

**PLANNING BOARD MINUTES –  
BOROUGH OF BERNARDSVILLE**

**March 25, 2010**

**7:40 PM**

1. Statement of Adequate Notice by Presiding Officer

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

Professionals Present: Board Attorney Mr. Hoffman, Board Engineer Mr. Brightly, Board Planner, Mr. Zimmerman, Substitute Traffic Consultant Nick Verderese, and Assistant Engineer and Zoning Official Michael Mondok

2. Approval of Minutes - March 4, 2010 – Carried to April 22

3. Communications not related to Agenda. – Nothing to report.

4. Business of Visitors not related to Agenda. – No comments.

5. Pending Applications/Public Hearings:

A. Bernardsville Centre, 80 Morristown Road; Block 64, Lots 1.01 & 23; Site Plan Application #SP-213 for proposed building addition & related site improvements (continued from 3/4/10).

Ms. Susan Rubright, attorney for applicant began with a summary recapping the March 4 hearing and the applicant's intentions for this evening. Mainly Ms. Rubright intends to address traffic, landscape architecture including signs and perhaps lighting.

Mr. Quinn, EKA Associates, will first continue to address existing conditions and parking. Mr. Quinn began with a brief summary to lead into Mr. Jahr's testimony pertaining to traffic.

Driveway configuration will remain unchanged. Proposed Parking ratio will remain much the same as the existing Center. Two cart corrals are shown rather than the proposed four cart corrals. It was clarified that the cart corral near Gary's Wine will remain the same; therefore the site will have three cart corrals.

Mr. Hoffman interrupted requesting time to hear from Carl Kemp, Esq. attorney representing Village Super Market regarding preliminary jurisdiction issues. Carl Kemp said his client has some issues with the site. As they have processed the submissions they believe there are items required by the ordinance check list which have not been dealt with either by submission or waiver. Mr. Kemp suggested to Mr Hoffman since it is jurisdictional in nature that this be addressed early, but it was not his intention to interrupt the presentation.

Mr. Hoffman noted that the application has been deemed complete by Mr. Mondok and by procedure all will have the opportunity to be heard. Mr. Kemp stated it is his intention to make a comment and a presentation when appropriate.

Ms. Rubright commented that the declaration of completeness commences the time for review it is not a

jurisdictional matter. The Notice is very complete and all those present will hear any other kind of variances or waivers that will come up. There are no jurisdictional defects or problems and would like to continue to proceed with the application.

Mr. Quinn resumed his presentation and noted the plan will amend the number of cart corrals from five to three. Therefore the ratio will likely remain 4.8, but there is a new loading dock proposed in the rear of the new building. Currently the existing site has no loading area, which is not in compliance with the ordinance.

The Board had no questions for Mr. Quinn. The floor was opened for public questions for Mr. Quinn.

Mrs. Cozin, 41 Old Colony Road, a neighbor adjacent to Kings Supermarket. Questioned the current loading area near Kings. There was discussion regarding the concrete pad in the north corner and the proposed dock which is not a depressed dock.

Mr. Mark Cozin, 41 Old Colony Road questioned if this loading dock will service all the stores or just Kings? Mr. Quinn responded that the dock will service Kings Supermarket. Mr. Cozin questioned if there will be limited hours for loading? Mr. Quinn answered that it will be to the degree that the existing Center has a very set schedule on deliveries. Ms. Rubright reported that it will comply with the ordinance requirements. Mr. Cozin inquired if Mr. Quinn is aware that the current delivery schedule creates noise and odor the neighbors hear and smell? Mr. Quinn stated he was not aware.

No other questions from the Board or Public were posed for Mr. Quinn.

Next expert is Mr. John Jahr, Maser Consulting who was previously sworn and qualified.

Mr. Jahr's testimony reflected his Traffic Impact Study report dated February 23, 2010, previously submitted to the Board. Along with a supplemental letter to Mr. Nay's report.

Mr. Jahr stated that he was requested to evaluate the existing and future traffic conditions at and adjacent to the The Bernardsville Center. Numerous steps including site visits were taken to make such an evaluation. Data collection took place at numerous times.

The following Exhibits were marked

A29: Auto Traffic Recorder Count, dated 10/9/2006 assembled by Maser Consulting

A30: NJDOT Data Calculation, dated August 7, 2006 for a.t.r. count on June 6-16, 2006

Analysis of existing conditions at the site, indicated that the level of service exiting the driveway Left onto to Rt. 202 is currently operated at a level of service C. The traffic exiting making a Right onto Rt. 202 is currently operated at a level A&B. Along Rt. 202 the level of service operating in that corridor is at a level A. Review is between peak hour period.

Next part of the analysis is to review traffic volumes in a no built condition. This represents what the traffic volumes would be if the applicant did not build their project. This study factored future major developments or major highway improvements that could impact the project. Study indicated that no major developments or highway improvements scheduled by NJDOT between now and 2013 [date when project is expected to be completed] that would cause a notable impact.

Next part of analysis was trip generation. Because there will be a 23% increase in the square footage of the site, part is office and the other part is retail. Addition of 15,081 sq ft of retail space and 6,646 sq. ft of office space. This translates into new trip generation. Based on analysis during the AM peak hour there will be 26 new additional trips and PM peak hour there will be 27 new trips and on Saturdays there will be 94 new additional trips. Conclusion was small increase to traffic and minimum delay in seconds to wait to exit the driveway. The difference between build and no-built is one second delay.

There was some discussion questioning the proposed generated trips and the anticipated increase of new employees at the site.

Next part of the analysis was the site plan and parking. Parking was first addressed with a comparison of the municipal ordinance requirements and the existing site, along with the percentage of parking behind the addition for office patrons. Currently 26% of the parking is either along the side or behind the building and 74% of the parking is in front of the building. Municipal Ordinance requires 557 spaces, the ITE shows 321 spaces, Urban Land Institute shows 383 spaces and this Developer says 457 spaces.

The average conditions noted on site visits indicate that there is sufficient parking. Parking stalls behind the stores are for employees and designated in store leases. Discussion ensued regarding use of existing stalls and that some are least desirable [those along Rt. 202] and percentage of stalls being used. In conclusion, it appears that there should be adequate parking and with some extra for both employees and patrons.

Discussion followed regarding parking and landscape site distance.

Mr. Jahr concluding remarks highlighted that this is a small addition to the shopping center, resulting in a minimal impact to local traffic. The variance being sought for parking is in line with other variances the Board has considered before.

Professional questions posed to Mr. Jahr included one from Mr. Hoffman regarding the evaluation of the parking ordinance. Mr. Jahr responded that there is a burden imposed by the existing parking ordinance in that the ordinance is too restrictive, but it is a benchmark.

P. D Zimmerman questioned if the driveways comply with NJDOT standards, Mr. Jahr stated that these were not evaluated, however they are grandfathered.

Mr. Verderese, PE substitute Traffic Consultant for Borough Consultant Henry Nay was recognized and then offered comments and questions pertaining to existing traffic counts and the disparities in the counts expressed in a prior correspondence. Mr. Jahr noted that some traffic data is from 2001. Granted it is dated, count could be considered higher to due local traffic construction, but his report represents reasonable traffic volumes for the site.

Mr. Verderese commented that Exhibits A29 and A30 are missing numerous data points especially through the peak hours and therefore it is inaccurate data. In addition the a.t.r. locations do not accurately reflect the traffic volumes in front of the site. [Points Linda bury and Miller Lane] This was addressed in his review letter to Maser Consulting. Mr. Jahr suggested the best way to resolve this is to conduct a new traffic count at the location. This data will be cleared through the Borough's traffic engineer.

Mr. Verderese also questioned the traffic counts for Saturday does not accurately reflect peak hours. Mr. Jahr suggested with the new traffic count to also incorporate peak hours and days in this new count.

Mr. Lawrence suggested that both Mr. Verderese and Mr. Jahr meet; agree on accepted methodology and proceed with the reports. Both gentlemen and applicant agreed.

Next Verderese, questioned circulation and truck traffic patterns and sees no improvement. Especially with consideration of driveway entrances, pedestrian crossings and access to loading dock.

Exhibit marked: A31: Truck Turning Template dated February 18, 2010

Mr Jahr commented that the improvement will be in the rear of the building, in the front of the building it will be a change to the traffic pattern. The Board suggested that there be a comparison of the current to the proposed truck turning templates. Also the Board requested a delivery truck count and truck lengths.

Next Mr. Verderese expressed concern regarding site exits and how the additional site traffic traveling the two way aisle along Rt. 202 will impact the eastern driveway. This will create three new traffic patterns that do not currently exist. The plan is very unorthodox.

Mr. Hoffman then suggested that the applicant request NJDOT to review the geometry of the driveway and Mr. Verderese agreed. Mr. Hoffman stated that it would be premature for the Board to contract NJDOT until all traffic testimony has been heard. Ms. Rubright noted that all approvals would be contingent upon NJDOT approval.

Exhibit marked: A32: Proposed Site Plan [Slide] dated 2/9/2010

Mr. Jahr addressed the plan and reported that this site plan takes into consideration some of comments Mr. Verderese raised. New Stop signs and stop bars are proposed to improve the flow of site traffic entering the site off Rt. 202. The Board still saw little improvement at the east side driveway. There would be a cris crossing of site traffic at this driveway.

Mr. Jahr noted the conflict and challenge of the site. Mr. Lawrence requested that this subject also be studied jointly by Mr. Verderese and Mr Jahr. In addition, Mr. Brightly and Mr. Nay will participate.

Mr. Knudsen suggested that revised traffic studies should reflect both sides of Rt. 202 and the impact of other driveways along this corridor.

The application rested at this time. They will return April 22 to address Landscape Architecture, Lighting and Architecture. .

Questions from the audience for Mr. Jahr:

Mr. Mark Cozin, 41 Old Colony Road, questioned the traffic flow along Rt. 202 and the safety of those perpendicular parking stalls along Rt. 202 when motorists backing out of these stalls will enter the two away aisle of traffic. Mr. Jahr noted there is sufficient room of twenty two feet, per the requirement.

Mr. Cozin inquired if Pet Smart will be a new Lessee? Mr. Rubright responded there are no tenants proposed, it was the architect's license to put a name on the building.

Mr. Cozin inquired if the popularity of the store tenants factored into these parking and traffic studies? Mr. Jahr responded that balance is what studies strive for. The amount of parking proposed is sufficient for a popular center.

No other questions from the public.

This application will carry to April 22 without further notice.

6. Report of the Subdivision & Site Plan Review Committee - Draft Report attached.  
Time is 10:43 PM  
Motion to accept Report: Ms. Foster  
Second: Ms. Paluck  
Voice Vote: All members present voted in the affirmative.
7. Report of the Evaluation Committee- Draft Report attached.  
Motion to accept Report: Ms. Foster  
Second: Mr. Knudsen  
Voice Vote: All members present voted in the affirmative.
8. Old Business: Nothing to report.
9. New Business: A.Payment of Vouchers in the amount of \$6,647.05  
Motion: Ms. Paluck  
Second Ms. Totten  
Roll Call: Aye:  
Nay: None
10. Business of Visitors, Second Opportunity  
No comments.
11. Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters.  
*None*
12. Reconvene; perform any relevant action as needed.
13. Adjournment of public meeting.  
Motion: Ms. Foster  
Second: Ms. Paluck  
Voice Vote: All members present voted in the affirmative.  
Time is 10:45 PM

Respectfully Submitted,

Teresa Lyons

Minutes approved: April 22, 2010

Keywords:minutes-planning-board-bernardsville-centre-80-Morristown-Road-Site-Plan-Application-SP213-