

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – June 24, 2021
VIRTUAL ONLINE 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 Chair, Robert Graham, at 7:33 pm.
2. **Roll Call:**
Present – Members Gardner, Graham, Horowitz, Kellogg, Paluck and Simoff.
Absent – Members Macmillan, McQueen and Thompson.
Board Professionals Present: Attorney John Kaplan, Planner John P. Szabo, Jr. and Engineer Robert Brightly.
3. **Minutes:** Review of draft 5/27/21 meeting minutes.
The testimony regarding the use of a crane for constructing the rooftop antennae at 150 Morristown Road was briefly discussed. A motion to approve the minutes as presented was made by Mr. Horowitz and seconded by Ms. Kellogg.
Voice vote:
All eligible members voted in the affirmative except for Mr. Simoff who abstained.
4. **Communications:**
A. 6/15/21 A. Suriano email transmittal of introduced Ordinance #2021-1885 re outside dining and off-street parking (discussed under 7A).
B. Copies of The New Jersey Planner, March/April 2021, VOL. 82, No. 2. were electronically distributed to members of the Board. There was no discussion of any of the articles.
5. **Business of Visitors not related to agenda:** None.
6. **Old Business:**
Memorialize resolution #SP-235 – NEW CINGULAR WIRELESS PCS, LLC; Minor Non-Residential Site Plan & Conditional Use Approval w/ out Variances; 150 Morristown Road, B:62, L:4.03, Zone: D-G; Application approved 5/27/21.
Briefly discussed points of the resolution included lowering the height of the equipment cabinet, review of the generator size calculations by the Board engineer and stipulated limits on signage. With regard to the latter, it was agreed that the resolution should be amended to more closely reflect the testimony that only signage required by FCC, state and/or local regulations will be allowed, and placement of same shall be in an inconspicuous location.
A motion to adopt the resolution as amended was made by Mr. Horowitz and seconded by Ms. Kellogg.
Roll call vote:
All in favor: Members Gardner, Graham, Horowitz and Kellogg.
Those opposed: None. Those abstaining: Mr. Simoff.

7. New Business:

A. D26a Master plan consistency review of introduced ordinance #2021-1885 – re outside dining and off-street parking; Mayor & Council public hearing scheduled for 6/28/21; Board to consider draft resolution #2021-11 finding ordinance not inconsistent with master plan.

It was Mr. Horowitz's belief that only one restaurant in Bernardsville is within 200' of an institutional parking lot. He opined that the Council should broaden the types of offsite parking lots that can be used and, increase the allowable distance from a restaurant to an offsite lot, provided valet parking is provided should the distance become too great. Mr. Szabo advised that the Board consider the impacts this may have on anticipated downtown redevelopment and the possibility of creating disruptive traffic patterns. The Board felt the ordinance would be clearer if the two paragraphs in *Section 1.*, immediately following the letter *d.* were separated, each with its own lettered paragraph, as they refer to different actions. The first has to do with commercial changes of use applications to the zoning officer and the second refers to site plan applications made to either the Planning or Zoning Board. Ms. Kellogg expressed concern about the occurrence of overflow parking in residential neighborhoods. The Board felt that further clarification by the Council was needed as to a Board's discretion when an institutional parking lot is located in a residential zone. Ms. Gardner noted a typographic error in the eighth *WHEREAS* clause. The Board generally agreed with Mr. Szabo's assessment that the proposed ordinance change is not inconsistent with the master plan but that the ordinance should be broadened with respect to distance from restaurants and the types of remote lots on which offsite parking arrangements may be made.

Mr. Kaplan summarized the Board's recommendations and will amend the draft resolution, finding ordinance #2021-1885 not inconsistent with the master plan, to include those recommendations before forwarding it to the governing body. A motion to adopt resolution #2021-11 as amended was made by Mr. Simoff and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

B. Review 6/24/21 Bills List w/ Invoices:

Upon review, a motion to pay the listed invoices in the amount of **\$3,920.00** was made by Ms. Gardner and seconded by Ms. Kellogg.

Roll call vote:

All members voted in the affirmative.

C. Continuation of electronic application submittals – Admin. Officer Mottola to address.

As he believes it is recommendable as an ordinance change, Mr. Mottola asked the Board for its opinion of making it mandatory, once applications are again heard live, that applications be submitted in both paper and digital forms, and made publicly available via the Borough website, as they currently are under the emergency remote meetings protocol. It is his belief that this requirement would greatly increase transparency and everyone's ease of access to information submitted for applications. This is not a significant imposition on applicants in that the vast majority of architectural and engineering drawings submitted for applications are created digitally in the first place. Letter and legal-sized documents are easily and inexpensively scanned to produce PDF files for submittal.

Mr. Szabo commented that many municipalities had been requiring digital submission of applications prior to the pandemic and that county and the state governments require digital submittal of all documents. Upon discussion, the Board was in agreement that submission of applications in both digital and hard copy forms should be continued beyond cessation of the emergency remote meeting protocols and that same should be recommended to the governing body for enactment as a revision to the borough's land use ordinance. A motion to have Mr. Mottola forward this recommendation to the Mayor and Council was made by Ms. Kellogg and seconded by Mr. Simoff.

Voice vote:

All members voted in the affirmative.

- 8. Upcoming Board Reviews/Public Hearings/Pending Applications:** The Board acknowledged the following application and its respective schedule:

Application #657 – DELLO RUSSO & GROF; Minor Subdivision / Lot Line Adjustment w/out Variances; 22 & 26 Garibaldi Street, B:112, L: 13 & 14, Zone: R-5; Received 5/21/21; Deemed complete 6/24/21; *Scheduled to be heard 7/22/21.*

- 9. Business of Visitors, second opportunity:** None.

- 10. Executive Session:** None.

- 11. Adjournment:** Chair Graham adjourned the meeting at 8:40 pm.

Respectfully submitted,



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

Keywords: Cingular-SP-235-ordinance-#2021-1885-outdoor-dining-offsite-parking-applications