

BRIDGEWATER TOWNSHIP PLANNING BOARD

Special & Regular Meeting

Tuesday, May 10, 2011

—MINUTES—

CALL MEETING TO ORDER:

Chairman Fross called the meeting to order at 6:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey 08807

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, 201 and May 7, 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

Ms. Barbara Kane – **absent**

Councilwoman Rose – present

Chairman Fross – present

Glenn Petillo, Alt. #2 - present

Mrs. Joanne Kane - present

N. Janine Dickey – present

Mayor Flannery – present (left at 7:45 pm)

Former Councilman Albano, Alt. #1 - present

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

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 authorizes 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. The Board left the dais and entered into closed session at approximately 6:04 pm on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose,

Mrs. Dickey, Mayor Flannery, Mr. Albano, Chairman Fross  
ABSENT: Mrs. Barbara Kane  
NOT ELIGIBLE: Mr. Petillo

The Board returned to open session at approximately 7:45 pm with all Board members present as before, except Mayor Flannery.

APPROVAL OF BOARD MINUTES:

**February 28, 2011 Regular Meeting Minutes** – Motion by Mrs. Dickey, second by Mrs. Joanne Kane, the foregoing minutes were adopted as amended on unanimous voice vote.

**April 12, 2011 Regular Meeting Minutes** – Motion by Mr. Petillo, second by Mrs. Joanne Kane, the foregoing minutes were adopted as written on unanimous voice vote.

COUNCIL REFERRAL:

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 126 (LAND USE) PART 12 (ZONING) ARTICLE XLV (SUPPLEMENTING REGULATIONS GOVERNING CERTAIN USES) SO AS TO ADD A SECTION 126-335 ENTITLED RENEWABLE ENERGY FACILITIES.

Planner Doyle summarized the foregoing ordinance and her report dated 5/4/11 and stated that the ordinance is not inconsistent with the Master Plan and Master Plan Reexamination Reports.

Motion by Mr. Rodzinak, second by Mrs. Dickey the Board finds the foregoing ordinance not inconsistent with the Master Plan and recommends adoption of the ordinance by the Township Council as written:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose,  
Mr. Petillo, Mr. Albano, Chairman Fross  
ABSENT: Mrs. Barbara Kane, Mayor Flannery

MEMORIALIZATION OF RESOLUTIONS:

CHUGHTAI FOUNDATION – 1475 Mountaintop Road  
Block 653 Lots 36 & 37  
#01-11-PB, Preliminary Site Plan

DECISION: Transferred to Zoning Board of Adjustment, application dismissed 4/12/11

Motion by Mr. Rodzinak, second by Mrs. Joanne Kane, the foregoing resolution was adopted on the following roll call vote:

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

OWENS REALTY HOLDINGS, LLC  
Block 907 Lots 49 & 60.01(Blazier Road)  
#29-04-PB, Final Major Subdivision (3-lots)  
DECISION: Approved with conditions 4/12/11

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

-----  
GEN III – Fox Chase at Bridgewater  
Block 173 Lot 2 (Traci Road)  
#67-04-PB, Amended Prelim & Final Site Plan  
DECISION: Approved with conditions 4/12/11

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

LAND DEVELOPMENT APPLICATIONS:  
**SOUTH BRANCH INVESTMENT – TIMBER RUN**  
**Block 546 Lot 5 (657 Foothill Road)**  
**#12-11-PB, Minor Subdivision w/variances**  
TIME: 120=8/24/11

Attorney Jeffrey Lehrer was present to represent the applicant. Sworn testimony was presented by Henry Reynolds, PLS/PP of the Reynolds Group and Michael Picone, Applicant.

The applicant submitted several exhibits which were marked into evidence as follows:

<b>A-1</b>	<b>5/10/11</b>	Map of proposed transfer of land with neighbor, Block 546 Lot 4
<b>A-2</b>	<b>5/10/11</b>	Copy of exchange agreement
<b>A-3</b>	<b>5/10/11</b>	Colored rendering of sheet BT-1
<b>A-4</b>	<b>5/10/11</b>	Colored rendering of sheet M-1
<b>A-5</b>	<b>5/10/11</b>	Colored rendering, R-40 Zone Compliance – Foothill Road
<b>A-6</b>	<b>5/10/11</b>	Colored rendering of chart on exhibit A-5

Mr. Picone provided his background with the Township and stated that he has been a developer in Bridgewater for 41-years. He tried to acquire 10-feet of land of the neighbor's front yard in order to widen the proposed frontage. The neighbor was agreeable at first; however, they became leery as they may want to put an addition on their house in the future. He referenced exhibits A-1 and A-2. Mr. Picone provided the definition of lot width according to Municipal

Code: The shortest distance between the side lot lines, measured parallel to the front lot line at the minimum front yard setback line and street right-of-way line.

Chairman Fross opened the hearing to the public.

Maria Gardner, 31 Ray St., was sworn in and her question was deferred to the Planner whose testimony would be heard later in the hearing process.

Henry Reynolds, PLS/PP described the existing conditions of the site and referenced exhibit A-3. He confirmed that he applied to the NJDEP for a Letter of Interpretation; however, he still has not heard back from them. He referenced exhibit A-4 and stated that the applicant will remove the gravel drive, old foundation, garage and shed. Mr. Reynolds stated that the applicant is requesting a c-2 variance where lot width of 150-ft is required and 133-ft is proposed. He stated that the benefits outweigh the detriments and promotes the public health, safety and general welfare. Mr. Reynolds referenced exhibit A-5 and stated that the green areas currently comply with the required 150-ft lot width. The pink colored areas do not comply. There is a fifty-fifty split with what is in conformance with the 150-ft lot width and what does not comply. He further discussed exhibit A-6 which depicts this information. Mr. Reynolds stated that there is no substantial detriment to the zone plan if the Board grants the variance for frontage. He stated that the house is setback further from the road due to the sanitary sewer elevation and lot width definition. He stated that there is an existing line of staggered pines between the subject property and the neighbor.

Chairman Fross opened the hearing to the public.

Karen Tria, 30 Ray St., questioned how much soil will be deposited on the property in order to raise the land to street level. Mr. Picone stated that the only soil will come from the digging of the basement. Ms. Tria addressed drainage concerns. Mr. Reynolds stated that they would install drywells if required by the Township Engineer.

Dan Gubernat, 38 Allen Rd., addressed concerns regarding the drainage calculations for the roof of the house and driveway. In addition, he wants the existing woodlands preserved.

The applicant reviewed the report of the Township Planner dated 4/25/11 and agreed to comply with the outstanding items. They agreed to not install the sidewalks, but would make a sidewalk contribution. Planner Doyle requested that the stream should be cleaned out and the ruins removed prior to the deeds of minor subdivision being recorded. In addition, Planner Doyle stated that due to the steep slopes and Hillside Development Ordinance the f.a.r. is reduced from the ordinance maximum of .18 to .15. Board Attorney Collins stated that because there is a lot of work to be done on the site that the Board extend the deed signing to 1-year.

The applicant agreed to comply with the report of the Township Engineer dated 4/28/11 and Sewer Utility Coordinator dated 4/28/11.

The Board deliberated and discussed several conditions.

Motion by Mrs. Dickey, second by Mr. Rodzinak, the Board approved the South Branch Investment, Timber Run, application with conditions as discussed on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose,  
Mrs. Dickey, Mr. Petillo, Mr. Albano, Chairman Fross  
ABSENT: Mrs. Barbara Kane, Mayor Flannery

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:

**Draft Master Plan Amendment & Reexamination Report** – Chairman Fross requested two volunteers to join the subcommittee to review the foregoing document. Chairman Fross, Mrs. Joanne Kane and Mrs. Dickey volunteered to join the subcommittee.

Planning Board representation in the official capacity – Motion by Mrs. Joanne Kane, second by Mr. Rodzinak, the Board appointed Thomas Collins, Esq. to represent the Planning Board Members in their official capacity on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose,  
Mrs. Dickey, Mr. Petillo, Mr. Albano, Chairman Fross  
ABSENT: Mrs. Barbara Kane, Mayor Flannery

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

ADOPTED: 5/23/11