

**PLANNING BOARD**  
BOROUGH OF BERNARDSVILLE  
**Minutes – June 30, 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 7:30pm.
  
2. **Roll Call:**  
Present – Members Gardner, Graham, Horowitz, Kellogg, Macmillan, Paluck, Simoff and Thompson.  
Absent – Mr. McQueen.  
Board Professionals Present: Attorney Steven Warner, Planner John Szabo, Jr. and Engineer Robert Brightly.
  
3. **Minutes:** None.
  
4. **Communications:** The following correspondence was acknowledged by the Chair:
  - A. 6/20/22 J. Szabo, P.P. email memo re: Equinet and the Quimby Lane Redevelopment Area.  
If the Board no longer has jurisdiction in the Equinet matter, Mr. Warner recommended the Board adopt a formal resolution dismissing it. The Board agreed it should carry or dismiss the matter at its next meeting.
  
  - B. 6/22/22 J. Szabo, P.P. email memo re: Quimby Lane and Audi Redevelopment Plans.
  
  - C. 6/22/22 S. Warner, Esq. email re: Change of firms (*re #10*).
  
  - D. 6/28/22 A. Suriano email re: Council **Resolution #22-154** requesting PI of B:71 L:3 and transmittal of introduced **Ord. #2022-1926** for D26 master plan consistency review (*re #7C*).
  
5. **Business of Visitors unrelated to the agenda:** None.
  
6. **Old Business:** With regard to the scheduled restart of the Palmer properties PI scheduled for the next meeting, Chair Graham asked that a statement be prepared for reading into the record that states what it is the Board is empowered to consider and what will not be considered at the hearing. The ground rules should be set at the outset as what the public may or may not comment on. Mr. Warner, with Mr. Szabo's input, said he would prepare an explanation of the redevelopment process and specifically identify the stage in the process the Planning Board will be participating at the July 14<sup>th</sup> hearing. He advised that the Board's actions remain neutral to other potential phases of the redevelopment process and maintain the narrow scope of determining the need for redevelopment. The Board should not stray into "what ifs" or the benefits and detriments of redevelopment.  
  
Mr. Mottola informed the Board that the July 14<sup>th</sup> PI hearing will be held via the Borough's redevelopment attorney's Zoom webinar software, which has the capacity for 500 attendees. A link to the webinar has already been posted on the Borough website and will also appear in the published newspaper notices.

**7. New Business:**

**A. D26a Master plan consistency review of Ordinance #2022-1921** – Assignment of temporary outdoor dining approvals to zoning officer; Introduced 6/13/22; Public hearing by Council scheduled for 7/11/22; Planning Board review scheduled for 6/30/22.

Mr. Warner explained the Board's role in determining the ordinance's consistency with the master plan. He said he prepared a draft ordinance template finding the ordinance not inconsistent with the master plan, which was forwarded to the Board. Mr. Szabo opined that this is a ministerial action by the Council for applications for outdoor dining. As outdoor dining is encouraged by the recently enacted downtown zoning, this ordinance furthers the purposes of same and is not inconsistent with the master plan. Upon discussion, the Board was of the opinion that the Borough Council define, or at least clarify the meaning of, the term “temporary” in the Ordinance with respect to the time of year/seasonality and the hours of operation of the applicable outdoor dining use/facilities. Mr. Warner will add the foregoing Board recommendation to the draft resolution.

A motion to adopt draft resolution #2022-11, finding ordinance #2022-1921 not inconsistent with the master plan with the inclusion of the Board's recommendation on defining "temporary", was made by Mr. Simoff and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

**B. D26a Master plan consistency review of Ordinance #2022-1923** – Relocation of zone line re 5 Seney Drive; Introduced 6/13/22; Public hearing by Council scheduled for 7/11/22; Planning Board review scheduled for 6/30/22.

Mr. Szabo explained that the ordinance represents a request by the property owner to the Council to rezone the property out of the D-CL downtown commercial zone and into the R-5 residential zone. The property contains what in essence is a single family residential dwelling that had been used for many years as a business office. It is located at the transition of the two zones. The request is reasonable because it would reinforce the characteristics of the residential area more so than being in the business zone. In finding that the ordinance would implement certain goals of the master plan, Mr. Szabo recommended that the Board find it not inconsistent with same. All it would require is an amendment to the zoning map. Mr. Szabo added that the neighboring lot is used as a parking lot thereby allowing this property with its orientation to act as an anchor for the uphill residential neighborhood. Property owner Vincent Paragano, who was in attendance, stated that he built the structure with the idea that its best use would be that of a residence after he retires. No exterior changes to the structure are proposed. Mr. Brightly commented that the tax map shows the property as a 6,000 S.F. (50' x 120') lot where 5,000 S.F. is the minimum lot area for the zone.

A motion to adopt draft resolution #2022-12 as prepared by Mr. Warner, finding that ordinance #2022-1923 is not inconsistent with the master plan, was made by Ms. Thompson and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

**C. Council Resolution #22-154** – Request for Planning Board PI of 25 Claremont Road as AINR. Overview and next steps discussion scheduled for 6/30/22.

Mr. Szabo explained that the Council resolution directs the Planning Board to examine whether single lot 25 Claremont Road, B:71 L:3, should be included as part of the Quimby Lane redevelopment area. The current owner has asked the Council that it be included. Mr. Warner explained that the Board needs to commission a planner, the Board's or other, to study the site's qualifications as an Area In Need of Redevelopment (AINR); and subsequently hold a public hearing to make the findings for referral to the Council. Unlike the Council's prior requests for redevelopment studies, this one did not specify the planner that it wishes to have prepare the study, leaving that choice to the Board. The Board discussed whether the Topology planning group should again be hired to perform the study since it did the study for the directly adjacent Quimby Lane redevelopment area. It also discussed the juxtaposition of the subject lot in relation to the redevelopment zone in general and why certain lots might have been excluded from the zone. Mr. Mottola pointed out that the resolution contains a typographic wherein the text identifying subject property contained the block number but not that of the lot, which is lot 3. He also directed the Board's attention to Section V of the Council resolution that authorizes the Board to make a recommendation as to the lot's suitability for inclusion into the redevelopment zone's Sub Area 6. This Sub Area has separate zoning as do other Sub Areas of the redevelopment plan. Ms. Thompson and Ms. Gardner suggested that the study be prepared by Board Planner Szabo. Mr. Szabo said he would be pleased to prepare a contract form of cost proposal for the Board to consider at its next meeting. Ms. Thompson moved to authorize Board Planner Szabo/Burgis Associates to prepare the AINR study for Block 71, Lot 3, as directed by Council, which was seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

**D. Review of 6/30/22 Bills List w/ Invoices.**

A motion to pay the amended list of invoices in the amount of **\$2,855.00** was made by Mr. Simoff and seconded by Ms. Thompson.

Roll call vote:

All members voted in the affirmative.

**8. Upcoming Board Reviews/Public Hearings/Pending Applications The Board acknowledged the following matters and their respective status:**

**A. Virtual Online 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; Study presentation by Topology via Zoom Webinar; Scheduled to be heard 7/14/22.**

**B. D26a Master plan consistency review of Ordinance #2022-1926 – Fines for ordinance violations; Introduced 6/27/22; Public hearing by Council to be scheduled for 8/8/22; Planning Board review scheduled for 7/28/22.**

**C. 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; Waiver requests, completeness determination & public hearing scheduled for 7/28/22.**

**D. Application #SP-240 – Greyfield Management, LLC – Preliminary & Final Site Plan w/ Variances; 106 Mine Brook Road, B:97, L:3, Zone: D-C; Received 5/3/22; Public hearing scheduled for 8/11/22.**

*Mr. Mottola informed that four new site plan applications have been submitted that do not appear on the above list.*

9. **Business of Visitors, second opportunity:** None.

10. **Executive Session:** Consideration of personnel/contract matters.

Motion to close the public meeting and reconvene in Executive Session: Ms. Thompson.  
Second Ms. Gardner.

Voice vote:

All members voted in the affirmative.

*Members of the public attending this remote meeting were moved to the Zoom waiting room during the closed session.*

*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.*

Motion to close the Executive Session and reopen the public meeting: Ms. Paluck.  
Second: Ms. Thompson.

Voice vote:

All members voted in the affirmative.

*Members of the public attending this remote meeting that had been moved to the Zoom waiting room were readmitted to the reopened public meeting.*

11. **Other Business:** Consideration of draft resolution #2022-13 Board Attorney II re: Hire of Board attorney Warner as partner in new firm of Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A.

Ms. Thompson moved the adoption of resolution #2022-13 authorizing the re-hire of Board Attorney Steven Warner of the new firm Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A. for the remainder of 2022 and under the same terms as his prior contract as a partner of Ventura, Miesowitz, Keough and Warner for this calendar year; seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

12. **Adjournment:** Chair Graham adjourned the meeting at 9:00 pm.

Respectfully submitted,



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

Keywords: D26-1921-outdoor-dining-1923-Seney-AINR-PI-Claremont-redevelopment-#22-154.