

BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
Tuesday, November 12, 2013
—Minutes—

1. CALL MEETING TO ORDER:

Chairwoman Kane called the meeting to order at 7:05 pm at 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 9, 2013 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 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 colors.

4. SWEAR IN MEMBERS:

Matthew C. Moench, Class III was sworn in

5. ROLL CALL:

| | |
|-------------------------------------|-------------------------------|
| Stephen Rodzinak – present | Ron Charles – present |
| James Franco – present | Barbara Kane – present |
| Joanne Kane – present | Mayor Dan Hayes – present |
| Councilman Matthew Moench – present | Robert Albano – Absent |

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

6. APPROVAL OF BOARD MINUTES:

October 8, 2013 Regular Meeting – Motion by Mrs. Barbara Kane, second by Mr. Charles, the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Charles, Mr. Franco, Mayor Hayes, Mrs. Barbara Kane

ABSENT:

NOT ELIGIBLE: Mr. Rodzinak, Councilman Moench, Chairwoman Kane

October 8, 2013 Executive Session Minutes – Motion by Mrs. Barbara Kane, second by Mr. Franco, the foregoing closed session minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Charles, Mr. Franco, Mayor Hayes, Mrs. Barbara Kane

ABSENT:

NOT ELIGIBLE: Mr. Rodzinak, Councilman Moench, Chairwoman Kane

7. MEMORIALIZATION OF RESOLUTIONS:

There were no pending resolutions to memorialize. No action was taken

8. **LAND DEVELOPMENT APPLICATIONS:**
McDONALD'S USA LLC - 680 Promenade Blvd.
Block 350 Lot 1
#13-008-PB, Preliminary and Final Major Site Plan
With Variances
Time: 120=2/14/14

Attorney Dean J. Donatelli was present to represent the Applicant. Sworn testimony was presented by Professional Engineer Keith B. Cahill of Bohler Engineering.

The Applicant submitted exhibits which were marked into evidence as follows:

- | | | |
|------------|-----------------|---|
| A-1 | 11/12/13 | Aerial exhibit |
| A-2 | 11/12/13 | Colored rendering of proposed improvements |
| A-3 | 11/12/13 | Photos of existing facility |
| A-4 | 11/12/13 | Proposed elevations |
| A-5 | 11/12/13 | Colored rendering of signage exhibit sheets |

Board Member Mr. Charles excused himself and left the room due to conflict with the application.

Attorney Donatelli gave background of the planned retail location and the renovation of McDonald's which would include a second drive-up lane and windows.

Engineer Cahill explained that the Applicant is seeking to modernize and update the McDonald's restaurant and drive-up windows to add a second drive-up lane for the existing McDonald's facility at the Promenade Shopping Center.

Engineer Cahill explained that the Applicant is seeking to modernize the McDonald's facility in accordance with the upgrading program of the parent corporation and that the updating will be more similar to a recently constructed McDonald's in Somerville, and that it will have the changes shown on the site plan and on the architectural plan. Engineer Cahill explained that the main purpose of the changes at the Bridgewater McDonald's is to increase the efficiency of the drive through which currently accounts for approximately 65% of the sales at this McDonald's. He explained that the two drive-thru lanes will allow for the two points of purchase by drive-up windows and allow for better and more efficient service by the restaurant to the drive-up customers. He also explained that approximately 13 cars can stack in the proposed two lanes as opposed to the 8 cars stacking which is available now. He explained that the site plan will result in the changes shown on the site plans and result in the new variances as described in his charts, on his plan and in the report of the Township Planner, Scarlett Doyle.

Engineer Cahill confirmed all of the variances and site plan exceptions that the Applicant is seeking. He explained his reasoning for the requested variances and site plan exceptions. Engineer Cahill explained that the proposed parking arrangement will function more efficiently than the parking arrangements that currently exist even though the site specific details of the parking spaces may not comply with the current ordinance requirements. He also explained that the Applicant will plant substantial additional trees to replace the existing trees and shrubs being removed. He explained that 15 trees will be planted and approximately 125 shrubs will be planted to replace a much smaller number of trees and shrubs that will be removed. Engineer Cahill explained that he will coordinate his landscaping plan with the Township Planner, the Township Engineer and the Engineering Department to provide for prevention of glare from headlights onto Promenade Boulevard and to prevent snow

plowing from damaging the landscape plantings. Engineer Cahill explained that temporary protection fences will be used, to the satisfaction of the Township Planner, during the construction process to protect the existing trees and shrubs that are being maintained.

With respect to the signage, Engineer Cahill explained all the variances that the Applicant is seeking and explained the deviations from the current ordinance standards. In dialogue with the Board and the Board's professionals, the Applicant agreed to reduce some of the signage as requested. The Applicant agreed to remove the arches from the signs identified as signage H on the signage plan, Exhibit A-5, and remove the signage G to help reduce the total square footage of the free-standing signage to closer to or below the ordinance maximum. The Applicant shall also coordinate its parking lots and landscaping changes with the engineering department, and with the Township Attorney as to whether a developer's agreement is required. If one is required by the Township Attorney, the Applicant shall enter into a developer's agreement to the satisfaction of the Township Attorney with either the Applicant or the owner as the developer under the developer's agreement as determined by the Township Attorney. The Applicant shall post performance guarantees as determined necessary by the Township Engineer and Township Attorney.

The Board finds that the application for preliminary and final site plan and related c variances and site plan exceptions should be granted subject to the conditions recommended in the reports of the Township professionals, Van Cleef Engineering Associates dated November 5, 2013 and Scarlett Doyle, Township Planner, dated October 26, 2013. The Board finds that the variances should be reduced as agreed to by the Applicant to remove the arches from signage identified in the site plan as signage H, and to remove signage G to reduce the total square footage of the free-standing signs. The other sign variances requested by the Applicant and the other variances requested and site plan exceptions requested are hereby granted.

The Board further finds that the pre-existing conditions which are not being further exacerbated by this approval do not require variances or site plan exceptions and are pre-existing conditions which are confirmed by this approval. The Board finds that there will be no substantial detriment to the public good and no substantial impairment of the zone plan and zoning ordinance if the variances and site plan exceptions requested are granted.

The Board deliberated and discussed several conditions including:

- The terms of such approval are to be strictly in accordance with the plans and testimony presented to the Board.
- The Applicant shall comply with the approved preliminary and final site plan and architectural plans and lighting plan as revised to remove the signage G and to remove the arches from signs H.
- The owner and Applicant shall enter into a Developer's Agreement with the Township of Bridgewater.
- All taxes, fees, escrows, assessments and other monies due to the Township of Bridgewater shall be paid in full.
- The Applicant shall obtain governmental approval from any other Governmental agencies with jurisdiction relating to the property, if necessary.
- The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Somerset, and Township of Bridgewater.

Motion by Mr. Rodzinak, second by Mayor Hayes, the McDONALD'S USA LLC - 680 Promenade Blvd., Preliminary and Final Major Site Plan with variances application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Moench, Chairwoman Kane, Mayor Hayes, Mrs. Barbara Kane
NOT ELIGIBLE: Mr. Charles (was excused)

Chairwoman Kane closed the meeting for a short break at 8:30 pm. The meeting was re-opened at 8:43 pm.

9. **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.

10. **BOARD BUSINESS:**

Board Planner Doyle provided the Board with a draft Preliminary Re-Development Report for Block 329, Lots 3.01, 13.01, & 14 as per the Council's request to see whether or not the property is in need of Re-Development. Planner Doyle also provided the Board with detailed information for the process for a public hearing for the Re-Development of the aforementioned property.

11. **EXECUTIVE SESSION:**

A Resolution to go into closed session pursuant to Section 7 and 8 of Open Public Meetings Act to discuss matters of Attorney-Client privileged communication and pending litigation Al Falah v. Bridgewater, et al. at approximately 8:55 pm.

Motion by Mr. Rodzinak, second by Mrs. Kane, the foregoing resolution for the approval of closed session was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench, Chairwoman Kane, Mayor Hayes, Mrs. Barbara Kane

The Board returned to open session with all present as before at approximately 9:05 pm.

12. **ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 9:05 pm.

Respectfully submitted,
Marianna Voorhees
Secretary to Engineering and
Planning Division