

**PLANNING BOARD  
BOROUGH OF BERNARDSVILLE  
Minutes – October 24, 2019  
PUBLIC MEETING**

- 1. Statement of Adequate Meeting Notice:** Read by Chairman Graham.
- 2. Roll Call:**  
Present – Members Gardner, Graham, Horowitz, Kellogg, O'Dea, Paluck, Sellers and Simoff.  
Absent – Ms. Thompson.  
Board Professionals present: Ms. Maziarz, Mr. Brightly and Mr. Szabo.
- 3. Minutes:** None.
- 4. Communications:** The following were distributed to and/or discussed by the Board:
  - A. 9/25/19 David & Jeanne DePodwin letter to Planning Board re noise related issues at Bernardsville Centre (*re #8A*).
  - B. 10/15/19 Council Resolution #19-203 authorizing Planning Board PI study of multi-tract area as non-condemnation area in need of redevelopment (*re #7B*).
  - C. 10/17/19 Council referral to Planning Board of zone boundary modification request (*re #8B*).
  - D. 9/29/19 Mary Kellogg email to Planning Board: Comparison of existing vs proposed zoning re Common Ground CBD planning/zoning study (*re #6*).
- 5. Business of visitors not related to agenda:** None.
- 6. Old Business:** Continued review of downtown planning/zoning study by Common Ground, from 9/26/19.

Mr. Mottola recapped for the Board what it had previously reviewed of the components generated by the Common Ground downtown zoning study. Mr. Szabo discussed his continued review of the proposed downtown zoning. He said there are significant changes being proposed that will require policy decisions by both the Planning Board and the Governing Body. Change is a necessary result but there is a process for managing it. The common ground study results will all have to be put into ordinance form and keyed into the framework of the current zoning ordinance. Map and zone changes will require a land use element amendment and a mini reexamination report due to the significance of the proposed changes. A new reexamination report will also relax the notice requirements to individual property owners' that the Borough would normally have when introducing and adopting zone changes. All of the changes approved as part of the housing element can be rolled into the amended land use element. All together these will bring about a greater degree of consistency. In the ordinance there should be clearer delineation between zone standards and building design guidelines, which exceptions should be placed in a separate section. The current business/commercial district zones will be replaced with four new districts that will also incorporate properties not currently zoned commercial. Some new uses will be added and certain existing multi-zone lots will be



eliminated. Mr. Szabo will prepare a map that overlays the existing with proposed zoning and will prepare a comparative matrix of new to existing. He discussed some of the specific differences between the two including setbacks, building heights, density and the allowance of multifamily residential uses in all the downtown zones. He will identify the extent to which existing properties are made nonconforming and requested a copy of the Common Ground study document in Word format to help accelerate the process of putting the study recommendations into ordinance form. Parking standards need to be examined and closely tailored to each specific use. The RSIS permits flexibility when local circumstances allow, such as proximity to mass transit, the use of shared parking, the availability of offsite parking and the use of parking garages. Use definitions need to be more specific. The draft ordinance Mr. Szabo prepares will be formatted for insertion in the Borough's current ordinance and will highlight changes using strikeouts, bold type additions and red type notations where policy or procedural decisions are needed. A new master plan reexam report is needed so that its recommendations match the scope and specificity of changes proposed in the downtown study and resulting zoning code. Adoption of updated land use and housing elements need to follow for consistency. The proposed signage regulations will simply be an update to the existing sign portion of the zoning ordinance. Mr. Simoff commented that the Board should consider regulating the size of signs based on the proximate speed limit. The Board agreed it would prioritize completing the signage ordinance concurrent with Mr. Szabo drafting a revised downtown zoning ordinance. Mr. Horowitz said he would markup and circulate the revised draft signage ordinance for the next meeting on 11/7, which was agreed would be held as a work session.

Mr. Szabo updated the Board on the status of his work for the Mayor & Council regarding the State Plan Endorsement initiative. He is still in the process of exploring the pros and cons of the borough obtaining certification.

## **7. New Business:**

### **A. Discussion of 9/25/19 DePodwin letter to Planning Board re Bernardsville Centre.**

Referring to the captioned letter that describes noise issues arising from the Bernardsville Centre, the Board agreed that the Centre was supposed to baffle the roof-mounted HVAC equipment as part of its Phase III approval. Mr. Brightly stated that he could not tell from the ground whether any baffles had been installed and had not yet requested a rooftop inspection. Ms. Maziarz stated that the Council should direct Borough professionals to enforce the condition of approval if it has not been complied with. Mr. Brightly said he would confer with the Borough zoning and enforcement officers to ascertain and assure compliance with the approval resolution.

Ms. Paluck opined that the Centre's owners have not been adverse to being good neighbors and have responded to certain past complaints. The Board noted that only an official certified in noise measurement and equipped with a properly calibrated sound measurement device can adequately respond to a noise complaint. The Board did not deem it necessary to provide a written response to the DePodwins' letter.

### **B. Consideration of zone boundary modification request; referred to Planning Board by Council 10/17/19.**

Present to address the Board were Heather and Michael Eckel, owners of 42 Maple Street, B:113, L:15. After presenting a conceptual minor subdivision plan to the Planning Board in August, that the Planning Board felt needed too many variances to approve, the Eckels petitioned the Council for an adjustment of the R4/R5 zone line in their neighborhood, to



accommodate a more conforming subdivision of their lot. An email from the Borough Clerk stated that the matter was discussed by the governing body on 10/15. The Council expressed its support for the concept and has referred it to the Planning Board to further study and report back.

Maps depicting the existing and proposed demising zone line locations between the R4 and R5 zones were distributed. The Eckels' 5-sided property is shown on the map at the intersection of Maple St., Pine St. and Liberty Road. It is now located in the R4 zone, contains 17,398 SF and is developed with one single family residence. Per the Eckels' proposal, eleven lots would be rezoned from R4 to R5, which requires a smaller minimum lot size and would allow other lots in addition to theirs to be more easily subdivided. The position of the current zone line results in three multi-zone lots. The proposed zone line location would be along the northern boundaries of Liberty Rd. and Pine St. and would eliminate the split-zone lots. Seven of the eleven lots that would change from R4 to R5 do not now meet the 11,250 SF minimum lot area required in the R4 zone. The R5 zone requires only 5,000 SF. It was noted that a combined major subdivision application has already been filed for lots 11 and 11.01 in block 112. Lot 11 is one of the split zone lots. If the Eckels' lot were to be located in the R5 zone, the two resulting lots would both exceed the 5,000 S.F. minimum. Variance would only be required for the location of the remaining existing structure. Mr. Szabo clarified that if the Council wishes to adjust the zone line, it would have to notify all of the directly affected properties as well as those within 200' and would have to hold public hearings before adopting an ordinance. While the Board was generally of the opinion that the proposed change would be sensible, it requested that Mr. Szabo analyze the proposal and provide the Board with a recommendations memo.

**C. Review 10/24/19 Bills List for payment.**

A motion to pay invoices in the amount of **\$637.50** was made by Mr. O'Dea and seconded by Mr. Simoff.

**Roll call vote:**

All members voted in the affirmative.

**8. Board Reviews/Public Hearings/*Pending Applications*:** The Board acknowledged the following scheduled items and their status:

**A. Preliminary Investigation of 65 Morristown Road (former Audi site) as a condemnation area in need of redevelopment; B:125, L:13, Zone:C-1; *Public hearing scheduled for 11/21/19.***

**B. Preliminary Investigation of multi-tract Quimby Village sites as a non-condemnation area in need of redevelopment; B:70, L:1~6, 6.01~6.08; B:71, L:4, 5, 5.01, 6~13; B:98 L:1; B:124 L:1; and B:144, L:1; *Public hearing scheduled for 12/12/19.***

**C. Application #655 STIDWORTHY – Preliminary and Final Major Subdivision, 42 Garibaldi Street, B:112, L:11 and 9 Liberty Road, B:112, L:11.01; Received 10/11/19; *Pending completeness review.***

**9. Evaluation Committee: None.**

**10. Subdivision & Site Plan Review Committee: None.**

**11. Business of Visitors, Second Opportunity: None.**

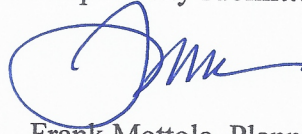


**12. Executive Session:** None.

**13. Emergent Matters:** None.

**14. Adjournment:** Chairman Graham adjourned the meeting at 9:21 pm.

Respectfully submitted,



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

Key words: Downtown-zoning-Common-Ground-Eckel-R4-R5-zone-line-DePodwin-Centre.