

**PLANNING BOARD**  
BOROUGH OF BERNARDSVILLE  
**Minutes – August 11, 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 and Simoff.  
Absent – Members Paluck and Thompson.  
Board Professionals Present: Attorney Steven Warner, Planner John Szabo, Jr. and Engineer Robert Brightly.
  
3. **Minutes:**  
**A. Review of 7/14/22 draft Meeting Minutes.**  
Upon review the need for several corrections were noted by Ms. Gardner and Ms. Kellogg. A motion to approve the minutes as corrected was made by Ms. Kellogg and seconded by Ms. Gardner.  
Voice vote:  
All eligible members voted in the affirmative. Mr. Macmillan abstained.  
  
**B. Review of 7/28/22 draft Meeting Minutes.**  
Upon review one typographic error was noted. A motion to approve the minutes as corrected was made by Ms. Kellogg and seconded by Ms. Gardner.  
Voice vote:  
All eligible members voted in the affirmative.
  
4. **Communications:** The following correspondence was acknowledged by the Chair:  
8/3/22 C. Gianetti, Esq. letter re: Mine Brook Rd. Urban Renewal Assoc., LP applications #SP-242, #SP-243 and #SP-244; applications amended to Preliminary Site Plan only.
  
5. **Business of Visitors unrelated to the agenda:** None.
  
6. **Old Business:** None.
  
7. **New Business:**  
**A. Application #SP-242 – Mine Brook Rd. Urban Renewal Assoc., L.P.; PRELIMINARY (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.**  
Appearing on behalf of the application were attorney Craig Gianetti, engineer Kevin Shelly and architect Erin Pumo.

Exhibits Introduced:

**A1** – 8/8/22 Aerial Exhibit (of current site conditions).

**A2** – 8/8/22 (Aerial) Site Rendering.

**A3** – 8/11/22 Colored Architectural Elevations (with material swatches)

Mr. Gianetti provided an overview of the three listed applications. The applicant, Mine Brook Road Urban Renewal Associates, L.P., is a single purpose entity controlled by RPM Development Group. It is a highly experienced affordable housing (AH) developer in New Jersey that specializes in 100% affordable housing developments, such as those being presented tonight. The developments are funded through the low income housing tax credit program. Tonight's applications are key components of the Borough's court approved affordable housing development plan and settlement agreement with Fair Share Housing Center. RPM was selected as the developer for all three of the listed applications (plus a future age-restricted development) through an RFP process that began in 2018. The properties were recently rezoned to implement the proposed developments. Although there are three separate site plan applications, the three properties combined are considered a single "scattered site" AH development that will be seeking joint funding through a single application to the State Housing and Mortgage Finance Agency. It is a competitive process that only accepts applications once a year, with August 31<sup>st</sup> being this year's application deadline. At least Preliminary Site Plan approval for all three sites is required for the applicant to apply. Waiting until 2023 to apply may cause the developments to become not viable. Mr. Gianetti affirmed that the applications were amended, per his 8/3/22 letter, from Preliminary and Final to Preliminary Site Plan approval only. The applicant will have to return to the Board for Final Site Plan approval and satisfy all of the issues raised and conditions imposed by any Preliminary approvals that may be granted tonight. Additionally, unique to the Mine Brook Rd. application is that NJ DOT and county approvals will be required given the site's proximity to Mine Brook Rd., a state and county road.

Mr. Gianetti introduced the first application, **#SP-242** Mine Brook Rd. The property consists of approximately 0.74 acres. The site is owned by the Borough and developed with only a gravel paved area. The applicant proposes to construct a two story building with 26 dwelling units, over top of an underground parking garage. The application requires no variances, but asks for certain checklist waivers, which the applicant agreed to provide at a later date.

Mr. Warner affirmed that the applicant has the right to amend the application to seek preliminary approval only at this time and that proper notice of the hearing had been made, giving the Board jurisdiction to hear and decide the application. He swore all of the applicant's and Board's professionals.

Mr. Shelly was qualified as an expert in the field of engineering. Regarding the three checklist items identified in Mr. Brightly's 8/5/22 report and the eight checklist items cited in Mr. Szabo's 8/10/22 report, Mr. Shelly said that they would agree to providing all of the information requested on subsequent plans submitted to the Board. He opined that the subject information would not hinder the review of this application for preliminary approval. Of the items not provided, Mr. Brightly said that the location of structures on adjacent properties was his biggest concern. But he was amenable with proceeding at this level. Mr. Szabo was also amenable with the application

proceeding. Responding to Ms. Kellogg, he said that the current ordinance does not address signage in residential developments, but that the Board can require the site lighting it deems necessary and appropriate when the applicant returns for Final Site Plan approval.

Chair Graham affirmed the Board's agreement to granting the waivers and deeming the application complete.

Mr. Shelly continued presenting the application using exhibits **A1** and **A2**. He described the site and its environs. It is an approximately 1.3 acre rectangular lot that is partly gravel paved and partly wooded. Located in the AH-3 zone, it has been used by the Borough for vehicle parking and construction staging. The applicant is proposing a two story apartment building containing 26 dwelling units and one level of underground parking. An on-site superintendent will reside in one of the dwellings. The ingress/egress drive is off of Mine Brook Rd. Of the 50 parking spaces provided, seven will be exterior surface spaces on the westerly side of the property and 43 will be interior spaces. Eight (15%) of the required off-street parking spaces will be "make ready" electrical vehicle (EV) parking spaces. Three spaces will have Electric Vehicle Supply/Service Equipment (EVSE) upon issuance of a C/O. Within six years of the C/O, all eight EV spaces will have EVSE. Each EV space counts as two spaces in satisfaction of RSIS required parking. This decreases the requirement to 46 spaces, with 50 being proposed. The required thirteen visitor parking spaces will be provided from both indoor and outdoor parking areas. To avoid the need for a variance, the outdoor terrace will be revised to comply with the required 15' maximum front yard encroachment, whereas it now encroaches 21'. A 6' high, gated masonry trash enclosure will be located at the top of the driveway. It is wide enough to hold three or four 6 C.Y. rolling containers with lids. The superintendent will be responsible for moving trash containers from the trash compactor room to the trash enclosure. Retaining walls will be required along the lengths of the rear and right sides of the building and about a third of the front side of the building to accommodate the topography. A "big block" retaining wall system is proposed in order to lessen the amount of excavation that would be needed for a "geogrid tie-back" type of system. In response to Mr. Brightly's comments, the applicant will work to lower the heights of certain sections of the walls as currently designed. The total length of the retaining wall is about 500', with 185' of it being higher than 15'. Safety fencing will be installed along the entire top of the wall. The design is compliant with the AH-3 zone steep slope disturbance requirements. A chart will be added to a future drawing that indicates the amount of steep slope disturbance for each slope category. The applicant will work with the Borough's professionals to maintain access to the "Round Top/Laurelwood Trail", which is currently accessed from the site. New public water and sewer services will be brought to the site. An underground detention basin will be located beneath the upper part of the driveway. The project does not disturb more than one acre of site and thereby qualifies as a "minor" stormwater development. Building and pole mounted LED light fixtures are proposed throughout the project. The current lighting design must be revised to comply with the Borough's lighting standards. The landscaping depicted includes trees, foundation and screen plantings. The applicant will work with state, county and local agencies to obtain approvals for the driveway access onto Mine Brook Rd. Mr. Shelly stated the applicant's intent to comply with all of the comments contained in Mr. Brightly's 8/5/22 and Mr. Szabo's 8/10/22 reports. In accordance with the zoning officer's 7/21/22 review letter, they have obtained the Fire Chief's comments, with which they intend to comply. Regarding the Environmental Commission's concern about sight distances for cars entering Mine Brook Rd. from the site, the

applicant will have made application to the NJ DOT and have received its review comments prior to returning to the Board for Final Site Plan approval.

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

(Ms. Gardner) The 6/15/22 property survey was displayed to affirm that there are no wetlands on the property. The term *Garden Apartment* is referenced in the RSIS. It is an general term for all apartments in NJ that have their own set of parking requirements.

(Mr. McQueen) In compliance with the Fire Chief's report, hydrant flows will be checked and if found to be insufficient for the on-site fire protection systems, they will make infrastructure upgrades for adequacy. (*Mr. Szabo interjected that he believes the site meets the design guidelines for the AH-3 zone in which it is located.*)

(Ms. Kellogg) An alternate route to access the Round Top/Laurelwood Trail will have to be developed in conjunction with the Borough and its professionals. Continued access from this site will no longer be viable. Public use of tenant parking could not be allowed. It would not be seen as a problem to provide a sidewalk along the Mine Brook Rd. frontage, subject to DOT approval. It is not anticipated that a fire truck would pull into the site if fighting a fire.

(Mr. Graham) The sanitary system will be designed to meet system requirements. The applicant will take under advisement the suggestion to consider emergency backup power generation or at least providing the infrastructure. The applicant will also consider a different location for the terrace due to its proximity to the waste treatment facility across the road.

(Mr. Warner) These are rental units not owner occupied. A private garbage hauler will be used whose trucks will be able to adequately maneuver on site. The feasibility of lowering the retaining walls to the 20' to 25' height range was confirmed.

(Mr. Simoff) A specific type of garbage truck was not used in modeling on site maneuverability. It is anticipated that the truck size to be used would be worked out with the hauler. If necessary the site plan would be adjusted to accommodate trash hauling vehicles.

(Mr. Brightly) The surface finish material for the exposed retaining wall next to the driveway will be compatible with the building's colors and architecture, but has not yet been determined. Updated plans will be coordinated with New Jersey American Water to try to eliminate the need for a "hot box" out in front of the building.

Ms. Pumo was qualified as an expert in the field of architecture. She has designed 15 to 20 similar residential developments for RPM. Displaying exhibit **A3**, she described the building and exterior finish materials. Stone veneer will be used at wall bases, with fiber-cement board siding in board and batten and shiplap patterns used for the upper parts of walls. The roofing type will be standing seam metal. The sloped roofs, that encircle the perimeter of the building, will act as parapets around a flat central roof area. Mechanical equipment will be located on the flat portion of the roof and will be screened from view by the surrounding sloped roofs. The architectural plans were displayed and discussed. Ms. Pumo noted the inclusion of a 1,095 S.F. community room which is accessible from the outdoor terrace and the elevator and main lobbies. Responding

to Mr. Brightly's review comments: Space will be provided for pipe projections in the garage; an exhaust fan and louvered vent will be required for the garage, the vent will be located on the west side of the building; drawings will be revised to show river rock at grade within the building recesses; the front walk and stairs do connect to the outdoor terrace, which leads to a front building entrance; as it is only decorative, tenants of unit 119 will not have access to the porch outside that unit; foundation walls will be covered with either stone veneer or cement siding; the sprinkler system and its components will be located in the utility room; the stair to the roof is provided for maintenance purposes only. Responding to Mr. Szabo's report comments, Ms. Pumo affirmed that the building complies with the ordinance design standards and explained the ways in which it does. The green building strategy is to obtain Energy Star certification through the Department of Energy's Zero Energy Ready Home program. This will include high efficiency heating and cooling systems, Energy Star certified appliances, low flow plumbing fixtures, highly insulated walls, roofs and windows, low E glazed windows, native plantings for landscaping, low VOC interior finish materials, LED lighting throughout the building and site, and electric vehicle charging stations.

**Ms. Pumo's Responses to the Board and its Professionals:**

(Mr. Graham) The spaces behind the sloped roofs will be unoccupied and unused. The roof dormers and windows are nonfunctional and only decorative.

(Mr. McQueen) The downtown corridor design book was not considered for this building as the building is not located in the downtown zone.

(Mr. Horowitz) The building has been articulated with recesses and bump-outs to give an undulating appearance rather than that of a continuous flat wall the entire length of the building. The grade change from the front to the back of the building is accommodated via the stairwells. There is only one elevator for the building. How the Mail/Package Room will function was explained.

(Mr. Macmillan) There are no entrance/exit doors on the front of the building, east of the one for the Community Room. East of the terrace, the grounds are landscaped in front of the building. The terrace pavement material has not yet been selected. The ground in front of the building will be lawn covered.

(Ms. Gardner) A trench drain at the garage entry will be supplemented by floor drains inside the garage. The specific apartment to be used by the superintendent has not yet been determined. Mr. Gianetti added that it will be decided and designated on the drawings submitted for Final Site Plan approval. The door to access the roof via the west stairway will be locked. One hour fire rated demising walls will be constructed between each apartment and between the apartments and public corridors.

(Mr. Simoff) The garage entry opening is 9' in height, with a 10' clearance within the garage. All of the parking spaces are 9' x 18' except for the two compact spaces next to the east wall. The aisle width is 24'. Dimensions for these will be provided on revised plans. Columns are not yet shown on the drawing but space for them has been allocated between every three parking spaces.

(Ms. Kellogg) A review report was not received from the Historic Preservation Advisory Committee.

(Mr. Brightly) Neither pipe projections nor bollards will reduce the depth of parking spaces. The garage will be mechanically ventilated to remove vehicle exhaust. The fan and air intake louvers will be located on the west wall. On the first floor plan, the exterior walkway that is shown ending at the outside corner of unit #122 is incorrectly drawn. The walkway merges with the adjacent terrace. The drawing will be revised accordingly.

(Mr. Szabo) It has not been determined if a landscape irrigation system will be installed for maintenance purposes.

(Mr. Warner) Mr. Brightly's first comment regarding providing dimensions will be complied with. EV spaces and signage will be identified later. *(Mr. Gianetti responded that the bedroom distribution of units is compliant with U.H.A.C. requirements and that overall, the project will be AH credit worthy for the Borough.)*

#### **Mr. Shelly's and Ms. Pumo's Responses to members of the public:**

Johanna Wissinger, EC Chair: *(Mr. Gianetti responded that the applicant will meet with Borough representatives regarding providing access to the Round Top/Laurelwood Trail.)*

John Gaut, 31 Prospect St.: *(Mr. Gianetti responded that the applicant would not want the public parking on its property to access the Round Top/Laurelwood Trail and restated that they will work with the Borough to provide offsite access.)*

Mary Ann Bieksza, 1514 Pine St.: School bus stops will be decided by the School Board and the DOT will determine the location of crosswalks.

Don Ecklund, 20 Burrows St.: *(Mr. Gianetti responded that while making application for low income housing tax credits is a component of tonight's applications, the chief reason is to obtain Preliminary Site Plan approval to construct the proposed AH development in fulfillment of the town's AH obligation. The applicant, as a condition of preliminary approval, would have to return with more detailed plans that address all of the Board's and professionals' concerns and comments.*

Brian McPartland, 32 Prospect St.: *(Mr. Gianetti responded that a traffic study was submitted with the application that demonstrated that there was no impact. Traffic was considered when the zoning was adopted by the Borough.)*

Mr. Brightly and Mr. Szabo commented that whatever can be done to lower the height of the retaining walls and minimize site disturbance should be investigated, including seeking a variance to move the building closer to Mine Brook Rd. Mr. Gianetti said that is an option that could be presented as part of a Final Site Plan application. Mr. Szabo said it could be submitted as an amended Preliminary Site Plan. Chair Graham felt that the Board would entertain a "Plan B" with a relaxed front yard setback if it provided mitigating alternatives to the current plan.

**Comments by members of the public:**

Kim Hunt, 42 Prospect St.: Expressed concern about the safety of pedestrian movement to and from the site along Mine Brook Rd. More sidewalks should be added in this and other areas of town that are lacking them or where they are in poor repair. (*Members Simoff, McQueen and Graham were of the opinion that providing a crosswalk to the other side of Mine Brook Rd. with a walkway along or through Nervine Park would make more sense than a sidewalk in front of the proposed development.*)

Hearing no other public comments, Mr. Gianetti closed by saying that their witnesses spoke for themselves about the fully conforming application. They have agreed to comply with all of the comments from the review reports and have expressed their willingness to address any of the Board's and professionals' concerns. Mr. Warner summarized the conditions and stipulations stated during the course of the hearing. A motion to grant Preliminary Site Plan approval as conditioned and stipulated to was made by Mr. McQueen and seconded by Ms. Gardner.

Roll call vote:

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

A motion to extend the meeting to **11:30 pm** was made by Mr. McQueen and seconded by Ms. Gardner.

Voice vote:

All members voted in the affirmative.

**B. Application #SP-244 – Mine Brook Rd. Urban Renewal Assoc., L.P.; PRELIMINARY 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.**

Appearing on behalf of the application were attorney Craig Gianetti, engineer Kevin Shelly and architect Erin Pumo.

Exhibits Introduced:

**A1** – 8/8/22 Aerial Exhibit (of the subject and surrounding sites).

**A2** – 8/8/22 (Aerial) Site Rendering.

**A3** – 8/11/22 Colored Architectural Elevations (with material swatches)

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,

Mr. Gianetti introduced the application as being for Preliminary Site Plan approval of a 100% affordable housing development that is part of a three-lot scattered site affordable housing development. It has the same developer as this evening's prior application, Mine Brook Road Urban Renewal Associates, L.P. For this application, a 22 unit apartment building is proposed.

Mr. Warner noted that the applicant's witnesses and the Board's professionals all remain under oath having been sworn earlier.

Addressing the requested checklist waivers, Mr. Shelly stated that there were three checklist items identified in Mr. Brightly's 8/5/22 report and eight checklist items cited in Mr. Szabo's 8/10/22 report. As a condition of approval they would agree to provide those items as a part of subsequent plan revisions. Waiving them at this time would not impair the Board's ability to hear and decide the application. Both Mr. Brightly and Mr. Szabo agreed that the waivers should be granted, allowing it to move forward. Chair Graham affirmed the Board's concurrence with Mr. Brightly and Mr. Szabo, and deemed the application complete.

Using exhibits **A1** and **A2**, Mr. Shelly described the site and its environs as well as the proposed development. The property is an approximately 0.82 acre lot, currently developed with a 2-story apartment building. It is bounded by Bernards Ave. and Grove St. on its south and west sides and is located in the AH-7 zone. A 2-story, 100% affordable, 22-unit multifamily residential apartment building with all surface parking is proposed. The proposed use is permitted in the zone. Several design waivers are required for the parking areas on both sides of the building: internal roadways must be 10' from a building or property line and parking areas must be 10' from a building or property line and 25' from a public street. The rear parking aisle is proposed at 3.5' from the rear property line and the front parking aisle proposes to use part of the Borough ROW. On both sides of the building, parking is proposed within 10' of the property boundary, 5.5' from the building and less than 25' from the streets. Mr. Shelly said that they were only recently informed that the Borough has DOT approved roadway improvement plans for Bernards Ave., which they were not previously made aware of. Improvements for Grove St. are also being planned. These will likely require changes to the site layout, for which they will coordinate with the Borough Engineer. Anticipated layout revisions include moving all of the parking to the north side of the building and shifting the building closer to Bernards Ave. This may reduce, if not eliminate, some of the currently required design waivers. Presently, 40 surface parking spaces are proposed; 24 on the north side of the building and 16 on the south side. Seven (15%) make ready EV spaces will be made available. As required, 1/3 of the make ready spaces will be equipped with charging stations at the issuance of a C/O and the rest will be equipped within 6 years of that date. After the 10% reduction in required parking for provision of EV spaces, 39 spaces are required by the RSIS. A 6' high, gated masonry trash enclosure will be located at the end of the rear drive aisle. It is wide enough to hold three or four 6 C.Y. rolling containers with lids. The building will have an internal trash compaction room where trash will be stored until it is brought out for pickup. The superintendent that resides at the Mine Brook property will be responsible for all three of the AH development sites. There will be no live-in superintendent at this site. As the property slopes downward approximately 12' from Grove St. to the northwest tip of the lot, retaining walls are required along the northern and western property lines. The north wall have a maximum height of 10' along its approximately 250' length and the west wall will have a maximum height of 14' along its 230' length. Both will have fences along the top for fall protection. The rear wall will have a guard rail adjacent to the drive aisle. New sewer and water connections will be made on the Grove St. side of the lot. Stormwater detention basins will be located beneath both north and south parking areas. The presence of natural soil infiltration remains to be confirmed at this site as the applicant was not afforded access to the site for testing. Prior to submittal of final design plans, a full geotechnical investigation will be performed for designing stormwater facilities. Building and pole mounted exterior lighting is



proposed, as are landscape plantings around the building. The building is designed to be fully conforming to the AH-7 zone requirements, with no variances required. The submitted landscaping plan is still under review by Mr. Szabo's office. Mr. Shelly said they would work with his office and the Board to achieve a suitable landscape plan. He said they take no exceptions to Mr. Brightly's 8/5/22 review report, nor Mr. Szabo's 8/10/22 report. They will work with Mr. Brightly on modifications to the plan to coordinate aspects of the Borough's street improvement plans. All comments can be complied with, including the need to adjust the lighting levels of the building mounted lighting fixtures to eliminate spillage. No exceptions are taken to the zoning officer's 7/21/22 report, nor the Fire Chief's 8/11/22 comments. He stated that the green pavers suggested in the Environmental Commission's report are not a practical alternative to solid pavement. The frequency of vehicular traffic and snow plowing operations will prevent grass from growing in the pavers. Maintaining whatever grass would grow is similarly not practical due to the constant presence of vehicles parked on the pavement at any given time.

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

(Mr. Simoff) The part of the development located within the Borough ROW was not included in the impervious coverage calculation. Before the town's roadway improvements became known to the applicant, it had discussed with the Borough vacation of a portion of the ROW to allow for the encroaching parking area. He believes that amending the site plan to shift all of the parking to the north side of the building, changing the building's geometry and moving the building closer to Bernards Ave. will alleviate many of the current concerns. *(Mr. Gianetti stipulated to coordinating any revised plans with the Borough's improvement plans for the adjacent streets. These would be worked out before applying for Final Site Plan approval.)*

(Mr. Graham) They will consider a revised site design with underground parking like the Mine Brook Rd. plan, but do not believe the zone's height limitation can be complied with in doing so. Currently the on-site runoff flows from the Bernards Ave./Grove St. intersection towards the north west corner of the property. The capacity of the Grove St. and Bernards Ave. storm drainage lines has not yet been assessed. This application qualifies as a Major Stormwater Development.

(Ms. Kellogg) They will consider having a turnaround for a garbage vehicle with any site redesign and also consider adding space for plantings along the north retaining wall. *(Mr. Macmillan echoed Ms. Kellogg's suggestion for greenery along the retaining wall.)*

(Ms. Gardner) The shape of the building will need to change in order to move it closer to Bernards Ave. However, the architectural concept will remain the same as presented by Ms. Pumo.

(Mr. Brightly) They will comply with the RSIS requirement for 6' wide sidewalks.

Displaying exhibit A3, Ms. Pumo described the building's architectural layout and proposed building materials and colors. Stone veneer will be used at wall bases. Gray-toned fiber-cement board siding, in board and batten and shiplap patterns, will be used on upper parts of walls. The gabled roofs will be standing seam metal. The sloped roofs, that encircle the perimeter of the building, act as parapets around a flat central roof area. Mechanical equipment will be located on this flat portion of roof and will be screened from view by the surrounding roofs gables. She identified the trash compactor room at the west side of the first floor plan. Directly above it on the 2<sup>nd</sup> floor is a trash

room containing a chute to the 1<sup>st</sup> floor compactor room. The building superintendent will be responsible for taking the trash outside for pickups. Currently not shown on the 1<sup>st</sup> floor plan is a trash and recycling room that will be added next to the compactor room for use by tenants. Tenants will be responsible for carrying recyclables to the 1<sup>st</sup> floor trash room. The shed at the northwest corner of the building is intended for maintenance equipment storage. The building will not have an elevator since one is not required based on its size. All of the 1<sup>st</sup> floor units will be accessible and handicapped adaptable. Ms. Pumo stipulated to compliance with all of Mr. Brightly's comments for the final design. Citing the building's architecture and proposed exterior finish materials, she said the building complies with the design standards for the zone. The applicant is amenable to providing planters and greenery to the 2<sup>nd</sup> floor terrace. Again, it is the intent to obtain Energy Star certification through the Department of Energy's Zero Energy Ready Home program. The building will employ high efficiency heating and cooling systems, Energy Star certified appliances, low flow plumbing fixtures, highly insulated walls, roofs and windows, low E glazed windows, native plantings for landscaping, low VOC interior finish materials, LED lighting throughout the building and site, and electric vehicle charging stations. Solar panels are not being considered for the building.

**Ms. Pumo's Responses to the Board and its Professionals:**

(Ms. Gardner) Separate meters for each dwelling will be required and are intended to be located on the western side of the building. *Mr. Gianetti added that water and sewer will be paid by the landlord. Gas and electricity will be paid by the tenants.*

(Mr. Graham) They will look into the feasibility of creating a driveway along the south side of the property to access a basement level parking garage.

(Mr. Warner) The building will have recesses and projections similar to the design of the Mine Brook building. *(Mr. Szabo opined that the spirit and intent of the ordinance has technically been satisfied relative to compliance with architectural design standards.)*

*(Mr. Gianetti responded that all of the units will be rentals; there will be a private garbage hauler; that the bedroom distribution of the units is compliant with U.H.A.C. requirements and that overall, the project will be AH credit worthy for the Borough.)*

Upon the Chair's suggestion, a motion to extend the meeting to **12:15 am** was made by Mr. McQueen and seconded by Ms. Gardner.

Voice vote:

All members voted in the affirmative.

Mr. Warner said that public notice will be required for hearing Final Site Plan applications. There were no questions for Mr. Shelly or Ms. Pumo from members of the public.

**Comments by members of the public:**

Neil Schetelick, 27 Mine Ave.: (sworn by Mr. Warner) There is a lot of traffic at the bend in the road and a sidewalk there would be a safety factor for the children walking to the ballpark. Questions whether building a 22 unit rental unit will improve the neighborhood.

*Mr. McQueen responded that the development could not be located on the Bernardsville mountain as all three sites must be within a half mile radius of the train station.*

Mary Ann Bieksza, 1514 Pine St.: (sworn by Mr. Warner) Lives directly behind the development, the extent of which may not be understood by the largely Hispanic population. There is not enough room for two cars to pass going from Bernards Ave. to Pine St. Truck traffic in the neighborhood is potentially dangerous to pedestrians, especially children.

Mr. Gianetti provided closing comments, briefly summarizing the application and the approval being sought. He referenced Mr. Warner's earlier explanation as to what must occur between Preliminary and Final approvals. They intend to work closely with the Borough to coordinate plans and address all of the issues raised by the Board and its professionals. Mr. Warner stated that the only proposed deviations requiring approval are parking setbacks from the property line and building, and parking with the Borough ROW. He summarized the agreed upon conditions and stipulations required for Preliminary approval. He noted the probability of the Preliminary Site Plan being amended and how that as well as Final Site Plan approval would require public notice. Mr. Gianetti said that to the extent possible, design waivers will be reduced or eliminated as relates to an amended site layout. Approval of an amended Preliminary Site Plan would also require approvals for new or existing design waivers as well. The Council would have to approve any proposed development within the Borough ROW. Mr. Brightly explained that no sidewalks are planned on the north side of Bernards Ave. as part of the Borough's road improvement plan; only on the south side of the street, and at a future date. For reasons of pedestrian safety, Ms. Kellogg suggested that the applicant should be required to build the planned sidewalk on the South side of Bernards Ave., for the length of the proposed development

A motion to grant Preliminary Site Plan approval as conditioned and stipulated to was made by Mr. Horowitz and seconded by Ms. Gardner.

Roll call vote:

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

Those opposed: Members Graham and Macmillan. Those abstaining: None.

There was a discussion of when to hear the third affordable housing application (#SP-243 18 Mt. Airy Rd.) that was originally scheduled for this evening. As the hour was nearly midnight, the Board was not agreeable to starting the third application tonight. It was agreed that it would be adjourned to the 8/25/22 meeting. Same was announced to the public, and that no further public notice would be forthcoming. Board members indicated they would be amenable to holding a special meeting on August 30<sup>th</sup> if necessary.

#### C. Review of 8/11/22 Bills List w/ Invoices

A motion to pay the listed invoices in the amount of **\$2,100.00** was made by Ms. Kellogg and seconded by Mr. McQueen.

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. 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 8/25/22.

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; Received 6/20/22; Pending completeness review.

C. Application #SP-238 Equinet Properties, LLC - Preliminary & Final Residential Site Plan w/ Variance; 55 Claremont Road, B:71, L:6, Zone: D-CL; No PB jurisdiction determination on 6/16/22; Application with new notice requirement carried to 9/15/22.

D. Public hearing for master plan adoption of 7/28/22 updated Draft Parks and Recreation Plan; First draft reviewed 5/26/22; Public hearing date T.B.D.

E. Public hearing for 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; 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 12:03 am.

Respectfully submitted,



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

Keywords: affordable-housing-preliminary-Mine-Brook-Bernards-Gianetti-Shelly-Pumo