

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – January 12, 2023
VIRTUAL ONLINE REORGANIZATION MEETING

1. **O.P.M.A. Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols, as set forth on this meeting's web-posted agenda, was read by the temporary Chair, Robert Graham, at 7:30 pm.
2. **Oaths of Office:** Administered by Board Attorney Warner to: Class I – Mayor Mary Jane Canose (4 yr. term); Class II – E.C. Member Graham Macmillan (1 yr. term); Class III – Council Member Chad McQueen (1 yr. term) and Class IV – Borough Resident: Robert Graham (4 yr. term).
3. **Roll Call:**
Present – Members Canose, Gardner, Graham, Horowitz, Kellogg, Macmillan, McQueen and Simoff.
Absent – Ms. Thompson.
Board Professionals Present: Attorney Steve Warner, Planner John P. Szabo, Jr. and Engineer Robert Brightly.
4. **Election of Officers:**
A. Ms. Gardner nominated Robert Graham for Chair;
Mr. Horowitz seconded. There were no other nominations.
Voice vote:
All members voted in support of Mr. Graham as Chair.
B. Ms. Kellogg nominated Jeffrey Horowitz for Vice Chair;
Ms. Gardner seconded. There were no other nominations.
Voice vote:
All members voted in support of Mr. Horowitz as Vice Chair.
C. Mr. Simoff nominated Frank Mottola as Board Secretary;
Ms. Gardner seconded. There were no other nominations.
Voice vote:
All members voted in support of Mr. Mottola as Board Secretary.
5. **Appointments:**
Chair Graham appointed Frank Mottola as Recording Secretary for 2023.
6. **Resolutions:**
A. #2023-01: Re-adopt By-Laws (as last revised January 9, 2020).
B. #2023-02: Board Attorney – Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A. (Steven Warner, Esq.)
C. #2023-03: Board Planner – Burgis Associates, Inc. (John P. Szabo, Jr., P.P. AICP).
D. #2023-04: Board Engineer – Ferriero Engineering, Inc.
E. #2023-05: 2023 Meetings Schedule.

F. #2023-06: Board Administrative Officer – Frank Mottola.

G. #2023-07: Official Newspapers – Bernardsville News & Courier News.

A motion to adopt resolutions **#2023-01** through **#2023-07** as drafted was made by Mr. McQueen and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

7. Committee Assignments and Committee Chair Nominations:

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

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

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

8. Minutes:

A. Review draft minutes of 12/1/22 meeting.

Upon review, a typographic error was noted by Ms. Gardner. A motion to approve the minutes as corrected was made by Ms. Kellogg and seconded by Ms. Gardner.

Voice vote:

All eligible members voted in the affirmative, except Mayor Canose and Mr. Horowitz who abstained.

B. Review draft minutes of 12/15/22 meeting.

Upon review, a pair of typographic errors were noted and an edit suggestion was made by Ms. Gardner. A motion to approve the minutes as corrected/amended was made by Mr. Simoff and seconded by Ms. Gardner.

Voice vote:

All eligible members voted in the affirmative, except Mayor Canose and Ms. Kellogg who abstained.

9. Communications: The following correspondence was acknowledged by the Chair:

A. A. Suriano 1/10/23 transmittal of Introduced Ordinance #2023-1941 re: Council referral for Planning Board D26a master plan consistency review; Zone line change at 477-1 Mine Brook Rd., B:28 L:46.01 (*re: 12A*).

B. A. Suriano 1/10/23 transmittal of Introduced Ordinance #2023-1942 re: Council referral for Planning Board D26a master plan consistency review; Zone line change at 70 Stonefence Rd., B:23, L:15 (*re: 13A*).

C. Draft 2023 Planning Board membership roster.

Mr. Mottola asked Board member to let him know if they wanted anything changed on their personal roster listing.

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

11. Old Business: Memorialize Draft Resolution #SP-240 Greyfield Management, LLC;

Preliminary & Final Multi-Family Residential Site Plan w/ Variances; 106 Mine Brook Road, B:97, L:3, Zone: D-C; Approved 12/1/22.

Board attorney Warner acknowledged the presence of applicant's attorney Craig Gianetti. Mr. Warner stated that a correction requested was received earlier in the day from Environmental Commission member Kathy Redling. Ms. Redling requested that the description of her suggestion (to which the applicant agreed) to utilize "porous asphalt" in the rear, uncovered portion of the parking lot, be stated as such and not "porous pavers" as stated in the draft. Mr. Brightly added that the correct terminology is "porous concrete" and that Ms. Redling's name is misspelled in the draft. Mr. Gianetti indicated his agreement to the requested corrections. Ms. Kellogg noted certain inaccuracies with the floor areas stated in item 10. r).of the draft. Since the degree of quantitative specificity provided for this item was not deemed to be of necessity, it was agreed that the resolution should be amended to simply reference the revised drawings. Ms. Kellogg noted the need for a terminology correction regarding a stormwater management standard under item 4) on page one. She also felt that item 43. should more explicitly elaborate upon the Board's reasoning for granting the de minimis design exception for the tandem parking. Mr. Simoff asked that the pipe that is being replaced under the building be identified as a NJ DOT pipe.

A motion to adopt the resolution as amended was made by Ms. Kellogg and seconded by Mr. McQueen.

Roll call vote:

All in favor: Members Gardner, Graham, Kellogg, McQueen and Simoff.

Those opposed: None.

Those abstaining: None.

12. New Business:

A. D26a Master plan consistency review of introduced Ordinance #2023-1941 re: Zone line change at 477-1 Mine Brook Rd., B:28 L:46.01 and, consideration of PB Resolution #2023-08 finding ordinance #2022-1941 not inconsistent with the master plan; *Mayor & Council Public hearing scheduled for 1/23/23.*

Referencing the report prepared by his office and previously reviewed by the Board, Mr. Szabo restated his opinion that Ordinance #2023-1941 is not inconsistent with the master plan. Responding to Mr. Simoff, he said that there is no need for the resolution to reflect that the subject lot may not be further subdivided, as it is unrelated to the master plan and was an ancillary consideration of the Board. What relates more directly to the master plan is the Board's acknowledgement of the environmental benefits of being able to develop the site with fewer tree removals, less soil/slope disturbance and the need for less impervious coverage. He confirmed for Chair Graham that the restriction against further subdivision runs with the land, which the Chair stressed was also an important consideration of the Board's.

A motion to adopt resolution #2023-08 was made by Mr. Simoff and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative except Ms. Gardner, who abstained.

B. Review of 1/12/23 Bills List w/ Invoices:

Upon review a motion to pay the listed invoices in the amount of \$10,058.10 was made by Mr. Simoff and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

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

A. D26a Master plan consistency review of introduced Ordinance #2023-1942 re: Zone line change at 70 Stonefence Rd., B:23, L:15; Public hearing scheduled for 1/23/23; Planning Board review scheduled for 1/26/23.

B. Application #658 – UPTON PYNES REAL ESTATE, LLC – Preliminary & Final Major (7 lot) Subdivision w/ Variances & Design Waivers; 67 Ravine Lake Road, B:10, L:23, Zone: R-1-10; Received 10/24/22; Determined to be jurisdiction of and to be heard by Board of Adjustment.

C. Application #659 – 51 BERNARDS AVE. ASSOCIATES, NJP – Minor (3 lot) Subdivision w/ Variances; 51 & 53 Bernards Avenue, B:112, L: 6 & 7, Zone: R-5; Received 11/1/22; Tentatively scheduled for 2/9/23.

D. Public hearing of 7/28/22 draft Parks and Recreation Plan for master plan inclusion; First draft reviewed 5/26/22; Revised Parks and Recreation Plan rec'd 7/28/22; Board to discuss on 1/26/23.

14. Business of Visitors – second opportunity: None.

15. Executive Session: Ongoing Litigation re: PW appeal of PB app. #SP-236 Community In Crisis.

At 8:25 pm a motion to close the public meeting and reconvene in executive session was made by Ms. Kellogg and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

It is anticipated that the matters discussed in closed session may be disclosed to the public upon determination of the Board that the public interest will no longer be served by such confidentiality.

At 8:46 pm a motion to close the executive session and reopen the meeting to the public was made by Mr. Graham and seconded by Ms. Gardner.

Voice vote:

All members voted in the affirmative.

16. Adjournment: Chair Graham adjourned the meeting at 8:52 pm.

Respectfully submitted,



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

Keywords: oaths-elections-appointments-officers-committees-D26-ordinance-1941-zone-line