

BRIDGEWATER TOWNSHIP PLANNING BOARD

Virtual Online Meeting
Tuesday, May 25th, 2021
—MINUTES—

1. CALL MEETING TO ORDER:

Vice-Chairman Vescio 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 – absent	Councilman Mr. Kirsh – present
Mr. Henry Wang – present	Mr. Robert Giurlando – present
Mayor Moench – absent	Ms. Lauren Zarro – absent
Mr. Alan Fross – absent	Mr. Maurizio Vescio – present
Mr. James Magura – present	Ms. Kimberly Forino – absent
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 Minutes.

No changes were made.

The vice-chairman asked the Board for a motion to approve the December 8, 2020 meeting minutes with no changes.

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

Roll Call Vote:

AFFIRMATIVE: Mr. Wang, Mr. Kirsh, Mr. Giurlando, Mr. Vescio and Mr. Magura.

ABSENT: Mayor Moench, Mr. Pappas, Mr. Fross, Mr. Genova, Ms. Forino and Ms. Zarro.

ABSTAIN: None.

DENIAL: None.

6. MEMORIALIZING RESOLUTIONS:

MARY BEHOT- 495 KNOLLWOOD DRIVE

Block 500 Lot 50

#20-042-PB MINOR SITE PLAN – HORSE BARN

The Board suggested no changes to the resolution.

The vice-chairman asked the Board for a motion to approve the resolution listed with no changes.

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

Roll Call Vote:

AFFIRMATIVE: Mr. Wang, Mr. Kirsh, Mr. Giurlando, Mr. Vescio and Mr. Magura.

ABSENT: Mayor Moench, Mr. Pappas, Mr. Fross, Mr. Genova, Ms. Forino and Ms. Zarro.

ABSTAIN: None.

DENIAL: None.

SPCMDIT, LLC- ROUTE 287 ROW/ADJACENT TO SOMERSET PATRIOTS BALL PARK

Block 347 Lot 1

#20-041-PB MINOR SITE PLAN

The Board suggested no changes to the resolution.

The vice-chairman asked the Board for a motion to approve the resolution listed with no changes.

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

Roll Call Vote:

AFFIRMATIVE: Mr. Wang, Mr. Kirsh, Mr. Giurlando, Mr. Vescio and Mr. Magura.

ABSENT: Mayor Moench, Mr. Pappas, Mr. Fross, Mr. Genova, Ms. Forino and Ms. Zarro.

ABSTAIN: None.

DENIAL: None.

NY SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS- 551 MILLTOWN RD

Block 168 Lot 18

#20-008-PB PERLIMINARY AND FINAL MAJOR SITE PLAN C-VARIANCES

The Board suggested no changes to the resolution.

The vice-chairman asked the Board for a motion to approve the resolution listed with no changes. A motion of approval was made by Mr. Kirsh with a second by Mr. Magura.

Roll Call Vote:

AFFIRMATIVE: Mr. Wang, Mr. Kirsh, Mr. Giurlando, Mr. Vescio and Mr. Magura.
ABSENT: Mayor Moench, Mr. Pappas, Mr. Fross, Mr. Genova, Ms. Forino and Ms. Zarro.
ABSTAIN: None.
DENIAL: None.

RECA 360 MILLTOWN INVESTMENT, LLC- MILLTOWN ROAD AND DOOLITTLE DRIVE

Block 165 Lot 2

#20-011-PB MINOR SITE PLAN

The Board suggested no changes to the resolution.

The vice-chairman asked the Board for a motion to approve the resolution listed with no changes. A motion of approval was made by Mr. Kirsh with a second by Mr. Magura.

Roll Call Vote:

AFFIRMATIVE: Mr. Wang, Mr. Kirsh, Mr. Giurlando, Mr. Vescio and Mr. Magura.
ABSENT: Mayor Moench, Mr. Pappas, Mr. Fross, Mr. Genova, Ms. Forino and Ms. Zarro.
ABSTAIN: None.
DENIAL: None.

7. 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 of the public wished to address the Board.

8. LAND DEVELOPMENT APPLICATION:

976 ROUTE 22 PARTNERS LLC – 976 ROUTE 22 (Carried from 4/27/21)

Block 554 Lot 3.01

#21-004-PB PRELIMINARY & FINAL MAJOR SITE PLAN WITH C-VARIANCES

The application continued after being carried from the Board's April 27th, 2021. Mr. Lehrer Esq., representing the applicant, reiterating that the current building is largely dilapidated and that the applicant plans to refresh the site and refurbish the building. With such, the applicant was seeking variance relief to permit ADA access improvements, accommodating Aspen Dental branding.

Mr. Dean was accepted as an expert in the field of traffic engineering and testified on behalf of the applicant. He testified that he was familiar with the site, having worked on prior applications, including Buffalo Wild Wings' predecessor, Lone Star Steakhouse. Mr. Dean confirm involvement during the time in which the access easement was first created. The easement was created due to the lack of space on the Buffalo Wild Wings site, which was essential to accommodate the restaurant and sufficient parking. Accordingly, Lone Star and the Albers Fireplace store entered into an easement where the Buffalo Wild Wings site would

utilize 50+/- spaces on the subject property for parking. Mr. Dean confirmed that this easement has served both properties well over the years and has worked as intended.

Utilizing exhibits, Mr. Dean testified to the ingress and egress on Route 22 east and west. He testified that the prior AAA experienced perhaps a dozen cars entering the site on average per hour, whereas the peak hours of study resulted in 14 vehicles/hour in the a.m. and 12 vehicles/hour in the p.m. Accordingly, the impact of Aspen Dental would essentially be the same as with the former AAA use. Further, he noted that this dental use would follow an appointment system for patients to further regulate traffic.

The applicant's hours would fall within standard business hours, whereas Buffalo Wild Wings is more evening-oriented. The applicant's employees and patients would vacate the property for the day while Buffalo Wild Wings customers arrive. Mr. Dean testified that nothing within the application would change or impede operations on either site. From a traffic perspective, he opined, the applicant's use is mild. Mr. Dean testified that no changes to the driveway would be proposed and noted that the NJDOT governs landscaping in the ROW. In Mr. Dean's professional opinion, internal circulation would continue to be safe and efficient. He referenced the generous deceleration lane and testified that it would work as well as it has before.

Mr. Dean then testified, referencing Twp Engineer Mr. Burr's April 22nd, 2021 review letter. He stated that NJDOT approval would be required only if the driveways were altered. Such DOT approvals would be necessary if a significant increase in traffic was being generated, which in this case is not. He further testified that the NJDOT would only allow a guardrail in their ROW if a warrant were necessary from a safety perspective. Yet, there was nothing present in the application that would require DOT criteria for such a guardrail.

The Board was somewhat skeptical of Mr. Dean's testimony regarding Buffalo Wild Wings and traffic flow, noting a seeming volume of accidents on site. Mr. Dean acknowledged the challenges presented by this site and testified that locating a low traffic impact use on-site was crucial. The Board asked whether NJDOT has identified the safest way to enter and exit these properties. Mr. Dean again noted the practical limitations as to what can be done with the property. He reiterated that given the parameters, this design was the best possible option, barring the total redesign of the road network. He also testified that the driveways were within the NJDOT maximum driveway openings and could not be further widened. The Board agreed that this is a challenging site, and the use presented by the applicant is suitable for this site.

The Board noted that better sign visibility would help drivers. Mr. Dean testified that the applicant was proposing the same freestanding signage and would re-panel what already exists. However, the applicant would add additional wayfinding signage for internal circulation.

Continuing the discussion about circulation and safety issues, the Board focused on the eastbound driveways, noting that the Buffalo Wild Wings entrance directs traffic into the parking aisle, which requires a quick turn. The Board asked if this entrance could be relocated and whether the applicant could use the Buffalo Wild Wings entrance. Mr. Dean acknowledged these points but testified that there is a notable grade difference between the site and Route 22, and such relocating would result in a reduced deceleration lane. Moving the driveway would also result in a loss of parking. Mr. Dean testified that the proposed design presented a more gradual turn into the site and was overall a better design from a traffic engineer's perspective. He further testified that there was no reason to close the Aspen Dental entrance since this entrance was extremely valuable for the property and has proven to be safe over time. Nothing in the proposal would affect the easement, which has shown to be an example of sound land use planning for compatible uses on a challenging site.

The public was given the opportunity to question Mr. Dean, yet no member of the public had any questions.

Mr. David A. Stires was accepted by the Board as an expert in the field of civil engineering and testified on behalf of the applicant. Mr. Stires offered to clarify some of Mr. Folk's prior engineering testimony. Using exhibits, he described the proposed ADA compliant building entrance with the existing stairs and ramp. He testified that attempts had been made to bring the entrance to grade to eliminate the ramp, but the 3' grade differential precluded this. Instead, a new entry would be added to the northern side of the building.

Mr. Stires stated that the applicant would abandon the existing septic system and tap into the current sewer line on Route 22. This would result in the removal of shrubs along the Buffalo Wild Wings frontage. Mr. Stires testified that the landscape plan showed that the buffering would be replaced, and additional buffering would also be added. He compared the proposed landscaping with what was already approved by the former AAA use and noted that over 900 shrubs and trees would be planted, perhaps five less than before.

Mr. Stires testified that the parking lot would be seal-coated. Responding to the April 22nd 2021, report by Mr. Burr, he stated that way-finder signs would be installed on Rt. 22 eastbound side of the site to assist internal vehicle circulation. He noted that the Raritan Valley Sewerage Authority and Somerville approvals for the sewer connection would be acquired since the building would not be connected to the Bridgewater Township system.

Mr. Stires testified regarding the Board Planner's, Ms. Doyle's review letter, last amended May 13, 2021. The applicant agreed to abide by all conditions in the AAA approval memorialized June 24, 2013, except for the developer's agreement and requirement for an emergency access Knox box. Mr. Stires affirmed that the dimensions of the existing freestanding sign would remain at 20' in height and would not be dimensionally changed. Ms. Wood responded to the Board's questioning of Mr. Stires regarding the visibility of this sign. She testifies that all Aspen Dental office visits would be by appointment made through a call center. The call center would give directions and instructions as to how to reach the site best.

The Board and Mr. Stires discussed the impervious cover. The applicant proposed adding approximately 380 SF in impervious coverage for ADA improvements. However, the Board questioned whether this variance could be mitigated by removing the sidewalk on the south side of the building, which is approximately 360 SF. The applicant agreed to this.

The public was given the opportunity to question Mr. Stires, yet no public member had any questions.

Mr. Campanella was accepted as an expert in the field of architecture and testified on behalf of the applicant. Utilizing exhibits, he showed a revised building elevation and the current state of the building from all sides. Mr. Campanella testified that the building was tired, outdated, and at a lower elevation than the Buffalo Wild Wings. He testified that the north side of the building was best for the proposed ADA access.

Mr. Campanella testified on the proposed floor plan and building aesthetics. There would be four concrete piers on the east and west sides of the building, holding up the roof. He testified that the high parapet arch would give the building a presence that it currently lacks. Some of the existing stucco would be reduced, being replaced with brickwork. The Aspen Dental template had been refined to accommodate the Board Planner, Ms. Doyle's comments.

Mr. Campanella testified that the parapets would not be visible if they conformed with the current zoning code. He noted that the applicant could redesign the roof with "crickets" to comply with zoning regulations, but that the resulting roof would not look appropriate. Mr. Campanella further noted that 63% of the parapet would be under the 3' maximum height, while the remaining 37% was inconsistent with the zoning

ordinance. He stated that the parapet would be made from quality materials, such as masonry, stone, and brick. The Board questioned a photo of another Aspen Dental location with a lower arch and asked whether this was just a marketing issue. Mr. Campanella responded that the building has character and the Aspen Dental branding is a proven design. The Board questioned the roof choices, wondering if a cricket roof would be most appropriate. A cricket roof, Mr. Campanella explained, is essential for a roof over a roof. Since the current roof is in good shape, Mr. Campanella questioned its effectiveness in using a cricket roof, yet agreed to install it should the Board required it. Following more discussion, a cricket roof was not requested by the Board.

Mr. Campanella continued to testify to the exterior details of the building. He depicted another location to show the design that would be used for the subject building. The canopies would be painted metal, showing the accent lighting that would be used. Mr. Campanella noted that although a variance is requested for the parapet height, the building is more than 18' below the maximum height. All arches would have the same elevation from the average grade.

The public was given the opportunity to question Mr. Stires, yet no public member had any questions.

Mr. Auciello was accepted as an expert in the field of planning and testified on behalf of the applicant. As reiterated, the impervious cover variance had been eliminated through agreement to remove the building's south side sidewalk. Mr. Auciello presented proof for the remaining two bulk variances, the parapet height, and the sign area variance. He testified that granting both variances would allow a vacant building to reactivate with the associated landscape improvements, which is of an attractive design. This dental use would be a good use providing beneficial service to the community. There would be no significant detriments to either neighboring properties or the zoning plan. The proposed use would only benefit its immediate neighbor by way of the continued easement and improved parking lot.

After further discussion with the Board the applicant agreed to reduce the total façade sign area from 151 SF to 121 SF. This was more reasonable to the Board. Mr. Auciello testified that the applicant would comply with the terms and conditions of the Board's review memos, except as otherwise testified to during the hearing.

The public was given the opportunity to question Mr. Stires, yet no public member had any questions.

The public was offered the opportunity to comment generally on the application. No member of the public had any comments.

The Board, following deliberation, approved the application subject to terms and conditions stipulated during the hearing.

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

Roll Call Vote:

AFFIRMATIVE: Mr. Wang, Mr. Kirsh, Mr. Giurlando, Mr. Vescio and Mr. Magura.

ABSENT: Mayor Moench, Mr. Pappas, Mr. Fross, Mr. Genova, Ms. Forino and Ms. Zarro.

ABSTAIN: None.

DENIAL: None.

8. OTHER BOARD BUSINESS:

The board planner, Ms. Doyle, informed the Board of upcoming meetings and applications scheduled.

9. EXECUTIVE SESSION:

No Executive Session was needed.

10. ADJOURNMENT:

A motion was made by Mr. Kirsh with a second by Mr. Wang to adjourn the meeting at 10:35 pm, followed by the Board's consensus.

Respectfully submitted,
Ms. Zuzana Karas
Land Use Coordinator