

BRIDGEWATER TOWNSHIP PLANNING BOARD

**Regular Meeting
Tuesday, December 9th, 2014
—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 8, 2014, 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:

November 24th, 2014, Regular Meeting

6. MEMORIALIZATION OF RESOLUTIONS:

SKYMANOR PROPERTIES, LLC - 317 Union Ave. (*pending*)

Amended application for Minor Subdivision

#13-025-PB, Block 221, Lot 32

DECISION: Approved w/conds 11/24/14

Eligible to vote: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench, Ms. Kane

PAGANO ENTERPRISES, INC. (AKA Bridgewater Crossing, LLC) - Route 22 W. Retail stores (*pending*)

Block 559, Lot 5.02

#13-021-PB, Preliminary and Final Major Site Plan with C- Variance - Retail Building

DECISION: Denied 12/2/14

Eligible to Vote: Mr. Charles, Chairman Rusak, Mayor Hayes, Mrs. Casamento

EDENWOODS REDEVELOPMENT PROJECT (*pending*)

Block 329, Lot 3.01, 13.01, & 14

#14-028-PB

DECISION: Approval of conceptual design with conditions for Redevelopment plan, Master Plan Amendment, & Periodic Reexamination Report adopted w/changes 12/2/14

Eligible to Vote: Mr. Rodzinak, Mr. Charles, Mr. Franco, Chairman Rusak, Mayor Hayes, Mrs. Kane, Mrs. Casamento

7. LAND DEVELOPMENT APPLICATIONS:

None pending

8. 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.

9. BOARD BUSINESS:

None pending

10. **EXECUTIVE SESSION:**

Attorney Client Privileged Communication and Pending Litigation – Al Falah et al vs. Bridgewater et al

11. **RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION INSTITUTED BY THE AL FALAH CENTER TOGETHER WITH INDIVIDUAL PLAINTIFFS (COLLECTIVELY REFERRED TO AS “AL FALAH”), AGAINST THE PLANNING BOARD OF THE TOWNSHIP OF BRIDGEWATER, THE TOWNSHIP OF BRIDGEWATER, AND THE TOWNSHIP COUNCIL OF BRIDGEWATER**

12. **ADJOURNMENT**

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Monday, November 24th, 2014

—Minutes—

1. CALL MEETING TO ORDER:

Vise Chair Barbara Kane opened the Planning Board meeting at 7:02 p.m. in the Bridgewater Municipal Courtroom located at 100 Commons Way, Bridgewater, New Jersey 08807.

2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

The Vice Chair read the Open Public Meetings Act, as follows: “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 8, 2014, 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:

There was a salute to the flag.

4. ROLL CALL:

James Franco - Present	Chairman Walter Rusak - Absent
Steve Rodzinak - Present	Ron Charles - Present
Mayor Dan Hayes- Absent	Councilman Matthew Moench- Present
Vice Chairwoman Barbara Kane- Present	Tricia Casamento- Absent

Others in attendance were Robert C. Bogart, PE, Board and Township Engineer, Thomas Collins, Esq., Board Attorney, Scarlett Doyle, PP, Board and Township Planner, Marianna Voorhees, Recording Secretary.

5. APPROVAL OF BOARD MINUTES:

October 27th, 2014, Regular Meeting – Motion by Mr. Charles, second by Mr. Franco, the foregoing minutes were adopted as written on the following roll call vote:

AFFIRMATIVE:	Mr. Rodzinak, Mr. Charles, Mr. Franco, Mrs. Kane
ABSENT:	Chairman Rusak, Mayor Hayes, Mrs. Casamento
NOT ELIGIBLE:	Councilman Moench

6. MEMORIALIZATION OF RESOLUTIONS:

No Resolutions were outstanding

7. LAND DEVELOPMENT APPLICATIONS:

AlFalah Center – 1475 Mountain Top Road
Block 653 Lots 36 & 37
#01-11-PB, PRELIMINARY Major Site Plan and Conditional Use
Time: 11/30/14 per extension

As per request Applicant’s request, the above application was carried without further notice required to December 22, 2014 and will be heard at the Municipal Courtroom located at 100 Commons Way at 7:00 pm.

Motion by Councilman Moench, second by Mr. Charles, the foregoing request was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench,
Mrs. Kane

ABSENT: Chairman Rusak, Mayor Hayes, Mrs. Casamento

PAGANO ENTERPRISES, INC. (AKA Bridgewater Crossing, LLC)- Route 22 W. Retail stores
Block 559, Lot 5.02
#13-021-PB, Preliminary and Final Major site plan with C- Variance - Retail Building

THIS MATTER WILL BE CARRIED TO DECEMBER 2ND 2014

Motion by Councilman Moench, second by Mr. Rodzinak, the foregoing request was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench,
Mrs. Kane

ABSENT: Chairman Rusak, Mayor Hayes, Mrs. Casamento

SKYMANOR PROPERTIES LLC- 317 Union Avenue
Block 32, Lots 32.01 and 32.02
#13-025-PB, Amended Application for Minor Subdivision Approval

Karen Larosa was sworn in as Applicant's Principal and accepted by the Board.

Attorney, John Balardo represented the applicant and provided introductory remarks, indicating that the application was back in front of the board for Amendment of Minor Subdivision with respect to drainage, the amended application proposes to connect directly to the public storm water system by sending the roof run off to the existing inlet at the corner of Union Ave and Ely court and would not be connected to the Mountain Meadows Estate Homeowners Association Stormwater system.

Attorney Balardo stated to the board that he was in touch with the Board Engineer and Planner to inform them that the applicant's Engineer was unable to attend tonight's meeting due to unfortunate personal circumstances.

The applicant stated they will comply with the Board Engineer's October 9th review report.

Karen Larosa, applicant's spokesperson/Principal referred to the July 15, 2014 site plan by Robert Templin to explain the applicant's desired changes to their plans. Mrs. Larosa explained in detail the original application and their proposed changes from the original. Mrs. Larosa stated that the top coarse of the road has been applied and Mrs. Larosa has acknowledged that the road has not yet been accepted by the township. Board Engineer Bogart emphasized that the road wasn't accepted even though the deed was recorded. Board Engineer Bogart also mentioned that the drainage system the applicant wants to connect to is part of the road that has yet to be constructed so it's just a timing issue and should not be connected until the road is accepted by the township from Whitestone Engineers.

Ms. Scarlett Doyle commented on #9 of her professional report and stated a simple letter would be acceptable to which Mrs. Larosa agreed and stated the applicant will comply with everything else.

Vice Chair Kane opened this portion of the meeting to the public for testimony. No one from the public wished to testify.

Motion by Councilman Moench, second by Mr. Franco, the Board approved with conditions the amended application for Minor Subdivision for Skymanor based on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench, Mrs. Kane
ABSENT: Mayor Hayes, Chairman Rusak, Mrs. Casamento

8. MEETING OPEN TO THE PUBLIC:

Vice Chair Kane opened the meeting to members of the public wishing to address the Board on any matter not listed on the agenda. There were no members of the public wishing to address the Board.

9. BOARD BUSINESS:

EDENWOODS REDEVELOPMENT PROJECT

Block 329, Lot 3.01, 13.01, & 14

14-028-PB

THIS MATTER WILL BE CARRIED TO DECEMBER 2ND 2014.

Motion by Mr. Rodzinak, second by Mr. Charles, the foregoing request to carry the matter was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench,
Mrs. Kane
ABSENT: Chairman Rusak, Mayor Hayes, Mrs. Casamento

RECIEPT of Township Council Resolution concerning the designation of a 61.95+ acre portion of Block 483, Lot 17, 18 and 19 also known as 1041 US Hwy 206 as an area in need of Redevelopment under the New Jersey Local Redevelopment and Housing Law. This Resolution was received by the Board members.

10. ADJOURNMENT:

The Board concurred to adjourn the meeting at 7:24 pm.

Respectfully Submitted:
Marianna Voorhees
Recording Secretary

RESOLUTION

AUTHORIZING SETTLEMENT OF' LITIGATION INSTITUTED BY THE AL FALAH CENTER TOGETHER WITH INDIVIDUAL PLAINTIFFS (COLLECTIVELY REFERRED TO AS "AL FALAH"), AGAINST THE PLANNING BOARD OF THE TOWNSHIP OF BRIDGEWATER, THE TOWNSHIP OF BRIDGEWATER, AND THE TOWNSHIP COUNCIL OF BRIDGEWATER

WHEREAS, Al Falah Center is the owner of certain real property located in the Township of Bridgewater, County of Somerset and State of New Jersey, known and designated as Block 653, Lots 36 and 37 on the Bridgewater Township Tax Map, and identified as 1475 Mountain Top Road, Bridgewater, New Jersey (the "Al Falah Center Property");

WHEREAS, Al Falah Center filed an application seeking preliminary site plan and conditional use approval from the Planning Board on January 6, 2011 in order to obtain approvals to develop the Al Falah Center Property as a mosque and related improvements (the "Original Al Falah Center Development Application");

WHEREAS, on March 14, 2011, the Township Council adopted Ordinance 11-03-14-075 ("Ordinance 11-03"), which amended the Township's zoning ordinance so as to require principal site access to certain public streets for country clubs, open air clubs, houses of worship and schools, and amended of street parking requirements for particular uses;

WHEREAS, as a result of the adoption of Ordinance 11-03, on April 12, 2011, the Planning Board disclaimed jurisdiction over the Original Al Falah Center Development Application and voted to dismiss that application during a public meeting;

WHEREAS, Al Falah filed an action in the United States District Court, District of New Jersey (the "District Court") entitled *Al Falah Center, et al v. Township of Bridgewater, et al*, Civil Action No. 3:11-cv-02397 (the "Litigation"), against the Township, the Planning Board, and Patricia Flannery, in her capacity as Mayor of the Township of Bridgewater (hereinafter the "Mayor"), Alan Fross, Stephen Rodzinak, Barbara Kane, Joanne Kane, N. Janine Dickey, Robert Albano, and Glenn Petillo, in their capacities as members of the Planning Board (hereinafter the "Planning Board Members"); Howard Norgalis, Dan Hayes, Allen Kurdyla, Matthew Moench, and Christine Henderson Rose, in their capacities as members of the Township Council (hereinafter the "Members of the Township Council"), to challenge the Planning Board's dismissal of the Original Al Falah Center Development Application;

WHEREAS, the District Court issued an Order on September 30, 2013 dismissing Al Falah's claims in the Litigation against the Mayor, the Planning Board Members and the Members of the Township Council;

WHEREAS, the District Court issued a preliminary injunction on September 30, 2013 in the Litigation enjoining and restraining the Bridgewater Parties from enforcing Ordinance 11-03 against Al Falah and directing the Planning Board to resume consideration of the Original Al Falah Center Development Application without considering Ordinance 11-03 (the "Injunction");

WHEREAS, on October 28, 2013, the Township, Township Council and Planning Board filed a Joint Notice of Appeal with the United States Court of Appeals for the Third Circuit (the "Court of Appeals"), entitled *AI Falah Center, et. al. v. Township of Bridgewater, et al.*, Docket No. 13-4267, appealing the District Court's Order issuing the Injunction (the "Appeal");

WHEREAS, the proceedings before the Planning Board on the Original Al Falah Center Development Application resumed in January 2014 and remain in progress as of the date of this Settlement Agreement; and

WHEREAS, the Parties wish to resolve with prejudice the claims and defenses asserted or which could have been asserted in the Litigation on the terms set forth in the attached Settlement Agreement and to stipulate to the entry of an order providing for final disposition of all such claims and defenses, without otherwise admitting any issue of fact or law;

WHEREAS, by Resolution adopted on December 1, 2014, the Township Council determined that it was in the best interest of the residents of the Township for the Township to enter into the attached Settlement Agreement, and authorized the Mayor to sign it; and

WHEREAS, the Planning Board has met and reviewed the attached Settlement Agreement with the Planning Board Attorney, Thomas F. Collins, Jr.; and

WHEREAS, the Planning Board Attorney, Thomas F. Collins, Jr. recommended the settlement provided in the attached Settlement Agreement; and

WHEREAS, the Planning Board believes it is in the best interests of the residents of the Township and of the Planning Board; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board Chairman is hereby authorized to sign the attached Settlement Agreement.

Adopted: December 1, 2014