

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – April 28, 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 and Simoff.
 - Absent – Members McQueen, and Paluck and Thompson.
 - Board Professionals Present: Attorney Amanda Wolfe, Planner David Novak and Engineer Robert Brightly.
3. **Minutes:** Review 4/14/22 draft meeting minutes.

Upon review, Ms. Gardner identified a pair of needed corrections. Chair Graham called for a voice vote to approve the draft minutes as corrected.
All eligible members voted in the affirmative.
4. **Communications:** The following correspondence was acknowledged by the Chair:
4/21/22 C. Colley email transmittal of Topology PI study and area map re Block 125, Lots 1,2 & 3 as an Area In Need of Redevelopment.
5. **Business of Visitors unrelated to the agenda:** None.
6. **Old Business:** Memorialize draft resolution #SP-237 Bistro 73 – Preliminary & Final Major Non-residential Site Plan w/ Variance & Design Waivers; 73 Morristown Road, B:77, L:8, Zone: D-C; Approved 4/14/22.
[Eligible to vote: Members Gardner, Graham, Horowitz, Simoff and Thompson].

Board members had multiple comments on the resolution. Most hadn't had an opportunity to review the draft resolution marked up with Mr. Brightly's comments, which was only distributed earlier in the day. Additionally, comments from applicant's attorney Fred Zellely had not been submitted prior to the meeting and Mr. Zellely was not present for this discussion. Accordingly, memorialization was tabled until the next meeting on May 12. It was agreed that Ms. Wolfe will prepare a final draft that is inclusive of the Board's and Mr. Brightly's comments as well as any comments that may be received from Mr. Zellely. It will be distributed with the agenda for the May 12th meeting.
7. **New Business:**
 - A. Application #SP-236 Community In Crisis – Minor Non-residential Site Plan; 9 Church Street, B:67, L:4, Zone: D-C; Received 12/28/21; *Waiver requests, completeness determination and public hearing carried from 4/14/22.*

Appearing on behalf of the application were attorney Brian Fahey, Board chair and founder Jody D'Agostini, architect Gene Nemeth and engineer Paul Fox.

Mr. Fahey introduced the site plan application stating that the applicant is seeking a variance only for insufficient on-site parking.

Mr. Novak addressed the completeness issues identified in Mr. Szabo 3/29/22 report, relating to items 9-9.2.h and 9-9.2.j. which require waivers. As the application was found to be substantially complete, it was his recommendation that given the nature and scale of the proposed improvements, the requested waivers should be granted and the application deemed fully complete so as to allow for its hearing this evening. The Board reserves the right to seek this information should it be determined to be needed during the course of the hearing.

Ms. D'Agostini, together with Mr. Novak and Mr. Brightly were sworn. She said she founded Community In Crisis (CIC) in June 2014 in response to a pair of local overdose deaths. CIC seeks to use an evidence based approach in treating the nationwide substance abuse disorder. The organization became a 501C3 nonprofit in 2016. Through state grants and other governmental support, all programs and services are provided to clients free of charge. Previously located in Bernardsville's old library building, CIC relocated to its current 9 Church Street headquarters when the building became available. The former detached garage was razed in order to construct a new community center that will also be open to other community groups. They intend to use it mostly for evening support group sessions. The 9 Church Street facility is referred to as The Hub.

Of the seven people the facility currently employs, two are part time and one works almost entirely remotely. During the day there are typically four to five people at any time in The Hub. All drive and park on site. They have been holding 20 to 24 remote support meetings per week, mostly in the evenings and at night. Middle and high school attendees during the day are usually foot traffic or are dropped off. Evening and weekend attendees that drive to the facility normally park in nearby offsite lots for which they have cooperative agreements with the owners. These include Peapack Gladstone Bank, the Hanson Family owned lot across the street and the Methodist church lot. A public parking lot across the street and street parking are also available. There has never been a parking problem, nor is one envisioned with the addition of the conference center. A partial second floor in the building is intended for used by attendees and for storage.

Ms. D'Agostini's responses to questions from Board members and its professionals:

(Ms. Kellogg) Students from other school districts don't actually come to Bernardsville; CIC staff goes to those schools and conduct programs there.

(Mr. Novak) There is no limit to the number of spaces CIC can utilize in the private parking lots for which it has cooperative agreements, as all of the use is after hours.

(Mr. Graham) The Gallaway family owns the building next door at 37 Wesley. They were the former owners of the subject lot prior to its subdivision. A fence now separates the two lots.

(Ms. Gardner) They do not envision using the high school lot for overflow parking. Mr. Fahey interjected that the high school lot would however be allowed for such use since it is within 50' of the CIC property.

There were no questions for Ms. D'Agostini from members of the public.

Mr. Nemeth was sworn and qualified. He said the original plan was to renovate and enlarge the existing detached garage but upon investigation it was discovered that the foundation was inadequate to support a second floor addition. Consequently, the building had to be razed and a new one constructed. The new building also had to be moved to the west to achieve the required 5' rear yard setback, but it is generally in the same location as the former building. The new building will be about 10' longer in the east-west direction and contain a wraparound porch on two sides. The porch roof is continued along the length of the north side, closest to the neighboring lot, as a narrow 2' roof overhang to provide a covered walkway for pedestrians entering the site from the rear. Per the owner's program, the design concept was for a cottage style building with an open floor plan. The front (west) facade incorporates a series of sliding glass doors and windows that open to allow the interior and exterior to merge when the weather is compatible. Mr. Nemeth shared his screen to display and explain the architectural drawings. Exterior building materials will include a stone skirt, hardy plank siding and shingle roofing. The wraparound porch and walkway roofs will have recessed downlight fixtures to light the area beneath it and the adjacent ground floor walls. An existing plastic storage shed at the southeast corner will be removed.

Mr. Nemeth's responses to questions from Board members and its professionals:

(Chair Graham) The covered porches have no raised platforms, they only cover existing grade. The recessed soffit lighting in the 2' overhang is for the pedestrian walkway it covers and for security purposes. It will not spill onto the neighbor's property.

(Ms. Gardner) An internal elevator is neither required nor planned.

(Ms. Kellogg) The rear (east) side of the building is windowless. There are windows on the upper level only of the north façade and a single man-door on the lower level.

(Mr. Horowitz) The site is located in the D-C zone. He believes the building complies with the zone's architectural requirements for front façade transparency but is not sure those requirements apply given the detached accessory structure's rear yard location.

(Mr. Simoff) They would be amenable to using the exterior finish materials recommended in the 4/4/22 HPAC report, provided that does not increase the cost. Mr. Nemeth will forward revised drawings to the HPAC.

(Mr. Macmillan) The former garage had water but not sewer. The new building will be connected to the public sewer system.

(Mr. Novak) Some, if not all, of the recessed porch soffit lighting will be programmable.

There were no questions for Mr. Nemeth from members of the public.

Mr. Fox was sworn and qualified. He shared his screen to display and explain the drawings prepared by his office, which were submitted as part of the application. On the front page aerial photo he identified the locations of the offsite overflow parking lots to be used in the PM. The site layout was described. There will be a total of six onsite parking spaces after the one along the north property line is removed per Mr. Brightly's recommendation. Additionally there are six to seven spaces on the street fronting the site and 84 shared off-hours spaces within 600' of the site. They would be amenable to adding a bicycle rack. The recessed soffit lighting on the north side of the building will have no impact on the adjacent dwelling or lot because its first floor elevation is 10' higher than the grade level at the proposed community center. The existing fence along the north property line was a requirement of the approved subdivision plan when the residence was split off from the former mortuary and garage portion of the original lot. The zoning table on the

site plan was referenced to affirm that the application fully complies with the requirements of the zone, except for onsite parking. Twenty-one spaces are required whereas only six are provided. An EV charging station is not mandated as there are less than 25 onsite spaces. Impervious coverage is being reduced from 9,114 SF to 9,056.83 SF. As a minor stormwater development, a dry well(s) would normally be required to collect the new roof area runoff. The applicant requests a waiver since the overall impervious coverage is being reduced. Downspouts at the corners of the building are proposed that will shed water onto the surrounding paved areas. Ms. D'Agostini commented that they have not had problems with icing on the lot during winters. She added that they do not intend to use the adjacent medical building's lot for overflow parking and there is no fence between the two properties. Mr. Fox affirmed for the Chair that the trees along the south property line still exist and are located on the adjacent property, not CIC's.

Signage currently exists on the front of the covered porch and on the north façade of The Hub building. There is an angled ground sign with two sign faces in front of the building, which is located within the Borough ROW. The intent is to mount new signs onto the existing frame. A directional sign for the community center is proposed at the right front corner of the driveway entrance. A building name sign is proposed for the front of the covered porch on the community center. Sizes will be adjusted to comply with the sign ordinance per Mr. Szabo's report. Mr. Fox displayed a downloaded Google street view that was marked as Exhibit A-1 and used to view the location of the existing ground sign. At the Board's request, the ground sign will be pulled back onto the CIC property just inside the property line, for which a variance will be required. Mr. Fox reviewed Mr. Brightly's 4/8/22 report comments and indicated their intent to comply with all. Mr. Szabo's 3/29/22 report was similarly reviewed. Mr. Novak pointed out that the directional sign is larger than allowed, for which the applicant requested an additional variance.

Mr. Fox's responses to questions from Board members and its professionals:

(Ms. Gardner) An additional generator was not anticipated for the community center and the existing one only serves The Hub. The applicant will consider obtaining some power from the existing generator for the purposes of heating and keeping pipes from freezing in the event of an extended power outage.

(Mr. Brightly) No additional site lighting is proposed. (Upon discussion, Mr. Fox agreed to work with Mr. Brightly to provide site lighting for the parking area and the walkway near the driveway.) Mr. Novak confirmed that there is no longer a restriction on the number of colors a sign contains. The applicant did not consider lighting for the ground sign in its current location where none exists but will determine if the sign requires lighting at the location to which it is to be moved. If so, Mr. Brightly's review and the zoning officer's approval will be sought for whatever is proposed. Solar powered fixtures may be an option.

Mr. Fox justified the requested parking variance stating that ordinance encourages shared parking arrangements like that proposed here. The testimony given affirmed that the proposed onsite parking will be adequate for CIC's needs. Although Mr. Horowitz expressed concern about loosely defined shared parking agreements and the need for the Board to set some standards in the future, he did not see the agreements as a problem for this application.

There were no questions for Mr. Fox from members of the public.

In summary, Mr. Fahey characterized the application as needing several minor hardship variances (for parking and signs) and could not say for certain that a parking variance is actually required given the ordinance provisions that allow and encourage shared parking as an alternative to on-site parking. He added that given the availability of the public parking lot and street spaces, the shared parking agreements are really not needed to meet the 21 required on-site spaces. The facility's parking needs are easily accommodated. A waiver for not installing a dry well was justified by citing the resulting decrease in total impervious coverage, a new building footprint almost identical in size to the prior and the historical lack of any runoff problems at the site.

Comments from members of the public included:

Tim Rich, 505 Porter Way West, Bridgewater: Affirmed through his experience as a client and volunteer at CIC, that he has never experienced a problem finding available parking. Nor have there been problems for attendees at the weekly evening program he runs that has 25 attendees. The facility cannot hold as many people as the number of available parking spaces.

David Martinak, via Zoom text: Stated his support for the application.

Ms. Wolfe summarized approval conditions should the Board decide to approve the application, including, compliance with all report comments; granting a variance if it is determined that the downtown architectural standards, including façade transparency, do apply to the community center even though it is recessed on the lot and not a typical storefront property; lighting along the north side of the building shall be recessed down lighting subject to Mr. Brightly's review; installation of a bike rack(s).

A motion to approve the application subject to the discussed and agreed upon conditions was made by Mr. Simoff and seconded by Ms. Gardner.

Roll call vote:

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

Those opposed: None Those abstaining: None.

B. Review of 4/28/22 Bills List w/ Invoices.

Upon review, a motion to pay the listed invoices in the amount of **\$1,592.50** was made by Mr. Simoff 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 and/or discussed the following items and their schedules:

A. Public Hearing re Preliminary Investigation of Area In Need of Redevelopment; 35 & 39 Olcott Square and 5 Morristown Road, Block 125, Lots 1, 2 and 3; PI study presentation by Topology; Scheduled to be heard 5/12/22.

B. Planning Board review of July 2021 Parks, Recreation & Open Space Master Plan for adoption into Borough master plan; Review procedure, public hearing & scheduling TBD.

The Board discussed with Mr. Novak methodology for reviewing the OSRP (received from the Borough's recreation department) in order to hold the public hearings necessary for adoption into

the master plan. Mr. Novak explained that an OSRP is an optional element of a master plan. However, an updated OSRP needs to be adopted if the Borough wishes to avail any planning improvement grants or Green Acres program funding. He said he will provide the NJDEP Green Acres program list of 10 minimally required components. Two public hearings are required to be held prior to adoption. Mr. Szabo will be asked to ascertain whether all of the necessary components are contained in the document received by the Board. It must also be checked that the new OSRP is not in conflict with any other master plan elements. Currently adopted is the 10/26/16 OSRP, which is posted on the Borough website. Mr. Mottola informed members that bound hard copies will be made available at Borough Hall to all that want one. The Board will further discuss how it intends to proceed with its review at the May 12th meeting.

C. Application #SP-238 Equinet Properties, LLC - Preliminary & Final Residential Site Plan w/ Variance; 55 Claremont Road, B:71, L:6, Zone: D-CL; Received 2/8/22; Deemed incomplete 4/12/22 – pending Board action on waiver requests; Scheduled to be heard 6/16/22.

D. Application #SP-239 Team Welsh, LLC - Preliminary & Final Site Plan w/ Variances; 13 Old Quarry Road, B:100, L:2.29, Zone: I; Received 4/7/22; Pending completeness review.

9. Business of Visitors, second opportunity:

Sue Rankin, 1521 Pine St., Bernardsville: Inquired as to the date of the public hearing for the Palmer properties AINR study and expressed concerns about redevelopment of the property. (Mr. Mottola clarified that the purpose of the May 12th public hearing is to determine whether the subject sites constitute an area in need of redevelopment, and that presently, no redevelopment plan exists.)

10. Executive Session: None.

11. Adjournment: Chair Graham adjourned the meeting at 10:41 pm.

Respectfully submitted,



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

Keywords: Bistro-73-Colley-Community-Crisis-Church-Fahey-D'Agostini-Nemeth-Fox