

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Monday, November 23, 2015

—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 19, 2015, 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:

Stephen Rodzinak – present

James Franco – present

Chairman Walter F. Rusak – present

Councilman Allen Kurdyla – present

Ron Charles – present

Tricia Casamento – present

Mayor Dan Hayes – absent

Evan Lerner, Alt. #1 – absent

Others present: Attorney Tom Molica, for Board Attorney Tom Collins, Board Engineer Robert C. Bogart, Board Planner Scarlett Doyle, Recording Secretary Ann Marie Lehberger

5. APPROVAL OF BOARD MINUTES:

October 13, 2015, Regular Meeting (*pending*)

November 10, 2015, Regular Meeting (*pending*)

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

MEMORIALIZATION OF RESOLUTIONS:

CHIMNEY ROCK CROSSING EAST LLC (STAVOLA EAST)

Block 730 Lot 1.01

#15-020-PB, Preliminary and Final Site Plan with variances

Time: 12/30/15

Eligible to Vote: Mr. Rodzinak, Mr. Franco, Mr. Charles, Councilman Kurdyla, Mr. Rusak, Mayor Hayes, Mr. Lerner

Motion by Mr. Franco, second by Mr. Charles the foregoing resolution memorializing the approval with conditions on 11/10/15 was adopted as presented on the following roll call vote:

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

CHIMNEY ROCK CROSSING WEST LLC (STAVOLA WEST)

Block 711 Lot 6.01

#15-021-PB, Preliminary and Final Site Plan with variances

Time: 12/30/15

DECISION: Approved with conditions 11/10/15

Eligible to Vote: Mr. Rodzinak, Mr. Franco, Mr. Charles, Councilman Kurdyla, Mr. Rusak, Mayor Hayes, Mr. Lerner

Attorney Tom Molica read the following change to the above resolution: New paragraph 8 will be added to state as follows: "Pursuant to the testimony during the course of the public hearing, applicant shall endeavor to provide the Township Engineer with information regarding the operation of the railroad crossing, including and not limited to the hours of operation, the use of crossing flagmen, and other information available relating to the safe use of the crossing." Mr. Molica noted that consequently existing paragraphs 8 and 9 will be renumbered to be 9 and 10.

Motion by Mr. Franco, second by Mr. Charles the foregoing resolution memorializing the approval with conditions on 11/10/15 was adopted as amended on the following roll call vote:

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

6. LAND DEVELOPMENT APPLICATIONS:

MERCAL LLC-866 Country Club Rd.

Block 454 Lots 1 & 2

#15-029-PB, Preliminary and Final Major Subdivision

Time: 11/26/15

Attorney Marcia Zalewski was present to represent the applicant.

James J. Mantz PE & PLS, the applicant's engineer and surveyor was sworn in for testimony and was accepted by the Board. Mr. Mantz provided testimony as follows: The property is located at the corner of Country Club Road, Dow Road and Garfield Ave. It consists of two lots. The applicant seeks preliminary and final major subdivision approval to relocate the existing lot line between Lots 1 and 2 in Block 454, create proposed Lots 1.01 and 1.02, and extend Garfield Avenue to Dow Road. The applicant proposes to construct single-family residential homes on proposed Lots 1.01 and 1.02, with driveway access from Country Club Road for proposed Lot 1.01, and driveway access from Garfield Avenue for proposed Lot 1.02. The two new dwellings would be serviced by wells. The existing home and a major portion of the driveway on existing Lot 1 will be removed. Mr. Mantz reviewed the reports of the Board professionals. He explained that sidewalks along the property frontage of Country Club Road will be installed, and that the applicant will make a \$3,000.00 contribution for future road improvements to

Country Club Road. Mr. Mantz confirmed that the applicant will remove the existing wooden retaining wall along the frontage of Dow Road and re-grade the properties to accommodate potential future sidewalks. The applicant shall also make a contribution of \$3,000.00 per lot for proposed, future roadway improvements for the portion of Dow Road. Mr. Mantz also noted that the applicant will extend the road to Dow Road pursuant to the recommendation set forth in the Township Engineer's report. The applicant is requesting waiver relief for applicable tree replacement requirements and will prepare a tree removal plan to the Board Planner.

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

It was noted that a Developer's Agreement is required.

Motion by Mr. Franco, second by Mr. Charles, the foregoing applications were approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles Chairman Rusak, Councilman Kurdyla, Mr. Franco, Mrs. Casamento

ABSENT: Mayor Hayes, Mr. Lerner

UNIMARE LLC – 477 Union Ave.

Block 230 Lot 7

#15-023-PB, Minor Site Plan with Variances (signs)

Time: 1/4/16

Attorney Daniel Bever was present to represent the applicant. Mr. Bever stated the following: The applicant is seeking relief from a condition of a prior site plan approval in 2005. Condition #5 of this resolution of approval states "The Applicant shall include in the leases, a requirement that the tenant shall not place temporary or permanent signs in the windows." Mr. Bever stated that some of the tenants have placed signs in the windows. The tenants have been asked a number of times to remove the signs but they feel they are unable to compete with the neighboring retail businesses that do have signage in their windows to draw customers to their site. The signs that the tenants have placed in the windows are limited to advertising the various products and services that are offered. They are consistent with one another, not offensive and are consistent with local establishments in town that have window signs present. They are asking for relief from this condition to allow the signs to stay in the windows.

Frank Colandrea, principal for Unimare LLC was sworn in for testimony. Mr. Colandrea presented exhibits that were marked into evidence as follows:

A1 – A-10 11/23/15 Colored Photos of neighboring competing businesses who currently have signs in their windows

Mr. Colandrea provided testimony as follows: Unimare LLC is the owner of the property that is located on Union Avenue between Chimney Rock Road and Finderne Avenue. Two commercial retail buildings are located on this property which is approximately 21,300 square feet. They received site plan approval for the construction of these buildings in 2005. All of the leases state that the tenants must comply with all the local ordinances. There are currently seven tenants and one vacant space. The current tenants include Dunkin Donuts, Chinese restaurant, nail salon, liquor store, physical therapist, hair salon and a bank. 5 out of the 7 tenants currently have signs in the windows. He noted that he has told the tenants that the signs are not allowed but the tenants feel that they are not able to compete with similar businesses in the area without the signage and some tenants told him they would have to leave if they are not able to

keep the signage. Mr. Colandrea reviewed the report of the Board Planner. He confirmed that the photos in the report accurately depict the current signage that exists. He stated that he estimates that the current signage takes up about 10% of the building façade. Mr. Colandrea reviewed the set of photos he submitted of the local businesses in the surrounding area to show that the signage they currently have in their windows is consistent with the signage of the tenants on his property.

The board discussed and agreed that more information was needed from the applicant and requested that a sign plan be provided as well as any specific franchise requirements.

The applicant's attorney stated that the applicant agrees to provide the Board with a detailed sign plan that calculates the square footage of the façade of the building, the square footage of the existing signs and what they are looking to do.

The application will be carried to the meeting on January 25, 2016. No new notice is required. It was noted that the signs could remain up until this date.

7. 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.

8. ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at approximately 8:35 pm.

Respectfully submitted,
Ann Marie Lehberger
Secretary to the Planning Division