

BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
Tuesday, April 12, 2011
—MINUTES—

CALL MEETING TO ORDER:

Chairman Fross called the regular meeting of the Bridgewater Township Planning Board to order at 7:00 p.m. at 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, 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 salute to colors.

ROLL CALL:

Mr. Rodzinak – present	Mrs. Joanne Kane - present
Ms. Barbara Kane – present	N. Janine Dickey – present
Councilwoman Rose – present (arrived 7:30 pm)	Mayor Flannery – present
Chairman Fross – present	Former Councilman Albano, Alt. #1 - present
Glenn Petillo, Alt. #2 - present	

Others present: Board Attorney Thomas Collins, Board Planner Scarlett Doyle, PP, Board Engineer Thomas Forsythe, PE, Land Use Administrator Marie L. Broughman

APPROVAL OF BOARD MINUTES:

February 28, 2011 Regular Meeting Minutes – Motion by Mrs. Dickey, second by Mayor Flannery the Board decided to table the foregoing minutes to the next meeting in order to have more detailed information included from that meeting. The motion carried on unanimous voice vote.

TRANSFER DUE TO LACK OF JURISDICTION OF PLANNING BOARD FOR D-VARIANCE

CHUGHTAI FOUNDATION – 1475 Mountaintop Road

Block 653 Lots 36 & 37

#01-11-PB, Preliminary Site Plan

Motion by Mr. Rodzinak, second by Mrs. Joanne Kane the Board finds that the application requires a d-variance for a variance from the conditions relating solely to a conditional use and that the Planning Board lacks jurisdiction for hearing and processing the application. Therefore, the Board finds and concludes that the application must be dismissed by the Planning Board for lack of jurisdiction.

The Township of Bridgewater adopted Ordinance #11-03 “Amending Chapter 126, Section 126-131, 126-305, 126-308.1, 126-308.2, 126-169, 126-351, and 126-353 of the Municipal Code so as to Amend the Principal Site Access to Certain Public Streets for Country Clubs, Open Air Clubs, Houses of Worship and Schools, and to Amend Off Street Parking Requirements for Particular Uses” establishing conditions for the conditional uses of Houses of Worship, and other uses, and that the application does not meet a condition of the Ordinance.

The motion carried on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Mrs. Barbara Kane, Mrs. Dickey, Mayor Flannery, Mr. Petillo, Chairman Fross
ABSENT: Councilwoman Rose
NOT ELIGIBLE: Mr. Albano

LAND DEVELOPMENT APPLICATIONS:

OWENS REALTY HOLDINGS, LLC

Block 907 Lots 49 & 60.01(Blazier Road)

#29-04-PB, Final Major Subdivision (3-lots)

Time: 45=5/23/11

Attorney Joseph Murray was present to represent the applicant. Sworn testimony was provided by Engineer Craig Stires. No exhibits were presented.

The Board reviewed the following reports: the reports of the Township Engineer, Thomas Forsythe, dated January 17, 2011, February 14, 2011 and February 21, 2011 and the Township Planner, Scarlett Doyle dated February 24, 2011.

Engineer Stires explained that the Applicant does already comply with the report requirements of the Township Engineer, Thomas Forsythe, and will comply with the conditions set forth in the report of the Township Planner. With respect to the Township Planner’s report, the Applicant’s Engineer confirmed that the prior plat included the sanitary sewer easements referenced in the Planner’s report. He indicated that he does not know if written easements were recorded at the time of the final plat, and confirmed on cross-examination that the plat does not indicate that there were recorded easements with the plat. Engineer Stires will endeavor to obtain copies of any written easements, and if any are available provide them to the Township and Planning Board professionals. If the Township Attorney requires written easements, the Applicant shall prepare the same to the satisfaction of the Township Attorney and the Township Engineer. Engineer Stires confirmed that sanitary sewer pipes are already located in the property in the easement areas shown on the plat. Attorney Murray also confirmed that the Developer’s Agreement should be recorded to give notice to the successors in interest to the lots of their duties on the individual lots pursuant to the Developer’s Agreement and the preliminary and final major subdivision approval conditions.

The Board deliberated and discussed several conditions including:

- The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board.

- The Applicant shall comply with the reports of the Township Engineer, Thomas Forsythe, dated January 17, 2011, February 14, 2011 and February 21, 2011 and the Township Planner, Scarlett Doyle dated February 24, 2011.
- The Applicant shall record the Developer's Agreement or insure that the Developer's Agreement is recorded by the Township Attorney.
- The Applicant shall give notice to the future owners of the lots of the obligations under the preliminary and final major subdivision approval and related conditions.
- The Applicant shall provide copies of the recorded sanitary sewer easements referenced in the Township Planner's report. If the deeds of easement were not recorded for the sanitary sewer and if the Township Attorney requires the same, the Applicant shall prepare deeds of easement for the sanitary sewer areas shown on the final plat with metes and bounds descriptions in a form satisfactory to the Township Attorney and Township Engineer for recording with the final plat.

Motion by Mrs. Barbara Kane, second by Mrs. Dickey, the Board finds that the application conforms with the ordinance requirements and the requirements of the preliminary major subdivision approval and approved the Final Subdivision with the conditions discussed on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Mrs. Barbara Kane, Mrs. Dickey,
Mayor Flannery, Mr. Petillo, Chairman Fross
ABSENT: Councilwoman Rose
NOT ELIGIBLE: Mr. Albano

GEN III – Fox Chase at Bridgewater
Block 173 Lot 2 (Traci Road)
#67-04-PB, Amended Prelim & Final Site Plan
Time: 45=5/8/11

Attorney Daniel Soriano was present to represent the applicant. Sworn testimony was presented by Dave Stires, PE.

The applicant submitted an exhibit which was marked into evidence as follows:

A-1 4/12/11 Colored rendering: Composite of several sheets of the site plan

The Board reviewed the following reports: the report of the Township Planner, Scarlett Doyle, P.P., dated April 2, 2011, and report of the Township Engineer, Thomas Forsythe, P.E., dated April 6, 2011.

Engineer Stires confirmed that the Applicant is seeking to amend the prior preliminary site plan approval to eliminate the pharmacy and replace it with a specialty food market. He also confirmed that the Applicant will be phasing the site plans so that the food market and the retail store will be built in the first phase and that they will reserve the right to build the bank in the future since they do not yet have a proposed user for the bank. He testified that the Applicant will keep the same basic architecture as the previously approved plans with the removal of the drive through window for the pharmacy. He also confirmed that the Applicant will provide the three dumpsters area as recommended by the Health

Department in their review of the prior plans. He testified that he is satisfied that these three dumpsters would be sufficient for the proposed uses including the change to a specialty food market. He also explained that the food store will have an interior clean cardboard compactor in the rear of the building or will place the clean cardboard compactor on the 10 foot area just outside the corner of the building. He confirmed that the clean cardboard compactor will not cause spillage on to the ground or the parking area. He also confirmed that the clean cardboard compactor will help reduce the amount of solid waste by providing for recycling of cardboard. He explained that the hours of operation for the specialty food market will be 8 a.m. to 10 p.m., which is less than the previously expected pharmacy hours, and that the other hours of the stores and bank will remain as set forth in the prior resolution. The Applicant confirmed that the interior lights that are visible from Traci Road will be turned off by 10 p.m. and that the exterior security lights will be limited as shown on the plan.

Councilwoman Rose arrived at approximately 7:30 pm.

The Applicant agreed to comply with the reports of the Township Engineer and Township Planner. With respect to item 6 of the Township Planner's report, Ms. Doyle confirmed that this condition is no longer necessary and she recommended that it be removed and not applied to the application. The Board finds that this is appropriate to do so. The Applicant also confirmed that they will comply with Mr. Forsythe's report. In response to item 2 of the policy section of Mr. Forsythe's report, the Applicant confirmed that they will revise the plans to provide for a depressed curb for entry to the front door which will reduce the parking spaces by one from 159 to the minimum required number of 158. The Board finds that it is appropriate to require the sidewalk as shown on the plans although the Planner's report indicated the Board should review the issue. The Board also finds that it is acceptable to have an option for outdoor clean cardboard compactor in the area defined by Mr. Stires in his testimony in addition to the option of an interior clean cardboard compactor. The Applicant also confirmed with respect to garbage dumpster removal, that the dumpsters will not be overflowing and that if dumpsters are overflowing the frequency of pickup of the dumpsters will be increased. The hours of garbage and recycling pickup will also be similar to the hours of garbage and solid waste pickup in the nearby residential neighborhood.

The Board deliberated and discussed several conditions including:

- The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.
- With respect to the Township Planner's report, item 6 of the report is removed as recommended by the Township Planner at the hearing. With respect to Mr. Forsythe's report, policy item 2 is fulfilled by the Applicant in agreeing to provide for a depressed curb for grocery cart access to the front door and the revision to the parking arrangement for said area which will result in a reduction of one space from the 159 proposed to the minimum requirement of 158 parking spaces.,
- The application is approved with an option for an indoor clean cardboard compactor in the rear area of the building as described by Mr. Stires, and an option for an outdoor clean cardboard compactor in the 10-foot area just beyond the same corner of the building.
- If the dumpsters are overflowing, then the frequency of pickup will be increased.

- The hours of operation of the specialty food market shall be 8 a.m. to 10 p.m., and the hours of the bank and other stores shall remain as set forth in the prior resolution.
- The interior lights that are visible from Traci Road will be turned off by 10 p.m. The exterior security lighting will be limited to as shown on the plans.

Motion by Mrs. Joanne Kane, second by Mrs. Dickey, the Board finds that the application for amended preliminary and final site plan is consistent with the ordinance of the Township of Bridgewater and the prior approval, and was approved with the conditions discussed on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Mrs. Barbara Kane, Mrs. Dickey,
Mayor Flannery, Mr. Albano, Chairman Fross
NOT ELIGIBLE: Mr. Petillo, Councilwoman Rose

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 board business

ADJOURNMENT:

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

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator

ADOPTED: 5/10/11