

BRIDGEWATER TOWNSHIP PLANNING BOARD

Special Meeting

Monday, December 10, 2012

—MINUTES—

CALL MEETING TO ORDER:

Chairwoman Joanne Kane called the special meeting of the Bridgewater Township Planning Board to order at 7:05 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 December 5, 2012 a special meeting 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:

Steve Rodzinak – present

Filipe Pedroso, Councilman– present

Joanne Kane, Chair – present

James Franco, Alt#2 – present

Barbara Kane, Vice Chair – present

Mayor Dan Hayes – present

Ron Charles – present

Robert Albano, Alt#1 – present

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

APPROVAL OF BOARD MINUTES:

**November 13, 2012 Regular Meeting** – Motion by Mr. Pedroso, second by Mr. Charles the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Charles, Mrs. Barbara Kane, Chairwoman Kane,  
Mayor Hayes, Councilman Pedroso, Mr. Albano, Mr. Franco

NOT ELIGIBLE: Mr. Rodzinak

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**November 26, 2012 Regular Meeting** – Motion by Mrs. Barbara Kane, second by Mr. Rodzinak, the foregoing minutes were adopted as amended on the following roll call vote;

AFFIRMATIVE: Mr. Rodzinak, Mrs. Barbara Kane, Chairwoman Kane, Mayor Hayes, Mr. Franco

ABSTENTIONS: Mr. Charles

NOT ELIGIBLE: Councilman Pedroso, Mr. Albano

MEMORIALIZATION OF RESOLUTIONS:

**REID/ GREENFIELD MEADOWS – Route 202/206 North  
Block 477, Lots 17&18**

**#19-11-PB, Conversion** (from age-restricted to unrestricted as to age)

DECISION: APPROVED 11/26/12

Motion by Mrs. Barbara Kane, second by Mr. Franco, the foregoing resolution memorializing the approval on 11/26/12 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mrs. Barbara Kane, Chairwoman Kane, Mayor Hayes, Mr. Franco

NOT ELIGIBLE: Councilman Pedroso, Mr. Albano

(RE) MEMORIALIZATION OF RESOLUTION:

**LUSTIG ENTERPRISES LLC (Autosport) – Route 22 West  
Block 559, Lot 5.01**

**#12-020-PB, Amendment to Prior Approval of Site Plan** (Revisions to Landscaping and Berm)

DECISION: APPROVED 10/22/12

Motion by Mr. Rodzinak, second by Mr. Charles, the foregoing resolution memorializing the approval on 10/22/12 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Chairwoman Kane, Mayor Hayes, Mr. Franco

NOT ELIGIBLE: Mrs. Barbara Kane, Councilman Pedroso, Mr. Albano

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Board Attorney Collins recused himself from the following Council referral regarding Wireless Telecommunication Facilities and he stepped down from the dais.  
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COUNCIL REFERRAL:

**An Ordinance Amending The Bridgewater Township Land Use Ordinance Concerning Part 1, Definitions, Part 12, Zoning and Part 8, Site Plan Review of Chapter 126 of the Bridgewater Township Code to Regulate Wireless Telecommunication Facilities Consistent with the Federal Telecommunications Act of 1996, Title 47 of the Code of Federal Regulations, and Section 40:55D-46.2 of the Municipal Land Use Law.**

Board Planner Doyle summarized her report dated 12/6/12 and stated that the proposed ordinance is not inconsistent with the Master Plan and she suggested a favorable

recommendation to Council. Chairwoman Kane requested Planner Doyle to write a letter to Council regarding same.

Motion by Mrs. Barbara Kane, second by Mr. Franco, the Board finds the referred ordinance is not inconsistent with the Master Plan and recommends adoption of the above referenced ordinance, which carried on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Barbara Kane, Chairwoman Kane,  
Mayor Hayes, Councilman Pedroso  
ABSTENTIONS: Mr. Charles, Mr. Albano  
NOT ELIGIBLE: Mr. Franco

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Board Attorney Collins returned to the dais.  
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LAND DEVELOPMENT APPLICATIONS:

**LANG – Twin Oaks Road/ Foothill Road**

**Block 712, Lots 4&7; Block 718, Lot 63**

**#29-11-PB, Preliminary Major Subdivision with Variances** (create 18 -lots and construct two roads)

TIME: Extension to 12/11/12

This hearing is continued from 11/13/12.

Attorney Michael Cresitello was present to represent the Applicant. Sworn testimony was presented by Professional Engineer James Mantz.

Opposition Attorney Jeffrey Brookner was present to represent “18 Homes Group”. Sworn testimony was presented by John Thonet, PE/PP of Thonet Associates, Inc.

The Applicant submitted an exhibit which was marked into evidence as follows:

**A-17 12/10/12** Site Plan: Sheet 1 of 18, dated 11/29/12

In opposition, Engineer Thonet submitted exhibits which were marked into evidence as follows:

**O-14 12/10/12** Colored Rendering of sheet 2 of 18, dated 11/29/12

**O-15 12/10/12** Colored Rendering of sheet 2.01 of 18, dated 11/29/12

Attorney Brookner urged the Board to adjourn the meeting tonight as he was not able to obtain all of the Applicant’s documents which were due at the Township on 11/30/12. He requested the drainage calculations and Planning Department Secretary Danielle Britton told him there weren’t any new calculations given to the Township.

Attorney Cresitello objected to the accusations and stated that new drainage calculations were given to the Township on 11/30/12 along with additional documents and plans, which were available for public inspection as required by Municipal Land Use Law. In addition, Attorney Cresitello refused to grant an extension of time for the Board to act beyond 12/11/12.

Attorney Cresitello stated that Engineer Mantz will provide a copy of the drainage calculations to Mr. Thonet tonight after the meeting. Engineer Thonet agreed to pick up the drainage calculations after the meeting, review them and provide testimony at the next meeting, which is scheduled for 12/11/12.

Motion by Mr. Charles, second by Mrs. Barbara Kane, the Board agreed to allow Engineer Mantz to testify at this meeting:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mrs. Barbara Kane, Chairwoman Kane, Mayor Hayes, Councilman Pedroso, Mr. Albano

NOT ELIGIBLE: Mr. Franco

Engineer Mantz confirmed that the .pdf drainage calculation files are on the three discs submitted to the Planning Office on 11/30/12. He summarized the revisions to the plans as listed in his letter dated 11/29/12, and stated the plans are in full compliance with the RSIS and stormwater regulations. In addition, the plans are in compliance with the reports of the Township Engineer and Township Planner. The plans have reduced the number of building lots from 18 to 17 lots. Offsite improvements are proposed for Steel Gap, Foothill, and Twin Oaks roads. Board Engineer Bogart stated the real intent of these offsite improvements is to widen the Steel Gap and Twin Oaks with the overlay work for a future capital project, rather than build half of a road. Engineer Mantz concurred and agreed to comply with the outstanding recommendations of Engineer Bogart's report dated 12/7/12.

Engineer Mantz stated that all structures should remain: the house, barn, two sheds, and framed garage in order to retain the overall look of the original farmstead. A variance would be required for having more than two accessory structures.

Engineer Mantz discussed the changes to the stormwater detention basins and stated basin #1 retains the same capacity; however, the shape of the basin has been revised in order to lower the height of the berm. He referenced exhibit A-17 and discussed the three detention basins and emergency spillways, which are natural earth covered in vegetation. The detention basins are class IV dams which are created to keep the size of the basins smaller with lesser area of disturbance.

Attorney Brookner cross examined Engineer Mantz regarding his testimony and referred to the revised plans dated 11/29/12. Discussion pursued regarding the stormwater management system, detention basins, emergency spillways and exhibit A-17.

Chairwoman Kane called for a break at 8:55 pm and called the meeting back to order at 9:02 pm on the following roll call:

Steve Rodzinak – present

Filipe Pedroso, Councilman– present

Joanne Kane, Chair – present

James Franco, Alt#2 – present

Barbara Kane, Vice Chair – present

Mayor Dan Hayes – present

Ron Charles – present

Robert Albano, Alt#1 – present

Attorney Brookner requested the Board allow resident Kevin Durand to testify.

The Board concurred to allow Mr. Durand to provide sworn testimony on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mrs. Barbara Kane, Chairwoman  
Kane, Mayor Hayes, Councilman Pedroso, Mr. Albano  
NOT ELIGIBLE: Mr. Franco

Resident Kevin Durand, 422 Foothill Road, provided sworn testimony that he has seen a 6” to 8” hole 80-ft west of the property in question on his property with water perking out of it after hurricane Sandy, which happens every time there is a reasonable rain fall.

Neither the Board nor the public had any questions or comments for Mr. Durand.

Engineer Thonet referenced exhibits O-14 & O-15 and explained the colors on the renderings as follows: YELLOW: to be completely cleared and regarded; GREEN: conservation areas; BLUE: designated state open waters or streams; ORANGE: existing buildings on farmstead and it highlights key drainage features for this project. The color of exhibits O-11 & O-12 are the same for the O-14 & O-15 exhibits. He compared exhibits O-11 & O-12 from 10/22/12 Board meeting to the revised plan exhibits O-14 & O-15 from 12/10/12.

Engineer Thonet stated that he spoke to a resident on Foothill Road who said the water runs down the mountain, across Foothill Road and onto her property. He stated that he believes that water is not taken into the new drainage calculations and the outlets are designed too small. Engineer Thonet confirmed he will review the revised stormwater calculations and maps of which he will testify on 12/11/12. Detention basin #1 is nearly 50% larger than originally presented and detention basin #2 is slightly smaller. The new stormwater management plans are significantly different. Basin #1 is bigger, in part, because it is shallower than previously deigned. Engineer Thonet stated that when dams subside, they fail. He stated that this dam has not been designed in accordance with the dam safety standards. Discussion pursued regarding the different classes of dams. Class IV dams are not required to be reviewed by the NJDEP. He stated that the dam is 3-acre feet, which means one acre with 3-ft deep water is collected in basin #1. Engineer Thonet stated that if it fails, the water will impact the farmstead home, flow across Foothill Road and impact those occupied dwellings and someone could get killed. He stated that what is being proposed is not feasible. Engineer Mantz has not obtained the classification of the dam from the NJDEP. Historic resources are supposed to be included in the Environmental Impact Statement, which the Applicant has not done. He stated that the farmstead is historic, which will affect the NJDEP’s decision.

The following member of the public spoke:

Keith Cahill, 8 Linberger Drive, questioned Engineer Mantz regarding the detention basins and increased volume of offsite water runoff. Engineer Mantz stated that the rates have decreased for water runoff even though the volume has increased, which is in accordance with stormwater regulations.

Due to the late hour of the meeting Chairwoman Kane carried the hearing with no further notice required to 12/11/12 at 7:00 pm in the Municipal Courtroom.

The exhibits were given to the recording secretary.

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:

2011 Annual Report from Zoning Board of Adjustment – The Board accepted the foregoing report from the Zoning Board of Adjustment.

ADJOURNMENT:

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

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator

APPROVED: 1/8/13