

**BRIDGEWATER TOWNSHIP  
PLANNING BOARD  
Regular Meeting  
Monday, April 22, 2013  
—MINUTES—**

**CALL MEETING TO ORDER:**

Vice-Chairwoman Barbara Kane called the meeting to order at 7:03 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 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.

**SALUTE TO FLAG:**

There was salute to colors.

**SWEAR IN MEMBERS:**

Robert E. Albano, Alternate No. 1 was not present; therefore, he was not sworn in.

**ROLL CALL:**

Stephen Rodzinak – present	Ron Charles – present
James Franco – present	Barbara Kane – present
Joanne Kane – <b>absent</b>	Mayor Dan Hayes – present
Councilman Howard Norgalis – present	Robert Albano, Alt. #1 – <b>absent</b>

Others present: Board Attorney Thomas Collins, Board Engineer Robert C. Bogart, Board Planner Scarlett Doyle, Land Use Administrator Marie L. Broughman, Recording Secretary Marianna Voorhees

**APPROVAL OF BOARD MINUTES:**

**February 25, 2013 Regular Meeting** – Motion by Mr. Franco, second by Mr. Rodzinak, the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE:	Mr. Rodzinak, Mr. Charles, Mr. Franco, Mayor Hayes, Vice-Chairwoman Barbara Kane
ABSENT:	Chairwoman Kane, Mr. Albano
NOT ELIGIBLE:	Councilman Norgalis

**March 12, 2013 Regular Meeting** – Motion by Mr. Franco, second by Vice-Chairwoman Barbara Kane, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Charles, Mr. Franco, Councilman Norgalis,  
Vice-Chairwoman Barbara Kane  
ABSENT: Chairwoman Kane, Mr. Albano  
NOT ELIGIBLE: Mr. Rodzinak, Mayor Hayes

**March 25, 2013 Regular Meeting** – Motion by Councilman Norgalis, second by Mr. Rodzinak, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Norgalis, Mayor Hayes,  
Vice-Chairwoman Barbara Kane  
ABSENT: Chairwoman Kane, Mr. Albano  
NOT ELIGIBLE: Mr. Charles

**MEMORIALIZATION OF RESOLUTIONS:**

PSE&G – 5 Polhemus Lane  
Block 347 Lot 1  
#13-002-PB, Preliminary & Final Site Plan w/c-variances  
(Bwtr Switching Station 230 kV Upgrades & Switchyard Reconfiguration)  
DECISION: Approved w/conditions 3/25/13

Motion by Councilman Norgalis, second by Mr. Franco, the foregoing resolution memorializing the approval with conditions on 3/25/13 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Norgalis, Mayor Hayes,  
Vice-Chairwoman Barbara Kane  
ABSENT: Chairwoman Kane, Mr. Albano  
NOT ELIGIBLE: Mr. Charles

**LAND DEVELOPMENT APPLICATIONS:**

GENOVA BUILT, LLC – Somerville Road  
Block 577 Lots 1, 4, 9, 12, 15, 15.01  
#13-009-PB, Preliminary & Final Major Subdivision (create 3-lots)  
Time: 45=5/26/13

Attorney Robert J. Foley was present to represent the Applicant. Sworn testimony was presented by Principal/Applicant Thomas Genova and Professional Engineer George Folk of David A. Stires Associates.

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

- A-1 4/22/13** Colored Rendering entitled, “Site Plan” dated 4/15/13,  
detailing the proposed subdivision, tree removal, street trees, detention basin,  
etc.  
**A-2 4/22/13** Colored Rendering entitled, “Final Plat” dated 4/5/13,  
detailing the paper streets to be vacated.

Applicant Genova stated that he is the president of Genova Built, LLC. He summarized the application stating that several lots are being combined in order to subdivide them into three lots on a new road off of Somerville Road. He has obtained approval from NJDEP and Somerset County Planning Board. There are no variances being requested as the subdivision is fully conforming; following paper street vacations, to the requirements in the R-40, Single-Family Residential zone. Applicant Genova stated that some of the adjoining existing paper streets will need to be vacated, for which he will seek Council approval, which provides more land available to the property. Applicant Genova stated that he proposes the name Harrison Court, named after the 23<sup>rd</sup> president of the United States, for his new road.

Applicant Genova reviewed Board Engineer Bogart's report dated 4/17/13. He stated that the property is not in a flood zone; therefore, section 126-331(A) drainage easement is not required as stated in the report. Board Engineer Bogart stated that he believes the ordinance need to be clarified. The Township history in applying this section, 126-331(A), is that a drainage easement is required within 50-ft of the high water line of a detention basin. Engineer Bogart and Attorney Collins said the 50-ft easement could be waived in this case. In addition, Applicant Genova requested the Board to waive the requirement for a Developer's Agreement; the Board failed to do so.

Engineer George Folk further discussed the history of section 126-331(A). Engineer Folk stated that the proposed dwelling is located beyond 50-ft from the high water mark and no easement is required. Engineer Folk stated that the easement would over restrict the rear yard of proposed Lot 1.01 with the 50-ft easement.

Both Mr. Genova and Engineer Folk stated that they will do all that is required by the reports of Engineer Bogart and Planner Doyle.

Board Engineer Bogart stated that the proposed street name, Harrison Court, is not the list of available street names. Board Planner Doyle stated that the process meets the criteria for the intent of street naming. The Planning Board makes a recommendation to Council and Council would make the street name decision. Vice-Chairwoman Barbara Kane stated that she wants to see that the name meets the criteria in the street naming document, as she was on that committee. Board Engineer Bogart recommended that if the Board is inclined to approve the name, it would be subject to verification of the street naming process and could be a condition of approval.

Board Engineer Bogart stated that if the Council does not vacate the paper streets, this application would require variances for lot area, a density issue, which would be an application for the Zoning Board of Adjustment, an important issue.

Engineer Folk discussed exhibit A-2 and the proposed paper street vacations. He stated that the aerial photograph from the 1930's shows farming conditions, during the 1970's the land was unattended and today the aerial photograph shows overgrowth. Board Attorney Collins stated that if the paper streets are not vacated, theoretically, someone could build these as public streets as filed on the old plat. Applicant Genova stated that the old final plat was filed July 1907, but the area has never been built upon. Board Attorney Collins stated that only the Township Council can vacate

paper streets by ordinance, both paved and unpaved, with one-half of the paper street to each of the adjoining property owners. If the subdivision is approved, it would be conditioned upon the paper street vacation by Council.

Board Engineer Bogart stated there is a drainage issue near a portion of paper street Dunellen Ave., which would require an easement; therefore, he requested the street to be vacated conditioned on an easement.

Engineer Folk stated that it is his opinion that the paper street vacations will have no adverse impacts on the adjacent properties. Councilman Norgalis stated that both Engineer Bogart and Planner Doyle would have to say there are no adverse impacts on adjacent properties, as the matter comes to Council.

Applicant Genova agreed to build sidewalk on one side of Harrison Court, but would not build the sidewalk on Somerville Road. Instead of building the sidewalk on Somerville Road he would make a contribution.

Planner Doyle reviewed her report dated 4/14/13 and the Applicant agreed to comply with the outstanding issues. There will be underground utilities from Somerville Road into the new road. A 'no outlet' sign is shown on sheet 3 of the preliminary subdivision plans and must be installed.

Members of the public were present as follows:

Cynthia Moskal, 465 Somerville Road, agreed with the lighting to be only at intersection of Somerville Road and not at the end of the proposed cul-de-sac. She agreed that Lot 3 will still have several means off unimproved access via existing paper streets even with the proposed vacations. Ms. Moskal expressed concerns regarding the amount of water in Somerville Road when it rains. Board Engineer Bogart explained that repair of Somerville Road is beyond the obligation of the Applicant; however, the Township will fix Somerville Road in the future. The detention basin is a four to five foot depression in the ground to collect water. Ms. Moskal granted Engineer Folk access to her property, when she is home, in order to obtain elevation measurements of her front door and basement.

John O'Handley, 511 Somerville Road, expressed concerns regarding water during flooding conditions, public sewer, well water and possible improvements. Engineer Folk stated that the improvements are being made downstream from his house. In addition, Engineer Folk stated that Mr. O'Handley's shed is located within the right-of-way on Plainfield Avenue, a paper street, which Mr. O'Handley said he would move accordingly.

Board Attorney Collins and Engineer Bogart stated that the Board has to require a Developer's Agreement due to a new road and detention basin being built. Councilman Norgalis concurred.

The Board deliberated and discussed several conditions including:

- Board to recommend vacation of portions of the paper streets, subject to Township Council.
- Street light to be located at the intersection of Somerville Road only.
- As recommended by Engineer Bogart, the 50-ft detention basin easement will be waived.

- Board to recommend the street name ‘Harrison Court’ to Council, which naming must be in accordance with the street naming policy.
- The Applicant will make a sidewalk contribution in lieu of sidewalks on Somerville Road.
- Applicant will build sidewalk on one side of Harrison Court.
- Applicant to add additional plantings along the detention basin and street trees to the satisfaction of Board Planner Doyle so as to screen the detention basin from the roads and adjoining residences.
- Developer’s Agreement is required

Motion by Councilman Norgalis, second by Mr. Franco, the GENOVA BUILT, LLC – Somerville Road, Block 577 Lots 1, 4, 9, 12, 15, 15.01, #13-009-PB, Preliminary & Final Major Subdivision application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Norgalis,  
Mayor Hayes, Vice-Chairwoman Barbara Kane

ABSENT: Chairwoman Kane, Mr. Albano

**MEETING OPEN TO THE PUBLIC:**

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time.

**BOARD BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

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

Respectfully submitted,  
Marie L. Broughman  
Land Use Administrator/Zoning Officer