

**PLANNING BOARD**  
**BOROUGH OF BERNARDSVILLE**  
**Minutes – August 13, 2020**  
**VIRTUAL ONLINE PUBLIC MEETING**

1. **Statement of Adequate Meeting Notice:** Read by Chairman Graham at 7:37 pm.

2. **Roll Call:**

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

Absent – Members Kellogg, Macmillan and Paluck.

Board Professionals present: Planner John P. Szabo, Jr.

Also present: Downtown Redevelopment Subcommittee member Ms. Bonnie Sellers.

3. **Minutes:**

A. Review draft meeting minutes of 12/12/19: Upon review, a motion to approve the minutes with one correction, was made by Ms. Thompson and seconded by Mr. Horowitz.

Voice vote:

All eligible members voted in the affirmative.

B. Review draft meeting minutes of 7/23/20: Upon review, a motion to approve the minutes as presented, was made by Ms. Thompson and seconded by Mr. Horowitz.

Voice vote:

All eligible members voted in the affirmative.

4. **Communications:** The following were distributed to the Board:

A. 8/11/20 Email by J. Szabo, PP transmitting final sign ordinance w/ corrections.

B. 8/13/20 Email by J. Szabo, PP transmitting building height recommendations for draft downtown zoning ordinance (*discussed under 6B*).

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

6. **Old Business:**

A. Memorialize Resolution #655 Stidworthy (cont'd) - Preliminary and Final Major Subdivision with Dimensional Variances; 42 Garibaldi Street, B:112, L:11 and 9 Liberty Road, B:112, L:11.01; Application approved 6/11/20; Review of resolution carried from 7/23/20.

A revised draft resolution, based on the Board's 7/23/20 comments, was prepared by the Board Attorney. Mr. Horowitz noted that he had sent certain typo and editorial corrections to Ms. Wolfe, who had cleared those with Mr. Zelle and who amended the resolution accordingly. Mr. Zelle, who was in attendance by phone, confirmed same to the Board and stated the applicant's acceptance of the revisions. Mr. Mottola pointed out several locations in the draft where references to the Board Engineer needed to be corrected to alternate Board Engineer.

A motion to adopt the resolution as amended was made by Ms. Thompson and seconded by Mr. McQueen.

Roll call vote:

All in favor: Members Gardner, Graham, Horowitz, McQueen, Simoff and Thompson

Those opposed: None.

**B. Review latest draft of downtown zoning ordinance:**

Having finalized all other sections of the draft downtown zoning ordinance except building height, Mr. Szabo provided to the Board a memo containing his recommendations for how building height should be calculated. These were prepared in consultation with Mr. Horowitz, Mr. Covington (of Common Ground) and Mr. Brightly. The intent was to provide a simplified method that is true to what the Board had previously discussed and that adhered to the desired vision for the downtown. It was further intended to set a consistent basis for review and hold developers to that standard unless they can show there is sufficient criteria for statutory relief. Per Mr. Szabo, it should be recognized that there is no perfect solution that will work for the unique challenges of each site. Detailed discussion by the Board included: the amount of exposed foundation that should be allowed; when a building level counts as a story; establishing average pre-development grade (revise text to read "measured in equal segments with no segment longer than 20 feet" and, replace "existing grade" with "pre-development grade"); limiting rooftop fences to the minimum required by the building code; limiting the height of buildings using both feet and number of stories; and, the mandatory requirement for installation of sidewalks.

Mr. Szabo will add the Board's latest comments and circulate a final draft to all members for checking before transmitting the Board recommended draft ordinance to the Council. Ms. Thompson and Mr. Horowitz will proof read the draft for errors and other members were also invited to send corrections to Mr. Szabo. Mr. McQueen said the Council will need to convene a work meeting to review the ordinance before it is introduced. Mr. Szabo, Mr. Horowitz and Mr. Covington will be asked to attend.

**7. New Business: Review 8/13/20 Bills List:**

Upon review a motion to pay invoices in the amount of \$1,050.00 was made by Mr. Simoff and seconded by Ms. Thompson.

Roll call vote:

All members voted in the affirmative.

*(Chairman Graham delegated signing of the invoice vouchers to Mr. Mottola.)*

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

**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 8:23 pm.

Respectfully submitted,

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

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

Keywords: Stidworthy-Zelley-resolution-zoning-downtown-ordinance-building-height-Council.