

BRIDGEWATER TOWNSHIP PLANNING BOARD

Virtual Online Meeting
Tuesday, February 23rd, 2021
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Fross called the Virtual Online Planning Board Meeting to order at 7:00 pm via the Virtual Ring Central platform.

2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

Both adequate and electronic notice of this meeting specifying the time, place and manner in which such notice was provided in accordance with the Open Public Meetings Act, N.J.S.A.10:4-6, and recently enacted Emergency Remote Meeting Protocols for Local Public Bodies, N.J.A.C. 5:39-1, et seq. Specifically, on **January 13, 2021** proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board at the Municipal Building. Public meetings are held with participants at remote locations, connected by conferencing software provided by RingCentral.com. Members of the public are invited to attend and participate in live meetings either by using the RingCentral client, which allows audio and video participation, or by phoning into a meeting for audio only participation. The required access information is provided in the notice, as well as set forth on the agenda.

The procedures and requirements for making public comment are as follows: Attendees are admitted to meetings via the waiting room and microphones are muted until enabled by the host. Members of the public may participate in meetings at certain designated times as announced by the Board Chair. Members of the public will be allowed to address applicants and their experts, ask questions and/or make comments as appropriate once recognized to do so. Attendees may request to be heard by 'raising a hand', either physically or virtually.

Regulation of conduct by members of the public on the remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. Specifically, if a member of the public becomes disruptive during any period for public comment, the member of the public shall be muted and warned that continued disruption may result in him or her being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity. A member of the public who continues to act in a disruptive manner after receiving a warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

Please be aware of the 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.

3. SALUTE TO FLAG:

4. ROLL CALL:

Mr. Michael Pappas – present	Councilman Mr. Kirsh – present
Mr. Henry Wang – present	Mr. Robert Giurlando – present
Mayor Moench – absent	Ms. Lauren Zarro – absent
Mr. Alan Fross – present	Mr. Maurizio Vescio – present
Mr. James Magura – present	Ms. Kimberly Forino – present
Mr. Thomas Genova- absent	

was a walking path identified as 'Route A.' The exhibit depicted an overlay onto the condominium plan and showed the path around the site's perimeter, which would connect the existing and future paths. It was presented as a 4' wide asphalt path with a decorative fence separating the campus property from the path. The proposed fence would not be within the Peter's Brook area.

Mr. Moschello noted that the path would be 4' wide rather than the 10' required per ordinance due to environmental constraints, specifically the wetland buffers and riparian zones. Accordingly, a variance was requested for the 4' wide path. The Board asked if the path could be 6' wide, and Mr. Moschello testified that they could do 6' except where the DEP requires 4'. This would be made public when the Center of Excellence walkways are completed, at which time they would be linked. Again, this would require condominium association approval to use these common areas. The public was allowed to comment on route option A, and no comment was made.

Mr. Moschello continued to discuss the walking path route B, utilizing Exhibit A-20. This walkway was proposed to be located entirely within the applicant's property. It would move inside 14th Avenue and would not directly connect to the Center of Excellence walkway. This was also proposed to be 4', but Mr. Moschello testified that they could satisfy the 6' wide requirement if directed to by the Board. The goal was to be consistent with the other walkways on campus. Connectivity to the Center of Excellence development would be accomplished if the development proceeds and the gatehouse control access is built. The public, however, would not be able to access this pathway until the Center of Excellence is developed.

The Board considered these options and determined that route A would be the preferred choice, assuming the condominium association consents with installing the walking path. As a result, the applicant would be able to obtain the necessary approvals from DEP. It was ultimately determined that the applicant would design route option A, and if it received condominium association approval, it would then pursue the necessary permit required from DEP. If this failed, the applicant would design and implement route option B.

The Board questioned how the public would access the walkway. Mr. Moschello testified that both route option A and route option B would ultimately link with the walkway proposed in connection with the R-SEED development located on the other portion of the Center of Excellence tract. Until the walkway is installed, there would, however, be no way for the public to access the walkway. Accordingly, public access to the walkway would be contingent on the R-SEED development. If the R-SEED development is not built, the proposed walkway will become a private path to employees and visitors of the campus only. Mr. Moschello testified this would comply with the conditions of the engineering report other than those modified during the testimony given.

The public was again invited to question or comment on Mr. Moschello's testimony.

Mr. Ronald Kennedy, PE, PP was accepted by the Board as an expert in professional planning and testified on behalf of the applicant. He explained his familiarity with the property, precisely the site plan, the OR/D and R-SEED Zone Districts, along with its surrounding areas. He testified that the applicant is seeking a bulk c(2) variances for the parking deficiency, parking spaces within 25' of the R-SEED Zone District line, and providing a 6', in place of a 4', wide walking path where 10' is required. The variance would also be needed for the proposed path to be private and not public, until the adjacent Center of Excellence residential/retail complex is built. Mr. Kennedy then reviewed the proofs for each of the variances, noting that the c(2) variance is a "flexible c." He confirmed that the applicant must show that the variance would advance the purposes of zoning. The benefits substantially outweigh the detriments. There is no substantial detriment to neighboring properties or the zoning scheme.

Regarding the parking variance, where 184 parking spaces would be required, and only nine are being provided, Mr. Kennedy testified that there is plenty of parking available already. The applicant is banking sufficient space to accommodate the 175 spots if ever needed. He further testified that the better planning alternative would be to leave the areas banked rather than adding unnecessary impervious coverage to the site.

Regarding the variance for parking spaces located within the adjacent zoning district setbacks, Mr. Kennedy referred to Exhibit A-17 showing where the spaces are currently located in relation to the R-SEED Zone and where the R-SEED Zone buildings are positioned. He noted that the zoning lines and lot lines do not match the existing fence separating the OR/D and R-SEED Zoning Districts. The spaces are 9' to the zoning line but are more than 25' from the fence line. Therefore, more than 25' of a distance from the neighboring property lines is a reasonable assumption.

Regarding the variance requested for the walking path, Mr. Kennedy testified that keeping it temporarily private is the logical approach. He testified that presently there would be no place for the public to park and no direct linkage to the path. Therefore, keeping it temporarily private would be the most appropriate. The 6' width is standard except for where DEP is involved and require a 4' width.

Mr. Kennedy reviewed the positive criteria for the sought variances and testified that the applicant satisfied the variances by encouraging "municipal action for the appropriate uses," "promote desirable visual environment through creative design techniques and good civic design and arrangement," and "provide sufficient space in appropriate locations for a variety of" uses, both public and private as their environment dictates. He also found that the benefits substantially outweighed its detriments since the detriments are minimal. Mr. Kennedy testified that there would be no substantial impairment to neighboring properties and the municipal zoning scheme. Mr. Kennedy reviewed the Board Planner's report and testified that the applicant would comply with all the conditions other than those modified during the testimony already given.

The public was offered one last opportunity to question the applicant and its witnesses or comment on the application. No member of the public had any questions and/or comments.

Mr. Tripp summarized the application, explaining that the applicant sought only a few minor variances and granting these variances would allow these desirable businesses to remain in Bridgewater Township. Therefore, the application met all essential bulk requirements and is a permitted use.

The Board, following deliberation, granted approval for the applicant, COE Bridgewater, LLC, for preliminary and final site plan, with the bulk (c2) variance relief, subject to terms and conditions stipulated during the hearing.

Roll Call Vote:

Motion for approval was made by Mr. Kirsh with a second by Mr. Pappas.

AFFIRMATIVE: Mr. Pappas, Mr. Fross, Mr. Wang, Mr. Kirsh, Mr. Giurlando Ms. Forino, Mr. Vescio, and Mr. Magura.

ABSENT: Mayor Moench and Ms. Zarro.

ABSTAIN: None.

NOT ELIGIBLE: None.

7. OTHER BOARD BUSINESS:

Professional Service Agreement was proposed to the Board for approval. No changes were made.

Roll Call:

Motion for approval was made by Mr. Pappas with a second by Ms. Forino.

AFFIRMATIVE: Mr. Pappas, Mr. Fross, Mr. Wang, Mr. Kirsh, Mr. Giurlando Ms. Forino, Mr. Vescio, and Mr. Magura.

ABSENT: Mayor Moench and Ms. Zarro.

ABSTAIN: None.

NOT ELIGIBLE: None.

Resolution Amending the 2020 Contract for Mr. Mark Peck, Esq.

A Resolution to amend the 2020 Contract Agreement between the Planning Board and Board Attorney Mr. Mark Peck, Esq. was approved by the Board. Mr. Pappas added the compensation was towards the hard work Mr. Peck has been providing.

Roll Call:

Motion for approval was made by Mr. Pappas with a second by Ms. Forino.

AFFIRMATIVE: Mr. Pappas, Mr. Fross, Mr. Wang, Mr. Kirsh, Mr. Giurlando Ms. Forino, Mr. Vescio, and Mr. Magura.

ABSENT: Mayor Moench and Ms. Zarro.

ABSTAIN: None.

NOT ELIGIBLE: None.

Chairman Fross asked the board planner, Ms. Doyle, about the Master Plan update and its standing. Ms. Doyle informed the Board that all board members would be provided with a draft while also encouraging members to select an element they are interested in participating with. They were advised to contact the board secretary once they have chosen an element of interest.

Chairman Fross congratulated both Mr. Pappas and Mr. Kirsh on their upcoming campaigns and wished them much success.

Mr. Pappas also congratulated board member Mr. Giurlando on his son joining the Bridgewater Police Department.

Upcoming meetings and applications were discussed.

8. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda could do so at this time. It was announced that if any questions or comments were made about a pending application, they would need to be seized until the hearing of such application. (This being in accordance with the Municipal Land Use Law and Case Law.)

No members from the public wished to address the Board.

Board planner Ms. Doyle proposed moving this portion of the meeting up to benefit members of the public. The Board agreed that this would better allow individuals to make any questions and comments on matters not listed on the agenda while not waiting long into the night.

As per the chairman, the agenda would be altered to reflect this change from now on.

10. ADJOURNMENT:

A motion was made by Mr. Kirsh with a second by Mr. Giurlando to adjourn the meeting at 9:40 pm, followed by the Board's consensus.

Respectfully submitted,
Ms. Zuzana Karas
Land Use Coordinator