

PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE

September 30, 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 – Read into the record by Vice Chairman Graham.

Roll Call.: Members present – Vice Chairman Graham, Members: Knudsen, Totten, Rochat, Simoff, Paluck, Foster and Thompson.

Professionals Present: Attorney Barry Hoffman, Engineer Robert Brightly, Planner P. David Zimmerman, Traffic Consultant Henry Ney.

Chairman Lawrence arrived 9:15 PM

2. Approval of Minutes -
May 27, 2010 as amended
Motion: Ms. Thompson
Second: Ms. Paluck
Voice Vote: All members present voted in the affirmative

June 24, 2010 as amended
Motion: Mr. Knudsen
Second: Ms. Paluck
Voice Vote: All eligible members voted in the affirmative

3. Communications not Related to Agenda.: Nothing to report
4. Business of Visitors not Related to Agenda: No business.
5. Pending Applications/Public Hearings:

- A. Memorialize 8/26/10 approval: C&H Realities, Inc./Ruth Rider, 27~29 Olcott Square - Site Plan Appl. #SP-215 for parking lot retaining wall; Block 66, Lot 18; B-1 Zone.
Applicant Dr. Ruth Rider addressed the Board with questions and concerns regarding the proposed Resolution. After lengthy discussion amendments were agreed upon regarding the fence on top of the new retaining wall adjacent to the library fence, planting oversight and issuance of final wall design prior to application for construction permit. Dr. Rider reported that her neighbor Mrs. Pito has expressed no objection with the wall and will send a letter to Mr Mondok attesting her position. Mr. Hoffman then summarized the amendments.
Motion to adopt as amended: Mr. Knudsen
Second: Ms. Thompson
Roll Call: Aye: Graham, Knudsen, Totten, Simoff, Paluck, Foster and Thompson
Nay: None
Abstain: Ms. Rochat

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The time is 8:00 PM

- B. DiNapoli Sr., LLC (Bernardsville Car Wash) -36 Quimby La.; Block 71, Lot 5; B-1 zone. Appl. #SP-216 for roof-top solar panels. Mr. Mondok reported that the hearing notice was not properly advertised. Applicant will renote for the October 28, 2010 meeting.
- C. 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; 7/22; 8/26.
Time is 8:05 PM

Present for applicant is attorney Ms Rubright, engineer Mr. Quinn and traffic engineer Mr. Rashed. Mr. Rashed was first called to provide a recap from the last meeting and stated since the last meeting he has met with Borough Traffic Consultant Mr. Ney and NJDOT regarding the configuration of the driveway. Exhibit A40 was entered which reflects a minor modification to the driveway. This plan was submitted to NJDOT for discussion purposes. Mr. Rashed then explained NJDOT's criteria for a no interest case. This exhibit represents plans that fit into the parameters of a no interest case.

This configuration displays three signs for the driveways.
One sign for truck entrance at the easterly driveway.

One sign car/truck entrance at easterly driveway

One sign for Cars only at the westerly driveway

The Board suggested that a fourth sign be installed on the westerly driveway for Cars Only or "No Trucks"

After today's site visit it was discovered that the East corner of the Easterly driveway does comply with Mr. Ney's recommendations. The driveway is wider and the geometry already exists. However, the drawings currently do not show existing plans in the Right of Way.

Mr. Rashed explained that Borough's benefit by not going to NJDOT with these plans is that it will lose local jurisdiction and control of the applications. The applicant wants to keep the plan as is and remain with local jurisdiction.

Discussion then followed that another criteria that triggers NJDOT review is sub-division. Ms. Rubright requested that the applicant wants to eliminate sub-division approval and understands there are other technical variances that will then have to be addressed.

Mr. Ney stated that the testimony is hypothetical and there is an email from NJDOT regarding what is expected. This communication is contained in Mr. Ney's August 22 correspondence. Discussion then followed.

Regarding directional signs, Mr. Ney suggested that the signs should be behind the 10' Right of Way. Sign colors will be black letters on white surface. Board agreed to replace in kind curb for

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truck entrance and keep continuity of curbs.

Mr. Ney suggested that the proposed geometry be surveyed to match existing conditions, especially at the truck entrance.

Ms. Paluck wanted clarification regarding parking. It was affirmed that parking starts from the island to the stores.

Public Questions:

Mr. Mark Cozin, 41 Old Colony Road – Questioned about the parking spaces on Exhibit A40 that appear to be near the truck entrance. Mr. Quinn noted that these parking stalls will be eliminated.

Mr. Cozin expressed if the applicant has condition future market economic conditions with this site plan. Currently the economy is struggling and shopping has been reduced. When times improve will this site be sufficient to handle the traffic?

Ms. Rubright answered that the market itself is the final equalizer and that parking needs are different for each use.

This concludes Public Questions.

9:15 PM- Chairman Lawrence joins the meeting.

Ms. Rubright called her next witness, Thomas Quinn, PE, EKA. Mr. continued his testimony with the review of the revised landscape plan dated September 20 and had been previously submitted. Currently there is .65% of site for landscaping. The proposal is 5.7%. The new site plan reduces the size of parking stalls and increased tree plantings to 68 from 66.

Regarding no consolidation of the lots, will show that the new addition will cross over the property line and create a new variance. Mr. Hoffman recommended that with this change it require a new rennotice.

Mr. Knudsen inquired if this plan will provide new pedestrian access to the site via the driveways. Mr. Quinn answered currently there is no such access and the new plan does not provide pedestrian access.

Ms. Thompson suggested that an access be created near the Route 202 cross walk.

Mr. Knudsen stated that Shop Rite has such an access, which is painted in the parking lot.

Ms. Paluck suggested that if an access were created that the postal mail box be relocated closer to the access.

Ms. Rochat advised that proposed plantings of arborvitae be changed. Deer feast on arborvitae and she suggests another plant that is not deer friendly be considered.

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The time is 9:40 PM. Board takes five minutes recess.

Meeting resumes 9:45 PM. Vice Chairman Graham continues to Chair the meeting.

Mr. Quinn reported that there has been discussion with Kings Supermarket regarding truck deliveries at the easterly entrance to be very tight. Suggestion is to install a mountable turn island. This type of island eliminates some landscaping that could be substituted with river stone.

Time is 9:50 PM

Mr. Carl Kempf, Springfield, New Jersey, attorney for Village Supermarkets, parent entity for Bernardsville Shop Rite was invited to the dais. Mr. Kempf stated that he will present four experts. Mr. Cohen from the Great Swamp requested that his questions be heard at the next meeting. Board agreed to begin with Mr. Kempf testimony.

Mr. Kempf called his first witness, Traffic Engineer Joseph Staiger. Mr. Staiger's credential were accepted and deemed an expert witness. Mr. Staiger addressed three subjects: NJDOT, Trip generation and analysis and parking.

NJDOT

Mr. Staiger compared this application to a similar site that involved a CVS store in Cherry Hill, New Jersey. CVS worked with NJDOT and very pleased with the outcome. NJDOT works with applicants and this application should be reviewed by the State. It appears given the proposed changes to the driveway it will alter the function which require state review.

Trip Generation

The applicant has segregated office and shopping center, NJDOT does no permit segregation and without segregation it will exceed the trip count.

Parking

Exhibit V1 was marked. Notice of significant truck traffic especially March 12

Conclusion is the major issue of the site function is a big question mark. Best to have NJDOT review plan to improve driveways and address function with signage.

Ms. Rubright stated it is not the applicant's intention to have further NJDOT review other than what has already been completed and with no objection from NJDOT. Mr. Staiger disputed Ms. Rubright's conclusion that NJDOT has no objection.

Mr. Staiger entered Exhibits V2 and V3

10:55 PM

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Mr. Rached rebutted Mr. Staiger's testimony. Again NJDOT has seen the proposal and the State have sent an email to affirm this position.

Traffic generation is only based on ITE, per NJDOT standard, not local survey. Noted that office is no longer on the plan.

Time is 11:00 PM

Motion to extend meeting fifteen minutes: Chairman Lawrence

Second: Ms. Thompson

Voice Vote: All members present voted in the affirmative.

Discussion continued regarding the NJDOT referred to by Mr. Rached. It states "if" the criteria were met. It does not appear certain.

Application will carry to October 28 meeting, without further notice.

Time is 11:10 PM

6. Report of the Subdivision & Site Plan Review Committee - Draft Report attached.
Motion to accept Report: Ms. Foster
Second: Mr. Lawrence
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. Lawrence
Voice Vote: All members present voted in the affirmative
8. Old Business.
9. New Business:
 - A. Payment of Vouchers in the total amount of \$ 13,195.65
Motion to pay the Bills: Mr. Knudsen
Second: Ms. Thompson
Roll Call: Aye: Graham, Knudsen, Totten, Rochat, Simoff, Paluck, Foster, Thompson and Lawrence.
 - B. Comment to Council on proposed ordinance #10-1561 regarding tree provisions.
Motion to approve amendment: Ms. Thompson
Second: Ms. Totten
Voice Vote: All members present voted in the affirmative.
 - C. ~~Comment to Council on proposed ordinance #10-1562 regarding affordable accessory apartments.~~
10. Business of Visitors, Second Opportunity – No comments
11. Adjourn to Executive Session, if necessary, to discuss pending litigation or personnel matters.- Not

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necessary.

12. Reconvene; perform any relevant action as needed.

9. Adjournment of public meeting.

The time is 11:15 PM

Motion to adjourn: Mr. Knudsen

Second: Ms. Foster

Voice Vote: All members present voted in the affirmative.

Respectfully submitted,

Teresa Lyons, Recording Secretary

Minutes approved: 11/18/10

Keywords:minutes-planning-board-c-h-realties-ruth-rider-27-29-olcott-squre-dinapoli-bernardsville-car-wash-36-quimby-lane-sp-216-bernardsville-centre-80-morristown-road-sp-213

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Distribution: Planning Board members by e-mail, with draft ordinances #10-1561 & #10-1562
Barry Hoffman, Esq., by e-mail, with draft ordinances #10-1561 & #10-1562
Robert Brightly, PE., by e-mail, with draft ordinances #10-1561 & #10-1562
P. David Zimmerman, PP., by e-mail, with draft ordinances #10-1561 & #10-1562
Anthony Suriano, by e-mail, with draft ordinances #10-1561 & #10-1562
Theresa Lyons, by email, with draft ordinances #10-1561 & #10-1562 & hard copy.