

**PLANNING BOARD**  
BOROUGH OF BERNARDSVILLE  
**Minutes – June 16, 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, Kellogg, Macmillan, Simoff and Thompson.  
Absent – Members Horowitz, McQueen and Paluck.  
Board Professionals Present: (substitute) Attorney Louis Rago, Planner John Szabo and Engineer Robert Brightly.
3. **Minutes:**  
Review of 5/26/22 draft Meeting Minutes:  
Upon review, the need for two corrections was noted by Ms. Gardner. A motion to approve the minutes as corrected was made by Ms. Thompson and seconded by Ms. Kellogg.  
Voice vote:  
All eligible members voted in the affirmative.
4. **Communications:** The following correspondence was acknowledged by the Chair:
  - A. 6/3/22 A. Suriano email re: Receipt of NJDEP Application Notice for Equinet Properties, LLC.
  - B. 5/26/22 PK Environmental Public Notice of NJDEP LOI re Block 10, Lots 23 & 25.01.
  - C. The New Jersey Planner - March/April 2022, VOL.83, No.2
5. **Business of Visitors unrelated to the agenda:** None.
6. **Old Business:** None.
7. **New Business:**
  - A. D26a Master plan consistency review of Ordinance #2022-1918 – Amends AH-3 Zone requirements and adds two additional affordable housing zones; Introduced 5/23/22; Public hearing scheduled for 6/27/22; Planning Board review scheduled for 6/16/22.Upon discussion and the advice of Board Planner Szabo, the Board determined that this ordinance is not inconsistent with the master plan and asked that the following non-substantive revisions be appended to the resolution that is forwarded to Council:
  - In the amended table of Zone Districts, on page 2, "*Overlay-4*" is misspelled.
  - Under Section 3. §12-20.6.a.2.(b), on page 3, add the phrase "*but are not limited to*" between the words "include" and "household".
  - There is an unintended hyperlink that appears under Section 3. §12-20.6, between c.4. and c.5, on page 5, that needs to be deleted.

- Under Section 5. paragraph §12-20.2.b.8., at the top of page 11, should precede the chart it refers to on page 7 instead of following it.
- Under Section 5. §12-20.2.d., on page 12, "AH-6" in the last sentence needs changed to "AH-3".
- The section of the ordinance that addresses changes to the existing AH-3 zone should be reordered within the ordinance to precede the sections that address new zones AH-6 and AH-7.

A motion to find ordinance **#2022-1918** not inconsistent with the master plan and adopt PB resolution **#2022-09** stating same, with the addition of the Board's recommendations was made by Ms. Thompson and seconded by Ms. Gardner.

Roll call vote:

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

Those opposed: None.            Those abstaining: None.

**B. D26a Master plan consistency review of Ordinance #2022-1919** – Amends ordinance requirements for final site plan and subdivision plat drawings submittals; Introduced 5/23/22; Public hearing scheduled for 6/27/22; *Planning Board review scheduled for 6/16/22.*

Mr. Szabo opined that this ordinance is procedural and administrative in nature. He does not see it as having any impact on or inconsistency with the master plan. Mr. Mottola explained that the ordinance updates the lists of recipients of final (approved and signed) site plans and subdivision plats, to those that currently have the need to receive them.

A motion to find ordinance **#2022-1919** not inconsistent with the master plan and adopt PB resolution **#2021-10** stating same was made by Mr. Simoff and seconded by Ms. Thompson.

Roll call vote:

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

Those opposed: None.            Those abstaining: None.

**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.*

Appearing on behalf of the application were Attorney Roy Kurnos, Engineer Mark Gimigliano, Architect David Minno and Equinet Properties' representative Richard Reimers.

Applicant's Exhibits:

**A1** – 6/16/22 Aerial Exhibit of Existing Conditions with added property lines.

**A2** – 6/16/22 Aerial Exhibit of Existing Proposed Conditions.

**A3** – 6/16/22 Site Plan Exhibit.

Mr. Rago confirmed with Mr. Mottola that proper notice had been made. Mr. Kurnos introduced the application stating that there was some disagreement as to whether the nonconforming amounts of steep slope disturbance proposed constitute a variance or design waiver. Additional design waivers are required from the Somerset County Planning Board. The application proposes to raze the existing single family dwelling and construct eight townhouses with nineteen parking spaces. Messrs. Szabo and Brightly were sworn by Mr. Rago and Mr. Gimigliano was sworn and qualified.

Mr. Szabo addressed the requested checklist waivers stating that there was only one from the preliminary site plan checklist, under 9-9.2.a.a. It requires that 1' contours be provided in a flood Zone, whereas 2' contours are shown. He said that the various waivers requested from the final site plan checklist can be handled as conditions of final site plan approval should the Board or its professionals find the information necessary. He recommended that the Board grant the requested waivers, deem the application complete and proceed with its hearing.

Mr. Gimigliano introduced Exhibits **A1**, **A2** and **A3** in support of his engineering testimony, which included: the site and its environs; manmade and natural steep slopes; the layout of building and parking; building and site operations including vehicular and pedestrian circulation, trash and recycling provisions, assignment of parking spaces; proposed site improvements such as retaining walls, fences and landscape plantings; availability of on site and street parking; stormwater runoff control using infiltration chambers; a portion of the building in the riparian zone; required county ROW dedication.

About an hour into the engineering testimony, Ms. Thompson inquired whether this site is part of the Quimby Lane downtown redevelopment plan. Upon checking, Mr. Szabo initially confirmed that Block 71, Lot 6 is part of the Quimby RDP that was adopted on 10/13/20. He advised that the Board could not continue hearing the application without the applicant first obtaining a developer's agreement with the Council. He stated that the RDP's zoning regulations would apply to the site and the development would need to be conforming unless changed by the Council. Mr. Szabo apologized for not previously discerning that the site is part of the Quimby RDP. He said that the plan does not preclude development on the lot, nor does it preclude the use of more than one developer within the plan area.

Discussion ensued on how to proceed. Mr. Szabo reiterated that the applicant would need to have a conceptual plan approved by the Council and enter into a developers agreement. Chair Graham was of the notion that the adopted RDP may have included this site as part of the park area in the center of the RDP, due to the presence of the stream that runs through it. Mr. Szabo read the RDP's development parameters for Subarea 6, in which the subject lot is shown diagrammatically to be located, one of which is townhouses. With further reading of the RDP during the meeting, Mr. Szabo said there is a discrepancy as to whether the subject lot is part of the RDP based on conflicting enumeration of lots in two places. Mr. Rago advised that the application not be continued until the applicable zoning has been verified and it is verified that the Council must be involved. Mr. Szabo will email Mr. Kurnos copies of the RDP and the investigation report and set up a meeting with the Borough Attorney and redevelopment counsel. Mr. Reimers asked if he could get a sense of the Board's opinion of what had been presented so far, so that changes could be considered prior to their returning to the Board. Mr. Rago noted some of the Board's comments, which Mr. Kurnos said was unnecessary as he had taken notes of the Board's concerns. It was agreed that continuation of the hearing would be postponed until June 30, at which time Mr. Szabo will at least be able to report on the status of the application, barring the application be continued at that time. Same was announced to the public. Mr. Kurnos agreed to any time extension that may be necessary.

#### **D. Review of 6/16/22 Bills List w/ Invoices.**

Upon review, Mr. Brightly asked that Ferriero's invoice for \$140.00 for work on the Community In Crisis application be withdrawn from the list as it was intended to be pro bono. A motion to pay the amended list of invoices in the amount of **\$5,400.00** 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. D26a Master plan consistency review of Ordinance #2022-1921** – Assigns temporary outdoor dining approvals to zoning officer; Introduced 6/13/22; Public hearing scheduled for 7/11/22; Planning Board review scheduled for 6/30/22.

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

**C. 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; Scheduled to be heard 7/14/22.**

**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.**

**E. 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; Pending completeness review.**

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

**10. Executive Session:** None.

**11. Adjournment:** Chair Graham adjourned the meeting at 10:14 pm.

Respectfully submitted,



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

Keywords: D26-ordinance-1918-1919-Equinet-Kurnos-Mill-Quimby-Clairemont-redevelopment.