

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – May 28, 2020
VIRTUAL ONLINE PUBLIC MEETING

1. Statement of Adequate Meeting Notice: Read by Chairman Graham at 7:34 pm.

2. Roll Call:

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

Absent – Mr. Macmillan.

Board Professionals present: Ms. Wolfe, Mr. Szabo and Mr. Brightly.

Other participants present: Common Ground Urban Design+Planning Principal Keith Covington, P.P. and Downtown Redevelopment Subcommittee member Bonnie Sellers.

3. Minutes: Review draft minutes of 4/30/20 meeting:

Upon review, a typographical error was noted. A motion to approve the minutes as corrected was made by Ms. Kellogg and seconded by Mr. Simoff.

Voice vote:

All eligible members voted in the affirmative.

4. Communications: The following documents distributed to the Board were acknowledged and/or discussed.

A. 5/28/20 letter by Frederick Zelle, Esq. requesting adjournment of Application #655 Stidworthy to 6/11/20 (*discussed under #8*).

B. 5/21/20 letter by Frederick Zelle, Esq. requesting second filing extension for Kane Subdivision re Application #653 (*discussed under #7A*).

C. 5/26/20 EC Report re PB Application #655 Stidworthy.

It was noted that the applicant had received a copy of this report and that it would be addressed during testimony when the application is heard.

D. 5/28/20 Confidential memo by Amanda Wolfe, Esq. re legal review of draft sign ordinance (*re #6A and #11 – discussed in executive session*).

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

6. Old Business:

A. Review of draft Sign Ordinance.

This matter was only discussed in executive session, later in the meeting.

B. Continued review of draft Downtown Zoning Ordinance:

Mr. McQueen informed the Board that he had secured a budget allocation for Mr. Covington to participate in the discussion of this matter during this and the next meeting. Mr. Szabo facilitated the discussion beginning on page 17, with subsection **12-12.19 Downtown Zone Standards - a) Downtown Core Sub-district (D-C)**. Substantive comments by the Board, its professionals and other participants, not including wordsmithing, included the following:

At the end of **2**. Permitted uses add "**and 12-12.8.**" In **6.i.** since the measurement will be taken from the property line, the minimum should be adjusted to **2 feet** and the maximum adjusted to **7 feet**, with minimum 8' sidewalks required, measured from the top edge of the face of the curb. In **6.ii.**, and for all subsequent downtown sub-districts, add "**in an R zone**" before the larger of the two setbacks given. In **6.v.** change the word "**street**" to "**front**". In **7.iii.** change "**Ceiling Heights**" to "**Story Height**" and, to be measured from floor to floor. In **9.** add the words "**at door**" after the word "**sidewalk**". In **9.i.** provide the range of "**0 feet to 6 inches**".¹

7. New Business:

A. Request for Second Filing Extension #653E2 KANE – Minor subdivision w/ variances;
74 Ballantine Rd., B:17 L:38, Zone: R-1; First extension approved 3/12/20.

Frederick Zelle, Esq., attorney for the applicant, appeared and explained that due to delays caused by the closing of Borough offices due to the pandemic, he did not receive the signed deeds in time to file them by the deadline stated in the first extension. He is therefore requesting a further extension. Ms. Wolfe had prepared a draft resolution in favor of extending the filing deadline to 7/15/20. A motion to grant the extension was made by Ms. Paluck and seconded by Ms. Thompson.

Roll call vote:

All members voted in the affirmative.

B. Review 5/28/20 Bills List.

A motion to approve the bills as presented was made by Ms. Thompson and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

(Due to the meeting being held remotely, Chairman Graham delegated to Mr. Mottola authority to sign the vouchers.)

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 – Scheduled to be heard 5/28/20.

Frederick Zelle, Esq., attorney for the applicant, appeared and explained that subsequent to their mailing of the 200' list notices, which stated that the application would be heard tonight, it was discovered that one property owner was not noticed and three were sent with minor typographical errors. New notices were sent to these four property owners, which stated the application would be heard on 6/11/20. Provided the Board announces tonight that the hearing is adjourned to that date, the other 37 or so on the 200' list will not have to be re-noticed. Having taken a voice vote, the Board unanimously agreed to adjourn the application to 6/11/20.

9. **Emergent Matters:** None.

10. **Executive Session:** Matters of ongoing and/or potential litigation.

Motion to close the public meeting and reconvene in executive session at 9:34 pm: Ms. Thompson. Second Ms. Paluck.

Voice 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 at 10:15 pm: Ms. Thompson. Second: Ms. Paluck.

Voice vote:

All members voted in the affirmative.

11. **Business of Visitors, second opportunity:** None.

12. **Adjournment:** The meeting was adjourned by Chairman Graham at 10:17 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'F. Mottola', with a large, stylized initial 'F'.

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

Keywords: Kane-Stidworthy-subdivision-Zelley-downtown-ordinance-sidewalk-setback.