

**PLANNING BOARD**  
**BOROUGH OF BERNARDSVILLE**  
**Minutes – May 14, 2020**  
**VIRTUAL ONLINE PUBLIC MEETING**

1. **Statement of Adequate Meeting Notice:** Read by Chairman Graham at 7:33 pm.

2. **Roll Call:**

Present – Members Gardner, Graham, Horowitz, Kellogg, Macmillan, McQueen, Simoff and Thompson.

Absent – Ms. Paluck.

Board Professionals present: Mr. Szabo.

Other participants present: Common Ground Urban Design+Planning Principal Keith Covington (8:28 to 9:38 pm), P.P., Zoning Officer Geoffrey Price and Downtown Redevelopment Subcommittee members Bonnie Sellers & Sam Maddaluna.

3. **Minutes:** Review minutes of 3/12/20 meeting:

Upon review, two typographical errors were noted. Chairman Graham deemed the minutes accepted as corrected.

4. **Communications:** The New Jersey Planner, January/February 2020, Vol. 81, No. 1.

A copy of the NJ Planner was emailed to the Board on 5/12/20 as an agenda attachment. The publication was not discussed at the meeting.

5. **Business of Visitors not related to agenda:** None.

6. **Old Business:**

A. Review of draft Sign Ordinance.

The Board had concluded its review of the draft sign ordinance at its 4/30/20 meeting. Final revisions incorporating Board comments were to be made by Mr. Szabo, and the Board attorney was to provide a legal review memo. Mr. Szabo said that they both are in the process of doing those and that they should be completed by the next meeting. Mr. Horowitz pointed out that the maximum size of menus allowed in restaurant windows had not been decided. After brief discussion the Board decided the allowable size shall not exceed two (2) 11" x 17" pages.

B. Continued review of draft Downtown Zoning Ordinance:

Facilitated by Mr. Szabo and Mr. Horowitz, the Board resumed its review of the draft downtown zoning ordinance. Substantive comments by the Board, its professionals and other participants, not including wordsmithing, included the following:

A copy of section **12-12.13 Placement of Buildings**, with comments by Mr. Szabo in red and comments by Mr. Covington in purple, was distributed to the Board earlier in the day, together with a discussion memo by Mr. Horowitz. Regarding paragraph **b)** on the measurement of setbacks, Ms. Thompson forwarded to the Board emailed comments she had received from Mr.

Brightly, which did not recommend measuring front yard setbacks from the curb. Mr. Szabo added that his office never uses that standard due to the variability of rights-of-way. Metes and bounds cannot be set using curb lines. Mr. Price concurred. Surveys filed with applications will show whether existing buildings encroach into the ROW and the Board would be able to curtail any further expansion in deciding an application. Section *d*) will be revised to clarified that the permitted encroachments listed are into the front yard setback, not the ROW. The Board recommended maintaining 6' minimum sidewalk widths wherever possible. A copy of section **12-12.14 Building Heights** was also circulated by Mr. Horowitz, who said he had discussed same with Mr. Covington, who explained his idea for controlling height by using a 6' maximum exposed foundation methodology. The Board expressed the need to make sure that height and story measurement regulations for steeply sloping lots restricts buildings from appearing too high or resulting in an additional story. Developing different standards for zones that have more lots with steeply sloping grades was considered but not agreed to. Chairman Graham was concerned that changing the existing building height measurement regulations would result in taller buildings than are currently allowed. Mr. Covington noted that the design guidelines were written to prioritize buildings' streetscape appearance and suggested taking the height measurement from the average grade along the primary street frontage. A rational standard could be achieved by combining two-point grade averaging (building corners) across a building's primary frontage and using the existing grade elevations prior to any new development. Buildings should be limited to 3 stories with not more than 6' of exposed foundation and not more than 10' high roof appurtenances, such as stair towers, mechanicals, etc. The maximum percentage of a roof's area that such appurtenances can cover remains to be determined. In sections *b*) and *c*), change "**finished grade**" to "**existing grade**" and add "**prior to any land development**". In section *c*) add "**primary**" before "**frontage**" in the first line. Where additional stories are allowed due to sloping grade in section *d*), add "**only**" after "**shall be used**" in the last sentence. In section *g*), change "**ceiling above**" to "**floor above**". Revise the first part of section *h*) to read, "**Minimum height of the floor of the ground story shall be measured...**". Mr. Horowitz and Mr. Szabo will craft improved language that elaborates on the definition of frontage and will make sure it is consistent with the MLUL. Ms. Sellers noted that per the design guidelines residential use would be permitted on all three floors of buildings in the downtown. Mr. Covington advised that where ground floor residential is permitted, it should be somewhat elevated above the street level and that garages should not be visible along street frontages. He believes the variety in building types can add richness to the downtown fabric. Mr. Szabo will confer with him to discuss his recommendations for integrating townhouse residential into the downtown zoning regulations. Mr. Szabo stressed the importance of the Board following up with the adoption of an updated land use element and master plan reexamination report. Mr. Macmillan, who spoke with the Fire Chief, said one of his main concerns is with the quality of building materials. Mr. Szabo pointed out that is not within the Board's jurisdiction and falls under UCC building and fire codes. Mr. Szabo confirmed that the draft ordinance does require shielding/screening of mechanical equipment and added that sound limits are regulated by state standards and can be difficult to enforce. The Board and Mr. Szabo agreed that it would be helpful to have Mr. Covington's continued attendance and participation during its review of the draft downtown zoning ordinance since his firm prepared the guidelines. Mr. McQueen said that he would discuss budgeting for same with Ms. Sellers. Ms. Sellers said that Mr. Covington attended tonight's meeting at no charge as a favor to her.

7. **New Business:** None.

**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.*

Mr. Mottola appraised the Board of the status of the application's preparedness to be heard remotely. He said he had not yet received a procedural template for holding online hearings as promised by Mr. Warner at the prior meeting. He today referred the applicant's attorney, Mr. Zelle, to Mr. Warner to coordinate particulars such as providing adequate notice and submitting a digital copy of the application. It was noted that the application can be noticed for May 28 and if all is not in place to hear the application at that time it can be verbally carried on the record to a future date. Mr. Mottola confirmed that the Board would receive hard copies of the application as well as access to the digital files. Mr. Szabo relayed his recent experience of having successfully heard an application remotely with another Board he serves. It was a complex application but proceeded smoothly. It was his understanding that the state legislature had recently passed application deadline extensions and would provide Mr. Mottola with a copy of what he had read.

**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 10:15 pm.

Respectfully submitted,



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

Keywords: ordinance-sign-downtown-zoning-building-height-setback-projection-measurement