

**PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – February 13, 2020
PUBLIC MEETING**

1. **Statement of Adequate Meeting Notice:** Read by Chairman Graham.
2. **Oath of Office:** Class III – Council Member: Chad McQueen, 1 yr. term – Administered by Board Attorney Warner.
3. **Roll Call:**

Present – Members Gardner, Graham, Kellogg, McQueen, Paluck, Simoff and Thompson.
(The Class II Member position is currently vacant.)

Absent – Mr. Horowitz.

Board Professionals present: Mr. Warner and Mr. Szabo.
4. **Minutes:**
 - A. Review of 9/26/19 draft meeting minutes.

Upon review, two typographical errors were noted. Motion to approve the minutes as corrected: Ms. Kellogg. Second: Ms. Thompson.

Voice vote:
All members voted in the affirmative except for Mr. McQueen and Mr. Simoff, who abstained.
 - B. Review of 1/9/20 draft meeting minutes.

Upon review, one typographical error was noted. Motion to approve the minutes as corrected: Ms. Kellogg. Second: Ms. Thompson.

Voice vote:
All members voted in the affirmative except for Mr. McQueen and Mr. Simoff, who abstained.
5. **Communications:** The following were distributed to and acknowledged by the Board:
 - A. Somerset County 2019 Land Development & Planning Awards nomination form.
 - B. 2/6/20 NJDEP notice of Treatment Works Approval application – 260 Mine Brook Road.
(The Board briefly discussed potential changes to the use of this and surrounding properties under the same family ownership and their importance as mentioned in the master plan. The Board expressed the need for the Mayor and Council to be cognizant of same and have a plan for preservation of these properties.)
 - C. The New Jersey Planner, November/December 2019, VOL. 80, No. 6.
 - D. 1/29/20 A. Suriano email referral of ordinance #2020-1831 for PB D26 review *(re #9A)*.
 - E. 2/12/20 Request for Kane subdivision filing extension by Frederick Zelle, Esq. *(re #8B)*.
6. **Business of visitors not related to agenda:** Steve Reynolds, 27 Stevens Street: inquired as to the status of the Planning Board's review of the downtown zoning recommendations of the Common Ground study as relates to the Claremont Road site where a five story apartment building is proposed. He expressed concern about the possible permissibility of multi-story buildings in a new commercial zone adjacent to existing single family residential zones. Mr. Szabo explained that the jurisdiction for that application currently remains with the Board of

Adjustment but that he is in the process of reviewing the Common Ground recommendations and putting them in ordinance form for the Planning Board's review. After work session reviews of a draft ordinance the Planning Board will send its recommendations to the Council for possible introduction and public hearings on recommended zoning changes.

7. Old Business: None.

8. Board Reviews/Public Hearings/Pending Applications: The Board acknowledged and/or commented on the following pending matters:

A. Application #655 STIDWORTHY – Preliminary and Final Major Subdivision, 42 Garibaldi Street, B:112, L:11 and 9 Liberty Road, B:112, L:11.01; Rec'd 10/11/19; Deemed incomplete 11/25 19; Supplemental documents rec'd 2/7/20; Pending completeness certification.

B. Request for Filing Extension #653 KANE – Minor subdivision w/ variances; 74 Ballantine Rd., B:17 L:38, Zone: R-1; Approved 5/23/19, Memorialized 6/27/19; Scheduled to be heard 2/27/20.

C. Review of Board Planner prepared draft ordinance for proposed CBD zoning changes; Scheduled for 2/27/20 meeting. (Ms. Kellogg suggested, and the Board concurred, that in future agendas and minutes the term "downtown" should be used instead of "CBD" [central business district] as these initials could be confused with those that refer to the cannabis derivative.)

9. New Business:

A. D26 Master Plan consistency review of introduced Ordinance #20-1813 - Adjusts zone line to change 11 lots from R4 to R5 zoning.

Mr. Mottola explained that the subject ordinance is a corrected version of an ordinance that had to be reintroduced due to the omission of several of the lots intended for inclusion in the R4/R5 zone line adjustment. The ordinance now before the Board mirrors its 12/12/19 recommendations to Council based on the Board Planner's 12/11/19 report. Mr. Szabo commented that the ordinance remains consistent with the master plan as recommended but noted that the middle initial of his name as printed should be P. instead of T. Mr. Warner explained the legal requirement for the Board's review and that a formal public hearing by the Board is not required. The Board review can be open to the public if desired, but not required. Without further discussion by the Board, Mr. Simoff made a motion to accept the Board Planner's recommendation that the ordinance is not inconsistent with the master plan and was seconded by Ms. Thompson.

Roll call vote:

All members voted in the affirmative.

B. Request for Filing Extension #653 KANE – Minor subdivision w/ variances; 74 Ballantine Rd., B:17 L:38, Zone: R-1; Approved 5/23/19, Memorialized 6/27/19; Scheduled to be heard 2/27/20.

Upon discussion, the Board acknowledged that this would be the first extension request for this subdivision but that the filing deadline has already passed. Mr. Warner explained that it is perfectly legal for such requests to be made after the fact. The applicant requests an additional 30 days from the date of the grant of an extension to perfect the subdivision. Chairman Graham cited a history of requests for filing extensions by this law firm and expressed concern about it becoming a chronic problem. The Board wished to better understand the rationale for the extension before granting one and requested that the applicant's attorney provide a letter of explanation prior to the formal hearing, rather than him needing to attend the meeting. Mr. Warner will notify the attorney of the Board's request.

C. Review of 2/13/20 Bills List:

Motion to pay the bills in the amount of \$11,412.75: Mr. Simoff. Second: Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

10. Evaluation Committee: None.

11. Subdivision & Site Plan Review Committee: None.

12. Business of Visitors, Second Opportunity: None.

13. Executive Session: None.

14. Emergent Matters: None.

15. Adjournment: Chairman Graham adjourned the meeting at 8:14 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Frank Mottola', with a long horizontal stroke extending to the right.

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

Keywords: Oath-McQueen-R4-R5-downtown-zoning-ordinance-master-plan-Kane-subdivision.