

PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE
Work Meeting - February 11, 2010 - 7:30 PM

Members Present: Chairman Lawrence, Members: Ms. Foster, Mr. Knudsen, Ms. Paluck, Mr. Simoff, Ms. Thompson and Ms. Totten.

Professionals Present: P. David Zimmerman, PP; Robert Brightly, PE and Michael Mondok Assistant Engineer and Zoning Official

1. H & J McWilliams Property Trust, 155 Claremont Road; Block 32, Lot 18; R-4 & R-5 zones; Minor Subdivision Appl. #635. Applicant seeks input on two conceptual revisions.

Daniel Lincoln, AIA presented two alternate conceptual plans he prepared in an effort to reduce steep slope disturbance. One plan shows a shared driveway but this is not the applicant's preference.

Option # 1: Shared driveways; [variance for same] and variance for 26% disturbance of slopes in the 15% - 25% category vs. 20% max.

Option # 2: Separate driveways, likely front setback variance and variance for disturbance of 31.2% slopes in the 15% - 25% category [vs. 20% max.]

Some members questioned need for retaining walls. Dan Lincoln explained they have minimized same. Board member mentioned that reduction of proposed house size would reduce slope variance. Due to extent of discussion on Architectural style, Board members questioned if condition could be imposed indicating home to be built shall be similar to plans/style discussed.

Dan Lincoln indicated that proposed lot could be increased in area, thus reducing % of slope disturbance, Board appeared to prefer Option 2 noting first that applicant must substantiate variance.

2. R & A Meehan, LLC. 189 Finley Ave; Block 142, Lot 12; R-3 zone. Preliminary Major Subdivision Appl. #M-91P.

Lloyd Tubman, Esq. and James Madsen, PE presented to Board. Explained that bulk requirements are met with exception of slope disturbance variance and RSIS exceptions. Explained that proposed road would be adjacent to the stream buffer, with three of the four lots on the north side of the street. Dan Lincoln, AIA asked if existing house could stay, rather than demolishing as noted on plans. Mr. Mondok indicated it would not require variances. Ms. Tubman indicated applicant would not object to keeping house. Mr. Lincoln indicated barn may be from 1800's and asked applicant to contact him if they would be interested in moving it elsewhere. Mr. Brightly does not recommend detention system under Borough street, nor retaining wall supporting same, where the Borough would not control the slope rights [due to buffer].

Mr. Mondok asked why they proposed to connect their force main into an existing force main rather than connecting to a gravity sewer line just 45+/- away. They will consider. Mr. Brightly confirmed three exceptions from RSIS as noted in Mr. Mondok's Zoning Report. [Road width 24' vs. 29'; ROW width 46' vs. 50' and no sidewalk]. Several Board members were concerned

with Mr. Brightly comment on underground, under street storm water detention and indicated one less lot may result, which Mr. Madsen appeared to agree with.

3. Ordinance review and comment to the Mayor & Council:
 - A. Proposed Ordinance #10-1531, Adding Provisions Regulating Dumpsters.

Board's concerns:

Definition – Must define size, as it is now a garbage can would fall within the definition. Ten yard container was suggested. Have same apply to residential property zones only? Section “A” refers to Section III of **Township** Land Use Ordinance. Board suggests that Council look at Board's comments from a year ago. Brief discussion followed regarding PODs. Ms. Thompson will find last year's comments and add the above notes. Construction Official vs. Code Enforcement was discussed. Second extension by Construction Official then to Council, not Board.

- B. Proposed Ordinance #10-1532, deleting definition of Open Space Residential Zoning. Also - review of Open Space Residential Development conditional use criteria.

Mr. Knudsen recommended adoption. Susan Ziwot indicated that on one hand it seems to be fixing a clerical issue, but shouldn't the Board have to consider changes as a new ordinance and consider the Master Plan as it is today. Mr. Zimmerman indicated it is consistent with the Master Plan. Ms. Thompson used prior examples of seven lots on seventy eight acre tract where applicant had to document that they could design seven lots using conventional zoning. Mr. Zimmerman indicated that all applications are sent to the Environmental Commission; who recommended cluster option used in that case.

Mr **[name not indicated]** questioned if Board was changing lot sizes thru cluster and Board explained although lots could be smaller, no more lots result since no increase in density is proposed. He also questioned if well capacities were considered and the Board indicated that same were regulated by Health and State regulations. Mr. Peter Miller of the Environmental Commission will invite Mrs. Ziwot and Mr **[name not indicated]** to their next meeting. Mr. Mondok will write to the Mayor and Council recommending the adoption of the ordinance.

4. Senate Bill S-1 discussion?

Mr. Zimmerman indicated COAH numbers will be lower. Mr. Mondok indicated RCA's could be utilized if town took steps to enter one [i.e. resolutions of intent] prior to July 7, 2008 and complete study by December 31, 2011.

This concludes this evening's meeting. The time is 10:15 PM.

Respectfully submitted,

Teresa Lyons

Minutes approved: _____