

BRIDGEWATER TOWNSHIP
PLANNING BOARD
Regular Meeting,
Tuesday, May 8, 2012
-MINUTES-

CALL MEETING TO ORDER:

Chairperson Joanne Kane called the meeting of the Bridgewater Township Planning Board to order at 7:00 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUCEMENT:

Adequate notice of the meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 20, 2012 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 p.m. and no new testimony will be taken after 10:15 p.m. Hearing Assistance is available upon request.

SALUTE TO FLAG:

There was a salute to the flag.

ROLL CALL:

Steve Rodzinak – present	Barbara Kane, Vice Chairperson – present
Filipe Pedroso, Councilperson – present (7:25pm)	Mayor Hayes – present
Joanne Kane, Chairperson – present	Ron Charles – absent
N. Janine Dickey – absent	James Franco, Alt#2 – present
Former Councilperson Robert Albano, Alt#1 – present	

Others present: Attorney Thomas Collins, Acting Board Secretary Patti Bueno, Board Planner Scarlett Doyle, PP and Board Engineer Robert C. Bogart, PE.

MINUTES FOR APPROVAL:

April 23, 2012 - Regular Meeting Minutes - Approved as amended.

Minutes moved for adoption by Mayor Hayes, seconded by B. Kane, and adopted as amended by the following eligible members:

AFFIRMATIVE:	Mayor Hayes, Vice-Chair Barbara Kane, Chairperson Joanne Kane
OPPOSITION:	None
ABSENT:	Councilperson Filipe Pedroso, N. Janine Dickey, Ron Charles
NOT ELIGIBLE:	Steve Rodzinak, Former Councilperson Robert Albano, James Franco

ABSTAIN: None

MEMORIALIZING RESOLUTIONS:

PSE&G/ Mountain Avenue Substation - Route 22 East-Mountain Avenue Substation
Block 382 Lot 5
#35-11-PB, Preliminary and Final Site Plan w/ Bulk Variances
(upgrade and expand electrical facility)
DECISION: APPROVED

Resolution moved for adoption by S. Rodzinak, seconded by B. Kane, and adopted as amended by the following eligible voting members:

AFFIRMATIVE: Steve Rodzinak, Vice-Chairperson Barbara Kane, Chairperson Joanne Kane, Mayor Dan Hayes

OPPOSITION: None

ABSENT: Councilperson Filipe Pedroso, N. Janine Dickey, Ron Charles

NOT ELIGIBLE: Former Councilperson Robert Albano, James Franco

ABSTAIN: None

HEARING AND DELIBERATIONS:

LANG – Twin Oaks Road/ Foothill Road
Block 712, Lots 4 & 7
#29-11-PB, Major Subdivision
(subdivide lots and constructs road)
TIME: 120="8/3/2012"

This matter was carried from April 23, 2012.

Attorney Michael V. Cresitello, Jr. was present to represent the applicant and discussed the nature of the application. Attorney Cresitello offered clarification to the Board that the applicant is now the owner of both lots and at this time distributed Exhibits **A-1**, **A-2**, and **A-3** to the Board and testified the lots are clear of deed restrictions as presented. Attorney Cresitello discussed the applicant seeking Major Subdivision approval from the Board to create an eighteen (18) lot subdivision encompassing two (2) new roadways, one (1) located off of Twin Oaks Drive and one (1) located off of Steele Gap Road. He added there is one (1) lot located at the top portion of the development that may require a c-variance for steep slope as well as a variance for lot frontage or lot width for lot 4.13.

Attorney Cresitello referred to RSIS and placement of sidewalks on interior roads and the applicant proposes installation of only one sidewalk on one side of road #2. This creates the need for a de minimis exception from RSIS. Road #1 will have the required sidewalk on each side. Attorney Cresitello stated that the applicant will comply with both the Sewer report from Robert Reich as well as complying with the Fire Official's report.

Attorney Cresitello also commented on lot 4 issues related to deeds and the will and to a former 20% ownership by a conservancy.

During the course of the hearing, the Board reviewed the following exhibits:

- A-1 5/8/2012 An order to show cause (Docket no. 01-01483) filed with the Superior Court and Deputy Clerk of Somerset County dated June 8, 2005.**
- A-2 5/8/2012 A civil action order (Docket no. 01-01483) filed with the Superior Court and Deputy Clerk of Somerset County dated August 4, 2005.**
- A-3 5/8/2012 A deed made on September 20, 2010, and delivered October 5, 2010 between Anthony E. Koester, Successor Executor of the Estate of John A. Wemple (an 80% undivided interest) and The Nature Conservancy, A non-profit corporation (a 20% undivided interest).**
- A-4 5/8/2012 Enlarged subdivision plans with proposed rights of way and lots.**
- A-5 5/8/2012 Illustrated plans of sheets 3 and 2.01 with proposed drainage and utilities including storm water detention basins.**
- A-6 5/8/2012 Thirty scale enlargement of plan sheet 2. Area of lot 4.13 along Twin Oaks Rd.**
- A-7 5/8/2012 Enlargement of plan sheet 2 with grading.**
- A-8 5/8/2012 Fifty-scale enlargement of plan sheet #1 including lots south of proposed Road 1 and north of Foothill Road.**
- A-9 5/8/2012 Forty-scale enlargement of plan sheet #1 of Foothill Road frontage.**
- A-10 5/8/2012 Plan of intersection of proposed Road 2 and Steele Gap Rd.**
- A-11 5/8/2012 Enlargement of plan page 2.01 Steele Gap Rd. running diagonally and intersection detail.**

Township Planner Scarlett Doyle confirmed that Lot 7 is not encumbered as a report of title was obtained.

Professional Mr. James Mantz was called forward for his testimony. His qualifications as a Licensed Professional Engineer and Professional Land Surveyor were accepted by the Board.

At this time the applicant, Steven Lang, and Professional James Mantz were sworn in to provide testimony.

Councilperson Filipe Pedroso arrived at 7:25pm and his arrival was put on record.

Professional Engineer Mantz provided testimony that he had conducted an outbound survey and he described subdivision plans which included the total tract being 35.26 acres and out of those 35 acres, 14 will remain as conservation of wetlands. Professional Engineer Mantz added that they had received a letter of interpretation from NJDEP which indicated wetlands deed buffer areas. Professional Engineer Mantz pronounced lot 4.14 would require a reduced buffer.

Professional Engineer Mantz referred to **Exhibit A-4** and introduced Road 1 as a 9 dwelling portion of lot 7. Lot 4.02 would have exclusive frontage and access from Foothill Road. He attested the general size of each lot about 1 acre with the smallest lot at .921 acre adding that this provides sufficient area to each lot when developed. Some lots will be larger than the R-40 requirement.

Exhibit A-5 was explained by Professional Engineer Mantz who advised the Board in regard to drainage. An old farm diversion swale which has been breached crosses lots 4.08 through 4.12 and part of 4.13 and discharges diverted surface and storm water toward Berrywood Lane impacting its' drainage. Three detention basins will control drainage runoff.

Attorney Cresitello asked if the plan complies with storm water regulations and Professional Engineer Mantz confirmed "yes they can comply".

There was then a discussion of lot 4.13 and its relation to lot 63 across Twin Oaks Rd. Attorney Cresitello stated that the applicant owns lot 63, but added that this lot is part of a separate closing and because it is in common ownership of two different legal entities he will investigate a merger situation and may eliminate a variance for lot 4.13 because of it. Board Attorney Collins agreed this would be good. Attorney Cresitello indicated that once that option is accomplished the applicant will no longer need one of the two variances requested of the Board.

Professional Engineer Mantz referred to **Exhibit A-6**. He pointed out where the slopes are 30% or more. Attorney Cresitello stated steep slopes occur only in this area and Professional Engineer Mantz agreed. Professional Engineer Mantz described the lot 4.13 driveway which begins at 1% extending to 4% and finally to 12%, and that the maximum allowed by ordinance is 15%. The applicant will try to minimize the proposed retaining wall on both sides of the driveway. A variance will be requested for steep slope disturbance.

Professional Engineer Mantz discussed the sewer report provided by Township Sewer Engineer Robert Reich, and he agreed to comply with its provisions. Engineer Mantz agreed to meet with the Township Engineer to attempt to "eliminate" sewer pumps.

Attorney Cresitello introduced the Fire Official's Report dated 4/16/2012. Professional Engineer Mantz referred to Plan sheet #3 and **Exhibit A-7** in which his testimony supported a fire hydrant to be

placed in front of lots 4.09 or 4.07 and at the entrance to Road #2 and near lot 4.16. He agreed to come to full compliance with the Fore Official's report.

Attorney Cresitello introduced the Township Engineer's Report dated 4/30/12 and directed the Board to Page 4 of Policy item# 4 pertaining to drainage. Professional Engineer Mantz referred to **Exhibit A-5** and **Exhibit A-8** and discussed conservation drainage easements and the water course to proposed lots 4.07 and 4.01. A 50 ft drainage easement will be impossible as it would run directly through the existing farmhouse. Township Engineer Robert Bogart asked if the additional amount of protection to the 50 feet can be shifted on the other side and suggested the applicant request relief in that area.

Professional Engineer Mantz referenced **Exhibit A-9** and discussed page 5 and the ordinance section of 126-331 and his applicant is willing to comply. He added that sidewalks will be installed to Merriwood Drive. The Board agreed that the applicant's engineer should meet with Mr. Bogart's office/professionals to work out and that this item be held until the continuation meeting scheduled for June 25, 2012.

As discussed with the Board Engineer Mr. Mantz agreed to do away with drywells.

Board Attorney Collins discussed de minimis exception for sidewalks and sidewalk credits and wished to defer this item at this time to allow the Board to converse, as they may waive or apply a pro rata contribution.

Professional Engineer Mantz testified that he anticipates visiting the location of lots 1, 2, and 3 in block 712 on Twin Oaks Road to correctly locate the existing sidewalk.

Engineer Mantz indicated that the applicant will use reinforced concrete pipe for all public portions of the project.

Vice Chairperson Barbara Kane discussed lot 13 and the storm drain at Foothill Road where there is a huge area of ice in the winter. The location is near the concrete monument depicted on the plans where a ditch is located.

Professional Engineer Mantz used **Exhibit A-5** and discussed the water course which runs near to lot 13. He added that swales are currently utilized for lots 12 and 13. He added that the purpose of a detention basin is to slow down water drainage to Foothill Rd. which also discharge to the area of concern. This item will be further discussed with the Township Engineer.

Attorney Cresitello referred to item H4 of the Engineer's report adding he and his client would meet to discuss historical data. Engineer Boart agreed it would be in everyone's best interest to obtain an IP/ EIS/ Phase I/II.

Chairperson Joanne Kane opened the Board to questions for this witness.

Former Councilperson Robert Albano asked the witness if sewers will be gravity fed and if they will not, which lots will not be gravity fed. An effort will be made to eliminate pumps. This item held for further discussion.

Former Councilperson Robert Albano asked how long the driveway is for lot 4.13 and Engineer Mantz utilized **Exhibit A-7** to provide a visual to the Board and responded approximately 170 ft and that the driveway is at a 12% maximum pitch.

Former Councilperson Robert Albano reported concern with the 28ft. width of the roadway. Township Engineer Robert Bogart advised this is the state maximum allowed under RSIS.

Councilperson Pedroso referred to **Exhibit A-8** and asked Engineer Mantz if he attempted to design to make all lots conform. Engineer Mr. Mantz replied “yes”. Professional Engineer Mantz testified that lot 4.15 has an area of 110ft x 180 ft deep which is usable for a house and yard and the size of the home is expected to be 3500 sq. ft.

Councilperson Pedroso asked if it is possible to redesign for all lots to conform to zoning laws and Engineer Mantz replied yes.

Attorney Cresitello introduced the Township Planner’s Report dated May 3, 2012.

Referring to **Exhibit A-4** Professional Engineer Mantz provided to the Board specifications for lot 4.03 as being 1.03ft x 1.51ft x 228ft usable area and stated the purpose of the solid line on this exhibit shows available limits on the lot.

Attorney Collins discussed NJDEP and LOI and was advised by the applicant’s engineer that Ed Kuc of Eastern Environmental had done a study and that item 5 can and will be complied with. Regarding lot 4.13 the applicant will still be seeking disturbance of slopes over 30%, Engineer Mantz will show revision on plans for lot 4.13 frontage and agreed that there will no longer be a frontage concern.

Professional Engineer Mantz introduced **Exhibit A-10** and discussed lot 6 (adjoining) with a restriction of no accessory structure in front yard. Township Engineer Robert Bogart stated this provides a nuisance strip therefore the applicant will continue to work with the Township Planner and Township Engineer to remedy. He introduced an addition of land to create a buffer from the road.

Discussion was provided regarding light fixtures and this will be communicated between the Township Planner and applicant to come to a common agreement.

Township Planner Doyle suggested shifting the sidewalk to the other side of Road #2 to get away from the tennis court as well as a better location for installation of handicap ramps.

Attorney Cresitello advised the Board there will be a Homeowner’s Association.

Planner Doyle brought to the attention of the Board the area where the shed is currently located on lot 4.01 and requested they evaluate that activity area and its wetlands impact and Township Attorney Collins agreed.

Professional Engineer Mantz referred to **Exhibit A-11** regarding lot 6. Township Engineer suggested the owner of lot 6 should be asked to grant sight easement. Attorney Cresitello stated there had been some discussion with the lot owner and he is hopeful to have more information at the continuation meeting.

Chairperson Joanne Kane called for break at 9:50 pm. Upon return from break at 10:02pm roll call was taken.

ROLL CALL: (following break)

Steve Rodzinak – present	Barbara Kane, Vice Chairperson – present
Filipe Pedroso, Councilperson – present	Mayor Hayes – present
Joanne Kane, Chairperson – present	Ron Charles – absent
N. Janine Dickey – absent	James Franco, Alt#2 – present
Former Councilperson Robert Albano, Alt#1 – present	

Chairperson Joanne Kane requested to set date of continuation prior to opening forum to public.

The applicant's Attorney and Board agreed to a continuation date of June 25, 2012 as this will allow enough time for Township and applicant's professionals to meet on open items.

Chairperson Joanne Kane opened the hearing to the public for comment and requested each speaker sign in upon exiting the podium for recording purposes.

Richard Endris of 492 Foothill Rd. was present and he was sworn in. Mr. Endris asked if the Board approves the application how long the construction would take from the time the first truck on site until the last truck leaves the site. Professional Engineer Mantz discussed with the applicant and replied approximately one year.

Stanley Stempien of 525 Steele Gap Rd. was present and sworn in. Mr. Stempien discussed deed restriction in documents he has and directed further concern to the applicant's engineer regarding including springs on the applicant's plans and also what a buffer is. Professional Engineer Mantz stated a buffer is an area not disturbed between wetlands and building.

Eric Norland of 500 Steele Gap Rd. was present and sworn in. Mr. Norland discussed the center line of the roadway not matching and why this occurs. Explanation by Professional Engineer Mantz referred to **Exhibit A-5** and showed that the center line of the pavement meanders. Township Engineer Robert Bogart provided additional information pertaining to many old roads in New Jersey follow same suit.

Dana Caparoso of 65 Twin Oaks Rd. was present and sworn in. Ms. Caparoso asked the Board who the actual applicant is since there is a JL Lang Associates listed. Attorney Cresitello responded that the name of the LLC was created through the purchase of lot 63 and that Steven and Sandy Lang are the owners of that property. Ms. Caparoso urged the Board to consider the impact of the removal of trees and what it will do to turtles, hawks, bats, wild turkey. Professional Engineer Mantz provided general information regarding the process of construction. Ms Caparoso asked Engineer Mantz if there is an environmental impact study being done and if he is qualified to do that. Engineer Mantz stated he is not.

Donna Rinaldo of 569 Morningside Dr. was present and sworn in. Ms. Rinaldo discussed her concern regarding the site being wooded and mature trees not having to be replaced with mature trees. She added that trees less than 8 inches can be removed and that does not matter to the applicant or the Board. Township Engineer informed that the tree removal process is enforced by the Health Department and Zoning Officer.

Stanley Stempien of 525 Steele Gap Rd. Mr. Stempien also discussed a letter written to a former mayor regarding a monument for WWII veterans at this site and a fight against sprawl and how the water supply is affected. He added that a woodpecker nest that he had found was donated to the Audubon Society and he was recently told by a neighbor that a red-tailed fox was spotted and he requests an environmental impact study be done prior to the Board's decision. Mr. Stempien mentioned a 2 acre deed restriction.

Nancy Desnoyer of 515 Steele Gap Rd. was present and read Mr. Stempien's letter written to Former Mayor Dowden. She added that she is a resident of Steele Gap Rd. since 1954.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:45pm.

Respectfully submitted,
Patricia Bueno
Acting Board Secretary