

**PLANNING BOARD**  
**BOROUGH OF BERNARDSVILLE**  
**Minutes – October 1, 2020**  
**VIRTUAL ONLINE PUBLIC MEETING**

**1. Statement of Adequate Meeting Notice:** Read by Vice Chair Thompson at 7:32 pm.

**2. Roll Call:**

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

Absent – Members Graham and Simoff.

Board Professionals present: Attorney Steve Warner, Planner John Szabo, Jr. and Engineer Robert Brightly.

**3. Minutes:** Review draft minutes of 9/10/20 meeting: Upon review, an incorrect date on the minutes was noted. A motion to approve the minutes as corrected was made by Ms. Kellogg and seconded by Ms. Paluck.

Voice vote:

All eligible members voted in the affirmative.

**4. Communications:**

**A.** NJ Planner, July/August, VOL.81, No.4.

**B.** 9/29/20 (emailed) Council referral of introduced Ordinance #2020-1852 Downtown Zoning for D26-a master plan consistency review (re #8).

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

**6. Old Business:** None.

**7. New Business:**

**A.** 40A Master plan consistency review of Quimby Lane Redevelopment Plan (RDP).

Mr. Warner explained the Board's responsibilities in reviewing the subject RDP that was introduced by the Council on 9/14 and referred to the Board for master plan consistency review. In attendance to present the RDP were Topology principal Phillip Abramson, P.P., Esq. and Topology member Christopher Colley, P.P. Both were sworn by Mr. Warner. Mr. Abramson provided his qualifications and a brief introduction to the RDP. Mr. Colley then commenced a slide presentation. He cited the collaborative effort that went into the production of the RDP, which included the Planning Board, the development community and the downtown redevelopment subcommittee as well as public input. He identified the redevelopment area as being centrally located in the downtown, consisting of approximately 5 acres with 25 parcels and 21 owners. All are located within blocks 70 and 71 on the east and west sides of Quimby Lane respectively. Important site characteristics include the Mine Brook, the elevational incline from Mine Brook Road to Mill Street and the topographical bowl-type effect in the east-west direction. The

previously advertised RFP, the affordable housing ascribed to the area, the currently proposed downtown zoning regulations, the constraining topography and flood plain limitations, the multiple ownerships and the expected public benefits all form the basis of the conceptual development plan (CDP) to which developers will be obligated. The CDP is broken into six subareas each with its own specific standards. Block 70 encompasses subareas 1, 2, 3 and 5 with limited mixed uses, higher allowable building heights and higher residential densities. Block 71 is comprised of subareas 4 and 6. Due to the presence of the flood plain, density is less intensive, building heights are lower and a wider range of uses is permitted. The creation of a park is envisioned within block 71. Building design, site, parking and coverage standards are established for all of the subareas. Although a single, master developer would be preferable, the plan allows for implementation by multiple redevelopers.

Having reviewed the Borough's master plan documents, Mr. Colley said that Topology is confident that the RDP is very consistent. Downtown planning goals and policies are addressed directly. Certain Borough-wide goals and objectives are also met. As significant portions of the master plan are advanced by the RDP, it is Topology's recommendation that the RDP be considered not inconsistent with the master plan. Mr. Abramson reiterated this opinion. He said the plan provides a more realistic development opportunity for affordable housing than the current AH-O zone by shifting it to an area with less complicated site challenges. While this is one of the most complex sites of his career, he feels the plan is also one of the best plans his firm has produced.

Ms. Thompson opined and Ms. Gardner agreed that the ability to develop the flood plain seems vague and needs to be better spelled out for developers. Responding to Ms. Kellogg, Mr. Colley explained the one and two way traffic flows proposed for portions of Quimby Lane. Mr. Warner asked that Topology's slide presentation be marked as Exhibit B-1 and the redevelopment plan be marked as Exhibit B-2. He explained the furtherance of the redevelopment process after the Board's review of the RDP. A public hearing will be held by the governing body. Any actual plans proposed by a redeveloper would require formal site plan approval by the Planning Board. Topology will send a copy of tonight's full presentation to Mr. Mottola for distribution to the Board.

There were no questions or comments from the public. A draft resolution finding the RDP consistent with the master plan had been prepared in advance by the Board attorney and distributed to the Board. Mr. Warner noted the need for two revisions to his draft resolution. A motion to adopt the resolution as amended was made by Mr. Horowitz and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

#### **B. Public hearing of 2020 Master Plan Re-examination Report (MPRE).**

Board Attorney Warner announced that this public hearing was properly noticed as required by the MLUL. Mr. Szabo was sworn for testimony by Mr. Warner. Mr. Szabo explained the appropriateness of doing a new MPRE at this time relative to all the changes that have been occurring in the Borough since the 2017 MPRE. Those include adoption of redevelopment plans for the former Audi site and Quimby Lane, the adoption of an affordable housing element and fair share plan as a result of the settlement agreement with Fair Share Housing Center, interim zone line changes and the proposed changes to the sign and downtown zoning ordinances. Some of these



changes will require revisions to the Borough's land use map. The MPRE also recommends changes to the master plan's land use element. These changes appropriately address goals and objectives of prior plans. Adoption of this MPRE obviates the need for "super notice" by the Borough in its adoption of a new downtown zoning ordinance that will include zone line changes. Mr. Szabo opined that this re-exam report is in a form that satisfies the requirements of Section 89 of the MLUL and that it be adopted subject to any changes deemed necessary in the public hearing. Responding to Ms. Gardner, he said that listing the two redevelopment areas in the report does not limit the Borough's ability to redevelop other sites. Minor typographical and editorial changes suggested by Ms. Thompson were deemed to be non-substantive and will be incorporated in the final MPRE.

Neither Mr. Brightly nor any members of the public had any questions or comments on the MPRE. A draft resolution adopting the MPRE had been prepared in advance by the Board attorney and was distributed to the Board. It was moved by Ms. Paluck and seconded by Mr. Horowitz to adopt the 2020 MPRE with the inclusion of Ms. Thompson's minor revisions.

Roll call vote:

All members voted in the affirmative.

#### C. Public hearing of 2020 Land Use Element Amendment.

Mr. Szabo was sworn for testimony by Mr. Warner. Mr. Szabo explained that the reasoning behind amending the land use element (LUE) at this time is to recognize the changes identified in the reexamination report, and based on that, provide updated goals and objectives that reflect the changes and recommendations in the reexam report. It should also be recognized that land use map changes will also be required as a result. When the Council adopts an ordinance there will already be a land use plan element that reflects what the ordinance is supposed to address. Redevelopment areas and affordable housing areas are recognized as a result of the reexam and reflected in the land use plan element. Land use ordinances that come to the Board derived from the updated master plan will be consistent with all of the Borough's planning documents. Mr. Szabo represented that Ms. Thompson had provided editorial corrections of a minor, non-substantive nature that he recommends the Board adopt. It was agreed that Section III.3. should be amended to read "*The Land Use Element is hereby amended to incorporate the redevelopment areas for 65 Morristown Road and Quimby Lane.*" As the property at 181 Claremont Road (Block 17, Lot 17) was recently turned over to a group home management company in satisfaction of the Heritage at Claremont's affordable housing obligation, Mr. Mottola inquired whether said property should be added to the list in Section III.1. Mr. Szabo will check if the property is part of the third round component of the housing plan and if so, will include it as an affordable housing site. He will also incorporate a map from CGP&H that identifies all of the third round affordable housing sites.

Mr. Szabo affirmed his opinion that the amended LUE of the master plan as proposed will guide the use of lands in a manner that will protect the public safety and promote the general welfare in accordance with Section 28 of the MLUL and that it is his recommendation the Planning Board adopt the 2020 Land Use Plan Element as further amended.

Neither Mr. Brightly nor any members of the public had any questions or comments on the amended LUE. A draft resolution for adopting the amended LUE had been prepared in advance by the Board attorney and was distributed to the Board. A motion to adopt the 2020 Amended Land

Use Plan Element, with the inclusion of Ms. Thompson's editorial revisions, as further amended at this hearing by the Board and with Mr. Szabo's possible conditional amendment, was made by Mr. Horowitz and seconded by Ms. Paluck.

Roll call vote:

All members voted in the affirmative.

**D. Review of 10/1/20 Bills List.**

Upon review a motion to pay the listed invoices in the amount of **\$3,145.50** was made by Ms. Paluck and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

**8. Pending Reviews/Public Hearings/Applications:** The following was acknowledged by the Board

*D26 Master plan consistency review of introduced Ordinance #2020-1852 - New downtown zoning ordinance; Council's public hearing scheduled for 10/13/20; PB review scheduled for 10/8/20.*

**9. Emergent Matters:** None.

**10. Executive Session:** None.

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

**12. Adjournment:** The meeting was adjourned by Vice Chair Thompson at 9:01 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'F. Mottola', with a stylized flourish at the end.

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

Keywords: Quimby-Lane-redevelopment-master-plan-reexam-land-use-element-amend-public.