

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Tuesday, December 13, 2011

—MINUTES—

CALL MEETING TO ORDER:

Vice-Chairman Joanne Kane called the Regular Meeting of the Bridgewater Township Planning Board to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

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 13, 2011 & June 8, 2011, 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.

SALUTE TO FLAG:

There was a salute to the flag.

ROLL CALL:

Mr. Steve Rodzinak – present	Vice-Chairwoman Joanne Kane - present
Ms. Barbara Kane – present	Ms. N. Janine Dickey – present
Councilwoman Rose – present	Mayor Flannery – present
Chairman Fross – absent	Former Councilman Albano, Alt. #1 - present
Mr. Glenn Petillo, Alt. #2 - present	

Others present: Board Attorney Mr. Thomas Collins, Board Planner Ms. Scarlett Doyle, PP, Board Engineer Mr. Thomas Forsythe, PE, and Danielle A. Britton, Planning Department Secretary.

APPROVAL OF BOARD MINUTES:

June 14, 2011 Special & Regular Meeting Minutes – Motion by Mayor Flannery, second by Former Councilman Albano, minutes were adopted as written by unanimous vote.

LAND DEVELOPMENT APPLICATIONS:

GEN III – Fox Chase at Bridgewater
Block 173 Lot 2 (Route 22 & Traci Road)
#67-04-PB, Re: Amended Preliminary and Final Site Plan-request to amend conditions of resolution
TIME: 45=1/14/2012

Attorney Mr. Daniel C. Soriano, Esq. was present to represent GEN III, the applicant. Sworn in for testimony was Mr. John Ament, President of GEN III, 4 Lawton Place.

The applicant submitted an exhibit into record:

A-1 12/13/11 Pictures and Restaurant Review of Espana Royale.

Mr. Soriano provided the Board with a summary of conditions and amendments that were previously memorialized May 8, 2007 and May 10, 2011.

Mr. Ament explained that he is seeking amendments to the existing conditions of the prior resolutions so as to change the closing hours, and lighting and signage turn off hours of the prior resolutions. He further explained the type of top quality, sit-down restaurant of a white linen tablecloth dining experience in relation to its existing New York City location. Testimony was given as to why modification of the hours of operation is critical to the success of the establishment. Mr. Ament will seek potential future liquor license. He explained that the restaurant will not be a fast food type restaurant, and will not have any type of drive-through.

Vice-Chairwoman Joanne Kane opened the meeting to the public for comments.

G. Randall, 124 Marsillo Court, was sworn in and questioned the actual changes that were being proposed to the amended conditions. Randall also questioned if the Bank and Pharmacy use was still an existing component to the site plan. He was most concerned with the extended hours of the restaurant, the parking lot illumination versus the detriment impact it would have on his family and the residential neighborhood.

G. Persky, 30 Janine Way, was sworn in and conveyed his concern regarding illumination from the parking lot, signage and the height of signs that were previously approved. Mr. Persky expressed apprehension of potential traffic increase on a residential street because of specialty events that would keep the restaurant opened longer.

J. Lannitto, 177 Jessica Court, was sworn in and requested clarification whether site plan and conditions would supersede the ABC License regulations.

F. Marano, 377 Hardy Road, was sworn in and questioned the direction of where the light on the light stations in the parking lot were directed.

Hearing no further comments, the public comments section was closed.

Mr. Ament confirmed that he could accept the modification to the proposed condition to require a hard turn-off of the lights in the parking lot by 12 midnight on Sunday through Thursday, and by 1 A.M. on Fridays and Saturdays with one exception to allow shut-off of the lights by 2 A.M. on New Year's Eve.

The Board deliberated and discussed several conditions. There was an consensus that this type of sit-down restaurant without nightclub-type entertainment and without late hours of operation is in keeping with the intent and purpose of the PURD zone ordinance and the prior site plan approvals and conditions provided that the modified conditions of this resolution are fulfilled by the restaurant use.

Former Councilman Albano motioned to allow for one annual special event, such as New Years Eve that would be permitted to allow the establishment to remain open later.

The Board discussed the Developer's Agreement and required an amendment to be executed.

Motion made by Former Councilman Albano, seconded by Mr. Rodzinak, The Board approved and found appropriate to grant the amended Preliminary and Final Site Plan application, which imposed earlier hours of closing and earlier hours of shut-off of lights in the parking lot to allow a top quality sit-down restaurant (not a drive-through restaurant) with a condition that the interior lights and parking lot lights, with the exception of those security lights approved by the Police Department, and the signage lights be turned off at or before 12 midnight for weeknights and 1 A.M. for Friday and Saturday nights with one exception to allow a 2 A.M. shut-off on New Year's Eve. The following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Vice-Chairwoman Joanne Kane, Ms. Barbara Kane, Councilwoman Rose, Mayor Flannery, and Mr. Petillo.

OPPOSED: Ms. Dickey

ABSENT: Chairman Fross

MEETING OPEN TO THE PUBLIC:

There were no further matters from the public.

CLOSED SESSION:

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, that the Board hereby authorized a closed or executive session pursuant to Section 7 and 8 of the Open Public Meetings Act to discuss matters of attorney client privileged communication and pending litigation in the matter of Al Falah Center et Al v. Township of Bridgewater et al.. The matters to be discussed are to remain confidential until the confidentiality of the matters is no longer required. It was the consensus of the Board to enter into closed session to discuss attorney-client privileged communication and update. The Board entered into closed session on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Vice-Chairwoman Joanne Kane, Ms. Barbara Kane, Councilwoman Rose, Ms. Dickey, Mayor Flannery, Former Councilman Albano, and Mr. Petillo.

ABSENT: Chairman Fross

The Board returned to open session with all Board members present as before.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:00 pm.

Respectfully submitted,
Danielle A. Britton
Secretary to Planning Department