

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – April 16, 2020
VIRTUAL ONLINE PUBLIC MEETING 7:30 PM

1. **Statement of Adequate Meeting Notice:** Read by Chairman Graham at 7:35 pm.
2. **Roll Call:**
 - Present – Members Graham, Horowitz, Kellogg, Macmillan, Simoff and Thompson.
 - Absent – Members Gardner, McQueen and Paluck.
 - Board Professionals present: Ms. Wolfe, Mr. Szabo and Mr. Brightly.
 - Also present: Downtown redevelopment subcommittee member, Ms. Bonnie Sellers.
3. **Minutes:** Review minutes of 10/24/19 meeting:

Upon review, a motion to approve the minutes as presented was made by Ms. Kellogg and seconded by Mr. Simoff.

Voice vote:
All eligible members voted in the affirmative.
4. **Communications:** None.
5. **Business of Visitors not related to agenda:** None.
6. **Old Business:**
 - A. Continued review of draft Sign Ordinance.

The Board reviewed the draft ordinance, *12-23.15 Signs*, originally prepared by Mr. Szabo, which was modified to add Mr. Horowitz's and Chairman Graham's comments up to 4/6/20. Mr. Szabo facilitated the review of this draft and will consolidate the Board's comments into a final draft. Substantive comments by the Board, not including wordsmithing, included the following: Ms. Thompson asked that the Board Attorney review the language in subsection *b.1* (temporary real estate signs) relative to first amendment rights. Ms. Wolfe and Mr. Szabo agreed that the size, location and duration of signs may be reasonably regulated. Mr. Szabo will revise subsections *b.1.(a)* and *b.1.(e)* regarding full and partial vacancy real estate signs, whereby the former can have a dedicated freestanding sign, as per stricken subsection *b.1.(c)*, and the latter can either add on to an existing (directory) sign or place a window sign. The text for off premises signs, including but not limited to billboards, etc., should reference NJDOT definitions. Exclude "light emitting diodes" (LED) as a prohibited lighting type and add "electronic message boards" as a sign type in *a.9*. Add "exposed LED lights" in *a.7*. Revise *a.14*. to state that directional signs shall not exceed two square feet unless otherwise regulated by the MUTCD and cannot contain advertising. In section *e*. change "Gasoline" to "Automobile" or "Vehicle". Mr. Szabo will research monument and canopy signs for gas stations, add a subsection *e.4. Signs on Canopies*, and incorporate standards for both. Exclude *canopy signs for service stations* from *f.2.(b)*. Mr. Horowitz and Mr. Szabo will discuss how best to accommodate the adoption of the sign ordinance prior to completion of the downtown ordinance.

To minimize window clutter, flyers posted in windows that are unrelated to the business being conducted on site, should be included in the 25% maximum window coverage allowance. Revise **b. 7** to more clearly read that flyers, sales and event signs are additive within the allowed 25% maximum window coverage. The Board discussed but did not decide on a maximum size allowance for menu signs in windows. Six square feet (24" x 36") and two 11" x 17" pages were discussed as alternatives to two 8½" x 11" menu pages, which some members thought is too restrictive. Although it did agree that menus in windows should be excluded from the 25% coverage limitation. Mr. Szabo will the Board's comments into a clean draft with no markups, after the Board attorney has reviewed it.

B. Continued review of draft Downtown Zoning Ordinance:

The Board continued its review of the draft downtown zoning ordinance, beginning at section **12-12.11 Nuisances**, where it stopped on 3/12/20. Mr. Szabo facilitated the ongoing review. Substantive comments by the Board, not including wordsmithing, included the following:

Mr. Szabo explained that for ease of use it is preferable for the definitions pertaining to downtown zoning standards to be in this section of the ordinance rather than combined with all of the other definitions at the beginning of the land use regulations. Revise **12-12.13b**) to state setback measurements are from the property line, not from the curb. Mr. Szabo will check the setback requirements and reconcile accordingly. The Board discussed the various provisions of **12-12.14 Building Height** at length. Mr. Szabo read the current definition and recommended using the existing/natural grade as the basis for height measurements rather than any adjusted grade. Height regulations should be geared toward achieving an attractive streetscape. Frontages have priority over backs of buildings. Elevator penthouses and certain appurtenances should be excluded from height calculations but have minimum setbacks from building facades. Quality rooftop amenities can enhance a property's value and desirability. Mr. Szabo will further study the height regulations for recommendation to the Board. The Board agreed that the Fire Chief should be brought into the discussion on building heights with regard to the limitations of firefighting equipment. Perhaps absolute building heights should be set based on the town's capability for fire protection. Mr. Macmillan, who is the Chief's neighbor, said he would appreciate being involved in the discussion. Ms. Sellers will also look into the height issue and coordinate with Mr. Horowitz.

7. New Business: Review of 4/16/20 Bills List:

Motion to pay the bills in the amount of **\$1,625.00**: Mr. Horowitz. Second: Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

(Chairman Graham delegated Mr. Mottola to sign the vouchers due to current circumstances.)

8. Board Reviews/Public Hearings/Pending Applications:

Application #655 STIDWORTHY – Preliminary and Final Major Subdivision,

42 Garibaldi Street, B:112, L:11 and 9 Liberty Road, B:112, L:11.01; Deemed substantially complete 2/24/20; Waiver requests, completeness determination & public hearing date T.B.D.

The Board acknowledged the above pending application and was generally of the opinion that based on the technical difficulties it should be postponed until it can be heard in person.

- 9. **Emergent Matters:** None.
- 10. **Executive Session:** None.
- 11. **Business of Visitors, second opportunity:** None.
- 12. **Adjournment:** The meeting was adjourned by Chairman Graham at 10:46 pm.

Respectfully submitted,



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

Keywords: sign-canopy-gasoline-service-downtown-zoning-ordinance-MUTCD-Nuisances-height.