

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – October 27, 2022
VIRTUAL ONLINE MEETING

1. **O.P.M.A. Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols, as set forth on this meeting's web-posted agenda, was read by Chair Robert Graham at 7:32 pm.

2. **Roll Call:**
Present – Members, Graham, Horowitz, Kellogg, Macmillan, McQueen, and Thompson.
Absent – Members Gardner, Paluck and Simoff.
Board Professionals Present: Attorney Matthew Flynn (for Mr. Warner) and Planner David Novak (for Mr. Szabo).

3. **Minutes:** Review of draft 9/29/22 meeting minutes.
Upon review, Ms. Kellogg and Mr. Horowitz noted several typographical errors. Mr. McQueen moved approval of the minutes as corrected and was seconded by Ms. Kellogg.

Voice vote:
All eligible members voted in the affirmative.

4. **Communications:** The following correspondence was acknowledged by the Chair:
 - A. 10/24/22 Zone Line Change Memo by John Szabo, Jr., PP. re: 477-1 Mine Brook Road.
 - B. 10/26/22 Aerial Setback Exhibit by David Novak, P.P. re: 477-1 Mine Brook Road.
 - C. 10/27/22 A. Suriano transmittal of introduced ordinance #2022-1936 re: Amendment to the Quimby Lane Redevelopment Plan and development of Block 71, Lot 6 in subarea six. Public hearing at Council scheduled for 11/28/22.

5. **Business of Visitors not related to agenda:** None.

6. **Old Business:** None.

7. **New Business:**
 - A. Review 10/25/22 Zone Line Change Study re: Council referred request for zone line change at 477-1 Mine Brook Rd.; Board review and recommendation to Council scheduled for 10/27/22.

Referring to Mr. Szabo's 10/24/22 memo, Mr. Novak explained the basis for the requested zone line amendment and reviewed with the Board Mr. Szabo's memo on the matter. An irregularly shaped undeveloped lot, which must be accessed from an unbuilt private road, is currently split by the zone line that separates the R-1 and R-2 zones and now lies in both zones. The Borough Council had relayed to the Planning Board the owner's request to amend the zone line for the lot to be located entirely in the R2 zone and be less difficult to develop with a single family dwelling. Mr. Novak displayed and explained the aerial setback exhibit he prepared.

Superimposed on an aerial photograph of the neighborhood were the subject lot's boundary lines, the required lot circles, and the building setback lines for each of the two zones in which the site is located. The front portion of the lot closest to a road access point is relatively clear of vegetation compared with the rear portion of the lot, which appeared to be heavily forested. Given the lot's irregular shape, the required setbacks for the R-1 zone result in a building envelope that is only 50' wide at its widest point within the narrower front portion of the lot. Applying the R-2 setbacks results in a 150' wide building envelope. In the rear, wooded portion of the lot, R-1 and R-2 setbacks measured at the widest point result in 180' and 270' wide building envelopes respectively. Placed entirely in the R-1 zone the lot would be nonconforming as to the 5 acre minimum lot size and the required 350' diameter lot circle could not be met. The 4 acre lot would be fully conforming in size if it were to be zoned all R-2. The lot is relatively free of environmental constraints such as steep slopes and has no discernable wetlands. The R-1 district allows for more conditional uses than does the R-2. The original subdivision occurred in 1988. Mr. Novak said that standard planning practice is for zone lines to be contiguous with lot lines. If the lot were to be entirely in the R-2 zone, he did not believe subdividing it further could result in two conforming lots.

Responding to Chair Graham, Mr. Novak believed that the reason for the zone line adjustment request is to facilitate the development of a residence in the front portion of the lot where it would be closer to the vehicular access point, require less tree removal and site excavation, and not require any setback variances. He said that neighbors were not required to be noticed about the Planning Board's consideration of this request but that they would be noticed if the Council holds a public hearing for an ordinance to adjust the zone line. Chair. Graham felt that there was not adequate justification for granting relief as he believes a single family residence could successfully be developed in the R-2 portion of the lot with the zone line remaining in its current location. Perhaps it would make more sense if a conservation easement were proposed for the rear portion of the lot. Mr. Horowitz felt more information was needed regarding the ultimate use of the lot. Ms. Kellogg opined that a home developed in the wooded portion of the lot would provide more privacy between neighbors. She thought it might be unconventional for the access road to be in the R-1 zone with its terminus in the R-2 zone. She was also concerned that neighbors were not notified of the Board consideration of this matter and felt the zone line should be left the way it is. Mr. McQueen said that Council had no opinion on this request. Mr. Flynn said he believed that a single family home could be developed on the lot without a variance but it would be up to the Board of Adjustment whether setback variances should be granted if it received an application to develop a residence in the front portion of the lot.

A motion to recommend to Council that the zone line not be changed was made by Mr. Graham and seconded by Ms. Kellogg.

Roll call vote:

All in favor: Members Graham, Horowitz, Kellogg, Macmillan, McQueen and Thompson.
Those opposed: None. Those abstaining: None.

B. Review 10/27/22 Bills List w/ Invoices:

Upon review a motion to pay the listed invoices in the amount of **\$18,290.00** was made by Mr. McQueen and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

- 8. Upcoming Board Reviews/Public Hearings/Pending Applications** The Board acknowledged the following applications and their current status:
- A.** 40A Master plan consistency review of Introduced Ordinance #2022-1936 re: Revised Amendment to Quimby Lane Redevelopment Plan; Introduced 10/24/22; Public hearing scheduled for 11/28/22; *Planning Board review scheduled for 11/17/22.*
 - B.** *Application #SP-240 – Greyfield Management, LLC – Preliminary & Final Site Plan w/ Variances; 106 Mine Brook Road, B:97, L:3, Zone: D-C; Previously heard 9/15/22; Scheduled to be continued 11/17/22.*
[Eligible to vote: Members Gardner, Graham, Horowitz, Kellogg, Macmillan, McQueen, and Thompson]
 - C.** *Application #SP-241 – Essex Building, LLC Preliminary & Final Site Plan w/ Variances; Corner Essex Ave. & Claremont Rd., B:75 L: 5 & 6, B: 76 L: 4 & 5, Zone: D-C; Received 6/20/22; Previously heard 9/29/22; Scheduled to be continued 11/17/22.*
[Eligible to vote: Members Gardner, Graham, Kellogg, Macmillan, McQueen and Thompson]
 - D.** Public hearing for Preliminary Investigation of 25 Claremont Rd., B:71 L:3 as Area In Need of Redevelopment per Council resolution #22-154; P.I. by Borough Planner Szabo authorized 6/30/22; *Scheduled to be heard 12/1/22.*
 - E.** 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; *Public hearing date T.B.D.*
- 9. Business of Visitors, second opportunity:** None.
- 10. Executive Session:** None.
- 11. Adjournment:** Chair Graham adjourned the meeting at 8:13 pm.

Respectfully submitted,

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

Keywords: Szabo-Novak-zone-line-amendment-[477-1]-Mine-Brook-