

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
March 13, 2023

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield, Chad McQueen, Jena McCredie, and Christine Zamarra. Also present were Tom Czerniecki, Administrator, Anthony Suriano, Borough Clerk, and John Pidgeon, Borough Attorney. Council Member Al Ribeiro was absent.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News, Courier News and the Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 15, 2022.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Bernardsville Garden Club, Peggy Fitzpatrick of the Garden Club gave a presentation showing slides of a proposed plan to set up the Olcott Square garden for the Centennial Celebration in 2024. Included were illustrations showing the setup of evergreens, perennials, bulbs, and a centerpiece. She said there is no hard and fast budget as they think they'd be able to negotiate a good price for a lot of the plants from the nurseries in the area. She said they also don't know how much of the work can be done by the Garden Club. She said they are thinking it will be around \$10,000 but are not asking the Borough for any money as they expect to pay for it. Mr. McQueen asked if that could be considered Open Space funds. Mr. Pidgeon said that would be a stretch. Mayor Canose said our Public Works Department could assist and we have opportunities for the cost of this project and we don't want to let cost stop the project. Some ideas for cost that were noted were Open Space, Shade Tree, and Redevelopment. No decision on cost was made. No motion was made for approval of the project but council was in favor of the project.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Personnel Matters and that the time when and circumstances under which the matter can be disclosed to the public is when it is finally resolved. The motion was seconded and approved with five yes votes.

REOPEN

It was moved and seconded to reopen the meeting to the public. The motion was approved with five yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Fran Daley, Library Executive Director, said on behalf of her staff and the community who serve, that the Borough's proposed budget is a bit of a hardship and will be a struggle to maintain the same level of service that they hope to. She thanked council for hearing the Library out, their consideration, and what they are able to do.

Mayor Canose closed the open session to the public.

ORDINANCES (Public Hearing)

Regarding Ordinance #2023-1957, **SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED "ZONING" TO AMEND THE DOWNTOWN ZONE ESTABLISHING A MAXIMUM RESIDENTIAL DENSITY LIMITATION**, Mayor Canose noted a recommendation was received from redevelopment attorney Joe DeMarco to amend this ordinance to add the provision "*Except for properties that have been declared Areas in Need of Redevelopment and have or will be governed by, a Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-1 to 22*". It was noted the amended Ordinance #2023-1957 will be sent to the Planning Board for review and recommendation. Ms. Greenfield asked if we can reduce the number of 35 units to 30 since we are already sending this revised ordinance to the Planning Board. Mr. Czerniecki said what was recommended and adopted when the zoning was put in place was a modified version of transect zoning. He said the idea of transect zoning is that you create cores so in the center core of the town you want buildings to be a certain size, width, and setback, and then at different transects you can expand it as you get more land. He said when we did our zoning, we did not specify a residential density limit, and Zoning Board members reached out and said it would be better for us if we had that guardrail of density per acre. Mr. Ambelang asked how our density compares to other towns such as Morristown, and if they are a certain density and we look at Far Hills' density, where do we lie? Mr. Czerniecki said we are more toward the lower end. He said there are some very beautiful village type settings at 30 to 35 units per acre where you would feel like this is not a city and it is just a quaint town at that density. Ms. Greenfield said she thinks it's closer to 30 and we also have to look at lot coverage percentage, setbacks, and re-examine the parking requirements. Mayor Canose said that's something that is the job of the Planning Board and we can certainly ask them to look at those things. Mr. Czerniecki said if we go much less than 30, we have to recognize that we had a master plan of examination, a study that looked at the downtown, a recommendation for the density that's now in place, Planning Board hearings, Council hearings on the ordinances, and lots of public input on a density that's higher now. He said if we go much below that density, we may be contradicting our own master plan which creates a whole different exposure. Ms. Greenfield said we have to also look at the unintended consequences of the zone which are very big buildings on very little lots. She said we have to take a look at what we did that got us there and fix what is fixable. Mr. McQueen said it was an intentional consequence as there was an entire committee that looked at this and determined that within the downtown corridor, which was at very specific specifications, they wanted to create a walkable area that had storefronts to the front of the sidewalk and parking that was behind the units. He said it was very thoughtful that those types of buildings is what was intended. Ms. Greenfield said while she understands what they wanted to do with the zoning, residents she speaks to do not want all these apartments in town. She said she understands it was done that

way just for development but now for every little piece of property they're all going to build giant monstrosities. Mr. McQueen said that was the intent but if we want to say that we have a different intent and we want the Planning Board to go in a different direction, that's a different discussion. He said he personally thinks that the Planning Board was right, he agrees that the density needs to come down as we do not want micro apartments or 500 square foot flats. He said in his opinion, we want to have parking that is concealed from the street, we want to have a streetscape that's consistent in our downtown and he thinks our current zoning offers that. Mayor Canose said part of what we're looking to do is balance the development but if we do nothing the town will be dead. Ms. Greenfield said she is not against apartments but against the vast amount of apartments and she thinks the majority of the residents are as well. Mr. McQueen said the Planning Board is looking at parking in different zones. Ms. Zamarra said the residents she's spoken to about development in the early stages are aware of it and are able to express themselves at meetings. She said we have a vision of a walkable town and it would help if we looked at pieces of other towns we want to look like and see what their numbers are. She said sometimes it's good to see it in person as opposed to on paper where it might look like a monstrosity and too big for us. Ms. Greenfield will send her questions to Mr. McQueen in order for the Planning Board to address. Ms. McCredie moved to amend and continue the public hearing to March 27, 2023 at 7:00pm. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

ORDINANCES (Introduction) - None

RESOLUTIONS

- #23-78 AUTHORIZE PAYMENT OF BILLS**
- #23-79 AWARDING A CONTRACT FOR GRASS CUTTING AND LAWN MAINTENANCE**
- #23-80 AUTHORIZING THE EMPLOYMENT OF JOSEPH MINO, SEWER MAINTENANCE/LABORER**
- #23-81 APPOINTING PATRICK MINARDI AS A PROBATIONARY POLICE OFFICER**
- #23-82 APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE #1803-33-001-008**
- #23-83 AUTHORIZING THE MAYOR TO SIGN A STORMWATER GRANT APPLICATION**
- #23-84 RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF NANCY MALOOL AS BOROUGH ADMINISTRATOR**

#23-85

**RESOLUTION OF THE BOROUGH OF BERNARDSVILLE,
COUNTY OF SOMERSET, NEW JERSEY DESIGNATING 65
MORRISTOWN ROAD FBG, LLC AS THE REDEVELOPER FOR
THE 65 MORRISTOWN RD. REDEVELOPMENT AREA FOR
BLOCK 125, LOT 13 AS SHOWN ON THE OFFICIAL TAX MAP
OF THE BOROUGH OF BERNARDSVILLE AND AUTHORIZING
THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT
WITH THE REDEVELOPER FOR THE REDEVELOPMENT OF
SUCH PROPERTY IN ACCORDANCE WITH THE
REDEVELOPMENT PLAN**

Regarding Resolutions #23-82 and #23-85, Mr. DeMarco said Shelby Gasek of Stone Creek is present and asked if council wanted to hear from him regarding the liquor license transfer of the old Thirsty Turtle's license and the designation of a redeveloper at 65 Morristown Road. Mr. Gasek said his company is involved with these two resolutions, the transfer of the liquor license and designation of a developer for the property at 65 Morristown Road. He said they are excited at the opportunity to bring life into the space of the former Audi dealership. He said they plan to house their commercial construction office in that location as well. Mayor Canose noted the office space would be on the second floor.

Ms. Greenfield moved to adopt Resolutions #23-78 to #23-85. Ms. Zamarra seconded and the motion was approved by the following roll call vote: Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

#23-86

INTRODUCTION OF THE 2023 MUNICIPAL BUDGET

Regarding Resolution #23-86, Mr. Czerniecki gave a slide presentation. He gave an overview for the introduction of the budget at tonight's meeting and will have a detailed budget presentation at the public hearing on April 10, 2023. He discussed a Proposed Budget Summary noting the following:

- Budget contains a modest reduction in the municipal tax rate.
- Budget reflects no cuts in Borough services.
- The size of the municipal workforce remains constant.
- We budgeted cautiously, which will be explained on 4/10.
- Property values & private investments remains strong.
- Capital Budget – Continued investments in infrastructure.

Mr. Ambelang moved that Resolution #23-86 be adopted and a public hearing on the 2023 Municipal Budget will be held on April 10, 2023 at 7:00pm. Ms. Greenfield seconded and the motion was approved by the following roll call vote: Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

ITEMS OF BUSINESS

Mayor's Update

Mayor Canose said the Centennial Committee held a meeting and they have new members along with more people asking to get involved. Mayor Canose thanked Ms. Greenfield, Mr. Ribeiro, and Ms. Zamarra for having the Bernards Avenue Neighborhood meeting. She said there was a great turnout. Doug Walker and Bob Brightly were also present and did a great job of answering questions and explaining things to the residents. Mayor Canose said Doug Walker prepared a summary for those who missed the meeting and she has been sharing it. On March 2nd, Mayor Canose said she was a mystery reader at Read Across America at Bedwell School. She said it's amazing what parents and teachers do for Read Across America. There were four mystery books and four mystery readers, who were the children's Librarian, Leah Horowitz, Mayor Canose, and Tim Richard. Mayor Canose said she was invited with other elected officials to the theater at Fellowship Village. She said the American Theater group did a production of Parade. Mayor Canose said the Mayor's Wellness Committee met and are working on age-friendly issues with the help of Walter Lane of Somerset County. She said Mr. Lane is helping get some of the data and they will be getting a focus group together. Mayor Canose said there was a Memorial Day Committee meeting about the parade and Downtown Bernardsville will be doing their car show on the same day after the parade. She said the car show will be at Bernards High School. Mayor Canose said she attended the Somerset County Business Partnership International Women's Day Luncheon, which was sold out and had a waiting list of 50. She said it was a really nice event with a good panel of women leaders. Mayor Canose said there was a Business Resource Fair at Raritan Valley Community College. She said there was a lot of information for businesses and she has been sharing that with her business community. Mayor Canose said there was a meeting with Advance about the Palmer project and council will be discussing that in executive session. Mayor Canose attended a Downtown New Jersey webinar that talked about different ways to get funding for our downtown, such as grants and programs that are available.

Administrator's Update

Mr. Czerniecki said with respect to the financial issues of Silicon Valley Bank, he wanted to reassure residents and the council that we are pretty well protected. He said New Jersey has adopted something called the Governmental Unit Deposit Protection Act. He said it's a supplemental insurance program created by the legislature to protect the deposits of local governments and school districts. He said the program covers funds in excess of the FDIC insured amount and municipalities are required by law to deposit their funds in banks that participate in that program. He said all protections are not 100% guaranteed of the safety of municipal funds, but it's important to note that no governmental unit has ever lost protective deposit funds under this program.

Somerset Hills Country Club Water Hotbox

Somerset Hills Country Club (SHCC) made a request in regard to a construction project to hook up to NJ American Water. They indicated a hotbox is required to be installed in the corner of their property (corner of Mine Mount Road and Round Top Road) and must be within 20 feet of the road. SHCC spoke to Renee Apuzzo, Zoning Officer, and they understand the ordinance for this type of equipment/setback requirements calls for planned landscaping improvement around the hotbox. Mr. McQueen moved to approve SHCC's request based on approval by the Zoning

Officer and proper screening around the hotbox. Ms. Greenfield seconded and the motion was approved with five yes votes.

Pill Hill Tower Height

Mr. Pigeon said he received a request from Somerset County Counsel's office asking if the Pill Hill tower could be 195 feet in height instead of 175 feet as previously approved. It was noted that the benefit of the extra 20 feet is coverage and expansion. Mr. Ambelang moved to change the height restriction of the Pill Hill Tower from 175 feet to 195 feet. Mr. McQueen seconded and the motion was approved with five yes votes.

Summit Rug, 35 Mill Street - Sidewalk Replacement

Council discussed a request from Summit Rug, who has moved from Olcott Square to 35 Mill Street, to replace the asphalt sidewalk in front of their store with a stone sidewalk. An email from John Macdowall, Public Works Manager, stated that because this is a non-standard finish for sidewalks, it will need Council approval. Mr. Czerniecki suggested the following for approval:

1. A zoning permit application signed by the property and tenant.
2. A letter to be attached to application signed by owner and tenant that they are responsible for ongoing upkeep and good repair of the sidewalk.
3. Approval by our engineer that the material and installation plan comply with municipal standards including ADA accessibility.

Council agreed to approve this request from Summit Rug pursuant to meeting the criteria as noted by Mr. Czerniecki.

Correspondence - None

Unfinished Business - None

New Business - None

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations and that the time when and circumstances under which the matter can be disclosed to the public is when it is finally resolved. The motion was seconded and approved with five yes votes.

ADJOURNMENT

The meeting was adjourned at 9:40p.m.

