

BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
Tuesday, October 25, 2022
—MINUTES—

CALL MEETING TO ORDER

Chairman Vescio called the meeting to order at 7:09 p.m. in the Bridgewater Township Municipal Building.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT & FLAG SALUTE

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 14, 2022, proper notice was sent to the Courier News and the Star-Ledger, 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 Board 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.

ROLL CALL

PRESENT

Chairman Maurizio Vescio
Councilman Timothy Ring
Mayor Matthew Moench
Ms. Ashely Sikora
Mr. Henry Wang
Mr. James Magura
Ms. Lauren Zarro

ALSO PRESENT

Board Attorney, Mark Peck, Esq.
Board Planner, Scarlett Doyle, P.P.
Board Administrator, Nancy Probst

ABSENT

Ms. Sonja Chartowich
Mr. Inderpreet Banga
Mr. Michael Pappas

MEETING OPEN TO THE PUBLIC

Members of the public wishing to address the Board on any matter not listed on the agenda were invited to do so. There was no public comment.

MINUTES

Motion by Mayor Moench, **seconded** by Ms. Sikora to adopt the Minutes of 9/13/22, with revisions, as noted.

Roll Call:

Aye: Chairman Vescio, Mayor Moench, Councilman Ring, Ms. Zarro, Mr. Magura, Mr. Wang, Ms. Sikora

Nay:

Abstain:

APPLICATIONS

Bridgewater Accessory Associates, LP
Block 234, Lot 5 (Chimney Rock Road/Route 22)
#21-038-PB – Preliminary & Final Site Plan

Michael Silbert, Esq. of DiFrancesco, Bateman, Coley Yospin, Kunzman, Davis & Lehrer, P.C. entered his appearance on behalf of the applicant and presented witnesses, Planner James Kyle; Architect, Lance Blake; Traffic Engineer, John Rea; and Engineer, Michael Marinelli. The witnesses were sworn in by Attorney Peck.

Attorney Silbert provided an overview of the proposal for Preliminary & Final Site Plan with new (and in many cases, existing) variances as well as design waivers to include relief for minimum front and side yard setbacks, impervious coverage, parking stall size, parking, loading and signage. Attorney Silbert related that none of the new variances would exacerbate pre-existing non-conformities and, in some cases, would actually even improve them. He offered that the proposal would be an opportunity to replace/rehabilitate an outdated industrial property with a more aesthetically pleasing proposal. He acknowledged that the applicant was not relying on existing variances because the existing five buildings will be razed.

Attorney Silbert indicated that the applicant was in agreement with all conditions of Mr. Burr's October 20, 2022 review memo, with the exception of #5 (Developer's Agreement), citing the lack of site improvements. He offered that they would/could work with Mr. Burr on this and discuss later in testimony.

Attorney Silbert advised that the Fire Marshall's comments in his memo of 10/24/22 were not consistent with a meeting he had with the applicant's engineer, Mr. Marinelli.

Michael Marinelli, P.E., C.M.E. of Menlo Engineering presented his qualifications and was accepted as an expert witness.

Exhibit A-1 was identified as an aerial photo entitled "DENHOLTZ NORTH PARK Existing Conditions Exhibit," dated 10/24/22 and marked into testimony. Mr. Marinelli oriented everyone to the site, identifying Chimney Rock Road, Route 287, three (3) railroad crossings, access points (including shared access) and six (6) existing buildings; two of which he identified as "twin buildings" that face Route 22.

Mr. Marinelli testified that the area of existing buildings is 143,252 s.f. and that the proposal would be compliant with respect to both F.A.R. and number of parking spaces. The shared access drive and access easement were discussed.

Mayor Moench asked current use of the existing buildings. Mr. Marinelli explained that the larger building in the northwest corner was occupied by a stone/masonry business, Building "2W" and 3/3W are vacant and that the three (3) buildings in the rear (slated to remain) were occupied.

Exhibit A-2 was introduced but marked/discussed after Attorney Silbert distributed Exhibit A-3 in an effort to better orient the Board to the buildings on the site.

Exhibit A-3 was identified as 5 photos depicting the buildings there today as well as neighboring area and marked into testimony.

Exhibit A-2 was identified as a colored rendering of the site plan overlaid onto the aerial photo, entitled "DENHOLTZ NORTH PARK Site Plan Exhibit," dated 10/24/22 and marked into testimony.

Mr. Marinelli indicated that Buildings 1W, 2W and 3W, consisting of a total of 76,922 s.f., would be demolished and replaced with a 56,700 s.f. warehouse, resulting in a net reduction of square footage on the site.

Mr. Marinelli identified/discussed the following Site Plan items:

- 12 new dock positions
- Access path (easement to remain intact)
- Maintain everything on south side of site
- Two (2) new parking areas with a breakdown/distribution of spaces

Mr. Marinelli testified that the proposal originally included a total of 258 parking spaces with 247 to be constructed and 11 to be land banked. He then explained that there would be a credit given for 11 make ready EV spaces which were not contemplated at the time of submission, as they were not required at that time.

Referencing a comment in Ms. Doyle's 10/18 review memo regarding lack of landscaping, Mr. Marinelli provided testimony on opportunities for buffering in the 11 land banked spaces as a result of the EV credit.

Mr. Marinelli identified three types of warehouses: "Breakbulk," "Fulfillment" and "Direct to Consumer." He suggested that the development would be best suited for fulfillment. Attorney Silbert asserted that the applicant would not expect to see the direct to consumer type.

Mr. Marinelli identified the driveway access points. He identified an area in the southwest corner to be used for snow removal and ADA parking in the northeast corner. He testified that they would provide a screened dumpster enclosure. Mr. Marinelli testified that refuse would be picked up by a private hauler, on a schedule, based on tenancy.

Mr. Marinelli discussed landscaping/buffering, citing a 60 tree deficit as it relates to impervious coverage requirements.

Lighting was discussed. Mr. Marinelli testified that there would be six (6) pole mounted fixtures (which he relayed would comply), as well as 2 wall mounted fixtures (in the loading area). He acknowledged that the 234 foot-candles provided would exceed ordinance requirements.

Impervious Coverage was discussed. Mr. Marinelli testified that a 7% increase in pervious area has been offset by a 7.5% reduction which would negate the need for a stormwater management plan; however, he acknowledged that green infrastructure would be required in accordance with the new DEP requirements. He testified that porous pavement would be used and that the plan meets current standards.

Existing nonconformities, as they relate to the bulk variance relief requested, were discussed at length. With respect to impervious coverage, Mr. Marinelli testified that 85.2% is requested where 60% is permitted but 92% currently exists.

Design Waivers (sidewalk width and landscaping in particular) were discussed. Mr. Marinelli made reference to a comment about the dumpster in Ms. Doyle's review memo.

Mr. Marinelli indicated that he agreed with Mr. Burr's comments, taking exception only to the requirement for a developer's agreement, as Attorney Silbert indicated earlier.

Referencing questions about operations, Attorney Silbert explained that these would be hard to answer without knowing the tenant. Mr. Marinelli offered that warehouse operations are "typically" 9 a.m. to 5 p.m. but would not rule out 24/7. With respect to the number of employees, Mr. Marinelli offered that only a prospective tenant would be able to provide this information, and there isn't one.

Mr. Marinelli testified that the closest residential property is +/-2000 from the site and that there would be no impact with respect to fumes.

Ms. Doyle's memo was discussed and Mr. Marinelli testified to the following:

- (#29) – Pavement/stone would likely be used for construction access. They will comply with their soils certification in this regard. Referencing Ex. A-2, he spoke about grading on the east side as it relates to construction of a small (conforming) retaining wall.
- (#34) – A ramp could not be contemplated in place of the proposed staircase because of significant changes in grade.
- Site Security – None proposed but reference made to fencing and lighting/camera installations in the interest of safety.
- F.A.R. for site - .344 total

The Fire Marshall's October 24, 2022 report was discussed again. Mr. Marinelli advised that he was surprised by his request for a 22' wide access aisle given a conversation he had with Mr. Scalera on Friday when he related that he was made aware of a reduction in square footage. He asserted that it would not be possible to provide this because it would cut back the square footage of the building "significantly" and spoke at length about firefighting protocol.

Mr. Marinelli offered that while Mr. Scalera's memo did not comport with their discussion, they would work towards resolution of the matter with him and that other areas would be adequate, in addition to the site being Fire Code compliant. He referenced Mr. Scalera's request to run a ladder truck through the site, asserting that a 22' drive aisle is not necessary.

Attorney Silbert clarified that the applicant understands that they may have to return with a revised plan if they are unable to persuade Mr. Scalera to change his position, but hopes to work it out based on verbal representations that he related were made.

Chairman Vescio opened the floor to questions of the witness at 7:56.

Mayor Moench asked whether they could comply. Mr. Marinelli offered that the requirement makes it "unfeasible." Attorney Peck suggested that securing the approval of the Fire Marshall would/could be a condition of any approval.

Mr. Marinelli discussed the make ready EV parking spaces in response to a question about same from Mayor Moench. He explained the requirements and timeframes for construction as well as maximum permitted (for credit). Mayor Moench asked whether those spaces were for employees/personnel and how the number of employees relates to the square footage of the building. Mr. Marinelli deferred to anticipated Traffic Engineering testimony.

Ms. Sikora asked about the number of offices. Mr. Marinelli testified that there would be 5,000 s.f. of office space. Attorney Silbert added that the office would likely be accessory to the warehouse use.

Councilman Ring asked when the aerial photo (Ex. A-1) was taken as it was not reflective of current conditions on the site. Mr. Marinelli explained that it was an updated image from Bing Maps that appeared to pre-date the roof collapse.

Councilman Ring commented on the lack of testimony provided on prospective uses of the buildings on the campus. With respect to existing uses, he advised that the tenant of 5W is using the subject lot for storage of damaged cars/trucks. Mr. Marinelli explained that the applicant just became aware of this and would address.

Mr. Marinelli responded to questions from Councilman Ring about the middle access drive/gate and truck delivery routes. He confirmed that the "Construction Goods Company" would remain.

With respect to page 2 of Ex. A-3, Councilman Ring offered that Buildings 3 and 5 are not attached and asked about the garage in the center as well as visible mechanical equipment. Mr. Marinelli indicated that they are connected and that this is part of the structure being removed. He testified that the HVAC equipment would be relocated.

Referencing Ex. A-2, Councilman Ring spoke about access to the site and challenges specific to tractor trailers. He asked where they would sit to wait for an open dock without using Chimney Rock Road. Mr. Marinelli indicated that there was ample room onsite.

Councilman Ring questioned the number of spaces being provided given current site conditions. He offered that 23 spots are lost to spaces occupied by inoperable vehicles/pallets and what appear to be stalls used to store chemicals. Attorney Silbert offered that prohibiting outdoor storage would/could be a condition of approval.

Councilman Ring asked whether the plan included solar. After conferring with the applicant, Mr. Marinelli testified that it would not be right now but that the infrastructure for same would be included. Councilman Ring asserted that this would need to be factored into discussions with the Fire Marshall.

In response to questions from Chairman Vescio, Mr. Marinelli testified that no refrigerated storage units were anticipated; there would be no outdoor storage and that there would be an IT area (but not a data center). In response to question about storage of diesel fuel as it relates to a generator, Mr. Marinelli testified that no generator was proposed.

Ms. Zarro suggested that the parking being provided seemed low, based on her personal experience with HR in the warehouse industry. Mr. Marinelli advised that 1 space per 500 s.f. of warehouse space was required by ordinance, then deferred to anticipated Traffic Engineering testimony.

Mr. Marinelli testified that current site access, as it relates to the easement, would remain intact in response to a question about same from Mayor Moench. He advised that all improvements are outside of the easement and confirmed that direct access from 22 would likely be provided.

Mayor Moench asked whether there was any way to design the building in such a way that the docks would be located in the rear of the building rather than the front. Mr. Marinelli offered that this would require more asphalt. Councilman Ring asked whether the easement has to follow the footprint shown on the plans.

An extensive discussion on site design ensued in response to comments/questions regarding access. Matters of pedestrian safety, the easement, traffic and site circulation were deferred to anticipated Traffic Engineering testimony.

Mr. Marinelli advised that the buildings had been vacant for 1.5-2.5 years in response to a question from Ms. Sikora who asked about the impact of a prolonged vacancy on the sewer system.

Ms. Doyle asked whether any mezzanines were being added/utilized that would contribute to an increase in F.A.R. Attorney Silbert deferred to anticipated Architectural testimony.

Ms. Doyle commented that visibility of vehicles/parking from the road should be avoided. Referencing plans for landscape removal impacting Chimney Rock Road, she asked whether it was possible to screen onsite activity from Route 22 and Chimney Rock Road and asked whether landscaping could be added to Chimney Rock Road. Mr. Marinelli indicated that some additional landscaping is being provided. Mayor Moench identified the area in question on the exhibit board. Mr. Marinelli advised that there was an easement in that area as well, referring to Sheet 3 of the submitted Site Plan.

The [Right of Way] easement that traverses the front of the property was discussed at length.

Referencing the railroad crossing between buildings 4W and 5W, Councilman Ring asked why they were planning to leave 4W standing. Mr. Marinelli speculated that the tenant in that building has a long-term lease. He was unable to provide any further details on the lease term.

Referencing Councilman Ring's comments regarding parking of unauthorized/inoperable vehicles on the site, Ms. Doyle asked whether the applicant would agree to a restriction of not parking any operable or inoperable vehicles (not related to employees/visitors) on the site. Mr. Marinelli agreed to the restriction.

Ms. Doyle asked for clarification on the front yard variance. Mr. Marinelli testified that the setback of 133.6' was correct.

A discussion on lighting ensued in response to Ms. Doyle's comments on intensity levels that are double what is permitted. She questioned the number and height of the poles, suggesting that the proposed lighting could be intrusive to the traveling public. Mr. Marinelli explained that the poles needed to be higher because of the nature of tractor trailer maneuvers, confirmed that there would be 2 wall mounted units and provided testimony on industry standard lighting levels. Ms. Doyle offered that the proximity to the road/request for relief related to same was not industry standard. She asserted that the buildings may be situated too close to the roads. Mr. Marinelli deferred to anticipated Planning testimony.

Mr. Marinelli confirmed that I&I testing would be done on any sewer lines being used.

Referencing the State Planning Commission's guiding [draft] document on warehouse siting, Ms. Doyle asked about light and air quality. Mr. Marinelli testified that they would be in line with standards of warehousing operations. She asked whether there were any items the Engineering and Planning review memos that the applicant was not in agreement with (unless otherwise mentioned). There were no objections noted.

Internal security was discussed in response to a comment from Ms. Doyle about the types of materials being store. Ms. Doyle asserted that high security/assurances that dangerous materials (guns, for example) would not be stored in the warehouse. Attorney Silbert indicated that an adequate interior security would be utilized. Attorney Peck added that a security plan subject to review by the Police Chief would be a condition of approval.

Chairman Vescio opened the floor to questions/comments of the public at 8:36. There were none.

Lance Blake, R.A., A.I.A. of Rotwein & Blake presented his qualifications and was accepted as an expert witness.

Referencing Sheet SK-1, Mr. Blake discussed façade textures, tones and materials. He used the architectural style of Whole Foods, located on the north side of Route 22. Focusing on the entrance, he highlighted the sign panel facing Chimney Rock Road.

Mr. Blake's rendering prompted an extensive discussion on signage. He advised that a tenant name would be added in lieu of a monument sign. He testified that the building height would be 45' with no occupiable mezzanines and may be racked. He testified that if a generator was proposed, it would be gas powered/placed on roof.

Mr. Blake provided testimony on the building façade facing Route 22, explaining that the office portion is ancillary to the warehouse/not high occupancy at 1 person per 250-300 s.f. He testified that volume and cube is important to make the building marketable in response to a question about what necessitates the proposed height.

With respect to Ex. A-3, Mr. Blake responded to questions about consistency with neighboring architecture. He testified that the façade sign would be compliant.

Attorney Silbert asked for feedback on the larger sign which Mr. Blake testified was proposed to be at least 5x20. He discussed ordinance requirements for signage. Attorney Silbert asked for feedback with respect to a 200 s.f. sign.

The Chairman opened the floor to questions of the witness at 8:47.

Mayor Moench asked how the signage would compare to the Somerville Lumber site. Mr. Blake referred to Ex. A-3.

Councilman Ring asked to see the Chimney Rock Road side. Mr. Blake indicated that there were no other buildings in contrast. Councilman Ring offered that the signage needs to be minimal.

Ms. Doyle offered that it would be hard to get identification signage and mentioned the loss of landscaping that would accommodate signage. She explained how the measurements are calculated.

Mr. Ring identified a drop in grade on the exhibit board. Mr. Marinelli provided further calculations. Attorney Silbert confirmed that the applicant would comply with the ordinance. Ms. Doyle cautioned that any discrepancy found during compliance would need to be addressed. Attorney Silbert acknowledged.

Ms. Doyle advised that signage up to 100 s.f. was permitted, if street facing. She advised that the railroad right of way is considered a lot. Mr. Blake advised that they have two street facing facades. A discussion on splitting the signage ensued, during which Councilman Ring left the dais. Attorney Silbert indicated that that the 2 proposed signs were not permanent.

The Board took a short recess at approximately 8:56.

Motion by Mayor Moench, **seconded** by Mr. Wang and unanimously carried, by voice vote to reconvene the meeting at 9:02.

Mayor Moench offered that further clarification on signage was needed. He suggested that the Board did not want to see a giant, lit up sign. Mr. Blake testified that the size of the sign on Chimney Rock Road would be 50 s.f.

Attorney Silbert indicated that they would regroup and return with more details on signage.

Mr. Ring returned to the dais at approximately 9:11. Further discussion on signage continued. Mr. Wang asked for the length and width of the building. Mr. Blake testified that the dimensions were 300x194 (56,700 s.f.).

Chairman Vescio again asked about solar. Attorney Silbert reiterated that they have to construct the building in order to accommodate solar but that it is not included as part of the Site Plan.

Mr. Blake testified that a generator would likely be on the roof and as such, would be gas powered. Chairman Vescio asked about sound attenuation and screening for same. Ms. Doyle advised that it would need to conform to applicable standards for both.

Chairman Vescio opened the floor to questions/comments of the public at 9:15. There were none.

Attorney Silbert advised that height calculations would be verified.

Traffic Engineer, John Rea of McDonough & Rea Associates presented his qualifications and was accepted as an expert witness.

With respect to trip generation, Mr. Rea testified that there would be a corresponding decrease (3 peak hour trips) in traffic given a net decrease in coverage. He related that he looked at the eastbound service road and advised that a letter of no interest from the DOT would be assumed.

Referencing Ex. A-2 and calling it a "properly designed site plan," Mr. Rea spoke about circulation, parking and loading. He spoke about the easements that were discussed earlier in testimony.

Mr. Rea advised that the parking supply meets ordinance requirements and that all new spaces would be conforming at 9.5'x18' and used primarily by the tenant of the new building. He affirmed that it was the intent of Mr. Marinelli to meet with the Fire Marshall again and the intent of the applicant to rectify the situation with the obstructed parking spaces. He indicated that those spaces are not usable in connection with actual parking demand.

Mr. Rea indicated that at +/-56,000 s.f., this would not be a fulfillment style warehouse.

The Chairman opened the floor to questions at 9:25.

Chairman Ring asked about truck traffic exiting the site. An extensive discussion on circulation ensued. Mr. Rea suggested that signage would direct traffic to the other driveway rather than restrict movements.

Mayor Moench asked Mr. Rea where trucks would wait in the event all of the docks were full. Mr. Rea referenced a "large expanse of pavement" and offered that there are not usually this many bays associated with a warehouse this size.

Further discussion about circulation/signage (and about trucks backing up on Route 22 in particular) ensued. Restrictions to access and the inability to restrict the easement were discussed.

Mayor Moench commented on parking/stall size, height, and outdoor storage. Mr. Rea confirmed that the new spaces would be 9.5 wide and that they would work on landscaping.

Councilman Ring began to comment on their traffic report. A more recent iteration of the report was discussed. Chairman Vescio asked whether they anticipated any use of the rail system. Speaking about an easement in connection with same, Councilman Ring advised that it is not their service.

Truck parking on Chimney Rock Road was discussed in response to a question about same from Ms. Doyle. Mr. Rea offered that given the building size, number of spaces and area behind the loading docks that it would unlikely be an issue. He advised that 'no parking' signs on Chimney Rock Road would be under the jurisdiction of the County. Ms. Doyle suggested that there should be an associated condition of approval because of the variance.

Ms. Zarro asked whether the trip generation data was based on current occupancy. Mr. Rea related that it works with DOT protocol.

Mr. Magura asked Mr. Marinelli about the age of the building which he replied was unknown. He asked whether there had been any exposure to asbestos, lead paint, etc. Mr. Marinelli spoke to the owner (off the record) and advised that testing had been done but reports were not yet available.

Mr. Magura asked about disposal of the brick and the use of construction trailers. Mr. Marinelli indicated they would be utilized and that employees of the contractor would use existing parking. He advised that the limit of disturbance would be to the south and that big machines would not refuel on site.

Mr. Magura asked whether electric charging stations for trucks would be available, in connection with concerns about it becoming a rest stop.

Mr. Marinelli was unable to provide the name of the tenant for the space. He advised that the clearance height would be 40' in response to a question about same.

The public question/comment portion of the meeting was closed at 9:48.

Planning testimony was deferred to a subsequent meeting. The public hearing/direct testimony from Mr. Rea was closed and Attorney Silbert confirmed that all of the professionals would return in November with respect to any changes in testimony. It was agreed that the meeting would be adjourned to November 22, at 7 p.m.

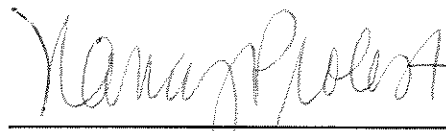
DISCUSSION

Ms. Doyle advised that a courtesy review of plans for Bridgewater Raritan Regional School District was upcoming (date to be determined).

ADJOURNMENT

Motion by Councilman Ring, **seconded** by Ms. Sikora and unanimously carried to adjourn the meeting at 9:51 p.m.

Respectfully submitted,



Nancy Probst, Land Use Administrator

Approved: _____

12/13/22