

**BRIDGEWATER TOWNSHIP
PLANNING BOARD
Regular Meeting,
Monday, October 22, 2012
-MINUTES-**

CALL MEETING TO ORDER:

Chair Joanne Kane called the meeting of the Bridgewater Township Planning Board to order at 7:00 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of the meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 20, 2012 proper notice was sent to the Courier News 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 p.m. and no new testimony will be taken after 10:15 p.m. Hearing Assistance is available upon request.

SALUTE TO FLAG:

There was a salute to the flag.

ROLL CALL:

Steve Rodzinak – present
Filipe Pedroso, Councilor– present
Joanne Kane, Chair – present
James Franco, Alt#2 – present

Barbara Kane, Vice Chair – **absent**
Mayor Dan Hayes – present
Ron Charles – present
Robert Albano, Alt#1 – **absent**

Others present: Attorney Thomas Collins, Board Planner Scarlett Doyle, PP, Board Engineer Robert C. Bogart, PE, and Recording Secretary Danielle A. Britton.

MINUTES FOR APPROVAL:

October 9, 2012 - Regular Meeting Minutes - Approved as amended.

Minutes moved by Steve Rodzinak, second by James Franco, and adopted by the following roll call vote:

AFFIRMATIVE: Steve Rodzinak, Ron Charles, Chair Joanne Kane, Mayor Dan Hayes, Councilor Filipe Pedroso, and James Franco

OPPOSITION: None

NOT ELIGIBLE: None

ABSENT: Vice-Chair Barbara Kane and Robert Albano

ABSTAIN: None

MEMORIALIZING RESOLUTIONS:

None Pending

HEARING AND DELIBERATIONS:

LUSTIG ENTERPRISES LLC (Autosport) – Route 22 West
Block 559, Lot 5.01

#12-020-PB, Amendment to Prior Approval of Site Plan (Revisions to Landscaping and Berm)

TIME: 45=11/9/2012. Request for Time Extension needed by November 9, 2012.

Attorney Francis P. Linnus was present to represent the applicant, Lustig Enterprises LLC (Autosport Honda II). Mr. Linnus provided the Board with background information. The subject property is located on Route 22 West. In March 2010, the Planning Board adopted a resolution for Minor Subdivision, Preliminary and Final Site Plan with related Conditional Use and Bulk Variance(s), which then the application proposed a new car dealership. Autosport Honda now proposes to amend the buffering and landscaping plan, and modify conditions of the resolution: Sections #6A 1, 2, 3; Sections #6B 1, 2, 3, 4, 5. Mr. Linnus stated that clarification is needed with regard to signage being displayed on the windshield of vehicles facing the highway, as oppose to the rear.

Board Attorney Collins asked Mr. Linnus to confirm during the hearing testimony how the negative criteria associated with the (prior) “c “variances would still satisfy the burden of proof jurisdiction for the proposed modifications. Attorney Linnus stated Mr. Redington will testify that the proposed amendments would provide a better zoning alternative.

The following were sworn-in for testimony; qualifications were recognized and accepted by the Board:

1. Professional Landscape Architect and License Planner John McDonough, [REDACTED]
2. Professional Engineer and License Planner, Gregory Redington, Redco Engineering, [REDACTED]
3. Owner Jerry Lustig, 14 Euclid Terrace, Parsippany, NJ 07054

Professional Mr. Redington referred to **Exhibit A-1, Rendering Sheet #1, and Exhibit A-2, Amendment Site Plan Rendering, both dated 10/22/12** to explain the proposed buffering amendment of the vehicles, and landscaping. The original application was approved for the subdivision of a 10 acre lot. Part of the approval back in 2010 was for a 4ft, 3inche buffer, which eliminated visibility of vehicles from the public right-a-way. From the highway the 24ft berm faces upward and grass area extends from the cart way to the parking lot 160 ft. wide. The ordinance requires a 3ft buffer for car dealerships. The existing berm is 4ft 3inches in height behind the line of street trees. The existing landscaping and buffering adjacent to the item(s) it is buffering would remain to be utilized. Two detention basins located in the front yard are not visible from the highway, but will be maintained as ‘lawn area’ and would incorporate a berm for storm water management. Street trees would remain unaffected. Mr. Redington stated that he plans to work with Township Planner Scarlett Doyle to make sure the species are consistent with what was previously approved. He noted the proposed amendments would allow for better management of the landscaping; it also complies with the ordinance and its intent with regard to the buffering. Mr. Redington further noted that the modifications would comply with all technical recommendations from Board Engineer Robert C. Bogart.

Parking is on one-side of the aisle measured at 23ft 8 inch. The applicant has requested relief from the 24ft aisle width, the Berm as a 4ft inch buffer, and the utilization of a vegetative buffer at height of 36 inches.

Board Chair Joanne Kane opened the meeting to the public for questioning and comments related to Mr. Redington’s testimony. Being there were no comments, this portion of the hearing was closed.

Councilor Pedroso questioned the height of the shrubs that would front the lot, at time of planting. Mr. Redington stated 36 inches.

Board Member Charles recommended that a performance guarantee bond would be helpful to enforce landscape and planting maintenance.

Professional Mr. Redington referred to **Exhibit A-3, Storage Lot Elevations (Autosport Honda II), dated 10/22/12** to explain the berm functionality and linear table that illustrates the visual line sight from the highway. Vehicle inventory and storage would be located on the eastern portion of the lot.

Professional Mr. McDonough referred to **Exhibit A-4, Aerial Photograph from bing.com; Exhibit A-5, Series of four (4) ground photographs (sheet #2); and Exhibit A-6, four (4) ground photographs of surrounding areas from Route 22, all exhibits dated 10/22/2012.** The subject property is located in the General Commercial (GM) District Zone. Mr. McDonough referred to the marked exhibits to illustrate the existing layout of the subject property and explained that the proposed modification aesthetically enhances frontage on Route 287, and brings the site into conformity. The redevelopment provides more “green area” and less impervious coverage, than it did in 2007. Auxiliary, he explained the subject property has 160ft of lawn. Surrounding properties have similar “rolling landscape” along Route 22, but plantings are also setback to their respective parking lot or building envelope. Currently the berm is located on the downhill side of the detention basin. The proposed landscaping would reduce the berm by 1ft. to open the front lawn, carry shrubs to the top of the hill, and place seasonal-colored shrubs to enhance the landscaping pattern. Detention basins would be covered with lawn. Mr. McDonough stated that the proposed pattern is a “balancing act” that is inherently beneficial to the subject property, Autosport Honda and potential customers. Modifications proposed to the site serve no detriment to the public or neighboring properties, and provides a better zoning alternative to what was originally approved, in 2010. No new variances are being sought.

Board Chair Joanne Kane opened the meeting to the public for questioning and comments related to Mr. McDonough’s testimony:

- Mr. Robert Vaucher, 449 Foothill Road was sworn in. Mr. Vaucher stated there is no way for the public to quantify if the proposed modifications would improve or hinder the site. Mr. McDonough reiterated nothing is being taken out from what was originally approved; only modifications to enhance the visual by way of row landscaping being setback to the parking lot.

Being there were no further comments, this portion of the meeting was closed.

Township Planner Scarlett Doyle’s report was utilized for point of discussion.

Councilor Pedroso stated he is in favor of the applicant maintaining former conditions with respect to the berm location.

The Board deliberated and discussed the following conditions:

1. Note on plans and resolution that any dying, diseased, or damaged plants are to be maintained;
2. Note on plans and resolution that the landscaping alternative, as proposed, will be the same number of species or the recommended type of species as per Planning and Engineering Departments; and
3. Note on plans and resolution that perpetual maintenance of the landscaping would retain a solid green wall with a height of 3ft. along the frontage of the property to be maintained.

Motion by S. Rodzinak, second by J. Franco, the Amendment to Prior Approval of Preliminary/ Final Site Plan and C-2 Variance application was approved on the following roll call vote:

AFFIRMATIVE: Steve Rodzinak, Ron Charles, Chair Joanne Kane, Mayor Dan Hayes, James Franco
OPPOSITION: Councilor Filipe Pedroso
NOT ELIGIBLE: None
ABSENT: Vice-Chair Barbara Kane and Robert Albano
ABSTAIN: None

Break Time 9:00 p.m.

ROLL CALL:

Steve Rodzinak – present
Filipe Pedroso, Councilor– present
Joanne Kane, Chair – present
James Franco, Alt#2 – present

Barbara Kane, Vice Chair – **absent**
Mayor Dan Hayes – present
Ron Charles – present
Robert Albano, Alt#1 – **absent**

Others present: Attorney Thomas Collins, Board Planner Scarlett Doyle, PP, Board Engineer Robert C. Bogart, PE, and Recording Secretary Danielle A. Britton.

Resume 9:12 p.m.

LANG – Twin Oaks Road/ Foothill Road
Block 712, Lots 4&7
#29-11-PB, Major Subdivision
(subdivide lots and construct two roads)
TIME: 120=8/3/2012. Request for Time Extension until October 31, 2012.

This matter was carried from October 22, 2012.

Attorney Michael V. Cresitello was present to represent the applicant. Cross-examination continued with Mr. Blaine Rothausen (previously sworn-in), 54 Park Street, Florham Park, NJ.

Attorney Cresitello cross-examined Mr. Rothausen on his experience dealing with wetland procedures and inquired if his study on specie identification was submitted as a letter of interpretation (LOI) to Department of Environmental Protection DEP. Mr. Rothausen stated three parameters. There was extensive discussion with regard to the threatened and endangered habitat. Mr. Rothausen testified with the exception of the Eastern States Report, no other document or full investigation has been submitted to the DEP on threatened and endangered habitat, only the letter of interpretation. Mr. Rathausen testified that he would submit an owl report directly to DEP. It was also noted it takes roughly 2-3 months for DEP to visit the site in question.

Exhibit O-8, Eastern States Environmental Associates Freshwater Inventory Assessment Report- Block 712, Lot 4), dated 10/22/12 was marked into record. Attorney Jeffrey Brookner questioned Mr. Rothausen on the Freshwater Wetland Assessment report by Eastern States. There was discussion between Attorney Brookner and Mr. Routhausen on how DEP may determine resource classification of a wetland and whether or not investigation normally includes information on if threatened and endangered habitat exists on site.

Attorney Brookner stated that due to the uniqueness of the subject property, the board should require a full investigation for threatened and endangered species.

Attorney Brookner introduced Mr. John A. Thonet, Licensed Professional Engineer and Planner of Thonet Associates, 14 Upper Kingstown Road, Pittsgove, NJ. Mr. Thonet was sworn-in for testimony. His qualifications were recognized and accepted by the Board.

Mr. Thonet used the following exhibits which were marked into record dated 10/22/12:

1. **O-9, Resume of Mr. Thonet;**
2. **Exhibit O-10, Environmental Planning and Engineering Review September 27, 2012, latest revision dated October 15, 2012, prepared by John A. Thonet, PE, PP, of Thonet Associates Inc.;**
3. **Exhibit O-11, Highlighted - Wetlands Location Map; Block 712, Lot 4, dated May 4, 2011;**
4. **Exhibit O-12, Highlighted – Lot lines of Proposed Development Plan; Block 718, Lot 63, dated 10/22/12.**

Mr. Thonet referred to these exhibits to illustrate and use for reference of discussion. He testified that he reviewed the application file and no information was provided from the applicant to the DEP on threatened and endangered species. If a site has potential for threatened and endangered species, municipal government has EIS ordinances that require accurate study for wild life inventory and features, but must be done over a course of seasons. Ecological for wetlands started in 2010.

Because the meeting had reached its maximum time to hear further testimony, Board Attorney Collins recommended that a special hearing would be scheduled for October 29, 2012; no further (re)notice required.

MEETING OPEN TO THE PUBLIC:

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

BOARD BUSINESS:

There was no other business discussed.

ADJOURNMENT:

The Board adjourned the meeting at 10:30p.m.

Respectfully submitted,
Danielle A. Britton
Recording Secretary