

June 24, 2010 Planning Board

PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE

June 24, 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: Chairman Lawrence, Vice Chairman Graham, Members Knudsen, Totten, Rochat, Paluck, Foster and Thompson.

Tardy: Mr. Simoff, arrive 9:48 PM, so noted in the Minutes.

Board Professionals Present: Mr. Hoffman Esq., Mr. Brightly PE, Mr. Zimmerman PP, Michael Mondok, Administrative Official, Asst Engineer and Zoning Official and Consulting Engineer James Cosgrove PE.

2. Approval of Minutes - March 4, 2010; March 25, 2010
Distributed, but carried to next meeting.

3. Communications not Related to Agenda. - None

4. Business of Visitors not Related to Agenda. - None

5. Pending Applications/Public Hearings:

A. Memorialize 5/27/10 action regarding 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.

Motion to adopt: Ms. Thompson

Second: Ms. Paluck

Roll Call:

Aye : Mr. Graham, Ms Totten, Ms. Rochat, Ms. Paluck, Ms. Foster, Ms. Thompson and Mr. Lawrence.

Nay: None

B. Bernardsville Centre, 80 Morristown Road; Block 64, Lots 1.01 & 23; Site Plan Appl.#SP-213 for proposed addition & site development - continued from 3/4; 3/25; 4/22; 5/27. (7:45+/- to 9:15+/-) Time is 7:40PM. Chairman Lawrence noted that because there is another application still to be heard, the Board will entertain 1hour and 40 minutes for this application's portion of the meeting.

Legal Counsel Stuart Lieberman addressed the Board. Mr. Lieberman is covering for Ms. Rubright for this portion of the application pertaining to Stormwater Management. Also present for testimony is Mr. Thomas Quinn EKA Engineering who will present this portion of the application.

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Just prior to Mr. Quinn's testimony Mr. Howard Cohen, Counsel for the Great Swamp Watershed questioned Mr. Quinn's credentials and entered for identification DS#1 – Mr. Quinn's resume.

Mr. Lieberman noted that the witness be accepted as an expert in Stormwater Management as an Engineer.

Mr. Quinn proceeded to present and address each of the following Exhibits.

A37 [A-L]

37A-A: View Shed Drainage Area

37A-B: Uplook of Center [3/209 – Ferriero Report]

37A-C: Sheet 2 of Existing Conditions - Drawing

37A-D: Stormwater Design NJAC 7:8 – Major Developments

37A-E: Recharge [Groundwater]

37A-F: Water Quality

37A-G: Water Quantity

37A-H: Proposed Stormwater System [3 separate systems]

37A-I: Color Rendering Site Plan

37A-J: Proposed SWM & NJAC 7:8

37A-K Proposed SWM & NJAC 7:8 – Center Expansion

37A-L: New Common Outfall

A38- May 27 letter from Craig Heller c/o Aboyoun & Heller

After this portion of his testimony the Board invited Mr. Cosgrove to participate in a discussion along with Mr. Quinn regarding Mr. Cosgrove's June 17, 2010 report. Prior to discussion opposing Counsels Mr. Cohen and Mr Kempf expressed no objection to Mr. Cosgrove's testimony. Mr. Cosgrove was administered testimonial oath.

At the conclusion of this discussion, the floor was open to the public for questions. Mr. Cohen noted that he has several questions, however given the late hour he requested that this portion be carried to another meeting date. Mr. Lieberman granted an extension to the end of July and it was agreed that this application will continue to July 29, without further notice.

Time is 9:35 PM

Board took at five minutes recess.

C. H & J McWilliams Property Trust, 155 Claremont Road; Block 32, Lot 18; R-4 & R-5 zones; Minor Subdivision Appl. #635. (9:15+/- to 10:45+/-)

Time is 9:40 PM

NOTE: Ms. Thompson and Ms. Rochat left for the remainder of the meeting. Mr. Simoff entered and participated in balance of the meeting agenda.

Mr. Vincent Bisogno, attorney for the applicant presented a brief overview of the application and noted that his client Ms. McWilliams is unable to attend tonight's meeting however he does have two witnesses; Dan Lincoln, architect and David Smith, Yannacone and Associates. project engineer. Mr. Lincoln was accepted as a witness and was administered the testimonial oath.

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Mr. Lincoln presented four Exhibits:

- A1- Front Elevation – Proposed New Home
- A2- 1st Floor Plan [also noted as plan sheet #]
- A3- 2nd Floor Plan [also noted as plan sheet #]
- A4-Side Elevation

Discussion focused on flipping the direction of the house to reduce the impact on the slope and shared driveway. The garage has been move five feet and the house is not located more West by nine feet to lose the variance.

Next Mr. Smith was accepted as a witness and administered the testimonial oath. Mr. Smith addressed the site plans and other related concerns.

No questions from the Board. Public questions:

Walter Dryer, 6 Orchard Hill Rd questioned the height of the house and the garage. Mr. Lincoln answered that the house is 34' and the garage is 26'.

Sharon Warren, 1-2 Mendham Rd inquired if the driveway could be changed to the existing house. Mr. Lincoln answered that other driveway options were explored, but options were limited to slope. In addition there is the difficulty of securing a driveway opening permit from the County for an opening on Claremont Rd.

No other questions from the public and no other witnesses. Matter will be carried to Special Meeting of July 20, 2010. Appropriate Notice is suggested.

The time is 10:40 PM.

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

Motion to accept this report: Ms. Foster
Second: Mr. Knudsen
Voice Vote: All members present voted in the affirmative.

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

Motion to accept this report: Ms. Foster
Second: Mr. Knudsen
Voice Vote: All members present voted in the affirmative.

8. Old Business. None

9. New Business: Payment of Vouchers in the Total Amount of \$ 6,463.80
Motion to approve payment of vouchers: Mr. Knudsen
Second: Ms. Paluck
Roll Call:

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Aye: Mr. Graham, Mr. Knudsen, Ms. Totten, Mr. Simoff, Ms. Paluck, Mr. Foster, Mr. Lawrence

Nay: None

10. Business of Visitors, Second Opportunity: None
11. Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters. – No Executive Session
12. Reconvene; perform any relevant action as needed.
13. Adjournment of public meeting.
Time is 10:45 PM
Motion to adjourn: Ms. Foster
Second: Ms. Paluck
Voice Vote: All members present voted in the affirmative

Respectfully submitted,

Teresa Lyons, Recording Secretary

Minutes approved: 7/22/10

Keywords:minutes-planning-board-washington-corner-associates-the-preserve-m-88-bernardsville-centre-80-morristown-road-sp-213-h-j-mc-williams-property-trust-155-claremont-road-m-635-

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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.
Michael Osterman, Esq.- agenda only by fax, 647-7721
Vincent Bisogno, Esq., agenda only, by fax, 766-7809
Susan Rubright, Esq, agenda AND ZONING REPORT REVISED 6/15/10, by fax 973-618-5557
Historic Committee, agenda only, by fax.
Anthony Suriano, agenda only, by e-mail
James Cosgrove, PE. - agenda only by fax
Henry Ney, PE. - agenda only by fax, FYI, attendance not necessary.
Theresa Lyons

Distributed with the June 24, 2010 Agenda:

1. Draft minutes of March 4, 2010 (if not attached - will be emailed.)
2. Draft minutes of March 25, 2010 (if not attached - will be emailed).
3. 6/17/10 fax/memo from Barry Hoffman, Esq. with revised Draft resolution - Washington Corner Assoc.
4. June 8, 2010 letter from Stuart Lieberman, Esq., representing B'ville Centre on 6/24/10/
5. June 9, 2010 letter from Barry Hoffman, Esq., regarding above letter and related emails - B'ville Centre
6. June 11, 2010 letter from Susan Rubright, Esq., regarding representation - B'ville Centre
7. June 17, 2010 letter/report from James Cosgrove, PE. - B'ville Centre.
8. Zoning report revised June 15, 2010 - B'ville Centre
9. June 3, 2010 fax of May 7, 2010 letter of intent of to grant easement behind Friendly's - B'ville Centre
10. June 14, 2010 letter from Mr./Mrs. Guglietta requesting adjournment or to carry McWilliams Sub.
11. Zoning report revised June 1, 2010 - McWilliams Subdivision.
12. June 15, 2010 Shade Tree Comm report - McWilliams Subdivision.
13. Aug. 19, 2008 letter report by Environmental Technology, Inc.- McWilliams Subdivision.
14. Draft report of the Subdivision & Site Plan Review Committee.
15. Draft report of the Evaluation Committee.
16. Notice of appl. to NJDEP for sanitary sewer extension to 25 Brookside Ave (Rylocat Inc.)
17. Log of applications, fees, escrows revised June 9, 2010.
18. June 2, 2010 letter to James Ruggieri, Principal Planner, Somerset Co. - Grant Extension.
19. June 2, 2002 Notice to Somerset Co. Planning Bd- Adoption of Housing Element and Fair Share Plan
20. Pamphlet/registration form - Land Use for Municipal Board members course.
21. Notice by Bohler Engineering of application to NJDEP for LOI: B-81, L- 6; 271 Mine Brook Rd

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22. The New Jersey Planner, May-June 2010.

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.
15. Excerpt, 3/26/09 resolution, appl. #SP-205, ShopRite, 9' wide spaces w/hairpin striping - B'ville Centre.
16. Excerpt [conditions 8(j) & 8(k)], 9/12/02 resolution, appl. #SP-187, ShopRite, hours - B'ville Centre
17. Excerpt, 1/25/07 resolution, appl.#SP-203, Starbucks (findings - hours & deliveries) - B'ville Centre
18. April 2, 2010 letter from Susan Rubright, Esq., alleged deficiencies - B'ville Centre
19. April 2, 2010 letter from Susan Rubright, Esq., Escrow, Planning & Traffic Consultants - B'ville Centre
20. April 5, 2010 letter from P. David Zimmerman, PP., response to above - B'ville Centre
21. April 6, 2010 letter from Susan Rubright, Esq., response to above response - B'ville Centre
22. April 7, 2010 letter from James Cosgrove, PE - B'ville Centre.
23. April 20, 2010 letter from Carleton Kempf, Esq. - B'ville Centre.
24. May 14, 2010 letter from Thomas Quinn, PE, of EKA Assoc. - B'ville Centre.
25. May 19, 2010 letter from Howard D. Cohen, Esq./GSWA - B'ville Centre.
26. May 19, 2010 email from Susan R. Rubright, Esq. regarding above letter - B'ville Centre.
27. May 27, 2010 letter from Barry Hoffman, Esq. - B'ville Centre.