

**PLANNING BOARD**  
BOROUGH OF BERNARDSVILLE  
**Minutes – July 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 7:34 pm.
  
2. **Roll Call:**  
Present – Members Gardner, Graham, Horowitz, Kellogg, Macmillan, Simoff and Thompson.  
Absent – Members McQueen and Paluck  
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. 7/8/22 Walter Lane, PP Memo re: Adoption of Somerset County Preservation Plan.
  - B. 7/25/22 Notice of PW Appeal re: Application #SP-236 Community In Crisis (Discussed under #10 Executive Session).
  - C. 7/28/22 P. Hoagland email transmittal of updated Parks and Recreation Plan (Verbally added to agenda at meeting by F. Mottola).
  
5. **Business of Visitors unrelated to the agenda:** None.
  
6. **Old Business:** Memorialize Draft Resolution #2022-14 -- PB Findings of 7/14/22 AINR Preliminary Investigation re: 35 & 39 Olcott Square & 5 Morristown Rd., Block 125, Lots 1, 2 & 3.  
Upon review and discussion, the Board agreed to the amendments recommended by Mr. Warner and Ms. Thompson. A motion to adopt the resolution as amended was made by Ms. Thompson and seconded by Mr. Horowitz.  
Roll call vote:  
All in favor: Members Gardner, Graham, Horowitz, Kellogg, Simoff and Thompson.  
Those opposed: None. Those abstaining: Mr. Macmillan.
  
7. **New Business:**
  - A. D26a Master plan consistency review of Ordinance #2022-1926 – Fines for ordinance violations; Introduced 6/27/22; Public hearing at Council scheduled for 8/8/22.  
Upon review and discussion, a correction of the ordinance number in the title was noted by Mr. Warner. A motion to adopt the resolution as corrected was made by Mr. Simoff and seconded by Ms. Kellogg.  
Roll call vote:  
All in favor: Members Gardner, Graham, Horowitz, Kellogg, Macmillan, Simoff and Thompson.  
Those opposed: None. Those abstaining: None.

**B. 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 this evening.

Appearing on behalf of the application were attorney John Sullivan, Team Welsh V.P., Kevin Welsh, architect Thomas Ellenberger and engineer and planner Ronald Kennedy.

Exhibits Introduced:

- A1** – 11/19/21 Architectural drawing A-1 by Walnut Design, Inc., last revised 7/26/22.
- A2** – 7/28/22 Aerial Exhibit (Google image) by Gladstone Design, Inc.
- A3** – 7/28/22 Existing Conditions and Environmental Constraints Exhibit by Gladstone Design, Inc.
- A4** – 7/28/22 Site Plan Rendering by Gladstone Design, Inc.

Mr. Warner affirmed that proper notice of the hearing had been made, giving the Board jurisdiction to hear and decide the application. Regarding the checklist waivers requested by the applicant and deeming the application complete, Mr. Szabo stated that he had no objection to the application moving forward based on the checklist waivers requested, but would defer to Mr. Brightly. He added that the Board can always request additional information should it determine the need for same during the course of hearing the application. Mr. Brightly stated that he has no objection to the Board granting the design waivers listed on the drawings for the purpose of deeming the application complete. Mr. Kennedy was sworn and qualified for the purpose of explaining the requested waivers, which he opined were minor in nature. None of the proposed changes to the site will have any impacts on, or cause any changes to the checklist information for which the applicant is seeking waivers. Those consist of drainage area maps, locations of existing trees, geological features, water yields, proposed buffering and landscaping.

A motion to grant the waivers and deem the application complete was made by Mr. Simoff and seconded by Ms. Thompson.

Voice vote:

All members voted in the affirmative.

Mr. Sullivan introduced the application stating that site is essentially a vacant, interior lot with the exception of a shed. The lot is used for vehicle parking in conjunction with the new car dealership owned by the applicant. The current site plan received Planning Board approval in 1999. This application is for Preliminary and Final Major Site Plan approval for the construction of a one story, approximately 5,600 S.F. building with related driveway and exterior parking areas, for the storage and preparation of new motor vehicles. One new building mounted sign is also proposed. New variances sought include a side yard setback (15' required, 0.3' existing, 5' proposed), a front yard parking setback (25' required, 0.3' existing, 0.0' proposed) and a side yard parking setback (10' required, 0.0' existing and 0.0' proposed). Per Mr. Szabo's recommendation, the applicant is requesting that all other variances granted in 1999 again be approved for this application as well.

Mr. Welsh was sworn and provided testimony on his family's business and the existing and proposed use of the subject property. The lot has been used for motor vehicle storage since his family purchased it in 1999. The proposed 5,635 S.F. building will be used for vehicle storage and light mechanical prep, as well as parts storage on a proposed mezzanine. No full time employees will

occupy the building as it is strictly to be used for storage. Up to four employees will occasionally go to the site to move vehicles to their Far Hills dealership and for prep work on newly delivered vehicles. Proposed hours of operation are Monday through Thursday 7:00 am to 7:00 pm and Friday and Saturday 7:00 am to 5:00 pm. The facility will be closed on Sundays. Once a week trailer delivery of vehicles is anticipated. Vehicle parts will be moved between the site and the Far Hills dealership by the company's own vehicles. All loading and unloading of vehicles will take place on site. A trash dumpster is not proposed for the site as the small amount of refuse generated will be transported to the dealership for disposal.

**Mr. Welsh's Responses to the Board and its Professionals:**

(Chair Graham) New vehicles are delivered without any wrappings or packaging. There may be two lifts in the building for use in prepping vehicles. They would be surface mounted with no pits. Vehicles will not be washed at the site. The mezzanine will be used for vehicle parts that need to be overstocked for operational purposes. The stored vehicles will all be new, except for an occasional off-lease vehicle waiting to be picked up.

(Mr. Horowitz) There will be no handling of fluids when vehicles are being prepped.

(Ms. Kellogg) One to three electric vehicle charging stations are anticipated within the building.

(Mr. Simoff) The current use of the site is for vehicle storage only. The company maintains other storage lots in Bedminster, Far Hills and Peapack. There will be no customers at the site.

(Ms. Thompson) There will be sanitary facilities in the building for whenever employees are on site.

(Ms. Gardner) The entire building will be heated for the protection of water lines.

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

Mr. Ellenberger was sworn and qualified. He shared his screen to display architectural drawing A.1 that was prepared by his firm and submitted as part of the application. He stated that the building will be a 5,635 S.F. pre-engineered, single story wood frame structure with a mezzanine and a single occupant rest room. The building will be tempered to prevent freezing and the restroom will have its own unit heater. Roofing and siding will consist of insulated metal panels with a proposed height of 31'-9", which is below the allowable height. The building's appearance will be consistent with other structures within the zone. A single 3' x 3' building-mounted sign is proposed for the front/east elevation. It is a duplicate of and will replicate the currently existing fence mounted sign. The bottom of the proposed building sign will be 6' above grade.

**Mr. Ellenberger's Responses to the Board and its Professionals:**

(Chair Graham) The stair to the mezzanine depicted on the drawing has a midway landing. However the mezzanine's structural components have not yet been finalized. There may be a lower floor to floor height that may result in a single flight of stairs without a midpoint landing. The applicant will consider the Chair's suggestion to install a lift or dumbwaiter for transporting parts to

the mezzanine. The overhead door to the vehicle storage space under the mezzanine will have a 10' clearance. It would be possible to store more vehicles under the mezzanine than the three depicted on the drawing. Roof mounted solar panels are not currently being considered, but the applicant will take under advisement building in structural adequacy to accommodate future installation of solar panels. *Mr. Welsh answered that the facility will share in an off-site community septic field for which they have already obtained Health Department approval. The line to the community septic facility runs along the front of the property.*

*(Mr. Simoff) In response to his question to Mr. Ellenberger, Mr. Szabo interjected that the statute requiring the provision of EV charging stations applies only to parking lots used by the public. Mr. Warner concurred with Mr. Szabo. Mr. Welsh added that they have three charging stations at their Far Hills location and plan on having three at the subject location. Adequate electrical supply will be brought to the facility as they anticipate adding additional stations in the future as more electrical vehicles will be produced and sold. There will be emergency egress lighting wall packs above all of the man-doors, which would be activated during power failures. These are not currently shown on the drawings.*

*(Mr. Horowitz) Since there is no intent to provide air conditioning, there will not be an exterior condenser. Small unit heaters will be located internally and a through-wall exhaust fan will be as shown on the building elevation. Mr. Welsh answered that the existing detached shed will be removed after construction of the new facility.*

*(Mr. Warner) There will be no roof mounted mechanical equipment.*

*(Mr. Brightly) The displayed drawing is newer than that submitted with the application. It was last revised 7/26/22 and marked as exhibit A1. It shows a detail/specification for the seven security lighting wall packs that will be mounted on three sides of the building. None are proposed for the building's north side, which is 5' from the north property line. The proposed lighting locations are depicted on the building elevations. They have full cutoff control and are dark sky compatible. Per Mr. Graham's request, the applicant stipulated to adding security lighting to the north side of the building, as it is accessible to pedestrian traffic. Per Mr. Simoff's requests, the applicant stipulated to providing isolux diagrams for the exterior fixtures and to an approval condition that the lighting levels of the exterior fixtures be measured a year after issuance of a C/O. Both of the foregoing are to be checked and approved by Mr. Brightly.*

*(Ms. Gardner) In response to her question to Mr. Ellenberger, Mr. Walsh answered that it is planned for three of the security lighting fixtures (both on east façade and middle on south façade) to have photo activated switches and the remaining four to have motion activated switches. They will review the adequacy of the non-emergency exterior lighting level at the man doors and revise it if deemed necessary.*

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

Previously sworn and qualified, Mr. Kennedy utilized exhibit A2 in describing the 50,000 S.F. (1.148 acres) subject lot and its environs. Located in the I – Industrial zone, fronting on Old Quarry Rd., the lot is bordered by two lots on both sides that are also used for open air, new vehicle storage. One of which contains a building. Exhibit A3 illustrated that only about the front third of the lot is

currently being utilized. The quarry wall and conservation easement beyond make the rest of the lot unusable. The lot is gravel paved and contains only open air parking spaces with an accessory storage shed along the north property line. The site is currently fenced on all sides with a 24' wide gate on the Old Quarry Rd. side. The 1999 approved site plan allowed for 93 smaller than required parking spaces, sized 17.5' x 7.5'. Relief was granted for parking up to the property lines and to the toe of the quarry wall, for the undersized parking spaces, for gravel paving and for omitting required landscaping. A central drive isle provides access to the parking spaces and accommodates loading and unloading of vehicles. *Mr. Walsh added that delivery trailers both pull into the lot and pull up along the fence line parallel to Old Quarry Rd.* No changes are proposed to the existing on-site storm drainage system. The existing well will be reused for the building's water supply.

Mr. Kennedy described the proposed site plan as displayed on exhibit A4. It features a one story, 92.75' x 60.75' (56,035 S.F.) building, located 15' from the front property line and 5' from the north property line (where 15' is required). The nonconforming side yard is proposed to achieve a full 25' ingress/egress drive isle through the center of the lot. Relief is additionally sought to have 48 undersized outdoor parking spaces as currently exist at 17.5' x 7.5'. The aforementioned communal septic field is designed for 750 gallons/day, to which each of the connected lots is allocated a portion of the overall capacity. A septic tank will be located on site near the southeast corner of the building. It will discharge into the existing line that runs to the communal septic field. An emergency backup generator will be positioned on the south side of the building. A boundary fence will surround the paved portion of the lot on three sides. The front side will be mostly open with the exception of 10' side yard fence returns at each end. Seepage pits to collect roof runoff cannot be installed on the site due to poor soil infiltration properties. In lieu of an on-site system, the ordinance allows for an alternative whereby a developer can make a contribution to the Borough, equal in value to the cost of an on-site system, which is then applied to area-wide stormwater improvements as allocated by the Borough. The design for a six seepage pit system has been completed and will be submitted for Mr. Brightly's review. The current (sheet flow) drainage pattern travels from Old Quarry Rd. to the rear of the site. One stormwater inlet exists on the drainage line at the base of the quarry wall and a second inlet will be added to that line. Mr. Kennedy referenced the reports from the Historic Preservation Committee, the County Planning Board and the Fire Official as all being in approval of the development. *Chair Graham recommended that the paved area on the west side of the building have 15' wide clearance striping to assure access for emergency responders.*

Mr. Kennedy summarized the relief being sought. Variances, under zoning section 12: A five foot side yard building setback on the north side where 15' is required; A zero foot side yard parking setback on the south side where 15' is required. Exceptions to general parking design standards, under ordinance section 9: A 10' parking setback to the street where 25' is required; a zero foot setback from the side property lines where 10' is required; no landscaping in the parking areas where landscaping is required; 17.5' x 7.5' parking spaces where 9' x 18' sized spaces are required; no designated off street loading area is proposed where one, 12' x 30' space is required (although the space exists in the center drive isle, it is not designated solely for loading use); a waiver from strict compliance to the minor stormwater development standards in lieu of the alternate municipal contribution that is permitted.

Mr. Kennedy provided planning testimony in substantiation of the variances and design waivers

being requested. He opined that all qualify under the "c2" criteria, where the benefits to the public outweigh any detriments to the community. Given that this facility is located in the industrial zone, there is little to no impact to the general public and the proposed use is consistent with the zoning. As the uses on the adjacent lots are identical, there is little to no impact to the neighboring lots, where except for fences it is hard to distinguish the boundaries separating properties. There is no detriment to the zone plan whereas the only change to the use of the site will be the addition of a one story building that will provide some indoor instead of outdoor vehicle storage. The proposed development will be identical to those around it. To mitigate impacts from not providing a designated loading area, the applicant stipulated to a condition to having all loading and unloading occur only on-site. The applicant further stipulated to having no vehicle deliveries between the hours of 10 pm and 7 am, which complies with the state noise ordinance. Mr. Kennedy opined that this is a better, more organized site arrangement that provides a benefit in terms of the reduction in the number of vehicles stored on site; some of the outside storage will be moved indoor; aesthetics are improved with the addition of a new building and a paved lot.

**Mr. Kennedy's Responses to the Board and its Professionals:**

(Ms. Gardner) Based on their past history as occupants of the lot, the applicant does not feel the need for the property to be fully fenced. Should security issues arise in the future due to the proposed arrangement, the owner can apply for a fence permit to completely enclose of the lot.

(Mr. Horowitz) *Mr. Szabo interjected that there is little potential for the zero setback parking to impact the quarry area affordable housing overlay zone, as it is speculative in nature and allocated to fulfill future unmet need. By the very language of the ordinance, an overlay zone allows for both uses to occur in the same zone.*

(Mr. Simoff) As the lot will be paved, some regrading will be needed to provide positive stormwater drainage away from the building and toward the inlets.

(Chair Graham) No curb cuts are required for site ingress/egress from Old Quarry Rd. since the road has no curbs.

(Mr. Brightly) The wall mounted building sign will not be illuminated and will not project beyond the face of the building. The former variance granted for a fence mounted sign will be eliminated with the relocation of the proposed sign. A design waiver will be required for light spillage onto the lot to the north due to the security lighting agreed to be installed on that side of the building. Mr. Kennedy will calculate its magnitude and provide it to Mr. Warner for addition to the resolution if approved.

There were no questions for Mr. Kennedy from members of the public, nor where there any public comments on the applications .

Mr. Sullivan provided closing comments briefly summarizing the application and the requests for relief. Mr. Warner reviewed his notes regarding variance requests and stipulated to conditions. A motion to approve the application as conditioned and stipulated to was made by Mr. Simoff and seconded by Ms. Thompson.

Roll call vote:

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

**C. Review of 7/28/22 Bills List w/ Invoices**

A motion to pay the listed invoices in the amount of **\$1,662.50** was made by Ms. Thompson and seconded by Ms. Gardner.

Roll call vote:

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

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

**A. Application #SP-242 – Mine Brook Rd. Urban Renewal Assoc., L.P.;** PRELIMINARY & FINAL MAJOR (AFFORDABLE) RESIDENTIAL SITE PLAN; **Mine Brook Road**, B:80, L:15.38, Zone: AH-3; Received 6/30/22; Scheduled to be heard 8/11/22.

**B. Application #SP-243 – Mine Brook Rd. Urban Renewal Assoc., L.P.;** PRELIMINARY & FINAL MAJOR (AFFORDABLE) RESIDENTIAL SITE PLAN; **18 Mount Airy Road**, B:124, L:1, Zone: AH-6; Received 6/30/22; Scheduled to be heard 8/11/22.

**C. Application #SP-244 – Mine Brook Rd. Urban Renewal Assoc., L.P.;** PRELIMINARY & FINAL MAJOR (AFFORDABLE) RESIDENTIAL SITE PLAN; 63 Bernards Avenue, B:102, L:12, Zone: AH-7; Received 6/30/22; Scheduled to be heard 8/11/22.

**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; Scheduled to be heard 8/25/22.

**E. 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; Pending completeness review.

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

**10. Executive Session: Pending Litigation.**

A motion to close the public meeting and reconvene in Executive Session was made by Ms. Thompson and seconded by Ms. Kellogg at 10:00 pm.

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.*

A motion to close the Executive Session and reopen the public meeting was made by Ms. Thompson and seconded by Ms. Gardner at 10:22 pm.

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:** Legal representation of Board in the Matter of : Prerogative Writ appeal of Planning Board approval of application #SP-236 Community In Crisis.

A motion to authorize Board Attorney Steven Warner to legally represent the Board in defense of a Prerogative Writ appeal of Planning Board approval of application #SP-236 Community In Crisis was made by Mr. Horwitz and seconded by Mr. Simoff.

Roll call vote:

All members voted in the affirmative.

- 12. Adjournment:** Following a motion by Mr. Simoff, Chair Graham adjourned the meeting at 10:24 pm.

Respectfully submitted,



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

Keywords: Palmer-AINR-resolution-ordinance-1926-Team-Welsh-Old-Quarry-vehicle-storage.