

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – June 25, 2020
VIRTUAL ONLINE PUBLIC MEETING

1. **Statement of Adequate Meeting Notice:** Read by Chairman Graham at 7:32 pm.

2. **Roll Call:**

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

Absent – Mr. McQueen.

Board Professionals present: Attorney Jolanta Maziarz, Planner John P. Szabo, and Engineer Robert Brightly.

Other participants present: Phil Abramson, P.P., Esq., principal of Topology and Chris Colley, P.P., Topology planner.

3. **Minutes:** Review draft minutes of 5/28/20 meeting:

The minutes were approved as presented by a voice vote of the Board.

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

A. The New Jersey Planner, March/April 2020, VOL.81, No.2.

B. 6/22/20 Emailed planning memo by Burgis Associates: *Looking to the Future.*

C. 6/9/20 Council referral of Redevelopment Plan and Ordinance #2020-1844 for 40A review re 65 Morristown Road, Block 125 Lot 13 (see 7A).

D. 6/9/20 Council referral of introduced Ordinance #2020-1843 for D-26a review re permitted uses in the I-Industrial zone (see 7B).

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

6. **Old Business:** **Status update on completion of downtown zoning and sign ordinances.**

Mr. Szabo explained that more time is required to complete the final drafts and coordinate them with Mr. Horowitz and Keith Covington, P.P. principal of Common Ground. He expects to be able to have the final drafts completed in time for the July 23rd meeting, with prior distribution to the Board.

7. **New Business:**

A. 40A Master plan consistency review of Redevelopment Plan and Ordinance #2020-1844 for 65 Morristown Road, Block 125 Lot 13. Redevelopment Plan (RDP) presented by Topology.

Prior to its presentation, Chairman Graham expressed concern that the proposed RDP is not consistent with the new downtown zoning being developed by the Planning Board and in his

opinion the two should be reconciled. Ms. Thompson echoed this concern pointing to the permitted uses in the two documents not matching. Mr. Szabo reminded the Board that its charge is to perform a master plan consistency review much the same as when introduced land use ordinances are referred by the Council. He suggested the Board reserve its comments until after the RDP has been presented. Mr. Abramson and Mr. Colley were sworn and qualified by Ms. Maziarz.

Mr. Abramson introduced the RDP and recapped the progression of the redevelopment effort to date. He emphasized that for consistency comparison the master plan is the operative document and not the existing or draft zoning ordinances.

Mr. Colley stated that the site is currently located in the C-1 zone, which would be in the D-C Downtown Core Sub-district zone under the proposed downtown zoning ordinance. To an earlier concern the Board had regarding an existing on-site parking area encroaching on adjacent railroad property, he said that an accurate survey has not yet been obtained so encroachment cannot be confirmed. He described the purpose of the plan, the uses that will be permitted and the general nature of the bulk regulations if adopted. The RDP includes bonuses for mixed use development, streetscape, site design and architectural standards. A traffic impact study is required of the developer unless waived by the Board. An affordability component is included for any residential development. Based on the latest master plan and reexam report, the RDP lists multiple Borough-wide and downtown goals that it is aligned with and effectuates. The proposed design standards were written with the intent to be as consistent as possible with those being developed by the Planning Board. Where there are differences there are reasons for them. Based on the foregoing, Mr. Colley believes the RDP can be deemed not inconsistent with the master plan.

The definition of story and the standard for building height measurement were discussed. Mr. Simoff commented that some of the listed permitted uses do not have corresponding parking requirements. Ms. Gardner pointed out that the aerial map on page 3 is not current and does not show the latest surrounding development. She felt it should be updated or omitted. The Board discussed various aspects of the RDP including the site elevation, the number of parking spaces for bikes, possible changes based on the Covid pandemic, etc. Chairman Graham reiterated and the Board discussed the need for an accompanying document or statement to the Council stating the need for the RDP zoning to be reconciled with the downtown draft ordinance. At least the differences between the two should be clearly defined. Ms. Maziarz said such specific Board recommendations can be included as part of the Board's report back to the Council. Mr. Horowitz crafted the following statement that the Board agreed to include in its findings resolution previously prepared by the Board attorney: ***"In reviewing and adopting the Plan, Council should analyze and consider how the Plan will differ from the proposed zoning ordinance for the Downtown Core now under consideration by the Planning Board."*** The Board agreed that this statement should be incorporated into draft resolution #2020-10, stating that based on the Board's consideration of the testimony provided and the recommendation of its planner, it finds the RDP not inconsistent with the master plan. A motion to adopt the draft resolution as amended was made by Ms. Thompson and seconded by Ms. Gardner.

Roll call vote:

All in favor: Members Gardner, Graham, Horowitz, Kellogg, Macmillan, Paluck, Simoff and Thompson.

Those opposed: None.

B. D-26a Master plan consistency review of introduced Ordinance #2020-1843 re permitted uses in the I-Industrial zone.

A draft resolution, #2020-09, finding the introduced ordinance not inconsistent with the master plan was prepared by the Board attorney and provided to the Board. Ms. Thompson commented that when the industrial zone was originally adopted in 1995, it permitted the use of a recycling facility for certain materials. When the Board considered and elaborated on the permissibility of a recycling facility in 2015, she felt that it was an extension of something that was already in the industrial zoning ordinance. The Board was generally of the opinion that it would be beneficial to include such history in its findings resolution. Mr. Horowitz felt there are certain aspects about the subject recycling facility that are not consistent with the master plan or the 2017 reexamination report. He expressed concerns specifically about truck traffic and pollution from trucks idling. Chairman Graham pointed out that the Board's planner in 2015 fully supported the use and based on his report the Board's review, it found the use not inconsistent with the master plan at that time. He does not believe the 2017 reexamination report nullifies that finding and added that truck traffic and idling are the nature of an industrial zone. Ms. Maziarz noted that the 2017 reexam report discusses the permitted recycling use in the I zone and the Board's 2015 finding that the use is not anticipated to generate measurable truck traffic and the ordinance having been found not inconsistent at that time. Mr. Szabo held essentially the same opinion that there have been no significant changes to the master plan since the Board's 2015 consistency finding that would now make the recycling use inconsistent with the master plan and the Council's settlement agreement is simply restoring what was already there. In fact the settlement agreement puts in place additional restrictions on the use that did not previously exist.

Ms. Thompson made a motion to adopt the draft resolution finding the subject ordinance not inconsistent with the master plan but with an added Whereas that recites some additional history of permitted recycling uses in the I zone. (She will draft the language and forward it to Ms. Maziarz.) The motion was seconded by Ms. Paluck.

Roll call vote:

All in favor: Members Gardner, Graham, Kellogg, Macmillan, Paluck and Thompson.
Those abstaining: Mr. Horowitz and Mr. Simoff. Those opposed: None.

C. Review of 6/25/20 Bills List:

Upon review a motion to pay the bills in the amount of \$4,358.00 was made by Ms. Thompson and seconded by Mr. Simoff.

Roll call vote:

All members voted in the affirmative.
(Chairman Graham delegated bill signing authority to Mr. Mottola)

8. Pending Reviews/Public Hearings/Applications: None.

9. Emergent Matters:

Ms. Thompson commented that the 65 Morristown Road redevelopment plan permitted uses included community centers, arts centers and theatres. She would like to see those uses included in the downtown core district zoning as she does not recall their inclusion. Mr. Szabo will check and assure that they are included in the ordinance if they current are not.

10. Executive Session: None.

11. Business of Visitors, second opportunity: None.

12. Adjournment: The meeting was adjourned by Chairman Graham at 9:19 pm.

Respectfully submitted,

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

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

Keywords: Topology-redevelopment-65-Morristown-Audi-downtown-recycling-ordinance-industrial.