

**BRIDGEWATER TOWNSHIP
PLANNING BOARD
Regular Meeting,
Tuesday, November 13, 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:

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| Steve Rodzinak – absent | Barbara Kane, Vice Chair – present |
| Filipe Pedroso, Councilor– present (arrived 7:25p.m.) | Mayor Dan Hayes – present |
| Joanne Kane, Chair – 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:

October 22, 2012 - Regular Meeting Minutes - Approved as amended.
Minutes moved by James Franco, second by Ron Charles, and adopted by the following roll call vote:
AFFIRMATIVE: Ron Charles, Vice-Chair Barbara Kane, Chair Joanne Kane, Mayor Dan Hayes, Robert Albano and James Franco
OPPOSITION: None
NOT ELIGIBLE: None
ABSENT: Councilor Filipe Pedroso (arrived 7:25) and Steve Rodzinak
ABSTAIN: None

MEMORIALIZING RESOLUTIONS:

LUSTIG ENTERPRISES LLC (Autosport) – Route 22 West (Pending)
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.
DECISION: APPROVED

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 October 29, 2012.

Attorney Jeffrey Brookner, who representatives “Stop the 18-Homes” group of residents, was present. Mr. Brookner stated to the Board Mr. Thonet was unavailable for this meeting due to personal matters, and he also stated Mr. Thonet was unaware of the meeting until a few days before the actual date.

The Board agreed that another hearing date should be set for cross-examination of Mr. Thonet. It was confirmed that Mr. Thonet would be available Tuesday, December 11, 2012.

Attorney Michael V. Cresitello was also present to represent the applicant, Mr. Lang. Mr. Cresitello expressed concern that he does not want the application to become “stale” because 2012 is coming to a close and the upcoming New Year would bring new members who would need to listen to all prior hearings.

Board Attorney Collins stated the Board can still proceed tonight with listening to other witnesses from Mr. Brookner.

Attorney Brookner addressed the Board to explain the reasons why the publication notice for October 29, 2012 was deficient. Mr. Brookner stated that more notice should have been provided to the public because the community was unaware of the carried date, October 29th to November 13th due to Hurricane Sandy.

Board Attorney Collins stated he had read the publication notice displayed on the outer door of Bridgewater Township’s courtroom entrance, bulletin board, and website and confirmed that notices were efficiently provided to the public, especially under the circumstance of Hurricane Sandy. It was further mentioned that the Supreme Court postponed all court proceedings and filings.

Motion was made to continue with the hearing tonight by Vice-Chair Barbara Kane, second by Robert Albano, and approved on the following roll call vote:

AFFIRMATIVE: Ron Charles, Vice-Chair Barbara Kane, Chair Joanne Kane, Mayor Dan Hayes, Councilor Filipe Pedroso, Robert Albano and James Franco

OPPOSITION: None

NOT ELIGIBLE: None

ABSENT: Steve Rodzinak

ABSTAIN: None

Motion was made to post-pone Mr. Thonet’s testimony and cross-examination tonight by Mayor Hayes, second by James Franco, and approved on the following roll call vote:

AFFIRMATIVE: Ron Charles, Vice-Chair Barbara Kane, Chair Joanne Kane, Mayor Dan Hayes, Councilor Filipe Pedroso, Robert Albano and James Franco

OPPOSITION: None

NOT ELIGIBLE: None

ABSENT: Steve Rodzinak

ABSTAIN: None

Attorney Brookner called his first witness Mr. Robert Vaucher for testimony. Mr. Robert Vaucher, 449 Foothill Road, was sworn-in. Mr. Vaucher provided extensive information as to the history of the subject properties. Mr. Vaucher stated Mr. Wemple had been the owner and conducted onsite repairs to antique automobiles. The site was used for the disposal of items, never less than three cars, and upward to six cars. Mr. Wemple conducted maintenance on cars at the subject property which included oil changes, transmissions, etc. The existing dump behind the barn is huge and deeper than what it looks to appear.

Attorney Brookner called his second witness Mr. Ryan Schandor for testimony. The following exhibits were marked into evidence, dated November 13, 2012:

- O-13 (a) Photograph of Gibson Terrace and Foothill Road (location of basins depicted)**
- O-13 (b) Second photograph of Gibson Terrace and Foothill Road (closer trees depicted)**
- O-13 (c) Twin Oaks Road (current wood estates of Mr. Wemple)**

Mr. Ryan Schandor, 510 Steele Gap Road of Bridgewater was sworn-in. He is the Stealing Committee Representative for “Stop the 18-Homes” group of residents. Mr. Schandor explained to the Board that the group consists of residents surrounding the old (Wemple) property and would like to see the subject property aesthetically developed. The feel of the adjoining community is heavily wooded and roads such as Twin Oaks, Steele Gap and Foothill have been around since revolutionary times. Steele Gap and Foothill Road are more rural than suburban compared to other parts of the community. There was additional discussion with regard to the roads and locations of street lights. It was stated that proposed development should be constructed along the existing streets. Mr. Schandor testified there is ongoing conversation within the group pertaining to sidewalk preferences.

Mr. Schandor discussed the location of the detention basin at the Twin Oaks & Foothill Road intersection and stated the group would prefer several mature trees planted to provide screening to the area. Mr. Schandor stated the group would prefer Exhibit O-13 (c) to be used as a guide for planting. Mr. Schandor expressed his satisfaction with the character of the existing neighborhood and stated the community should be preserved including all barns and sheds.

Board Member Albano questioned the opinion of Mr. Schandor on the number of homes that should be developed. Mr. Schandor responded that a total of six homes should efficiently be developed without detriment to the community.

Board Member Franco questioned the opinion of Mr. Schandor with regard to not subdividing the homestead property. Mr. Schandor responded that 17-lots are better than 18.

Attorney Cresitello cross-examined Mr. Schandor on Exhibit O-13 (a).

Chair Joanne Kane opened the meeting to the members of the public who were not being represented by Mr. Brookner:

Dr. Emile DeVito, Manager of New Jersey Conservation Foundation, 170 Longview Road, Far Hill, NJ was sworn-in. Dr. DeVito stated that the Township ordinance clarifies that an application must not have any negative impacts to the environment. The meaning of the environmental ordinance within the Township requires a full study of the project to determine the precise amount of development that would not hinder the habitats. A Barred Owl was found onsite and it has significant impacts. The Barred owl is close to the

Washington Valley Reservoir. An Eastern Box Turtle was found on the subject property, which is on the New Jersey Species of Special Concern list. This list is one-level before being listed as an 'endangered' species. When habitats are lost, species become endangered. Local impacts have regional effects. These species are dependent on both wetland and upland habitats. Dr. DeVito advocated that the applicant find ways to lessen the impacts to the site.

Attorney Cresitello cross-examined Dr. DeVito.

Chair Joanne Kane opened the meeting to the public for questions and comments related to Mr. DeVito's testimony:

- Patrick Olenick, 458 Foothill Road, Bridgewater, was sworn-in. Mr. Olenick stated the Board has the power to make a determination on what is the right amount of land to develop on the subject property.
- Claire O'Keefe, 1966 Mountaintop Road, Bridgewater, was sworn-in. Ms. O'Keefe suggested the Board spend more time and conduct a full investigation to determine the right amount of development.
- Angie Bodino, 21 Deerhead Drive, Bridgewater, was sworn-in. Ms. Bodino stated a couple of years ago a Barred Owl were found on the Darby tract and the proposed Athletic Field project was never implemented on the Darby tract due to the environmental impact.

Chair Joanne Kane closed this portion of the meeting.

Attorney Cresitello called Mr. Kuc for testimony. Professional Mr. Edward Kuc, Eastern States, 315 Mountain view Drive, Kunkletown, PA, was previously sworn in and called for cross examination. His qualifications as an expert witness were previously accepted by the Board. Mr. Kuc testified that the Ecological Impact Statement (EIS) deals directly with ecological resources and his report is complete. The EIS along with the application was submitted according to Mr. Mantz. The Freshwater Letter of Interpretation (LOI) was submitted early in the process to the Department of Environmental Protection (DEP) which evaluates the LOI to make a determination. Mr. Kuc testified that certain species and habitat could be onsite but none were present during his 39 hours out in the field. It was noted the time investigated onsite was sufficient. Mr. Kuc stated any development disturbance whether minor or major will have an impact on the habitat.

Attorney Brookner cross-examined Mr. Kuc.

The Board concurred that a special hearing is necessary and would be scheduled for December 10, 2012, and December 11, 2012 would also be dedicated to the application if additional time was needed.

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:

Wireless Telecommunication Facilities Ordinance. The Wireless Telecommunication Facilities Ordinance will be discussed at the next Planning Board Meeting scheduled for Monday, November 26, 2012.

ADJOURNMENT:

The Board adjourned the meeting at 10:15p.m.

Respectfully submitted,
Danielle A. Britton
Recording Secretary