

PLANNING BOARD
BOROUGH OF BERNARDSVILLE
Minutes – February 24, 2022
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 7:35 pm.
2. **Oath of Office:**
Reappointed Class IV member Hal Simoff was sworn by Mr. Kaplan to a new 4 yr. term.
3. **Roll Call:**
Present – Members Gardner, Graham, Kellogg, Macmillan, McQueen, Paluck, and Simoff.
Absent – Members Horowitz and Thompson.
Board Professionals Present: Attorney John Kaplan.
4. **Minutes:** Review of draft 1/13/22 meeting minutes.
Upon review, Chair Graham called for a voice vote to approve the draft minutes as presented. All eligible members voted in the affirmative. Mr. Simoff, who was not eligible, abstained.
5. **Communications:** The following correspondence was acknowledged by the Chair:
 - A. 1/10/22 Council Resolution #22-34 – Authorizing Professional Services Agreement with Topology, LLC for a Preliminary Redevelopment Investigation of the Palmer Property, Block 125, Lots 1, 2 & 3, with 1/10/22 Topology services proposal/agreement (*see #7*).
 - B. 2/8/22 SCBA email re: 4/9/22 Land Use Law Symposium registrations - seats filling.
 - C. 2/10/22 S. Rubright, Esq. letter w/ attachment re: Request for Filing Extension for approved Dello Russo-Grof Minor Subdivision/Lot Line Adjustment - PB Application #657 (*see #8A*).
 - D. The New Jersey Planner, November/December 2021, VOL.82, No.6.
6. **Business of Visitors not related to agenda:** None.
7. **Old Business:** Council directive for PB study of 35 and 39 Olcott Square and 5 Morristown Road; Block: 125, Lots 1,2 & 3 as possible Area In Need of Redevelopment - per Council resolution #22-25 re: commissioning of Topology as AINR study consultant directly by Council.
Whereas it was previously understood by the Planning Board, based on Council Resolution #22-25, that the Planning Board was charged with conducting an AINR study of Block 125, Lots 1,2 & 3, Mr. Mottola explained that the Borough Council by means of its Resolution #22-34 had moved ahead and authorized acceptance of the Topology planning firm's 1/10/22 services proposal to perform the preliminary investigation for the AINR study. Accordingly, there would be no need for the Planning Board to seek and hire a planning consultant to perform the preliminary investigation.

8. New Business:

A. Application #657E Dello Russo-Groff – Minor Subdivision / Lot Line Adjustment w/ out Variances – Request for 6-month filing extension; 22 & 26 Garibaldi Street, B:112, L: 13 & 14, Zone: R-5; Approved: 7/22/21, Memorialized: 8/26/21.

Appearing on behalf of the application was attorney Susan Rubright. Ms. Rubright set forth the reasons by which a deed filing extension may become necessary and what actions remain to be taken to perfect the subdivision. She explained that between the time the subdivision was approved and the resolution memorialized, one of the two lots had been conveyed to a new owner. The deadline for filing the deeds is March 4th but it has taken longer than anticipated having the deeds signed by both owners. The deeds now only require the signatures of the Board Chair and Secretary. If that cannot be accomplished prior to the deadline, the deeds will be amended to reflect the filing extension and recirculated for signatures. Chair Graham and Secretary Mottola both indicated they were amenable to the use of a messenger service for obtaining their required signatures. Mr. Kaplan pointed out that per the resolution the deeds must be reviewed by his office. It was Ms. Rubright's belief that she had already sent them to Board Attorney Warner for review but will resend them to Mr. Kaplan to be certain. She concluded by asking the Board to grant the extension as a safeguard in the event the deeds are not fully executed by the March 4th deadline.

There were no questions or comments by members of the public and no discussion by the Board. A draft resolution (#657E) favorable to granting the requested extension had been prepared by the Board Attorney's office and distributed earlier to the Board. A motion to approve the extension and adopt resolution **#657E** was made by Mr. Simoff and seconded by Ms. Paluck.

Roll call vote:

All in favor: Members Gardner, Graham, Kellogg, Macmillan, McQueen, Paluck and Simoff.
Those opposed: None. Those abstaining: None.

B. Review 2/24/22 Bills List w/ Invoices:

Upon review a motion to pay the listed invoices in the amount of **\$1,457.50** was made by Mr. McQueen and seconded by Mr. Simoff.

Roll call vote:

All members voted in the affirmative.

9. **Upcoming Board Reviews/Public Hearings/Pending Applications** The Board acknowledged the following applications and their current status:

A. Application #SP-237 Bistro 73 – Preliminary & Final Major Non-residential Site Plan w/ Variance & Design Waivers; 73 Morristown Road, B:77, L:8, Zone: D-C; D-C; Received 12/22/21; Scheduled to be heard 3/24/22.

B. Application #SP-236 Community In Crisis – Minor Non-residential Site Plan; 9 Church Street, B:67, L:4, Zone: D-C; Received 12/28/21; Waiver requests, completeness determination and public hearing date T.B.D.

C. Application #SP-238 Equinet Properties, LLC - Preliminary & Final Residential Site Plan w/ Variance; 55 Claremont Road, B:71, L:6, Zone: D-CL; Received 2/8/22; Pending completeness review..

- 10. Business of Visitors, second opportunity:** None.
- 11. Executive Session:** None.
- 12. Adjournment:** Chair Graham adjourned the meeting at 7:58 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank Mottola', with a stylized, cursive script.

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

Keywords: Palmer-Olcott-AINR-Topology-Dello Russo-Grof-Rubright-deed-filing-extension