

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Tuesday, May 23, 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. 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, 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 – **absent**

Councilwoman Rose – present

Mayor Flannery – present

Chairman Fross – present

Former Councilman Albano, Alt. #1 - **absent**

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:

**May 10, 2011 Special & Regular Meeting** – Motion by Mr. Rodzinak, second by Councilwoman Rose the foregoing minutes were adopted on unanimous voice vote. Mrs. Barbara Kane and Mayor Flannery abstained. Mrs. Dickey was absent

**May 10, 2011 Executive Session** – Motion by Mrs. Joanne Kane, second by Mr. Petillo, the foregoing minutes were approved on unanimous voice vote. Mrs. Barbara Kane abstained. Mrs. Dickey was absent.

COUNCIL REFERRAL:

- a) AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 126-325, SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS

- b) AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 126 (LAND USE) PART 8 (SITE PLAN REVIEW) ARTICLE XXIV (DESIGN DETAILS AND CRITERIA) SECTION 126-199.1 (SIDEWALKS) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO REQUIRE SIDEWALKS ON ONE SIDE OF A MAJOR ARTERIAL ROADWAY
- c) AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 126 (LAND USE) PART 8 (SITE PLAN REVIEW) ARTICLE XXIV (DESIGN DETAILS AND CRITERIA), SECTION 126- 168 (SIZE OF PARKING STALLS), SECTION 126-169 (OFFSTREET PARKING REQUIREMENTS FOR PARTICULAR USES) AND SECTION 126-171 (PARKING AREA DESIGN STANDARDS) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER SO AS TO MODIFY THE REQUIREMENTS WITH RESPECT TO PARKING STALLS AND PARKING AREAS AS TO SIZE, NUMBER OF STALLS REQUIRED AND PARKING AREA DESIGN STANDARDS

Mayor Flannery stated that these Ordinances are to clean up the Municipal Code Book and there are more to come.

Planner Doyle summarized the Ordinances and stated that they are not inconsistent with the Master Plan and Master Plan Reexamination Reports.

Motion by Mayor Flannery, second by Mrs. Barbara Kane, the Planning Board confirmed they find that the Ordinances are not inconsistent with the Master Plan and Master Plan Reexamination Reports and provided a favorable recommendation of the Ordinances as written to the Township Council, carried on the following roll call vote:

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

MEMORIALIZATION OF RESOLUTIONS:  
**SOUTH BRANCH INVESTMENT – TIMBER RUN**  
**Block 546 Lot 5 (657 Foothill Road)**  
**#12-11-PB, Minor Subdivision w/variances**  
DECISION: Approved w/conditions 5/10/11

Motion by Mr. Rodzinak, second by Mrs. Joanne Kane, the foregoing resolution memorializing the approval with conditions on 5/10/11 was adopted on the following roll call vote:

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

**RESOLUTION DISMISSING THE MAY 9, 2011 RENEWED APPLICATION OF CHUGHTAI FOUNDATION, #01-11-PB**

RESOLUTION OF THE  
PLANNING BOARD OF THE TOWNSHIP OF BRIDGEWATER  
DISMISSING THE MAY 9, 2011 RENEWED APPLICATION OF  
CHUGHTAI FOUNDATION  
DUE TO LACK OF JURISDICTION

**DECIDED: MAY 23, 2011**

**ADOPTED: MAY 23, 2011**

**Application No.: #01-11-PB Purportedly Renewed**

**WHEREAS**, Chughtai Foundation, with an address of 321 Route 202/206, P.O. Box 660, Pluckemin, New Jersey 07978 (hereinafter the "Applicant") submitted a letter by its attorney dated May 9, 2011 purporting to renew its application to the Bridgewater Township Planning Board (hereinafter the "Board") for approval of a preliminary major site plan and conditional use for a house of worship and accessory uses in accordance with plans prepared by George H. Folk, P.E. of Stires Associates, P.A., 43 West High Street, Somerville, NJ dated December 22, 2010 and bearing the last revision date of February 7, 2011 (hereinafter "site plans"); and

**WHEREAS**, the original and amended application was discussed at public hearings of the Board on February 28, 2011 and March 28, 2011 and were dismissed for lack of jurisdiction by the Board by Resolution memorialized on May 10, 2011; and

**WHEREAS**, the Board finds that the renewed application still requires a d variance pursuant to N.J.S.A. 40:55D-70d 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 subject to the conditions set forth herein.

**WHEREAS**, 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.

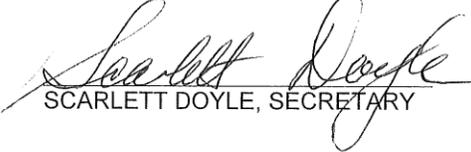
**WHEREAS**, since a variance from a condition of a conditional use may only be heard by the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70d, the Planning Department of the Township of Bridgewater arranged for a Special Meeting of the Zoning Board of Adjustment of the Township of Bridgewater for May 24, 2011 at the High School to hear the Chughtai Foundation application if it is amended to add the "d" variance; and

**WHEREAS**, the Applicant has elected not to amend its application and not to use the May 24, 2011 special public meeting and is continuing to request that the Planning Board hear the renewed application for a matter for which the Planning Board has no jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, that the application of Chughtai Foundation for preliminary major site plan and conditional use approval is hereby dismissed due to lack of jurisdiction by the Planning Board subject to the following conditions:

1. All taxes, fees, escrows, assessments and other monies due to the Township of Bridgewater shall be paid in full.
2. The Applicant may amend the dismissed application to request the d variance and request that the application as amended be transferred to the Bridgewater Township Zoning Board of Adjustment provided the Applicant amends the application to add the d variance and pays the associated fees and all outstanding fees and escrows.
3. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property, if necessary.
4. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Somerset, and Township of Bridgewater.

The undersigned Secretary of the Bridgewater Township Planning Board hereby certifies that the within resolution of memorialization was adopted by this Board pursuant to N.J.S.A. 40:55D-10(g) at its meeting on May 23, 2011.

  
SCARLETT DOYLE, SECRETARY

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

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

ABSENT: Mrs. Dickey, Mr. Albano

LAND DEVELOPMENT APPLICATIONS:

None pending

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:

Board Attorney Collins recommended that the Closed Session Minutes of 2/8/11 be provided for an OPRA request received by the municipality. Mayor Flannery expressed concern that we would be setting precedence and preferred that they not get released until the matter is complete and no longer a matter of litigation.

EXECUTIVE 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 work product communication. 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 7:13 pm on the following roll call vote:

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

ABSENT: Mrs. Dickey, Mr. Albano

The Board returned to Open Session at approximately 7:51 pm with all Board members present as before.

BOARD BUSINESS:

Motion by Mayor Flannery, second by Mr. Petillo, the Board confirmed that the 2/8/11 Planning Board Executive Session Minutes no longer need to be confidential and can now be released to the public, carried on the following roll call vote:

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

ABSENT: Mrs. Dickey, Mr. Albano

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 8:00 pm.

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator