

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Monday, June 23, 2014

—Minutes—

1. CALL MEETING TO ORDER:

Chairman Walter Rusak opened the Planning Board meeting at 7:00 p.m. in the Bridgewater Municipal Courtroom located at 100 Commons Way, Bridgewater, New Jersey 08807

2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

The Chairman read the Open Public Meetings Act, as follows: “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 8, 2014, proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request.

3. SALUTE TO FLAG:

There was a salute to the flag.

4. ROLL CALL:

James Franco - Present	Chairman Walter Rusak - Present
Steve Rodzinak - Present	Ron Charles - Present
Mayor Dan Hayes- Present	Councilman Matthew Moench- Present
Barbara Kane- Present	Tricia Casamento- Present

Others in attendance were Robert C. Bogart, PE, Board and Township Engineer, Thomas Collins, Esq., Board Attorney, Scarlett Doyle, PP, Board and Township Planner, Marianna Voorhees and Jo-Ann Petruzzello, Secretaries to the Planning Division

5. APPROVAL OF BOARD MINUTES

April 28, 2014 Regular Meeting is pending and will be submitted at a subsequent meeting
May 13, 2014 Regular Meeting is pending and will be submitted at a subsequent meeting
June 10, 2014 Regular Meeting is pending and will be submitted at a subsequent meeting

6. MEMORIALIZATION OF RESOLUTIONS:

No Resolutions were outstanding

7. LAND DEVELOPMENT APPLICATIONS:

FOX CHASE- 713 COMPANY-US Rte. 22.

Block 173 Lots 1 and 2

14-019-PB, Preliminary and Final Site Plan, with variances

Attorney Jeffrey Lehrer represented the applicant and provided introductory remarks, indicating that the application was for Preliminary and Final Site Plan for premises located within the Stratton Meadows community. Lot 2 was the subject of a prior approval for a retail and bank project known as Gen III. The current application was submitted in furtherance of a Stipulation of Settlement between the applicant (owner of lot 2) and the Township of Bridgewater (owner of lot 1). The Stipulation of Settlement was for 7,109 s.f. additional building area to be attributed to Lot 2 and from Lot 1. The applicant's plan is for less than the building area noted in the Stipulation of Settlement. Once the approvals are secured, Bridgewater Township will present a plan for public purposes to the Planning Board for a Courtesy Review.

The site plan includes a free-standing drive-through bank having a floor area of 2,100 square feet in the westerly side of the site, a free-standing drive-through/sit-down restaurant and also a retail establishment in one building having a floor area of 4,148 s.f. located in the easterly side of the site, an addition to an existing strip retail building having a floor area of 3,504 s.f. located on the westerly side of the existing strip retail building.

Attorney Lehrer explained that the proposed bank has been moved slightly farther from Traci Road and has been reduced in size from the previously approved plans which were part of the Gen III application. An optional play area between the 'back' face of the retail building and the berm at Traci Road is proposed. The circulation and parking configuration have been modified to include circulation and parking under the power line easement. An access driveway is being provided directly to the common property line with Lot 1. Parking stalls have been reconfigured and a berm along Traci Road has been modified from the previously approved preliminary site plan of Gen III.

The applicant also seeks to replace the previously approved drive-through pharmacy with a drive-through restaurant; therefore, there would remain two drive-through facilities on this site if the application is approved, which was noted as a non-permitted activity in Condition #11 of the Resolution of Approval for the Gen III preliminary site plan.

Witnesses David Stires of Stires Associates, Inc of Bridgewater Township and Richard Potter of Potter Architects, LLC of Union NJ, were sworn.

Mr. Stires was presented as the first witness. His credentials were accepted as a Professional Engineer.

He introduced: **Exhibit A-1** A colored rendering of the original Gen III site plan of 2007.

Engineer Stires described the location of the site and referenced it to the neighborhood, explaining the circulation, the buildings and the detention basins which were approved in the prior Gen III application. He noted that all off-site improvements as part of the prior site plan have been completed, including the sidewalk along Traci Road, the storm management system and the Rte. 22 improvements.

He introduced **Exhibit A-2** A colored rendering of the plan which depicts proposed improvements.

Engineer Stires notes that a driveway connection to Lot 1 is shown on the plan. The detention basin configuration has been revised to compensate for added impervious coverage. He noted that the east side of the site accommodates a pad for drive-through restaurant and the west side supports a drive-through bank. Proposed landscaping includes a berm which is currently higher than the approved design due to excess soil material which will ultimately be used on-site. It is now 8'- 10 in height. To the extent that excess material is available, the berm can be increased beyond the height shown on the plans. Extending the berm to the west is also something that will be provided. The trees in the power line easement will need to be replaced with shrubbery due to restrictions for structures within the power line easement. The proposed trash enclosures will support the proposed new uses. The height of the lighting will be maintained at the height approved in the originally-approved plans.

There will be a phasing schedule for development of this site as follows:

The retail strip will be Phase I

The restaurant/retail pad on the easterly side of the site will be Phase II

The bank on the westerly side of the site will be Phase III

Mr. Stires then reviewed the variances which were requested, which includes building setbacks, parking lot front yard setback, side yard (2 sides) setbacks as well as others noted in the professional staff reports. He mentioned that there is one lot, lot 4, which is an intervening 40' between the drive-through restaurant building and the Rte. 22 right of way. Upon question of the Board, Engineer Stires stated that the zoning chart shows information for both lots 1 and lot 2.

Attorney Lehrer noted that his presentation would focus on only the items in the professionals' reports which required discussion and that the applicant would comply with all other items in the professionals' reports.

Board Engineer Bogart's review letter was discussed. The applicant agreed to all the items in this report and further discussed the parking stall count. Engineer Stires believes that the plan is in excess of the parking requirements by 20 parking spaces. The Daycare area noted on the plan is optional and no tenant has leased this area.

On question of Mr. Bogart, the applicant agreed to satisfy Mr. Bogart with grading and other engineering details should a Daycare tenant lease this space. Mr. Bogart noted that the state of NJ

typically takes over review of Daycare facilities, such as Crème de la Crème, and because of this state involvement Mr. Bogart agreed with this approach.

Engineer Stires confirmed that shopping carts are proposed to be placed on the sidewalk and within the parking lot. This was previously approved in the Gen III site plan application and was requested to continue through in this application.

On question of Mr. Bogart, the hours of lighting was discussed. Mr. Lehrer discussed the history of the project, noting that the retail center had varying hours approved for the site. The applicant would conform to the following hours of operation:

The retail stores would operate between 5am-midnight.

The bank would operate from 7:30am -10pm

The restaurant would operate from 5 am to midnight

Signs and lighting would be turned off ½ hour after closing

The Board Planner Doyle's report was discussed. The applicant agreed to comply with this report with the exception of the following sections of the report which were discussed in detail:

Parking and Traffic. Mr. Stires explained that the number of parking stalls required for the restaurant would depend on the number of seats. Sixty seats are shown. The 60 patron seating does include the 12 outside dining seats shown on the plan. If the seats exceeded 60 seats, the applicant would be required to reappear before the Board if the required number of parking stalls were not provided on the plan.

The applicant agrees to install bollards along the curb line to protect seated patrons.

Loading and unloading zones are not needed because of the type of restaurant where deliveries will be off-peak hours.

Signs. Applicant requests to increase the free-standing sign size to comply with the maximum permitted by ordinance, which is 100 s.f. Rationale for increasing the size of the sign was due to the additional tenants who will be on the site if the application is approved.

General. Shopping carts are shown on the plans under the canopy and in one cart coral in the parking lot. These were approved previously in the Gen III application.

The applicant intends to retain food market as an option, so removing references to the food market or to the shopping carts is not needed.

On question of Attorney Collins, the specific hours of business was discussed and were the same as previously testified to. Clarifications regarding lighting were made. All lights are to be left on until 1/2 hour after all tenants in the center close, but no later than 12:30 a.m. The parking lot shall be placed on timers to assure that the lights are extinguished during this timeframe.

With regard to requirement of a Developer's Agreement, Attorney Lehrer recommended that since the off-site improvements have been made, that a Developer's Agreement should be left to

the discretion of the Township Attorney. There would be no CO until the improvements are installed. If improvements are not installed, bonding will be provided prior to the issuance of a Certificate of Occupancy. This concept was acceptable to Engineer Bogart, Planner Doyle, Attorneys Lehrer, and Collins.

Attorney Lehrer had no other items which required discussion.

The Chair asked if there were any questions from the Board.

On question of Councilman Matthew Moench, Mr. Stires responded as to the timing for the phasing plan. Mr. Stires stated that the timing of installation of improvements for Phase 1 and 2 will move forward immediately. Phase 3 will be longer and noted that a tenant had not been secured. Attorney Lehrer further advised that there is a signed letter of intent with a prospective restaurant tenant for the free-standing restaurant pad.

Councilman Moench asked about swapping the Dunkin' Donut and proposed bank locations. Mr. Stires felt that the bank in the easterly side of the site was a less intense use for the neighbors.

Councilman Moench asked for discussion of pedestrian movements throughout the site. Mr. Stires described on-site and pedestrian connectivity. A cross-hatch pedestrian access from the free-standing restaurant to the strip center will be provided.

The Chairman Rusak opened the meeting to the public for questions of the witness engineer.

Ms. Cathy McGill is a resident who lives in a condominium building on Waugh Court, which abuts the property to the east, was concerned about the loss of privacy. Mr. Stires noted that the buffer along the line of the condominium would not change from the previously-approved Gen III plans. She asked about the terms of the Settlement Agreement. Mr. Collins explained the arrangement of the Settlement Agreement of lot 1 and lot 2, including the connection between the two lots and the future concept of a park and ride. Ms. McGill stated that she had no concerns regarding having a park and ride at this location.

There were no further questions from the public. The Chairman invited the next witness.

Mr. Richard Potter was previously sworn and was accepted as a registered architect. Mr. Potter discussed the architecture which is proposed for the center, noting the consistent theme throughout.

The Chairman opened the meeting to the public for questions of the architect witness. There were no questions from the public.

Elizabeth C McKenzie of 9 Main Street Flemington, NJ was sworn and her credentials as a Professional Planner were accepted. Planner McKenzie discussed the variances which were needed.

Ms. McKenzie believes that the terms of the Settlement Agreement (which transfers' building area from lot 1 to lot 2) have been advanced by the Municipal Land use Law, cited in the law's. Purposes of Zoning items a, f, g, and m. She stated that the front yard variances were supported, with the design modification that the overhang would be limited to a maximum of 2 feet so as to be exempt from being included in the ordinance setback.

She noted that the coverage is beyond that permitted, but is needed for adequacy of parking. She testified that the PURD coverage is low compared to other commercial zones. Side yard and front yard setback deviations are de minimus and worthy of variance approval.

The drive-through restaurant was prohibited by Condition #11 in the Gen III prior resolution. However, a drive-through use was permitted for a pharmacy and bank in the prior application. The applicant does not seek to increase the number of drive-through facilities. Since the drive-through pharmacy is no longer sought for this application, replacement with a drive through restaurant is reasonable. Planner McKenzie discussed the selection of uses in the C-1 zone which was used as a basis to establish permitted uses in this PURD development. The C-1 zone does not permit drive-through restaurants, but since the C-1 lots are small, the prohibition of a drive-through is reasonable due to the tight nature of the lot. This tract is much larger and the restaurant is distant from other retail uses in the center. Therefore, removal of this prohibition should be approved.

Chairman Rusak opened the meeting to the public for questions of the planner witness.

Councilman Moench asked about adequacy of pedestrian access to the site. Mr. Charles noted that a sign may be helpful to have improved pedestrian safety at the connection driveway. Engineer Stires responded regarding the sidewalk installation along Traci and agreed that a sidewalk cross walks could be incorporated into the design throughout the center.

Councilman Moench asked about traffic conflicts for those entering from Route 22. It was agreed that this should be looked at more closely to avoid a zigzag movements. A stop bar may be needed. He suggested that a designated pedestrian cross-hatch area should be provided in the area of the bank. This was agreed to by the applicant.

Councilman Moench further asked whether the bank pad was firmly fixed. Ms. McKenzie noted that if the bank could not be leased, the applicant would need to come back to the Board for approval of different use.

On question of Mr. Franco, Ms. McKenzie said that although she could not reference other drive-through restaurants within the township, she believes that this is a suitable location for this use.

Mr. Charles asked if the drive-through is highly visible from the highway. Ms. McKenzie asserted that the drive-through enhances the convenience to the public and it is set back from the highway. Attorney Lehrer stated that he believed that a drive through restaurant would be consistent with the center and an asset to the community and asked that approval be granted.

Mr. Charles asked if the change in hours triggers any requirement for notice. Mr. Collins stated that notice was sufficient. On further question of Mr. Charles, Mr. Collins clarified that the square footage of the buildings accurately reflected the terms of the Settlement Agreement as it relates to lot 2. Mayor Hayes expanded the clarification of terms of the Settlement Agreement.

Mr. Charles asked about why a drive-through facility was permitted. Planner Doyle explained the rationale for drive-through banks and pharmacies which were introduced into the ordinance decades earlier and were introduced based upon the perception of improved safety for customers, and that drive through restaurants are based on enhanced convenience. Mr. Rodzinak believes that

the drive through restaurants are viewed as a customary convenience to families with children and the general public.

Mr. Collins noted that the uses were to serve the community of which this is a part and the Board has the jurisdiction to determine if a drive-through restaurant and the site plan, with its variances is worthy of approval. He noted that the Board is not bound to approve the site plan because of a negotiated Settlement Agreement. He noted that even the Impervious Coverage variance may not be needed if lot 1 and lot 2 are considered jointly.

The Chairman closed the matter and asked for Board determination. Councilman Matthew Moench moved approval of the Fox Chase application, with the conditions noted during the course of the public hearing. The motion was seconded by Steve Rodzinak

The application was approved on the following Board vote:

Franco-Yes	Rusak-No
Rodzinak-Yes	Charles-No
Moench-Yes	Hayes-No
Kane-Yes	Casamento-Not Eligible

8. MEETING OPEN TO THE PUBLIC:

Chairman Rusak opened the meeting to members of the public wishing to address the Board on any matter not listed on the agenda. There were no members of the public wishing to address the Board.

9. OTHER BOARD BUSINESS:

The Planning Board received a Council Referral for preparation of a Preliminary Investigation for Redevelopment Report per Resolution 14-06-16-149

AUTHORIZING THE TOWNSHIP OF BRIDGEWATER PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR REDEVELOPMENT OF AN APPROXIMATELY 61.95 ACRES SITE KNOWN AS LOTS 17,18 AND 19, BLOCK 483 AS SHOWN ON THE TOWNSHIP OF BRIDGEWATER TAX MAP AND COMMONLY REFERRED TO AS THE ‘SANOFI-AVENTIS’ PROPERTY LOCATED ON ROUTE 206.

A motion was introduced by Mayor Dan Hayes to have Planner Scarlett Doyle, Engineer Robert Bogart and Attorney Tom Collins prepare the Preliminary Investigation Report for the Planning Board’s review and consideration. Councilman Matthew Moench seconded the motion. The Resolution was adopted on the following vote:

Franco-Yes	Rusak-Yes
Rodzinak- Yes	Charles- Yes
Moench- Yes	Hayes- Yes
Kane- Yes	Casamento-Not eligible

The Board discussed scheduling a date for the public hearing of the Master Plan, Reexamination Report and Redevelopment Plan for the area commonly referred to as the Eden Woods, Weyerhauser site.

A motion was introduced by James Franco to schedule the public hearing for July 8, 2014. The motion was seconded by Steve Rodzinak

The motion was adopted on the following Board vote:

Franco-Yes	Rusak- Yes
Rodzinak- Yes	Charles- Yes
Moench- Yes	Hayes- Yes
Kane- Yes	Casamento-Not Eligible

10. ADJOURNMENT:

The Board concurred to adjourn the meeting at 9:30 pm

Respectfully Submitted: Planning Division