

**BRIDGEWATER TOWNSHIP PLANNING BOARD**

Virtual Online Meeting

Tuesday, June 23, 2020

—MINUTES—

**1. CALL MEETING TO ORDER:**

Chairman Fross called the Virtual Online Planning Board meeting to order at 7:00 p.m.

ANNOUNCEMENT: For the duration of the Corona virus Health Emergency, the Municipal Complex is closed to the public and meetings will be held digitally, connected by conferencing software provided by RingCentral.com. Members of the public are invited to view meetings live using RingCentral webinar, which also allows them to “raise a hand” and contribute when they are invited to do so during public portions of the meeting. Instructions for Virtual online meeting:

1. Download RingCentral meetings on preferred device: <https://www.ringcentral.com/apps/rc-meetings>

2. At the advertised start time of the meeting, enter: <https://webinar.ringcentral.com/j/1488589661> into your browser. *\*This method allows listening & participation.*

Please Note: You may also join via telephone: Dial: +1(650)2424929, Webinar ID: 1488589661

*\*telephone access allows only listening and not participation.* If you would like to make a comment, text 1(908) 912-4247 name, contact information and comment for the Board and it will read into the record.

**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 May 29, 2020, 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:**

**4. ROLL CALL:**

Michael Pappas – present	Councilman Kirsh - present
Henry Wang – present	Patricia Casamento - absent
Mayor Moench – present	Beth Powers – present
Alan Fross – present	Maurizio Vescio - present
James Magura – present	Urvin Pandya – absent
Robert Giurlando - present	

Others present: Attorney Mark Peck, Esq., Engineer William Burr, IV, PE

**5. APPROVAL OF BOARD MINUTES:**

October 8, 2019, Regular Meeting (pending)  
January 14, 2020, Reorg. & Regular Meeting (pending)  
January 28, 2020 Regular Meeting (pending)  
February 25, 2020 Regular Meeting (pending)  
June 9, 2020 Virtual Online Meeting (pending)

**6. MEMORIALIZATION OF RESOLUTIONS:****NJ AMERICAN WATER CO – Sky Hill Road (*pending, no action taken*)**

Block 601 Lot 107

#19-017-PB Conditional use and Site Plan

Eligible to Vote: Mr. Pappas, Mr. Wang, Mayor Moench, Chairman Fross, Councilman Kirsh, Mrs. Powers, Mr. Vescio,  
Mr. Magura, Mr. Girulando

**PAWEL DABROWA-690 Foothill Road (*pending, no action taken*)**

Block 642 Lot 5

#19-021-PB Minor Subdivision

Eligible to Vote: Mr. Pappas, Mr. Wang, Chairman Fross, Councilman Kirsh, Mrs. Powers,  
Mr. Vescio, Mr. Magura

**7. LAND DEVELOPMENT APPLICATIONS:****HENGENMUHLE – 774 Eisenhower Avenue**

Blck 437 Lots 11, 12

Application #19-022-PB

Preliminary and Final Major Subdivision/ Lot line adjustment

The Applicant was represented by Counsel, Jordan Friedman, Esq. who summarized the application for the Board for its applicant, Mark and Candida Hengemuhle, with the address of 774 Eisenhower Avenue, Bridgewater, N.J for approval of preliminary and final major subdivision approval to subdivide existing Lot 12, with a lot line adjustment in favor of adjacent Lot 11, on property located on Lots 11 and 12 in Block 437 (774 and 782 Avenue). The application is to consider the subdivision of two existing lots for subdivision into three lots. The 2.72-acre property is located on Eisenhower Avenue. An extension of municipal facilities for Eisenhower Avenue is required. No variances are requested. Lot 12 is owned by Somerset Land Equities, LLC. It is the larger lot, which is currently vacant. The smaller lot, lot 11, is owned by Mark and Candida Hengemuhls. This lot has their dwelling on it. The applicant proposes to remove 8,750 square feet from lot 12 and merge this onto lot 11. This will make lot 11 more conforming to the minimum lot area requirements of the R-40 zone. The subject lots are located in the Township's R-40 Zone District. Lot 11 is a fully improved (residential) undersized lot; Lot 12 is a vacant and oversized lot. The Applicant proposes to give 8,750 SF to adjacent Lot 11, thereby adjusting the lot line, and to subdivide Lot 12 into two (2) conforming lots of equal size (45,625 SF). Lots 11 and 12 total 2.7205 acres; after the subdivision and lot line adjustment, L. 11 will be 27,255 SF (from 18,505 SF). No variances were sought in connection with this Application, although L. 11 is currently non-conforming this Application mitigates the non-conformity by adding property to the lot.

The Applicant presented witnesses, James J. Mantz, P.E.&L.S., P.E., P.P.; and Thomas Genova, Somerset Land Equities, owner of B. 437, L. 12. who were all sworn. Preliminary major subdivision plans prepared by James J. Mantz, P.E., L.S., consisting of two sheets, dated March 12, 2020, and final major subdivision plan, consisting of one sheet, last revised March 12, 2020.

To avoid conflicts of interest, Board Planner Scarlett Doyle, P.P. and Board Engineer William Burr, P.E. recused themselves from the proceedings, and from any action reviewing the same, with Branchburg Township Engineer, Douglass Ball, P.E., conducting the review of this application on behalf of the Board; and

The Board reviewed the report from Special Conflicts Engineer, Douglass Ball, P.E., dated May 1, 2020. The Applicant did not utilize any additional exhibits beyond the plans submitted with the Application.

Mr. Mantz was accepted by the Board as an expert in professional engineering and testified as such. He described the subject properties and surrounding area. Lot 12 is a 100,000 SF partially wooded, vacant lot; Lot 11 is a 18,505 SF lot developed with a residence. The grounds slopes from a

high point on L. 12 in the direction of L. 11. Public water, sewer, and gas is available for both L. 11 and L. 12.

Access to the property is via Eisenhower Avenue, which is partially improved from Steeple Chase Lane to the southern property line of L. 11, at which point it is a paper street that is currently a grassy area maintained by the Bridgewater Township Board of Education, which operates a school on adjacent B. 435, L. 48. The Board was advised that N.J.S.A. 40:55D-35 requires a building lot to abut a street giving access to the structure. Eisenhower Avenue is a paper street and part of the Township's Official Map, pursuant to N.J.S.A. 40:55D-32. Accordingly, L. 12 does abut a paper street, and the Board will condition its approval on the fact that the roadway must be extended to provide access to the newly created lots. The road must be constructed to Township standards and certified as such by the governing body prior to the issuance of any building permit.

Lots in the R-40 Zone District are required to contain a minimum of 40,000 SF. Lot 11 is currently a nonconforming 18,505 SF (.4248 ac.). The Application proposes to add 8,750 SF from L. 12 to L. 11 so that lot will be a still nonconforming (but less so) 27,255 SF (.6257 ac.). Lot 12 will be subdivided into new L. 12.01 and 12.02, each a conforming 45,625 (1.0474 ac.); no variances are required for either of these lots.

A cul-de-sac is not proposed for the terminus of Eisenhower Avenue. Mr. Mantz testified that there was adequate space for vehicles, including emergency vehicles, to K-turn out of L. 12.01 and L. 12.02, as they do on similarly dimensioned streets elsewhere in the Township. The Applicant proposes granting the Township a 5.39' easement for roadway and utility purposes along the southerly property lines of existing L. 11 and 12. There was some debate regarding the proper dimensions of this easement and roadway; the Board will reserve jurisdiction over this question in the event the Applicant and Board professionals cannot resolve an issue relating to these.

Mr. Mantz reviewed Mr. Ball's May 1, 2020 memo, and testified that the entirety of the memo's comments, excepting nos. 2 and 4, were better suited as conditions of obtaining building permits rather than for filing the approved subdivision map. The Board agrees that Mr. Ball's proposed comments and conditions should be conditions precedent to obtaining building permits.

The public was invited to question Mr. Mantz. The owner of adjacent L. 4 requested a berm between her property and L. 12.01, which is more properly a site plan issue. She was supportive of the Application and expressed her interest in subdividing her property, which would further extend Eisenhower Avenue.

Mr. Genova testified on behalf of L. 12 owner Somerset Land Equities. He reiterated and clarified some of Mr. Mantz's testimony and agreed to the conditions the Board proposed imposing.

Chairman Fross opened the meeting to the public for questions and then comment:

No member of the public wished to question Mr. Genova.

The Board deliberated and believed that the proofs needed to approve the application were presented.

The Chairman asked for a motion from the Board.

Motion by Mayor Moench and second by Ms. Powers

AFFIRMATIVE: Mr. Pappas, Mr. Wang, Mayor Moench, Chairman Fross, Councilman Kirsh,

Ms. Powers, Mr. Vescio, Mr. Magura, Mr. Giurlando

ABSENT: Urvin Pandya, Patricia Casamento

DENIAL: None

NOT ELIGIBLE: None

**GIRALDI** – 302 Old York Road

Block 107 Lot 1, 2 & 4

Application #20-006-PB Concept discussion for subdivision

The applicant sought an Informal Concept Review by the Planning Board and acknowledged that this review does not bind the Board in any manner and does not bind the Applicant in any manner either. The 2.33-acre subject property is located in the R-20 single family zoning district and has

frontage on Old York Road and the paper streets of Franklin Street and Moray Avenue. These two paper streets play a pivotal part in this application. A paper street is a roadway that is not improved or is not sufficiently improved for safe use. Because the streets appear like woods or fields, one might not be able to even discern the paper street if a site inspection is conducted. These paper streets are shown on the township Tax Maps. There is an existing dwelling at the corner of Old York Rd. and Franklin Street. This dwelling is shown on Lot 1 of the layout. To the west and north are lands which are parklands, and therefore are argued as not being likely to have further development. The applicant has focused on a layout for a four-lot major subdivision rather than providing several different option scenarios. Included in this discussion were the following circumstances 1. the reduced design standards for road construction for the four lots so that a cart way is created instead; 2. lesser length of Franklin Street to service the fourth building lot; 3. the Council's vacation of a portion of Moray Avenue in order to meet the minimum lot area needed to create the fourth building lot without the need to secure a variance. It was the applicant's assertion that the best use of this land is to take full advantage of lot yield by using this land and vacating the half width of Moray Avenue which roadbed the applicant asserted would not otherwise be utilized.

The Board discussed these matters with the applicant, but no formal determinations were offered.

**8. MEETING OPEN TO THE PUBLIC:**

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time. Please note that in accordance with the Municipal Land Use Law and Case Law, any questions or comments about a pending application must be made in the hearing on that specific application.

There were no members of the public that wished to address the Board.

**9. OTHER BOARD BUSINESS:**

None

**10. EXECUTIVE SESSION:**

None

**11. ADJOURNMENT:**

The meeting was adjourned at 9:00 pm