

**BRIDGEWATER TOWNSHIP PLANNING BOARD**

Regular Meeting

July 16, 2024

-Minutes-

**CALL MEETING TO ORDER**

Chairman Vescio called the meeting to order at 7:00 pm.

**OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT**

Deputy Chairwoman Sikora read the OPMA Statement.

**SALUTE TO THE FLAG**

**ROLL CALL**

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

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

**MEETING OPEN TO THE PUBLIC**

Chairman Vescio opened the meeting to the public.

**APPROVAL OF MINUTES**

There were no minutes for approval.

**MEMORIALIZATION OF RESOLUTIONS**

**#22-009-PB; Galleria Construction**

**Block 172, Lot 11; Buena Parkway & Levan Ct.**

On motion by Mr. Banga, seconded by Mr. Magura, the Board adopted the resolution based on the following roll call vote:

Affirmative: Mr. Magura, Ms. Sikora, and Mr. Banga  
Nay:  
Abstain:  
Not Eligible: Ms. Chartowich, Councilman Kirsh, Mr. Pappas, Mr. Choudhury & Mr. Atkins  
Absent: Mr. Wang & Mayor Moench

**#22-018-PB; Serna LLC**  
**Block 905, Lot 11; 1545 Washington Valley Rd.**

On motion by Mr. Magura, seconded by Mr. Banga, the Board adopted the resolution based on the following roll call vote:

Affirmative: Mr. Magura, Ms. Sikora, and Mr. Banga  
Nay:  
Abstain:  
Not Eligible: Ms. Chartowich, Councilman Kirsh, Mr. Pappas, Mr. Choudhury & Mr. Atkins  
Absent: Mr. Wang & Mayor Moench

**LAND DEVELOPMENT APPLICATIONS**

**#23-024-PB; Has**  
**Block 150, Lots 12&13; 147 Chestnut St.**  
Minor Subdivision with variances

This application was carried to the October 15, 2024 Regular Meeting pending new notice3.

**#23-0250OB; Gerardo**  
**Block 718, Lots 50&51; Mountaintop Rd.**  
Major Subdivision

Mr. Silbert Esq. was present to represent the applicant. Sworn testimony was provided by Mr. Craig Stires, Professional Engineer and Mr. Alex Dougherty, Professional Planner. Exhibits were entered as follows:

**A3**

Mr. Silbert provided a brief summation of the application and the prior to hearing. He then briefly identified changes made to the application based on input received during the previous hearing.

Mr. Silbert reviewed the previous claims Ms. Alfonso raised at the previous hearing and a discussion ensued regarding wants to testimony regarding Planning Board's jurisdiction of the C2 variances. Mr. Peck disagreed and opined MLUL supercedes local authority without requiring the applicant to show specific threshold. Ms. Sarmad advised she is unaware of any ordinances stating this requirement. Ms. Alfonso provided the section of the Land Use ordinance, 126-11, for this argument.

Mr. Silbert argued the Planning Board has jurisdiction to hear C2 variance relief both by MLUL and previous case law. Mr. Peck concurred with Mr. Silbert and reiterated that the Planning Board has proper jurisdiction.

Ms. Alfonso was deferred to the public comment portion of the meeting so that the applicant can present their case.

Mr. Silbert reintroduced Mr. Stires as the applicant's Professional Engineer. He was previously sworn and remains under oath.

Mr. Stires discussed the revised plans and identified the conservation easement that corresponds with the rear yard setbacks. Mr. Stires advised he did meet with the neighbor and tried to address her concerns by supplementing plantings and enhancing the buffer between her and the applicant's property. Ms. Sarmad requested a permanent marker be installed to mark the easement.

Mr. Stires reviewed Mr. Genova and Mr. Burr's review memos and stated the applicant can comply with both.

Mr. Silbert confirmed the deed will have an Operations & Maintenance Manual to clearly indicate future homeowners' responsibility to maintain the pervious driveways properly. Mr. Silbert also confirmed to a deed restriction requiring the homeowner maintain the grinder pump and terminating the municipalities responsibility.

On questioning by the Board, Mr. Stires confirmed that he has retained a wetlands professional to evaluate the property upon approval.

Ms. Sarmad requested the applicant replace dead or dying street trees during construction. The applicant agreed.

Ms. Dana Capariso of 65 Twin Oaks Rd., Bridgewater NJ. Ms. Capariso asked about the impact of the proposed tree removal and how the applicant can compensate with shrubbery. Mr. Stires advised the ordinance takes into consideration the diameter of the trees and not the height. He reiterated the applicant agree to move the proposed residences forward so they are away from her property.

Asked if the relocation of the dry wells will impact the storm water management and Mr. Stires reviewed where the runoff is going. She expressed concerns with the size of the easement and the impacts it could have with regards to stormwater management. Mr. Stires reiterated the existing vegetation will remain undisturbed.

Susan Whillett 1871 Mountaintop Rd., Bridgewater NJ. Ms. Whillett asked if the new trees are native and how they are selected. Mr. Stires confirmed the Township has an approved list the applicant uses.

Asked about how compliance is insured with the previous driveways and the maintenance of the trees. Mr. Peck confirmed the zoning officer investigates and ensures resolution compliance. Councilman Kirsh advised the CO process and stated the CO will not be issued until the applicant complies.

Alfonso 01 5-21-24 Ms. Alfonso is required to submit a PDF version of the exhibit. Requested Mr. Stires read multiple surrounding lot sizes from the tax maps. He then advised there was a lot line adjustment between lots 49 and 50. On questioning by the Board, Mr. Stires confirmed if the lots remained as is, "massive" homes could potentially be built based on ILC and FAR requirements. He further advised that prior to this application, the applicant had Mr. Stires engineer a 12,000 square foot residence without requiring Board approvals.

On questioning by Ms. Alfonso, Mr. Stires confirmed no architectural drawings were provided. She then asked what size residence the applicant could build on the lots if the application is approved. He advised the maximum FAR for each lot would be 69.75%, 59.58%, and 61.61%.

Closed the public portion

Mr. Silbert introduced Mr. Alex Dougherty as the applicant's Professional Planner. He was sworn and accepted by the Board.

Mr. Silbert referenced the case Kraufman v. Warren Twp. 1988. Mr. Dougherty explained the relevancy of this case this application with the C2 variance relief being requested. He advised the C2 variance was established in 1984 and the Kaufman case occurred in 1988.

Mr. Dougherty introduced exhibit A6 Partially Colorized Tax Map and discussed the surrounding lots within the zone as well as the nearest zone.

Mr. Dougherty opined there are no substantial detriments by granting the application. He reiterated the applicant is placing a permitted use building, single family residences within a single family zone and the planting shrubs at 70 trees. He then confirmed the only variance relief needed is for lot width.

Mr. Dougherty opined the applicant advances the purposes of the MLUL and there are no substantial detriments. He advised the applicant took the neighborhood into consideration when subdividing the property instead of building a 10-12,000 square foot residence.

Mr. Dougherty and Mr. Silbert discussed storm water management in detail as it relates to Planning.

On questioning by the Board, Mr. Dougherty engaged in a discussion regarding the proposed lot widths and sizes.

Ms. Sarmad expressed concerns with the applicant not providing testimony proving this is a better zoning alternative for the property per the MLUL requirements. Mr. Dougherty opined the variance is a better alternative due to the need for housing. Rather than one large lot and house, the applicant is proposing 3 modest size lots and homes.

The Board requested the applicant reduce the sizes of the residences and a discussion ensued regarding Hillside Development and how that impacts the FAR and the building area.

This application was carried to the Tuesday August 6, 2024 at 7pm without further notice.

**ADJOURN**

On motion by Mr. Banga, the Board unanimously voted to adjourn the meeting at 10:34 pm.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "J. Hecker", is written over the typed name of the Board Secretary.

Board Secretary Certified