

July 22, 2010 Planning Board

**PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE**

**July 22, 2010**

**7:30 PM - Public Meeting.**

1. Statement of Adequate Notice read into record by Chairman Lawrence.  
Roll Call: Members present: Chairman Lawrence, Vice Chairman Graham, Members Mr. Knudsen, Ms. Totten, Mr. Simoff [arrived 9:00 PM] Ms. Paluck, Ms. Foster and Ms. Thompson.  
Members absent: Ms. Rochat  
Professionals present: Attorney Barry Hoffman, Engineer Robert Brightly, Planner P. David Zimmerman and Administrative Officer Michael Mondok.

2. Approval of Minutes - March 4, 2010; March 25, 2010  
Motion to approve March 4, 2010 Minutes as amended: Ms. Thompson  
Second: Ms. Paluck  
Voice Vote: All eligible members voted in the affirmative with the exception of Ms. Foster who abstained.

Motion to approve March 25 minutes as amended: Ms. Paluck  
Second: Ms. Totten  
Voice Vote: All eligible members voted in the affirmative with the exception of Ms. Thompson and Mr. Simoff, both abstained.

3. Communications not Related to Agenda.- None
4. Business of Visitors not Related to Agenda - None
5. Pending Applications/Public Hearings:

- A. 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; 6/24.

Mr. Stuart Lieberman attorney for the applicant continued to address the Environmental Impact Report prepared by EKA Associates, dated July 9, 2010. Upon the conclusion of Mr. Lieberman's presentation the Board had no further questions for Counsel or Thomas Quinn, PE from EKA who prepared this Environmental Impact Report.

At this time Howard Cohen, Esq. Counsel for the Great Swamp Watershed Association questioned Mr. Quinn regarding his professional credentials. Mr. Cohen then proceeded to enter as Exhibits marked for Identification the following:

- GS # 2 – Article 14 – Environmental Requirements
- GS # 3 – EKA Associates Environmental Impact Report, dated July 9, 2010
- GS # 4- Article 12 Zoning
- GS # 5 – Figure 1 Board
- GS # 6 – Figure 2 Board
- GS # 7 – Figure 3 Board
- GS # 8 – Figure 4 Board

The time is 9:46 PM. Board took a Five Minutes recess. Meeting resumed 9:55 PM.

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Public Questions for Mr. Quinn:

Mr. Mark Cozin, 41 Old Colony Road expressed concerns about water and vegetation. Sheet # 5 of the Landscape plan was reviewed and Mr. Quinn stated that there is no intention to disturb vegetation on the North side of the stream.

No other questions for Mr. Quinn.

Mr. Lieberman reported that he will rest on the Environmental portion of the application. The next meeting is August 26, 2010 and will address Traffic and Circulation.

The time is 10:15 PM.

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

Motion to approve both Committee reports: Ms. Foster  
Second: Ms. Thompson  
Voice Vote: All members voted in the affirmative

8. Old Business - None

9. New Business: Payment of Vouchers totaling \$9,197.08

Motion to approve Bills List: Ms. Totten

Second: Mr. Knudsen

Roll Call:

Aye: Vice Chairman Graham, Mr. Knudsen, Ms. Totten, Mr. Simoff, Ms. Paluck, Ms. Foster, Ms. Thompson and Chairman Lawrence.

Nay: None

10. Business of Visitors, Second Opportunity - None

11. Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters.-None

12. Adjournment of public meeting.

Time is 10:30 PM

Motion to adjourn: Ms. Thompson

Second: Ms. Foster

Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons, Recording Secretary

Minutes approved: October 28, 2010

Keywords: minutes-planning-board-bernardsville-centre-80-morristown-road-sp-213

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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.  
Susan Rubright, Esq, agenda only, by fax 973-618-5557  
Historic Committee, agenda only, by fax.  
James Cosgrove, PE. - agenda only by fax  
Henry Ney, PE. - agenda only by fax, FYI, attendance not necessary.  
Anthony Suriano, agenda only, by e-mail  
Theresa Lyons

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

1. Draft minutes of March 4, 2010 (if not attached - will be emailed.)
2. Draft minutes of March 25, 2010.
3. Environmental Impact Report dated July 9, 2010 - B'ville Centre.
4. June 17, 2010 letter/report from James Cosgrove, PE.\*- B'ville Centre.
5. Feb. 24, 2010 report by Robert Brightly, PE.\* - B'ville Centre.
6. Draft report of the Subdivision & Site Plan Review Committee.
7. Draft report of the Evaluation Committee.
8. June 9, 2010 Highlands Council RMP Update for former Quarry.

\* Previously distributed - redistributed for quick reference since stormwater/environmental expected to be the topic for all or most of hearing.

Note: Comments from James Cosgrove, PE. on his review of the EIR will be forthcoming by email.

Regarding Bernardsville Centre, the following items were previously distributed & are **not** attached - advise if you need copies:

1. Feb. 24, 2010 report by Robert Brightly, PE.
2. Zoning report revised March 2, 2010.
3. Feb. 9, 2010 report by P. David Zimmerman, PP.
4. Feb.16, 2010 report by Henry Ney, PE.
5. Feb.11, 2010 (rec'd 2/16/10) letter from Thomas J. Quinn, PE.
6. Jan. 29, 2010 memo/report from Lou Matlack, Shade Tree Comm.
7. Revised Comments from Environmental Comm., dated 2/23/10.
8. Feb. 24, 2010 letter from Susan Rubright, Esq.
9. March 3, 2010 email/report of the Fire Prevention Bureau.
10. March 3, 2010 letter from Howard Cohen, Esq. With 3/3/10 report of Princeton Hydro.
11. Fax of 3/17/10, Barry Hoffman, Esq. to Carl Kempf, Esq. with copy of Mr. Kempf's fax.
12. Traffic Impact Study by Maser Consulting dated Feb. 23, 2010.
13. March 5, 2010 letter from John Jahr (Maser) to Henry Ney, PE.
14. March 23, 2010 letter/report from Henry Ney, PE.
15. Excerpt, 3/26/09 resolution, appl. #SP-205, ShopRite, 9' wide spaces w/hairpin striping .
16. Excerpt [conditions 8(j) & 8(k)], 9/12/02 resolution, appl. #SP-187, ShopRite, hours.
17. Excerpt, 1/25/07 resolution, appl.#SP-203, Starbucks (findings - hours & deliveries)
18. April 2, 2010 letter from Susan Rubright, Esq., alleged deficiencies
19. April 2, 2010 letter from Susan Rubright, Esq., Escrow, Planning & Traffic Consultants
20. April 5, 2010 letter from P. David Zimmerman, PP., response to above
21. April 6, 2010 letter from Susan Rubright, Esq., response to above response
22. April 7, 2010 letter from James Cosgrove, PE.
23. April 20, 2010 letter from Carleton Kempf, Esq.
24. May 14, 2010 letter from Thomas Quinn, PE, of EKA Assoc.
25. May 19, 2010 letter from Howard D. Cohen, Esq./GSWA.
26. May 19, 2010 email from Susan R. Rubright, Esq. regarding above letter.
27. May 27, 2010 letter from Barry Hoffman, Esq.
28. June 8, 2010 letter from Stuart Lieberman, Esq., representing B'ville Centre on 6/24/10/
29. June 9, 2010 letter from Barry Hoffman, Esq., regarding above letter and related emails

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30. June 11, 2010 letter from Susan Rubright, Esq., regarding representation

31. June 17, 2010 letter/report from James Cosgrove, PE.

32. Zoning report revised June 15, 2010

33. June 3, 2010 fax of May 7, 2010 letter of intent of to grant easement behind Friendly's

34. First 5 pages (ie: remainder of report is appendixes) from Stormwater Management Report revised 2/11/10.