

BRIDGEWATER TOWNSHIP PLANNING BOARD

Virtual Online Meeting
Tuesday, February 9, 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.

For the duration of the Corona virus Health Emergency, 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/1482524367> into your browser. **This method allows listening & participation.*

Please Note: You may also join via telephone: Dial: +1(646)-357-3664, Webinar ID: 1482524367
telephone access allows only listening and not participation.* If you would like to ask a question, you can do so via audio and video through [RingCentral.com](https://www.ringcentral.com), just audio via [RingCentral.com](https://www.ringcentral.com), or via text 1(908) 912-4247 with name, contact information and the questions for the applicant's witness or the board and the questions will be read into the record. However, if you wish to make public comment/testimony, you **must do so through both audio and video through [RingCentral.com](https://www.ringcentral.com) pursuant to NJAC 5:39-1.7(c).

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, NJSA 10:4-6, and recently enacted Emergency Remote Meeting Protocols for Local Public Bodies, NJAC 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. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (A.D.A.), 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. 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 – present
Mr. Alan Fross – present	Mr. Maurizio Vescio – present
Mr. James Magura – present	Ms. Kimberly Forino – present
Mr. Thomas Genova- absent	

Others present: Board Attorney Mr. Mark Peck, Esq., Board Planner Ms. Scarlett Doyle, PP, Board Engineer Mr. William Burr, IV, PE and Land Use Coordinator Ms. Zuzana Karas.

5. APPROVAL OF BOARD MINUTE(S):

December 8, 2020, Virtual Online Regular Meeting (pending)
 January 12, 2021, Virtual Online Reorganization & Regular Meeting (pending)
 January 26, 2021, Virtual Online Regular Meeting (pending)

6. MEMORIALIZATION OF RESOLUTION(S):

7. LAND DEVELOPMENT APPLICATION:

GIRALDI BUILDERS-302 OLD YORK ROAD

Block 107 Lot 1, 2 & 4

APPLICATION# 20-030-PB- PRELIMINARY AND FINAL MAJOR SUBDIVISION

Applicant Giraldi Builders came before the Bridgewater Township Planning Board for preliminary and final major subdivision approval. Counsel Mr. John Belardo, Esq, represented the applicant. Mr. Belardo explained to the board that the applicant is proposing to subdivide the property into three contiguous lots. The project would involve developing all four conforming lots into residential building lots within the R-20 Single Family Residential Zone. No variances were requested with the application, nor were any deed restrictions disclosed. The property, a total of 2.334 acres, has 5,200 SF of wetlands. No portions of the property is located within a flood hazard zone. Mr. Belardo also noted two paper streets adjacent to the property, identified as Franklin Street and Moray Avenue. The existing dwelling situated at the corner of Franklin Street and Old York Road would be entirely demolished during this process.

The following was provided to the board for review, Preliminary & Final Major Subdivision Plans prepared by Brett W. Skapinetz, PE, P.P. of Dynamic Engineering, dated October 1, 2020, (last revised December 4, 2020). Major Subdivision Plans prepared by Craig Black, P.L.S., Dynamic Survey, dated August 16, 2020. ALTA/NSPS Title Survey prepared by Craig Black, P.L.S., Dynamic Survey, dated February 14, 2020. Environmental Impact Statement prepared by Brett W. Skapinetz, PE, P.P. of Dynamic Engineering, dated October 2020. Stormwater Management Report prepared by Brett W. Skapinetz, PE, P.P. of Dynamic Engineering, dated October 2020. Sewer Capacity Analysis, provided by Sherwin Ulep, PE, Somerset Raritan Sewerage Authority, via a letter dated September 10, 2020. Will-

serve e-mail dated September 2, 2020, from Joseph Davignon, New Jersey American Water; and request for Letter of interpretation from Edward Kue, Eastern States Environmental Associates, Inc., to the New Jersey Department of Environmental Protection, dated August 14, 2020.

The board also reviewed the following reports from the board's professional: Board Planner Ms. Scarlett Doyle, dated December 28, 2020, and Board Engineer Mr. William H. Burr, IV, dated February 4, 2021. The following exhibits were also reviewed: A-1 Land Title Survey dated February 14, 2020, A-2 Colorized exhibit depicting wetlands, A-3 Colorized subdivision plan, and A-4 Architectural schematics.

Mr. Belardo noted the February 3, 2021; Planning Report cited three recommended conditions in which the applicant would comply as advised by the Township Engineer and Township Planner. The conditions stated that the applicant should comply with construction mitigation measures outlined in Bridgewater's Land Use Code §126-243.1. The applicant must also submit a compliance report to the Township before plans and/or deeds can be signed for approval. Also, before scheduling any pre-construction meetings and the issuance of any construction permits, the applicant is to provide nine copies of the filed map or approved plans to the Township.

The applicant presented testimony from witness Brett Skapinetz, PE., who was sworn in. Mr. Skapinetz was accepted by the board as an expert in professional engineering and testified on the applicant's behalf. Utilizing Exhibit A-1, Mr. Skapinetz testified the existing conditions, noting that the applicant could easily develop five building lots on the property but is only requested four lots. Mr. Skapinetz said this was decided with consideration to better planning sense. The R-20 Zone District requires a 20,000 SF minimum lot size, in which this property totals 101,686 SF. The property also borders County-owned farmland along with single-family homes.

Utilizing Exhibit A-2, Mr. Skapinetz testified that 5,200 SF of wetlands are present on the property located within the northwest corner. A request for a Letter of Interpretation was filed with the NJDEP on about August 14, 2020, confirming the boundaries of the wetlands. Still, Mr. Skapinetz expressed confidence that they were adequately delineated. The property also has an active 50' buffer in relation to the wetlands. The wetlands' predict an assumption that it would be highly unlikely that Franklin Street and/or Moray Avenue would ever be extended in the future.

Referencing Exhibit A-3, Mr. Skapinetz testified to the proposed subdivision explaining that Franklin Street would be partially extended ending in a cul de sac design. The cul de sac design would occur just before the wetland buffer. The proposed cul de sac is required by both the RSIS and the Township Code. All access to the lots would be off of Franklin Street. Moray Avenue would be vacated along the length of the property.

Each residence on the proposed four lots would have a 2,000+/- S.F. footprint. With the R-20 maximum F.A.R. of .16, this will result in 3,200-6,100 SF homes. He further testified that no variances are sought in connection with the subject application. Mr. Skapinetz used Exhibit A-4 to show the type of home expected on the lots, including 4 or 5 bedrooms, two bathrooms, a two-car garage, and two stories. Two of the houses are expected to have "front-loading" garages, while the other two being "side-loading."

Mr. Skapinetz further testified on the proposed grading and stormwater management. The subject property currently slopes to the northwest, distinctively away from Old York Road. Along with the current sheds, the existing house would be entirely demolished. Impervious coverage would increase on the property yet still remain below the R-20 maximum of 25%. The following was proposed to the board Lot: 1.01 would have improved coverage of about 14.5%, Lot: 1.02 would demonstrate a total of 17.2% of improved lot coverage, Lot 1.03 would have a total of 13.8% improved lot coverage, and lastly Lot 1.04 would be at a total of 13.5% of improved lot coverage.

To mitigate stormwater flow, a detention basin would be constructed on Lot 1.04 with a grass swale constructed along Franklin Street. The swale would channel water to a proposed rain garden on the west

side of Franklin Street, in the right-of-way between the street and County property. This would all be discharged into the detention basin. Roof leaders and inlets will also drain water into the basin. The water in the basin will then be discharged into the wetland buffer and County's open space. This would all be consistent with State and Township regulations. The applicant also proposed a transition area waiver where the detention basin currently encroaches into the wetland buffer located on Lot 1.04. Owners would also be able to mow the lawn and plant trees in the proposed transition area. They would not, however, be permitted to increase impervious coverage or erect any structures in such area. (Even a swing set in the area would not be allowed.)

Extensive grading was not contemplated, aside from the location where the homes themselves would be constructed. Few trees were shown, on the plans submitted, requiring removal due to this project. The plans demonstrated that more trees would be planted along Franklin Street with this proposed subdivision then removed.

The Board Engineer noted that the proposed stormwater system was a "tricky design" but stated that the combination of proposed features does meet all requirements. There was some clarification made when concerns about future maintenance to the stormwater management system was questioned. The applicant recognized that the Township does not, in any way, want to be responsible for servicing such systems which is required in order to work efficiently/correctly. It was also acknowledged that such a request would be improper to impose onto one lot for a system servicing four. A homeowners association would be required to be created to maintain the detention basin, swale, and rain garden. Additionally, a specific and detailed operations and maintenance manual for the stormwater management system must be prepared to ensure proper upholding.

The water table near the proposed home's footprints is near 3'-4', but only minimal testing had been done in this regard. As stated, additional testing will be completed to confirm. Drywells would be installed, the specific number of how many would be determined from further soil testing.

Sanitary sewers are located on Old York Road. Due to the existing slope, a gravity sewer would be used for lot 1.01, but not lots 1.02 to 1.04. The lots which don't require a gravity sewer will require a mechanical system for the sewerage flow.

Mr. Skapinetz reviewed the Board Planner's and Board Engineer's technical review letters. He testified that there were no concerns with emergency vehicles safely accessing Franklin Street and that the street would meet all applicable codes. No sidewalks were shown to be proposed with the application since none currently exist on Old York Road. A new sidewalk would not be connected, which Mr. Skapinetz felt would not be effective. However, a contribution was agreed to be made in place. Mr. Skapinetz further testified that the applicant agreed with and would fully comply with all the comments and recommendations made in the Board professionals' technical reviews.

No member of the public had any questions or wished to comment following Mr. Skapinetz's testimony.

The board found the proposed subdivision plan, which would demolish the property's current residence, would meet the Township's subdivision ordinance. The applicant would create four conforming building lots in its place. Stormwater drainage was adequately addressed, and the resulting construction would be consistent and balanced with the surrounding neighborhood located in the R-20 Zone. No variances were proposed in connection with the application. Accordingly, the board found the application suitable and one that should be approved.

Preliminary and Final Major Subdivision was approved subject to the following terms and conditions:

1. The terms of such approval are to be strictly in accordance with the plans, testimony, and representations presented to the board, and the same are incorporated into this resolution by reference.
2. The applicant shall comply with construction mitigation measures set forth in Land Use Code §126-243.1.
3. The applicant must submit a compliance report to the Township prior to: signing of plans and deeds, scheduling of pre-construction meeting, and issuance of construction permits.
4. Plans are to be revised for consistency with testimony given, the Board Engineer's February 4, 2021, technical review, and this approval. The applicant must provide nine copies of the filed map/approved plans to the Township.
5. The applicant must create a homeowners' association for Lots 1.01 through 1.04, with the governing document setting forth its obligations to the satisfaction of the Board Attorney. The homeowners' association document is to be recorded with the County Clerk, and a recorded copy is to be provided to the Township Engineer.
6. The applicant shall work with the Board Planner and Board Engineer regarding the design and maintenance of stormwater management features.
7. The applicant shall prepare a specific and detailed operations and maintenance manual for the stormwater management system (including but not limited to the detention basin, rain garden, and swale) to the satisfaction of the Board Engineer and Board Planner.
8. The applicant shall perform additional soil testing to the satisfaction of the Board Engineer. The number of dry wells to be installed shall be based upon such testing and shall be to the satisfaction and approval of the Board Engineer.
9. Individual lot grading permits must be obtained for each lot prior to the issuance of any building permit. Plot/grading plans must clearly identify the building envelope, the proposed building corner elevations, the curb elevations along the frontage and at the driveway, spot elevations to provide a slope in grass and paved areas at a minimum slope of 2.0%, and proposed landscaping. The plot/grading plans must be at a scale greater than 1" = 50'.
10. The applicant must provide "will-serve" letters from all applicable utilities prior to issuance of building permits.
11. All access to Lots 1.01 through 1.04 shall be via Franklin Street. There shall be no lot access via Old York Road.
12. The applicant shall install Township standard street signage for Franklin Street and shall affix a "no outlet" sign to the signpost.
13. The applicant shall make a contribution in lieu of installing sidewalks in an amount to be determined by the Township Engineer.
14. In addition to other plan revisions set forth in the board's technical reviews, the applicant must show all existing and proposed trees on the property, including trees planned to be removed.
15. The applicant must prepare deeds for Lots 1.01, 1.02, 1.03, and 1.04, with metes and bounds descriptions, to the satisfaction of the Board Attorney and the Board Engineer.
16. The applicant must obtain approval of the proposed lot numbers from the Township Tax Assessor.
17. The applicant must obtain the vacation of Franklin Street and Moray Avenue as depicted on the plans. This project will be subject to the applicant obtaining all other approvals from governmental or third-party agencies. Copies of such approvals are to be provided to the Township and the Township Engineer.
18. All taxes, fees, escrows, assessments, and other monies due to the Township of Bridgewater shall be paid in full.
19. The applicant shall enter into a developer's agreement with the Township that shall include right of emergency access to the Township and right of emergency maintenance (with back charge authority to the individual lot owners) in the event the homeowners' association ceases to exist or is otherwise unable to attend to its obligations.
20. The applicant shall comply with all rules, regulations, statutes, and ordinances of the United States of America, State of New Jersey, County of Somerset, and Bridgewater Township.

Chairman Mr. Fross asked for a motion to approve the application:

A motion of approval was made by Mr. Kirsh with a second by Mr. Vescio.

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

ABSENT: Mayor Moench and Mr. Genova

NOT ELIGIBLE: None

8. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the board on any matter not listed on the agenda were able to do so at this time. It was announced that if any questions or comments were made pertaining to 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.

9. OTHER BOARD BUSINESS:

Chairman Mr. Fross explained the following resolution was to provide support to the township planner during the reexamination of the Master Plan, if it should be needed.

Chairman Mr. Fross asked the board for a motion to approve the R.F.P. Resolution

A motion was made by Mr. Pappas with a second by Ms. Forino.

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

ABSENT: Mayor Moench and Mr. Genova

NOT ELIGIBLE: None

The board was advised on their importance in participate in the various committees to help evaluate the different elements of the Master Plan updated. This would allow members to offer as much input as needed/desired. The chairman asked that all board members inform him, the board planner, and the board secretary on which preferred committee they wanted to be on. Ms. Doyle also explained the significance of these committees recognized the new members on the board and the unfamiliarity of the process involved in the Master Plan update.

Board member Mr. Kirsh asked if his involvement in a committee would be appropriate due to his high-level of involvement with the Township. It was expressed, in great emphasis, that his value in this process would be highly positive and a vast resource for the town. No legal issues would conflict with Mr. Kirsh's involvement, as clarified by the board attorney, Mr. Peck.

The chairman also discussed the required training for new board members, in which it was explained that a response would be given to all members who need more guidance on the process.

A discussion pertaining to the Open Space Committee and its connection with the Master Plan update was communicated. The discussion focus mostly on how it would and would not have an impact on the update.

The upcoming meetings/applications were discussed for an overview to members and professionals.

10. EXECUTIVE SESSION:

No Executive Session was needed.

11. ADJOURNMENT:

A motion was made by Mr. Kirsh with a second by Mr. Pappas to adjourn the meeting at 8:45 pm, followed by a consensus of the board.

Respectfully submitted,
Ms. Zuzana Karas
Land Use Coordinator