

**PLANNING BOARD MINUTES  
BOROUGH OF BERNARDSVILLE  
April 22, 2010**

**7:30 PM - Public Meeting, In Meeting Hall (may begin as pre-meeting review in conference room.)**

1. Statement of Adequate Notice by Presiding Officer; Roll Call.  
Members Present: Mr Graham [arrived 8:15 PM], Mr. Knudsen, Ms. Rochat, Mr. Simoff,  
Ms. Paluck, Ms. Foster and Mr. Lawrence  
Members absent: Ms. Totten and Ms. Thompson

Professionals Present: Board Attorney Mr. Hoffman, Board Planner P. David Zimmerman, Board Engineer Mr. Brightly and Administrative Officer/Asst. Engineer Michael Mondok.

Approval of Minutes - March 4, 2010 and March 25, 2010 carried to the May meeting.

April 8, 2010: Motion to approve: Mr. Knudsen  
Second: Ms. Foster  
All eligible members voted in the affirmative.

Communications not Related to Agenda.

Mr. Zimmerman reported that the Board is to schedule a Public Hearing for the Amendment to the Master Plan for Housing and Fair Share Plan. The Board agreed to schedule this public meeting on May 20 at 7:30PM.

Business of Visitors not Related to Agenda.  
No business.

**Pending Applications/Public Hearings:**

- A. Announce postponement to May 27, 2010, without further notice:  
Review, clarify and/or modify Certificate of Incorporation regarding use of Open Space,  
Washington Corner Assoc., LLC, "The Preserve", Washington Corner & Hardscrabble  
Rds.; Block 7, lot 4; Major "Open Space Residential Development" subdivision Appl. #M-88.  
Time is:7:45

Ms. Sherry Frawley, 70 Carriage House Rd. expressed a comment about this postponement, the reason for this was likely due to the one land owners [who be the most impacted] absence due to travel abroad and his wife did not want a final decision made without his presence. Mr. Lawrence accepted this, but requested that Ms. Frawley convey that no other delays will be considered. This matter will be addressed May 27.

B. Douglas Kimmelman, 156 Overleigh Rd, Block 30, Lot 10; Conditional Use Application #SP-214 for in-house accessory apartment; R-1 zone.

Time is 7:55PM

Mr. Vincent Bisogno, attorney for the applicant, Douglas Kimmelman. The house is presently under construction and Mr. Douglas Kimmelman who actually resides a few doors away is building this home for his parents, Mr and Mrs. Irving Kimmelman, who will reside at this property. The house is about 80% complete. The applicant needs a caretaker apartment inside the dwelling. Mr. Irving Kimmelman requires full time care. There is no variance involved in this application; it meets all conditions set forth in the ordinance. Tonight in attendance is Mr. Peter Dorne, who is the architect who will present the conditions that comply with the ordinance. Mr. Dorne was sworn in as a witness. Mr. Dorne's business address is 109 Washington Street, Morristown, New Jersey. The Board accepted the witness.

The apartment will be occupied by care providers and will be registered annually with the Borough. The living area of the principle dwelling is 10,709 sq ft. The area of the apartment is 1,242 sq ft. [11.5% of living area]. Pursuant to the ordinance is less than 25% of the principle dwelling livable area, not gross space.

Mr. Bisogno noted that this dwelling and apartment will comply with the Uniform Construction Code and Uniform Fire Code for two family houses. Mr. Bisogno questioned that the home appearance is that of a single family home and not a two family home. Mr. Dorne concurred and presented front, rear and right elevations to the Board. The building is completely barrier free. There is an elevator from the basement to the first floor.

Mr. Bisogno noted that there will be a Deed Restriction recording restrictions containing the conditions set forth in the ordinance.

Mr. Bisogno had no further question of the witness.

Mr. Hoffman and Members had various questions regarding bedrooms and septic capacity. Mr. Bisogno noted that the Department of Health is currently addressing septic capacity of the existing five bedroom system. The apartment is considered an additional 1.5 to capacity. If an expansion or replacement is suggested by the Department of Health, the applicant will comply.

There were no further questions or comments from Board or public for this application.  
Mr. Bisogno concluded his presentation.

Finish: 8:14 PM

Motion to approve Resolution, as revised: Mr. Simoff

Second: Ms. Paluck

Roll Call: Aye: Mr. Knudsen, Ms. Rochat, Mr. Simoff, Ms. Paluck, Ms. Foster, Mr. Lawrence

Nay: None

[Mr. Graham arrives]

C. 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; 3/25/10).

Time is 8:15 PM

Ms. Susan Rubright, attorney for the applicant and Tom Quinn, PE were present to continue with testimony from the March 25 meeting. Ms. Rubright intends to call building and landscape architects to present their respective plans.

Mr. Hoffman reported that correspondence has been received from Mr. Carl Kempf regarding the completeness of the application. Mr. Kempf was acknowledged in the audience noted that his objections was only fundamental and not a jurisdictional question. Mr. Kempf did not want to disrupt tonight's proceedings, but will later address concerns at the appropriate time.

Mr. William Kaufman Project Architect from WESKetch Architecture, 1932 Long Hill Rd, Millington, New Jersey was accepted as a witness by the Board. Mr. Kaufman presented previously entered Exhibit A27, a color rendering of the front of the building.. Mr. Kaufman's testimony highlighted styles of awnings, roof, new entry to King's Supermarket, new parapets over Lenny's Restaurant and Gary's Wine Store. Next Mr. Kaufman presented Exhibit A21 to show new addition and how the facade will extend.

Time is 9:10 PM. Board took a ten minutes recess.

Time is 9:20 PM. Meeting resumes.

New Exhibit A33 was entered ; the Texture Materials Selection Board shows brick, facade cap, glass, fabric awning [blue tone], coated bronze window frame and mullions. Split face block for rear exterior of building. Lighting for store signs will be back lite and fall within the sign limitations.

Questions and comments from the Board addressed exterior maintenance, preference that cylinder tower entrance at King's Supermarket be reconsidered. Board expressed concern that the Tower will be difficult for pedestrians for carts to pass through.

Mr. Zimmerman commented that the new addition is missing exterior attributes that are present at the Mall, which include trees, planters and bollards. Mr. Quinn noted that this would be addressed in the site plan.

Another concern is that the addition is "stepped out" compared to Kings. Rather the Board wants to maintain the preservation buffer to be considerate to neighbors and traffic circulation. In addition, the interior lighting of the side glass panels to the second floor and the exterior lighting in the rear of building were addressed to prevent excess lighting from blanketing neighboring properties.

Public questions for Mr. Kaufman.

Mr. Cozin, 41 Old Colony Rd questioned if the HVAC mechanics will be visible to the properties in the rear. Mr. Kaufman responded that it will likely be located behind the proposed parapets toward the middle of the structure. Mr. Simoff suggested that on the current roof top the HVAC be baffled and screening.

Mr. Dan Lincoln, 28 Olcott Rd, on behalf of the Historic Preservation Committee. Regarding the tower entrance at Kings, he suggested that Board Members also think that the Tower entrance could be a designated location for local fund raising efforts. A similar tower can be found at the Basking Ridge Fire Department.

The time is 10:30 PM this concludes Mr. Kaufman's testimony.

Next witness is Landscape Architect, Robert Ferrente. Mr. Ferrente was accepted by the Board to be an expert witness. Mr. Ferrente addressed the landscape plan for the area surrounding the bio retention basin. Plants proposed are hardy drought tolerant species.

The bench at Route 206 facing the entrance of Burger King will be altered to be a shaded area with pattern concrete. Intention is to improve handicapped access near Gary's Wine Store, but a challenge has been presented with the new concrete island.

At the new addition, there is less real estate for plantings, but what is proposed is low and will not inhibit corner line of sight.

The time is 11:00 PM

Board agreed to extend the meeting to 11:30 PM

Mr. Kaufman noted that on Sheet 5 of the Plan Set 4.5% of site is landscaped but it does not include the parking area and back of the mall. All tree proposed will be 3 – 3.5" in caliper. Because regulations preclude plantings on the berm, rather plantings will move into the basin.

The time is 11:10 PM.

Ms. Rubright decided to rest at this time. Mr. Kaufman will return for the May 27 meeting to continue with landscaping and lighting.

Mr. Hoffman noted that application requires an extension, Mr. Rubright granted an extension to the end of May.

The time is 11:20 PM

6. Report of the Subdivision & Site Plan Review Committee - Draft Report attached.

Motion to accept report: Mr. Knudsen

Second: Ms. Foster

Voice Vote: All members present voted in the affirmative.

7. Report of the Evaluation Committee- Draft Report attached.

Motion to accept report: Mr. Knudsen

Second: Ms. Foster

Voice Vote: All members present voted in the affirmative

8. Old Business. None

9. New Business:

A. Payment of Vouchers: (To be distributed at meeting.)

Motion to authorize payment in the total of \$7,296.90: Ms. Paluck

Second: Mr. Knudsen

Roll Call: All members present voted in the affirmative.

Nay: None

10. Business of Visitors, Second Opportunity: None

11. Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters.

12. Reconvene; perform any relevant action as needed.

13. Adjournment of public meeting.

Time is 11:21 PM

Motion to adjourn: Ms. Foster

Second: Ms. Paluck

Voice Vote: All members present voted in the affirmative

Respectfully submitted,

Teresa Lyons, Recording Secretary

CC: Barry Hoffman, Esq.- agenda only by fax, full package mailed.  
Robert Brightly, PE.- agenda only by fax, full package mailed.  
P. David Zimmerman, PP. - agenda only by fax, full package mailed.  
Henry Ney, PE.- agenda only by fax, full package mailed.  
Michael Osterman, Esq.- agenda only by fax, 647-7721  
Vincent Bisogno, Esq. agenda only, by fax  
Susan Rubright, Esq, agenda and items 8, 9 & 10, below, by fax 973-618-5557  
Historic Committee, agenda only, by fax.  
Anthony Suriano, agenda only, by e-mail  
Theresa Lyons

**Distributed with the April 22, 2010 Agenda:**

1. Draft minutes of March 4, 2010.
2. Draft minutes of March 25, 2010.
3. Draft minutes of April 8, 2010.
4. April 12, 2010 letter from Michael Osterman, Esq. - Washington Corner Assoc.
5. Feb. 22, 2010 Zoning Report - Kimmelman.
6. Addendum Explaining Application - Kimmelman.
7. March 5, 2010 Health Dept. memo - Kimmelman.
8. Excerpt, 3/26/09 resolution, appl. #SP-205, ShopRite, 9' wide spaces w/hairpin striping - B'ville Centre.
9. Excerpt [conditions 8(j) & 8(k)], 9/12/02 resolution, appl. #SP-187, ShopRite, hours - B'ville Centre
10. Excerpt, 1/25/07 resolution, appl.#SP-203, Starbucks (findings - hours & deliveries) - B'ville Centre
11. April 2, 2010 letter from Susan Rubright, Esq., alleged deficiencies - B'ville Centre
12. April 2, 2010 letter from Susan Rubright, Esq., Escrow, Planning & Traffic Consultants - B'ville Centre
13. April 5, 2010 letter from P. David Zimmerman, PP., response to above - B'ville Centre
14. April 6, 2010 letter from Susan Rubright, Esq., response to above response - B'ville Centre
15. Draft report of the Subdivision & Site Plan Review Committee.
16. Draft report of the Evaluation Committee.
17. Notice of application to NJ DEP - LOI - Washington Corner Assoc.
18. Environmental Insights by OMNI Environmental.

**The following items were previously distributed and are **not** attached - Please advise if you need copies:**

1. Feb. 24, 2010 report by Robert Brightly, PE. - B'ville Centre.
2. Zoning report revised March 2, 2010 - B'ville Centre.
3. Feb. 9, 2010 report by P. David Zimmerman, PP. - B'ville Centre.
4. Feb.16, 2010 report by Henry Ney, PE. - B'ville Centre.
5. Feb.11, 2010 (rec'd 2/16/10) letter from Thomas J. Quinn, PE. - B'ville Centre.
6. Jan. 29, 2010 memo/report from Lou Matlack, Shade Tree Comm - - B'ville Centre.
7. Revised Comments from Environmental Comm., dated 2/23/10 - B'ville Centre.
8. Feb. 24, 2010 letter from Susan Rubright, Esq. - B'ville Centre
9. March 3, 2010 email/report of the Fire Prevention Bureau - B'ville Centre.
10. March 3, 2010 letter from Howard Cohen, Esq. With 3/3/10 report of Princeton Hydro- B'ville Centre
11. Fax of 3/17/10, Barry Hoffman, Esq. to Carl Kempf, Esq. with copy of Mr. Kempf's fax- B'ville Centre
12. Traffic Impact Study by Maser Consulting dated Feb. 23, 2010 - B'ville Centre
13. March 5, 2010 letter from John Jahr (Maser) to Henry Ney, PE - B'ville Centre

14. March 23, 2010 letter/report from Henry Ney, PE. - B'ville Centre.