

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – November 17, 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 7:31 pm.

2. **Roll Call:**
Present – Members, Gardner, Graham, Horowitz, Kellogg, Macmillan, McQueen, Simoff and Thompson.
Absent – Ms. Paluck.
Board Professionals Present: Attorney Steven Warner, Planner Steve Lydon (for Mr. Szabo) and Engineer Robert Brightly.

3. **Minutes:**
 - A. Review draft minutes of 10/13/22.
Upon review, a motion to approve the minutes as presented was made by Ms. Thompson and seconded by Mr. Horowitz.
Voice vote:
All eligible members voted in the affirmative

 - B. Review draft minutes of 10/27/22.
Upon review, a pair of typographical errors was noted by Mr. Horowitz. A motion to approve the minutes as corrected was made by Ms. Thompson and seconded by Mr. Horowitz.
Voice vote:
All eligible members voted in the affirmative

4. **Communications:** The following correspondence was acknowledged by the Chair:
 - A. 10/27/22 A. Suriano email transmittal re Introduced Ordinance #2022-1936 w/ 10/20/22 Amended Redevelopment Plan.

 - B. 11/14/22 V. Bisogno email re application #SP-241 Essex Building, LLC: Application previously scheduled to be heard 11/17/22; Applicant requests postponement of hearing to 12/15/22 meeting.

Mr. Warner announced to the public that this application will be continued to the Planning Board's 12/15/22 meeting, as requested by the applicant, without further notice to the public.

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

6. **Old Business:**
 - A. Continued 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.
[Eligible to vote: Gardner, Graham, Horowitz, Kellogg, McQueen, Simoff and Thompson.]

Board member Simoff, who did not attend the prior 9/15/22 hearing of this application, certified on the record that he had listened to and watched the entirety of the recording of that hearing.

Appearing on behalf of the application were attorney Craig Gianetti, architect Nancy Dougherty, engineer Richard Adelsohn and planner John McDonough. All witnesses remained under oath from their prior appearance.

Exhibits Introduced:

A9 – 11/14/22 Architectural drawing sheets **A-5** Exterior Elevations, **A-6** Exterior Elevations and **A-8** Exterior Materials and Schedule, all by *studio 1200, LLC*.

A10 – (undated) Photorealistic Rendering by *studio 1200, LLC*.

A11 – 11/14/22 Site Plan Comparison, sheet EXH-9 by Frank H. Lehr Associates.

A12 – 11/14/22 Colored Site (Landscape) Plan, sheet EXH-5 by Frank H. Lehr Associates.

Mr. Gianetti reintroduced the application stating that it has been revised to address a number of comments that were made at the prior hearing, which include: a reduction in the size of the building and in the number of dwelling units, from 22 to 20; changing the gable roof to a flat roof; provision of complying sidewalk, parking space and parking aisle widths; and, compliance with the tree replacement ordinance. Design waivers will continue to be required for the proposed on-street instead of on-site loading area, and the illumination level from the garage lighting. A variance will continue to be required for the height of the first floor being lower than the required.

Ms. Dougherty explained revisions that have been made to the architectural components of the application, including fire and life safety changes that resulted from the applicant's 10/12/22 meeting with the Fire Chief, Police Chief, Zoning Officer and other town fire officials. A 11/16/22 letter sent by the developer to the Fire Chief listed thirteen changes that were agreed to and made based on the 10/12/22 meeting. Sharing her screen to display exhibits **A9** and **A10**, Ms. Dougherty reviewed these and other changes. The number of dwelling units was reduced from 20 to 22; the building's front elevation width was reduced 2'-2" to 52', which is 83.3% of the lot width and complies with the minimum width requirement. The front yard setback was increased from 5' to 10'; the setback on the side yard was increased from 10'-5" to 13'-10", resulting in a 21'-6" distance to the adjacent firehouse; the enclosed building area on the second and third floors was reduced from 13,189 S.F. to 12,445 S.F. respectively, a total decrease of 1,488 S.F.; a 2,248 S.F. partial basement was added in the area below the entrance lobby to provide storage and gym amenities; architectural façade details were modified based on dialogue with HPAC member Dan Lincoln; to address fire protection concerns, the pitched roof was changed to a flat roof at a height of 39'-9"; a conforming overall parapet height of 45', the maximum allowed by the zoning code, is proposed; on the front façade, brick veneer was added above the stone base in place of fiber concrete panels; the building's construction has been changed from type 5B to type 5A, which provides for 1 hour fire rated structural components throughout the building; the fire protection system has been upgraded from NFPA 13R to NFPA 13; an exterior exiting door has been added to the fire escape stair on the firehouse side of the building; fire glass windows have been added to all egress doors for increased visibility; the on-street loading zone was moved closer to the front entry and farther away from the firehouse; all but the one handicapped accessible EV charging space have been moved to the uncovered portion of the garage; no electric bike charging will be allowed in the building; thermal window film will be added to the windows on the firehouse side of the building. Ms. Dougherty noted that the previously proposed design

was building code compliant but that the foregoing revisions go beyond what is required to address fire protection concerns.

Ms. Dougherty's responses to the Board and its Professionals:

(Ms. Gardner) The brick veneer will be predominately on the front façade, with only slight returns on the building sides; the brick color will be neutral as depicted in exhibit **A10**; she clarified that of the two side yard dimensions that were provided, the smaller one is between the building and the west property line and the larger one from the building to the fire house; the basement will be beneath the lobby area only and not the entire building; being less than 5,000 S.F., the basement requires only one exit but it will have the same noncombustible construction as required for the garage.

(Mr. Horowitz) It has not been decided but it is expected that the brick veneer will be "thin brick"; behind it will be the exterior wall framing with rigid installation, exterior sheathing, etc.; the exterior wall mounted planter boxes will be accessible to and maintained by the landscape contractor; the roll up garage gate will not be solid and will be set far back in the entry portal.

(Mr. Simoff) Electric bikes will be prohibited in the building; the height to the top of the roof deck will be 39'-9"; the height to the top of the overall parapet will be 44'-2"; the rollup garage door's mechanism will be located within the ceiling structure above and will not diminish the 14' height clearance; the applicant stipulates to a minimum 1" thickness of the veneer brick.

(Ms. Kellogg) There will not be any windows in the basement. It is intended that the tenants with the rear terraces will be able to plant and maintain the planting areas indicated on the plans.

(Mr. Macmillan) The management will assure that the planter boxes are maintained year-round.

(Mr. Brightly) The higher, stepped parapets that are utilized in places along the front façade are meant to be decorative features, they rise to a height of 3'-6" above the overall parapet that surrounds the roof; the stepped parapets mirror some other buildings in town such as the High School and are utilized to provide visual variation and aesthetic compatibility.

HPAC member Ms. Eileen Grippo, 131 Mine Mount Rd was sworn and stated she is there on behalf of HPAC reviewing member Dan Lincoln, RA, who was unable to attend tonight. She confirmed that the design revisions were discussed with the HPAC and that she would like to receive any questions about the parapets, building design, etc. to take back to the HPAC, which has no objection to this project.

Ms. Dougherty's responses to members of the public:

(Roberto Mendoza, 14 Stevens St.) Although the prior design was building code compliant, the fire officials had other concerns given the adjacency of the firehouse; the door to the basement will be a fire rated door as required by code; Mr. Gianetti responded that the garage door will be operated by infrared tags and keypads; the dwellings will be rental units; tenants will not be permitted to have satellite dishes on the roof; the windows will meet the building code's strict safety requirements.

(Jennifer Gunn, 7 Somerset Ave.) Mr. Gianetti responded that the applicant indicated at the last meeting that it would consult with an acoustical engineer for mitigation of potential noise. However, as a downtown village center, transit oriented development, train noise would not be uncommon and the fact that the firehouse is next door is not hidden to prospective tenants; ladders or lifts will be used to maintain the wall mounted planter boxes.

(Kathy Peachey, 70 Chilton St.) The size of the storage units in the basement are 5' x 5'; Mr. Gianetti responded that the applicant believes it complies with the tree replacement ordinance and does not need relief; no traffic studies have been performed as none are required; five sconce lights on the front façade and down lights at the entrances will provide lighting for the tenants.

(Jeff Collar, 20 Mount Airy Rd.) It is hard to depict all of the color richness, shades and shadows of the different building façade materials in a rendering; the applicant does not believe the building will be enhanced by modulating the color of the brick.

(Aaron Duff, 51 Crestview Dr.) If the anticipated use of casement windows conflicts with adjacent wall hung planter boxes, sliding windows will be used at those locations.

(Connie Wood, 107 Mine Brook Rd.) With the roll-up door's mechanism being located within the ceiling, noise should not be an issue; Mr. Gianetti added that the applicant will comply with all state and local noise regulations.

Mr. Gianetti cited ordinance section #LD-12-12.14e that states: *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%*, as the basis for the decorative sections of roof parapet located on the front façade of the building being in conformance with the code. Mr. Brightly argued that the maximum allowable height of a parapet is 45' and that there is not an ordinance exception to exceed that limit. Mr. Gianetti responded that to the extent the Board determines a variance is required for the proposed higher, decorative portions of the parapet, they would have Mr. McDonough provide planning justification for same. Ms. Dougherty explained her discussions with the HPAC regarding the decorative parts of the parapets and gave her opinion that the aesthetic is common in Bernardsville. Nothing was raised in any of the review reports that identified the decorative portions of the parapet as being nonconforming.

Mr. Adelsohn displayed exhibits **A11** and **A12** to describe the changes made to the application in response to feedback at the prior hearing. These include, increased front and side yard setbacks; reducing the building size; reducing the number of parking spaces to 35 (six of which are EV spaces that count as three bonus spaces for a total of 38 spaces which is ordinance compliant); adding maneuvering area in front of the building; reducing impervious coverage to become a minor site plan application that allowed for elimination of the west side detention pond; the pull-in loading area in front of the building has been shifted eastward opposite the front lobby. Mr. Adelsohn verified that the existing pipe that runs beneath the building has adequate flow capacity and is subject to DOT jurisdiction. The garage has sufficient height for the pipe to be repaired if necessary. Ms. Kellogg commented that if the pipe must remain under the building, it should at least be replaced with a new stronger class 4 pipe. It should also be designed for a 100-year storm. At Mr. Brightly's request, the applicant stipulated to performing a video inspection of the existing storm drainage pipe. They will also provide to Mr. Brightly whatever legal descriptions of the pipe easement exist. The applicant's interpretation of tree replacement ordinance, section #13-14.2a, is that since the building footprint and 20' beyond it encompasses the entire site, they are exempt from having to replace any trees and therefore do not require variance relief. However, the applicant is not proposing any reduction in the number of trees or other plantings that are indicated on the previously submitted landscape plan. Additionally, given the larger front yard setback, more plantings have been added to the landscape plan and more can be added on the west side of the building resulting in a total of 28 trees. Not convinced that the applicant's interpretation

of the tree removal ordinance is correct based on its use of the term "dwelling" as defined in the LDO, the Board felt it may be more appropriate for the applicant to seek waiver relief for planting only 28 trees onsite instead of 34, and paying the cost of 101 replacement trees. Space has been allocated along the rear wall of the garage for four 4' x 4' recycling containers, which exceed the county's recommendation by two. This frees up the garage level trash room to hold two 2 CU. YD. trash containers. Management has indicated that it will collect recycled materials in the upper trash rooms and carry them down. Private haulers will collect both trash and recycling.

Mr. Adelsohn stipulated that the applicant will comply with all of the comments in Mr. Brightly's 11/14/22 review letter. Regarding his page two report comment #A3c, on the adequacy of guest parking, only the three sets of tandem spaces would be assigned spaces and those would be assigned to specific two-bedroom apartments. All remaining at-large spaces will be for use by the tenants and their guests, including the EV spaces. Extensive discussion ensued regarding the permissibility of tandem parking spaces in the RSIS, whether guest parking will be adequately served, whether a design exception is required and whether allowing tandem spaces would set a precedent. While the applicant did not agree that a de minimis exception from the RSIS is required for tandem spaces, to the extent the Board determines one to be necessary, the applicant believes it has met the proofs for a hardship exemption for all the reasons it has given for needing to create the tandem spaces. Mr. Simoff and Ms. Kellogg both suggested the applicant reduce the size of the development to eliminate the need for tandem spaces.

Mr. Adelsohn's responses to questions from the Board and its Professionals:

(Mr. Horowitz) The dimensions of the off-site/on-street loading zone are 14' x 25'. Mr. Gianetti responded that no acoustical measurements of noise from trains or the police firing range have been taken at the site.

(Ms. Kellogg) There have only been preliminary discussions with the DOT regarding the on-street loading zone, to which the DOT indicated it's receptiveness. Mr. Gianetti responded that the affordable housing obligation has been presented to the Council and the response that he got from the Borough attorney was that the Borough is receptive to the idea of an offsite location or a payment, in lieu for satisfying the affordable housing obligation and it could be addressed as part of a developers agreement, which would be required of the applicant in any case.

(Mr. Simoff) He did not know if Council approval would be required for the on-street loading zone in addition to DOT approval. It is expected that move-ins and move-outs would be serviced by small trucks that can use the loading zone. Bigger trucks would have to park at the curb.

(Mr. Graham) Mr. Gianetti responded that as a condition of approval, they would stipulate to providing the three required affordable dwellings on site, or in the alternative as part of a Council-approved Developer's Agreement and satisfy the affordable obligation at an off-site location or as a payment in lieu.

(Ms. Gardner) Mr. Gianetti responded that if the applicant provided affordable units on-site, two would have to be two bedroom units and one could be a one bedroom unit.

Upon discussion it was recognized that it is feasible for the applicant to provide the required affordable housing units on site and that if the application is conditionally approved accordingly, it would not prevent the applicant from later negotiating a different arrangement with the Council based on the Borough's comprehensive affordable housing plan.

At 10:59 pm Mr. McQueen moved and Ms. Gardner seconded to extend the meeting time to 11:45 pm. A voice voted carried the motion with no objections or abstentions.

Mr. Adelsohn's responses to questions from members of the public:

(Mark Tamke, 83 Seney Dr.) Mr. Graham responded that use of the Fire Company's overflow parking lot on the north side of Route 202 might be cooperatively discussed with the applicant for its overflow parking.

(Roberto Mendoza, 14 Stevens St.) Garbage contractors will have access to the garage via the gate keypad. The applicant can stripe or paint "No Parking" in front of the dumpster.

(Kathy Redling, 211 Claremont Road) It would be possible to expand the on-street parking area to 30' in length. As it will be coming down a chute, the garbage will be in bags. The applicant has not yet shopped for a recycling contractor.

(Fire Chief Glen Miller, 125 Washington Corner Rd.) Mr. Gianetti responded that they would not object to putting language in tenants' leases that prohibits them from parking on the Fire Company's property.

Mr. McDonough affirmed his prior testimony and stated that it is in fact bolstered by the applicant's plan changes and testimony this evening. He said that based on input from the Board, its professionals and the public, a good plan has been made better. The project remains in substantial compliance with the laudable purposes of the Downtown Core zone district. The applicant's adherence thereto promotes and advances those purposes. To the extent new relief is needed, based on this evening's testimony regarding trees and decorative parapets, he would neither concede nor dispute whether relief is needed, but that either way the test has been met with respect to all of them. Regarding the parapets exceeding the maximum height, per MLUL purpose "I", it is a fundamental planning goal to provide for a desirable visual environment. The negative criteria is counterbalanced and reconciled under "c2" variance relief criteria. This will not be an imposing structure and will be well within the massing that's contemplated under the zone scheme. The proposed additional height increase is limited to decorative façade elements, which add aesthetic value to the building, do not detract from its quality, do not create any negative shadow effects, do not violate the purposes of height control, will not block any scenic views and will not create any additional population intensity or activity on the site. Mr. McDonough further opined that tandem parking spaces assigned to specific dwellings in multi-family developments are common throughout New Jersey and are seen everywhere. They work, they function, they flow, and will not impede the safe and efficient operation of this particular site. Regarding the trees, he finds that the standard is met with respect to reasonableness and appropriateness. The applicant is short four trees in the interest of not conflicting with the wires along the front of the road that are a part of essential services. These supersede the importance of landscaping on this site. The loss of vegetation is more than made up with the biomass that is proposed and the contribution to the tree fund. He believes that this will be a good infill development that responds nicely to the land, stacks up nicely with the ordinance and promotes the general welfare. Based on all of the testimony presented, the proofs are solid that this application can be approved both in terms of site plan and the relief being sought without creating any substantially adverse impacts. The statutory test for all relief has been met and therefore warrants approval.

The applicant's responses to questions from the Board and its Professionals:

(Mr. Horowitz) Mr. Gianetti responded that the applicant would be happy to work with Mr. Szabo to create some streetscape improvements and amenities such as benches.

(Mr. Warner) Mr. Gianetti responded that the applicant has no issue with any of the comments in Mr. Szabo's 11/14/22 updated planning report.

Responding to Mr. Warner, Mr. Brightly said the applicant stated that they would be using infiltration, but if unable to achieve that, they would be required to meet flow rate reductions based on the older standard and assuming the applicant has reduced the development to a minor stormwater application, which he still needs to confirm. He said the Board should condition any approval on compliance with stormwater rules and if it is a minor, it could grant a waiver to do peak flow reductions in lieu of infiltration. He said it appears that a portion of the development is in the steep sloped area of the site but based on the information provided on the revised plans, he has not been able to confirm the magnitude nor category of the disturbed area. If the disturbance is 100 S.F. or less as the applicant has stated, and is in the 15% to 25% slopes range, a waiver would not be required. Then as a condition of approval, Mr. Warner said the applicant would have to establish on their plan that the proposed soil disturbance does not require a waiver.

Comments on the application from members of the public:

Johanna Wissinger, Environmental Commission Chair: Expressed concern regarding the adequacy of the landscape plan, stormwater control and the development's proximity to a category one stream; she asked that the Board carefully consider the environmental impacts of the development.

Fire Chief Glen Miller, 125 Washington Corner Rd.: Expressed gratitude for the applicant's consideration of the fire officials' concerns and the corresponding changes it made to the application that were not required. Given the site constraints, like overhead wires, the applicant has made the building safer. He asked that the thirteen items stipulated to in Greyfield Management's 11/16/22 letter to the Fire Chief be made conditions of approval should the application be approved.

Roberto Mendoza, 14 Stevens St.: It can't be assumed that tenants will use nearby public parking facilities in order to lower the number of on-site spaces. Mr. Gianetti clarified for Mr. Mendoza the applicant's choice to utilize tandem parking rather than seek NJDEP approval to expand the parking area into the riparian zone.

Mr. Gianetti summarized the application, concurring with Mr. McDonough's categorization of the application process as that being envisioned by the MLUL, whereby an applicant takes Board and public comments and makes improvements to its application accordingly. He said that the design complies with stormwater management regulations; that they have reduced the building size and number of units and increased the setbacks; they have agreed to additional conditions at tonight's meeting; they have tried to address all of the concerns that have been raised; their professionals have provided ample justification for all of the variances and waivers requested; he reiterated their belief that based on their interpretation of the ordinance, they are in compliance with the building height and tree replacement regulations, but to the extent determined by the Board, they would request any necessary variances or waivers. He believes they comply with the RSIS and satisfy

the parking requirement. Citing all of the changes that have been made and all of the conditions that have been agreed to, he opined that the proofs have been met and requested the Board's approval.

At 10:59 pm Ms. Thompson moved and Mr. McQueen seconded to extend the meeting time to 12:00 am. A voice voted carried the motion with no objections or abstentions.

Mr. Warner summarized the approvals being requested by the applicant: preliminary and final site plan; variance relief for minimum ground floor elevation of 0.32' where 1.5' is required; (possible) variance for building height deviation for decorative parapets to a height of 48' versus 45'; (possible) design exception for deviation from on-site replacement of four trees; design exception for an on-street loading area instead of on-site; (possible) design exception for six tandem parking spaces; design exception for illumination levels at 5' height greater than 0.1 foot candles on a vertical plane; design waiver from providing 3" stormwater infiltration. Mr. Warner did not list the numerous conditions stipulated to by the applicant.

Comments by members of the Board:

Mr. McQueen: Likes the design changes; was in favor of the decorative parapets and would support variance approval to keep them if necessary; the on-street loading zone addresses a town-wide issue of delivery trucks parking on streets.

Mr. Horowitz: Believes the decorative parapets need variance relief but feels the extent to which they are proposed can be approved. Having no density requirement in the downtown zoning relies on being able to accommodate everything needed for any particular development on site.

Mr. Simoff: Agreed with Mr. Horowitz's position on the parapets; has no problem with granting the first floor height variance or drainage waivers; finds the off-site loading area and the tandem parking arrangement precedent setting and was not in favor of approving them; even though not regulated, he finds the density of 40 units per acre to be excessive as it leaves little open space or space for tree replacement; feels reducing the development by one or two more units could accommodate some of the current deficiencies.

Ms. Thompson: Believes the Board has prohibited on-street loading in the past, specifically with respect to auto dealers; agrees with Mr. Simoff and believes density requirements in the downtown zoning should be reexamined.

Ms. Gardner: Applicant has been very cooperative in working with Borough agencies and has agreed to many conditions; not concerned about the on-street loading area; the decorative parapets provide a more balanced aesthetic; applicant has done as much as it can; believes it will be an attractive development on a small piece of property and is supportive of the application.

At 11:59 pm Ms. Gardner moved and Mr. McQueen seconded to extend the meeting time to 12:15 am. A voice voted carried the motion with no objections or abstentions.

Ms. Kellogg: Agreed with Ms. Gardner on the applicant's cooperation and pleasing architectural aesthetic but agreed more with Mr. Simoff that there are problems with the on-street loading area, blocking the neighbor's line of sight, on-site tree replacement and the tandem parking, all of which could be solved by further downsizing the development; was not supportive of the application

Mr. Macmillan: Finds the density and building aesthetic will be impactful on the neighboring fire house and the western approach into town on Route 202.

Chair Graham: was mostly concerned with the provision of affordable housing on-site; delivery services are likely to be from the street even without a loading zone; was appreciative of the all of the changes the applicant made in response to comments; would be inclined to approve the application.

After conferring with his client, Mr. Gianetti said that they are not calling for a vote tonight so that their professionals can go back and take another look at the application. He could not predict the extent to which the application can be further amended to better satisfy the Board's comments but they would like the opportunity to pursue it. Mr. Gianetti requested that the application be carried to the Board's 12/1/22 meeting without further notice to the public and agreed to extended the Board's time to act on the application to 12/16/22.

Ms. Thompson moved and Mr. McQueen seconded that this application be carried to 12/1/22 without further notice to the public and that same is hereby announced to the public.

Voice vote:

All members voted in the affirmative.

B. 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; Previously heard 9/29/22; Scheduled to be continued 11/17/22; Postponement of hearing to 12/15/22 announced as part of item 4B above.

[Eligible to vote: Members Gardner, Graham, Kellogg, Macmillan, McQueen, and Thompson]

C. 40A Master plan consistency review of introduced Ordinance #2022-1936 re: Amended Quimby Lane Redevelopment Plan; Introduced 10/24/22; Public hearing by Council scheduled for 11/28/22; PB consideration of draft Resolution #2022-18 scheduled for 11/17/22.

Mr. Horowitz and Ms. Kellogg commented that the draft ordinance hasn't any provisions for regulating the height of a flat roof and its surrounding parapets; there are only regulations for pitched roofs. Mr. Warner advised that the need to reintroduce the ordinance would be decided by the Council and its attorney but that the Board could find the ordinance not inconsistent with the master plan and add recommendations that the Quimby Lane Redevelopment Plan (QLRP) be further amended to add height requirements for flat roofs. If the Board does not act tonight it will have exceeded its 35 days to do so. Mr. McQueen opined that the change would be substantive and cause the ordinance to have to be reintroduced and sent back to the Planning Board for another consistency review. His preference was for the Board to send it back to the Council with recommendations. Ms. Kellogg gave examples of factual misstatements and inconsistencies she had found in the language of the subject ordinance itself. The Board agreed that it could also recommend that the Council correct these mistakes and inconsistencies in addition to the QLRP amendment recommendation for regulating flat roofs.

Ms. Thompson moved and Mr. McQueen seconded that the Board adopt draft resolution #2022-18 finding Ordinance #2022-1936 to be not inconsistent with the master plan and amended it to add the Board's recommendations that missing language for regulating flat roofs be reinstated and that mistakes and inconsistencies in the ordinance be corrected.

Roll call vote:

All members voted in the affirmative.

At 12:15 am. Mr. McQueen moved and Mr. Simoff seconded to extend the meeting time to 12:25 am. A voice voted carried the motion with no objections or abstentions.

7. New Business: Review of 11/17/22 Bills List w/ Invoices.

Upon review a motion to pay the listed invoices in the amount of **\$3,692.50** 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. Public hearing re 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.

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; Pending completeness review.

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; Pending completeness review.

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; 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 12:24 am.

Respectfully submitted,



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

Keywords: Ordinance-1936-106-Mine-Brook-Greyfield-Gianetti-Dougherty-Adelsohn-McDonough