BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
October 1, 2024
-Minutes-

CALL MEETING TO ORDER
Chairman Vescio called the meeting to order at 7:00 pm.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT
Chairman Vescio read the OPMA Statement.

SALUTE TO THE FLAG

ROLL CALL

Mayor Moench-	Absent	Mr. Banga-	Present
Councilman Kirsh-	Present	Ms. Sikora-	Present
Mr. Pappas-	Present	Mr. Choudhury-	Absent
Mr. Magura-	Present	Mr. Atkins-	Present
Chairman Vescio-	Present	Ms. Chartowich-	Present
Mr. Wang-	Present		

Others present: Board Attorney Mr. Mark Peck, Bill Burr, Board Engineer, Katherine Sarmad, Board Planner, Michael Sullivan, Redevelopment Planner & Land Use Administrator Nancy Probst.

EXECUTIVE SESSION
On motion by Mr. Pappas, seconded by Ms. Sikora, the Board entered Executive Session based on the following roll call vote:

Aye:	Mr. Pappas, Councilman Kirsch, Mr. Wang, Ms. Sikora, Mr. Atkins, Mr. Banga, Ms. Chartowich, Mr. Magura & Chairman Vescio
Nay:	
Abstain:	
Not Eligible:	
Absent:	Mayor Moench & Mr. Choudhury

The Board reentered public session at 7:25 pm.

MEETING OPEN TO THE PUBLIC
Chairman Vescio opened the meeting to the public.

Ms. Cathy Franco of 766 Weemac Rd. Bridgewater NJ. Ms. Franco thanked the Board for their service. She asked why the eblast for this meeting did not highlight the redevelopment or quarry reclamation plans, only the residential applications. She then expressed disappointment with staff responses to her questions.

Ms. Franco expressed concerns with the Executive Session only identifying the subject property by block and lot and not the Ethicon name. She then asked if there will be time for public comment and Mr. Peck advised there will be time for public comments and questions.

Councilman Kirsch advised the Township Council and Planning Board are committed to transparency and opined this is the most transparent administration in Bridgewater history.

LAND DEVELOPMENT APPLICATIONS
Application No. #23-006-PB; Kumar Realty, LLC
Block 418.02, Lot 14; 386 Van Holten Road)
Extension of Prior Approval (Minor Subdivision)

Mr. Jay Boh, Esq. was present to represent the application. He requested the extension a one-year extension of approval for this application. Mr. Peck confirmed the statute criteria applies to this application.

On motion by Councilman Banga, seconded by Ms. Sikora, the application was granted as based on the following roll call vote:

Aye:	Councilman Kirsch, Mr. Pappas, Mr. Magura, Mr. Wang, Ms. Sikora, Mr. Banga, Ms. Chartowich, Mr. Atkins & Chairman Vescio
Nay:	
Abstain:	
Not Eligible:	
Absent:	Mayor Moench & Mr. Choudhury

MEMORIALIZATION OF RESOLUTIONS
Application # 24-020-PB; BRHS Referendum Projects
Block 565, Lot 19; 128 Merriwood Rd.

On motion by Councilman Kirsch, seconded by Mr. Wang, the foregoing resolution was adopted as presented based on the following roll call vote:

Aye:	Councilman Kirsch, Mr. Pappas, Mr. Wang, Ms. Sikora, Mr. Banga, Ms. Chartowich, Mr. Atkins Mr. Magura & Chairman Vescio
Nay:	
Abstain:	
Not Eligible:	
Absent:	Mayor Moench & Mr. Choudhury

OTHER BOARD BUSINESS
COURTESY REVIEW
Bridgewater Raritan Regional School District Referendum Projects
Block 156, Lot 13 (148 Pine Street)
#24-026-PB – Bradley Gardens Elementary School Addition

Ms. Alexis Goldman, Professional Architect was present to represent the project. Mr. Peck clarified that no Board action will be taken; this public entity only provides a courtesy review and under the MLUL. He further confirmed the Board can make recommendations but they are non-binding.

Ms. Goldman stated the purpose of this addition is because the Bradley Garden's Schools is the only school in the district that doesn't have a large gathering space. She then used the site plan to orient the Board to the site and identified the café addition.

Ms. Goldman displayed the architectural plans and described the addition in detail. She stated there are no new sprinklers proposed as part of the project.

On questioning by the Board, Mr. Burr stated there are no storm water management concerns since the storm water is adequately addressed by the plans.

On questioning by the Board, Ms. Goldman advised the school will determine if they permit outdoor dining.

Ms. Sarmad stated there are no concerns from a planning perspective for the record.

Chairman Vescio opened the meeting to the public for comments or questions. With there being no comments or questions, this portion was closed.

PRELIMINARY INVESTIGATION OF AN AREA IN NEED OF REDEVELOPMENT (PUBLIC HEARING)
Ethicon Site – Block 411, Lot 39 (555 Route 22) and Block 408, Lot 67 (Northwest Corner of Route 22 and Country Club Lane)

Mr. Peck advised the purpose of this hearing is strictly for the Board to determine whether or not the subject property meets the statutory criteria that would entitle it to be determine as an area in need of redevelopment. This is a long process that goes between the Planning Board and Township Council. He further advised the process starts with the Township Council asking the Planning Board for a preliminary investigation. The Board then authorized to Michael Sullivan, Redevelopment Planner to conduct the study.

Mr. Peck reviewed the statute criteria instituted by the State and clarified the Board will hear testimony tonight to determine whether the subject property meets the criteria and whether it will recommend to Township Council as an area in need of redevelopment.

Mr. Sullivan introduce himself as a principal with Clark Caton Hintz and advised Mr. John Hatch is also present to assist with reporting the findings to the Board. Mr. Sullivan advised conditions of subject property, such as environmental, natural, wetlands, etc were examined as part of the study. He the reviewed documents such as surveys, environmental reports, architectural analysis, floor area summaries, tax assessments data, etc.

Mr. Sullivan stated the site is composed of 2 lots, first is known as the Ethicon property, which is 81.89 acres and assessed at 51 million dollars. The second is a vacant lot vacant that crosses Country Club Rd., consisting of 3.88 acres. He confirmed both lots are owned by the same entity.

Mr. Sullivan Identified current existing and permitted uses of the sites. He then described the existing Ethicon facility in detail.

Mr. John hatch, Architectural Partner of CCH, described the existing buildings sizes and configurations using displayed photos. He then described the uses in each of the wings of the buildings and described the café that was built with reinforced concrete and no access to exterior light. Originally the café was built as a bomb shelter and eventually renovated to become a cafeteria and then ultimately used as office space. He opined all the buildings are particular to their functions as is the site as a whole.

Mr. Sullivan discussed the environmental contamination of the site and the hazardous materials identified within the existing buildings such as lead, asbestos and PCB's. He stated an application made to the NJDEP to reduce the classification, but that application has not yet been approved. He then advised the cost for these improvements are estimated to be approximately one million to mitigate the contamination.

Mr. Sullivan identified Criterion B under the statute, which cites the discontinuance of use of a building(s) previously used for a variety of uses. He reiterated Ethicon is an office park and surgical manufacturing site and opined the use obsolete. He advised the buildings were designed for specific functions with extortionary high ceilings and specifically designated lab spaces.

Mr. Sullivan classified the site as a "stranded asset", a large facility that has outlived its specialized use and its unlikely a new owner will reoccupy it as existing. In order to encourage private entities to work with local government, certain benefits are extended to the owners to make the site active and have an economic benefit. Mr. Sullivan then opined that the site meets criterion B.

Mr. Sullivan opined the second property meets criterion C which is land owned by a form of government that is unimproved and has remained so for a period of 10 or more years and; lacks the means of private development. This stie meets that criteria due to the soil contamination alone. Mr. Sullivan reviewed the indicators confirming wetlands that restricts development and stated the wetlands break the site up, creating issues with access also.

Mr. Sullivan stated both lots meet Criterion H, the "Smart Growth Criterion" that was inadvertently omitted from the report. Criterion H states the smart growth principals essentially outline the state determines economic growth to be. He advised in subjects are located Planning Area One, a metropolitan area, allowing the property to meet criterion H.

Mr. Sullivan concluded by stating the properties can be designated an area in need of redevelopment.

The Board introduced Environmental Consultant, Mr. Jim Louellen. Mr. Louellen was sworn and accepted by the Board. Mr. Louellen advised he is also a resident of Bridgewater that lives within the vicinity of the subject property.

Mr. Louellen reviewed his credentials and advised his firm focuses on contamination investigation and remediation.

On questioning by the Board, Mr. Louellen advised the lead and asbestos remediation cost is "in the millions." He clarified this remediation should be a discussion between Ethicon and the buyers of the property.

Mr. Louellen opined the buildings are beyond their useful lives and that the specific functions previously housed there no longer exist.

On questioning by the Board, Mr. Louellen advised the NJDEP has been made aware of the site contamination. He used the property surveys to identify the boundaries of the facility and identified the classification areas.

On questioning by the Board, Mr. Louellen engaged in a discussion regarding the local wells and remediation action that will be taken by the NJDEP in detail.

Mr. Sullivan confirmed the Township Council identified the site as "non condemnation" in their resolution.

Chairman Vescio opened the meeting to the public for questions.

Ms. Mary Gallagher, 102 Highland Ave. Bridgewater NJ. Ms. Gallagher requested the Board consider the importance of the groundwater and the affect it has on local wells. She also requested residents not to be forced onto city water.

Ms. Cathy Franco of 777 Weemac Rd. Bridgewater NJ. Ms. Franco asked why the owners purchased a property that isn't zoned for their business use. She then requested clarification on criterion B and Mr. Sulivan referenced the different components and clarified which criterion ths site falls under.

Mr. Howard Clark of Country Club Rd. Bridgewater NJ. Mr. Clark advised he worked at Ethicon and was familiar with the property He asked who the new owner is and MR. Sullivan confirmed 555 route 22 Associates LLC, and stated there's no records to indicate who is behind the LLC. Mr. Clark asked who paid for this study and Councilman Kirsh confirmed the Township paid for it. Mr. Pappas clarified there was escrow established and the Township utilizes this escrow to pay Mr. Sullivan's firm.

Mr. Richard DeAngelis, Esq. addressed the three minutes allotted per member of the public and requested additional time to question the Planner. He anticipated his time to be 30 minutes and requested to proceed. The Board agreed however; Mr. DeAngelis agreed for other members of the public to speak first.

Mr. David Darcey of 512 Garretson Rd. Bridgewater NJ. Mr. Darcey referenced an article regarding A. Duie Pyle and expressed concerns with Bridgewater turning into Carteret NJ. He then expressed concerns with a trucking depot next to a high school and potential illegal behaviors of the truckers.

Kevin Brockelhurst 406 Country Club Rd. Bridgewater NJ. Mr. Brockelhurst expressed concerns with contamination in the air and Mr. Louellen confirmed when the owners are demolishing, there are monitors installed to evaluate contaminations. He then explained how the monitors work in detail.

Mr. Brockelhurst expressed traffic concerns and Mr. Peck confirmed that traffic will be addressed later with the redevelopment plans.

Mr. Tony Hoffman of 467 Hauck Rd. Bridgewater NJ. Mr. Hoffman expressed his appreciation for the diligence and attention to groundwater issue.

Mr. Glen Regal of Hauck Rd. Bridgewater NJ. Expressed various concerns with the Ethicon site.

Mr. DeAngelis readdressed the Board. He entered the following exhibits into the record:

O1 10-1-24 Email dated February 6, 2024
O2 10-1-24 Letter dated

Mr. DeAgnelis stated there is no component the Local Redevelopment and Housing Law that targets contamination. He then stated Mr. Sullivan met with A. Duie Pyle and referenced a memo that was not in the report from A. Duie Pyle. Mr. Sullivan explained the memo and clarified there was other data such as exhibits entered into the report.

Mr. DeAngelis asked if truck terminals are permitted in M1 zone and asked Mr. Sullivan to clarify the permitted uses.

Mr. DeAngelis then asked how the site satisfies criterion B. Mr. Sullivan read criterion B into the record and opined that the former use has been discontinued and therefore meets one element of criterion B. Mr. DeAngelis and Mr. Sullivan engaged in a lengthy discussion regarding Mr. Sullivan's conclusions regarding the former uses and the purchaser of the property.

Mr. DeAngelis introduced **O1 10-1-24 Email dated February 6, 2024** email between Mr. Sullivan and Mr. Pappas. He then asked if there were any emails exchanged with Township representatives regarding the draft reports prior to the report being made available to the public. Mr. Sullivan explained his communications regarding same.

Mr. DeAngelis and Mr. Sullivan engaged in a conversation regarding potentially adopting a Redevelopment Plan that may be inconsistent with the Master Plan.

Mr. DeAngelis stated the Planning Board is the only time the public has input in this session. He then opined the process was done incorrectly and not in accordance with the law.

Mr. DeAngelis requested Mr. Sullivan amend his report regarding Criterion H. Mr. Peck opined Criterion H supplements other criteria.

Mr. DeAngelis requested his Professional Planner be sworn in to provide testimony. Mr. Peter Stech, Professional Planner was sworn and accepted by the Board.

Mr. Stech introduced reviewed his report dated 10/01/24 entitled Planning Evaluation of the Ethicon Development Study and reviewed the redevelopment process in detail. Mr. Stech then summarized his report and findings in detail.

Mr. Stech opined the buildings were reusable since the employees were moved from the Raritan site back to this site during renovations. He then discussed the different appendices in his report that identifies other campuses that are comparable to the Ethicon site.

Mr. Stech reviewed the criterion under the MLUL and opined that several were misapplied. He identified the reasons for this opinion in detail. He then opined that there is no evidence that this property meets criterion B and that the Planning Board does not have enough to deem evidence to deem the property an area in need of redevelopment.

On questioning by the Board, Mr. Stech opined Ethicon made a business decision to move their employees to the Raritan campus. He then stated that the building could be renovated properly and safely protecting neighboring properties from contaminants.

Mr. Pappas addressed the escrow system and clarified Municipalities are empowered to collect escrows so the public does not pay for the professionals to undertake these studies. He further advised Mr. Sullivan has been retained by Bridgewater years prior to any of the current proposed projects. A discussion ensued regarding Mr. DeAngelis opinions regarding the study and Mr. Sullivan's findings.

Councilman Kirsch reiterated the Township Council is committed to transparency and confirmed the public will have opportunities to state opinions and concerns regarding this study.

Mr. DeAngelis restated his opinion that this study was done incorrectly and urged the Board to "turn it down."

On questioning by the Board Professionals, Mr. DeAngelis opined the Board must look at the purpose of the statue to interpret how a property is considered blighted. Ms. Sarmad then clarified that the other criterion make other connections, including unwholesome living conditions and not being developed by private capital. The further stated Mr. Stech may have compelling arguments however; there is openness how sites fit into these criterion.

Councilman Kirsch, confirmed Mr. Stech's report will now become part of the public record. He confirmed Mr. Stech was contracted by SJP Properties to prepare this report.

On questioning by the Board, Mr. Stech advised the property is well maintained and secured and yet the property was still sold.

Mr. Pappas confirmed that Mr. Louellen was retained by the Township due to environmental concerns the Township Council and residents may have with the subject property.

Mr. Peck referred to criterion B, which is the criteria that Mr. Sullivan opined best fits the subject property, and read it in its entirety into the record. He then clarified that blight is one criteria under the statute but not the only criteria under the statute.

Mr. Banga requested to see the emails sent to the Township on February 9th for transparency.

Ms. Sarmad confirmed that criterion B is the "discontinuance of a use; discontinuance of a building in the use," not abandonment of the building.

On questioning by the Board, Mr. Peck confirmed the redevelopment plan allows the Municipality to clearly identify what will be permitted on the property as well as select the most appropriate entity for the property. Mr. Peck also confirmed the redevelopment plan will address the cleanup of the site contamination.

Chairman Vescio opened the meeting to the public for comments or questions.

Ms. Maryann Darcey of 406 Garretson Rd. Bridgewater NJ. Ms. Darcey spoke about abandoned factories surrounding her childhood home in Belleville. She opined the Ethicon site was not abandoned and further opined the new owners should be obligated to determine how the property should be developed. Ms. Darcey expressed concerns with the Township Council exposing themselves to potential litigation.

Mr. Michael Silbert, Esq. was present to represent 555 Route 22 Associates LLC. Mr. Silbert asked Mr. Stech whether a property being sold cannot be subject to redevelopment. Mr. Stech confirmed the law does not state that.

Mr. Silbert asked if Mr. Stech's clients evaluated the site for their use and Mr. Stech confirmed he didn't know.

Mr. Silbert has worked with clients on redevelopment sites or if his firm focuses on objector work. Mr. Stech confirmed approximately half of his work is for "objector" work although he has worked with developers on redevelopment sites.

Mr. Silbert and Mr. Stech engaged in a discussion regarding whether the property is considered blighted.

With there being no more comments or questions from the public, the Board closed this portion of the meeting.

Mr. Peck reiterated the Board is to determine whether the property should be classified as an area in need of redevelopment. The Board then deliberated, stating their basis for their opinions.

On motion by Mr. Pappas, seconded by Ms. Sikora, the Board voted to recommend to the Township Council that the property should be determined to be an area is in need of redevelopment based on the following vote:

Aye:	Mr. Pappas, Councilman Kirsch, Mr. Wang, Ms. Chartowich, Ms. Sikora, Mr. Magura & Chairman Vescio
Nay:	Mr. Banga
Abstain:	Mr. Atkins
Not Eligible:	
Absent:	Mayor Moench & Mr. Choudhury

APPROVAL OF MINUTES

July 18, 2024 Regular Meeting Minutes

On motion by Councilman Kirsch, seconded by Ms. Sikora, the Board minutes were adopted as amended based on the following roll call vote:

Aye:	Mr. Pappas, Councilman Kirsch, Mr. Wang, Mr. Banga, Ms. Sikora, Mr. Atkins, Mr. Magura & Chairman Vescio
Nay:	
Abstain:	
Not Eligible:	Ms. Chartowich
Absent:	Mayor Moench & Mr. Choudhury

August 6, 2024 Regular Meeting Minutes

On motion by Councilman Kirsch, seconded by Mr. Banga, the Board minutes were adopted as presented based on the following roll call vote:

Aye:	Mr. Pappas, Councilman Kirsch, Mr. Wang, Mr. Banga, Ms. Sikora, Mr. Atkins, Mr. Magura & Chairman Vescio
Nay:	
Abstain:	
Not Eligible:	Mr. Wang, Mr. Banga & Ms. Chartowich
Absent:	Mayor Moench & Mr. Choudhury

LAND DEVELOPMENT APPLICATIONS

Application No. 23-024-PB; Has
Block 150, Lots12&13; 147 Chestnut St.
Minor Subdivision with Bulk Variances

This application was carried to the Tuesday December 17, 2024 Regular Meeting without further notice.

ADJOURN

The Board unanimously voted to adjourn the meeting at 12:04 am.

Respectfully Submitted

Jo-Ann M. Ricks
Board Secretary Certified