Janitorial Services Borough Hall +		1,741.69	
	10-C00-0145-0225	BUILD. & GROUNDS - CLEANING SERVICES	1,741.69		
		PO 112681 2023 Janitorial Services Suite 103, Suit		999.64	
	10-C00-0145-0234	BUILD. & GROUNDS - CONSTRUCTION OFFICE	433.33		
	10-C00-0145-0240	BUILD. & GROUNDS - REC. BUILDING MAINT.	283.16		
	10-C00-0145-0231	BUILD. & GROUNDS - LIBRARY TENANTS EXP.	283.15		
		PO 112682 2023 Cleaning of Commuter Area/Restrooms		325.00	
	10-C00-0145-0250	BUILD. & GROUNDS - TRAIN STATION	325.00		3,066.33
65048	392 - SOMERSET COUNTY RECYLING PROGRAM	PO 113445 Quarterly Curbside Recycling Services		19,744.65	
	10-C00-0240-0215	RECYCLING - COUNTY PICKUP	19,744.65		19,744.65
65049	3104 - SOMERSET CTY BUSINESS PARTNERSHIP	PO 113235 Mayor attending SCBP Luncheon on March 3		40.00	
	10-C00-0100-0215	ADMIN. & EXEC. - MAYOR'S EXP.	40.00		40.00

# **List of Bills - (1010101006000) CASH - CURRENT FUND** **CURRENT FUND**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
65050	3672 - ST. NICK POOL MANAGEMENT, INC. 10-C00-0271-0208	PO 113319 POOL OPENING & CLOSING SWIM POOL - OPENING/CLOSING	450.00	450.00	450.00
65051	38 - STAPLES BUSINESS ADVANTAGE 10-A00-0195-0201	PO 112410 OPEN P.O. FOR OFFICE SUPPLIES (2022) POLICE - OFFICE SUPPLIES	154.67	154.67	154.67
65052	3391 - STATE TOXICOLOGY LABORATORY 10-C00-0195-0213	PO 113376 3 Applicant Drug Screenings POLICE - MEDICAL EXPENSES	135.00	135.00	135.00
65053	5304 - SUBURBAN PROPANE 10-C00-0145-0261	PO 113113 Remove Abandoned Propane Tank at 251 Cla BUILD. & GROUNDS - O/S - 251 CLAREMONT	510.76	510.76	510.76
65054	7088 - TIMOTHY RICHARD 10-C00-0195-0208	PO 113265 Travel Expenses for LEAD Conference for POLICE-EDUCATION-CONFERENCE & TRAVEL EXP	339.52	339.52	339.52
65055	3618 - TOTAL EQUIPMENT TRAINING CORP 10-C00-0220-0205	PO 113343 Crane + Lift Inspection STREETS & ROADS - GEN. EXPENSE	1,250.00	1,250.00	1,250.00
65056	3141 - TRAFFIC SAFETY SERVICE LLC 10-C00-0220-0221	PO 112883 Misc. Signs and Posts STREETS & ROADS - STREET SIGNS	113.80	113.80	
	10-C00-0220-0229	PO 113106 Misc. Signs and Posts STREETS & ROADS - SIGNS	1,490.52	1,490.52	1,604.32
65057	3431 - TREASURER-STATE OF NEW JERSEY 10-C00-0220-0230	PO 113430 Annual NJDEP Stormwater Discharge Genera STREETS & ROADS - STRM WTR REQ	2,000.00	2,000.00	2,000.00
65058	6293 - TREETOP PRODUCTS 10-A00-0165-0204	PO 112392 TREE BACKLESS BENCH (2022) ENVIRON. COMM. - MISCELLANEOUS	1,645.14	1,645.14	1,645.14
65059	6195 - U.S. POSTAL SERVICE 10-C00-0100-0209	PO 113434 POSTAGE - SUITE 103* ADMIN. & EXEC. - POSTAGE	500.00	500.00	500.00
65060	61 - VERIZON 10-C00-0305-0215	PO 113439 TELEPHONE BILL 908-221-9611 - 4/7-5/6/23 TELEPHONE - PHONE BILLS	564.49	564.49	564.49
65061	3488 - VERIZON 10-C00-0305-0215	PO 113450 FIOS - ACCT# 354-642-517-0001-63 - 4/10- TELEPHONE - PHONE BILLS	129.99	129.99	129.99
65062	5173 - VERIZON BUSINESS SERVICES 10-C00-0305-0215	PO 113440 TELEPHONE BILL 908-221-9611 - invoice 4/ TELEPHONE - PHONE BILLS	49.61	49.61	49.61
65063	1632 - VERIZON WIRELESS (NEWARK) 10-C00-0305-0225	PO 113451 ACC #442265347 - 00004 WIRELESS PHONES TELEPHONE - MOBILE PHONES	202.76	202.76	
	10-C00-0305-0225	PO 113452 ACC #442265347 - 00002 WIRELESS PHONES TELEPHONE - MOBILE PHONES	1,558.15	1,558.15	
	10-C00-0305-0225	PO 113453 ACC#442265347-00001* WIRELESS PHONES 3/ TELEPHONE - MOBILE PHONES	2,331.63	2,331.63	4,092.54
65064	4354 - VILLAGE COMPUTER CENTER INC 10-C00-0100-0210	PO 113444 Computer for Nancy Malool ADMIN. & EXEC. - COMPUTER EXPENSES	1,044.98	1,044.98	1,044.98
65065	90 - VILLAGE SUPER MARKETS	PO 113251 FOOD FOR RETIREMENT LUNCHEON - TOM CZERN		293.42	

# **List of Bills - (1010101006000) CASH - CURRENT FUND** **CURRENT FUND**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
10-C00-0100-0205	ADMIN. & EXEC. - GENERAL EXPENSES		293.42		293.42
65066	1264 - WELDON ASPHALT CO.	PO 113003 BITUMINOUS CONCRETE & STONE - JAN-JUNE 2		3,126.38	
10-C00-0220-0218	STREETS & ROADS - ROAD REPAIR		3,126.38		3,126.38
65067	4945 - WURTH USA INC	PO 113341 Shop Mike]		158.68	
10-C00-0220-0224	STREETS & ROADS - SUPPLIES		158.68		
		PO 113381 Safety glasses		43.80	
10-C00-0220-0224	STREETS & ROADS - SUPPLIES		43.80		202.48
TOTAL					121,189.81
Total to be paid from Fund 10 CURRENT FUND		121,189.81			
		=====			
		121,189.81			

## **Checks Previously Disbursed**

231018	PAYROLL ACCOUNT	CASH- CURRENT - 3/31/23	265,701.74	3/31/2023
231019	SOMERSET HILLS BOARD OF ED.	PO# 112733 SCHOOL TAX - 1ST HALF 2023	2,330,640.99	4/10/2023
				-----
				2,596,342.73

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 10 CURRENT FUND	2,596,342.73	121,189.81	2,717,532.54
BILLS LIST TOTALS	2,596,342.73	121,189.81	2,717,532.54
			=====

List of Bills - (1910101001000) CASH - OTHER TRUSTS  
OTHER TRUSTS

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
453	650 - NJ DEPT OF HEALTH & SENIOR SRVS. 19-285-0500-3002	PO 113426 February & March 2023 Monthly Dog Report DUE TO STATE - ANIMAL CONTROL	40.80	40.80	40.80
454	2186 - TREASURER-STATE OF NEW JERSEY 19-285-0500-2002	PO 113437 1ST QUARTER 2023 CONSTRUCTION DCA FEES* DUE TO STATE - DCA	5,055.00	5,055.00	5,055.00
TOTAL					5,095.80
Total to be paid from Fund 19 OTHER TRUSTS		5,095.80	=====		
		5,095.80			

# **List of Bills - (3310101004000) CASH - CAPITAL CAPITAL FUND**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
6293	7390 - AMAZON CAPITAL SERVICES	PO 113075 Floor Mats for Chevy Bolt EV		36.67	
	33-215-2926-1022	CAP ORD 2022-1917 - ELECTRIC VEHICLE	36.67		36.67
6294	1307 - FERRIERO ENGINEERING, INC	PO 112791 West Street & Boylan Terrace Sidewalk En		65.00	
	33-215-2929-1001	BOND ORD 2022-1932 - BERNARDS NBRHOOD - FUNDE	65.00		
		PO 113431 February 2023 Engineering		10,178.50	
	33-215-2923-1000	OS ORD 2021-1906 - PICKELBALL COURT	504.00		
	33-215-2929-1003	BOND ORD 2022-1932 - SOFT COSTS	7,298.50		
	33-215-2925-1000	BOND ORD 2022-1914 - BERNARDS AVE/VARIOUS RDS	2,376.00		10,243.50
6295	2933 - GLENN MILLER ELECTRICAL CONTRACTING	PO 113218 Installation of Tier 2 - EV Charging Sta		2,475.00	
	33-215-2926-1022	CAP ORD 2022-1917 - ELECTRIC VEHICLE	2,475.00		2,475.00
6296	6671 - HQW ARCHITECTS, LLC	PO 113052 Architectural Services Polo Grounds Pavi		4,800.00	
	33-215-2922-1000	O/S ORD 2021-1898 - O/S MASTER PLAN IMP.	4,800.00		4,800.00
6297	7487 - KNOX SECURITY	PO 113357 Fire Alarm Inspection at 65 Morristown R		595.00	
	33-215-2928-1000	BOND ORD 2022-1924 - 65 MORRISTOWN RD	595.00		595.00
6298	358 - LUDLOW HEATING & COOLING CO.	PO 113050 Replace Furnace/Air Conditioner for Poli		15,310.00	
	33-215-2926-1005	CAP ORD 2022-1917 - HVAC - POLICE DISPATCH	15,310.00		15,310.00
6299	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS,	PO 113004 Repair Broken Concrete Sidewalk Slabs- S		5,030.00	
	33-215-2926-1004	CAP ORD 2022-1917 - SIDEWALK/PAVER REPAIRS	5,030.00		
		PO 113180 Repair Broken Concrete Sidewalk Slabs- A		2,900.00	
	33-215-2926-1004	CAP ORD 2022-1917 - SIDEWALK/PAVER REPAIRS	2,900.00		7,930.00
6300	6132 - SAMSON ELECTRICAL SUPPLY	PO 113051 Lighting Pickleball Court Walkway		1,383.75	
	33-215-2923-1000	OS ORD 2021-1906 - PICKELBALL COURT	1,383.75		1,383.75
TOTAL					42,773.92
Total to be paid from Fund 33 CAPITAL FUND		42,773.92			
		=====			
		42,773.92			

## **Checks Previously Disbursed**

233308	DEPOSITORY TRUST COMPANY	PO# 113365	DEBT SERIVCE PAYMENT - PRINCIPAL	275,000.00	4/14/2023
233309	DEPOSITORY TRUST COMPANY	PO# 113366	DEBT SERIVCE PAYMENT - INTEREST	55,550.00	4/14/2023
				-----	
				330,550.00	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 33 CAPITAL FUND	330,550.00	42,773.92	373,323.92
BILLS LIST TOTALS	330,550.00	42,773.92	373,323.92
=====			

# List of Bills - (4010101002000) CASH - SEWER UTILITY SEWER UTILITY FUND

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
10815	1002 - ENVIRONMENTAL RESOURCE ASSOC. 40-C00-0101-0204 SEWER - MISCELLANEOUS	PO 112908 Annual PT Study	106.95	106.95	106.95
10816	1619 - GARDEN STATE LABORATORIES INC 40-C00-0101-0215 SEWER - TESTING	PO 112724 1st Qtr. 2023 Labratory Analysis	1,670.00	1,670.00	1,670.00
10817	87 - JCP&L 40-C00-0101-0227 SEWER - ELECTRICITY	PO 113441 JCP& L 1/22/22-2/20/23*	12,610.46	12,610.46	12,610.46
10818	4349 - MAPLECREST FORD 40-C00-0101-0208 SEWER - VEHICLE REPAIRS	PO 113370 2023 Blanket for parts	189.87	189.87	189.87
10819	6728 - NAPA OF CHESTER, INC 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 113371 2023 Blanket for vehicle and plant parts	15.74	15.74	15.74
10820	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 113406 NJ AMERICAN WATER -	2,221.36	2,221.36	2,221.36
10821	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 113413 NJ AMERICAN WATER -	49.65	49.65	49.65
10822	4835 - ONE CALL CONCEPTS 40-C00-0101-0204 SEWER - MISCELLANEOUS	PO 112992 Blanket PO for 2023 Markout services	107.25	107.25	107.25
10823	4335 - PASSAIC VALLEY SEWERAGE COMMISSION 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 112727 1st. Qtr. 2023 Sludge Disposal	2,184.00	2,184.00	2,184.00
10824	6042 - PSE&G 40-C00-0101-0224 SEWER - NATURAL GAS/DIESEL	PO 113399 BILL DATE 4/4/23*	87.93	87.93	87.93
10825	3499 - RICHIE'S TIRE SERVICE INC 40-C00-0101-0208 SEWER - VEHICLE REPAIRS	PO 113398 Tires for pickup truck BALANCE DUE	2.40	2.40	2.40
10826	1994 - RUSSELL REID 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 112726 1st Qtr. 2023 Sludge Hauling	4,491.06	4,491.06	4,491.06
10827	1518 - USA BLUE BOOK 40-C00-0101-0201 SEWER - OFFICE SUPPLIES	PO 113346 chart pens	147.90	147.90	147.90
10828	61 - VERIZON 40-C00-0101-0301 SEWER -TELEPHONE	PO 113383 TELEPHONE BILLS - APRIL 2023 - 201 X52-1	342.59	342.59	342.59
10829	90 - VILLAGE SUPER MARKETS 40-C00-0101-0201 SEWER - OFFICE SUPPLIES	PO 113435 2023 Blanket	80.49	80.49	80.49
10830	4441 - ZEP SALES & SERVICE 40-C00-0101-0201 SEWER - OFFICE SUPPLIES	PO 113305 Hand Cleaner	149.95	149.95	149.95

TOTAL

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24,457.60

**List of Bills - (4010101002000) CASH - SEWER UTILITY**  
**SEWER UTILITY FUND**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
Total to be paid from Fund 40 SEWER UTILITY FUND		24,457.60			
		=====			
		24,457.60			

List of Bills - (5510101002000) CASH - SEWER CAPITAL  
SEWER CAPITAL

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/18/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
52	6180 - PAULUS, SOKOLOWSKI & SARTOR, LLC	PO 112274 Consultant Engineering for WWTP Electric		233.75	
	55-215-0256-1000	ORD 2022-1928 - IMP. TO WWTP FACILITIES	233.75		233.75
TOTAL					----- 233.75
Total to be paid from Fund 55 SEWER CAPITAL		233.75	=====		
		233.75			

**List of Bills - (7010101002000) CASH - COAH  
COAH TRUST**

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2239	5366 - CGP&H, LLC	PO 112850 ADMINISTRATIVE AGENT & PLANNING SERVICES		2,992.60	
	70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	2,992.60		2,992.60
2240	6830 - MARAZITI FALCON, LLP	PO 110320 PROFESSIONAL SERVICES CONTRACT - 210 NO		1,723.98	
	70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	1,723.98		1,723.98
TOTAL					----- 4,716.58
Total to be paid from Fund 70 COAH TRUST		4,716.58	=====		
		4,716.58			

List of Bills - (8510101002000) CASH - RECREATION TRUST  
RECREATION TRUST

Meeting Date: 04/24/2023 For bills from 04/11/2023 to 04/19/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
497	7384 - DIPLOMAT CHESS LLC	PO 112809 Chess Club Spring 2023		1,480.00	
	85-286-5685-4043 CHESS		1,480.00		1,480.00
498	7037 - US SPORTS INSTITUTE	PO 111912 Squirts Soccer Participants		4,095.00	
	85-286-5685-4036 SOCCER		4,095.00		4,095.00
TOTAL					----- 5,575.00
Total to be paid from Fund 85 RECREATION TRUST		5,575.00			
		=====			
		5,575.00			

**RESOLUTION #23-102**

**AUTHORIZING REFUND OF BOA ESCROW FUNDS REGARDING BOA  
APPLICATION #20-01, APPEAL LITIGATION - SAVAS**

**BE IT RESOLVED**, by the Borough Council to authorize a refund of escrow funds in the amount of \$2,854.36 to Paul Savas, 450 Mendham Road, Bernardsville, NJ 07924, as requested in an email dated Monday, April 12, 2023 from Frank Mottola, BOA Admin. Officer.

**FURTHER RESOLVED**, the escrow is in Account #04-280-4045-0100.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 24, 2023.

**RESOLUTION #23-103**

**AMENDING RESOLUTION #23-41 WHICH ESTABLISHED PRELIMINARY COSTS  
FOR AN ENGINEERING STUDY OF A SEWER LINE EXTENSION  
FOR 65 MORRISTOWN ROAD**

**WHEREAS**, the Borough Council of the Borough of Bernardsville adopted Resolutions #23-41 on January 23, 2023 for a total not to exceed \$12,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bernardsville to authorize an additional \$2,000 for the sewer service study, bringing the total not to exceed an amount of \$14,000, pursuant to a memo of April 12, 2023, from John Macdowall, Public Works Manager.

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the forgoing to be true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 24, 2023.

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**BERNARDSVILLE BOROUGH  
ORDINANCE #2023-1965**

**REQUIRING OUTDOOR DINING FACILITIES TO FILE A CERTIFICATE OF  
INSURANCE AND AN INDEMNIFICATION AGREEMENT  
WITH THE BOROUGH CLERK**

**WHEREAS**, § L.D.-12-12.9 of the Borough Land Development Regulations permits outdoor dining on public sidewalks within the downtown district as accessory to an existing indoor restaurant; and

**WHEREAS**, the Housing/Property Maintenance/Zoning Compliance Advisory Committee (“Housing Committee”) has recommended that the owners of outdoor dining facilities in the public right-of-way be required to file a certificate of insurance with the Borough Clerk and to execute an indemnification agreement to protect the Borough against any claims arising out of their operation of the outdoor dining facility; and

**WHEREAS**, the governing body agrees with the Housing Committee’s recommendation;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that there is hereby created a new Chapter 28 of the Borough Code Entitled “Outdoor Dining - Insurance and Indemnification” as follows:

**“Chapter 28 - Outdoor Dining - Insurance and Indemnification**

**Section 28-1.** No business with outdoor dining on a sidewalk over which the public has a right of way in compliance with Section L.D.-12-12.9 of the Borough Land Use Ordinance shall operate that outdoor dining facility unless it shall have first filed with the Borough Clerk a Certificate of Insurance, issued by a company duly licensed to transact business under the laws of this State, providing for the payment of not less than \$1,000,000 to satisfy all claims for damages by reason of bodily injuries to, or the death of, any person as a direct result of the operation of the outdoor dining facility or for injury to any person occurring on the premises occupied by such outdoor dining facility and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as the direct or indirect result of the operation of such outdoor dining facility. All such Certificates of Insurance shall name the Borough of Bernardsville as an additional insured.

## **Section 28-2. Indemnification Agreement Required.**

No business with outdoor dining on a sidewalk over which the public has a right of way in compliance with Section L.D.-12-12.9 of the Borough Land Use Ordinance shall operate that outdoor dining facility unless it shall have first executed with the Borough Clerk an indemnification agreement pursuant to which the business entity shall agree to forever defend, protect, indemnify and hold harmless the Borough of Bernardsville, its officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the business' operation of such an outdoor dining facility.”

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

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Anthony Suriano, Borough Clerk

By:  
Mary Jane Canose, Mayor

*Introduction:*

*1st Publication:*

*Public Hearing and Adoption:*

*2nd Publication:*