

**BRIDGEWATER TOWNSHIP
PLANNING BOARD
Regular Meeting,
Tuesday, October 9, 2012
-MINUTES-**

CALL MEETING TO ORDER:

Chairperson 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	Barbara Kane, Vice Chairperson – present
Filipe Pedroso, Councilperson – present(late 7:39p.m.)	Mayor Hayes – present
Joanne Kane, Chairperson – present	Ron Charles – present
James Franco, Alt#2 – present	Robert Albano, Alt#1 – present

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:

September 11, 2012 - Regular Meeting Minutes - Approved as amended.
Minutes moved by Vice-Chairperson Barbara Kane, second by Robert Albano, and adopted by the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:

OAK STREET BUILDERS LLC– 185 Oak Street
Block 152, Lot 35

#12-011-PB, Minor Subdivision with Variances (divide two lots; construct (2) two single family dwellings)
DECISION: DENIED on 8/14/2012

Resolution moved for adoption by Vice-Chairperson Barbara Kane, second by Robert Albano, and adopted by the following roll call vote:

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

HEARING AND DELIBERATIONS:

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 September 11, 2012.

Board Attorney Thomas Collins stated that due to the malfunction of the recording equipment used at the September 11, 2012 hearing, no verbatim audio record was available. Prior testimony given at the September meeting is not part of the case record.

Attorney Michael V. Cresitello was present to represent the applicant. He discussed the proposed application and explained modifications made to the plans. A new lot has been proposed (Lot 4.03 - Foothill Road) which includes the red barn that would be subdivided to make a separate lot. Lot 63 (Twin Oaks Road) would not be developed and a contribution of this land would be made to Bridgewater Township, or to a conservation organization, or to the adjoining property owner(s). Lot 4.13 (steep slope) no longer is a detached lot, the construction of a single-family dwelling is no longer proposed. On it former Lot 4.13 has been merged with Lot 4.01 (farm stead lot), and 16 acres would be protected by way of conservation easement. The steep slope variance for Lot 4.13 has been removed. No variances are required for Lot 63 because land will not be developed. Lot 7.01 (Steel Gap Road) has an existing pre-existing condition. Attorney Cresitello discussed new three variances being sought. One variance is considered a “technical” variance because the barn is considered an accessory structure. The accessory structure is temporary until the principal structure is built, then that would remove the variance. Other variances include the height of the barn and floor-area-ratio (far). If the variances are not granted, the barn will be demolished. Shed would be removed at the Lots 4.01 to 4.03 property line.

Professional Engineer James Mantz was (re)called for testimony. The Board recognized Mr. Mantz’s credentials as a Licensed Engineer and Planner. **Mr. Mantz used Exhibit A-16, dated 8/29/2012 to illustrate and discuss revised lot numbers.** Mr. Mantz stated that he would comply with Board Engineer Mr. Robert C. Bogart’s memorandum dated September 7, 2012. Mr. Mantz discussed the revised locations of sidewalk being installed, the sanitary sewer pump system and drainage pipes. Mr. Mantz testified that no dump evidence was found onsite by him, but would conduct a Phase I and Phase II environmental study, if the Board should require. He concluded that the (c) 2 variances being sought for the proposed would advance the purposes of zoning condition, and the benefits outweigh the detriments. No impairment would be imposed to the intent or purposes of the Master Plan and Zoning Ordinance.

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

Mr. John Sullivan, 537 Berrywood Lane was sworn-in. He questioned if the barn would constitute a use variance.

Mr. Mantz testified that a use variance is not needed for the barn because it is an accessory structure.

Mr. Howard Stamato, 10 Northern Drive was sworn-in. He questioned other alternatives that would achieve the necessary sewer gravity flow other than obtaining another easement.

Mr. Mantz responded that he would “raise the homes to a higher elevation (unsightly)”. Mr. Stamato suggested that Mr. Mantz “lose lots”.

Attorney Mr. Jeffrey Brookner, representative of the “Stop the 18-Homes” group of residents, questioned Mr. Mantz on the BMP (best practice manual) and the Residential Site Improvement Standards (RSIS). There was on-going dialogue and cross examination with regard to detention basins, and ground H₂O seasonal high water tables.

Mr. Mantz relied on the septic laws regarding perched water.

Mr. Brookner questioned Mr. Mantz about the dams which are a part of the detention basins. Mr. Mantz said that all three are dams by definition. He further stated that he would obtain a hazard classification from DEP regarding the dams if the Board wished him to as a condition. Mr. Mantz stated that he did not consider avoiding the dam issue by a redesign of the basins or of the subdivision. He did not consider a subdivision with no new roads. He did not know if anyone representing the applicant looked into the historical aspects of the property. He did not look into smaller and more basins to satisfy the BMP manual.

Attorney Cristiello questioned Mr. Mantz related to Mr. Thonet’s report and why Mr. Mantz onsite soils investigations were more accurate than Mr. Thonet’s “on-line” survey. Councilman Pedroso questioned whether all detention basins have dams.

Board Chairperson Joanne Kane closed this portion of the hearing.

Professional Edward Kuc, Eastern States, 315 Mountain View Drive, Kunkletown, PA was (re)called for testimony. The Board accepted his credentials as an expert witness. Mr. Kuc provided testimony on his involvement in the project. He stated that the Ecological Impact Statement deals directly with ecological resources. The proposed plan meets all his concerns; nothing is unique about the land and lots are not contiguous to a larger habitat corridor, therefore no threatened species are present. Mr. Kuc discussed the jurisdictional wetlands and waters, which are determined to be associated with various narrow drainages and erosion channels that originate and flow in a southwestern direction through various portions of the property. All lands adjacent to the property have undergone development. Given the extent of the adjacent and surrounding development, the natural habitat(s) associated with the property are not a part of a larger contiguous habitat complex or corridor. It was also stated that the transition waiver was a net plus. He further reviewed each line item of Board Planner Scarlett Doyle’s report. Mr. Kuc stated there would be no regional detriment and would not impose on the natural resources. No archeological or historical findings were noted. He further stated that impacts from development are inevitable, but are insignificant if viewed regionally.

Mr. Kuc noted that he reviewed Mr. Thonet’s report with regard to ecological aspects and stated that Mr. Routhouser lacked scientific basis in his analysis.

Board Chairperson Joanne Kane opened the meeting to the public for questioning and comments related to Mr. Kuc's testimony:

Attorney Mr. Jeffrey Brookner, representative of the "Stop the 18-Homes" group of residents questioned Mr. Kuc's knowledge of petrochemical disposal on the property. There was on-going dialogue and cross examination with regard to the February 11th onsite meeting with the Department of Environmental Protection and Mr. Kuc, the number of hours' onsite to conduct the assessment, and alternative design features that would lessen the environmental impact. There was cross examination with respect to Mr. Kuc's report on threatened and endangered species.

This concluded input and questioning from Attorney Brookner of Mr. Kuc.

Break Time 9:40 p.m.

ROLL CALL:

Steve Rodzinak – present	Barbara Kane, Vice Chairperson – present
Filipe Pedroso, Councilperson – present	Mayor Hayes – present
Joanne Kane, Chairperson – present	Ron Charles – present
James Franco, Alt#2 – present	Robert Albano, Alt#1 – present
Others present: Attorney Thomas Collins, Board Planner Scarlett Doyle, PP, Board Engineer Robert C. Bogart, PE, and Recording Secretary Danielle A. Britton.	

Resume 9:45 p.m.

Attorney Brookner marked into record the following exhibits, dated 10/9/12:

- O-2, Aerial Photograph Map**
- O-3, Photographs of "dump site" (pic #1)**
- O-4, Photograph of "dump site" (pic #2)**
- O-5, Letter from DEP**
- O-6, Resume of Mr. Rothauser**

Attorney Brookner introduced Ms. Sandy Ruda, 60 Twin Oaks. She introduced letter from DEP regarding history of the property.

Attorney Brookner introduced Mr. Blaine Rothauser, 54 Park Street, Florham Park, NJ. He was sworn in as a witness. The Board recognized his credentials as an expert. **Mr. Rothauser used Exhibit O-7 (Environmental Assessment & Rare Species Analysis), dated 10/9/12**, and discussed in depth resource and species classification, and further supported modifications to DEP's buffers. He explained that more time is needed to study the variety of species that can be found on the subject property and that Mr. Kuc did not spend enough time there. Mr. Rothauser recommended the Board require more information and should appoint a (Board) Environmental Expert. He also suggested additional plantings to help protect the threatened and endangered.

Mr. Rothauser said he believed that the DEP buffers and classifications should be changed. He also recommended more plantings to help threatened and endangered species.

Because the meeting had reached its maximum time to hear further testimony; the Board recommended that Mr. Blaine Rothauser return to the next hearing for cross-examination.

Board Attorney Mr. Collins stated that the next hearing is carried to October 22, 2012; no further (re)notice required. The Board did not act on the applicants' request for a special meeting on October 29, but may consider it at the next hearing.

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 10:46p.m.

Respectfully submitted,
Danielle A. Britton
Recording Secretary