

November 18, 2010
Planning Board -Draft

PLANNING BOARD MINUTES - BOROUGH OF BERNARDSVILLE
November 18, 2010
7:35 PM - Public Meeting

1. Statement of Adequate Notice by Presiding Officer; Roll Call. Read into the record by the Chair.
Present: Chairman Lawrence, Vice Chairman Graham [arrived 7:45PM]
Members: Knudsen, Totten, Rochat, Simoff, Paluck [arrived 8:05 PM] and Thompson

Professionals Present: Attorney Barry Hoffman, Engineer Robert Brightly and Asst. Engineer and Zoning Official Michael Mondok.
2. Approval of Minutes - Sept. 30, 2010; Oct. 28, 2010
Motion to approve Minutes with minor typographical errors: Ms. Thompson
Second: Mr. Knudsen
All eligible members voted in the affirmative.
3. Communications not Related to Agenda. - None
4. Business of Visitors not Related to Agenda. – Mr. Robert Baker, 61 Olcott Avenue, Co-Chair of Bernardsville's Greene Team presented the Planning Board with a plaque he and Mayor Honecker received from Sustainable New Jersey recognizing Bernardsville's ranking of only of 61 municipalities which have achieved certification in this program which recognizes municipalities in New Jersey that want to go green, save money and take the necessary steps to sustain their quality of life over the long term. The Board thanked Mr. Baker for his participation. This plaque will be displayed in the Municipal Building.
5. Pending Applications/Public Hearings:
 - A. Announcement that this application will be carried to Dec. 16, 2010: 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; 9/30. The applicant will renote for the December 16 hearing.
 - B. Memorialize H & J McWilliams Property Trust, 155 Claremont Road; Block 32, Lot 18; R-4 & R-5 zones; Minor Subdivision Appl. #635.
Mr. Hoffman reported that he has been in contact with applicant's attorney Vincent Bisogno who is satisfied with the revisions to the Resolution. Prior to the vote, Dan Lincoln, 29 Olcott Avenue, Chair, HPAC was recognized and noted that he will likely not be the architect for this project, however it is important that the building materials previously discussed in meetings be codified in the Resolution to preserve the integrity of the structure.
Motion to adopt: Mr. Knudsen
Second: Ms. Thompson
Roll Call: Aye – Knudsen, Totten, Simoff, Paluck, Foster and Thompson
Nay: None
Not eligible: Graham, Simoff and Lawrence

- C. Direction from the Board regarding the legal documents pertaining to Major Subdivision Appl. M-88, Washington Corner Assoc. aka "The Preserve"

Mr. Ostermann requested that the Board consider this matter this evening. He and Mr. Hoffman are in disagreement on four issues and time is of the essence. Having this resolved tonight will enable him to get the other municipal and county approvals necessary before the end of this year. Further delays will be costly for his client. See attached correspondence from respective attorneys.

Four unresolved issues:

Architectural:

Board concurred this is a non issue.

Homeowners Association By-Laws:

Board agreed to insert Resolution Language "as is" in the By-Laws.

Certificate of Incorporation

Board concurred with Mr. Hoffman to amend the Certificate of Incorporation.

Amend Final Sub Plat

Board agreed with Mr. Hoffman' suggestion that the final subdivision plat should be reworded to provide the specific language utilized on Page 2 of the Declaration of Amended Restrictions.

In conclusion Mr. Ostermann requested that Mr. Hoffman expedite this review and Mr. Hoffman agreed the review will be turned around in a day. Mr. Hoffman requested that the following verbatim comments be inserted in the record for this meeting.

"The Board discussed these issues and felt that it was not necessary for either the Board attorney or any other municipal official to review and approve the proposed design standards for this project."

Time is 8:04PM

- D. R & A Meehan, LLC., 189 Finley Ave; Block 142, Lot 12; R-3 zone. Preliminary Major Subdivision Appl. #M-91P. Time is 8:05PM

[CREATE EXHIBIT LIST]

Lloyd Tubman, attorney for the applicant reported that this is a continuation from the February 11 work session meeting. Ms. Tubman presented a summary of the applicant, variances and the proposed four lot subdivision. First witness called is James Madsen, PE from Apgar Associates, Far Hills, New Jersey. Mr. Madsen has previously testified before this Board for other applications and was accepted as a witness. Mr. Madsen proceeded with a Power Point presentation of the fourteen sheets of the plans previously submitted.

Notes regarding sheets: [Identify each sheet]

Sheet 2 of 14: Letter of Interpretation has been obtained for the house and barn currently on the plan.

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Sheet 3 of 14: Preliminary subdivision map. Proposed roadway is 46' which is larger than required, but will allow water quality improvements.

Sheet 4 of 14: Shows location of houses, driveways, walks and dry wells on two lots. The other two lots will have underground service detention systems. Discussion ensued regarding retention discharge to Penns Brook. Mr. Madsen reported that the application does not exceed permitted velocity. Board however, preferred additional dry wells on those parcels with the underground retention systems.

Sheet 14 of 14: Subdivision will connect to the sewer main on North Finley. The Homeowner Association will maintain the sanitary line. Gravity flow out of each home will connect to pump station. Individual pumps per home, similar to scenario to the Brookside subdivision approved years ago.

Fire Hydrant location is per Fire Department direction. Location is 10-15' before the cul-de-sac on the left side of the street.

Ms. Rochat inquired about area flooding/wetlands. Concern is that one lot will be wet a majority of the time. Mr. Madsen answered that on the retention discharge is above the wetland buffer.

Sheet 9 of 14: Satisfied Threshold for TWA. Homeowner Association is responsible for the sewer pump station operation. Discussion highlighted concerns about station operation at times of power loss. Board suggested that a Notice be inserted in the Association Manual and Homeowner documents.

Street parking it will be permitted on one side of the street, ideally the south side of the street. Driveways are currently 14-16' wide to accommodate more vehicles. There is a reserve in impervious surface calculations but the plans will consider this allowance for future patios, etc. Yet, this impervious reserve could be addressed with additional dry wells.

Ms. Foster expressed concern about the street parking and the proximity of the cars with the roadside bio retention street swale. The cars will drive and park over it causing it to weaken. Mr. Madsen stated that the Homeowner Association Manual will address maintenance and care. Mr. Brightly suggested that a change to the ratio to 3 to 1 or 4 to 1 [currently shows 6 to 1] will prevent cars from driving over swale.

Regarding sanitary sewers, the connection will connect with main on North Finley. The Homeowner Association will maintain the sanitary line, which will be a gravity flow from the homes to the individual pump stations.

Sheet 5 of 14

Inlets installed on North Finley will catch run off before intersection and the inlet will connect with another on the County Road.

Discussion concerning road width highlighted that at the stem of the cul-de-sac the width will be 44 feet. The road pavement will be 23 feet wide with a 4 inch curb edge, totaling 23'8".

The sidewalk is proposed for North Finley to provide a safe corridor for children to school bus.

The time is 9:50 PM. Five Minutes Recess granted.

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Next discussion addressed Tree Removal and Compensation. In conclusion it was agreed that the applicant accepts and will comply with Mr. Brightly's report and the consideration to factor into the calculations area for dry wells and underground detention basin. This concluded Board comments.

Time is 10:10 PM, Public Questions

Gregory Fallon, 13 Tysly Street questioned Mr. Madsen if he questioned the Fire Department about their assistance to homeowners at times when there has been heavy rain fall. Response: No

Next questions were our about benefits to Bernardsville, other that increase of tax ratables. Mr. Fallon was directed that Mr. Madsen can only be questioned about his testimony. The subject of ratables is not within his purview as applicant's engineer.

Ron Magnoti, 24 Southerly Place, Basking Ridge – Questions if a Wildlife Environmental Impact Study was available. Mr. Madsen responded that an Environmental Impact Study was completed and submitted with the application. The Board directed Mr. Magnoti that if he would like to have a copy he is to complete an OPRA form, available on the municipal web site and in the Borough Clerk's office.

Ron Herold, 179 North Findley, Basking Ridge – Other that noting a typo in the Storm water Report, Mr. Herold inquired if Mr. Madsen is familiar with the County Bridge located on North Finley Road? Mr. Madsen acknowledged the bridge and stated that the County when reviewing the plans for the project requested an access and maintenance easement.

Sherry Frawley, Environmental Commission – Questioned who will hold the Deed for the Conservation Easement. It will be maintained by the Borough of Bernardsville. The DEP Letter of Interpretation will expire 2011, will it be extended. Mr. Madsen noted that they have already applied for an extension and copies have been provided to the Borough Clerk.

Christopher Bahr, 193 N. Finley – Questions why four lots and not 3? Mr. Madsen answered that he designed what the applicant requested.

Mary Kellogg, 36 Olcott Avenue – The distance between the building envelope and the buffer on Lot 4 is very limited and likely to be difficult to maintain. Suggested that the detention design reconsider the use of solid pipe vs. proposed prefabricated pipe. The soils in this area are very permeable.

Also Mr. Kellogg stated that the Natural Heritage Office of New Jersey Department of Environmental Protection found that thee are endangered species in the area and requested that the applicant secure a copy of this letter.

Tom Stavron, 15 Tysley – Questioned the definition of hardship. Ms. Tubman replied.

Jennifer ---, 24 Southerly Place Questioned if there is a study on how this development will impact the Penns Brook? The response was to secure a copy of the Storm water Analysis Report filed with the application.

Time is 11:00 PM

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Motion to extend meeting fifteen minutes: Mr. Graham
Second: Mr. Simoff
Voice Vote: All members present voted in the affirmative.

Matter concluded that it will continue December 2 at 7:00 PM without further notice. The first hour of this meeting will address this application. Extension was granted to December 31.

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: Mr. Knudsen
Voice Vote: All members present voted in the affirmative.

8. Old Business- None

9. New Business: Payment of Vouchers in the total of \$9,700.05

Motion to approve Bills List: Ms. Thompson

Second: Ms. Foster

Roll Call:

Aye:

Nay: None

10. Business of Visitors, Second Opportunity - None

11. Adjourn to Executive Session – Not necessary.

12. Reconvene; perform any relevant action as needed.

13. Adjournment of public meeting.

Time is 11:10 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: December 16, 2010

Keywords:minutes-planning-board-Sustainable-New-Jersey-Bernardsville-Centre-80-Morristown-Road-H-J-McWilliams-Property-Trust-155-Claremont-Road-The-Preserve- R-A-Meehan-189-Finley-Avenue-M-91P

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CC (revised Agenda): Barry Hoffman, Esq.- by fax.
Robert Brightly, PE.- by fax.
P. David Zimmerman, PP. - by fax.
Lloyd Tubman, Esq., by fax
Anthony Suriano, by e-mail

Distributed with the November 18, 2010 Agenda:

1. Draft minutes of Sept. 30, 2010
2. Draft minutes of Oct. 28, 2010
3. Draft Resolution, with Nov. 10, 2010 letter from Barry Hoffman, Esq. - McWilliams.
4. Nov. 12, 2010 letter from Vincent Bisogno, Esq. - McWilliams.
5. Nov. 4, 2010 fax/memo from Daniel Lincoln, RA to P. David Zimmerman, PP - McWilliams landscaping.
6. July 8, 2010 letter from Barry Hoffman, Esq. - Meehan
7. Zoning report revised July 2, 2010 - Meehan
8. July 13, 2010 letter/report from P. David Zimmerman, PP - Meehan
9. Aug. 26, 2010 letter/report from Robert Brightly, PE - Meehan
10. Feb. 28, 2010 email from Fire Prevention Bureau - Meehan
11. Oct. 27, 2010 Environmental Committee report - Meehan
12. March 16, 2010 memo from the Shade Tree Committee - Meehan
13. July 19, 2010 memo from John Macdowall - Meehan
14. Jan. 18, 2006 NJ DEP LOI/Line Verification - Meehan
15. July 6, 2010 letter/report from the Somerset County Planning Board - Meehan
16. Draft report of the Subdivision & Site Plan Review Committee.
17. Draft report of the Evaluation Committee.