

BRIDGEWATER TOWNSHIP PLANNING BOARD
Special Meeting
Monday, December 9, 2013
—Minutes—

1. CALL MEETING TO ORDER:

Chairwoman Kane called the meeting to order at 7:04 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. 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

5. APPROVAL OF BOARD MINUTES:

There were no pending minutes. No action was taken

6. MEMORIALIZATION OF RESOLUTIONS:

McDONALD'S USA LLC - 680 Promenade Blvd.
Block 350 Lot 1
#13-008-PB, Preliminary and Final Major Site Plan
With Variances
DECISION: Approved w/conditions 11/12/13

Motion by Mr. Franco, second by Mr. Rodzinak, the foregoing resolution memorializing the approval with conditions on 11/12/13 was adopted as presented on the following roll call vote:

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

7. LAND DEVELOPMENT APPLICATIONS:

SKYMANOR PROPERTIES, LLC
Block 221 Lot 32
13-025-PB - Minor Subdivision with no variances
Time: 45 days = 12/29/13

Attorney John Belardo was present to represent the Applicant. Sworn testimony was presented by Professional Engineer and Licensed Land Surveyor, Robert Templin. The Applicant also presented testimony by a principal of the Applicant, Mr. Louis Larosa.

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

- A-1 12/9/13** Colored rendering of the minor subdivision plan by Mr. Templin with revisions December 9, 2013.
- A-2 12/9/13** Signed Common Driveway Easement Agreement

Mr. Templin described the minor subdivision plans. He explained that the Applicant is proposing to subdivide an existing tax lot which has frontage on Union Avenue and Ely Court to provide for one new building lot which will have frontage on Ely Court. He explained that both of the lots will be fully conforming after the minor subdivision. He confirmed that the Applicant has tentatively agreed with the developer of Ely Court, AJM regarding utilization of Ely Court access and a driveway cut to the new home and connection to the new stormwater detention system of the Homeowners Association in the Ely Court subdivision. He explained that A-1 shows how the Applicant will utilize the existing common driveway or lot as amended to add this new lot's driveway for temporary construction purposes only and a drainage swale across the lot owned by the Applicant's seller in the event that drainage was not feasible to the storm water detention basin constructed by AJM and owned by the Homeowner's Association and maintained by AJM. He confirmed that the proposed new house would be connected to a sanitary sewer lateral to be installed in the street as shown on his plans as item "SS", and he confirmed that, in his opinion, the detention basin should be adequate to receive drainage caused by the proposed new house and driveway. He testified that he can and will provide calculations to demonstrate the sufficiency of the existing basin to the Township Engineer. Mr. Templin confirmed that the existing common driveway is proposed to be revised and to be used for the temporary construction access. The garage will be built to face Ely Court, and the future permanent access for single family house purposes after construction will be over the proposed driveway from Ely Court. He explained that the yellow area shown on the plan is the future driveway, and that the pink area is the area of the curb cut for the proposed driveway which his client will coordinate with AJM.

Attorney Belardo and Mr. Templin confirmed that the Applicant would be prepared to provide a bond for the construction of the driveway cut to Ely Court since said work is not being done by AJM. Mr. Larosa testified regarding the application and confirmed that he would be willing to install a sidewalk on Union Avenue, but would prefer not to install a sidewalk on Ely Court since it would be unnecessary, in his opinion, and it would require the removal of some existing trees whereas the construction of the sidewalks on Union Avenue would not require the removal of existing trees.

The Board finds that a *de minimis* exception should be granted from RSIS subject to a condition that the Applicant shall install a sidewalk and handicapped access curb cut to ramp on Union Avenue similar to a sidewalk constructed by AJM on the opposite side of Ely Court on Union Avenue. No additional extension of the Ely Court subdivision sidewalk shall be required as a result of this grant of a *de minimis* exception pursuant to Residential Site Improvement Standards. A copy of this resolution shall be provided to the Department of Community Affairs to confirm the grant of the *de minimis* exception for a portion of sidewalk area along Ely Court.

The Applicant's representatives and Attorney Belardo confirmed that the Applicant has entered into a tentative agreement with the developer of Ely Court, AJM, regarding the driveway curb cut and connection to a stormwater management system. William Robertson, Esq., on behalf of AJM, appeared and confirmed that the Applicant and his client AJM, the developer of Ely Court, have entered into a tentative agreement that will be finalized in an effort to address the issues between the parties. The Board finds that the tentative agreement is helpful and appropriate in hopefully resolving any issues between the Applicant and AJM. A copy of the agreement with the financial terms will be provided to the Board for review by the Township Engineer and the Planning Board Attorney. The Board will condition this approval on the entry of a Developer's Agreement between the Township of Bridgewater and the Applicant. If the Developer's Agreement is deemed unnecessary by the Township Engineer and the Planning Board Attorney, then a Developer's Agreement shall not be required.

The application of Skymanor Properties, LLC for minor subdivision was approved with the following terms and conditions:

1. The terms of such approval are to be strictly in accordance with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.
2. The Applicant shall comply with the review report of the Township Engineer, Robert Bogart, dated December 3, 2013, report of the Township Planner, Scarlett Doyle, dated November 25, 2013, and report of the Township Sewer Coordinator, Robert Reich, dated December 2, 2013. With respect to the Township Engineer's report, no direction to issue a building permit for the property not fronting on a street is required under Section 35 as determined by the Planning Board Attorney since Ely Court is an "improved street" in accordance with the MLUL. The Applicant shall coordinate the landscaping, tree removal and tree planting with the Township Planner.
3. The Applicant shall provide a copy of a written agreement between the Applicant and AJM, the developer of Ely Court, regarding the resolution of issues between the Applicant and the developer of Ely Court, and addressing the bonding of the driveway curb cut and any other issues required by the two parties. The agreement may be redacted as to any monetary terms and shall be provided to the Board, the Board Engineer and the Board Attorney for their review and approval prior to the recording of the deeds of minor subdivision.
4. The deeds of minor subdivision shall contain the following recital:
"Pursuant to Section N.J.S.A. 40:55D-47, this minor subdivision plan was approved by Memorializing Resolution adopted by the Bridgewater Township Land Use Board on December 9, 2013 and memorialized on January 7, 2014."
5. The Applicant shall remove the car cozies and car ports and stabilize and seed the disturbed areas with a grass lawn.
6. The Board Secretary shall provide a copy of this resolution to the Department of Community Affairs since a *de minimis* exception was granted from the sidewalk on the remainder of Ely Court with a requirement for a sidewalk on Union Avenue.
7. The Applicant shall post a bond for the curb cut for the new driveway to Ely Court. The Applicant shall enter into a developer's agreement with the Township if deemed necessary by the Township Engineer and Board Attorney.
8. All taxes, fees, escrows, assessments and other monies due to the Township of Bridgewater shall be paid in full.
9. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property, if necessary.
10. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United State

of America, State of New Jersey, County of Somerset, and Township of Bridgewater.

Motion by Mr. Franco, second by Mr. Rodzinak, the SKYMANOR PROPERTIES, LLC- 317 Union Avenue, Preliminary and Final Major Site Plan with variances application was approved with conditions on the following roll call vote:

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

ABSENT: Mr. Albano

8. 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.

9. BOARD BUSINESS:

The Board agreed the properties located at Block 329, Lots 3.01, 13.01 and 14 are in need of redevelopment. Board Attorney Collins stated the council has the option to invoke eminent domain. In this instance the council has determined they will not invoke Eminent Domain as an option, and the Planning Board has reviewed this area based on the Council's determination. Board Planner Doyle will direct the Board's conclusion to the Council.

Motion by Mr. Rodzinak, second by Mr. Charles, the foregoing resolution recommending Block 329, Lots 3.01, 13.01 and 14 is designated as an area in need of redevelopment on 12/9/13 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

ABSENT: Mr. Albano

10. EXECUTIVE SESSION:

A closed session was not held.

11. ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 8:15 pm.

Respectfully submitted,
Marianna Voorhees
Secretary to Engineering and
Planning Division