

BRIDGEWATER TOWNSHIP
PLANNING BOARD
Regular Meeting
Tuesday, December 11, 2012
—MINUTES—

CALL MEETING TO ORDER:

Chairwoman Kane called the regular meeting of the Bridgewater Township Planning Board to order at 7:10 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, 2012, 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:

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:

December 10, 2012 Special Meeting – The foregoing minutes will be presented for Board consideration when completed. No action was taken.

MEMORIALIZATION OF RESOLUTIONS:

None pending

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 17-lots and construct two roads)

TIME: Extension to 12/11/12

This application is continued from 12/10/12.

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 Board submitted an exhibit which was marked into evidence as follows:

B-1 12/11/12 Correspondence dated 12/11/12 from NJDEP, Bureau of Dam Safety & Flood Control, John H. Moyle, PE

Karen Patullo, in opposition, submitted exhibits which were marked into evidence as follows:

O-16 12/11/12 Photo of inlet on Foothill Road across from farmstead between Lot 4 and Lot 5, on the north side of Foothill Road by the guardrail

O-17 12/11/12 Photo of inlet on Foothill Road across from farmstead between Lot 4 and Lot 5

Township Engineer Bogart stated that he received a call from the NJDEP Dam Bureau and that they would be happy to review the plans and he presented exhibit B-1.

Keith Cahill continued questioning Engineer Mantz from the 12/10/12 meeting. Discussion ensued regarding the sight triangle easement on Steel Gap Road.

With hearing no further questions from the public, Chairwoman Kane closed the public portion of the hearing.

Engineer Thonet reviewed the stormwater calculations and stated that the design storm for the spillway was done incorrectly by Engineer Mantz, which he stated the NJDEP confirmed it was done wrong. He stated that there is nothing in the regulations that permits calculations to be done the way Engineer Mantz calculated them. Discussion ensued regarding soils B and C. The seasonally high water table recharge calculations are wrong. Seasonal high water tables are determined with soil logs, by digging holes. All of the detention basins must be above the seasonally high water table and in this instance they are not. Engineer Thonet stated that he does not recommend basements as sump pumps will drain the ground water, which is the opposite of recharge. The drainage area to detention basin #1 has been increased 51% and the amount of flood storage into that basin has, from the 100-year flood, has increased by 30%. This is a major change to the stormwater management and it was submitted at the last hour by the Applicant. He stated that selected pages of the stormwater management report were given to the Board without

calculations, although the CD did have the full document. There's one area that drains down toward the Twin Oaks Road area inlet towards the west. If that inlet gets clogged the water will try to get into detention basin #2, which is not sized for it and the basin will fail and overflow into the emergency spillway.

Engineer Thonet reviewed sections 126-282(q) emergency overflow and 126-280 runoff standards of the Municipal Code. The stormwater management design does not meet the ordinance standards because if the emergency spillways are flooded the water will increase over the downward neighbors' property. In addition, he reviewed the impervious coverage within the basin and the diversion channels. The existing condition flows for this set of calculations are 25% higher than the August 2012 calculations provided by Engineer Mantz, which is an extensive change.

Attorney Brookner requested Engineer Thonet discuss the NJDEP dam safety regulations and feasibility of the proposed dams. Attorney Cresitello objected and stated that we have already heard from him regarding the same and that Mr. Thonet does not feel the dams are feasible. Engineer Bogart stated that the NJDEP agreed to look at the detention basins/dams and the plans whether or not they have jurisdiction, as stated in exhibit B-1. He agreed it is best to leave it to the expertise of the NJDEP to determine fulfillment of the regulations, as the Applicant will need to satisfy NJDEP before getting through the compliance procedure anyway. Board Attorney Collins stated this application is for preliminary subdivision. The Applicant will have to come back for final subdivision in the future with new testimony and open to cross examination, at which time Mr. Thonet can come back. If changes are made to the plan by the NJDEP, the Applicant will have to come back with amendments to preliminary anyway.

Motion by Mrs. Barbara Kane, second by Mr. Rodzinak, the Board decided to not hear additional testimony from Engineer Thonet regarding dam safety regulations and degree of compliance, which carried on the following roll call vote:

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

Engineer Thonet stated that the detention basins will be owned by the owner of the lot they are located on. Engineer Bogart clarified that they will be owned by the Homeowners Association. If the Association does not take care of the basins the Township would have a right but not an obligation to maintain them.

Engineer Thonet stated that explosions at the quarry, northeast of the property, can have a potential impact on the entire property in question including the proposed dams and basements. In addition, the historic resources have not been provided.

Attorney Brookner called his next witness, Karen Patullo 437 Foothill Road, who lives between existing Lots 4 and Lot 5, who would be impacted by the overflow from the emergency spillway. She discussed exhibits O-16 and O-17. Engineer Mantz stated sheet 8 of 11 shows the headwall

that is being proposed and the box culvert on Foothill Road, which is where the pictures were taken. She described the current conditions of the water that flows through the ravine located on her property to the soccer fields behind her property. She addressed concerns of increased waterflow across her property from the proposed development.

Engineer Thonet stated that the emergency spillway discharging into that stream is inappropriately located with relation to the two photos and testimony of Mrs. Patullo. It is contrary to the ordinances of this municipality.

Chairwoman opened the hearing to the public for questions.

Angela Bodina, 21 Dear Run Drive, stated that global warming may have an impact on the flooding of Mrs. Patullo's property. Engineer Thonet concurred based on several articles that he has read. In addition, she questioned the dump on the property in question. Attorney Cresitello stated that the Applicant will comply with any soil remediation that may be required.

With no further questions from the public or Board, Chairwoman Kane closed the public portion of the hearing.

Attorney Brookner stated that he does not have any additional witnesses.

Engineer Bogart summarized the procedure for preliminary major subdivision and for final major subdivision. He stated that there are approximately 200-detention basins in Bridgewater of which several of them are dams. Engineer Bogart and Planner Doyle stated that if this application should get approved they would recommend the following conditions:

- Developer's Agreement required
- Approval from the NJDEP for the proposed dams for review of the type, design, maintenance and construction of the dams
- Township will be advised of all meeting scheduled between the Applicant and NJDEP, with invitation privileges to the Township
- All storm drainage to be designed in strict conformance with the RSIS
- Block 718 Lot 63 be placed in a conservation easement or similar conveyance
- NJDEP wetlands permits required to be updated and reapproved per revised plans
- Attorney wording for the easement of the outbuildings
- Road #2 sight easements on Steel Gap Road
- All existing onsite drainage swales to be utilized to be reviewed by the Township to protect adjoining properties
- Comply with the outstanding issues in the Township Engineer & Planner reports
- Comply with EIS requirements not waived by the Board
- Tree removal, clearing and grading plans are required
- Improved lot coverage maximum of 18%
- Environmental assessment to be provided for phase I and Phase II
- Filed map to note Homeowner's Association required
- Street naming guideline should go to Township Council prior to application for final

- Broad-leafed tree shall not be planted in the detention basin areas as they will clog the basins
- Planning Board should require notice to homeowners within 200-ft for final
- No home construction until after final approval obtained

The applicant is to revise the subdivision plans so that detention basin number 2 is relocated back so that there is more land for a generous landscaping shrubbery and tree planting to screen the basin from view from Twin Oaks and Foothill Roads. The plantings should be planted and maintained between the detention basin embankment and the roadway rights-of-way. The landscape plan for the area shall provide the plantings which will not be planted on the slope of the detention basin embankment. The plantings shall not block adequate sight distance.

Attorney Cresitello stated that the Applicant would comply with all of the conditions discussed and directed his questions to Engineer Mantz.

Engineer Mantz stated that the white areas shown in exhibits O-12, O14 and O-15 are currently green and will remain green. In terms of green areas, none of the exhibits are an accurate depiction of what the development is going to look like once fully constructed as there will be street trees and residential lawns in the areas shown as yellow in exhibit O-11.

Engineer Mantz stated that the plans have been developed with all applicable standards. The current drainage on the property in question will be improved with the proposed drainage system. The current peak flows leaving the property will be reduced after construction. Engineer Mantz agreed the Applicant agrees to comply with all of the conditions imposed by the Board.

Members of the public who were present as follows:

John Sullivan, Esq., 537 Berrywood, addressed concerns regarding the six lots affected by detention basin easements, and requested Lot 4.13 to be eliminated as the Applicant is seeking the most lots possible.

Roomi Nusrat, 1875 Mountaintop Rd., addressed environmental concerns and requested that a revised set of plans be made available to the public.

Dan LaMontain, 103 Chelsea Dr., addressed concerns regarding the proposed dams.

William Metz, 45 Shannon Rd., addressed concerns with existing well water and the proposed development.

Attorney Brookner stated several closing comments and urged the Board to deny the application.

Attorney Cresitello summarized the application and urged the Board to approve the application with conditions as previously discussed.

Motion by Councilman Pedroso to deny the application did not receive a second.

Motion Mr. Albano, second by Mr. Rodzinak, the LANG preliminary subdivision application was approved with conditions as discussed, which carried on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mrs. Barbara Kane, Chairwoman
Kane, Mr. Albano

OPPOSITION: Councilman Pedroso, Mayor Hayes

NOT ELIGIBLE: Mr. Franco

MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time.

BOARD BUSINESS:

There was no other Board business.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 11:00 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator

Approved as amended 1/8/13