

**BRIDGEWATER TOWNSHIP  
PLANNING BOARD  
Regular Meeting,  
Tuesday, September 11, 2012  
-MINUTES-**

**CALL MEETING TO ORDER:**

Chairperson Joanne Kane called the meeting of the Bridgewater Township Planning Board to order at 7:05 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

**OPEN PUBLIC MEETING ANNOUNCEMENT:**

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	Mayor Hayes – present
Joanne Kane, Chairperson – present	Ron Charles – <b>absent</b>
James Franco, Alt#2 – present	Robert Albano, Alt#1 – present

Others present: Attorney Thomas Collins, Board Engineer Robert C. Bogart, PE, and Recording Secretary Danielle A. Britton.

**MINUTES FOR APPROVAL:**

August 14, 2012 - Regular Meeting Minutes - Approved as amended.

Minutes moved by James Franco, second by Robert Albano, and adopted by the following roll call vote:

**AFFIRMATIVE:** Steve Rodzinak, Vice-Chair Barbara Kane, Chairperson Joanne Kane,  
Mayor Dan Hayes, Councilperson Filipe Pedroso, Robert Albano, James Franco

**OPPOSITION:** None

**NOT ELIGIBLE:** None

**ABSENT:** Ron Charles

**ABSTAIN:** None

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**MEMORIALIZING RESOLUTIONS:**

OAK STREET BUILDERS LLC– 185 Oak Street – **Pending**  
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**HEARING AND DELIBERATIONS:**

LANG – Twin Oaks Road/ Foothill Road  
Block 712, Lots 4&7; Block 718, Lot 63  
#29-11-PB, Preliminary Major Subdivision with Variances  
(create 19 -lots and construct two roads)

TIME: 120=8/3/2012. Request for Time Extension until September 28, 2012.

The application was carried from August 14, 2012.

Attorney Michael V. Cresitello, Jr., Esq. was present to represent the applicant, Steven and Sandy Lang. He began the meeting with opening remarks, and introduced changes made to the proposed application. Block 718, Lot 63 is to remain part of the subdivision but will be donated to the Township. Lot 4.13 is not part of Lot 4.01 – sensitive part protected. A new lot was created out of Lot 4.01, which subdivides the homestead and outbuilding lot into two lots, one with the dwelling and the other with the barn. A new variance was created on Lot 4.03 because only an accessory structure (large barn) exists onsite. Accessory structures without a principal structure are not allowed in accordance with Ch. 126 of the Land Use Ordinance.

Professional Engineer Mr. James Mantz was called for testimony. Mr. Mantz used **Exhibit A-16, dated 9/11/2012 to illustrate and discuss the revised lot numbers**. Mr. Mantz testified that the new lot (4.03) fully conforms. Four lots would front on Foothill Road; (a) one of the lots is the homestead lot with two outbuildings (farm house and existing shed) and a garage; (b) one lot that contains a large storage barn; (c) the other two lots fronting on Foothill Road are vacant.

The stormwater management facilities designed to manage stormwater runoff from the newly created lots and roads are to be constructed in the southeastern and southwestern regions of the properties. Three detention basins are to be placed on private property, but will be maintained by a Homeowners Association. One basin is located on Lot 4.04, one basin is shared between Lots 4.16 and 4.17; and the third basin is shared between lots 4.03 and 4.07. The basins are now designed to handle flow from full build-out of each lot (i.e. 18%) Handicap ramps are to be created for crossings at intersections. Lot 4.13 no longer exists. Sidewalks are proposed on portions of Twin Oaks Road and Foothill Road.

Mr. Mantz testified that he would comply with Board Engineer, Mr. Robert C. Bogart's memorandum.

Board Member Albano asked about Lot 7.01 having a road on three sides. Mr. Mantz explained.

Chairperson Joanne Kane opened the hearing to the public for questioning and comments related to Mr. Mantz's testimony. Since there were no questions or comments, Chairperson Joanne Kane closed this portion of the hearing.

Professional Mr. Edward Kuc, Eastern States, 315 Mountain view Drive, Kunkletown, PA was sworn in for testimony. His qualifications as an expert witness were accepted by the Board. Mr. Kuc stated that the Ecological Impact Statement deals directly with ecological resources. Mr. Kuc discussed that jurisdictional wetlands and waters are determined to be associated with various narrow drainages and erosion channels that originate and flow in a southwestern direction through various portions of the property. All lands adjacent to the property are developed primarily of moderate-density, residential development. The majority of lands in the region of the Lang property have undergone development.

Mr. Kuc stated that the proposed new plan meets all of his concerns; nothing is unique about the land and lots are not contiguous to a larger habitat corridor, therefore no threatened species are present. Mr. Kuc discussed rare wildlife, which could be within one mile of the site, and he studied four (4) species; there were no habitat for them and none were sighted.

All of the lands associated with the property that are not developed or designated as wetland habitat consist of the Upland Forest Habitat. Broader contiguous wetlands in the western-central region of the property are designated as Wetland Forested Habitat. Given the extent of adjacent and surrounding development, the natural habitat(s) associated with the property are not a part of the larger contiguous habitat complex or corridor.

Drainages may be considered “jurisdictional” wetlands or waters, but they are too narrow to provide a separate and distinct habitat.

Wetlands were not crossed for the purpose of connecting roads. Mr. Kuc noted that compensation of the transition waiver is a net plus. The runoffs are not “streams”, but recommended avoiding them anyway. Mr. Kuc also stated that the development plan(s) help control erosion in the runoffs. The runoffs probably could not be “improved”.

No archeological or historical findings were noted, but rock walls should be preserved.

Mr. Kuc concluded that his review of the ecological resources associated with the property and the potential impacts of the proposed application, it was his recommendation that the disturbances within the steep slopes are to be avoided and that increased buffer to the permanent seepage area in the northern region should be incorporated. In order to accommodate the proposed development, Lot 4.13 is eliminated. The removal of the lot would allow for the preservation of an undisturbed habitat corridor to extend from the northern border, through the interior, and to the southern border of the property.

Chairperson Joanne Kane opened the hearing to the public for questioning and comments related to Mr. Kuc testimony:

Mr. Jeffrey Brookner, Esq., who represented the “Stop the 18-Homes” group of residents, was sworn in. He submitted exhibits which were marked into evidence as follows:

**O-2, 9/11/2012 Aerial (overhead) Photograph Map**

On questioning: Mr. Kuc stated he did not do a full EIS. Mr. Brookner inquired if replacement trees were allowed in the wetland buffer, which Mr. Kuc stated that replacement trees were allowed.

This concluded input and questioning from Attorney Brookner.

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Break Time 9:35 p.m.  
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**ROLL CALL:**

Steve Rodzinak – present

Filipe Pedroso, Councilperson – present

Joanne Kane, Chairperson – present

James Franco, Alt#2 – present

Barbara Kane, Vice Chairperson – present

Mayor Hayes – present

Ron Charles – **absent**

Robert Albano, Alt#1 – present

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Resume 9:50 p.m.  
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Mr. Mantz was called to give testimony on height of barn – Lot 4.03. Benefits outweigh deterrents. No adverse effect on neighbor. Barn is to remain. Barn cannot be utilized as a use on its own.

Chairperson Joanne Kane opened the hearing to the public for questioning and comments:

▪Mr. Burns, 491 Steele Gap Road, was sworn in. He commented that he is undecided on whether to grant a sanitary sewer easement across his property.

▪Mr. Vaucher, 449 Foothill Road was sworn in. Mr. Vaucher, stated that in the 1930's Mr. Wemple had five (5) cars at a time and he worked daily car repairs. The existing garage was the location where (car) maintenance took place. Mr. Vaucher, testified that Mr. Wemple poured "automobile liquids" into the ground.

Mr. Jeffrey Brookner, Esq., who represented the "Stop the 18-Homes" group of residents, submitted exhibits which were marked into evidence as follows:

**O-3, 9/11/2012 Photograph of "dump site" (pic#1)**

**O-4, 9/11/2012 Photograph of "dump site" (pic#2)**

There was discussion between Thomas Collins and Mr. Brookner with regard to procedural issues. Mr. Brookner commented on the existing "dump sites" located on two lots. Mr. Kuc testified he did not do a full Ecological Impact Statement. There was further discussion with regard to apparent dumping onsite.

Being no further comments from the public, Chairperson Joanne Kane closed this public portion of the hearing.

Attorney Cresitello stated site will be cleaned up completely, no matter what. Attorney Brookner pressed for a Phase One Investigation and Report to the Board for approval. The Board stated this can be made a condition.

Board Attorney Mr. Thomas Collins instructed Mr. Jeffrey Brookner, that Mr. Thonet, another expert who represents the "Stop the 18-Homes" group of residents must submit his report(s) 10 days prior to next hearing date (October 9<sup>th</sup>), no later than September 28<sup>th</sup>, Noon. Mr. Brookner conveyed there may be third expert to discuss the topic of threatened and endangered habitats.

Board Attorney Mr. Collins stated the next hearing carried to October 9, 2012; no (re)notice required.

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 other business discussed.

ADJOURNMENT:

The Board adjourned the meeting at 10:30p.m.

Respectfully submitted,  
Danielle A. Britton  
Recording Secretary