

BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
Tuesday, June 10, 2014
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Rusak called the meeting to order at 7:12 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

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 salute to the flag.

4. ROLL CALL:

Stephen Rodzinak – present	Ron Charles – present
James Franco – present	Barbara Kane – present
Walter Rusak – present	Mayor Dan Hayes – present
Councilman Matthew Moench – absent	Tricia Casamento, Alt. #1 – present

Others present: Board Attorney Thomas Collins, Board Engineer Robert C. Bogart, Board Planner Scarlett Doyle, Recording Secretary Marianna Voorhees and Jo-Ann Petruzzello.

5. APPROVAL OF BOARD MINUTES:

April 28, 2014 Regular Meeting (pending) No action taken.
May 13, 2014 Regular Meeting (pending) No action taken.

May 12, 2014 Minutes – Motion by Mr. Rodzinak, second by Mrs. Kane, the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Chairman Rusak, Mayor Hayes, Mrs. Kane.

ABSENT: Councilman Matthew Moench

6. MEMORIALIZATION OF RESOLUTIONS:

BRIDGEWATER BASEBALL AND SOFTBALL - PRINCE RODGER'S FIELD

Courtesy Review

Block 515 Lot 1

#14-012-PB

DECISION: Approved 4/28/14

Motion by Mayor Hayes, second by Mr. Rodzinak, the foregoing resolution memorializing the approval on 4/28/14 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Rusak, Mayor Hayes, Mrs. Kane,
Mrs. Casamento.

ABSENT: Councilman Moench

10 FINDERNE AVENUE SOLAR, LLC
Block 304, Lot 1
Finderne Ave between the railroad and the Raritan river
#14-007-PB, Preliminary and final Major site Plan with c-Variations
DECISION: Approved w/conditions 4/28/14

Motion by Mrs. Kane, second by Mr. Rodzinak, for the foregoing resolution memorializing the approval on 4/28/14 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Rusak, Mayor Hayes, Mrs. Kane,
Mrs. Casamento.

ABSENT: Councilman Moench

7. LAND DEVELOPMENT APPLICATIONS:

PAGANO ENTERPRISES, INC
Block 559, Lot 5.02
#13-021-PB, Preliminary and Final Major Site plan with C- Variance - Retail Building
Eligible to vote: All Members.

William N. Dimin, Esq., Attorney from Spector & Dimin 25 Rockwood Place Englewood, NJ represented the applicant; Pagano Enterprises Inc. Mr. Dimin established the application is for the preliminary and final major site plan with C- Variations. Chairman Rusak requested Board Attorney Mr. Collins clarify and define a C1 or C2 variance as the application is presented.

All professionals representing Pagano Enterprises Inc were sworn in together prior to the start of the presentation.

Robert Pagano from Pagano Enterprises, Inc. 55 Harristown Road Glen Rock, NJ 07452.
Justin Auciello from Confone Consulting Group 125 Half Mile Rd. Suite 200 Red Bank, NJ 07701.
Charles Dietz, Architect from The Dietz Partnership, LLC 100 Eagle Rock Rd. East Hanover, NJ 07936.
Leslie Walker from Meridian Engineering, 33 Wood Avenue South, Suite 730 Iselin, NJ 08830.
Douglas Polyniak, PE from Doan & Dean Consulting Engineers, LLC 792 Chimney Rock Rd., Martinsville, NJ 08836.

Mr. Collins requested Mr. Dimin to clarify C1 and C2 Variations as bulk variations and sign variations. Mr. Dimin stated there will be waivers in reference to parking. Mr. Collins confirmed that the applicant is not requesting C1 variations. Mr. Collins clarified the proofs required to approve a C2 Variance. He stated, "The benefits of the purpose of zoning will outweigh the detriments and that under both variations the applicant shall demonstrate there is no substantial impairments to the zone plan, the zone ordinance and no substantial detriment to the public." Mr.

Collins explained that the Municipal Land Use Law, as it pertains the design standards, places the burden of proof is on the applicant to demonstrate why any variances/relief should be granted.

Attorney William Dimin presented the applicant, Mr. Robert Pagano. Mr. Robert Pagano submitted exhibits which were marked into evidence as follows:

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|------------|----------------|--|
| A-1 | 6/10/14 | Color Rendering of Whole Foods Building. |
| A-2 | 6/10/14 | Color Rendering of Walgreens Building. |
| A-3 | 6/10/14 | Color Rendering of Pier One Imports (not provided in the board packets). |
| A-4 | 6/10/14 | Color Rendering of “ULTA” Building. |
| A-5 | 6/10/14 | Color Rendering of “Ethan Allen” |
| A-6 | 6/10/14 | Color Rendering of “5 Below” |
| A-7 | 6/10/14 | Color Rendering of “Retail Building” |
| A-8 | 6/10/14 | Color Rendering of Applicant’s Proposed “Landscaping and Lay Out Plan” |

Mr. Pagano provided his experience as a professional developer. Mr. Pagano discussed Exhibit A-1 Whole Foods which located in a shopping center in Marlboro, NJ. Whole Foods opened approximately two weeks prior with a retail mix that included Walgreens, Verizon, Petco and Ethan Allen. Mr. Pagano explained Exhibit A-2 Walgreens is not a typical type of construction and it was designed to blend into that particular community. Mr. Pagano stated that he designs his buildings to fit into the community and does not build “box” type stores. Mr. Pagano stated that he works with quality retailers to fit in with the tenant mix and fit into the demographic characteristics of the community. Mr. Pagano stated he became familiar with Bridgewater Township and believes this site is a great retail site to attract a quality retailer mix. The proposed project is 55,000 square feet with a 25,000-40,000 sq. ft. anchor store that once secured, will dictate the retailer mix for the rest of the project. Mr. Pagano stated that he does not have specific retailers for the site as of this date; however once an approval is obtained, the value of the location will be created for obtaining different high-end retailers. Mr. Pagano discussed Exhibit A-1, the Whole Foods design element appears to be a pitched roof, but it is a flat roof and is 35 feet in height. The pilaster treatment on the building is of a different character than Whole Foods which distinguishes it. He confirmed there is no E.F.I.S on Whole Foods but it is part of the A-5, Ethan Allen building design. Mr. Pagano confirmed that Walgreens has a brick water table which is similar to the Whole Foods with the stone/brick water table. He discussed the design elements of Walgreens, Exhibit A-2. Mr. Pagano answered Board’s questions regarding Ethan Allen, Exhibit A-5 confirming the building and design elements. Mr. Pagano further discussed Exhibit A-4, the ULTA different design features and elements. Mr. Pagano stated he is open to discussion on the design of the proposed building but a non specific design would allow maximum flexibility to potentially obtain high-end retailers. Mr. Pagano further stated that he is willing to be cooperative with Bridgewater Township, upon approval of the proposed project. The Board discussed a continuing condition with the Board to maintain jurisdiction of architecture. Mr. Pagano stated as long as he had flexibility to work with retailers’ building needs, he would comply. The Board expressed concerns in regards to the Board maintaining jurisdiction over the architecture. The Board suggested the applicant meet with the Board professionals to ensure no conflicts occur. There was discussion regarding whether the

architecture would be treated as an amended Site Plan. The Board expressed concerns that the applicant could not provide definitive details of the proposed building's appearance.

Charles Dietz, Architect from The Dietz Partnership, LLC 100 Eagle Rock Rd. East Hanover, NJ 07936. Mr. Dietz provided his credentials as a licensed architect. The Board recognized the witness as Licensed Professional Architect. Mr. Dietz discussed the following:

Applicant is proposing a 3.5 foot high stone treatment around the base of columns around building except rear with durable brick vertical column which will accent and define the entrances; Stone bands were embedded to break up the facade of brick. The decorative wall scones for lighting of the façade, creates ambiance only; a vinyl awning system is designed to look like fabric but is not fabric; it is designed to be durable. The proposal indicates there will be all black awnings however, these colors would change based on tenant mix. The applicant is requesting a flexible sign area, although the signs would be placed in a standard area, in a straight plane, to appear uniform, neat, and classic.

Deitz emphasized that neutral building colors allow for tenants to place their own colors on the building without hindering the general appearance and horizontal decorative trim. He emphasized that the roof level helps to break up the building's appearance. Mr. Dietz further described the proposed design and overall look of the building. Mr. Dietz stated the back or side of the parapets will not be visible from parking lot or street as drivers pass the shopping center. The Board expressed concerns about the 8 ft high parapet variance. Mr. Dietz testified that he has not reviewed the Master Plan with respect to parapet, E.F.I.S. and the maximum percentages of tenant signs. He noted that the civil engineering plan states the signage is 1433 square feet. Mr. Dietz testified this is a mistake; the amount is actually 886 square feet of façade sign area based on 10% of façade area of 8,860 which 10% is allowed by ordinance. Planner Doyle stated the 10% noted as compliant with the ordinance should be confirmed. A variance may be needed. The Board expressed concern with height and appearance of the parapets. Township Planner Doyle advised that a variance is needed because parapet is 3ft which is the maximum permitted by Ordinance. The Board measures a façade area from grade to the roof line, which is at 21.8 feet and not from grade to the parapet heights. The applicant stated he is willing to moderate the design to more closely conform to the requirements of the ordinances and the Board in respect to signage.

Leslie Walker from Meridian Engineering, 33 Wood Avenue South, Suite 730 Iselin, NJ 08830 was called and presented his credentials. The Board accepted Mr. Walker as an expert in civil engineering. Mr. Walker introduced **Exhibit A-8** Color Rendering of Site as to the landscaping lay out. Mr. Walker also described the property proposed has the one driveway on eastern most portion of site which connects to Route 22. The second driveway provides full access (in and out) on the western side of the property. Parking for customers is in front of the building. Truck circulation was discussed generally. Trucks will enter in the eastern driveway and to the rear and exit out onto the highway (Route 22) at the westerly driveway. Mr. Walker further stated there is a NJ American Water booster station access with gravel driveway which is only used to boost water pressure and used only as needed. NJ American Water would previously enter and exit through their existing driveway, which is directly off Route 22. The Board is asks the applicant

to prevent motorists from circulating incorrectly. The Board is concerned that motorists will try and drive through their existing driveway because applicant proposes to pave the driveway. The Board is asking for NJ American Water to use applicant's driveway to eliminate potential hazards however; Mr. Dimin stated it was presented to NJ American Water professionals who were not cooperative.

Mr. Walker further discussed the two proposed stormwater drainage plans, one of which is located under the parking lot on eastern side and handles parking lot run-off which will be treated for water quality per NJ State DEP Standards. The second system handles on the roof run off which is considered clean by the NJDEP and not subject to water quality treatments. Mr. Walker explained the three signs proposed in the signage package. The Board expressed concerns that Route 22 can potentially be widened in the future.

The applicant clarified setbacks of the signage. Setback for the proposed sign sizes requires a 30 foot setback; however, all signs in the proposed plan are 5 feet from property. The Ordinance allows one free standing sign for the site, however, the applicant is asking for three signs. The total square footage allowed for the site (one sign) is 100 square feet inclusive of support pillars. The applicant is asking for 775 sq. ft. for the three signs. Maximum height for signs is 25 ft in height; the proposed signs are either 33.75 ft or 50 ft in height. Mr. Walker testified that due to restricted visibility and the property location on the highway, the signs need to be close enough and large enough for motorists to identify the site.

The Board is concerned that motorists will get confused and try to drive onto the site through NJ American Water driveway because applicant proposes to pave that driveway. The Board requested the applicant to ask NJ American Water to use applicant's driveway to eliminate potential hazards; however Mr. Dimin stated the application had previously been presented to NJ American Water professionals who were not cooperative.

The Board questioned Mr. Walker further on the water drainage systems and expressed concerns of potential flooding of the brook and Route 22. The Board compared the site runoff to the previously uncontrolled runoff from the Courier News building. Mr. Walker stated the proposed roof is sloped from the rear to the front to allow the water to runoff in the front of the building. The Board advised this needs to be clarified to indicate that the roof slopes from rear to front and ensure the parapet is not excessively high. The Board recommends the applicant work with the Township Planner to rectify this issue.

The Board Planner requested a cross-access easement to prevent motorists from reentering Route 22 to enter abutting lot 5.01 if it becomes a retail site in the future.. The application is silent on reserving a coordinated and workable cross-access easement. Both lots should have a recorded statement. The Board recommended the applicant be required as part of the application to build a cross-access easement and link it to Lustig Honda. The applicant stated he would contact Lustig Honda to begin the process.

Douglas J. Polyniak, PE of Dolan & Dean Consulting Engineers provided credentials and the Board confirmed him to be an expert in traffic engineering. Mr. Polyniak stated that the NJDOT expressed no concerns with respect to paving or access and agrees conceptually to the proposed

design. Board Engineer, Robert Bogart, PE offered to help arrange a meeting with NJ American Water professionals to discuss the driveway access and the applicant stated he would be willing to cooperate.

The Board raised questions of the loading dock area and asked how many doors were proposed in the rear of the building. Mr. Polyniak testified that circulation enters easterly driveway from Route 22 and continues to the rear. Board expressed concerns of vehicles entering the parking lot at a high rate of speed as well as customers backing out parking spaces while trucks are entering. Applicant testified that loading zone is in the rear of the building and an employee parking area was created to prevent customers from parking in the path of deliveries. Delivery vehicles will navigate to the rear of the site to access the three loading docks in the rear of the building as indicated on the plan.

The Board questioned the ability of fire apparatus to negotiate the site. The applicant testified that Fire Official Philip Langon stated there are issues with apparatus accessing and navigating the rear of the building.

The Board questioned the outside parking of 9 foot wide stalls although 9.5 foot wide stalls are required. The applicant is providing 200 stalls at 9 feet wide. In order to conform to standards, the applicant would need to reduce the count to approximately 190. Mr. Polyniak testified that 9 foot wide stalls are acceptable due to the lower turnover rate of customers as opposed to a high turnover rate such as a 7-11 with a lot of ingress and egress traffic. If 50 spaces were removed, Polyniak believes there would be a hindrance with parking for the applicant.

Justin E. Auciello Confone Consulting Group on Red Bank presented his credentials to the Board. He was accepted as a licensed Professional Planner. Mr. Auciello stated in his opinion, that the applicant meets the C2 Variance criteria and that the benefits of the C2 variance outweigh the detriments regarding this application. The applicant is not arguing a C1 hardship; however, there are encumbrances that drive a number of the bulk variance requests in this application. The site is in the GC zone which encourages the types of uses which this application proposes. The Planner explained each variance the applicant requested and explained the reasoning for each variance.

Mr. Auciello advised the purposes of MLUL will be advanced by granting the bulk variances and further stated the site itself advances Purposes of Zoning criteria C and G of the MLUL. The Planner stated the use is for a retail center and therefore needs maximum visibility. The site is aesthetically pleasing and helps promote a proper visual environment.

Chairman Rusak informed the applicant that the community has given input and there was a Master Plan established to determine the Route 22 appearance. The Board requests applicant to look at the Master Plan and make revisions to reflect it. Mr. Dimin stated applicant would comply with this plan. Board Planner stated purpose of GC Zone value is for economic and quality of life distinction. Purpose of GC Zone is to “provide uses that serve the Bridgewater Township residents and others in a matter that provides desired employment and certain services, yet may minimize visual impact.” The Master Plan and past governing bodies did not

recommend changes for the 100 foot setbacks for parking. The purpose of the setback is to provide openness that Bridgewater has always sought and also to provide the landscaping greenery that is considered as having an attractive amenity value along the corridor. The Master Plan has design aspects that explain the value that Bridgewater places on corridor sites, including landscaping.

Mr. Auciello addressed the free standing sign area which requires a variance for 775 sq ft total. Since the Ordinance includes supports in the sign calculation, the applicant can reduce the sign area for each sign if he proposed a “lollypop” sign which a single piece of steel with a box on top with tenant information; however, the planner feels it’s unattractive and inappropriate for the Route 22 corridor. The applicant stated he is willing to drop the heights of the free standing sign on the westerly portion of the property from 33.75 ft to 25 ft. The applicant stated he will comply with the requirement number of trees, shrubs, and triple row in respect to the landscaping concerns. Planner Doyle inquired how a triple row of plantings could be accomplished with on 3’ of land area between the curb and the property line. The applicant stated he will comply with the solid waste enclosure by using the same materials as the building, and comply with lighting of the façade signs and limits on the façade sign lighting.

Board expressed concerns with landscaping and snow removal in the winter. Applicant stated he will remove excess snow and truck it offsite, if needed.

The Chairman opened the meeting to the public for questions:

Charles Applebaum, the Attorney representing 1213 Route 22 Associates. Block 559, Lot 6 requested a description of the surrounding areas of the sites. Mr. Dimin advised the Applicant’s Engineer’s testimony can provided a complete overview of the site plan which was acceptable for Mr. Applebaum. Mr. Applebaum asked if a furniture store had been signed on as a tenant. The response was that there is no furniture store signed up at this moment. Mr. Applebaum also questioned the proposed variance for the parking setback and stated concerns about clean water from the roof into the brook. Mr. Applebaum addressed issues in regards to entrances on Route 22 and parking on the new site. Finally, Mr. Applebaum requested clarification from Mr. Polyniak in reference to DOT standards with driveways on adjacent properties.

The meeting was closed to the public.

The Board recommended that the applicant’s professionals meet with Township Planner Scarlett Doyle and Township Engineer Robert Bogart and amend as much of the plan as the applicant can. Changes must be made available to the public 10 days prior to the next meeting.

There was an announcement that the application was scheduled to be carried to August 12th, 2014 at the municipal courtroom without additional notice.

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.

OTHER BOARD BUSINESS:

There was no other Board business discussed. No action was taken.

ADJOURNMENT:

The Board concurred to adjourn the meeting at 10:30 pm.

Respectfully submitted,

Jo-Ann M. Petruzzello

Secretary to Planning Division