

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – August 26, 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 Vice Chair, Jeffrey Horowitz, at 7:32 pm.
2. **Roll Call:**
Present – Members Gardner, Horowitz, Kellogg, McQueen, Paluck, Simoff and Thompson.
(Chair Robert Graham arrived shortly after the roll was called. Vice Chair Horowitz continued as Chair throughout the meeting.)
Absent – Mr. Macmillan.
Board Professionals Present: Attorney John Kaplan, Planner John Szabo, Jr. and Engineer Robert Brightly.
3. **Minutes:** Review of draft 7/22/21 meeting minutes.
Upon review, the Board requested that the minutes be amended to reflect the applicant's testimony in the Dello Russo-Grof minor subdivision hearing regarding the intended future use of the lots, as appears in the resolution. A motion to approve the minutes as amended was made by Mr. Simoff and seconded by Ms. Thompson.
Voice vote:
All eligible members voted in the affirmative. Mr. McQueen, who was not eligible, abstained.
4. **Communications:** The following correspondences were acknowledged and/or discussed.
 - A. The New Jersey Planner, May/June 2021, Vol. 82, No. 3.
It was acknowledged that the scanned and distributed digital copy of this publication was missing the even numbered pages. Mr. Mottola will distribute a re-scanned, complete copy and continue to make hard copies available for pickup from Borough Hall for any members that desire one.
 - B. 8/5/21 F. Mottola memo to Mayor & Council re LDO amendment requiring continued submittal of development applications in digital form.
 - C. 8/10/21 A. Suriano email transmittal of introduced Ordinance #2021-1891 w/ published notice re: establishing setbacks for mechanical/electrical equipment in residential zones *(re 7A)*.
 - D. 8/14 ~ 8/23 email chain of R. Graham, F. Mottola, G. Price and J. Pidgeon, Esq. re revisions to Ordinance #2021-1891 to require ordinance re-introduction.
5. **Business of Visitors not related to agenda:** None.
6. **Old Business:**
 - A. Memorialize resolution #657 Dello Russo + Grof, Minor Subdivision / Lot Line Adjustment without Variances; 22 & 26 Garibaldi Street, B:112, L: 13 & 14, Zone: R-5; Received 5/21/21; Deemed complete 6/23/21; Approved 7/22/21.

Mr. Simoff commented that the resolution did not reflect the Chair's recommendation that the applicant identify any dry wells located on the properties. Upon discussion, the Board agreed that the property surveys should indicate any dry wells that exist thereon and are observable to the surveyor. Specifically, amend resolution condition 3.i. to add the words, "*including stormwater drywells*", after the words "*storage tanks*". A motion to adopt the draft resolution as amended was made by Ms. Thompson and seconded by Ms. Kellogg.

Roll call vote:

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

Those opposed: None. Those abstaining: Mr. McQueen.

B. Mr. Brightly asked for the Board's opinion regarding his resolution compliance review of the New Cingular Wireless Planning Board application, that was approved on 5/27/21. A comment from his original 4/8/21 review was that the survey shown on the plan was not drawn to scale. That survey provided spot elevations at 20' intervals that were used to calculate the building height. Revised resolution compliance drawings have been submitted twice so far without the survey being redrawn to scale. Per resolution approval condition #2, the applicant is required to comply with the comments and requirements from Mr. Brightly's report. The applicant's attorney stated in an email that they did not intent to redraw the survey. Therefore, Mr. Brightly has not signed the drawings. He asked the Board whether he should require compliance with this condition, as it is not a major issue. The Board was of the opinion that the condition should be complied with or the applicant should return to the Board and request removal of the condition.

7. New Business:

A. Ms. Thompson commented on her memo that she had sent to Board members earlier in the day re her attendance at an 8/15/21 Zoom meeting regarding "Expiring Center Designation".

Mr. Lane, the county planner, said he intends to make some Covid funds available for grants to applicants. Ms. Thompson felt that the Borough may want to revisit its decision not to renew its Center Designation, given the potential for coordinating the efforts of all the various groups involved in the downtown revitalization effort. She learned that much of the public input already obtained for the Borough's downtown revitalization efforts may be credited toward certification.

Based on his involvement in discussions with the state on behalf of the Borough, Mr. Szabo updated the Board on the Borough's position. He said the Borough is still in the early stages of determining whether it would be advantageous for it to participate in the lengthy process for certification. The state planning office is trying to somewhat simplify the process, but it nevertheless remains a lot of work. Outreach has so far been very good but the Borough is still in fact finding mode trying to determine whether the time and expense will be worth the return. There is a competing program offered by the Highlands, which is funded. He believes that in the long run, obtaining Center Designation will be beneficial to the Borough given the scope of plans for downtown revitalization. He recommended that the Borough continue to take a wait and see approach, at least until after the next batch of submittals to the state have been completed. He will send the Board the overview memo he provided to the Council in 2019 and, if necessary, update it with any changes to the process that may have been made.

B. Review 8/26/21 Bills List w/ Invoices:

Upon review, Vice Chair Horowitz inquired as to the nature of the charges listed for Claremont Manor, and whether an application had already been submitted. Mr. Szabo explained that

there have been discussions with the applicant's attorney regarding Board jurisdiction and conceptual reviews of the latest design concept. The two Boards' attorneys are in agreement that, based on changes to the downtown zoning, the application will be for a conforming use, for which the Board of Adjustment will no longer have jurisdiction to hear. Rather, the Planning Board must hear it for site plan approval. It was noted that escrow funds have been collected from the applicant to cover the Boards' professionals' costs for pre-application consulting.

A motion to pay the listed invoices in the amount of **\$6,165.00** was made by Ms. Thompson and seconded by Ms. Gardner.

Roll call vote:

All members voted in the affirmative.

8. **Upcoming Board Reviews/Public Hearings/Pending Applications:** None.
9. **Business of Visitors, second opportunity:** None.
10. **Executive Session:** None.
11. **Adjournment:** Vice Chair Horowitz adjourned the meeting at 8:32 pm.

Respectfully submitted,



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

Keywords: Dello Russo-Grof-subdivision-Garibaldi-Center-Designation-Cingular-survey