

**BRIDGEWATER TOWNSHIP PLANNING BOARD**

**Special Meeting**

**Tuesday, December 2, 2014**

**—MINUTES—**

**1. CALL MEETING TO ORDER:**

Chairman Rusak called the meeting to order at 7:00 p.m.in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

**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.

Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the planning department secretary before the public meeting.” However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary

**3. SALUTE TO FLAG:**

There was salute to the flag.

**4. ROLL CALL:**

James Franco - present	Chairman Rusak - present
Steve Rodzinak - present	Ron Charles - present
Mayor Dan Hayes - present	Barbara Kane - present
Councilman Matthew Moench - present	Tricia Casamento – present

Others in attendance were Robert C. Bogart, PE, Board and Township Engineer, Steven Tombalakian Esq, Scarlett Doyle, PP, Board and Township Planner, Patricia Bueno, Recording Secretary.

Councilman Moench left the meeting at approximately 7:15

**5. APPROVAL OF BOARD MINUTES:**

November 24<sup>th</sup>, 2014, Regular Meeting (*pending*)

The foregoing minutes will be presented when complete. No action was taken

**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

The foregoing resolution will be presented for Board consideration when completed. No action was taken

**7. LAND DEVELOPMENT APPLICATIONS:**

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

Eligible to Vote: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Moench\*, Chairman Rusak, Mayor Hayes, Mrs. Kane, Mrs. Casamento \* Must listen to recording from 6/10/14

Attorney William Dimin was present to represent the applicant. Mr. Dimin recalled Mr. Leslie Walker III PE to provide testimony summarizing the revised site plan drawings. . Mr. Dimin submitted exhibit that was marked into evidence as follows:

**A-1 - 12/2/14 Enlarged view of Site Plan Sheet# 3**

Mr. Walker described the substantive plan revisions. He stated that the size of the proposed retail building has been reduced to 49,000 square feet with the parking setback increased to a maximum of 15 feet. He also stated that the access to the water company's pump station had been redesigned to minimize the potential for driver confusion for vehicular ingress movements, indicating that the water company had approved the proposed design. Mr. Walker further testified that the stormwater design complies with both quality and quantity under the applicable state standards. Mr. Walker confirmed that the Applicant will comply with the comments set forth in the reports of the Board Engineer and Planner, with the sole exception of the submission of the lighting certification, which Mr. Walker explained would need to be submitted after completion of the installation to allow for a six-month "burn-in" period for the installed lighting. Mr. Walker explained that the as-built lighting will be in conformance with the site plan, but the certification that it complies with the ordinance will be provided following installation and operation as described. Mr. Bogart confirmed that the Board would need to retain jurisdiction over the Application in order to confirm the installed lighting is acceptable and complies with the ordinance, suggesting issuance of temporary certificates of occupancy until such confirmation is received. Mr. Walker next testified concerning the front yard parking setback, acknowledging that the proposed thirteen foot parking setback, compared to one hundred feet required by ordinance, was the best he was able to provide given the building size and other site layout criteria. When asked to explain the engineering rationales for not conforming with the ordinance requirement, Mr. Walker explained that the front yard was the only space available to provide the parking required for the proposed retail center, stressing the need to maximize available on-site parking from a retail perspective. The Board pointed to two adjacent properties – Lustig Honda and Raymour & Flanigan Furniture as examples of nearby properties that were developed in accordance with the 100 foot parking setback. Mr. Walker was then asked to explain the Applicant's inability to comply with the ordinance's tree planting requirements, which requires one tree for every twenty spaces. Mr. Walker responded that while a more conforming tree planting design was possible, he believed the difficulty experienced by motorists parking around "tree diamonds" within the parking lot outweighed the benefits provided by a more conforming plan.

Chairman Rusak opened the public the portion of the meeting.

Charles Applebaum who represents the owner of the adjoining property at 1213 Route 22 asked if there was any change to the plans that would affect the eastern side of the property. Mr. Walker stated that there was not.

Mr. Dimin next called Mr. Timothy Nelson Delorm, a licensed landscape architect and principal of TerraNova Design Group. Mr. Delorm was sworn in for testimony and his credentials were accepted by the board. Mr. Delorm submitted exhibits that were marked into evidence as follows:

- A-2 - 12/2/14 Enlarged view of Frontage Elevation**
- A-3 - 12/2/14 Planting Detail on Route 22 Encroachment**
- A-4 - 12/2/14 Palette of proposed Plantings**
- A-5 - 12/2/14 Color Rendering of Frontage and Aerial View**
- A-6 - 12/2/14 Color Rendering of Prospective View**

Mr. Delorm explained the landscaping design approach that included plantings within the existing NJDOT right of way, rather than strictly within the confines of the Applicant's site. Mr. Delorm testified that he had workshopped the proposal with the NJDOT and that the agency was amenable to allowing plantings within the right of way, provided the Applicant agreed to maintain the same at no cost to the state. The design approach, according to Mr. Delorm, was to beautify the right of way, while concurrently buffering view of the parked cars and maintaining view corridors of the proposed retail center to provide essential visibility for the retailers. In response to the Board Planner's questioning, Mr. Delorm confirmed that the NJDOT cannot guaranty that they will not reclaim the right of way for purposes of widening Route 22 or other highway related needs, which could result in the loss of the proposed landscaping. Mr. Delorm deferred to the Applicant's traffic expert to testify as to the likelihood of a future highway widening project.

Chairman Rusak opened the public the portion of the meeting. There were no questions or comments.

Mr. Diman next recalled the Applicant's architect Charles Dietz. Mr. Dietz submitted exhibit that was marked into evidence as follows:

**A-7 - 12/2/14 Color Elevations**

Mr. Dietz stated that the redesigned elevation took into consideration comments and suggestions by the Board and its professionals during the initial public hearing, and applied a village-center style of architecture. As to proposed signage, Mr. Dietz confirmed that the number of freestanding signs had been reduced from three to two, although that still required variance relief under the ordinance. Of the two remaining pylon signs, Mr. Dietz was able to reduce its height to below twenty-five to eliminate a variance. Mr. Dietz also confirmed that only on-site businesses would be permitted placement on the pylon sign, eliminating another variance.

Chairman Rusak opened the public the portion of the meeting. There were no questions or comments.

Mr. Diman introduced his traffic expert, Elizabeth Dolan, P.E., from Dolan and Dean Consulting Engineers. Ms. Dolan was sworn in for testimony, qualified and accepted by the Board as an expert in traffic engineering. Ms. Dolan confirmed that the project would still require from NJDOT a major access permit with planning review. Regarding site access, Ms. Dolan testified that the second means of vehicular ingress had been encouraged by NJDOT, particularly given the length of the frontage along Route 22. Since Route 22 is a divided highway, Ms. Dolan explained that the proposed right in/right out driveway design was relatively simple and posed no difficulties when studied. Ms. Dolan then turned to on-site parking issues, explaining that the proposed use by retail and restaurant uses were compatible for shared use of the 197 proposed parking spaces, which number remained unchanged from the initial design. Pointing to the proposed drive-up window on the site plan, Ms. Dolan believed that feature would reduce parking demands that would otherwise be generated by take-out restaurant customers.

Chairman Rusak opened the public the portion of the meeting. There were no questions or comments.

Mr. Dimin next called the Applicant's professional planner, Christine Cofone, P.P. Ms. Cofone was sworn in for testimony and whose qualifications as an expert in professional planning were accepted by the Board. Ms. Cofone's testimony focused on the multiple bulk variances required by the revised site plan, all being sought under the "hardship" C-1 criterion. Ms. Cofone's testimony urged the Board to accept that the 20% of the property encumbered by wetlands, and undevelopable for that reason, was a hardship unique to the subject property. Ms. Cofone submitted exhibits that were marked into evidence as follows:

**A-8 - 12/2/14 Aerial View**

**A-9 - 12/2/14 Photograph of Frontage**

Ms. Cofone visually depicted the impact of the encumbered wetlands area on the potential development available for the subject property. She stated that unlike Lustig Honda and other nearby uses that maintained conformity with the 100 foot front parking setback, the subject property was unique in that it could not developed similarly given the wetlands constraints.

Ms. Cofone's testimony asserted that the significant landscaping features being proposed within the Route 22 right of way provided sufficient screening and other aesthetic improvements that offset the detriments associated with the Applicant's inability to conform to the front yard parking setback in the ordinance. Ms. Cofone justified the installation of a second pylon sign closest to the first ingress driveway in order to both provide sufficient visibility required for the proposed retail center, and to also offset the screening provided by the stand of trees located within the encumbered wetland areas. Ms. Cofone also pointed to the Applicant's proposal to reduce the height of this pylon to better comply with the ordinance. Ms. Cofone argued that the positive criteria for the C-1 variances was further supported by Criteria "G" and "M" of the Municipal Land Use Law, as the variances sought by the Applicant, in her opinion, made efficient use of the subject property. Turning to the negative criteria, which require that any variance not create a substantial detriment to either the zone plan or the neighborhood, Ms. Cofone pointed to the goals of the Township Master Plan suggesting that proper planning warranted balancing economic vitality with growth. Ms. Cofone next turned to the planning benefits associated with the proposed drive-up window. Acknowledging that drive up windows associated with fast food operations were not permitted within the GC Zone, Ms. Cofone's

testimony suggested that such a drive-up window could be utilized by a Starbucks type of coffee shop, or a quick service restaurant such as Panera Bread. Allowing patrons of such an establishment to pick up their orders without parking was a significant planning benefit according to Ms. Cofone. The Board raised some concerns and the Applicant's principal, Mr. Pagano, was asked to clarify the Applicant's intentions with respect to the drive-up window. After explaining the marketing and leasing rationales supporting the placement of a drive-up window on the site plan, Mr. Pagano acknowledged that it was never his intention to propose a fast food operation at this retail center. Mr. Dimin verbally amended the Application to both withdraw the drive up window and eliminate any reference to the same as part of the pending Application.

Chairman Rusak opened the public the portion of the meeting. There were no questions or comments.

The board deliberated and agreed that due to the large number of variances requested that each would be considered separately.

Chairman Rusak stated the first variance to be considered was the minimum front yard setback on Route 22. Requirement is 200 feet and 141 feet is being provided.

Motion by Mr. Rodzinak, second by Mrs. Kane, to approve the variance requested of minimum front yard front setback. The motion was denied on the following roll call vote:

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

Chairman Rusak summarized the vote. The denial of this variance means that the site plan is affectively denied.

**8. 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.

**9. OTHER BOARD BUISNESS:**

EDENWOODS REDEVELOPMENT PROJECT

Block 329, Lot 3.01, 13.01, & 14

#14-028-PB

Attorney Francis P. Linnus was present to represent Edenwoods. Mr. Linnus stated they have submitted report from Staigar & Perego to address the traffic concerns. Mr. Linnus also stated that they have also addressed the issue of adding a pocket park. Mr. Linnus also noted the architectural plans have been revised as requested.

Charles Thomas from Homeland Engineering was sworn in for testimony. Mr. Thomas discussed with the board the possible locations where a pocket park could be placed.

Craig Peregoy was sworn in for testimony. He discussed the traffic study with the board.

Mr. Linnus confirmed that they are proposing 220 units for the project.

Board Planner Scarlett Doyle noted that the architectural drawings were changed to be more in line with what is already in the Funderne neighborhood.

Board Engineer Mr. Bogart noted that the township and the county have agreed to share in the hiring of a traffic engineer to review the project and the outstanding concerns.

Chairman Rusak opened the public portion of the meeting

Yvonne Craven of 21 Field Street expressed her concern for 220 units and the additional cars. She is worried about the safety of the children in the neighborhood.

John Kulak 13 Ramsey Street is concerned about maintaining the character of the neighborhood. He is also concerned about the traffic and safety of the children. He also stated his concern about the economic viability of the proposed project.

Chairman Rusak closed the public portion of the meeting.

Board Planner Scarlett Doyle noted that she will revise the master plan and reexamination element to note the following, there will be 220 units, a pocket park location to be determined in a site plan, unresolved issues of circulation to be addressed in site plan and also the layout of the buildings will be consistent with the plan.

Motion by Mr. Rodzinak second by Mr. Franco to approve the master plan amendment to the land use element and periodic reexamination report with revisions and to recommend to the governing body with revisions the adoption of a redevelopment plan relating to the properties of Block 329 Lots 3.01, 13.01 & 14

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

10. **ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at approximately 10:15 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Secretary to the Planning Division