

BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
Monday, July 24, 2017
—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 11, 2017 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. 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

Councilwoman Christine Henderson-Rose – absent

Tricia Casamento – present

Mayor Dan Hayes – present

Evan Lerner – absent

Urvin Pandya, Alt. #1-present

Debra Albanese, Alt. #2 –present

Others present: Attorney Thomas Molica for Board Attorney Thomas Collins, Township Engineer David Battaglia, Board Planner Scarlett Doyle and Engineering Division Secretary Marianna Voorhees.

5. **APPROVAL OF BOARD MINUTES:**

June 13, 2017 Regular Meeting - Motion by Mrs. Casamento, second by Mr. Pandya, the foregoing minutes were adopted on the following roll call vote;

AFFIRMATIVE: Chairman Charles, Mrs. Casamento, Mr. Pandya

ABSENT: Mr. Franco, Councilwoman Rose, Mr. Lerner

NOT ELIGIBLE: Mr. Rodzinak, Mayor Hayes, Mrs. Albanese

June 26, 2017 Regular Meeting - Motion by Mrs. Casamento, second by Mrs. Albanese, the foregoing minutes were adopted on the following roll call vote;

AFFIRMATIVE: Chairman Charles, Mrs. Casamento, Mayor Hayes, Mrs. Albanese

ABSENT: Mr. Franco, Councilwoman Rose, Mr. Lerner

NOT ELIGIBLE: Mr. Rodzinak, Mr. Pandya

6. MEMORIALIZATION OF RESOLUTIONS:

There were no resolutions presented for Board consideration.

7. LAND DEVELOPMENT APPLICATIONS:

LANG- Twin Oaks Road, Foothill Road & Steele Gap Road

Block 712 Lots 4 & 7

Block 718 Lot 63

#29-11-PB, Amended Preliminary and Final Major Subdivision (17 lots)

Attorney Jeffrey Lehrer was present to represent the applicant. Mr. Lehrer provided a summary of the history of the application and the proposed changes to bring the Board and the members of the public up to date. Mr. Lehrer explained that after 9 hearings in 2012 an approval was granted on December 11, 2012 for Preliminary Major Subdivision subject to various conditions with variances and design waivers for 17 residential building lots and one non buildable conservation lot. There was an appeal by a homeowners group called the 18 Homes Group. After lengthy litigation the applicant dismissed the lawsuit to come back to the Board with an amended plan and with the necessary DEP permits. The property currently contains two single family dwellings, storage barns as well as a few additional out buildings. Mr. Lehrer also noted that proper notice was done for all of the DEP applications submitted.

James J. Mantz, PE & LS as sworn in for testimony and accepted by the Board as an expert witness. Mr. Mantz submitted exhibits that were marked into evidence as follows:

A-1	7/24/17	Lot Layout Comparison Exhibit
A-2	7/24/17	Detention Basin #1 Comparison
A-3	7/24/17	Detention Basin #2 Comparison
A-4	7/24/17	Detention Basin #3 Comparison
A-5	7/24/17	Detention Basin #4 Comparison
A-6	7/24/17	Stormwater Exhibit

Referencing each exhibit presented, Mr. Mantz compared the proposed detention basins to those of the previous approved plans and provided testimony as follows: There are minor changes to each of the detention basins based on the comments that were received by the DEP. The changes that were made to the plans are to the detention bases and outlet structures. The configuration of the roads has not changed and the lot lines have not changed. The original plan had 3 detention basins. The revised plan has a fourth detention basin that is proposed to reduce the flows of water up against the lots and divert the water that runs down the hill to the wetlands area instead of ultimately out on Foothill Road. All of the changes to the basins have been approved by the DEP. The revisions will also help to improve the stormwater flows that currently exist on Berrywood Lane. The total area of the conservation easement is 15 acres and this area will remain undisturbed. Mr. Mantz reviewed the reports o the Township professionals.

Mr. Lehrer reviewed the variances and design waivers that were already previously approved by the Board.

Mr. Lehrer submitted an exhibit that was marked into evidence as follows:

A-7	7/24/17	Letters regarding request for Site Triangle Easement
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Mr. Lehrer stated that these were copies of letters that were sent to the homeowner at 515 Steele Gap Road requesting the site triangle easement noting that they have not received a response.

On question from the Board, Mr. Mantz submitted an exhibit that was marked into evidence as follows:

A-8 7/24/17 Final Plat

Mr. Mantz described where the conservation easement would be located on the property noting that the area will be preserved and not developed.

The Board questioned if the calculation provided and design was based on the total allowable coverage of the land. Mr. Mantz confirmed that was correct noting that it is a conservative estimate and does not include any landscaping that will also be on the property.

Chairman Charles opened the public portion of the meeting to questions of Mr. Mantz.

Jeffrey Brookner, Esq. was present. Mr. Brookner noted that he previously represented the 18 Homeowners Group. He stated that presently for this hearing he only represents Ryan and Fred Shandor. Mr. Brookner stated that he would like to thank the applicant on behalf of his clients for the improvements that have been made to application thus far but stated that they still had concerns.

Mr. Brookner questioned if the addition of detention basin #4 was required by the DEP. Mr. Mantz stated that it was added to address some concerns from the DEP regarding runoff.

Mr. Brookner questioned if the original plans with the three detention basin were considered to be dams by the DEP. Mr. Brookner provided a letter from the DEP stating that the original basins were considered to be dams that was marked into the evidence as follows:

O-1 7/24/17 Letter from the DEP dated 8/21/13

Mr. Lehrer noted that there was a letter submitted with the application from the DEP that was dated 9/17/13 addressing this issue noting that the dams in the revised plans are not considered to be dams.

Board Attorney Molica requested that questions focus on the amended application and final subdivision that is front of the Board this evening.

Referencing Exhibit # 5, Mr. Brookner asked what the 100 year storage elevation would be for detention basin #4. Mr. Mantz stated that is 216.19 explaining that for the theoretical 100 year storm that is the highest elevation for the water surface. Mr., Brookner asked what the height of the emergency spillway was in detention basin #4. Mr. Mantz stated that it was 215.90 noting that this basin was not designed to control the 100 year storm but to allow water to enter the wetlands in a non erosive manner. Mr. Mantz also noted that other three basins were sufficient to control the 100 year storm.

Referencing Exhibit #3, Mr. Brookner asked what the 100 year storage elevation would be for detention basin #2. Mr. Mantz stated that it was 146.32. Mr. Brookner asked what the height of the emergency spillway was in detention basin #2. Mr. Mantz stated that it was 147.10.

Referencing Exhibit #2, Mr. Brookner asked what the 100 year storage elevation would be for detention basin #1. Mr. Mantz stated that it was 171.45. Mr. Brookner asked what the height of the emergency

spillway was in detention basin #1. Mr. Mantz stated that it was 171.38 noting that he would need to verify the calculations to explain the discrepancy.

Referencing Exhibit #4, Mr. Brookner asked what the 100 year storage elevation would be for detention basin #3. Mr. Mantz stated that it was 167.02. Mr. Brookner asked what the height of the emergency spillway was in detention basin #3. Mr. Mantz stated that it was 166.85 noting that he would need to verify the calculations to explain the discrepancy.

In response to question from Mr. Brookner, Mr. Mantz explained that the purpose of the emergency spillway is to safely pass water from the basin if the primary outlet structure becomes clogged or there is a storm event that exceeds the 100 year storm intensity.

Mr. Brookner questioned if the site could have been designed differently to avoid the need of the site triangle easement from the Desnoyer property. It was noted that this portion of the application had not changed and that this design had been previously approved by the Board.

In response to question from Mr. Brookner, Mr. Lehrer stated that the applicant would do a phase 1 environmental study if required by the Township as part of the compliance process.

Chairman Charles opened the public portion of the meeting to questions of Mr. Mantz.

Christopher Loetscher of 510 Steele Gap Road was sworn and questioned why the sight triangle easement was needed from the Desnoyer property and could not be taken from another property. Board Attorney Molica noted that this had already been addressed previously and there are new changes proposed and requested that the questions be focused on the amended application. Mr. Loetscher expressed concern about the runoff and the use of grinder pumps causing power outages and flooding.

The Board took a 5 minute break at 8:30 pm and returned with all members present. The public portion of the meeting for questions of Mr. Mantz continued.

Christine Rzasa of 445 Foothill Road was sworn and questioned if the installation of the detention basins will affect the stormwater flow on the properties as it currently exists. Mr. Mantz noted that there will be an improvement to the drainage situation on the property. Ms. Rzasa also expressed concern about what the detention basin look like since her home is directly across from proposed detention basin #2. It was noted that the applicant would be required to work with the Planner on a visual landscape plan during the compliance process.

John Peel, environmental consultant was sworn and accepted by the Board as an expert witness. Mr. Peel explained that he was retained after the original approval to assist the applicant in obtaining all the necessary DEP permits required for the proposal. Mr. Peel noted that the stormwater management was reviewed in great detail with the DEP. Mr. Peel stated that the design of the stormwater management system is to improve the situation on the site post construction primarily towards Foothill Road. Mr. Peel confirmed that the applicant will conduct a phase 1 environmental assessment as part of compliance.

Chairman Charles opened the public portion of the meeting to questions of Mr. Peel.

Mr. Brookner returned and questioned if the issue of pesticides was resolved. Mr. Peel stated that would be done in the phase 1 environmental assessment of the property. Mr. Brookner also questioned if there was an analysis of threatened or endangered species on the property. Mr. Peel stated that the DEP concluded that the area is not a threatened or endangered species habitat. In response to a question from

Mr. Brookner, Mr. Peel confirmed that an engineer from his firm worked closely with the DEP on the application.

Mr. Lehrer provided closing comments. Chairman Charles opened the public portion of the meeting for comments.

Lisa Desnoyers of 16 Hillcrest Road was sworn. Ms. Desnoyers stated that she is part owner of 515 Steele Gap Road and stated that her mother had only received one letter regarding the site triangle easement. Ms. Desnoyers stated that she was quite surprised by the amount that was offered and confirmed that they do not have any intention of granting the easement to the applicant.

Mr. Brookner returned and stated that if the Board would be taking a vote this evening prior to receiving the revised calculations from Mr. Mantz then they would like to present an expert witness.

The applicant requested the opportunity to review the calculations and return to the Board at a later date. Mr. Brookner suggested that Mr. Mantz meet with their expert witness Mr. Thonet to try and resolve the questions and concerns and come to an agreement.

Christopher Loetscher returned and stated that the residents have concerns about the long term effects of the proposal and feel that there are still changes that can be made to make it better for the neighborhood.

Patty Phillips of 534 Berrywood Lane expressed concern about the preservation of the trees that currently existed.

Chairman Charles closed the public portion of the meeting,

The application was carried to the meeting on August 28, 2017 at 7:00 pm. The applicant agreed to an extension of time. No new notice is required.

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:**

10. **ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at approximately 9:30 pm.

Respectfully submitted,
Ann Marie Lehberger,

Planning Division Secretary