

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – January 14, 2021
VIRTUAL ONLINE REORGANIZATION MEETING

1. **O.P.M.A. Statement:** A statement of adequate meeting notice and adherence to the state mandated emergency remote meetings protocols, as set forth on this meeting's web-posted agenda, was read by the temporary Chair, Robert Graham, at 7:35 pm.
2. **Oaths of Office:** Administered by Ms. Maziarz to: Class I – Mayor's Designee: Terry Thompson, (term through 12/31/22, or per Mayor); Class III – Council Member: Chad McQueen (1 yr. term); Class IV – Borough Resident: Jeffrey Horowitz (4 yr. term).
3. **Roll Call:**
Present – Members Gardner, Graham, Horowitz, Kellogg, Macmillan, McQueen, Paluck, Simoff and Thompson.
Absent – None.
Board Professionals Present: Attorney Jolanta Maziarz, Planner John P. Szabo, Jr. and Engineer Robert Brightly.
4. **Election of Officers:**
A. Ms. Thompson nominated Robert Graham for Chair.
Second: Ms. Gardner. There were no other nominations.
Roll call vote:
All members voted in the affirmative except Mr. Graham who abstained.
B. Ms. Paluck nominated Jeffrey Horowitz for Vice Chair.
Second: Ms. Kellogg. There were no other nominations.
Roll call vote:
All members voted in the affirmative except Mr. Horowitz who abstained.
C. Mr. Simoff nominated Frank Mottola as Board Secretary.
Second: Ms. Kellogg. There were no other nominations.
Roll call vote:
All members voted in the affirmative.
5. **Appointments:**
Chair Graham appointed Frank Mottola as Recording Secretary for 2021.
6. **Resolutions:**
A. #2021-01: Re-adopt By-Laws (as last revised January 9, 2020).
B. #2021-02: Board Attorney – Ventura, Miesowicz, Keough & Warner, (Steven Warner, Esq.)
C. #2021-03: Board Planner – Burgis Associates, Inc. (John P. Szabo, Jr., P.P. AICP).
D. #2021-04: Board Engineer – Ferriero Engineering, Inc.
E. #2021-05: 2021 Meetings Schedule.
F. #2021-06: Board Administrative Officer – Frank Mottola.
G. #2021-07: Official Newspapers – Bernardsville News & Courier News.

Motion to adopt resolutions #2021-01 through #2021-07 as presented: Ms. Thompson. Second: Mr. McQueen.

Roll call vote:

All members voted in the affirmative.

7. Committee Assignments and Committee Chair Nominations:

A. Chair Graham. assigned all members to both committees.

B. Chair Graham nominated Mary Kellogg as Subdivision and Site Plan Review Committee chair. Second: Ms. Thompson.

Voice vote:

All members voted in the affirmative, except Ms. Kellogg who abstained.

C. Chair Graham nominated Karen Gardner as Evaluation Committee Chair. Second: Ms. Thompson.

Voice vote:

All members voted in the affirmative, except Ms. Gardner who abstained.

8. Minutes: Review of draft 12/3/20 meeting minutes.

Upon review a motion to approve the minutes as presented was made by Ms. Kellogg and seconded by Ms. Thompson.

Voice vote:

All eligible members voted in the affirmative.

9. Communications: The Board acknowledged the following distributed documents:

A. 1/6/21 J. Horowitz comparison of differences in real estate sign regulations between PB recommendations and adopted ordinance (*discussed under #11*).

B. 2021 Planning Board membership roster.

Mr. Mottola requested that members contact him should they require any changes to their roster listing.

C. The New Jersey Planner, September/October 2020, VOL. 81, No. 5.

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

11. Old Business: Revisit sign ordinance #2020-1859 re proliferation of real estate signs per PB recommendations in its resolution #2020-16.

Mr. McQueen provided context of the Council's November 2020 POV, that with the necessity to complete certain matters prior to year's end, many had concerns, including the zoning officer and Borough attorney, about the enforceability and clarity of the section of the ordinance pertaining to temporary real estate signs. It was felt that there was insufficient time to adequately consider the Planning Board's amendment recommendations and the Council thought it best to revert to the code's prior language until it could be more thoroughly reviewed in 2021. The Board discussed the comparative differences between its recommendations and what was enacted by the Council, as outlined in a document prepared for the Board by Mr. Horowitz. Agreeing with Mr. McQueen that enforceability is key to the ordinance's success, Mr. Szabo relayed his experiences from a

planner's and enforcement officer's perspective. He suggested the Board discuss its response to concerns about enforceability, recognizing the constraints posed by first amendment rights, supreme court decisions, pushback from the real estate sector, etc. It was acknowledged that, to a large degree, real estate signs are advertisements for the realtors, since the preponderance of real estate marketing occurs online. Mr. Horowitz suggested and the Board agreed to take an observational stance for the time being and revisit the matter in several months, given the volatility of the business marketplace due to the concurring pandemic, shifts in business and real estate trends and the adoption of new downtown zoning regulations and redevelopment plans.

Mr. Horowitz relayed the housing committee's concern of how business storefront transparency requirements may present a problem for personal service establishments and that perhaps those should be limited to retail businesses. Upon discussion and input by Mr. Szabo, the Board did not find the need to amend its resolution recommendations to Council in this regard.

Mr. Horowitz noted what he believes to be an error in the new downtown ordinance zone map regarding five residential properties that were intended to remain residentially zoned but are shown as being in the downtown core. Ms. Thompson and Ms. Gardner recalled that the Council had indeed changed the zone boundary to exclude those properties based on public input. Mr. Szabo will confer with the Borough attorney and Mr. Horowitz to verify the status of the subject properties and will advise the Board accordingly.

12. **New Business:** None.
13. **Board Reviews/Public Hearings/*Pending Applications*:** None.
14. **Executive Session:** None.
15. **Adjournment:** Chair Graham adjourned the meeting at 8:38 pm.

Respectfully submitted,



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

Keywords: oaths- appointments-officers-committees-real-estate-signs-storefronts-transparency.