

**BRIDGEWATER TOWNSHIP PLANNING BOARD**

**Regular Meeting**

**Monday, September 26, 2016**

**—MINUTES—**

**1. CALL MEETING TO ORDER:**

Chairman Charles 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 13, 2016, 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 – absent

Chairman Ron Charles – present

Councilwomen Christine Henderson-Rose – present\*

Tricia Casamento – present

\*arrived 7:10 pm

Mayor Dan Hayes – present

Evan Lerner – present

Urvin Pandya, Alt. #1 – present

Debra Albanese, Alt. #2 – present

Others present: Board Attorney Thomas Collins, Board Engineer David Battaglia, Board Planner Scarlett Doyle, Charles Holt, PE, traffic engineer, Planning Department Secretary Ann Marie Lehberger

**5. APPROVAL OF BOARD MINUTES:**

**July 12, 2016, Regular Meeting** – Motion by Mr. Rodzinak, second by Mrs. Casamento, the foregoing minutes were adopted as written on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Councilwoman Rose, Mrs. Casamento, Mr. Lerner

ABSENT: Mr. Franco

NOT ELIGIBLE: Chairman Charles, Mayor Hayes, Mr. Pandya, Ms. Albanese

**August 22, 2016, Regular Meeting** – Motion by Mr. Rodzinak, second by Councilwoman Rose, the foregoing minutes were adopted as written on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Councilwoman Rose, Mayor Hayes, Mrs. Casamento, Ms. Albanese

ABSENT: Mr. Franco

NOT ELIGIBLE: Mr. Lerner, Mr. Pandya

**6. MEMORIALIZATION OF RESOLUTIONS:**

**CHIMNEY ROCK CROSSING WEST LLC**

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting  
Monday September 26, 2016

—MINUTES—

Block 711 Lot 6.01  
#15-021-PB, Extension of time of minor subdivision approval  
Approved 9/13/16

Motion by Mr. Lerner; Second by Mr. Rodzinak, the foregoing resolution was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Councilwoman Rose, Mayor Hayes, Mrs. Casamento, Mr. Lerner  
ABSENT: Mr. Franco  
NOT ELIGIBLE: Mr. Pandya, Ms. Albanese

**7. LAND DEVELOPMENT APPLICATIONS:**

**BRIDGEWATER TVC-ARC, LLC-** Route 202 and Fisher Place (Retail including Wawa with fuel)  
Block 163 Lots 1, 1.01, 2, 3, 4, 5, 5.01, 5.02, 6, 8, 9 & 10

#15-035-PB, Preliminary & Final Major Subdivision, Preliminary & Final Major Site Plan with Variances & Design Waivers

See attached Transcription dated September 26, 2016 prepared by: Audrey Zabawa, C.C.R. of Schulman, Wiegman & Associates, 216 Stelton Road, Suite C-1, Piscataway, NJ 08854.

Motion by Mr. Rodzinak, second by Mrs. Casamento, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Charles, Councilwoman Rose, Mayor Hayes, Mrs. Casamento, Mr. Lerner, Mr. Pandya  
ABSENT: Mr. Franco  
NOT ELIGIBLE: Ms. Albanese

**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 BUSINESS:**

There were no other matters of Board business.

**10. ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at approximately 10:00 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Secretary to the Planning Division

TOWNSHIP OF BRIDGEWATER  
PLANNING BOARD

IN RE: )  
 )  
TVC-ARC, LLC, ) TRANSCRIPT  
 ) OF  
 ) PROCEEDINGS  
Applicant. )

Bridgewater Township Municipal Courtroom  
100 Commons Way  
Bridgewater, New Jersey 08807  
Monday, September 26, 2016  
commencing at 7:10 p.m.

BOARD MEMBERS:

RON CHARLES, CHAIRMAN  
TRICIA CASAMENTO  
STEPHEN RODZINAK  
CHRISTINE ROSE, COUNCILWOMAN  
EVAN LERNER  
URVIN PANDYA  
DEBRA ALBANESE  
DAN HAYES, MAYOR  
SCARLETT DOYLE, P.P., TOWNSHIP PLANNER  
THOMAS COLLINS, BOARD ATTORNEY  
DAVID BATTAGLIA, TOWNSHIP ENGINEER  
CHARLES HULT, P.E., BOARD TRAFFIC ENGINEER  
ANN MARIE LEHBERGER, BOARD CLERK

REPORTED BY:  
AUDREY ZABAWA, CCR

SCHULMAN, WIEGMANN & ASSOCIATES  
CERTIFIED COURT REPORTERS  
216 STELTON ROAD  
SUITE C-1  
PISCATAWAY, NEW JERSEY 08854  
(732) 752-7800

## 1 APPEARANCES:

## 2 PRIME LAW

3 14000 Horizon Way - Suite 325

4 Mount Laurel, New Jersey 08054

5 856.273.8300

6 BY: TIMOTHY M. PRIME, ESQ.

7 Counsel for Applicant TVC-ARC, LLC

1 MR. PRIME: Good evening,

2 Mr. Chairman, members of the board. Tim Prime. I

3 represent the applicant, TVC-ARC Bridgewater.

4 This is our fourth hearing on this application,

5 having met in June, July, and August, and now in

6 September. Since we last saw you, we did meet

7 again with the township planner and further

8 refined the plan that is before you this evening

9 for site plan approval. As we indicated, we -- as

10 was indicated by Scarlett in her most recent

11 report, that is -- I know the board has it,

12 September 7, 2016 -- she reviewed all of the

13 variances from the time that the application was

14 originally filed, indicated some had been

15 eliminated, and those which have been reduced, and

16 as we indicated last time we attended and, in

17 fact, have eliminated most of the bulk zoning

18 variances required for the application. The

19 remaining variances have been reduced in most

20 respects and, as I indicated, eliminated in many

21 other respects. I'm not going to enumerate them.

22 Our planner, Paul Phillips, is here to testify,

23 and he will talk about the variances that remain

24 before you to be considered with this application.

25 The architecture of the buildings have been

## 1 INDEX

2 WITNESS DIRECT CROSS REDIRECT RECROSS

3 MARK WHITAKER

4 Mr. Prime 6

5 PAUL PHILLIPS

6 Mr. Prime 11

## 9 EXHIBITS

10 NUMBER DESCRIPTION IN EVIDENCE

11 A-20, rendering 6

1 significantly upgraded, and I did hand out --

2 there are 11 -- 17 copies of the Wawa application.

3 They came in after the meeting with Ms. Doyle, and

4 we did want to allow you to take a look at those.

5 Again, Wawa has some brick buildings, but they do

6 not have a building that is the same color as the

7 other brick buildings in the proposed development,

8 so this is basically going to be a fully-custom

9 Wawa going for Bridgewater. As I indicated at the

10 last hearing, it represents a significant cost to

11 Wawa. It's got some additional items that are not

12 standard in the Wawa architecture based on the

13 planner's recommendations. As I indicated, the

14 color of the buildings is now going to be uniform

15 throughout the development. Grates were added at

16 the top of the windows in the front. Light

17 elevations including. They are not standard, but,

18 again, they were designed to mirror the other

19 buildings in the development.

20 The applicant has reduced the size of the

21 parapets on the roofs of all the buildings,

22 eliminating those variances, other than Wawa. Our

23 planner will testify this evening that the

24 parapets on Wawa are four feet instead of three

25 feet. That is the minimum necessary to screen

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<p>1 the -- screen the HVAC equipment that's on the 2 roof, and that's the same height of the parapets 3 on the Route 28 building, the same variance that 4 the zoning board granted, again, for the same 5 reason as this application, to screen the HVAC. 6 The other major revision to the plan is 7 indicated on our new rendering. I am going to 8 have that marked. I am not sure what exhibit we 9 are up to? 10 BOARD-CLERK: A-20. 11 MR. PRIME: A-20. And Mr. Whitaker 12 is with me. I'll just have him come up. 13 (A-20, rendering, was received and 14 marked in evidence.) 15 MR. PRIME: Mark has already been 16 sworn. 17 MARK WHITAKER, previously sworn, 18 testified as follows: 19 EXAMINATION BY MR. PRIME: 20 Q. Mark, you are still under oath. I 21 just want to indicate to the board, you prepared 22 the new exhibit? 23 A. Yes. 24 Q. A-20. And it shows the new driveway 25 configuration. We have at the request -- based</p>	<p>1 because of the in-and-out configuration of the 2 store, the front and back, if you want. You can 3 actually go right around the front and the back 4 out on 202 now? 5 A. That's correct. 6 Q. And that's an integral part of the 7 Wawa design. They need that driveway access in 8 order to provide access to the front of the store 9 as well as the back of the store. If you don't 10 need gas, you go around the back of the store and 11 just go to the convenience store itself; is that 12 right, Mark? 13 A. Yes. 14 MR. PRIME: Thanks. The landscaping 15 has also been further enhanced as suggested at the 16 last meeting. Another level of landscaping has 17 been added, another level -- another wall, so we 18 have four now, four levels of landscaping, four 19 walls, all of which all planted with arborvitae 20 to further buffer, increase the buffer at the -- 21 not only the distance, but the design of the 22 buffer to the Charlotte Drive residences. 23 There are two variances remaining, and I 24 just want to -- related specifically to that's 25 specifically for the Wawa. One of the them is the</p>
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<p>1 on the board's concerns, we have prepared a plan 2 now that eliminates one of the driveways that had 3 been previously on the plan. If you could just 4 show, Mark, where the driveways are now. 5 A. The Wawa driveway is still on the 6 westernmost portion of the development basically 7 in the same location as it was before. We 8 eliminated the middle driveway that's between 9 building A and B building, and then the 10 easternmost driveway is still at the same location 11 between the retail C and the Charles Schwab office 12 building. 13 Q. And as part of that, we consolidated 14 the signs as well; right? We made a common sign 15 for those buildings where the driveway was 16 eliminated? 17 A. That's correct. Previously we had two 18 monument signs located at each of those driveway 19 locations. We've consolidated the monument signs 20 to include retail A, B, C, and the Charles Schwab 21 office building, and that monument sign is located 22 where the second driveway used to be on the 23 approach to our easterly driveway. 24 Q. We have left the proposed driveway 25 for Wawa. They do have a need for that driveway</p>	<p>1 ATM sign, that there is a sign proposed on the 2 Wawa free-standing sign that does indicate a free 3 ATM through PNC Bank. As I indicated to you 4 previously, that is contractually Wawa's 5 obligation to have that sign as part of the free 6 ATM with PNC. It's on all of the Wawa signs. It 7 is not on the Route 28 sign, as I indicated at 8 last hearing, but we would ask the board to grant 9 that variance. We are not advertising another 10 business somewhere. We are just actually 11 indicating there's a free ATM, and that's an 12 important part of Wawa's marketing. It brings 13 people to the store, and we'd like your 14 consideration on that variance. 15 The second variance relates to the height 16 of the fence surrounding the trash enclosure. The 17 ordinance allows a six-foot high fence. Wawa had 18 asked for eight. If you don't grant the variance, 19 we'll have to live with six, but Wawa has a very 20 sophisticated trash enclosure operation. There is 21 a trash compactor, and it's a very quiet 22 operation. It's got odor mitigating equipment. 23 It's pretty sophisticated and frankly expensive. 24 A six-foot fence can be scaled by someone who is 25 looking to damage or just malicious conduct at the</p>

<p style="text-align: right;">Page 10</p> <p>1 site. The eight-foot fence does serve as a  2 deterrent to that. It also completely screens all  3 the equipment. Otherwise you will see the top of  4 the equipment with a six-foot high fence. Again,  5 it's in your discretion, but we would ask you for  6 your consideration of that variance as well.  7 All of our professionals are here this  8 evening. We are happy to answer any questions the  9 board may have. However, I have no other direct  10 testimony to offer this evening other than Mr.  11 Phillips, and if the board -- and if the chair  12 would indulge us, we'll proceed right to the  13 planning testimony.  14 MR. CHARLES: Any questions at this  15 stage from the board? Otherwise we will move to  16 the planning testimony.  17 MR. COLLINS: Were you previously  18 sworn in this case?  19 MR. PHILLIPS: I don't think so, Mr.  20 Collins.  21 MR. COLLINS: Please raise your right  22 hand. Do you swear or affirm to tell the truth,  23 the whole truth, and nothing but the truth, so  24 help you God?  25 MR. PHILLIPS: I do.</p>	<p style="text-align: right;">Page 12</p> <p>1 the state. I'm a member of the American Institute  2 of Certified Planners. I also do hold a master's  3 degree in urban planning from Hunter College. My  4 firm currently advises anywhere from 25 to 30  5 municipalities in the state on planning and zoning  6 matters. I have appeared personally and been  7 accepted as an expert in probably 250  8 municipalities in the state, including  9 Bridgewater. I have been accepted as an expert in  10 the Superior Court of New Jersey on several dozen  11 occasions.  12 MR. COLLINS: The board will confirm  13 that it recognizes and accepts Mr. Paul Phillips'  14 qualifications as a professional planner. Please  15 go ahead, Gentleman.  16 Q. Paul, please proceed with your  17 planning report on the project?  18 A. Sure. Let me just again since it's been a  19 while just briefly summarize the proposal. The  20 applicant is seeking to develop a series of  21 commercial buildings as part of an integrated  22 development on the properties located on the  23 southbound side of Route 202. This would include  24 the Wawa food market with associated fuel sales,  25 three retail stores with tenants still to be</p>
<p style="text-align: right;">Page 11</p> <p>1 MR. COLLINS: Please state your name  2 and at least your business address?  3 MR. PHILLIPS: Yes. The name is Paul  4 Phillips, P-H-I-L-L-I-P-S. The firm is Phillips,  5 Preiss, Grygiel, 33-41 Newark Street, Hoboken, New  6 Jersey.  7 PAUL PHILLIPS, sworn, testified as  8 follows:  9 DIRECT EXAMINATION BY MR. PRIME:  10 Q. Paul, can you provide the board with  11 a little bit of a resume about your professional  12 career and education?  13 A. Sure.  14 THE WITNESS: Is it okay if I sit,  15 Mr. Chair?  16 MR. CHARLES: Yes, please. Just hold  17 onto the microphone so that --  18 THE WITNESS: Will this one pick me  19 up, or do you want me to --  20 MR. CHARLES: Either one is fine.  21 Probably that one is better, the one you are at.  22 A. Thank you. So I am a principal in the firm  23 of Phillips, Preiss, Grygiel. I've been  24 practicing planning in New Jersey for over  25 35 years. I'm a licensed professional planner in</p>	<p style="text-align: right;">Page 13</p> <p>1 determined. They've been indicated as retail A,  2 retail B, and retail C, and then a Schwab office  3 building in the extreme easterly portion of the  4 tract. The office building is proposed to be  5 located in the M-1 zone, where it is a permitted  6 principal use. The Wawa facility and the three  7 retail buildings are located in your C-7 zone  8 where they are also permitted uses. The C-7  9 commercial zoning was an outgrowth of a relatively  10 recent amendment to the land use element of the  11 master plan which dates back to April of 2015, and  12 at that point the planning board had specifically  13 studied the area which contains a number of older  14 residences, and the board determined that this  15 portion of the 202 corridor and the township  16 overall would be better served if that existing  17 land use were essentially converted through  18 rezoning to permit a variety of retail,  19 commercial, service, and office uses as part of a  20 planned integrated development along that  21 corridor. The application is in keeping with that  22 amendment and the implementing C-7 zoning. From a  23 use perspective, there are a number of bulk or C  24 variances that we are seeking this evening, as  25 Mr. Prime had indicated.</p>

Phillips - Direct/Prime

<p style="text-align: right;">Page 14</p> <p>1 In my professional opinion, with all the 2 planned revisions in place, I don't believe that 3 the relief being sought for the most part is 4 significant in nature, and I don't think any of it 5 rises to the level of being substantially 6 detrimental to the public good or causing 7 substantial impairment to the zone plan if this 8 board decides to grant the relief, and I'll go 9 through each of the variances individually.</p> <p>10 Let me start with, which probably the most 11 significant variance from a bulk standpoint, and 12 that's the combination of the front yard building 13 setback and front parking setback. I think, and 14 you've heard this early on in the testimony, I 15 think that there are clear C-1 hardship practical 16 difficulty grounds to grant this relief. Both the 17 C-7 and the M-1 district have a 200-foot building 18 setback, and they have a 100-foot parking setback. 19 The applicant is proposing front yard building 20 setbacks, and I'm going to go from the Wawa 21 basically easterly, and this is part of the 22 current iteration of the plan. The Wawa is 23 proposed to be set back 105.5 feet. The retail 24 building A, 152.6 feet. Retail B and C, 25 167.1 feet. And the Schwab building, 167.4 feet.</p>	<p style="text-align: right;">Page 16</p> <p>1 plan, but the actual setback lines are shown on 2 the plans, 200 feet for the building, 100 feet for 3 the parking, if you superimpose that, and 4 understand there's also some level of rear yard to 5 provide, I think there's a clear practical 6 difficulty, particularly in relation to the Wawa 7 building, and that is why this applicant is 8 seeking relief for both the parking and the 9 building setback. Again, very shallow westerly 10 portion of the site, but on the easterly portion 11 of the site, the applicant can now meet the 12 100-foot parking setback, which was a concern 13 expressed by the board at the initial hearing, and 14 can also provide a building setback without 15 getting into the steeply sloped areas in the rear 16 of as much as over 167 feet. So again, I think 17 that the applicant is doing what is physically 18 possible to meet the ordinance intent given 19 basically the shallow nature of the overall tract.</p> <p>20 I would also just note that the applicant 21 was able to move the building A back to about 22 150 feet, even though it's within the portion of 23 the tract where we've got only about 330, 320-foot 24 depth from the highway. I would also note, if 25 you're familiar with the properties that are out</p>
<p style="text-align: right;">Page 15</p> <p>1 The front parking setback, the Wawa is at 2 33.6 feet. The retail A is at 80.2 feet, and with 3 the plan revisions in place, retail B, C, and D 4 now comport with that 100-foot parking setback. 5 There's differences in the depth of the site which 6 relates to the actual amount of the building and 7 parking setback that the applicant can reasonably 8 provide. If you look, for example, at the 9 westerly portion of the tract, which I'm basically 10 showing you here with my pointer, the average 11 depth from Route 202 to the rear property line 12 ranges from about 300 to 320 feet. The eastern 13 portion of the site basically in this area, the 14 depth of the property is roughly about 500 feet, 15 but as you know and have heard from prior 16 testimony there are some steep slopes in the rear 17 portion of the easterly segment of the tract. 18 There's also a water tower in the rear as well 19 that will certainly remain. So dealing with the 20 easterly portion of the site, when you basically 21 impose a 200-foot building setback, a 100-foot 22 parking setback, and there's also a rear setback 23 requirement, you are left with very little 24 building envelope, and I think on your plans and 25 in the other exhibits -- it's tough to see on this</p>	<p style="text-align: right;">Page 17</p> <p>1 there today, the residences, or some of them that 2 have been converted to commercial uses, are very 3 close to the highway, so the applicant not only is 4 basically improving the visual appearance and the 5 use mix consistent with the zoning, but the 6 applicant is actually reducing current 7 nonconforming setbacks from Route 202. So I 8 think, again, given the unique physical dimensions 9 of this tract, given the limited depth, I think 10 there is a clear C-1 basis to grant relief, and I 11 see no substantial impairment to the zoning plan 12 or the zoning ordinance, again, given that unique 13 characteristic and condition of the property.</p> <p>14 The second form of relief relates to the 15 size of the M-1 lot. The M-1 lot basically is 16 what I'm tracing here. It's the lot that would 17 accommodate the Schwab building. That is to be 18 subdivided from the -- what I'll call the mother 19 lot, which is the main Thermo Fisher Scientific 20 lot. As I mentioned, that will accommodate the 21 Schwab office building. That lot is proposed to 22 be the 4.16 acres in size, where the M-1 zone has 23 a minimum lot size of ten acres. The reason for 24 this goes in part to the C-7 zoning that was 25 originally put in place. One of the concerns at</p>

# Phillips - Direct/Prime

<p style="text-align: right;">Page 18</p> <p>1 that time was to maintain the easterly most  2 portion of the Thermo Fisher property to preserve  3 the M-1 buffer requirement, and that was a key  4 thing when this ordinance was put in place, and  5 certainly Scarlett could talk to that as well. As  6 the board is aware, there is a significant buffer  7 requirement of 100 feet in the M-1 zone, and in  8 order to afford protection to the residences on  9 Charlotte Drive, this property was maintained  10 within the M-1 district, but the thought was  11 always to basically carry the frontage of the  12 planned development basically as far as the rear  13 lot lines of the houses on Charlotte Drive. So  14 again, it makes sense basically to create this  15 smaller lot from the mother lot. To try and put  16 the full ten acres in makes no sense because you  17 start to include facilities that are part of  18 Thermo Fisher that are used in terms of truck  19 loading and access. So again, it made sense to  20 preserve that buffer to basically create a  21 property of roughly four acres whose rear lot  22 would be coterminous with the rear of the C-7, the  23 rear lot line of the C-7-zoned portion of the  24 tract.  25 I will add that notwithstanding the</p>	<p style="text-align: right;">Page 20</p> <p>1 public actually represent a better zoning  2 alternative than what someone could do under the  3 M-1 zoning. You can basically have manufacturing  4 actually closer to the homes on Charlotte Drive,  5 and I think the variance can be granted based on  6 those reasons without substantial detriment to the  7 public good or substantial impairment of the  8 zoning plan.  9 I think the same logic exists for the relief  10 that is being requested for the side yard setback  11 of the Schwab building, which is again in the M-1  12 zone. There is a 46-1/2 feet is being proposed in  13 terms of this building setback to the lot line  14 which separates C-7 from the M-1 zone. So there's  15 a 75-foot setback -- by the way, just as a point  16 of comparison, the C-7 zone setback is 50 feet,  17 and remember that the Schwab building is in a  18 different zone. I think the basis of this relief  19 is two-fold. Number one, as you can see from the  20 plan that the Schwab building is intended to be  21 part the integrated development in terms of access  22 and parking, notwithstanding the fact that it's in  23 a separate zone. So with shared parking and  24 access, and particularly in relation to building  25 C, there's nothing to be gained with imposing the</p>
<p style="text-align: right;">Page 19</p> <p>1 required buffer and setback in the M-1 district,  2 the applicant is actually providing a larger  3 buffer and a larger building setback to the  4 adjacent rear lot lines on Charlotte Drive than  5 the M-1 zoning actually requires. And remember,  6 the other thing is the M-1 zone is intended not  7 just for office use but manufacturing use, which  8 is a far more intense use in my opinion and not as  9 compatible with those residences as the Schwab  10 office building as the applicant is proposing. So  11 over 60 additional feet of buffer is being  12 provided. Remember, there's 100-foot buffer, and  13 there's a 75-foot setback on top of the buffer.  14 The applicant's combined buffer setback is  15 237 feet, which I think is about, if my math is  16 right, about 62 feet greater than what the  17 ordinance requires, and most of that is buffer.  18 I've calculated roughly about 180 feet of it is  19 buffer; so, again, the applicant has been  20 sensitive to the residential properties on  21 Charlotte Drive, has gone above and beyond the  22 zoning to afford as much protection to those  23 residents as possible, so I think this variance  24 certainly can be granted based on the C-2 grounds  25 in that the benefits to the surrounding area and</p>	<p style="text-align: right;">Page 21</p> <p>1 setback, but by reducing it, by the same token, to  2 46.5 feet, the applicant is able again to increase  3 the building setback and buffer to the residential  4 properties on Charlotte Drive. So I think  5 clearly, again, that is a beneficial thing that  6 the applicant is doing, and I think again there  7 are C-2 grounds to grant this particular variance  8 without substantial detriment to the public good  9 and the zone plan.  10 The same logic appears -- I think is in  11 place with regards to the variance we just sought.  12 Again, here is the line between the M-1 and the  13 C-7 zone. There's no parking setback being  14 provided, and I think there's a 10-foot parking  15 setback that's required per ordinance. Again, the  16 fact that the parking is intended to be shared in  17 this area, I see no reason, again, in integrated  18 development to basically provide that setback, and  19 again, what it does, which is it allows the  20 applicant to provide a greater separation and  21 buffer to the residential properties, and I would  22 add that both the master plan that basically  23 sanctioned the C-7 zoning and the new zoning do  24 encourage circulation and cross-access between the  25 various users in properties within the C-7 zone,</p>



Phillips - Direct/Prime

<p style="text-align: right;">Page 22</p> <p>1 which I think that this plan essentially achieves.</p> <p>2 So again, based on this overall scheme, I think</p> <p>3 there's a C-2 basis to grant the relief, and I</p> <p>4 think it can be done so without detriment to the</p> <p>5 public good or the zone plan.</p> <p>6 There is now a rear setback variance</p> <p>7 required solely for building A. There's a 50-foot</p> <p>8 standard in the C-7 zone, and what happened was --</p> <p>9 again, this is the shallowest portion of the tract</p> <p>10 that -- roughly between 300 and 320 feet -- what</p> <p>11 happened was is when the applicant heard the board</p> <p>12 about pushing the parking and the setback back, it</p> <p>13 basically pushed the building A back to roughly, I</p> <p>14 think it's just over 150 feet, and then, in</p> <p>15 essence, what that did was basically push it back</p> <p>16 closer to the rear property line on this westerly</p> <p>17 portion of the site. So again, with a total depth</p> <p>18 of roughly 300 feet, again, a 200-foot building</p> <p>19 setback, a 50-foot rear yard setback, there's not</p> <p>20 a lot of envelope left, so the applicant is</p> <p>21 seeking some relief just for building B in order</p> <p>22 to have a 40-foot in lieu of 50-foot setback; and,</p> <p>23 again, the applicant is still able to provide the</p> <p>24 common-access drive serving all the properties</p> <p>25 directly behind that particular building.</p>	<p style="text-align: right;">Page 24</p> <p>1 slope disturbance is 15 percent, in some cases</p> <p>2 20 percent, it's 10 percent here, so all that</p> <p>3 being said, the fact that the applicant is not</p> <p>4 touching the slopes, I think this technical</p> <p>5 variance can certainly be granted by the board</p> <p>6 because from the standpoint of absolute coverage</p> <p>7 which is designed for effective stormwater as well</p> <p>8 as esthetics, I think the applicant is achieving</p> <p>9 those goals.</p> <p>10 Parapet heights. The planning report</p> <p>11 identified waivers for the parapet heights on the</p> <p>12 buildings. The ordinance requires that the</p> <p>13 parapets not project more than three feet above</p> <p>14 the roof line. Understand, I'm not the architect.</p> <p>15 Understand that. And also the majority of the</p> <p>16 buildings have not been fully designed yet because</p> <p>17 there aren't tenants. We just have the Wawa and</p> <p>18 the Schwab building. The Schwab building has</p> <p>19 been modified to comply with the three-foot</p> <p>20 standard. The Wawa, I think, at one point was at</p> <p>21 four and a half feet. It's now down to four feet</p> <p>22 in terms of the parapet height. All the other</p> <p>23 buildings are now in compliance. At one point</p> <p>24 they were all basically in excess of the three</p> <p>25 feet. The issue with the Wawa -- again,</p>
<p style="text-align: right;">Page 23</p> <p>1 I believe that there's still a technical</p> <p>2 variance required for impervious coverage. The</p> <p>3 ordinance allows 60 percent in both zones. The</p> <p>4 applicant is at 58 percent in the C-7 zone and</p> <p>5 just 21 percent in the M-1 zone, so it complies,</p> <p>6 and actually when you combine the whole property,</p> <p>7 the applicant is actually under 47 percent, but</p> <p>8 you have this provision in your ordinance under</p> <p>9 the Hillside Development Regulations which</p> <p>10 requires an applicant to net out the slopes over</p> <p>11 10 percent in calculating impervious coverage, and</p> <p>12 remember there is slopes in the rear of the</p> <p>13 easterly portion of the tract. When we do that,</p> <p>14 the C-7 coverage goes up from 58 to 67 percent.</p> <p>15 The M-1 still complies because it's very low to</p> <p>16 begin with, but I think the key here is the</p> <p>17 applicant is not disturbing the slopes, and my</p> <p>18 understanding, and I've drafted steep slope</p> <p>19 ordinances, is that the goal is not to limit the</p> <p>20 impervious coverage per se but to limit the</p> <p>21 disturbance within the area of the slopes, which I</p> <p>22 think this application and this applicant can</p> <p>23 achieve; and, again, the other interesting thing</p> <p>24 about this ordinance, and, again, I don't know the</p> <p>25 genesis of it, but typically the threshold on the</p>	<p style="text-align: right;">Page 25</p> <p>1 understanding that I'm not the architect -- but</p> <p>2 it's my understanding that the Wawa's mechanical</p> <p>3 equipment, the top of it above the roof line rises</p> <p>4 to just above three and a half feet, which is the</p> <p>5 reason for the desire to go to a four-foot parapet</p> <p>6 in order to fully screen that equipment, and I</p> <p>7 think from a planning and esthetic standpoint as</p> <p>8 long as the parapet is integrated in terms of the</p> <p>9 building design, in terms of the color and</p> <p>10 materials and so forth, I don't see this as being</p> <p>11 an issue, and I think it's been stated during</p> <p>12 prior testimony, your fire official has looked at</p> <p>13 this and has indicated so long as there's a break</p> <p>14 in the parapet, there are no safety or</p> <p>15 firefighting issues or access issues to the roof.</p> <p>16 There's also a technical waiver for loading</p> <p>17 in the required front yards. Not the front yard.</p> <p>18 It's the required front yard. And remember, you</p> <p>19 have a 200-foot front yard requirement. The</p> <p>20 loading for the Wawa is along the easterly side of</p> <p>21 the building. It is partially within that</p> <p>22 200-foot required front yard. I think what's key</p> <p>23 in terms of this variance is the loading space</p> <p>24 does not encroach beyond the front setback of the</p> <p>25 building, so I think, again, given the shallow</p>

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<p style="text-align: right;">Page 26</p> <p>1 depth, the applicant is attempting to at least  2 meet the spirit of the ordinance. That loading  3 space is beyond the actual front setback line.  4 It's just that with that 200-foot standard with  5 only 300 feet of depth, the applicant is seeking  6 relief, and given that condition I think is a  7 clear basis to grant that relief.  8 There are also, I think, lastly sign  9 variances, and there's been a lot of discussion  10 about the sign variances, and I think the  11 applicant has reduced the signage in the variances  12 sought by a great deal since the original hearing,  13 so let me summarize what's being proposed. The  14 applicant is proposing one free-standing sign and  15 one monument sign for the Wawa, and the applicant  16 is proposing one basically ground sign for retail  17 buildings A, B, C, and the Schwab building  18 combined, as you heard earlier from Mr. Whitaker.  19 One combined ground sign for those particular  20 uses. All of the signs from the C-7 zone, if you  21 look at the C-7 ordinance in terms of what it  22 permits in terms of signage, let me just summarize  23 that because I think it's important, there's a  24 quote that says the planning board -- basically  25 you're allowed one free-standing sign in the zone</p>	<p style="text-align: right;">Page 28</p> <p>1 planning board discretion to allow an additional  2 monument sign, so I think in the end when you look  3 at what the zoning allows, given where the  4 applicant has come from the initial application, I  5 think the signage proposed is not excessive. It's  6 not obtrusive. It's not unreasonable, considering  7 the tenet of the ordinance, the number and  8 location of the access points, the multiple  9 businesses on the site, the building setbacks, and  10 really the nature and function of Route 202 in  11 terms of the traffic and the speed of traffic  12 which uses it. The only other sign variance, and  13 this was discussed early on, has to do with the  14 total number of building-mounted signs. There's  15 one at -- five are allowed. Six are proposed.  16 The request is solely in connection with the Wawa.  17 The applicant is seeking a Wawa building sign for  18 both the rear portion and the front portion of  19 their entrance is proposed in both the front and  20 the rear. I would point out that the front sign  21 is 67 square feet. The rear is 37 square feet.  22 Each of them is below the 100 square feet that  23 would be allowed for a single sign, and actually  24 when you combine them, it comes to just 104 feet,  25 which is pretty close to the 100-foot that you</p>
<p style="text-align: right;">Page 27</p> <p>1 on the east side of Fisher Place. One on the east  2 side of Fisher Place. Then there's a provision  3 that says, "The planning board may approve an  4 additional monument sign based on the need to  5 safely identify businesses at egress and ingress  6 locations." So the zoning contemplates  7 potentially up to two. The zoning also allows an  8 additional free-standing sign for any fuel  9 dispensing operation. So it is now potentially up  10 to three signs. So -- and again, in an effort to  11 basically comply with what the desires of the  12 board have been over the course of the hearings,  13 the applicant has consolidated the signage for A,  14 B, C, and Schwab, one ground sign. I think it's  15 just under 85 square feet in area, and I guess the  16 maximum in the zone for such a sign would be  17 100 square feet, and also all of the free-standing  18 signs are now less than and comply with the  19 ordinance requirement.  20 One last thing to consider with regard to  21 the issue of signage is that the Schwab office  22 building in the M-1 zone would actually per your  23 zone be entitled to its own sign, so now there's  24 the ability to potentially have from three to four  25 signs with that one provision allowing the</p>	<p style="text-align: right;">Page 29</p> <p>1 would be allowed for a single sign; and, again,  2 those signs are proposed on the Wawa building  3 facing Fisher Place, nothing on the facade. So  4 again, in short, I think the applicant has come a  5 long way in reducing the signage, and I think for  6 the reasons articulated, there is a basis to grant  7 the relief in terms of both the number of signs  8 and the size of the signs with regard to -- the  9 facade signs with regard to the Wawa.  10 And lastly, just in connection with all of  11 the variance relief sought, I think there are at  12 least three purposes of zoning. Since most of  13 these -- or some of these are C-2 as opposed to  14 C-1, I think there are at least three purposes of  15 the statute that would be advanced. Purpose A is  16 to guide development in a manner that promotes the  17 public welfare. Purpose G provides sufficient  18 space in appropriate locations for a variety of  19 uses, and then lastly purpose I, which is to  20 promote a desirable visual environment through  21 creative design techniques, and I think that deals  22 with the variance relief. Most of the waivers --  23 Mr. Prime discussed the landscaping early on.  24 That was covered by our engineer, as was lighting,  25 and also the height of the trash enclosure. The</p>

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<p>1 applicant can certainly do six feet but believes 2 that eight feet is better for the reasons 3 articulated, and I think I've covered all the 4 variances that remain, but I'm sure that Scarlett 5 will tell me if I have missed one. Thank you. 6 MR. CHARLES: Scarlett, did he miss 7 any? 8 MS. DOYLE: I believe he missed the 9 ATM. 10 MR. CHARLES: The ATM. 11 THE WITNESS: Mr. Prime had mentioned 12 this is sort of an issue of sign content as 13 opposed to the area or the number. I don't know, 14 and again, Scarlett, I haven't looked at the 15 actual provisions of the entire zoning ordinance, 16 I don't know if there's a limitation on what the 17 content can be. It's not as if it's off-premises 18 signage. It's indicating that the service is 19 available as part of Wawa store and use, and that 20 would be sort of my planning justification, if you 21 will, for it, if indeed it doesn't comport with 22 the express language in the ordinance. 23 MS. DOYLE: Unfortunately, it is 24 similar to milk at 3.59. It's similar to that. 25 It's providing a product that you are advancing,</p>	<p>1 big issue. However, it's a point of discussion. 2 MR. HAYES: I think, Mr. Chairman, 3 for me the issue isn't the size of the sign. The 4 issue is the fact, I think, that Scarlett pointed 5 out, it is not -- you know, we heard at least a 6 little testimony that it was part of the corporate 7 requirements, but it wasn't a corporate 8 requirement in the 28 application, in the Route 28 9 application. It is something that we as a 10 township are trying to avoid with excessive 11 signage. As you know, we've had cases where we 12 talked about excessive signage. It is, as the 13 planner mentioned, it is more an advertisement of 14 services that are available like milk, and so we 15 are trying to really say it does not add to the 16 value -- I'm interested in the planning 17 justification. There doesn't seem to be a 18 planning justification for it. 19 MR. PRIME: I'm referring to A-10. 20 It's just this little line here. 21 MR. HAYES: I understand. As I 22 mentioned, for me it's not the size of the sign. 23 MR. PRIME: I know. I'm just 24 pointing out where it is. 25 MR. HAYES: So I have -- so the</p>
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<p>1 and you would have to provide some information -- 2 I believe in my report I said it's got to go 3 beyond simple convenience for people. It's got -- 4 you've not had it on Route 28. The township does 5 want to avoid proliferation of information. Other 6 gas stations don't have it. It just does not seem 7 that there is a planning rationale other than 8 convenience desired by the applicant, but not on 9 Route 28 when they came to us at that point, but, 10 you know, it's a convenience thing perhaps, but so 11 many others can have it as well, and it's a 12 proliferation of information that we are trying to 13 minimize in the township. 14 MR. CHARLES: Can you just refresh my 15 memory exactly which sign has the ATM on it? I'm 16 looking at the -- 17 MR. PRIME: It's the free-standing 18 gas sign. 19 MR. CHARLES: The free-standing gas 20 sign. And how big was the ATM, just trying to get 21 a view? 22 MS. DOYLE: It isn't large. It's 23 quite small, but it's on the gas sign. It's not 24 on the building of where the ATM is actually being 25 located. I'm not saying that, you know, it's a</p>	<p>1 planner can speak -- 2 THE WITNESS: I can't really add 3 anything else to what I've added, and I can't say 4 that I disagree with the objective that Scarlett 5 has indicated. All I will say is that, again, 6 it's a fairly small and discreet sign, as you just 7 saw, and, again, I don't know whether there's an 8 ordinance prohibition on the content per se. If 9 there is, then, you know, we are in trouble on 10 this one, but you know -- 11 MR. HAYES: Very good. I want to 12 just say the other comments you mentioned about 13 the change in the application to fit more in line 14 with our planning interests is exceptionally 15 valid. 16 THE WITNESS: Thank you. 17 MR. PRIME: It doesn't change, 18 there's no change -- it's not mobile. It's a 19 solid sign. 20 MR. HAYES: No, I understand, but I 21 don't think -- it's not about the size of the 22 sign. It's about the direction of our township in 23 planning. For me. 24 MR. CHARLES: Okay. 25 MR. HAYES: I can't speak for the</p>

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<p>1 board.</p> <p>2 MR. CHARLES: Other questions from</p> <p>3 the board? Councilwoman Rose? That's why we</p> <p>4 waited for you.</p> <p>5 MS. ROSE: Is it possible to</p> <p>6 construct a building on that site separate and</p> <p>7 apart from the Wawa where the other four buildings</p> <p>8 are, is it possible to construct a building on</p> <p>9 that site that does not require as many variances</p> <p>10 as were originally requested in this application</p> <p>11 in terms of setbacks and parking setbacks?</p> <p>12 THE WITNESS: I think not. Again, I</p> <p>13 think -- if you're speaking specifically about the</p> <p>14 building and parking setbacks, I think not. I</p> <p>15 think there really is practical difficulty, given</p> <p>16 the fact that on the westerly portion of the site,</p> <p>17 again, you only have just over 300 feet of depth.</p> <p>18 You impose 100-foot parking, a 200-foot building</p> <p>19 setback, and understanding there's also a rear</p> <p>20 yard setback, you're really taking up the large</p> <p>21 majority of the building envelope. I think the</p> <p>22 applicant heard the board loud and clear at the</p> <p>23 first meeting and did everything that is</p> <p>24 reasonably possible given this unique limited</p> <p>25 tract depth condition to attempt to, you know,</p>	<p>1 just -- have the same variance. It just applies</p> <p>2 to different buildings meaning the front parking</p> <p>3 and the front building setback. It's just that</p> <p>4 you're basically having that variance over and</p> <p>5 over again because of the limited depth of the</p> <p>6 tract in relation to where all the buildings are.</p> <p>7 MS. ROSE: But in terms of numbers?</p> <p>8 THE WITNESS: Yes. And I think</p> <p>9 that's significant.</p> <p>10 MS. ROSE: I would agree. I wanted</p> <p>11 to -- the purpose of my question quite frankly was</p> <p>12 to make it a matter of record that the council</p> <p>13 created a piece of property in a zone in which it</p> <p>14 could not possibly have something built on that</p> <p>15 would have met the requirements and zoning</p> <p>16 requirements, and that's something that I will</p> <p>17 take back to the group because I do not believe</p> <p>18 that that was our plan when we created -- changed</p> <p>19 the zoning on that parcel of land. Because I have</p> <p>20 been a stickler on all of this, I do want to thank</p> <p>21 the applicant for their effort in eliminating 25</p> <p>22 of the 43 variances that were requested. I</p> <p>23 appreciate that.</p> <p>24 MR. CHARLES: Other questions from</p> <p>25 the board? Seeing none, I'll open it up to the</p>
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<p>1 meet the standard; and, in fact, other than the</p> <p>2 Wawa, which is at the shallowest point of the lot,</p> <p>3 by the way, all of the other buildings are now</p> <p>4 either now between 150 and 167 feet back, which I</p> <p>5 think is -- actually the applicant attempted to do</p> <p>6 as much as possible to try and meet that 200-foot,</p> <p>7 and I think the other thing the applicant did in</p> <p>8 good faith is met the 100-foot parking setback for</p> <p>9 the westerly -- the easterly-most buildings where</p> <p>10 there is additional depth even though there's some</p> <p>11 slopes in the water tower. I think the applicant</p> <p>12 basically heard you loud and clear on that. I</p> <p>13 think on balance, I think this is basically fair</p> <p>14 in terms of looking at sort of the equities, if</p> <p>15 you will, of trying to come up with a reasonable</p> <p>16 development plan but also meet the intent and</p> <p>17 spirit of your ordinance.</p> <p>18 MS. ROSE: Just so I understand it,</p> <p>19 when we first started this application, there were</p> <p>20 43 variances or design waivers requested by the</p> <p>21 applicant. 25 of those have been eliminated, nine</p> <p>22 have been reduced, and nine have remained the</p> <p>23 same?</p> <p>24 THE WITNESS: That sounds correct,</p> <p>25 and of the nine that are left, some of them are</p>	<p>1 floor. Just to remind the public, this is your</p> <p>2 opportunity to ask questions of this particular</p> <p>3 witness. Please gather all your questions at one</p> <p>4 time to come up and address this particular</p> <p>5 witness. You'll have another opportunity before</p> <p>6 the board votes to come up and make a statement at</p> <p>7 that time. So I just want to make sure that</p> <p>8 everybody understands the process.</p> <p>9 So anyone from the public who would like to</p> <p>10 question this particular witness based on his</p> <p>11 testimony?</p> <p>12 Please state your name and address.</p> <p>13 MR. MONTANO: My name is Anthony</p> <p>14 Montano, 34 Charlotte Drive, Bridgewater.</p> <p>15 MR. CHARLES: Mr. Montano, were you</p> <p>16 already sworn in?</p> <p>17 MR. MONTANO: No.</p> <p>18 MR. COLLINS: Please raise your right</p> <p>19 hand. Do you swear or affirm to tell the truth,</p> <p>20 the whole truth, and nothing but the truth, so</p> <p>21 help you God?</p> <p>22 MR. MONTANO: I do.</p> <p>23 MR. CHARLES: Your question of this</p> <p>24 witness, Mr. Montano.</p> <p>25 MR. MONTANO: I need a clarification,</p>

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<p style="text-align: right;">Page 38</p> <p>1 if you would, please. You have a very good resume  2 as a planner. When the developer wanted to  3 develop this tract when it became available, do  4 you lay it out for him, or did the developer come  5 to you? I'm kind of confused of what the planner  6 actually does. What do you actually do? Do you  7 put the buildings there and say this is what in  8 this area is logical?  9 THE WITNESS: Well, there's --  10 essentially what happens is the developer retains  11 a team of experts. I'm one member of that team,  12 and all of the experts basically have input in  13 terms of the -- the developer has something in  14 mind, which he shares with all the experts, and  15 then the various experts basically seek to assist  16 in laying out the plan based on their specialties.  17 So my specialty is in planning and zoning.  18 There's a site engineer, who has previously  19 testified, that assists with the layout of the  20 site, and he's got to incorporate things like, you  21 know, stormwater and so forth. There is a traffic  22 engineer that deals with things such as access  23 points and internal circulation. So all of the  24 professionals have some say in the ultimate plans  25 that go before this board.</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. MONTANO: Could I go to the  2 picture?  3 MR. CHARLES: Sure.  4 MR. MONTANO: I want your  5 professional opinion, please, because I don't  6 understand this.  7 MR. CHARLES: You need to use the  8 hand mic, and you have to hold it up pretty close  9 to be picked up.  10 MR. MONTANO: What I want to know is  11 the beginning if the developer had something  12 planned, he had the Wawa gas station and Schwab,  13 which is fine, if the developer knows that, I'm  14 sure he knew there was Fisher Scientific sitting  15 right there. In your estimation --  16 THE WITNESS: Yes, he knew that. He  17 obviously knew that.  18 MR. MONTANO: He knew that. You are  19 a professional planner. You have a gas station,  20 and you have a chemical plant. Does that seem  21 reasonable? And that is very close.  22 THE WITNESS: I don't see why it  23 would be unreasonable. I'm not quite sure where  24 you're --  25 MR. MONTANO: Well, this is a very</p>
<p style="text-align: right;">Page 39</p> <p>1 MR. MONTANO: So basically then the  2 developer decides if this is Schwab or this or  3 that?  4 THE WITNESS: Well, the developer  5 basically will come to the team with whatever the  6 developer has in mind or whether the developer has  7 end users at the table as part of the development  8 application. Two of the five end uses here are in  9 place, the Schwab and the Wawa, and the other  10 three buildings remain to be --  11 MR. MONTANO: Okay. I understand.  12 So when they came to you, Schwab was already there  13 and the Wawa gas station?  14 THE WITNESS: Well, I was involved in  15 the application at the time that the master plan  16 and zoning was considered, but for this particular  17 site plan, I know at the start Wawa was certainly  18 in place as a user, and I think Schwab came on  19 board shortly -- sometime shortly after that.  20 MR. MONTANO: So my question is in  21 the beginning, the Wawa gas station was already  22 there as far as you could --  23 THE WITNESS: Wawa was one of the  24 principal-contemplated users of this development  25 early on.</p>	<p style="text-align: right;">Page 41</p> <p>1 hazardous chemical plant. It's been there for  2 many years, and now you're going to put a gas  3 station very close to it.  4 THE WITNESS: It's zoned for a gas  5 station. That issue I think has been put to bed  6 at the time a master plan amendment and zoning law  7 is put in place. I don't know about the history  8 of whether Fisher is dangerous or not, and, you  9 know, you can make that statement. I'm not  10 agreeing with that. All I'm saying is that  11 this developer is basically providing a  12 development plan that is consistent with the  13 permitted uses that the governing body and the  14 planning board considered as part of the rezoning  15 of the C-7, and basically a Wawa food market with  16 fuel dispensing was considered. My client is  17 basically implementing the zoning.  18 MR. MONTANO: No, I understand that.  19 So I shouldn't be talking to you. I should be  20 talking to the board because when they redeveloped  21 the master plan, they said they could put a gas  22 station here; is that true?  23 MR. CHARLES: Um-hum.  24 MR. MONTANO: That's all I have.  25 Thank you.</p>

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<p>1 THE WITNESS: You're welcome.</p> <p>2 MR. MONTANO: That's the one</p> <p>3 question. The second question is, if I could go</p> <p>4 back to the board? I am not quite sure what you</p> <p>5 call these. Are these basins or ponds? I know</p> <p>6 you can't see. We can't see from the other side</p> <p>7 either. Where the water is supposed to collect?</p> <p>8 THE WITNESS: They are, I believe,</p> <p>9 and I'll defer to the site engineer, but I believe</p> <p>10 they're stormwater management basins.</p> <p>11 MR. MONTANO: Okay. My question --</p> <p>12 we get a lot of rain -- not lately, but we usually</p> <p>13 do, and my question is how does the water get into</p> <p>14 these?</p> <p>15 THE WITNESS: That's not my -- our</p> <p>16 site engineer, I think, covered that at at least</p> <p>17 one, if not two, other hearings. I'm not the</p> <p>18 site engineer.</p> <p>19 MR. MONTANO: I know somebody did,</p> <p>20 but my question is is it level for the water to go</p> <p>21 in there?</p> <p>22 MR. CHARLES: It's been testified how</p> <p>23 the water will get there in previous meetings, and</p> <p>24 under cross-examine how that happens, how that</p> <p>25 works. It's in the documentation.</p>	<p>1 MR. PRIME: Our engineer indicates</p> <p>2 there is no fence on the plans around the basins.</p> <p>3 MR. MONTANO: Does that mean the</p> <p>4 township requires a fence? You do for swimming</p> <p>5 pools.</p> <p>6 MR. PRIME: No.</p> <p>7 MR. CHARLES: No, there's none</p> <p>8 required for a detention basin like that on this</p> <p>9 particular property. If it wasn't included, it</p> <p>10 would have been, or it would have had to have been</p> <p>11 a variance, which it's not; correct, Scarlett?</p> <p>12 MS. DOYLE: Dry basins are -- this is</p> <p>13 an engineering issue, and the engineer will review</p> <p>14 this, but a dry basin is different than a wet</p> <p>15 basin, which is a retention basin, and dry basins</p> <p>16 oftentimes do not have fences around them.</p> <p>17 MR. MONTANO: My question, Scarlett,</p> <p>18 is if you look at the picture, if somebody is</p> <p>19 walking, they could just walk right up into it?</p> <p>20 MS. DOYLE: The engineers have</p> <p>21 reviewed it and found that -- or they would have</p> <p>22 asked for one. You can walk into a dry basin and</p> <p>23 walk right out of a dry basin. It's up to the</p> <p>24 engineering review.</p> <p>25 MR. MONTANO: If it's a small kid --</p>
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<p>1 MR. MONTANO: Okay. So then the</p> <p>2 water gets in there. What happens to the water?</p> <p>3 MR. CHARLES: I'll let Mr. Collins</p> <p>4 correct me. We can't reopen the entire</p> <p>5 application. This application has been over four</p> <p>6 meetings where we've discussed all those, and the</p> <p>7 public has had the opportunity to cross-examine.</p> <p>8 You can get any of those answers or any of those</p> <p>9 documents -- we've hired a -- you know, the</p> <p>10 applicant has hired a court reporter here to</p> <p>11 document all of that and get access to all of</p> <p>12 that, but we can't open up all the old testimony</p> <p>13 at this time.</p> <p>14 MR. MONTANO: Okay. I have one last</p> <p>15 question.</p> <p>16 MR. CHARLES: Sure.</p> <p>17 MR. MONTANO: If this has already</p> <p>18 been discussed, is there a fence around this like</p> <p>19 would be required for a swimming pool, or is this</p> <p>20 wide open in case somebody's going to Schwab and</p> <p>21 the kid piddle-paddles over there, what happens?</p> <p>22 MR. PRIME: Let's check the plans.</p> <p>23 MR. CHARLES: We'll check the plan on</p> <p>24 that while we continue. Very good.</p> <p>25 MR. MONTANO: Thank you.</p>	<p>1 MR. BATTAGLIA: The basin is not</p> <p>2 designed to hold water permanently. It's only</p> <p>3 going to be wet during a storm, so it's temporary,</p> <p>4 and then it drains out. It's a dry basin.</p> <p>5 MR. MONTANO: Okay. Thank you.</p> <p>6 MR. CHARLES: Any other questions of</p> <p>7 this witness? Your name and address, please.</p> <p>8 MS. SCHWARZKOPF: Elaine</p> <p>9 Schwarzkopf. 45 Charlotte Drive, Bridgewater.</p> <p>10 S-C-H-W-A-R-Z-K-O-P-F.</p> <p>11 MR. CHARLES: If you speak right into</p> <p>12 that microphone.</p> <p>13 MS. SCHWARZKOPF: Well, I'm a</p> <p>14 resident of Charlotte Drive, and I just wanted to</p> <p>15 say that the people on Charlotte Drive are very</p> <p>16 concerned because we have this highway, 35,000</p> <p>17 cars each day, and my question is regarding the</p> <p>18 buffer zone, but to familiarize yourself with the</p> <p>19 population that we're talking about, it's a</p> <p>20 cross-section. There's children unborn still,</p> <p>21 children, families, older people --</p> <p>22 (Court reporter asked for</p> <p>23 clarification.)</p> <p>24 MS. SCHWARZKOPF: The question was I</p> <p>25 just wanted to say there's a hundred people on</p>

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<p>1 this block, and we're very aware of the pollution  2 and the traffic and everything that goes along  3 with it the same as the people that live right on  4 Route 202. They explained it as a pollution,  5 aisle of pollution. The reason I bring this up is  6 because my question to you is you were mentioning  7 the trees that you were putting in, which I heard  8 you say something about health, and that's great,  9 but that sort of replaces all those trees that are  10 in front of all these houses that you are taking  11 down. The question I have is the buffer zone, and  12 the buffer zone now is -- let's see -- 340 feet by  13 501.27 feet. Now, those trees are deciduous  14 trees, and as you know, those trees are very good  15 for absorbing CO2 and helping us relieve  16 pollution, which is a great need for the people on  17 Charlotte Drive. It also releases oxygen. The  18 trees that you're putting in, of course, it's  19 going to take ten years in order to do that, so  20 I'm just wondering what your feelings are about  21 removing two-thirds of our buffer zone when we  22 have a hundred people who have a lifeline to this  23 area, to this zone, the buffer zone that's there  24 now. I don't think a hundred feet does it.  25 THE WITNESS: Well, I think that part</p>	<p>1 doing above and beyond what the zoning, which is  2 designed to protect you as a resident, basically  3 allows a developer to do, I think basically the  4 combination of the board's concerns and the  5 applicant's response is affording what I think is  6 more than reasonable protection to the residents  7 on Charlotte Drive, given the fact that the  8 residents on Charlotte Drive are contiguous to an  9 M-1 zone.  10 MS. SCHWARZKOPF: Well, I'm glad it's  11 an M-1 zone, but I do not see a comparison with  12 the trees that I am talking about help us with the  13 pollution and the trees that you're talking about,  14 and that is important to the people on Charlotte  15 Drive, and as a person that cares about the  16 environment, the environment is important. If you  17 can have variances for things like color, whatever  18 you have variances for, those variances, why can't  19 we have a negotiation regarding --  20 THE WITNESS: There is no variance  21 being sought for the buffer, and by the way,  22 the bulk --  23 MS. SCHWARZKOPF: I realize that.  24 I'm asking you why?  25 THE WITNESS: Because the applicant</p>
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<p>1 of the issue is I don't view the 340 feet, which  2 is this now, as a buffer zone. The 340 feet,  3 which is this now, is part of the M-1 zone, and  4 property owners, whether it's this property owner  5 or whether it would be Fisher Scientific, has a  6 right to build within those lands, so as long as  7 it comports with the setback and buffer  8 requirements. I think what's most important to  9 you in terms of this applicant trying to afford as  10 much protection as possible, and I think you  11 should also thank this board because this board  12 basically requested that my client, this  13 applicant, basically provide as much a buffer as  14 possible and then supplement that buffer with  15 additional plantings, and they went over the specs  16 of the plantings, as you probably heard at the  17 last hearing, and I think the standard here is  18 what you can do under the existing zoning  19 ordinance, and the M-1 buffer is 100 feet with a  20 75-foot building setback. That's 175 feet. This  21 applicant is providing 237 feet basically of  22 buffer, which is another 62 feet than what the  23 ordinance requires. A property owner has a right  24 to build within that 340 feet, so I think when you  25 balance that and look at what this applicant is</p>	<p>1 complies.  2 MS. SCHWARZKOPF: It doesn't matter.  3 In other words, it doesn't go by situation, the  4 fact that we have such a huge pollution problem  5 here? I'm just saying -- you're a planner.  6 THE WITNESS: All I can address is  7 what the zoning provides for.  8 MS. SCHWARZKOPF: I understand. The  9 law is on your side. I'm asking you as a  10 professional planner who thinks that the health  11 and safety of people is important.  12 THE WITNESS: My response is that  13 what the applicant is providing relative to zoning  14 is more than reasonable.  15 MS. SCHWARZKOPF: I know that.  16 THE WITNESS: I would also just add  17 that the bulk of the deciduous vegetation that you  18 discussed is still going to remain.  19 MS. SCHWARZKOPF: No. Two-thirds  20 they're removing.  21 THE WITNESS: No.  22 MS. SCHWARZKOPF: They're removing  23 two-thirds and leaving one-third.  24 MR. CHARLES: Ma'am, you'll have an  25 opportunity to make a statement at the end. I</p>

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<p style="text-align: right;">Page 50</p> <p>1 think this witness has answered the question.</p> <p>2 MS. SCHWARZKOPF: Well, the question</p> <p>3 is what are the dimensions and the area of the</p> <p>4 buffer zone for Charlotte Drive now?</p> <p>5 THE WITNESS: There is no buffer zone</p> <p>6 for Charlotte Drive now.</p> <p>7 MS. SCHWARZKOPF: I'm talking</p> <p>8 about --</p> <p>9 THE WITNESS: There is an undeveloped</p> <p>10 portion of the M-1 zone, which you say, and I'll</p> <p>11 take your word for it, it's 340 feet. That's not</p> <p>12 the standard.</p> <p>13 MS. SCHWARZKOPF: I don't understand</p> <p>14 how you can say something that's been buffering</p> <p>15 and protecting us for over 80 years is not</p> <p>16 protecting us anymore. That is a buffer. It was</p> <p>17 given to you by --</p> <p>18 THE WITNESS: I answered the question</p> <p>19 as best I can, Mr. Chairman.</p> <p>20 MR. CHARLES: Thank you.</p> <p>21 MS. SCHWARZKOPF: We'll go to the</p> <p>22 next one. You were talking about Fisher</p> <p>23 Scientific, and you don't have a background as far</p> <p>24 as what Fisher does?</p> <p>25 THE WITNESS: Not exactly, no.</p>	<p style="text-align: right;">Page 52</p> <p>1 develop the property consistent with the zoning.</p> <p>2 MS. SCHWARZKOPF: I understand. I</p> <p>3 know the law is all on your side. I'm just saying</p> <p>4 is it right?</p> <p>5 THE WITNESS: If that's the what</p> <p>6 zoning is, I believe it's proper for my client to</p> <p>7 basically try and implement that zoning.</p> <p>8 MS. SCHWARZKOPF: Well, I know that</p> <p>9 back in 1971 when the Bridgewater Planning Board</p> <p>10 decided to have Fisher come into our area, I was</p> <p>11 there before they built the Fisher, and</p> <p>12 Bridgewater did not take into consideration. They</p> <p>13 had Fisher Scientific come in with 50 acres, and</p> <p>14 where did they put Fisher Scientific? 250 feet</p> <p>15 from our homes. So I'm just saying Bridgewater</p> <p>16 wasn't thinking about our health then.</p> <p>17 MR. CHARLES: We can't solve those</p> <p>18 problems, this planning board.</p> <p>19 MS. SCHWARZKOPF: I was hoping now</p> <p>20 that things have changed, but I don't think they</p> <p>21 have.</p> <p>22 MR. CHARLES: Thank you. Any other</p> <p>23 questions for this witness specific to testimony?</p> <p>24 Please state your name and address.</p> <p>25 MR. JESSE CHANG: Jesse Chang, 35</p>
<p style="text-align: right;">Page 51</p> <p>1 MS. SCHWARZKOPF: Okay. Well, it's</p> <p>2 a 297,000-square-foot plant that repackages</p> <p>3 volatile organic compounds. Now, I know that you</p> <p>4 have the law with you because your zoning board</p> <p>5 determines the distance between a chemical plant</p> <p>6 and the residential area. Now, I know that in</p> <p>7 Australia they say that the EPA decides that, and</p> <p>8 the volatile organic compounds, they say you need</p> <p>9 2,280 feet. That's like one kilometer. Now, I'm</p> <p>10 just trying to understand how many feet we have</p> <p>11 here between the gas station, and an accident can</p> <p>12 happen at any time at Fisher, and we only have a</p> <p>13 few hundred feet, so I don't feel comfortable</p> <p>14 truly saying that this is a great thing to have a</p> <p>15 gas station with 16 gas pumps in front of Fisher</p> <p>16 Scientific, which is high hazard, and I know you</p> <p>17 have the law with you because of the zoning law in</p> <p>18 Bridgewater has determined that that's safe for</p> <p>19 us. I don't think it is. So the question is what</p> <p>20 do you think?</p> <p>21 THE WITNESS: I think that the Wawa</p> <p>22 use is contemplated as part of the zoning, and at</p> <p>23 the time the zoning was adopted there was</p> <p>24 certainly knowledge of what the surrounding land</p> <p>25 use pattern was, and this applicant is seeking to</p>	<p style="text-align: right;">Page 53</p> <p>1 Charlotte Drive. C-H-A-N-G.</p> <p>2 MR. COLLINS: Were you previously</p> <p>3 sworn?</p> <p>4 MR. CHANG: Yes, I was.</p> <p>5 MR. CHARLES: Go ahead.</p> <p>6 MR. CHANG: Just one quick question.</p> <p>7 As a professional planner in your years of</p> <p>8 experience, have you developed or have you seen</p> <p>9 plans for a tract this size roughly similar to</p> <p>10 this size?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MR. CHANG: And do you deem it -- in</p> <p>13 your opinion, is it appropriate to have this many</p> <p>14 buildings given all of the variances referred --</p> <p>15 in reference to the setback rules, would it make</p> <p>16 more sense to reduce the number of retail</p> <p>17 buildings?</p> <p>18 THE WITNESS: If you reduce the</p> <p>19 number of retail buildings, in my professional</p> <p>20 opinion, the setback variances are not going to go</p> <p>21 away. There may be fewer if there's fewer</p> <p>22 buildings, but you still basically have to deal</p> <p>23 with the fact that you have limited depth on this</p> <p>24 property, unlike other properties along Route 202</p> <p>25 where it wouldn't be as difficult to meet the</p>



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<p>1 200 feet and the 100-foot. So I don't think it  2 would basically eliminate the need for that  3 particular variance if you were to reduce the  4 number of buildings, and I think the zoning  5 basically encourages multiple uses in buildings.  6 The key is that they be integrated in terms of  7 parking and access, which I think this plan  8 achieves.  9 MR. CHANG: I was just curious if you  10 would be able to move the building locations  11 whether the variances needed for the Wawa building  12 would be eliminated or reduced even more?  13 THE WITNESS: I don't think so. I  14 think it's the physical characteristics of a  15 shallow property where you just can't meet those  16 zoning constraints and have a viable building  17 envelope, particularly on the westerly portion of  18 the site, because remember on the easterly we are  19 now meeting the standard for the parking.  20 MR. CHANG: So based on -- what  21 you're saying is based on the shape of this tract,  22 building the Wawa there would be inappropriate?  23 THE WITNESS: No. I'm saying that  24 Wawa is appropriate because it's a permitted use,  25 but there are practical difficulties in the</p>	<p>1 need another food store anyway, so anyway, if you  2 were to reduce the size of either one of the  3 buildings or eliminate one of the buildings, what  4 is the difference in the taxes that Bridgewater  5 would get if you were to make it smaller?  6 THE WITNESS: I have no idea. I  7 didn't do that analysis, nor is it relevant in my  8 professional opinion to the issues that are before  9 this board this evening.  10 MS. BARNES: Okay. What I was  11 thinking was relevant was just that I mean I know  12 what you're legally can do because of the  13 ordinances, what you are allowed to do. I think  14 the real question here that everybody is bringing  15 up is just because you can do it, and because you  16 want to make a ton of money and do it, doesn't  17 necessarily mean it's right to do it, and the  18 board here is looking out for Bridgewater Township  19 --  20 MR. CHARLES: Ms. Barnes, you'll have  21 the ability to make a statement to the board at  22 the end again. You'll be able to come up. Just  23 if you can limit your questions of this particular  24 planner, that would be good.  25 MS. BARNES: So they don't know the</p>
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<p>1 applicant meeting both the parking and the  2 building setback requirements because of that  3 limited shallow depth condition.  4 MR. CHANG: You are agreeing that it  5 can't meet the requirements?  6 THE WITNESS: Correct. That's why we  7 are seeking the relief.  8 MR. CHARLES: Thank you. Are there  9 any other questions of this witness?  10 MS. BARNES: Sharon Barnes.  11 MR. CHARLES: Please state your name  12 into the microphone and address.  13 MS. BARNES: Sharon Barnes, 38  14 Charlotte Drive.  15 MR. COLLINS: You're still under  16 oath.  17 MS. BARNES: Yes.  18 MR. CHARLES: Your questions for the  19 planner.  20 MS. BARNES: If you were to reduce  21 the size of either the number of buildings -- if  22 you were to reduce the number of buildings, or  23 else that really big one, make it smaller, since I  24 think it was originally big to be a food store,  25 and with the Wawa across the street, you wouldn't</p>	<p>1 difference of the taxes, and I ask that just  2 because the value of the homes will be reduced, so  3 the township would get less taxes from our houses  4 because they'd be worth less so I thought -- I was  5 trying to get a monetary compensation --  6 THE WITNESS: I did not do a tax  7 analysis of the development of the various  8 iterations of the development, no.  9 MS. BARNES: And then you were  10 pointing out, I couldn't see, the four acres of  11 the buffer zone, and when I say buffer zone, I  12 mean -- everybody really means when we say buffer  13 zone the existing trees, let's put it that way,  14 because your definition of buffer is different  15 than ours. So the existing trees, you're still  16 adding them -- it's on the left side -- can you  17 show me on the back what still remains in the  18 back? Just where our house in particular is  19 located, even the back is a real issue for us as  20 well.  21 THE WITNESS: Okay. So here's the  22 rear lot lines of the houses on Charlotte Drive,  23 This which I'm showing now is the M-1 zone lot,  24 which is 4.16 acres. The applicant is basically  25 leaving in place this area here, which is the</p>

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<p>1 existing woods, as you call it, your buffer, and  2 the amount of the buffer area basically including  3 the new vegetation that's proposed to supplement  4 the existing woodland is roughly about 180 feet,  5 and the actual distance from your rear lot line to  6 the building is 237 feet, and that's 62 feet more  7 than what the zoning requires, so the applicant is  8 providing a greater setback to the building, as  9 well as a greater buffer, is maintaining the  10 woods, most of that area is being maintained as  11 woods, and then supplementing that basically on  12 the other side of the access aisle of the Schwab  13 building.  14 MS. BARNES: When I say the back, I  15 understand that you kind of talked a lot about  16 that left side, your far side, but the back --  17 THE WITNESS: Talking about this?  18 MS. BARNES: Yes. About how much --  19 can you show me what is there now in the back, and  20 what trees are being taken down?  21 THE WITNESS: There are no trees  22 proposed to be taken back.  23 MS. BARNES: But I mean even like  24 below that?  25 THE WITNESS: This isn't part of the</p>	<p>1 opinion. The property owners have the right to  2 develop consistent with --  3 MS. BARNES: I'll be back up for my,  4 you know, that whole speech about what's right and  5 what isn't --  6 MR. CHARLES: Thank you.  7 (Reporter asked for clarification.)  8 MS. BARNES: So the official question  9 is are you cutting down trees in the back where  10 the basin is which are currently trees that  11 protect Charlotte Drive, in particular down  12 Charlotte Drive, so that when you're coming from  13 the highway, and you are going whoosh through it,  14 you know --  15 THE WITNESS: As I indicated, trees  16 will be coming down to accommodate the development  17 including the stormwater management basin, the  18 building, and the access aisle, yes.  19 MR. CHARLES: Other questions of this  20 particular witness? Please state your name and  21 address.  22 MS. BERNADETTE BENDA: Bernadette  23 Benda, B-E-N-D-A, 737 Highway 202, Bridgewater.  24 MR. COLLINS: Bernadette, were you  25 previously sworn?</p>
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<p>1 subject development. This will remain as is.  2 It's part of Fisher Scientific. It's in the M-1  3 zone, and there's no proposal to touch this area  4 to the rear of our rear lot.  5 MS. BARNES: So where that little  6 field is behind Schwab, that's not trees now?  7 MR. CHARLES: Why don't you go over  8 and point at what you're asking.  9 THE WITNESS: You're talking about  10 this? This is the stormwater management basin.  11 MS. BARNES: But here is -- where are  12 the trees now? Are there trees here and here now?  13 THE WITNESS: Yes. Part of the area  14 that we are proposing to develop with the  15 building, the access aisle, and the stormwater is  16 part of the area that's currently woods.  17 MS. BARNES: So is there a way to  18 move this and keep those woods there because  19 that's going to buffer -- like our house is here.  20 THE WITNESS: Again, I think given  21 the developer's intent, given the underlying  22 zoning, given the fact that this is a much less  23 intense use of M-1, and given the fact that the  24 applicant is providing more of a buffer than is  25 required, that's more than reasonable in my</p>	<p>1 MS. BENDA: Yes, I was.  2 MR. COLLINS: You're still under  3 oath.  4 MS. BENDA: Thank you. Can you tell  5 me what the buffer is to the western part of the  6 property since Fisher moved in? The westernmost  7 portion, what's the buffer there?  8 THE WITNESS: To whom?  9 MS. BENDA: To 737 Highway 202?  10 THE WITNESS: I don't know -- if you  11 can --  12 MS. BENDA: The chain link fence.  13 MR. CHARLES: There's not --  14 MS. BENDA: The chain link fence.  15 There's one Mulberry tree.  16 THE WITNESS: You have to show me  17 where -- I don't know where that property is.  18 MS. BENDA: It runs parallel with the  19 driveway.  20 THE WITNESS: If you can show me on  21 this board, it would help me be responsive to your  22 question.  23 MS. BENDA: It's right in the U turn.  24 I can't see the U turn.  25 MR. COLLINS: Maybe there's an</p>

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<p>1 existing conditions map that can be pulled from 2 the plans. 3 MS. BENDA: That's my property. 4 MR. CHARLES: That's the westerly 5 portion. 6 MS. BENDA: So it's a chain link 7 fence? 8 THE WITNESS: So if I understand, the 9 property you are noting is part of this 10 development project; correct? 11 MS. BENDA: It is. 12 THE WITNESS: Okay. 13 MS. BENDA: I'm so sorry. I 14 apologize. 15 THE WITNESS: That's okay. 16 MS. BENDA: So the front portion of 17 the house is those ten houses that face Wegmans, 18 what's the buffer zone there, and what has it been 19 since Wegmans and that whole development came in? 20 THE WITNESS: You're talking about 21 the Wegmans buffer? 22 MS. BENDA: I'm talking between those 23 houses, the U turn, and the Wegmans development, 24 what's the buffer? 25 THE WITNESS: On which side of the</p>	<p>1 sidewalk is? 2 THE WITNESS: Um-hum. 3 MS. BARBARA MONTANO: And the 4 sidewalk is capable for the handicapped persons as 5 well? It has those cutoffs and what have you? 6 THE WITNESS: Again, I'm not the site 7 engineer. I am assume that we are in compliance. 8 MR. CHARLES: I see the site engineer 9 nodding yes, so I'll go out on a limb here and say 10 yes. We do have a sidewalk that's handicap 11 accessible. 12 MS. BARBARA MONTANO: Thank you. 13 MR. CHARLES: State your name and 14 address. 15 MS. GRACE: Ann Marie Grace, 42 16 Charlotte Drive. 17 MR. COLLINS: Ann Marie, were you 18 previously sworn? 19 MS. GRACE: Yes. 20 MR. COLLINS: You're still under 21 oath. Thank you. 22 MS. GRACE: My question is the DOT -- 23 it's in relation to traffic. 24 THE WITNESS: It's not me. 25 MS. GRACE: So who would be?</p>
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<p>1 property? The Wegmans side? 2 MS. BENDA: Well, between? 3 THE WITNESS: Well, between there's 4 also a highway. 5 MS. BENDA: That's the buffer zone. 6 Thank you. Yes, that's the buffer zone. As far 7 as the trees are concerned, deciduous trees I 8 don't think create oxygen, but thank you. 9 MR. CHARLES: Any other questions of 10 this particular witness? If we can refrain from 11 making statements and stick to questions of this 12 witness, we appreciate it. 13 MS. BARBARA MONTANO: Barbara 14 Montano, 34 Charlotte Drive. M-O-N-T-A-N-O. 15 MR. COLLINS: Barbara, you were 16 previously sworn; correct? 17 MS. BARBARA MONTANO: My question is 18 is there a sidewalk that you can walk from the 19 Schwab down to the Wawa as if you were -- 20 THE WITNESS: It's in the back. 21 MS. BARBARA MONTANO: Because there's 22 cutouts, like if I wanted to walk from Charlotte 23 Drive over to the Wegmans Shopping Center or from 24 Charlotte Drive down to the Wawa, I have to walk 25 behind all those buildings? Is that where the</p>	<p>1 MR. CHARLES: Well, we had a traffic 2 engineer last time, so what's your question? 3 MS. GRACE: Well, the DOT usually 4 gives a report card of your traffic plan. I guess 5 it's the green book that an engineer would 6 reference. 7 THE WITNESS: That's not my area of 8 expertise, so I can't address that. 9 MS. GRACE: Well, my question was 10 what is the lowest grade, or what was their 11 expectation, your grade, that would be accepted 12 from A to F? It's just a report card. 13 MR. CHARLES: This is not a question 14 that is appropriate for this witness. I think the 15 DOT comes back, Scarlett, later on; right? Or 16 looks at this once the final plans -- I'll let 17 you. We have our own traffic engineer. 18 MR. HULT: So the applicant must make 19 a formal application to the DOT since their 20 driveways are going to access Route 202, which is 21 under the control of the DOT. The DOT will 22 provide comments with respect to their access 23 application which has not yet been submitted to 24 the DOT. 25 MS. GRACE: Well, what I read is they</p>

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<p>1 issue a grade just like a report card A to F.</p> <p>2 MR. HULT: I think what you're</p> <p>3 referring to is the capacity analysis?</p> <p>4 MS. GRACE: Yes, exactly.</p> <p>5 MR. HULT: So, yes, if you perform an</p> <p>6 analysis of intersections or driveways, the level</p> <p>7 of service is given in a letter grade A through F.</p> <p>8 MS. GRACE: And when would that</p> <p>9 information be available?</p> <p>10 MR. HULT: The applicant has</p> <p>11 submitted a traffic study with their site plan</p> <p>12 application demonstrating that the driveways are</p> <p>13 operating for the most part at a level of service</p> <p>14 B or C as you turn out of the driveway because</p> <p>15 it's only a right-turn maneuver.</p> <p>16 MR. CHARLES: And that's information</p> <p>17 that's all submitted to the state as part of the</p> <p>18 whole --</p> <p>19 MR. HULT: Correct.</p> <p>20 MR. BATTAGLIA: Just to clarify,</p> <p>21 that's not a grade from the DOT like you would</p> <p>22 consider a school grade. That's an engineering</p> <p>23 determination of how many vehicles are going to be</p> <p>24 at an intersection.</p> <p>25 MS. GRACE: Right, the level of</p>	<p>1 raise your right hand?</p> <p>2 MR. COLLINS: Mr. Leven is an</p> <p>3 attorney.</p> <p>4 MR. LEVEN: We don't have to swear.</p> <p>5 Sir, would you agree with me that from the</p> <p>6 perspective of a residential neighborhood next to</p> <p>7 a commercial zone that the intensity of the use in</p> <p>8 that zone impacts the quality of life of those</p> <p>9 residents?</p> <p>10 THE WITNESS: Just generally</p> <p>11 speaking?</p> <p>12 MR. LEVEN: Yes.</p> <p>13 THE WITNESS: Yes.</p> <p>14 MR. LEVEN: You mentioned earlier</p> <p>15 that in an M-1 zone, more intense uses than those</p> <p>16 being proposed are permitted; correct?</p> <p>17 THE WITNESS: Correct.</p> <p>18 MR. LEVEN: Stepping outside of the</p> <p>19 M-1 zone and looking at the larger landscape, the</p> <p>20 area, that area of 202, are you aware of how many</p> <p>21 other businesses are open 24 hours a day, seven</p> <p>22 days a week?</p> <p>23 THE WITNESS: No.</p> <p>24 MR. LEVEN: Do you know if there are</p> <p>25 any?</p>
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<p>1 capacity.</p> <p>2 MR. BATTAGLIA: It's not a grade like</p> <p>3 getting an A in math.</p> <p>4 MS. GRACE: Well, from what I read,</p> <p>5 it was. There is an expectation of an A through</p> <p>6 an F.</p> <p>7 MR. BATTAGLIA: There is an</p> <p>8 expectation, I believe -- I believe the minimum is</p> <p>9 C.</p> <p>10 MR. HULT: It's A through F. You</p> <p>11 know, F being -- if there was a level of service</p> <p>12 F, it indicates that that movement or intersection</p> <p>13 may be operating at a failing condition, and it's</p> <p>14 based upon driver frustration or efficiency that</p> <p>15 that is utilized based upon procedures in the</p> <p>16 Highway Capacity Manual, but this application, the</p> <p>17 levels of service analysis that they've submitted</p> <p>18 show the driveways as you turn out onto 202 to be</p> <p>19 operating at a level of service B or C.</p> <p>20 MS. GRACE: Okay. Thanks.</p> <p>21 MR. CHARLES: Thank you. Any other</p> <p>22 questions. Sir?</p> <p>23 MR. LEVEN: Andrew Leven, 2 Holmes</p> <p>24 Court.</p> <p>25 MR. CHARLES: Mr. Leven, will you</p>	<p>1 THE WITNESS: I have no idea. It</p> <p>2 wasn't relevant to what I studied as part of my</p> <p>3 analysis.</p> <p>4 MR. LEVEN: Okay. If I were to ask</p> <p>5 you taking the proposal that's currently being</p> <p>6 envisioned, if I asked you as the planner to make</p> <p>7 modifications that would reduce the intensity of</p> <p>8 use and improve the quality of life of the</p> <p>9 adjacent neighborhood, are there any suggestions</p> <p>10 you would make?</p> <p>11 THE WITNESS: No, not at all.</p> <p>12 MR. LEVEN: This is as good as it</p> <p>13 gets?</p> <p>14 THE WITNESS: This is as good as it</p> <p>15 gets based on the underlying zoning.</p> <p>16 MR. LEVEN: It cannot be adjusted in</p> <p>17 a way that would enhance the quality of life of</p> <p>18 the --</p> <p>19 THE WITNESS: Not within reason.</p> <p>20 Zoning is designed to protect public health,</p> <p>21 safety and welfare. My client, this applicant, is</p> <p>22 going above and beyond in terms of buffers, which</p> <p>23 to me is the way to afford the most protection to</p> <p>24 the residents on Charlotte Drive, going above and</p> <p>25 beyond what the zoning prescribes, and the zoning</p>

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<p>1 is designed to protect those residents.</p> <p>2 MR. LEVEN: But we are talking about</p> <p>3 a specific project here. Is it your expert</p> <p>4 opinion that this project cannot be improved in a</p> <p>5 way that would enhance the quality of life?</p> <p>6 THE WITNESS: Not in a way that might</p> <p>7 be beyond what I consider reasonable. I think</p> <p>8 this application site is more than reasonable,</p> <p>9 given the underlying zoning and the juxtaposition</p> <p>10 of the use and the zoning.</p> <p>11 MR. LEVEN: So in your expert</p> <p>12 opinion, this is as good as it gets, it's a</p> <p>13 perfect project?</p> <p>14 THE WITNESS: It's as reasonable as</p> <p>15 it gets, yes.</p> <p>16 MR. CHARLES: Are there any other</p> <p>17 questions of this witness? Please state your</p> <p>18 name and address.</p> <p>19 MS. ESLER: Brenda Esler, 46</p> <p>20 Charlotte Drive. E-S-L-E-R.</p> <p>21 MR. COLLINS: And you understand you</p> <p>22 are still under oath; correct?</p> <p>23 MS. ESLER: Yes. From a planning</p> <p>24 perspective, you described this as an integrated</p> <p>25 development. Is it problematic at all when you</p>	<p>1 retail use or a restaurant use, so I think the</p> <p>2 fact that this applicant has placed the office</p> <p>3 building in the M-1 closest to the residential is</p> <p>4 a good thing, and the retail uses in C-7 further</p> <p>5 from the residential is a good thing.</p> <p>6 MS. ESLER: Thank you.</p> <p>7 MR. CHARLES: Thank you.</p> <p>8 MR. BANGA: Interpret Banga, 376</p> <p>9 State Route 28, Bridgewater, New Jersey.</p> <p>10 MR. CHARLES: Please spell your last</p> <p>11 name.</p> <p>12 MR. BANGA: B-A-N-G-A.</p> <p>13 MR. COLLINS: Mr. Banga, were you</p> <p>14 previously sworn?</p> <p>15 MR. BANGA: No.</p> <p>16 MR. COLLINS: Please raise your right</p> <p>17 hand? Do you swear or affirm to tell the truth,</p> <p>18 the whole truth, and nothing but the truth, so</p> <p>19 help you God?</p> <p>20 MR. BANGA: Yes.</p> <p>21 MR. CHARLES: Your question,</p> <p>22 Mr. Banga?</p> <p>23 MR. BANGA: Regarding Wawa and its</p> <p>24 24/7 operations, if the Wawa had limited hours of</p> <p>25 operation, would you believe this would increase</p>
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<p>1 are integrating retail into a development that</p> <p>2 includes M-1 where it's really not the appropriate</p> <p>3 use for M-1?</p> <p>4 THE WITNESS: Well, I think it's</p> <p>5 appropriate in this context because the M-1 zone</p> <p>6 allows office use. Schwab is an office use, and</p> <p>7 the C-7 zone, which is the zoning covering the</p> <p>8 portion of the tract other than Schwab, also</p> <p>9 allows office use. So in that sense, I think it's</p> <p>10 integrating the M-1 with the C-7. Because it's</p> <p>11 consistent from a use perspective, I think makes</p> <p>12 sense.</p> <p>13 MS. ESLER: Conversely then, wouldn't</p> <p>14 it also make sense that you're integrating C-7</p> <p>15 into M-1 so that if the development is an</p> <p>16 integrated development, you're essentially having</p> <p>17 some retail use in a development that includes</p> <p>18 M-1?</p> <p>19 THE WITNESS: Well, I think from the</p> <p>20 standpoint of intensity of use, I think the Schwab</p> <p>21 in the M-1, which is closest to the residents,</p> <p>22 being an office use is actually better for the</p> <p>23 residential because all else being equal, an</p> <p>24 office use is less intense, typically has shorter</p> <p>25 hours of operation, non-weekend hours that a</p>	<p>1 the quality of life for the adjacent neighbors?</p> <p>2 THE WITNESS: I don't think that</p> <p>3 that's really a relevant question for me to answer</p> <p>4 because the zoning permits the Wawa, and I don't</p> <p>5 know of any exclusion in terms of either a town</p> <p>6 zoning or a general ordinance that would prohibit</p> <p>7 or restrict hours of operation, so the fact that</p> <p>8 it comports and complies to me from a planning</p> <p>9 perspective, that's what's important.</p> <p>10 MR. BANGA: Okay. And the follow-up</p> <p>11 to that one, do you know how many gas stations in</p> <p>12 the nearby vicinity have more than 16 gas pumps?</p> <p>13 THE WITNESS: I did not do an</p> <p>14 inventory, no.</p> <p>15 MR. BANGA: And I believe that the</p> <p>16 testimony, and the board can probably confirm</p> <p>17 this, was it ever considered with regard to the</p> <p>18 traffic, or the 16 gas pumps regarding -- versus</p> <p>19 the other gas stations in the nearby vicinity, of</p> <p>20 what that would look like in this area for the</p> <p>21 Wawa?</p> <p>22 MR. CHARLES: Your questions are of</p> <p>23 this particular witness so...</p> <p>24 MR. BANGA: Okay. With regards to</p> <p>25 this location, was it ever taken under</p>

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<p>1 consideration in the planning the number of 2 accidents that have occurred on this part of the 3 highway? 4 THE WITNESS: In terms of the 5 rezoning? 6 MR. BANGA: No. In terms of this 7 location of 202? 8 THE WITNESS: You're asking were 9 accidents surveyed at the time of the rezoning or 10 as part of this application? 11 MR. BANGA: As part of this 12 applicant? 13 THE WITNESS: I did not -- 14 MR. CHARLES: The traffic was already 15 presented and discussed and questions asked. 16 MR. BANGA: So the traffic accidents 17 were covered during that portion? 18 MR. CHARLES: You'll have to go back 19 and look at that. Again, I can't reopen the past 20 testimony. I'm just not allowed to do that. 21 MR. BANGA: I have no further 22 questions. Thank you. 23 MR. CHARLES: Thank you. 24 MR. LABISH: Dave Labish. 25 L-A-B-I-S-H. 718 Highway 202. I'm confused, but</p>	<p>1 he's permitted. Whatever he is not permitted, he 2 will not be able to do so. 3 MR. LABISH: Thank you very much. 4 That's it. 5 MR. COPT: Good evening. 6 MR. CHARLES: Name and address 7 please. 8 MR. COPT: My name is Roger Copt, 9 C-O-P-T. I live at 1120 Route 202, Raritan. I 10 have a question because I'm really confused. 11 MR. COLLINS: Mr. Copt, were you 12 previously sworn? 13 MR. COPT: Yes. 14 MR. COLLINS: You're still under 15 oath. 16 MR. COPT: My question is -- 17 MR. CHARLES: Your question for the 18 planner? 19 MR. COPT: -- for the planner is it 20 was my understanding that drive-throughs are not 21 allowed in this zone? Are you aware of that? 22 THE WITNESS: We're not proposing a 23 drive-through. 24 MR. COPT: Well, my question for you 25 is when I think of a drive-through, I think of</p>
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<p>1 that's been a lifelong problem. M-1. Retail is 2 not allowed in M-1; correct? 3 THE WITNESS: I believe that's 4 accurate. 5 MR. LABISH: And Mr. Prime has stated 6 that part of Schwab's business operations would be 7 retail, so I see a little conflict there. Can we 8 sort this out? 9 THE WITNESS: That's in the record 10 from two meetings ago. 11 MS. DOYLE: The applicant testified 12 with respect to the percentage of a building that 13 may be a minimal percentage where they might be 14 able to sell a product is 5 or 10 percent. 15 MR. LABISH: So this falls into the 16 allowable 5 to 10 percent of retail in an M-1? 17 MS. DOYLE: That is the M-1 zone that 18 includes the entirety of the M-1 zone throughout 19 the township. 20 MR. LABISH: Right. Okay. 21 MS. DOYLE: It's not been changed. 22 MR. LABISH: Okay. I remember 23 hearing zero, but it's now 5 to 10 percent. 24 MS. DOYLE: I could be wrong. 25 Whatever he is permitted to do in the M-1 zone,</p>	<p>1 McDonald's; right? You drive up to the window, 2 and you get a hamburger. You go to a bank. You 3 drive up to the window, and you make a deposit. 4 What's the difference with a gas station? You 5 drive in, you buy a product or service, you hand 6 your money out of the window, and you drive out. 7 It's just like if you drive up to McDonald's, to 8 the bank, or whatever. I mean I'm confused what 9 the difference is that a gas station is not a 10 drive-through. I'm sure you've run into this 11 before. 12 THE WITNESS: The difference is it's 13 not a drive-through. It's as simple as that. 14 MR. CHARLES: The drive-throughs are 15 not permitted, and that's why the Chick-Fil-A was 16 removed from here, but the gas station is not 17 considered a drive-through. 18 MR. COPT: That's really confusing 19 because I mean if you exit your car at all, 20 especially in the State of New Jersey, you can't 21 pump your own gas, I consider it a drive-through, 22 but that answers the question. Thank you. 23 MR. CHARLES: Any further questions 24 of this witness? Seeing none, Mr. Prime? 25 MS. ROSE: Sir, just as a follow-up.</p>

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<p>1 MR. CHARLES: A follow-up question 2 from Councilwoman Rose. 3 MS. ROSE: I just want to make sure 4 that I clearly understand this. What I hear you 5 saying is that the trees that currently exist 6 between the Charlotte Drive residents and the M-1 7 zone on the easterly side of that property are 8 going to stay? 9 THE WITNESS: Roughly 180 feet of 10 buffer. 11 MS. ROSE: Will stay? 12 THE WITNESS: Yes. 13 MS. ROSE: Okay. Thank you. 14 MR. PRIME: Mr. Chairman, that 15 concludes our presentation on behalf of the 16 applicant. We did receive a review letter today 17 from the board traffic engineer reviewing the new 18 plan with the eliminated driveway. Any approval 19 that the board would give, we can't agree to all 20 of the comments. I assume that we would have to 21 talk some more after the DOT reviews the plan with 22 the traffic engineer about the length of the 23 de-cel lane and the design to that. I want to 24 make sure we are not agreeing to the letter or 25 having any approvals subject to that letter.</p>	<p>1 applicant would have to rely on obtaining a waiver 2 from DOT for the stop control condition as opposed 3 to providing -- what you don't want to do is to 4 provide a less-than-adequate accel lane. 5 MR. CHARLES: And that's defined, 6 right, how long that needs to be? 7 MR. HULT: Correct. It's in the 8 Roadway Design Manual for DOT. 9 MR. CHARLES: So then the assumption 10 would be -- 11 MR. PRIME: We just got the letter 12 before. If a waiver is required, we will seek it 13 from DOT. We would like to have the driveway -- 14 we've redone it so it would be centered on the new 15 building so -- 16 MR. CHARLES: We don't know if it 17 meets it or not where it is today; right? 18 MR. HULT: It doesn't meet the strict 19 interpretation of the access code for this section 20 of 202, so the applicant would have to obtain a 21 waiver from DOT. 22 MR. CHARLES: All right. So the 23 assumption would be that you'll be applying for a 24 waiver. 25 MR. PRIME: Correct, and if they</p>
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<p>1 There's going to be more work done on the length 2 of the curb or accel lane. 3 MR. CHARLES: Do you want to give me 4 one moment? 5 MR. PRIME: Sure. 6 MR. CHARLES: Why can't we pin it 7 down now? 8 MR. COLLINS: You can just say what 9 you propose it to be, and we'll see if that works. 10 MR. HULT: Mr. Chairman, item three 11 in the September 26th review letter pertained to a 12 comment with respect to the easternmost access 13 drive, which currently is a movement that's 14 performed under a stop control condition, meaning 15 that the driver has to wait until there is an 16 acceptable gap in traffic to actually pull out 17 into the line of traffic. The DOT access code for 18 this portion of Route 202 requires an accel lane 19 for that movement. So if the accel lane cannot be 20 provided, it will require a waiver from DOT. What 21 we were referring to is that now with the 22 elimination of the central drive, there may be an 23 opportunity to shift that drive further west to 24 provide an adequate accel lane along the site 25 frontage. If that can't be provided, then the</p>	<p>1 don't grant it, and we have to revise the plans 2 somehow, we will have to come back here for an 3 amendment, but I don't think it would be a 4 substantial amendment anyway so... 5 MR. CHARLES: All right. 6 MR. PRIME: That concludes our case. 7 We would like to reserve a few moments for 8 summation if appropriate. 9 MR. CHARLES: Any comments from the 10 board at this time? We are going to open it up to 11 the public in a moment. 12 MS. CASAMENTO: Are we getting rid of 13 the ATM sign? Is that appropriate right now? 14 MR. PRIME: I'm required to ask for 15 the variance. If the board doesn't grant the 16 variance, then the board doesn't grant the 17 variance, but I have to ask for it. 18 MR. HAYES: I've commented that I 19 feel that there isn't justification for it, just 20 to make sure I get the last word on that one. 21 MR. CHARLES: At this time I would 22 like to open the floor up to the public, and at 23 this time the public can make a comment. There's 24 no more questions. You can just make your comment 25 at this time. State your name, address. If you</p>

1 weren't sworn in, please do so.

2 MS. PROVENZANO: Luann Provenzano,  
3 735 Highway 202. That's P-R-O-V-E-N-Z-A-N-O.

4 MR. COLLINS: Do you swear or affirm  
5 to tell the truth, the whole truth, and nothing  
6 but the truth, so help you God?

7 MS. PROVENZANO: Yes, I do. First of  
8 all, I would just like to say I appreciate the  
9 Charlotte Drive residents and what they're going  
10 through right now, but I would just very briefly  
11 like to explain what we've gone through for the  
12 last 30 or 40 years on 202. 202 was a two-lane  
13 road. There was 85 acres with three churches  
14 behind us. We have changed now. There was just  
15 an RCA across the street from us. Obviously, you  
16 all pretty much know the history of 202, so I'm  
17 not going to go into it, but they've already said  
18 here that the traffic was not going to increase  
19 that much by having this facility there, and we  
20 lived with, as already stated, a chain link fence  
21 between us and Fisher Scientific. We have the  
22 lights of Fisher Scientific. We have the lights  
23 of the mall all night long. We have tractor  
24 trailers going in and out of Fisher Scientific all  
25 night long. We have Fisher Scientific taking

1 their snow, putting it into the U turn, and then  
2 the state taking that snow and pushing it in front  
3 of our driveway, so every winter my parents'  
4 mailbox goes down at least two or three times, and  
5 I actually have a picture of it today, because we  
6 had the mail stop being delivered because we're  
7 just not going to fix the mailbox any longer, so  
8 with all of that, the quality of our lives there  
9 has decreased tremendously, and I think that we  
10 are very fortunate in working with a developer who  
11 is so willing to go above and beyond what's  
12 required, and I don't think it's a question of if,  
13 but it's the evolution of this property, and  
14 sooner or later this property is going to become  
15 something other than residences, so I think since  
16 we have a developer who is so willing to work with  
17 the town, I think that the board should consider  
18 that and definitely pass.

19 MR. CHARLES: Thank you.

20 MR. WOJNER: Frank Wojner.

21 MR. COLLINS: Were you previously  
22 sworn?

23 MR. WOJNER: I was not.

24 MR. COLLINS: Just raise your right  
25 hand. Do you swear or affirm to tell the truth,

1 the whole truth and nothing but the truth, so help  
2 you God?

3 MR. WOJNER: I do.

4 MR. COLLINS: Thank you. Frank,  
5 could you state your address?

6 MR. WOJNER: 320 Van Holten Road.  
7 As a resident of Bridgewater and a member of  
8 Operating Engineers Local 825, which is a labor  
9 union, a project like this coming into town gives  
10 local members like me a place to go to work to  
11 build a building. It will the kids a place to go  
12 to work, for working places. 24-hour gas station  
13 for me is a big plus. I don't get up at 8 o'clock  
14 to go to work. I get up at 4 o'clock in the  
15 morning to go to work. Having a 24-hour gas  
16 station would be very nice, a place to go get a  
17 cup of coffee on my way to work. Judging by what  
18 the property looks like now, I think more trees  
19 when they are done will look very nice. I don't  
20 see a problem with it. I think the board should  
21 grant the approvals they need.

22 MR. CHARLES: Thank you.

23 MR. WOJNER: You're welcome.

24 MR. GUIDE: My name is Anthony,  
25 middle initial R. Last name is G-U-I-D-E. I'm

1 here for my mother, 727 Highway 202. Do you need  
2 my home address?

3 MR. COLLINS: Yes, please.

4 MR. GUIDE: 115 South Schaefer Drive,  
5 New Freedom, PA.

6 MR. COLLINS: Are you previously  
7 sworn?

8 MR. GUIDE: No, I have not.

9 MR. COLLINS: Please raise your right  
10 hand? Do you swear or affirm to tell the truth,  
11 the whole truth, and nothing but the truth, so  
12 help you God?

13 MR. GUIDE: I do. I've gone through  
14 the meeting minutes of the last meeting and found  
15 a lot of the questions repeated over and over  
16 again, and I guess the only statement that I  
17 really have is the developer here has gone above  
18 and beyond what's being asked of him in reality.  
19 He's met all the requirements of the board and  
20 gone beyond that. The data model for trafficking,  
21 I know there was a lot of concern about accidents  
22 on the highway. Growing up on the highway when it  
23 was a two-lane highway, there was some really  
24 terrible accidents. Four-lane highway, there were  
25 terrible accidents. Wegmans was not even there



<p style="text-align: right;">Page 86</p> <p>1 yet. Accidents are going to happen no matter  2 where you go, but I think the plan and the data  3 model that they have, which alleviates some of  4 that traffic, will help in that instance. Over  5 time I'm sure it's just going to develop into  6 something more so, and I guess really the point  7 I'm trying to make is that the developer is making  8 this tract of land into something that's useful to  9 the township in the long run, and I think that  10 with them going above and beyond really what's  11 being asked that this should be approved.  12 MR. CHARLES: Thank you. Step right  13 up if you'd like to make a statement. Into the  14 microphone. You can pull that down if you want.  15 MS. SCHWARZKOPF: Elaine Schwarzkopf,  16 45 Charlotte Drive.  17 MR. COLLINS: Ms. Schwarzkopf, you  18 are still under oath.  19 MS. SCHWARZKOPF: Thank you. I'm  20 just quite sad to realize that Mr. Verrichia has  21 made us and them an item here because the people  22 on Charlotte Drive are not against them selling  23 their house. In fact, we are wondering why he  24 didn't continue on and continue and give us a  25 buyout because we are living under the same</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. CHARLES: And your address?  2 MS. HIGGINS: 731 Highway 202,  3 Bridgewater, New Jersey.  4 MR. COLLINS: Were you previously  5 sworn?  6 MS. HIGGINS: No.  7 MR. COLLINS: Please raise your right  8 hand? Do you swear or affirm to tell the truth,  9 the whole truth, and nothing but the truth, so  10 help you God?  11 MS. HIGGINS: I do.  12 MR. CHARLES: Your statement.  13 MS. HIGGINS: Okay. I'm reading.  14 Okay?  15 MR. CHARLES: Okay.  16 MS. HIGGINS: First of all, I already  17 said I'm from 731 Highway 202. Although the  18 township may refer to this area as residential, it  19 couldn't be further from the truth. The fact is  20 that there's are commercial building next to me  21 called -- there is a commercial building next to  22 me called Pearle Tree Service, a group home behind  23 me which shares my own mailing address, Fisher  24 Scientific directly in the back, and then Wegmans  25 Shopping Center across from the street -- across</p>
<p style="text-align: right;">Page 87</p> <p>1 conditions except we're staying, so I don't think  2 there should be any kind of rivalry between the  3 people on Route 202 and the people on Charlotte  4 Drive. We've lived here a long time, and the  5 conditions are only getting worse, and they will  6 get worse because everything that Mr. Verrichia is  7 doing in the way of traffic is not going to solve  8 the problem because the problem is the volume of  9 traffic, and that's getting worse, and nothing is  10 being done about it. And as far as the everything  11 being so wonderful on Charlotte Drive, as far as  12 all the problems are the same except we have now  13 more problems. There's not one thing in this  14 proposal that is positive for the people on  15 Charlotte Drive, and I'd like the board to  16 understand that there are people living here and  17 people come before money. Thank you.  18 MR. CHARLES: Thank you. You can  19 just step up, ma'am.  20 MS. HIGGINS: I have a statement to  21 read because I'm not very good at talking.  22 MR. CHARLES: Just into the  23 microphone state your name and address.  24 MS. HIGGINS: My name Aurea Higgins,  25 A-U-R-E-A, H-I-G-G-I-N-S.</p>	<p style="text-align: right;">Page 89</p> <p>1 the street.  2 My husband and I bought our house in 1973  3 as a starter home thinking that in a few years we  4 will be able to sell and buy a better home to  5 raise our family. We quickly came to find out  6 that the home was completely unmarketable,  7 undesirable, and unsalable. The numerous reasons  8 were including location, highway noise,  9 surrounding business, and specifically the  10 damaging pollution from Fisher Scientific that  11 Fisher Scientific emits on a daily basis. We were  12 stuck in a no-win situation, unable to better  13 ourselves, our life, our economic status. For  14 years we prayed for a developer to come and bring  15 a change and enhancement to our neighborhood. We  16 were hopeful when Wegmans came and bought the  17 property across the street. Since they have been  18 there, we have been loyal customers not only to  19 Wegmans but as well as all the companies as well.  20 They have brought a different atmosphere to what  21 once was a dumping ground.  22 The developer has offered us a fair price  23 for our home, which we have accepted, and we have  24 been working with him. They've been working with  25 the township spending a lot of resources over the</p>

1 past three years. The way this section is now is  
 2 not an asset to the people of Bridgewater, nor the  
 3 township. You might say that this is all  
 4 business, but by the same token, when the deal  
 5 goes through, it would be a win-win situation for  
 6 everyone. The township would have more revenue.  
 7 There would be more employment opportunities for  
 8 the people of Bridgewater, more security as  
 9 currently there are lights on the highway where we  
 10 live, and the grounds would be sparkling clean,  
 11 and the new environment would be there for  
 12 everyone to enjoy.

13 I fully appreciate the time you have given  
 14 me to review -- to review my perspective. I  
 15 request your full support as we go into the final  
 16 stages of the approval. Thank you so much. I'm  
 17 sorry.

18 MR. CHARLES: Quite all right.

19 MR. VERBA: Hi. Steve Verba, 731 US  
 20 202.

21 MR. COLLINS: Can you spell your last  
 22 name?

23 MR. VERBA: V-as-in-Victor-  
 24 E-R-B-as-in-boy-A.

25 MR. COLLINS: Were you previously

1 under oath.

2 MS. GRACE: Excuse me?

3 MR. COLLINS: You're still under  
 4 oath.

5 MS. GRACE: Yes.

6 MR. CHARLES: Your statement.

7 MS. GRACE: Yes. My comment is in

8 all the years that I have lived on Charlotte

9 Drive, I've never seen the traffic as bad as it is

10 right now. It's constant police cars, sirens,  
 11 ambulances. Morning, noon, night on the weekends,  
 12 we can hear it. There have been more accidents.

13 Three residents on our block have been in serious

14 accidents just in the past two months. Now, I

15 work at an intermediate school in Bridgewater, and

16 my commute is about six miles from my house. It

17 took me 45 minutes to get home two weeks ago. The

18 student bus leaves my school at 3:35 p.m. and

19 pulled up in front of my house, a bus stop, at

20 twenty to five. These are 10- and 11-year-old

21 kids that are stuck in traffic on Route 202, and

22 it is Route 202, it's not Country Club or Route

23 28, it's Route 202, trying to make the U turns,

24 every day of the week. Children that age

25 shouldn't have to sit on a hot bus in the

1 sworn?

2 MR. VERBA: No.

3 MR. COLLINS: Please raise your right  
 4 hand. Do you swear or affirm to tell the truth,  
 5 the whole truth, and nothing but the truth, so  
 6 help you God?

7 MR. VERBA: I do.

8 MR. COLLINS: Thank you.

9 MR. VERBA: Good evening,

10 Mr. Chairman, Board. I represent Delta Community  
 11 Supports. I'm the chief operating officer that  
 12 operates the group home at the aforementioned  
 13 address that the previous person had mentioned.  
 14 It is our intent to relocate the group home to  
 15 stay within Bridgewater Township. In fact, we had  
 16 been considering relocating from that location  
 17 already due to the residents of the home getting  
 18 older and aging and it being two stories, and we  
 19 are looking for a ranch home, and so it is our  
 20 intent to relocate within the Bridgewater. I just  
 21 want to share that with you.

22 MR. CHARLES: Thank you very much.

23 MS. GRACE: Ann Marie Grace, 42  
 24 Charlotte Drive.

25 MR. COLLINS: Ms. Grace, you're still

1 afternoon after being in school all day. Now,

2 besides that, there's a primary school bus that

3 comes through our neighborhood in the morning, an

4 intermediate, a middle school, and a high school,

5 and a midday kindergarten bus, and all of them

6 make a return trip. It's a dangerous situation

7 for them coming in off of Route 202 with traffic

8 moving at 55 miles an hour in addition to this new

9 development here that's going to have cars pulling

10 in and out of there. The high school will be

11 hanging out at Wawa for cheap gas and their cheap

12 soda fountain drink and sandwich or whatever in

13 the middle of the day and the afternoon, and new

14 drivers at 16, 17, or 18 years old are going to be

15 coming to that area at risk. That's a very

16 popular place for young people to go to, as it is

17 in QuickChek in Raritan, or whichever it is, 7-11

18 on Route 22. It's not worth the extra cup of

19 coffee to have to build a facility like this with

20 Home Depot, Raymour & Flanagan, and that whole

21 area over there. There's accidents driving into

22 the sun in the evening down to Milltown Road.

23 It's just a hazard, and this is going to add to

24 it, and I feel very bad about just the whole

25 scheme of those woods. It's a beautiful,

<p style="text-align: right;">Page 94</p> <p>1 beautiful area to sit out in my yard, all of the  2 yards from the top of the street and around the  3 block, it's beautiful in the fall, the summer, and  4 in the winter we can see right through it, and now  5 we can look at this, and it's a shame. Thank you.  6 MR. CHARLES: Thank you.  7 MR. LEVEN: Andrew Leven, 2 Holmes  8 Court. Members of the board, I think a  9 fair-minded person would have to say that for the  10 ten homes that are being bought by the developer,  11 the situation has clearly improved for them. I  12 think a fair-minded person would have to concede  13 that the tax base is going to increase by having  14 this project approved. So those are two good  15 things. The problem is the problem that is often  16 faced by this board, and sometimes you don't have  17 a chance to do anything about it, but here you do.  18 The problem is that you have this existing  19 residential neighborhood of 40-some homes, and  20 they can't go anywhere. They can't easily sell  21 their homes. It's probably for many people there  22 their biggest asset, as it is for many of us who  23 don't live there. They can't move, and they are  24 carrying all the water. They're carrying all the  25 water for these positive, admittedly positive,</p>	<p style="text-align: right;">Page 96</p> <p>1 and/or require a berm. You have the power to make  2 it better not just for the ten people whose houses  3 are being bought and not just for the tax base,  4 but you have an opportunity because variances are  5 being sought to make it somewhat better for the 40  6 people who are left holding the bag, and I think  7 you should require that these improvements be  8 made, and I urge you to consider doing so.  9 MR. CHARLES: Thank you.  10 MS. VILANA: Hi. My name is Paulina  11 Vilana, V-I-L-A-N-A. And I am part of 37  12 Charlotte Drive. My parents live there.  13 MR. COLLINS: Were you previously  14 sworn.  15 MS. VILANA: No, I haven't.  16 MR. COLLINS: Please raise your right  17 hand. Do you swear or affirm to tell the truth,  18 the whole truth, and nothing but the truth, so  19 help you God?  20 MS. VILANA: Yes, I do.  21 MR. COLLINS: Can you spell your last  22 name?  23 MS. VILANA: V-as-in-Victor,  24 I-L-A-N-A.  25 MR. COLLINS: Thank you.</p>
<p style="text-align: right;">Page 95</p> <p>1 benefits, and it doesn't have to be that way. It  2 doesn't have to be a zero-sum game. It can be a  3 win-win situation, and you have the power to make  4 it a win-win situation, and we had heard the  5 planner testify, and I asked him some pretty lame  6 questions, and I got some pretty lame answers,  7 and, folks, you've heard plenty of planners  8 testify, and I'll leave it to you to decide how  9 many of them, besides the one that the township  10 has hired is excellent, have been objective, and  11 whether the planner that was presented here with  12 this testimony was objective when he said that  13 this was the perfect project and it couldn't be  14 improved upon. I'll give you two very obvious  15 improvements that could be made here that could at  16 least move the situation in the direct of a  17 win-win. One is to limit the hours of the  18 operation of this 24/7 Wawa that is being proposed  19 for the site. I'm not aware -- now, I don't know  20 that area very well, but I'm sure some of you do,  21 I'm not aware of there being any other 24/7  22 businesses anywhere near there. I mean within a  23 mile. I'm just not aware of it, but if they are,  24 you know, shame on me, but I'm not aware of it.  25 Number two, protect -- expand the tree coverage</p>	<p style="text-align: right;">Page 97</p> <p>1 MS. VILANA: So I have my parents  2 living there. We've been living there for four  3 years. And just listening at everything and  4 everything that they have received in the mail and  5 everything, it's just a hazard to have -- I was  6 part of a car accident just coming to visit them  7 in 37 Charlotte Drive about two years ago. So  8 having this Wawa, I just can't imagine them living  9 there, you know, and based on all the conditions.  10 You have kids there. You have plenty of children  11 who run around. So I just can't imagine having a  12 Wawa, and me living there for four years, I could  13 see that there's a drug problem as well from kids  14 from Readington. And having this facility open  15 for 24 hours, I know people mentioned job  16 opportunities. I don't see that as an  17 opportunity. I think that would increase the  18 alcohol consumption and the drug consumption, and  19 I just don't see it as a benefit for the people  20 that will stay within Charlotte Drive.  21 MR. CHARLES: Thank you.  22 MS. RADZICKI: Dottie Radzicki.  23 MR. CHARLES: If you could speak into  24 the microphone, that would be better. I know  25 everybody likes to turn and look.</p>

1 MS. RADZICKI: Dottie Radzicki, and  
2 I'm representing my mother, Jemma Guide, 727  
3 Route 202, Bridgewater.

4 MR. CHARLES: Could you spell your  
5 last name.

6 MS. RADZICKI: R-A-D-Z-I-C-K-I.

7 MR. COLLINS: Dottie, please raise  
8 your right hand. Do you swear or affirm to tell  
9 the truth, the whole truth, and nothing but the  
10 truth, so help you God?

11 MS. RADZICKI: I do. I just want to  
12 say that I'm a realtor in Massachusetts and work  
13 with commercial developers, and these people are  
14 unbelievable in they've gone above and beyond  
15 trying to accommodate everyone and every issue. I  
16 do believe that this development though will be --  
17 is quite suitable for the location of the highway  
18 road projects, which is where we're from, and  
19 there's ten houses surrounded by industry.  
20 Charlotte Drive and Edgewood Terrace have their  
21 own cul-de-sac, and this is not going to affect  
22 their street. The traffic is what it is. It's a  
23 highway, and it will always be that way, so I just  
24 want to say that I think it's a suitable  
25 development for this location, and it's always

1 been surrounded by RCA, we had Ortho, we have  
2 Janssen up the street, it's all commercial and  
3 industrial properties, and there's even commercial  
4 properties on the highway frontage to Charlotte  
5 Drive. There's an auto body place, restaurants,  
6 and that's the nature of the beast, but as far as  
7 the highway goes, I think it's quite suitable. It  
8 could be a lot worse with an industry and no trees  
9 and just parking lot, but I do thank you for your  
10 time.

11 MR. CHARLES: Thank you.

12 MR. O'SULLIVAN: Dan O'Sullivan, 120  
13 Timothy Place.

14 MR. COLLINS: Have you been  
15 previously sworn? Please raise your right hand.  
16 Do you swear or affirm to tell the truth, the  
17 whole truth, and nothing but the truth, so help  
18 you God?

19 MR. O'SULLIVAN: Yes. So regarding  
20 the variances, there should be no relief on the  
21 setbacks and parking. The problem is the plan,  
22 not the ordinance. Change the design, eliminate a  
23 building, eliminate two buildings. There are many  
24 options. You know, this plan is just trying to  
25 maximize the space and, therefore, maximize

1 profit. There's really no reason for all these  
2 buildings. Especially three buildings that they  
3 don't even have a plan for. We don't need more  
4 empty buildings. There's already plenty of place  
5 all around Bridgewater, Branchburg. Even go as  
6 far as Somerset County, there's empty space  
7 everywhere. As far as the parapet and the loading  
8 zones go, again, you should not grant these. The  
9 size of the Wawa operation is the problem, not the  
10 ordinance. A reasonably sized gas station  
11 operation could be built without exceeding these  
12 ordinances, and as far as the signage goes, also,  
13 a very simple no, you should not grant this. It's  
14 esthetically unacceptable. When you heard his,  
15 you know, his description, it started out as two  
16 signs, and then there was another sign and another  
17 sign, and the possibility of another sign. I  
18 couldn't keep count. Was it five signs? I don't  
19 even know, but way too many signs. Esthetically  
20 it's unacceptable. You know, where we currently  
21 see grass and trees, we would see sign after sign  
22 after sign, so I think there are many options, and  
23 there is no need to grant any of those variances.  
24 There's many options that they could take that  
25 would fit the size of the lot a lot better, and,

1 you know, these ordinances are in place for a  
2 reason. Make them fit into the ordinances. Thank  
3 you.

4 MR. CHARLES: Thank you. Name and  
5 address, please.

6 MR. LALEVEE: Greg Lalevee,  
7 L-A-L-E-V-E-E, 248 Great Hills Road, Bridgewater.

8 MR. COLLINS: Do you swear or affirm  
9 to tell the truth, the whole truth, and nothing  
10 but the truth, so help you God?

11 MR. LALEVEE: Yes, I do. I just want  
12 to acknowledge and applaud the developer for  
13 making so many changes and being responsive to  
14 concerns. From my -- if I heard correctly, some  
15 of the outstanding variances actually make some of  
16 the buildings more esthetically pleasing, which I  
17 think is a good thing, and while I won't purport  
18 to be a traffic expert, I do drive around the  
19 state for a living, and when I heard the concerns  
20 about traffic, what occurred to me is I pass and  
21 sometimes patronize Wawas on 206 in Burlington  
22 County, on Route 34 in Wall, Monmouth County, and  
23 Route 18 in Old Bridge, Middlesex County, and I've  
24 never experienced or seen any kind of real serious  
25 significant traffic problem, and I drive on-peak

<p style="text-align: right;">Page 102</p> <p>1 and off-peak, so I just would like to say I 2 encourage you to approve the application. 3 MR. CHARLES: Thank you. 4 MS. RADZICKI: I forget to say one 5 thing. Dottie Radzicki. This has been going for 6 a long time, and the children of the sellers of 7 this property, we are coming from five states to 8 these meetings, so if we could just come to some 9 sort of conclusion soon. 10 MR. CHARLES: Got it. We try all the 11 time. 12 MS. RADZICKI: Thank you. 13 MR. CHARLES: Thank you. Other 14 statements, please. 15 MR. CHANG: Jesse Chang, 35 Charlotte 16 Drive. 17 MR. CHARLES: Mr. Chang, you're still 18 under oath. Your statement, please. 19 MR. CHANG: I understand the plight 20 of these residents on 202, the problem they had 21 when the Wegmans moved in, the Fisher Scientific 22 moved in. This is the exact same thing that we 23 are trying to prevent on Charlotte Drive and 24 Edgewood Terrace. I grew up in Bridgewater. I've 25 lived on Charlotte Drive for 31 years. I'm only</p>	<p style="text-align: right;">Page 104</p> <p>1 four more retail buildings and an office building. 2 Looking at it from a safety standpoint, my rescue 3 squad, we respond to Sanofi on 206 all the time. 4 We go to 95 Corporate. We have the high school. 5 These are what are called soft targets, as most of 6 you must know in the community. With the increase 7 in the tax recently, adding another large area 8 where offices and retail buildings are probably 9 isn't a good idea. On top of that, the number of 10 empty buildings that someone spoke about earlier, 11 why are we adding more retail buildings when we 12 have an office space, when we have the large brown 13 building in the parking lot of the Wegmans that's 14 already empty pretty much. As far as I know, 15 there's Applegate Farms on the top level of that 16 building, and I actually worked for a company that 17 was on the second floor that moved out because it 18 got too expensive, and as far as I know, the 19 majority of that building is still empty. Let's 20 see. I had a couple more notes. The shift 21 worker. I'm currently a nurse. I work at 22 Hunterdon Medical Center. I've worked odd hours. 23 I've left my house in the middle of the night to 24 go to work. As the gentleman earlier who said he 25 woke up at four to go to work every day, and it</p>
<p style="text-align: right;">Page 103</p> <p>1 32 right now. I volunteer in the community. I 2 ride on the rescue squad. Our shift changes are 3 at 6 o'clock. I volunteer on the rescue squad. 4 Our shift changes are at 6 o'clock. The problem 5 with the traffic on 202, it has become a serious 6 problem. I have tried going to a call at 6:04 7 just this past Wednesday and sat in traffic for 8 over a half an hour before I even got to First 9 Avenue from Charlotte Drive. I know the traffic 10 engineer last meeting was saying that this isn't 11 going to affect traffic by adding more of a 12 problem, and he actually said it was going to make 13 it easier to get onto 202 because of the timing of 14 the traffic lights. That makes sense if the 15 traffic is actually moving. As many of you must 16 know, traffic when it builds up, especially when 17 it reaches First Avenue, it will reach all the way 18 back up to Milltown Road. Even if there's space 19 between the traffic light timing, it's not going 20 to help if the cars are already parked on the 21 highway trying to get through. Adding more retail 22 buildings and office space during rush hour time 23 isn't going to help with the times. It's just 24 going to add more cars on the road. In addition 25 to that, you're adding -- what is it -- three or</p>	<p style="text-align: right;">Page 105</p> <p>1 would be a nice place to get coffee, yeah, it's a 2 nice place to get coffee in the morning, but you 3 can also make it at home. 24-hour buildings. The 4 argument for them is it's good for shift workers. 5 Well, yeah, it might be nice once in a while to go 6 get a cup of coffee, but it's not necessary. 7 There's also another Wawa up 202 in Readington 8 that's 24. Gas stations. You can go in the off 9 hours and fill up. You don't need one all the 10 time. Let's see. I believe I have couple other 11 statements, but I can't remember them right now, 12 so I hope you agree with me that it doesn't make 13 sense to add more buildings to a location that, 14 you know, really doesn't need it. Okay. 15 MR. CHARLES: Thank you. 16 MR. COPT: I was going to go home and 17 watch the debate, but this is more fun. 18 MR. CHARLES: Stay here and watch the 19 debate. 20 MR. COPT: When I came in tonight, I 21 know there's sides. I mean the developer is on 22 that side. The Charlotte Drive people are on this 23 side. I should really sit in the middle. Most of 24 these people on Charlotte Drive I've known for a 25 long time. I went to school with some of them.</p>

1 The people on Route 202 I know all their parents  
 2 because I went to school with all their kids, and  
 3 probably some of their children are here in the  
 4 audience. The people on 202 certainly have a  
 5 right to sell their property. As a residential  
 6 property, it is worthless. This is their only  
 7 shot at making money on this and getting rid of  
 8 their property. On the other hand, the people on  
 9 Charlotte Drive, their lifestyle has to change  
 10 too. It's a real dilemma. I should have sat in  
 11 the middle of the aisle tonight rather than pick a  
 12 side, and I'm not going to choose a side. I think  
 13 the board has a real dilemma. You have to come to  
 14 a resolution that makes everyone happy. For  
 15 myself, if the gasoline operation was out of the  
 16 job, I think it would be fine. If Wawa is there,  
 17 it's fine. Wawa has a place 12 miles up the road.  
 18 It's not gasoline. It's just selling coffee and,  
 19 you know, milk and that kind of stuff. You  
 20 really -- the reality is this property is going to  
 21 get developed. Whether it's going to get done  
 22 tonight, or it's going to get done six months from  
 23 now, you are going to go through this all over  
 24 again. I think you have a tough job to try to  
 25 make everyone happy. Both sides have to give a

1 little bit including the developer, and I think if  
 2 you take the gasoline operation out of it and make  
 3 sure the people on Charlotte Drive get a good  
 4 buffer along the back of their property, you  
 5 probably could make most of the people happy.  
 6 Thank you. Good luck.  
 7 MR. CHARLES: Thank you.  
 8 MS. GIBBS: Hi, Kate Gibbs, 65  
 9 Springfield Avenue, Springfield, New Jersey. I  
 10 have not been sworn in yet.  
 11 MR. COLLINS: Raise your right hand.  
 12 Do you swear or affirm to tell the truth, the  
 13 whole truth and nothing but the truth, so help you  
 14 God?  
 15 MS. GIBBS: Yes.  
 16 MR. COLLINS: Could you spell your  
 17 last name?  
 18 MS. GIBBS: G-I-B-B-S. I'm here  
 19 representing the Engineers Labor-Employer  
 20 Cooperative. We are an organization focused on  
 21 promoting economic development advocating for  
 22 investments and infrastructure and supporting  
 23 specific responsible construction projects. We  
 24 represent nearly 7,000 heavy equipment operators  
 25 and over 1200 signatory contractors throughout the

1 entire State of New Jersey and five counties in  
 2 New York. I'm here tonight in support of the TVC  
 3 application. As a group focused on economic  
 4 development, it is important to point out that it  
 5 seems to me from all that I've read in following  
 6 this project for a long time and everything I have  
 7 heard tonight, the developer is really being very  
 8 responsible and responsive to the requests from  
 9 this board. I also want to commend the board, it  
 10 seems like you are doing a very good job of trying  
 11 to protect your residents and their concerns while  
 12 at the same time protecting the rights of the  
 13 property owner, so you have, just as the other  
 14 gentleman stated, you have kind of two sides to  
 15 this, and you need to make sure you are protecting  
 16 both sides, and it seems like the board has taken  
 17 a lot of efforts to make that happen. Speaking as  
 18 someone who works in the development industry, our  
 19 contractors and our members have worked on similar  
 20 developments like this all over the state and in  
 21 New York, and Wawa in particular, the developers  
 22 they work with and choose to work with always  
 23 build their projects to be esthetically pleasing.  
 24 They are built safely, efficiently and lead to  
 25 transportation, and water and sewer infrastructure

1 upgrades when needed. Their plans, intersection  
 2 improvement along with this project will alleviate  
 3 traffic, and not only will this project provide  
 4 construction jobs for those that we represent, but  
 5 it will also create permanent retail jobs and  
 6 bring an economic impact from the employees of the  
 7 Charles Schwab office building who will patronize  
 8 local businesses, buying lunch, going to the dry  
 9 cleaners, and other services like that. In  
 10 addition, I think it's important to note that Wawa  
 11 doesn't just offer part-time and full-time  
 12 positions. They really focus on creating a career  
 13 path and leading their employees to have  
 14 opportunities for management. They even give them  
 15 financial assistance towards students' higher  
 16 education degrees, so I think as a community  
 17 benefit in what you are trying to do here in  
 18 protecting both the residents on Charlotte and the  
 19 property owner, the developer, TVC, that I think  
 20 this application should be approved tonight.  
 21 Thank you so much.  
 22 MR. CHARLES: Thank you.  
 23 MS. ESLER: Brenda Esler, 46  
 24 Charlotte Drive. So my home is the third house  
 25 in on Charlotte Drive West, the third house in

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1 from 202, which has been depicted on all the plans  
 2 that we've seen. Lands of Esler noted on the  
 3 maps. So I'm a pretty significant stakeholder in  
 4 this development that's being proposed. I also  
 5 have two children ages 9 and 10. So we bought our  
 6 home, you know, with this tree area behind it. So  
 7 I think that in my opinion the best thing that's  
 8 coming out of this proposal is the neighbors on  
 9 202 having the opportunity to sell their homes.  
 10 They've done a great job of building a case of how  
 11 undesirable those properties are, and I  
 12 wholeheartedly agree, and I'm glad that they are  
 13 able to have the opportunity. I also don't  
 14 entirely disagree with the rezoning. I mean  
 15 clearly there are other uses closing in on those  
 16 homes, so I can see the value of that, too. My  
 17 biggest concern personally impacting me and my  
 18 family is the tree area behind our yard that's  
 19 currently in the M-1 zone, and I think that the  
 20 number of times that I and my neighbors have been  
 21 corrected in not referring to it as a buffer just  
 22 kind of reinforces the insignificance of our  
 23 situation in how it's perceived by the developer  
 24 that it's not something that we are entitled to.  
 25 They've said that they have gone above and beyond

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1 in trying to do everything reasonably possible to  
 2 give as much protection as possible to the  
 3 residents, and I disagree with that because I  
 4 think downsizing the proposal to decrease the  
 5 number of buildings is something reasonably  
 6 possible that hasn't been considered, and in doing  
 7 so, the number of trees that are there now can  
 8 remain untouched in the M-1 zone. I also heard  
 9 the request for a variance for M-1 for a 4.16-acre  
 10 lot where 10 acres is required, so I see that as  
 11 an opportunity for the board to not honor that  
 12 variance so that that portion can remain  
 13 undeveloped in M-1, and I also want to thank the  
 14 board in recognizing that by keeping that in M-1,  
 15 you were increasing the protection to Charlotte  
 16 Drive, so I do appreciate that that was  
 17 acknowledged, and also the planner said that the  
 18 Charles Schwab would be a less intensity use  
 19 closest to Charlotte Drive as opposed to a retail  
 20 use, which okay, I get that, but I see the Charles  
 21 Schwab placed in M-1 more because they want to  
 22 maximize the number of retail buildings, A, B, and  
 23 C, that can be placed in C-7, so I don't really  
 24 see that as a personal favor. It's more just to  
 25 increase the number of buildings that they can put

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1 in there, and I also think that the trees that are  
 2 there now is the ideal low-intensity use that I  
 3 would like to see there, and I know that  
 4 environment is a strong priority for Bridgewater.  
 5 I've lived in Bridgewater my whole life. My kids  
 6 have participated in things like the annual  
 7 EcoBlast Fair, annual Arbor Day where I know the  
 8 township distributes trees, encourages residents  
 9 to plant trees, and we have some mature trees in  
 10 this tree area that within our lifetimes probably,  
 11 you know, couldn't grow to the maturity that they  
 12 are right now, so I think that is a simple measure  
 13 that can be taken to protect an environmental  
 14 resource to significantly impact neighbors on  
 15 Charlotte Drive, especially my home and the  
 16 neighboring homes of some of my neighbors that  
 17 have testified here, and I know that I also heard  
 18 mention that there was not a substantial detriment  
 19 by this proposal, and maybe not in the large  
 20 scale, but I think for myself and my neighbors  
 21 there is a substantial detriment, how we feel  
 22 about it, so my thought that I guess I would like  
 23 to end with is that I think by downsizing the  
 24 proposal, decreasing even by one building,  
 25 especially when we have no identified tenants for

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1 retail A, B, and C, would be a significant way to  
 2 increase the protection for Charlotte Drive. I  
 3 think, you know, I would be happy with that, and I  
 4 just want the board to consider that in your  
 5 decision. Thank you.  
 6 MR. CHARLES: Thank you.  
 7 MS. SCHWARZKOPF: Hi. I just want to  
 8 add one more comment, and that is if that area of  
 9 the tree buffer zone that had endangered species  
 10 that buffer zone, we wouldn't be having this  
 11 conversation because you would say save the trees  
 12 because of the endangered species. If there were  
 13 wetlands in that zone, you wouldn't be having this  
 14 conversation because you're not allowed to take  
 15 away the trees so far from those wetlands. You  
 16 get more acreage. And I am just asking you to  
 17 think about the human species because we are at  
 18 risk if we don't start thinking about people. So  
 19 that's my comment.  
 20 MR. CHARLES: Thank you.  
 21 MS. SCHWARZKOPF: I leave that  
 22 positive thought in your mind.  
 23 MR. CHARLES: Thank you.  
 24 MR. SUDOL: Hi. My name is Wayne  
 25 Sudol. S-U-D-O-L. I live at 5 Edgewood Terrace,

1 Bridgewater, New Jersey. I've not been sworn yet.

2 MR. COLLINS: Do you swear or affirm  
3 to tell the truth, the whole truth, and nothing  
4 but the truth, so help you God?

5 MR. SUDOL: I do. For a little bit  
6 of background, my parents got married in  
7 Somerville, bought land in Bridgewater, and I'm  
8 their only son. I grew up in Bridgewater as a  
9 kid. So as kids, I have people in Charlotte  
10 Drive, Owens Lanes. We all lived together. We  
11 all tried to cross the highway at different times.  
12 I couldn't think of having kids today trying to  
13 cross the highway going through the traffic. As  
14 being from the standpoint my parents had fought  
15 against Wegmans and the development of the other  
16 ones, they got an additional -- they built a berm,  
17 they built a fence in the back, they had pine  
18 trees. It's great. Now that it's coming fall, we  
19 lose the leaves, and we do see the light. You  
20 could see light coming through. Sometimes Tuesday  
21 morning, Wednesday morning, maybe 4:30, 5 o'clock  
22 in the morning, we hear the banging of the  
23 dumpsters. Somebody is dumping -- going through,  
24 recycling. You hear the noise. It's just as  
25 growing up as a little kid seeing the area change,

1 move, I feel for them. I feel for the neighbors.  
2 As a Edgewood Terrace resident, I can go out on  
3 Edgewood Terrace, I can see Ortho light. I can  
4 see the top of the hill over down towards that. I  
5 do have view. I drove, tried going through, they  
6 really do not have much of a view for oncoming  
7 traffic. That's not even rush hour traffic, so  
8 just like you have all to take in consideration of  
9 noise, view for the people going through, and I  
10 know progress is progress, everything goes, but  
11 it's, you know, as a little kid growing up in  
12 Bridgewater, came, got married, I moved back in my  
13 parents' house after they passed away, we liked  
14 it, it was quiet, and that's basically I'd say my  
15 opinion on it going through, so it's your decision  
16 going through. Thank you.

17 MR. CHARLES: Thank you. Your name  
18 and address?

19 MR. BANGA: Interpret Banga, 376  
20 Route 28, Bridgewater, New Jersey.

21 MR. COLLINS: You're still under  
22 oath, Mr. Banga.

23 MR. BANGA: Yes. From the last few  
24 meetings it seems that the applicant has achieved  
25 much of what was required of the zoning. From

1 what Ms. Rose had said about the variances,  
2 reduced from 43 to 9, based on the planning  
3 board's recommendation to rezone this location.  
4 Now, in the reality, this zone has already been  
5 rezoned from residential to commercial, so the  
6 reality is that someone eventually will come into  
7 this zone, whether it's this applicant or another  
8 applicant, but I'd like to ask the board what is  
9 the quality of life worth for these residents? I  
10 think there's two items similar to my neighbor  
11 Andy who had mentioned the 24/7, to my knowledge  
12 there's no 2/47 convenience stores or gas stations  
13 in the nearby vicinity, and typically 24/7  
14 locations bring crime and drugs, and this was very  
15 evident in the zoning board case when we were  
16 fighting QuickChek on 22, and a lot of -- we did  
17 bring up a lot of great examples, and Wawa and  
18 QuickChek are not very dissimilar. Allowing for a  
19 2/47 in this location is setting precedence across  
20 other parts of Bridgewater for more 24/7, which is  
21 not something that's conducive to the quality of  
22 life, which I hope you can understand and be able  
23 to look out for these residents. The other item  
24 is the number of pumps. The number of pumps down  
25 this corridor maxes out at, I would say, eight.

1 This is 16 pumps. That is a significant amount of  
2 pumps compared to the rest of this entire corridor  
3 and the entire three-mile radius of Bridgewater  
4 and its surrounding townships. I would ask the  
5 board to consider these two requirements. I mean  
6 obviously this is a very tough decision. I think  
7 it would, you know, really help the quality of  
8 life for these residents as well of the travelers  
9 down 202. Thank you.

10 MR. CHARLES: Thank you. Any other  
11 statements to be made? Seeing none, I will close  
12 this portion. Oh, come on up. Name and address,  
13 please.

14 MS. BARNES: Sharon Barnes, 38  
15 Charlotte Drive.

16 MR. CHARLES: Ms. Barnes, you're  
17 still under oath. Your statement, please.

18 MS. BARNES: First I'll just mention  
19 I still don't think I got a satisfactory answer as  
20 far as the traffic goes how residents from  
21 Charlotte Drive will be able to get out. It seems  
22 like the lighting -- the light situation at the  
23 previous, I guess the last time he testified, it  
24 didn't seem satisfactory, and if nothing else, I  
25 would request that there only be the two



<p style="text-align: right;">Page 118</p> <p>1 driveways, and those driveways be as far away from  2 Charlotte Drive as possible to give maybe a split  3 second more to get out. The other thing I just  4 wanted my statement is very similar to what a lot  5 of other people have been saying that being in the  6 area, just growing up there, right now Charlotte  7 Drive is like a little hidden gem. It's a  8 wonderful community for children, and right now we  9 are protected from the noise and hustle and bustle  10 of the highway, at least until we try and pull  11 out, but while you are on the road, the children  12 feel like they can play safely, and it's a little  13 hidden gem of a community, and we are proud to say  14 that we live in Bridgewater. Now with the  15 proposals, if they go in exactly as the developer  16 has stated tonight, we are not going to be that  17 little community anymore. Besides the fact that  18 all the values of the homes will be kind of go  19 down, the community, that feeling is going to be  20 decimated, and so instead of a wonderful little  21 place that you feel safe in, we'll just be able to  22 refer to ourselves as a house off the highway, and  23 so I feel for all the residents on the highway  24 that have come up and spoken, and obviously it's  25 to their benefit, and I can wholeheartedly</p>	<p style="text-align: right;">Page 120</p> <p>1 hopefully, for selfish reasons, along the back as  2 well, but, you know, it doesn't have to be us  3 versus them. It really can be that there is  4 development, but it's done compassionately, and  5 it's done so that Bridgewater residents aren't put  6 in the same position as the residents on the  7 highway, and there's just no way out for us, and,  8 you know, the developers keep saying, Well, we're  9 in our rights, we're in our rights to do it, yeah,  10 they can, but just because they can doesn't mean  11 they should, and it doesn't mean that you should  12 approve it exactly how they are. I mean they are  13 looking to you to have all these exceptions to the  14 variances, but yet they are not willing to  15 negotiate to preserve a whole community. They  16 just look at us in disdain when we possibly  17 suggest that let's preserve a community by you to  18 do one less building, and it doesn't seem like  19 it's -- just because they can ruin a community  20 doesn't mean we have to let them, and so I just  21 hope when you consider your decision that you  22 consider that maybe a simple elimination of one  23 building to preserve that batch of trees could  24 make all the difference. I don't know if we are  25 ever going to fix the traffic issue. You know,</p>
<p style="text-align: right;">Page 119</p> <p>1 appreciate what they're going through, but you  2 don't want to trade those ten houses, you know,  3 there's, you know, kind of, as they said, there's  4 not much hope for them anymore, but you don't want  5 to put the 40-some houses on Charlotte Drive in  6 the same exact position that they are in now where  7 the values are shot, you are stuck there, and you  8 don't even have that wonderful little residence  9 community anymore, and you are not proud to say  10 you live in Bridgewater anymore, so I think as  11 other people have said, there is a happy medium  12 that could be done that would still protect  13 Charlotte Drive and yet still have the residents  14 on the highway be bought out, and it really  15 wouldn't take all that much. I mean the  16 developers would still make a ton of money, more  17 than any residents all put together on Charlotte  18 Drive would ever see in the lifetime. They would  19 still make money, and even if it was just Wawa, or  20 Schwab alone, they would probably make enough  21 money, and Bridgewater would still get taxes. All  22 we are saying is have a compromise. Reduce the  23 size of the development by one building or just  24 enough so you don't have to cut down any of the  25 existing trees, you know, on the side and</p>	<p style="text-align: right;">Page 121</p> <p>1 it's still going to be maybe two driveways instead  2 of three, but if you can just try and preserve the  3 community and so it's a safe place for children,  4 and I would just really hate to see that lost, and  5 then 40 people just stuck there and then not be  6 proud to say they are in Bridgewater, and I think  7 the taxes would be fine, the revenue that you  8 could get. The development would still make a lot  9 of money, and like I was mentioning before, if you  10 do maybe dollars for dollars with what the  11 property values would be reduced to so there's  12 less money coming into Bridgewater from our taxes,  13 it might be offset by the developers giving you,  14 you know, you would still get more taxes from the  15 Charlotte Drive houses even if there's -- and less  16 from the developers if they just reduce it by one  17 building. Money-wise it might break even for  18 Bridgewater, and then I guess that's it. Just  19 keep in mind the safety, the noise, all the people  20 who have testified on Route 202 will be in pretty  21 much the same boat if this goes through, but there  22 won't be any developers coming to us, and I guess  23 I had a whole bunch more written down, but I think  24 everybody gets the point. It's just when you  25 consider what, you know, the final plan of the</p>

1 developers, can you just ask them to go back and  
 2 reconsider shaving off just enough, maybe one of  
 3 the small buildings, or reduce that real big  
 4 retail building to smaller, so that they can just  
 5 not touch those existing trees. I know they don't  
 6 have to, but it doesn't make it right that they  
 7 can do it just because they can, especially it  
 8 seems like they are asking for all these  
 9 variances, but they are not willing to consider  
 10 the other side. I mean people say, Oh, they've  
 11 gone above and beyond out of their way to be  
 12 helpful or reduce the variances and work with us.  
 13 They've worked some, but it's still decimating a  
 14 whole community, and it wouldn't take that much  
 15 more for them just to go a little bit even more so  
 16 that we can truly say they've gone above and  
 17 beyond instead of just saying it just on paper.  
 18 You know, say it in their hearts and say it for  
 19 the good of Bridgewater, do what's right for the  
 20 good of Bridgewater that we as residents can say  
 21 that we're still proud to live there.

22 MR. CHARLES: Thank you. Not seeing  
 23 any further comments, I will close this portion of  
 24 the meeting, the public portion, ask any of the  
 25 board members if they have any statements they'd

1 like to make?

2 MR. COLLINS: Mr. Chairman, I think  
 3 Mr. Prime mentioned something about a closing, but  
 4 if he would keep it short, that would be  
 5 appreciated.

6 MR. PRIME: I just have a couple  
 7 comments.

8 MR. CHARLES: Sure. Please.

9 MR. PRIME: Because the comments have  
 10 been I think ruining a community, Mr. Leven said  
 11 about the Charlotte Drive residents being left  
 12 holding the bag. That's just not the case. From  
 13 the very beginning we've looked at this, the  
 14 developer has looked at this site and worked with  
 15 the township, the economic development committee,  
 16 to develop a reasonable comprehensive land use  
 17 plan for this tract. This is a unique parcel of  
 18 land. The application proposes to replace a group  
 19 of older homes, ten driveways on 202 right now,  
 20 replace that with a comprehensive planned  
 21 development. Right now there a hodgepodge of  
 22 residential buildings, some with commercial uses,  
 23 some with home-based businesses, some with tenants  
 24 that are investment properties, and we are going  
 25 to replace that with a comprehensive planned

1 development. We initially started this process  
 2 with the Wawa developed on the corner, and in  
 3 looking at that and initially going to the zoning  
 4 board, it became obvious that the whole area  
 5 needed to be dealt with in an overall plan, not  
 6 piecemeal, not one at a time, but as part of an  
 7 overall plan. Wawa is the economic driver of this  
 8 development, and to the extent that it's more  
 9 intense than some of the other uses, it's been  
 10 located at the far corner of the development for  
 11 just that reason. You heard the traffic  
 12 engineer's testimony that we are trying to capture  
 13 pass-by traffic. We are trying to urge people to  
 14 come in to the development and hopefully take a  
 15 ride to the other uses and be the economic driver  
 16 of this. We have no intentions of duplicating  
 17 what's across the street. Our testimony is that  
 18 we are less than 10 percent of the size of that  
 19 development. No big box users, no overwhelming  
 20 impacts on anyone. These are separate uses. They  
 21 are distinct amongst themselves but also part of a  
 22 overall planned development. The developer went  
 23 out of his way to pick the least intense use that  
 24 he could put on that M-1 zone, that traffic.  
 25 Forget the rest of the development. Fisher

1 Scientific could sell tomorrow. Someone could  
 2 come in with a different use, a more intense use,  
 3 or even the Schwab use, but if the Schwab use was  
 4 there by itself, it would have to its own parking,  
 5 have to have its own parking lot around the  
 6 building, whereas now we are pushing that parking,  
 7 shared parking, on the other side of the building  
 8 to provide for that bigger buffer to Charlotte  
 9 Drive, and four tiers of landscaping that an M-1  
 10 developer would not have to do. So we're not  
 11 trying to destroy a community. We are not trying  
 12 to leave anybody holding the bag. We are trying  
 13 to work with a parcel of land that's unique and  
 14 develop it sensibly, as our planner indicated, and  
 15 reasonably. That's our goal here, and we think  
 16 we've accomplished that. The variances were not  
 17 meant to overdevelop the site. They were meant to  
 18 try to address what we perceive to be the retail  
 19 markets driving us to do the layout that we had,  
 20 but we've come back off of that. We've moved back  
 21 off of that to try to accommodate the concerns of  
 22 the board and the residences, and all the  
 23 stakeholders in this process. We respectfully ask  
 24 you to approve the development. We believe it's a  
 25 good, solid development for Bridgewater, for my

1 client, and really for the neighborhood. We  
 2 talked about a million and a half dollars of  
 3 traffic improvements not for any reason other than  
 4 we are not trying to make the situation worse. We  
 5 realize there's a lot of traffic on 202. This  
 6 development doesn't just help us. It helps Fisher  
 7 Scientific with their access way to 202. It helps  
 8 the folks across the street with their access to  
 9 202. We are trying to work with the entire area  
 10 and try to present a plan that makes sense, and we  
 11 think we've done that. Thank you.

12 MR. COLLINS: Thank you, Mr. Prime.  
 13 Members of the board, statements?

14 MS. ROSE: Can I ask a question,  
 15 Scarlett.

16 MS. DOYLE: Yes, ma'am.

17 MS. ROSE: The applicant is proposing  
 18 292 trees; however, asking for a relief from the  
 19 ordinance that requires 938 foundation plantings.  
 20 Is there a possibility that some of those  
 21 foundation plantings could become trees and  
 22 improve the buffer between the residents on  
 23 Charlotte Drive and the -- especially in the M-1  
 24 zone because I've been in the back yard. There is  
 25 not a lot -- I mean that looks very lush when you

1 look at that picture, but that is an artist  
 2 rendering of something that does not exist, and I  
 3 have been concerned, and I continue to be  
 4 concerned, about the fact that I don't think  
 5 there's a big enough buffer. Is it unrealistic to  
 6 expect the applicant or ask the applicant to take  
 7 more of those foundation plantings and turn them  
 8 into trees?

9 MS. DOYLE: Well, obviously the board  
 10 can do what the board chooses because there are  
 11 other variances related, particularly the  
 12 foundation plantings. There are 753 excess trees  
 13 and shrubs beyond what would be required, if not  
 14 counting the foundation plantings. However, to  
 15 answer your question, it would be something that  
 16 you can require, should you want -- typically it's  
 17 not one for one. In other words, one shrub  
 18 doesn't equal one tree.

19 MS. ROSE: Right.

20 MS. DOYLE: But I would again like to  
 21 point out that there are four rows of trees, pine  
 22 trees that -- they're not deciduous -- that will  
 23 be in steps, two on the bottom -- we mentioned  
 24 that before -- one eight-inch higher on the  
 25 platform where the deer aren't going to get to it

1 because on another level there's another  
 2 eight-foot wall where there's more on the top, so  
 3 I don't know what the board is looking for.

4 MR. COLLINS: That's a new, the  
 5 fourth --

6 MS. DOYLE: The fourth row is a new  
 7 row. It was the last meeting, yes. So there are  
 8 two on the bottom double-staggered. Then you go  
 9 up eight feet with a wall. Then you have a  
 10 platform of ten feet where you have another row,  
 11 and then you go up another eight feet, I believe,  
 12 and then you have yet another row of all pines, so  
 13 it's certainly up to the board.

14 MS. ROSE: Okay.

15 MR. COLLINS: There's not much  
 16 grassland, so to speak; is there?

17 MR. CHARLES: Scarlett, how close,  
 18 again, is the average on those pines?

19 MS. DOYLE: I believe they are eight  
 20 feet at planting, ten feet on center, staggered.

21 MR. CHARLES: That's because they  
 22 grow roughly, I would assume, about six feet wide  
 23 or so?

24 MS. DOYLE: I'm giving you a  
 25 three-year -- there's a little ditty that you say

1 the first year it sleeps, the second year it  
 2 creeps, the third year it leaps, so there will be  
 3 after three years you are really going to see  
 4 growth.

5 MR. CHARLES: Other comments from the  
 6 board? No? Mr. Pandya, nothing? Mr. Rodnizak?

7 MR. RODNIZAK: I think that the  
 8 improvements that they are proposing on Route 202  
 9 in conjunction with Steiner and the Wegmans  
 10 property should significantly help that area as  
 11 far as traffic. And everyone here is right, it is  
 12 a disaster. It starts at First Avenue and works  
 13 its way back. And with the new proposal for  
 14 the -- the current configuration with the  
 15 driveways, I think, is much better than having the  
 16 four entrances and exits. And again, they've  
 17 moved the parking. They've lowered the lighting  
 18 on the Charlotte Drive side. Adding additional  
 19 trees and buffering on that side, I think they've  
 20 done a pretty good job.

21 MR. CHARLES: How do the residents  
 22 deal with -- I like your word -- disaster traffic  
 23 on 202? Obviously one application took place, but

24 --

25 MR. RODNIZAK: You can't put the

1 burden on this applicant for --

2 MR. CHARLES: Right. Is it going to  
3 the state? Is it working through the township  
4 council to go to the state? I mean how do you --  
5 we had the same thing on 202-206 that we dealt  
6 with.

7 MR. RODNIZAK: Absolutely, and the  
8 circle is just as bad.

9 MR. HAYES: Mr. Chairman, on the  
10 traffic, we sit at the regional center. We have  
11 communication with the state. We sit with the  
12 regional center -- that's Raritan and Somerville,  
13 Bridgewater, and we communicate that we have a  
14 priority when they ask us about priorities. It  
15 doesn't mean that they get done, but we always  
16 mention First Ave. First Ave is a big priority  
17 for us in both directions, trying to -- the  
18 entrance to 22 as you come north from 202-206 is  
19 another major priority for us, and the traffic on  
20 202-206 going north in town, so we do communicate  
21 to them that these are major choke points for us,  
22 and I work with the mayor from Raritan. He's in  
23 full agreement that First Avenue by Randazzo's  
24 there is a major cause for traffic as far back as  
25 the entrance -- you know, all the way back to 28,

1 287 where 287 comes onto 202-206. So you asked  
2 how they are communicated. Letters and pressure  
3 to the state is how it's communicated officially.  
4 We communicate from our position on the priorities  
5 of the area, and they are the priorities of the  
6 area.

7 MR. CHARLES: Who at the state do  
8 they go to? Do they go to the elected official,  
9 the governor's office and whatnot, and is that the  
10 avenue for residents to contact, or is there some  
11 specific -- I know the Department of  
12 Transportation quite frankly isn't going to answer  
13 a resident's call, they are not elected officials,  
14 but --

15 MR. HAYES: I think, again, you point  
16 out -- in your comment there are a couple things  
17 embedded. I mean one is that the nature of  
18 communication to our elected officials does not  
19 create the funds in itself to make it happen, so  
20 it adds the voice, so our elected officials are  
21 members at the state level. They are members of  
22 the 23rd legislative district, two assemblymen and  
23 a senator. The 16th is also a party to the areas  
24 that I mentioned in terms of traffic. So, you  
25 know, residents -- the elected officials are

1 responsible, the conduit; but, again, the contact  
2 does not provide the funds.

3 MR. CHARLES: No, no, no. That's  
4 well known, but I do know the state is now going  
5 through a review of what they are going to fund --

6 MR. HAYES: Yes.

7 MR. CHARLES: And I just want to make  
8 sure that Bridgewater is in that mix throwing  
9 every punch that they can so -- you know, we sit  
10 here, and there's a lot of -- obviously progress  
11 continues, but, you know, understanding that  
12 infrastructure requirement I think is really  
13 important.

14 MR. HAYES: So that is the vehicle.  
15 I mean they need to be ready with their list when  
16 someone says we have some funds to say this is  
17 what we'd like to do with it.

18 MR. CHARLES: Okay.

19 MS. ROSE: I just have another  
20 question for Scarlett.

21 MR. CHARLES: Yes, Councilwoman Rose.  
22 See, this is why we waited for you.

23 MS. ROSE: Could you explain how the  
24 bushes and the trees and things that they are  
25 planting are maintained? On previous applications

1 I think you talked about some money being set  
2 aside, and so if you could please speak to that.

3 MS. DOYLE: Sure. The applicant will  
4 install -- well, first of all, the applicant will  
5 provide a performance bond, give an estimate how  
6 much every single tree will cost and post money to  
7 assure that they will be planted. Once they're  
8 planted and confirmed to be planted in accordance  
9 with the plans, they will then put up more -- a  
10 different amount of money. They'll get their  
11 money back, and then they'll submit funds for a  
12 maintenance bond. Now, the maintenance bond is to  
13 assure that those plants survive for a period of  
14 two years. They can't get their money back before  
15 that two-year period. So at that point we are  
16 certain that there's going to be -- that the  
17 plants are solid, they are healthy, they are not  
18 stressed, and in that two-year time frame that  
19 would show up.

20 MS. ROSE: Okay. Mr. Collins?  
(Reporter requested clarification.)

21 MR. RODNIZAK: And after that, if I'm  
22 not mistaken, Mr. Collins, they would be in  
23 violation of their approved site plan; is that  
24 right?  
25

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1 MR. COLLINS: That's correct.

2 MR. HAYES: It's a standard township

3 procedure.

4 MR. COLLINS: Is the board ready for

5 a motion?

6 MR. HAYES: I have a couple of

7 comments, I think. Just one of things I wanted to

8 make sure I mentioned is that I, again, believe

9 the case has not been made for the ATM sign and

10 would find that difficult to support. I do

11 believe that many, many accommodations have been

12 made from the beginning of the plan to now, and

13 we've made comments about, you know, how far we'd

14 like people to go, and that's always a big

15 discussion at these types of hearings, but I do

16 believe everybody can see that a lot of

17 negotiations have taken place with our planners

18 and the officials who represent the board between

19 meetings. I think that if we are considering a

20 motion, I'd like to put in the resolution just an

21 explicit statement that no drive-through has been

22 proposed or language that basically reenforces

23 that statement since we may have had a little

24 confusion a little earlier in this particular

25 application. Those are my comments.

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1 MS. ROSE: Mr. Collins, is it

2 possible to put in this resolution something

3 around the idea that the township might work with

4 the folks on Charlotte Drive to ensure that their

5 buffer is satisfactory as they impact, or is that

6 too far? I'm very concerned -- I think their

7 concerns are legitimate.

8 MR. COLLINS: No, I don't think you

9 can do anything more than what you proposed to do.

10 The township can't do anything more. If you're

11 thinking the township would -- I can't think of

12 anything more the township could do.

13 MS. ROSE: Thank you.

14 MR. CHARLES: Just clarity on one

15 thing. I don't know which of our professionals

16 can answer it, but regarding days and hours of

17 operation, it's been our understanding that the

18 township is not able to limit days and hours of

19 operation; is that correct?

20 MR. COLLINS: Correct. The case law

21 does not authorize you the as a board to limit the

22 hours of operation.

23 MR. CHARLES: Okay.

24 MR. COLLINS: So if the board

25 entertains a motion to approve the preliminary and

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1 final site plan and related variances and site

2 plan exceptions with the exception of the ATM sign

3 variance, which is denied. There will be various

4 conditions as discussed throughout the hearings.

5 There will be no drive-through, and none was

6 proposed under the revised plans. There will be

7 the standard conditions. They will revise the

8 plans to be consistent with A-20, the site plan

9 rendering shown tonight, and they will revise the

10 plans in accordance with all the representations,

11 conditions offered throughout the hearings, and

12 I'll report to the board professionals. They will

13 revise the architectural plans in accordance with

14 the revised architectural submitted this evening,

15 or just prior to this meeting. They will have the

16 two driveways instead of the three. They will

17 obtain DOT approval and comply with all

18 requirements of the DOT and provide copies of

19 their submissions for review and comment to the

20 township engineer and the township traffic

21 engineer. They'll comply with their landscaping

22 plan in full detail and their buffer area

23 requirements as they offered, and the plantings in

24 the field will be reviewed and approved by the

25 township planner. They will comply with all of

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1 the conditions offered throughout the hearings.

2 MR. PRIME: Mr. Collins, there's also

3 the major subdivision.

4 MR. COLLINS: Preliminary and final

5 major subdivision.

6 MR. PRIME: Thank you.

7 MR. RODNIZAK: I'll move it.

8 MR. CHARLES: Mr. Rodnizak has moved

9 the motion. A second?

10 MS. CASAMENTO: I'll second it.

11 MR. CHARLES: Ms. Casamento seconded.

12 Roll call, please.

13 BOARD CLERK: Mr. Rodnizak?

14 MR. RODNIZAK: Yes.

15 BOARD CLERK: Chairman Charles?

16 MR. CHARLES: Yes. I just want to

17 say that, you know, this -- as it's been said,

18 this has been a very difficult application, and I

19 do want to acknowledge the outstanding input from

20 the public. Having said that, I think the

21 development plan is -- the application is

22 substantially consistent with the redevelopment

23 plan adopted by the township council and,

24 therefore, vote yes.

25 BOARD CLERK: Councilwoman Rose?

1 MS. ROSE: Yes.  
 2 BOARD CLERK: Mayor Hayes?  
 3 MAYOR HAYES: Yes.  
 4 BOARD CLERK: Mrs. Casamento?  
 5 Ms. CASAMENTO: Yes.  
 6 BOARD CLERK: Mr. Lerner?  
 7 MR. LERNER: Yes.  
 8 BOARD CLERK: Mr. Pandya?  
 9 MR. PANDYA: Yes.  
 10 MR. CHARLES: The application is  
 11 approved. Thank you.  
 12 (Concluded at 9:51 p.m.)  
 13  
 14  
 15  
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 22  
 23  
 24  
 25

1 CERTIFICATE

2  
 3 I, AUDREY ZABAWA, a Notary Public and  
 4 Certified Shorthand Reporter of the State of New  
 5 Jersey, do hereby certify that the foregoing is a  
 6 true and accurate transcript of the testimony as  
 7 taken stenographically by and before me at the  
 8 time, place, and on the date hereinbefore set  
 9 forth.

10 I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee nor attorney nor counsel for  
 12 either of the parties to the action, and that I am  
 13 neither a relative nor employee of such attorney  
 14 or counsel, and that I am not financially  
 15 interested in the action.  
 16  
 17

18 AUDREY ZABAWA, C.C.R.  
 19 Certificate No. XI01410  
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 21  
 22  
 23  
 24  
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