

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Tuesday, May 23, 2011

—AGENDA—

1. CALL MEETING TO ORDER:

Time: 7:00 p.m.

Place: Municipal Courtroom

100 Commons Way

Bridgewater, New Jersey 08807

2. 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.

3. SALUTE TO FLAG:

4. ROLL CALL:

5. APPROVAL OF BOARD MINUTES:

May 10, 2011 Special & Regular Meeting

May 10, 2011 Executive Session

6. 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

7. 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

Eligible to vote: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose, Mrs. Dickey, Mr. Albano, Mr. Petillo, Chairman Fross

8. LAND DEVELOPMENT APPLICATIONS:

None pending

9. 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.

10. BOARD BUSINESS:

11. ADJOURNMENT:

HEARING ASSISTANCE IS AVAILABLE UPON REQUEST

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Tuesday, May 23, 2011

—AGENDA—

1. CALL MEETING TO ORDER:

Time: 7:00 p.m.
Place: Municipal Courtroom
100 Commons Way
Bridgewater, New Jersey 08807

2. 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.

3. SALUTE TO FLAG:

4. ROLL CALL:

5. APPROVAL OF BOARD MINUTES:

May 10, 2011 Special & Regular Meeting
May 10, 2011 Executive Session

6. COUNCIL REFERRAL:

- a) Amending Chapter 126-325, Schedule of Area, Yard and Building Requirements
- b) Amending 1) Chapter 126 (Land Use) Part 8 (Site Plan Review) Article XXIV (Design Details and Criteria) Section 126-199.1 (Sidewalks) of the Municipal Code 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

7. 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

Eligible to vote: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose, Mrs. Dickey, Mr. Albano, Mr. Petillo, Chairman Fross

8. LAND DEVELOPMENT APPLICATIONS:

None pending

9. 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.

10. BOARD BUSINESS:

11. ADJOURNMENT:

HEARING ASSISTANCE IS AVAILABLE UPON REQUEST

BRIDGEWATER TOWNSHIP PLANNING BOARD

Special & Regular Meeting

Tuesday, May 10, 2011

—MINUTES—

CALL MEETING TO ORDER:

Chairman Fross called the meeting to order at 6:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey 08807

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, 201 and May 7, 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

Ms. Barbara Kane – **absent**

Councilwoman Rose – present

Chairman Fross – present

Glenn Petillo, Alt. #2 - present

Mrs. Joanne Kane - present

N. Janine Dickey – present

Mayor Flannery – present (left at 7:45 pm)

Former Councilman Albano, Alt. #1 - present

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

CLOSED 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 pending litigation in the matter of Al Falah Center et al v. Township of Bridgewater et al.. 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 6:04 pm on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mrs. Joanne Kane, Councilwoman Rose,

ABSENT: Mrs. Dickey, Mayor Flannery, Mr. Albano, Chairman Fross
NOT ELIGIBLE: Mrs. Barbara Kane
Mr. Petillo

The Board returned to open session at approximately 7:45 pm with all Board members present as before, except Mayor Flannery.

APPROVAL OF BOARD MINUTES:

February 28, 2011 Regular Meeting Minutes – Motion by Mrs. Dickey, second by Mrs. Joanne Kane, the foregoing minutes were adopted as amended on unanimous voice vote.

April 12, 2011 Regular Meeting Minutes – Motion by Mr. Petillo, second by Mrs. Joanne Kane, the foregoing minutes were adopted as written on unanimous voice vote.

COUNCIL REFERRAL:

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 126 (LAND USE) PART 12 (ZONING) ARTICLE XLV (SUPPLEMENTING REGULATIONS GOVERNING CERTAIN USES) SO AS TO ADD A SECTION 126-335 ENTITLED RENEWABLE ENERGY FACILITIES.

Planner Doyle summarized the foregoing ordinance and her report dated 5/4/11 and stated that the ordinance is not inconsistent with the Master Plan and Master Plan Reexamination Reports.

Motion by Mr. Rodzinak, second by Mrs. Dickey the Board finds the foregoing ordinance not inconsistent with the Master Plan and recommends adoption of the ordinance by the Township Council as written:

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

MEMORIALIZATION OF RESOLUTIONS:

CHUGHTAI FOUNDATION – 1475 Mountaintop Road
Block 653 Lots 36 & 37
#01-11-PB, Preliminary Site Plan

DECISION: Transferred to Zoning Board of Adjustment, application dismissed 4/12/11

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

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

OWENS REALTY HOLDINGS, LLC
Block 907 Lots 49 & 60.01 (Blazier Road)
#29-04-PB, Final Major Subdivision (3-lots)
DECISION: Approved with conditions 4/12/11

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

GEN III – Fox Chase at Bridgewater
Block 173 Lot 2 (Traci Road)
#67-04-PB, Amended Prelim & Final Site Plan
DECISION: Approved with conditions 4/12/11

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

LAND DEVELOPMENT APPLICATIONS:
SOUTH BRANCH INVESTMENT – TIMBER RUN
Block 546 Lot 5 (657 Foothill Road)
#12-11-PB, Minor Subdivision w/variances
TIME: 120=8/24/11

Attorney Jeffrey Lehrer was present to represent the applicant. Sworn testimony was presented by Henry Reynolds, PLS/PP of the Reynolds Group and Michael Picone, Applicant.

The applicant submitted several exhibits which were marked into evidence as follows:

A-1	5/10/11	Map of proposed transfer of land with neighbor, Block 546 Lot 4
A-2	5/10/11	Copy of exchange agreement
A-3	5/10/11	Colored rendering of sheet BT-1
A-4	5/10/11	Colored rendering of sheet M-1
A-5	5/10/11	Colored rendering, R-40 Zone Compliance – Foothill Road
A-6	5/10/11	Colored rendering of chart on exhibit A-5

Mr. Picone provided his background with the Township and stated that he has been a developer in Bridgewater for 41-years. He tried to acquire 10-feet of land of the neighbor's front yard in order to widen the proposed frontage. The neighbor was agreeable at first; however, they became leery as they may want to put an addition on their house in the future. He referenced exhibits A-1 and A-2. Mr. Picone provided the definition of lot width according to Municipal

Code: The shortest distance between the side lot lines, measured parallel to the front lot line at the minimum front yard setback line and street right-of-way line.

Chairman Fross opened the hearing to the public.

Maria Gardner, 31 Ray St., was sworn in and her question was deferred to the Planner whose testimony would be heard later in the hearing process.

Henry Reynolds, PLS/PP described the existing conditions of the site and referenced exhibit A-3. He confirmed that he applied to the NJDEP for a Letter of Interpretation; however, he still has not heard back from them. He referenced exhibit A-4 and stated that the applicant will remove the gravel drive, old foundation, garage and shed. Mr. Reynolds stated that the applicant is requesting a c-2 variance where lot width of 150-ft is required and 133-ft is proposed. He stated that the benefits outweigh the detriments and promotes the public health, safety and general welfare. Mr. Reynolds referenced exhibit A-5 and stated that the green areas currently comply with the required 150-ft lot width. The pink colored areas do not comply. There is a fifty-fifty split with what is in conformance with the 150-ft lot width and what does not comply. He further discussed exhibit A-6 which depicts this information. Mr. Reynolds stated that there is no substantial detriment to the zone plan if the Board grants the variance for frontage. He stated that the house is setback further from the road due to the sanitary sewer elevation and lot width definition. He stated that there is an existing line of staggered pines between the subject property and the neighbor.

Chairman Fross opened the hearing to the public.

Karen Tria, 30 Ray St., questioned how much soil will be deposited on the property in order to raise the land to street level. Mr. Picone stated that the only soil will come from the digging of the basement. Ms. Tria addressed drainage concerns. Mr. Reynolds stated that they would install drywells if required by the Township Engineer.

Dan Gubernat, 38 Allen Rd., addressed concerns regarding the drainage calculations for the roof of the house and driveway. In addition, he wants the existing woodlands preserved.

The applicant reviewed the report of the Township Planner dated 4/25/11 and agreed to comply with the outstanding items. They agreed to not install the sidewalks, but would make a sidewalk contribution. Planner Doyle requested that the stream should be cleaned out and the ruins removed prior to the deeds of minor subdivision being recorded. In addition, Planner Doyle stated that due to the steep slopes and Hillside Development Ordinance the f.a.r. is reduced from the ordinance maximum of .18 to .15. Board Attorney Collins stated that because there is a lot of work to be done on the site that the Board extend the deed signing to 1-year.

The applicant agreed to comply with the report of the Township Engineer dated 4/28/11 and Sewer Utility Coordinator dated 4/28/11.

The Board deliberated and discussed several conditions.

Motion by Mrs. Dickey, second by Mr. Rodzinak, the Board approved the South Branch Investment, Timber Run, application with conditions as discussed on the following roll call vote:

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

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:

Draft Master Plan Amendment & Reexamination Report – Chairman Fross requested two volunteers to join the subcommittee to review the foregoing document. Chairman Fross, Mrs. Joanne Kane and Mrs. Dickey volunteered to join the subcommittee.

Planning Board representation in the official capacity – Motion by Mrs. Joanne Kane, second by Mr. Rodzinak, the Board appointed Thomas Collins, Esq. to represent the Planning Board Members in their official capacity on the following roll call vote:

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

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:00 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator

EXECUTIVE SESSION:

ROLL CALL:

Mr. Rodzinak – present

Ms. Barbara Kane – **absent**

Councilwoman Rose – present

Chairman Fross – present

Glenn Petillo, Alt. #2 - present

Mrs. Joanne Kane - present

N. Janine Dickey – present

Mayor Flannery – present (left at 7:45 pm)

Former Councilman Albano, Alt. #1 - present

Others present: Board Attorney Thomas Collins, Board Planner Scarlett Doyle, PP, Board Engineer Thomas J. Forsythe, PE, Land Use Administrator Marie L. Broughman, Howard Cohen Lead Attorney to the Township regarding Al Falah Center et al v. Township of Bridgewater et al.

Attorney Cohen summarized the Al Falah Center et al v. Township of Bridgewater et al and discussed responsibilities of the Planning Board members.

With no further discussion, the Board returned to open session at approximately 7:45 pm.



THE TOWNSHIP OF BRIDGEWATER
100 COMMONS WAY
BRIDGEWATER, N.J. 08807
908/725-6300

MEMORANDUM

To: Bridgewater Township Planning Board
From: Scarlett Doyle, Township Planner
Date: May 18, 2011
Re: Report on Council Ordinance Referral

The Bridgewater Township Council has referred the following ordinances to the Bridgewater Township Planning Board for a consistency report on ordinances which have received first reading:

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
and

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

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

Based on my review of the 2005 Master Plan and Reexamination Report, the 2010 Amendment to the Circulation Element of the Master Plan and Reexamination Report, it is my recommendation that the Board provide a finding to the Township Council that the proposed ordinances are not inconsistent with the Master Plan and the Planning Board recommends these ordinances for adoption.

Cc: Marie Broughman, Planning Board Assistant Secretary
Linda Doyle, Township Clerk
Hector Herrera, Deputy Administrator
Thomas J. Forsythe, PE, Township Engineer, Director of Municipal Services

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

WHEREAS, the Township Planner hereby recommends to the Township Council that it adopt an Ordinance providing for the amendment to Section 126-325 as delineated hereinafter;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Bridgewater, County of Somerset and State of New Jersey that Chapter 126-325, Schedule of Area, Yard and Building Requirements, is amended in accordance with the language delineated hereinbelow.

Deleted words and phrases are in brackets and italics; added words and phrases are in boldface and underlined; remaining language is not highlighted in any way;

SECTION I

126-325. Schedule of Area, Yard and Building Requirements

The area, yard and building requirements for each zone in the Township [*are as follows*]:

The area, yard and building requirements for each zone **are delineated in Schedule 1 attached hereto which is entitled, Schedule of Area, Yard and Building Requirements, Township of Bridgewater, Somerset County, New Jersey.**

SECTION II

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION III

Should any section, paragraph, sentence or clause of this Ordinance be declared unconstitutional or invalid, for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IV

The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

INTRODUCED

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

WHEREAS, the Township Planner, in collaboration with the Township Planning Board, have determined that Section 126-199.1 and Section 126-2 of Chapter 126 (Land Use) of the Township Municipal Code are in need of amendment so as to require sidewalks on one side of a major arterial roadway.

WHEREAS, the Township Planner and the Township Planning Board hereby recommend to the Township Council that it adopt an ordinance providing for the amendments to Section 126-199.1 and Section 126-2 of Chapter 126 as delineated hereinafter.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bridgewater, County of Somerset and State of New Jersey that 1) Chapter 126 (Land Use), Part 8 (Site Plan Review) Article XXIV (Design Details and Criteria), Section 126-199.1 (Sidewalks) is hereby amended so as to require sidewalks on one side of a major arterial roadway:

Deleted words and phrases are in brackets and italics; added words and phrases are in boldface and underlined; remaining language is not highlighted in any way;

SECTION 1A

126-199.1 Sidewalks

- A. Sidewalks shall be installed for all new developments as described below to provide for safe pedestrian access in residential, commercial and public areas.
- B. On local streets, sidewalks shall have a four foot width and shall be located not less than 3 feet from the curb line. On collector roads or higher road classifications, sidewalks shall have a five foot width in order to double as bikeways.

- C. Sidewalks shall be required in accordance with the following standards of road classification, use and density. The Planning Board may permit an applicant to provide an escrow contribution in lieu of construction of the required sidewalk. The contribution shall be equivalent to the cost of said sidewalk, as approved by the Township Engineer.

1. Classification

(a) *[Major arterial: no sidewalk required, pedestrian use discouraged]*

Major arterial: sidewalk on one side

There are no changes being made to subsections C 1 (b), (c), (d) and (e) nor to subsection C2-(Residential zones), C3-(Business zones) and C4-(Industrial zones).

SECTION II

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION III

Should any section, paragraph, sentence or clause of this Ordinance be declared unconstitutional or invalid, for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IV

The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

WHEREAS, the Township Planner, in collaboration with the Township Planning Board, have determined that Section 126-168, Section 126-169 and Section 126-171 of Chapter 126 (Land Use) of the Township Municipal Code are in need of amendment 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; and

WHEREAS, the Township Planner and the Township Planning Board hereby recommend to the Township Council that it adopt an Ordinance providing for the amendments to Section 126-168, Section 126-169 and Section 171 of Chapter 126 as delineated hereinafter.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bridgewater, County of Somerset and State of New Jersey that 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 (Off street Parking Requirements for Particular Users) and Section 126-171 (Parking Area Design Standards) be and are hereby amended so as to modify the requirements with respect to parking stalls and parking areas as to the size, number of stalls required and parking area design standards, in accordance with the language delineated herein below:

Deleted words and phrases are in brackets and italics; added words and phrases are in boldface and underlined; remaining language is not highlighted in any way;

SECTION 1A

126-168 Size of Parking Stalls

Each off street parking space shall measure 9.5 feet in width by 18 feet in length and shall be of usable shape and condition. However, this parking space requirement may be reduced to no less than 9 feet in width by 18 feet in length for employee parking

purposes only. Designated small car parking spaces may be provided at not less than 8 feet in width by 16 feet in length for public, institutional or business office purposes, but only as part of larger parking areas of at least 200 spaces, and provided that a maximum of only 30% of said spaces are so designated. **The above conditions shall not apply to retail stores having shopping carts 22 inches or greater in width which shall measure 10 feet in width and 18 feet in length. Parking stalls may take a two (2) foot credit from parking depth if the parking abuts an island or curb where an overhang is feasible so long as no landscaping, plantings or obstructions are placed in the area of the overhang.** The above conditions shall not apply to all parallel car parking spaces, which shall measure no less than 8 feet in width and 24 feet in length except in the case of one family dwellings, no parking area provided hereunder shall be established for less than three spaces.

SECTION IB

126 – 169 Off-Street Parking Requirements for Particular Uses

The number of off street parking spaces required shall be as set forth in the following table in accordance with the indicated standards. **Banking of unnecessary stalls may be requested upon demonstration of actual need and siting of a banked area in conformance with Chapter 126 (Land Use). If, in the opinion of the Township Engineer, these parking areas are required, the owner shall be required to construct the necessary parking.**

(All existing uses and required parking spaces delineated in Section 126-169 shall remain "as is" except as modified herein below)

MINIMUM OFF-STREET PARKING REQUIREMENTS

<u>Use</u>	<u>Required Parking Spaces</u>
Banks	A maximum of 3 parking stalls per teller (20 feet long each) may be counted in drive-up aisles
<i>[Medical or dental Clinics or offices]</i>	<u>5.7 spaces per 1000 sq. ft. of floor area</u> <i>[4 spaces for each doctor or dentist, plus 1 space for each 100 sq. ft. of floor area]</i>
<u>Medical/ Dental Offices</u>	<u>4.5 spaces per 1000 sq. ft. of floor area</u>
Motels, hotels and motor lodges	<i>[1 space for each rental unit]</i> <u>1.2 spaces per room</u> , and, in addition, compliance with the requirements for each particular additional use located on the property,

such as restaurants, eating and drinking establishments, rental stores and meeting rooms

Office, business

1 space for every [250] **300** sq. ft. of floor area

Office, professional
(other than medical and dental)

1 space for every [250] **300** sq. ft. of floor area; Residential dwellings: 2 spaces for each dwelling unit

[Retail stores, store groups, shops, etc.]

[1 space for each 150 sq. ft. of floor area where the floor area shall not exceed 2000 sq. ft.; 1 space for each 175 sq. ft. of floor area where the floor area shall exceed 2000 sq. ft.]

Retail

4 spaces per 1000 sq. ft. of floor area

Restaurants, eating and drinking
Establishments and catering halls

[1] **0.7** spaces for each 2.5 seats

Supermarkets

5 spaces per 1000 sq. ft. of floor area

SECTION IC

126 – 171 Parking Area Design Standards

B. Site of aisles. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single row parking spaces placed at an angle other than 90°. **Parking spaces placed at a 90° angle shall have an aisle width of 24 feet.**

Parking Angle (degrees)

Aisle Width (feet)

0 (parallel parking)

12

30

12

45

13

60

13

90 (perpendicular parking)

[25] **24**

SECTION II

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION III

Should any section, paragraph, sentence or clause of this Ordinance be declared unconstitutional or invalid, for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IV

The within ordinance shall take effect in the time and manner provided by law and, in particular, the procedure delineated in the Municipal Land Use Law, M.S.A. 40:55D-1 et seq.

INTRODUCED

MEMORIALIZING RESOLUTION OF THE
PLANNING BOARD OF THE TOWNSHIP OF BRIDGEWATER
APPROVING THE MINOR SUBDIVISION APPLICATION
OF SOUTH BRANCH INVESTMENT CO., INC.
RELATING TO BLOCK 546, LOT 5
AND LOCATED IN THE R-40 ZONE

DECIDED: May 10, 2011

ADOPTED: May 23, 2011

Application No.: #12-11-PB

WHEREAS, South Branch Investment Co., Inc. with an address of 30 Timberline Drive, Bridgewater, New Jersey 08807 (hereinafter the "Applicant") applied to the Bridgewater Township Planning Board (hereinafter the "Board") for approval of a minor subdivision and related c variance for lot frontage and lot width of building setback in accordance with plans prepared by Henry E. Reynolds, Jr., P.L.S. of The Reynolds Group Inc., 626 North Thompson Street, Raritan, New Jersey 08869 dated April 21, 2011 and bearing the last revision date of April 25, 2011 (hereinafter "minor subdivision plans"); and

WHEREAS, the matter was discussed at a public meeting of the Board on May 10, 2011; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Planning Board of the Township of Bridgewater and that all required provisions of procedural compliance have been filed with the Planning Board; and

WHEREAS, the Planning Board of the Township of Bridgewater makes the following findings of fact and conclusions based upon the evidence submitted to the Board at the meeting:

1. The Board reviewed the following reports of the Township Professionals: the report of the Township Engineer, Thomas Forsythe, dated April 28, 2011 and report of the Township Planner, Scarlett Doyle dated April 25, 2011 which are attached hereto and incorporated herein by reference.

2. The Board reviewed the following exhibits:

- A-1 Colored rendering of possible exchange of land
- A-2 Copy of exchange agreement
- A-3 Colored rendering of Sheet BT-1
- A-4 Colored rendering of proposed subdivision, Sheet M-1
- A-5 R-40 Zone Compliance Foothill Road
- A-6 Chart from A-5

3. The Applicant was represented by counsel, Jeffrey B. Lehrer, Esq. The Applicant presented testimony by Michael Picone, the owner of the Applicant, and by Henry E. Reynolds, Jr., Professional Land Surveyor and Professional Planner whose qualifications are recognized and accepted by the Board. Mr. Picone explained the minor subdivision and variance application to the Board. He explained that he has been in the home construction business in the area, including Bridgewater Township, for approximately 41 years. He explained that he knew Mrs. Wilson, the owner of the property, and her husband who recently died, for a very long period of time, and that in working with her he

decided to acquire the property provided he can subdivide it into two lots. Mr. Picone explained that the proposed lot will be only 133 feet wide at the building setback, and almost 141 feet wide at the street right-of-way and that he is requesting a c variance to allow the subdivision of the lot with less than the frontage and less than the lot width of building setback required of the ordinance, but that the lot will be larger in lot size than required in the ordinance. He also confirmed that he will try to preserve as many trees on the property as possible, and that he is willing to install a screen of landscape buffering between the proposed new lot and the house on adjoining lot 5 so as to help screen the view of the proposed new house from the existing house on lot 5. This landscaping screen shall be subject to the review and approval of the Township Planner. Any dispute between the Applicant and the Township Planner regarding the same shall be returned to the Board for final determination. With respect to the Township Engineer's report and the Township Planner's report, he confirmed generally that they will comply with the recommendations and conditions set forth in both reports with some explanation of the items with respect to Ms. Doyle's report. With respect to Items 3, 5, 6 and 11, he and his attorney confirmed that the Applicant will complete the removal of the shed, the old foundation and the driveway prior to the signing of the deeds of minor subdivision by the Board Chairman and Secretary.

4. Mr. Reynolds explained the subdivision and variance for the Board. He explained that the Applicant is seeking to subdivide the existing lot into two (2) lots, one of which will be fully conforming and one which will exceed the

ordinance standards in most respects except for the lot frontage of approximately 141 feet and lot width at building setback of 133 feet where 150 feet are required. He explained that the proposed house is located at the proposed location because of the topographic conditions of the building site relative to the elevation of the sewer line in Foothill Road. He confirmed that both the existing home and the new home will be serviced by public water and public sewer. He explained that the c variance is appropriate in this particular case pursuant to N.J.S.A. 40:55D-70c(2) because, in his opinion, the benefits of the purposes of zoning would outweigh the detriments. In his testimony he explained that in his opinion the granting of the c variance would benefit the purposes of zoning particularly by promoting good civic design and an appropriate residential use on residentially zoned property. He also opined that the benefits of the purposes of zoning would be the provision of benefits of the public health, safety and welfare. He expressed the opinion that the granting of the c variances would not cause any substantial detriment to the public good, and would not substantially impair the intent and purposes of the zoning ordinance. In support of this opinion, he provided Exhibit A-5 and A-6, a map of the general area, showing in pink the lots that have lot width of less than 150 feet and showing in green the lots that have lot width in excess of 150 feet or more. He explained that the lots across the street are similar in the Applicant's lot width and some are even narrower. He testified that this proposed subdivision will not be substantially different than the neighborhood lots. He expressed the opinion that negative criteria for the variance had been met, and that the affirmative criteria or benefits of the purpose

of zoning will outweigh the detriments. Mr. Reynolds also confirmed that the Applicant will remove the shed, old foundation and old driveway, and that this will reduce the impervious coverage and thereby provide drainage benefits. He also confirmed that the Applicant had undertaken efforts to conform with the adjoining properties. The Applicant testified regarding the same as well and provided a copy of A-2, a proposed agreement with his neighbor, which his neighbor eventually decided to reject. The Applicant's witnesses confirmed that they are not able to acquire any adjoining properties that will make the lot frontage and lot width to building setback conforming with the 150-foot requirement. Mr. Reynolds and witnesses also confirmed that the Applicant will revise the plans to demonstrate and will comply with the adjusted as constrained floor area ratio, impervious coverage, and lot size requirements of the constraint adjustments of the ordinance.

5. The Board finds that the application should be approved as a c-2 variance pursuant to N.J.S.A. 40:55D-70c(2). The Board finds that the benefits of the purpose of zoning include the provision of an appropriate residential use and a property zoned for residential use with an appropriate good civic design in keeping with the residential character of the neighborhood. The Board finds that the deviation from the ordinance standard to allow the lot width of 133 feet at the building setback and approximately 141 feet of the lot frontage is appropriate in this particular case due to the circumstances relating to this particular property. The Board finds that these benefits of the purposes of zoning will outweigh the detriments. The Board also finds that there will be no substantial detriment to the

public good and no substantial impairment of the zone plan and zoning ordinance if this variance is granted. Making this finding, the Board notes that the neighborhood includes substantial number and percentage of lots, particularly near the property in question, which have lot widths less than the 150 feet required in the zone. Moreover, the Board finds that because of the large nature of these two lots and the proposed buffering proposed by the Applicant with adjoining Lot 5, the benefits of the purposes of zoning will outweigh the detriments.

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 South Branch Investment Co., Inc. for minor subdivision and related c variances is hereby granted subject to the following terms and conditions:

1. The terms of such approval are to be strictly in accord with the plans and testimony presented to the Board herein, and same are incorporated into this resolution by reference.

2. The Applicant shall comply with the report of the Township Engineer, Thomas Forsythe, dated April 28, 2011 which is attached hereto and incorporated herein by reference.

3. The Applicant shall comply with the report of the Township Planner, Scarlett Doyle, dated April 25, 2011 which is attached hereto and incorporated herein by reference. In accordance with the discussion in the Board Hearing, the Applicant confirmed and replied to the Planner's report that the Applicant will

remove the shed, the old foundation and the gravel drive prior to the signing of the Deeds of Minor Subdivision by the Chairman and Secretary. The Applicant shall have an extension of the time period for recording of the Deeds of Minor Subdivision from the statutory permitted time of 190 days to a total of one year from the date of the memorializing resolution. This extended date may be stated in the Deeds of Minor Subdivision as authorized by this Resolution. With respect to the other items of the Township Planner's report, the Applicant confirmed that the Applicant will prepare a landscape plan for screening of the proposed new house from the existing house on adjoining Lot 5.

4. The Applicant shall prepare deeds of minor subdivision which shall include the following recital:

"Pursuant to Section N.J.S.A. 40:55D-47, these deeds are approved by minor subdivision memorializing Resolution adopted by the Board dated May 10, 2011 and memorialized on May 23, 2011 and shall be recorded no later than May 23, 2012."

Scarlett Doyle, Secretary

Alan Fross, Chairman

The deeds of minor subdivision shall be subject to the review and approval of the Township Engineer and Planning Board Attorney.

5. The Board does not recommend a developer's agreement for this application.

6. All taxes, fees, escrows, assessments and other monies due to the Township of Bridgewater shall be paid in full.

7. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property, if necessary.

8. 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