

Planning Board Minutes – Borough of Bernardsville

July 28, 2011

7:30 PM

1. Statement of Adequate Notice read into the record by Chairman Graham.
2. Roll Call: Members Present: Chairman Graham, Members: Knudsen, Foster, Thompson, Paluck, Kellogg and Re
Members Absent: Rochat and Simoff
Professionals Present: Attorney Barry Hoffman, Engineer Robert Brightly and Planner P. David Zimmerman

3. Approval of Minutes:

May 26, 2011 – Motion to approve as amended: Mr. Re

Second: Ms. Kellogg

Voice Vote of Eligible Members: All members voted in the affirmative

June 23, 2011 – Motion to approve: Mr. Re

Second: Ms. Kellogg

Voice Vote of Eligible Members: All members voted in the affirmative

4. Communications not related to the Agenda: None
5. Business of Visitors not related to the Agenda None
6. Pending Application/Public Hearings
 - A. Vandever/Sheer Bluff Holdings, LLC. Matter carried without further notice to August 18, 2011 meeting, 7: 30 PM
 - B. Request for extension of time to file deed[s] – Green Mountain Builder; 22 Mt Airy Rd, BL 124 , L: 2, R-4 Zone

Vincent Bisogno, Esq. stated that his firm represents Millington Savings Bank which is in the process of a mortgage foreclosure for this property. During this time Millington Savings Bank is working with the property owner and other lien holders to collaborate on a settlement which will minimize the losses to the parties.

Mr. Bisogno gave a brief chronology of the events from property acquisition, Board approval for minor subdivision in 2008, a variance and waiver to subdivide into 2 lots. One lot has an existing building which at the present time is substantially complete. Due to financial reasons, the subdivision was never perfected by the applicant. In addition the applicant did not file a map or deed with the County Clerk with 190 days of the Resolution.

The applicant believes that the subdivision subject to satisfying the conditions of approval remains valid under the "Permit Extension Act of 2008" and requests an extension until September 12, 2012.

Board discussion focuses upon the consideration of the Extension Act because the Borough is within an environmentally sensitive area of the Highlands and does not meet the criteria for the Act. Mr. Hoffman reported that the Board has the authority with reasonable discretion.

Mr. Bisogno called his first witness, Mr. Walter Garthwaite. Property Owner and Principal, Green Mountain Builders. Mr. Garwaith was sworn and accepted by the Board. Mr. Garwaith testified as to the condition of the house. Mr. Garthwaite stated that the interior is complete, with the exception of the air conditioning. The exterior is complete, with the exception of the rear deck, installation of driveway and tracking pad and the rain garden elevation needs to be raised.

When questioned if Mr. Garthwaite had any dispute or challenges to the Resolution's conditions he indicated no objection.

This concluded Mr. Garthwaite's testimony. Floor was opened for public comment.

Mr. Peter Palmer, 22 Prospect Street.

Would hope that the cucumber magnolia tree with the "X" mark will remain on the property.

The retaining wall needs another row of block.

The hedge between properties Green Mtn and Mr. Palmer property need to be trimmed.

Mr. Garthwaite expressed no objection to Mr. Palmer's requests.

Mr. Bisogno called this next witness, Mr. Michael Shriner, Executive Vice President, Millington Savings Bank. Mr. Shriner reported that the Bank has been marketing the

property for sale “as is”, but with economic conditions as they are, best to proceed and satisfy the conditions of the Resolution.

Board comments.

Mr. Re expressed some reservation with legal interpretation, per Mr. Hoffman’s March 21, 2011 letter but will defer to Mr. Hoffman. Mr. Hoffman presented draft language for extension.

Motion to grant extension to September 12, 2012: Ms. Foster

Second: Mr. Knudsen

Roll Call: Aye – Graham, Knudsen, Foster, Thompson, Paluck and Re.

Nay – None

Abstain – Kellogg

7. Report of the Subdivision & Site Plan Review Committee and Report of the Evaluation Committee

Motion to accept both reports: Ms. Thompson

Second: Ms. Paluck

Voice Vote: All members present voted in the affirmative.

8. Old Business: None

9. New Business A. Payment of Vouchers

Motion to approve Bills List totaling: \$14, 669.00 – Ms. Thompson

Second: Ms. Paluck

Roll Call: Aye: Graham, Knudsen, Foster, Thompson, Paluck, Kellogg and Re

Nay – None

10. Business of Visitors, Second Opportunity – None

11. Adjourn to Executive Session – None

12. Adjournment – Time is 8:25 PM

Motion to adjourn: Ms. Thompson

Second: Ms. Paluck

Voice Vote: All members voted in the affirmative

Respectfully submitted,
Teresa Lyons, Recording Secretary

Keywords:minutes-planning-board- Vandevveer-Sheer- Bluff- Holdings—Green- Mountain- Builder- 22-
Mount- Airy- Rd