

BOARD OF ADJUSTMENT
BOROUGH OF BERNARDSVILLE
Minutes – October 15, 2018
PUBLIC MEETING

1. **Statement of Adequate Meeting Notice:** Read by Chairman Greenebaum.
2. **Flag Salute:** All present participated in the Pledge of Allegiance.
3. **Roll Call:**
Present: Members Greenebaum, English, Dello Russo, Sailliard, Kramer, Sedlak, Carton, Traynor and McDowell. Absent: None.
Board professionals present: Mr. Rago, Mr. Brightly and Mr. Szabo.
4. **Approval of Minutes:** Meeting of 7/16/18 – Upon review, a motion to approve the minutes as presented was made by Mr. Sailliard and seconded by Mr. McDowell.
Voice vote:
All eligible members voted in the affirmative.
5. **Communications:** None.
6. **Old Business:** Continued Application #18-08 CLAREMONT MANOR - Preliminary & Final Multi-Family Major Site Plan w/ Use & Dimensional Variances for New 23 Unit Condominium Bldg. with enclosed parking at 24-26 Claremont Rd., B:75 L:6; Zone: B-1; Previously heard 9/17/18.

Representing the applicant, Essex Building, LLC, were attorney Vincent Bisogno, civil engineer Mark Gimigliano and architect David Minno. Messrs. Gimigliano and Minno were sworn and qualified in their fields of expertise. Board member Anthony Dello Russo recused himself from hearing the application due to prior business relationships with Mr. Rossi.

Exhibits introduced:

- A4 10/15/18 Overall Parking Exhibit, sheet 1 of 2 and Parking Garage Exhibit, sheet 2 of 2, by Dykstra Walker Design Group, PA; colored 11" x 17" handouts.
- A5 10/15/18 Overall Parking Exhibit sheet 1 of 2 and Parking Garage Exhibit, sheet 2 of 2, by Dykstra Walker Design Group, PA; colored, 24" x 36" board mounted drawings.
- A6 Reprints of 24 mixed media images presented at hearing by Minno-Wasko Architects and Planners (colored, 11" x 17").

Mr. Bisogno reintroduced the application stating that Mr. Gimigliano had testified at the prior meeting but that he did not complete cross examination and is present tonight for same. Also, since the last meeting Mr. Gimigliano and Mr. Minno have submitted amended drawings, but based on the submittal date, there has not been adequate time for Board professionals' reviews or reports. He clarified that the proposed dwellings are intended for sale and not rental, but further Board approval would not be needed if the owner decided to rent the units.

Mr. Gimigliano testified to the following, either directly or in response to questions from the Board, its professionals and/or the public: Prior to beginning questions from the public, at Chairman Greenebaum's request, Mr. Gimigliano summarized the changes made to his drawings. These mainly comprised modifications agreed to at the last meeting and included, measurement of building height

(64.5') to the roof of the elevator shaft instead of the building roof parapet (53.5'); modification of sidewalks in front of driveways to have a continuous slope; concrete aprons at driveway entrances; new sidewalks along street frontages with ADA compliant curb ramps; white oaks in front of building replaced with smaller, flowering dogwood trees; addition of a greater variety of landscape plants, addition of dry wells with manholes and sump pumps to the subsurface stormwater detention system; removal of the garage doors at the lower parking level (assigned resident parking spaces will be secured internally with a wall and gate). The amended drawing submission included a letter that lists all of the changes made. Referring to exhibits **A4** and **A5**, Mr. Gimigliano explained the distribution of parking spaces within the two new enclosed parking levels, the existing lot next to the Essex Building and the Wells Fargo lot to meet the total number required for the new (39) and existing (63) buildings. The upper level garage will have 38 office spaces and 3 visitor spaces. The lower level garage will have 36 residential spaces and 9 visitor spaces. All garage spaces will be 9' x 18'. Spaces for residents will be assigned by deed. The upper level Essex building parking spaces will be available to visitors on weekday evenings after 6 pm and throughout weekends. Management will monitor parking. The enclosed parking garages will not have doors to resolve the queuing issue and visitor access but will be signed as private parking. *(Mr. Sedlak expressed concerns over safety and aesthetics. Mr. Brightly & Chairman Greenebaum expressed concerns over maneuverability for cars using the spaces next to the dividing wall. A turning template was requested. Per Mr. Bisogno the, allocation of spaces will be studied further.)* The new building will be about 20' to 25' higher than the first floor elevations of homes on lots 3 & 4 on Somerset Ave. A soil erosion and sediment control plan will be submitted and certified by the county to control silt runoff during construction. A detention basin beneath the building will collect runoff and slow down its release into the town stormwater system. Plantings and green spaces in the amenities areas on the roof decks will help slow down the flow of stormwater. Retention areas on the decks can be considered per the Environmental Commissions suggestions. Elevation 391 will be the lowest level of excavation. A structural engineer will testify how the excavation will be prevented from undermining the existing retaining walls on the site.

Board members and professionals that questioned Mr. Gimigliano: Chairman Greenebaum, Mr. McDowell, Ms. Kramer, Mr. Sedlak, Mr. Carton and Mr. Brightly.

Members of the public that questioned Mr. Gimigliano: James Peralta, 14 Woodland Rd.; Colleen Mason, 13 Laurel Ln.; Susan Horowitz, 11 Laurel Ln.; Steve Reynolds, 27 Stevens St.; Joan Calwhite, 24 Essex Ave.; Janeene Chrisbacher, 12 Somerset Ave.; Kathleen Redling, member Environmental Commission; Vicki Bosie, 10 Somerset Ave.;

David Minno testified to the following, either directly or in response to questions from the Board, its professionals and/or the public: The site is well suited for the proposed luxury condominium due to walkability to amenities and the ability to contain two levels of parking within the building. Exhibit **A6** was presented via Power Point slides and printed handouts of same. It illustrated the site, topography and the building's environs; building floor plans and features on each floor; third floor deck and roof amenity areas; building elevations showing all masonry facades; cross sections through the building and adjacent streets/properties; 3D "fly around" modeling of the building from surrounding properties. The four residential floors have a smaller (L-shaped) footprint than the two parking levels that occur beneath them and cover the entire site. Internal trash chutes will terminate in a collection area on the upper parking level. Collected/compacted trash will be taken out to Essex Ave. on pickup days. There will be access to internal stairs and elevators from both parking levels. The parking spaces next to the wall on level one are designated for compact cars. Most of the

dwelling units are about 2,000 S.F. The "Romeo-Juliette" balconies only project about 6" beyond the face of the building and are not meant for sitting or standing. The amenities deck on the third floor will be closed at night at a time yet to be determined. Masonry pavers will be used on the outdoor patios. HVAC units clustered centrally on the roof will be three or four feet high and not visible from surrounding properties. The building's architecture uses all-masonry materials for the facades and was characterizing as high quality. Interior lighting will be low level in the parking garages and will be recessed or baffled from outside views elsewhere. Exterior building lighting (not yet designed) will include accent lighting at the main entry door and deck and roof patio lighting, that will go off at a certain hour. An emergency generator (placed either in the garage or on the roof) will be provided to power common areas, emergency lighting and elevators, not the dwelling units. A lower height building was not considered based on the clients' program requirements. Utilizing a green roof design has not yet been but would be considered. *(Responding to Mr. Szabo: There is not a comparable building in town, this would be unique and transformative architecturally. Having smaller dwelling units to eliminate a story and lower the building height was not considered.)*

Board members and professionals that questioned Mr. Minno: Chairman Greenebaum, Mr. English, Mr. McDowell, Ms. Kramer, Mr. Sedlak, Mr. Carton, Mr. Szabo and Mr. Brightly.

Members of the public that questioned Mr. Minno: Jonathan Goodelman, 6 Somerset Ave.; Steve Reynolds, 27 Stevens St.; Johanna Wissinger, member Environmental Commission; Roberto Mendosa, 14 Stevens St.; Barb Spengler, 3 Somerset Ave.; Janeene Chrisbacher, 12 Somerset Ave.; Jennifer Hayes, 7 Somerset Ave.; Samantha Hagen, 13 Somerset Ave.

The Board and applicant agreed to resume hearing this application on 11/5/19.

7. New Business: Review 10/15/18 Bills List with Vouchers:

Motion to pay bills in the amount of \$4,716.75: Mr. McDowell. Second: Mr. English.

Roll call vote:

All members voted in the affirmative.

8. Pending Application: The Board acknowledged the following pending applications and the status of each:

A. Application #18-09 MIKAEL SALOVAARA – Dimensional variance for addition to solar panel array in front yard; 170 Dryden Road, B: 2, L: 7, Zone: R-1-10;

Deemed technically incomplete 9/19/18; Checklist waivers request scheduled to be heard 11/5/18.

B. Application #18-10 FALIVENE – Dimensional variance for in-ground pool & patio additions at 96 Rippling Brook Way; B: 30, L: 22.06, Zone: R-1-A; Received 10/2/18; Pending completeness review.

C. Application #18-11 TRICK – Dimensional variances to rebuild existing detached garage at 9 Stevens Street, B: 68, L: 5, Zone: R-4, Received 10/5/18; Pending completeness review.

9. Executive Session: Matter of ongoing remand litigation -Bernardsville Petroleum Group, LLC.

Chairman Greenebaum read the closed session resolution on the record.

Motion to close the public meeting and reconvene in executive session: Mr. McDowell.

Second: Mr. English.

Roll call vote: All members voted in the affirmative.

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: Mr. McDowell.

Second: Mr. English.

Voice vote: All members voted in the affirmative.

10. Comments from Members: None.

11. Comments from Staff: None.

12. Adjournment:

A motion to adjourn was made by Mr. McDowell.

Second: Mr. English.

Voice vote:

All members voted in the affirmative.

Chairman Greenebaum adjourned the meeting at 11:06 pm.

Respectfully submitted,

Frank Mottola, Planning & Zoning
Boards Administrative Officer

Keywords: Claremont-Manor-Bisogno-Gimigliano-Minno-Essex-Somerset-petroleum-litigation.