

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Reorganization & Regular Meeting
Tuesday, January 15, 2013
—MINUTES—**

CALL MEETING TO ORDER:

Board Attorney Lawrence A. Vastola called the meeting to order at 7:30 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

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 20, 2012 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 in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

SWEAR IN NEW MEMBERS:

Board Attorney Vastola read the Oath of Office and each of the following members was sworn in: Carl Schulz, Evans Humenick, Michael Kirsh (Alternate No. 1), Beth Powers (Alternate No. 2), Alan Fross (Alternate No. 3), and Roger Pearly (Alternate No. 4).

ROLL CALL:

Don Sweeney – present	Lee Schapiro – present
Paul Riga – absent	Carl Schulz – present
Evans Humenick – present	Pushpavati Amin – present
Bill Vornehm – present	Michael Kirsh, Alt. #1 – present
Beth Powers, Alt. #2 – present	Alan Fross, Alt. #3 – present
Roger Pearly, Alt. #4 - present	

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

REORGANIZATION:

Election of Chairman

Mr. Schulz made motion and nominated William Vornehm for Chairman 2013, which was seconded by Mr. Sweeney, and carried on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick, Mrs. Amin, Mr. Kirsh, Mrs. Powers
ABSENT:	Mr. Riga
NOT ELIGIBLE:	Mr. Vornehm, Mr. Fross, Mr. Pearly

Election of Vice-Chairman

Chairman Vornehm made motion and nominated Mr. Sweeney for 2013 Vice-Chairman which was seconded by Mr. Schapiro, and carried on the following roll call vote:

AFFIRMATIVE: Mr. Schapiro, Mr. Schulz, Mr. Humenick, Mrs. Amin, Mr. Kirsh,
Mrs. Powers, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mr. Sweeney, Mr. Fross, Mr. Pearly

Appointment of Board Secretary

Chairman Vornehm made motion and nominated Mr. Schapiro for 2013 Board Secretary which was seconded by Mr. Schulz, and carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schulz, Mr. Humenick, Mrs. Amin, Mr. Kirsh,
Mrs. Powers, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mr. Schapiro, Mr. Fross, Mr. Pearly

Appointment of Assistant Board Secretary

Chairman Vornehm made motion and nominated Board Planner Scarlet Doyle for 2013 Assistant Board Secretary which was seconded by Mrs. Amin, and carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

Appointment of Board Professionals:

Board Attorney – Lawrence A. Vastola

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING
THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES TO LAWRENCE A. VASTOLA, ESQ. OF
VASTOLA, FACKELMAN & SULLIVAN**

WHEREAS, the Zoning Board of Adjustment of the Township of Bridgewater will require professional services for legal services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Lawrence A. Vastola, Esq., a Member of the Firm of Vastola, Fackelman & Sullivan; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of Adjustment of the Township of Bridgewater to approve an agreement with Lawrence A. Vastola, Esq. at the rate of \$375.00 per Zoning Board Meeting and hourly rate of \$135.00 an hour for work done in the office and \$135.00 per hour for litigation/court plus costs and expenses; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5,**

WHEREAS, James Naples, Township Administrator, has determined and certified in writing that the value of the acquisition and such services will exceed \$17,500, that document being entitled **Certificate of Value;** and

WHEREAS, Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan completed and submitted a **Business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution,** which certifies that Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan (including any individual with an ownership “interest” or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Filipe Pedroso, Allen Kurdyla, Chris Rose and/or Mayor Daniel J. Hayes, Jr. and that the contract will prohibit Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan has completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which Lawrence A. Vastola, Esq. will be required to sign; and

WHEREAS, **a certification affirming the availability of funds** in accordance with N.J.A.C. 5:34-5 et seq. has been provided by the Chief Financial Officer of the Township and is attached hereto and made a part hereof, and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of Adjustment of the Township of Bridgewater hereby approves the contract with Lawrence A. Vastola from January 1, 2013 through December 31, 2013.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Lawrence A. Vastola, Esq. for Professional Legal services for the period from January 1, 2013 through December 31, 2013 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. This appointment will be published in the Courier News, the Zoning Board of Adjustment’s official newspaper, within ten (10) days of passage as required by law.

Chairman Vornehm made motion and appointed Lawrence A. Vastola Board Attorney for 2013 which was seconded by Mr. Sweeney, and carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,

Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

Board Engineer – Robert C. Bogart

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF BRIDGEWATER
APPOINTING THE TOWNSHIP ENGINEER, ROBERT C. BOGART, P.E. AS THE
ZONING BOARD ENGINEER**

WHEREAS, the Zoning Board of the Township of Bridgewater will require engineering services for the Board; and

WHEREAS, the above mentioned services can be performed adequately by Robert C. Bogart, PE who is employed as the Township Engineer of the Township of Bridgewater; and

WHEREAS, it is the intent of the Zoning Board of the Township of Bridgewater to appoint Robert C. Bogart, P.E as the Board Engineer commencing January 1, 2013 thru December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of the Township of Bridgewater hereby appoints Robert C. Bogart, P.E. as the Board Engineer for 2013, commencing January 1, 2013 thru December 31, 2013.

Chairman Vornehm made motion and appointed Robert C. Bogart, PE as Board Engineer for 2013, seconded by Mr. Humenick and carried on the following roll call vote;

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm

ABSENT: Mr. Riga

NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

Board Planner – Scarlett Doyle

**RESOLUTION OF THE ZONING BOARD OF THE
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING
THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES TO SCARLETT DOYLE, P.P. OF
THE FIRM OF JOHN CILO ASSOCIATES INC.**

WHEREAS, the Zoning Board of the Township of Bridgewater will require professional services for planning services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Scarlett Doyle, PP, a member of the firm of John Cilo Associates, Inc.; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of the Township of Bridgewater to approve an agreement with Scarlett Doyle of John Cilo Associates, Inc. at an hourly rate of \$110.00 per hour; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5;**

WHEREAS, James Naples, Township Administrator, has determined and certified in writing that the value of the acquisition will exceed \$17,500;

WHEREAS, Scarlett Doyle, P.P. and John Cilo Associates, Inc. completed and submitted a **Business Entity Disclosure Certification to the township, prior to the adoption of this Resolution**, which certifies that Scarlett Doyle, P.P. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets for 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Christine Rose, Felipe Pedroso, Allen Kurdyla and/or Mayor Daniel J. Hayes and that the contract will prohibit Scarlett Doyle, P.P. and John Cilo Associates, Inc. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Scarlett Doyle, PP and John Cilo Associates, Inc. have completed and submitted to the Township, in accordance with the New Jersey Local Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provision within the Township Professional Services Agreement which Scarlett Doyle, P.P. and John Cilo Associates, Inc. will be required to sign; and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of the Township of Bridgewater hereby approves the contract with Scarlett Doyle, PP of John Cilo Associates, Inc. from January 1, 2013 through December 31, 2013.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Scarlett Doyle, PP of John Cilo Associates, Inc., for Professional Planning services for the period from January 1, 2013 through December 31, 2013 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.
4. Notification of this appointment will be published in the Courier News, the Zoning Board's official newspaper, within ten (10) days of passage as required by law.

Chairman Vornehm made motion and appointed Scarlett Doyle, PP of the firm John Cilo Associates, Inc. for 2013 Board Planner, which was seconded by Mr. Sweeney, and carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm

ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

Designation of Meeting Dates, Time and Place

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bridgewater that the following schedule of dates and times for Regular Meetings be established for 2013 and that all scheduled meetings shall convene at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ:

January 15, 29	February 5, 19, 26	March 5, 19, 26	April 2, 16, 30
May 7, 21, 28	June 4, 18, 25	July 2, 16, 30	August 6, 20, 27
September 3, 17, 24	October 1, 15, 29	November 19, 26	December 3, 17

BE IT FURTHER RESOLVED that the 2014 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 14, 2014, at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Motion by Chairman Vornehm, second by Mr. Schulz, the foregoing resolution was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

Designation of Official Newspapers

BE IT RESOLVED by the Zoning Board of Adjustment of the Bridgewater Township that **The Courier News** is hereby designated the official newspaper of the Zoning Board of Adjustment for 2013; and

BE IT FURTHER RESOLVED, that **The Courier News** and **The Star Ledger** are hereby designated to receive all notices of Zoning Board of Adjustment meetings in **2013** as required under the Open Public Meetings Act.

Motion by Chairman Vornehm, second by Mrs. Amin, the foregoing resolution was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

MINUTES FOR APPROVAL:

May 22, 2012 Regular Meeting (pending) – The foregoing minutes will be presented for Board consideration at the next meeting. No action was taken.

November 20, 2012 Regular Meeting – Motion by Mr. Schapiro, second by Mr. Kirsh, the foregoing minutes were adopted as presented on the following roll call vote;

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Mr. Kirsh, Mrs. Powers,

Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mr. Schulz, Mr. Humenick, Mr. Fross, Mr. Pearly

November 27, 2012 Regular Meeting – Motion by Mr. Sweeney, second by Mr. Schapiro, the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

MEMORIALIZING RESOLUTIONS:

FIRST HARTFORD REALTY/ CVS - Finderne & Union Avenue
Block 252, Lot 1

#18-11-ZB, Preliminary and Final Site Plan w/ Variances (vacant lot 14,600 sq. ft. commercial site)

DECISION: Approved w/conditions 11/27/12

Motion by Mr. Schulz, second by Mr. Schapiro, the resolution memorializing the approval with conditions on 11/27/12 for FIRST HARTFORD REALTY/ CVS - Finderne & Union Avenue was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

HEARING AND DELIBERATIONS:

AUDI – 701 Route 206 LLC

Block 476 Lot 23

#02-11-ZB, Preliminary & Final Site Plan w/variances (demo/new construction)

TIME: 120=4/16/13

Attorney Brian Fahey was present to represent the Applicant. Sworn testimony was presented by Applicant/Principal Chris Preziosi, Professional Engineer Beth Kenderdine of Edwards Engineering Group, Architect Ray Hartwick, Audi Network Development Manager Jessica Schwab, and Professional Planner David Zimmerman.

The Applicant submitted exhibits, which were marked into evidence as follows:

A-1 1/15/13 Site Plan, dated 4/11/12
A-2 1/15/13 Colored Rendering of sheet C-3
A-3 1/15/13 Colored Rendering of Landscape Plan
A-4 1/15/13 Architectural Plans for 2-story structure

Applicant/Principal Preziosi provided a brief history of the new car dealership stating that it has been a family business for over 20-years with several locations. Among these is an Audi dealership in Bernardsville. The applicant proposes to relocate that dealership to this site. It will, however, continue the vehicle storage operation which it has at another location in Bernardsville.

Engineer Kenderdine stated the plans dated 3/9/12 are the exact same plans as those dated 4/11/12. The subject property consists of a tract of land having an area of 5.126 acres. It is fully improved with a one-story building having an area of 13,409 S.F. and a cell tower complex. The property was the site of a car dealership and is currently vacant. The cell tower complex exists by virtue of a variance previously granted by this Board. To the west of the property is Interstate Highway 287, to the north an office building complex and to the south a veterinarian. Applicant proposes to renovate and expand the building to be used as an Audi auto dealership. This use is a permitted conditioned use the GCM Zone. Applicant, however, is before this Board as the proposal does not meet all of the conditions for an auto dealership set forth in Sec. 126-355 of the ordinance and variances pursuant to N.J.S.A.40:55D-70(d)(3) are required, which gives this Board jurisdiction. The applicant is also seeking variances from certain setback requirements, waivers from various design standards, and preliminary and final site plan approval. The subject site is proposed to be completely renovated with the exception of a portion of the foundation, the existing building will be razed and a new two-story building having an area of 34,691 S.F. will be constructed. The first floor will have an area of 27,309 S.F. and the second floor 7,382 S.F., with the remaining portion of the second floor open to the roof. The services offered will be typical of an auto dealership including sales and service, although there will be no fueling nor auto body work conducted at the site. Hours of operation will be Monday through Thursday 7:00 a.m. to 9:00 p.m., Friday and Saturday 7:00 a.m. to 6:00 p.m. and closed on Sundays. Used cars will be sold only as an accessory use to the new car dealership.

Sec. 126-355 sets five conditions for this use. Sec. 126-355D requires that vehicles, machinery and construction equipment be located at least 25 feet from the right-of-way and property lines. Applicant is proposing 12 feet from the southerly sideline. Immediately to the south of the property is a parking lot servicing the veterinary use on Lot 24. Sec. 125-355E allows side and rear yards not devoted to require seeding or buffering to be used for storage and display of motor vehicles, on condition that these areas be enclosed and shielded from adjoining properties and streets by shrubbery. The proposed storage area and parking along the sideline does not meet this requirement. The aforesaid section also requires that when a yard or portion thereof faces a state or federal highway the height of said shrubbery shall be at least 3 feet and for every other portion the shrubbery height shall be 6 feet. The purpose of this section is to prevent the transmission of headlight glare from within the enclosure. The landscaping plan submitted by applicant does not comply with this section. This section also requires that the area in which vehicles travel or stand shall have durable and dustless pavement. Applicant proposes gravel for the vehicle storage area, all other areas will be paved. The Board finds that the proposed gravel for the storage area satisfies this requirement. This section also addresses the storage of wrecked or demolished vehicles. Since none are proposed by the applicant, this section is not applicable. Applicant complies with the other conditions set forth in Sec. 126-355.

A conditional use, even though it does not meet the standards established by the zone is compatible to the permitted uses in the zone. The focus of the Board, therefore, is not on whether the use should be permitted, but on the deviation from the required conditions. The standard to be applied by the Board in considering a conditional use variance was set forth by the Court in *Coventry Square v. Westwood Zoning Board of Adjustment*, 138 N.S. 285 (1994). In that case the Court held that to grant a variance from a conditional use standard the Board must find

sufficient proof "... the site proposed for the conditional use, in the context of the applicant's proposed site plan continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance "(Id. at 298). With respect to the negative criteria the Board must determine if the impact of the use as proposed "...will cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good. (Id. at 299).

With respect to parking along the southerly sideline at 12 feet where 25 feet is required, the Board finds that with this deviation the proposal continues to be appropriate for the site. The fact that this parking is adjacent to the parking area on Lot 24 and is going to be 12 feet from the sideline as opposed to 25 feet is not a significant deviation and will not in any way damage the character of the neighborhood. The remaining deviations involve landscaping. To the west the property is heavily wooded so that no landscaping is needed to shield the storage area along its westerly side. The applicant submitted a landscaping plan and it was stipulated that the applicant and the Township Planner could agree on a plan which would address not only this issue but the issue relating to the height of the shrubbery. With this stipulation the Board is satisfied that these issues have been properly addressed and clearly a landscaping plan can be prepared which will address the intent and purpose of the ordinance.

In addition to variances from the conditional use standards applicant is also seeking variances from the prohibition of parking in the front yard and from the required setback for an accessory structure. Sec. 126-171C prohibits parking in the minimum required front yard. This site, as previously stated, was an auto dealership, which had parking in the front yard. Applicant is proposing to continue this condition. Given the fact that it is an existing condition, the Board finds no reason why it should not be permitted to continue, provided this parking is designated for customer parking only. There is ample room from the front line of the property, to the proposed parking, allowing for reasonable shielding with landscaping.

Applicant proposes a storage shed set back 12.4 feet from the northerly sideline of the property, 25 feet is required. The storage shed will be used as a tire enclosure, a recycling enclosure and dumpster enclosure, and will be constructed of materials that match the rear of the main building and shall have gates to enclose the entry areas. Landscaping is proposed along the rear of this structure. The location of the shed is convenient and to require its location 25 feet from the sideline would serve no purpose and would create a hardship as it would substantially interfere with the flow of traffic around the site. In making this decision the Board is cognizant of the fact that the northerly sideline is adjacent to a parking area for the office complex to the north.

With respect to the application for preliminary and final site plan approval the Board reviewed the reports from the Township Planner and the Township Engineer with the project engineer. These reports set forth the following variances and waivers from design standards sought by the applicant: (a) curbed sidewalk required between building and parking area; (b) loading spaces, 3 required 1 provided; (c) parking stalls to be perpendicular to driveways; and (e) parking stall width, 9.5 feet required 8 feet proposed in storage area. The Engineer's report states "no objection for sidewalk not being raised 6 inches above the driveway. Based on the testimony presented the Board concurs with this position. With respect to the issue of loading spaces, applicant's principal testified that the majority of deliveries to the site will be by "box truck".

New vehicles will primarily be driven to the site from the Bernardsville location. Based on this testimony the Board is satisfied that one loading space is adequate. Angled parking is proposed along the northerly sideline. The project engineer testified that there is insufficient space along the northerly sideline to provide perpendicular stalls. The Board concurs with this testimony and can find no detriment to providing parking as proposed. With respect to parking stall width in the storage area, the applicant as an experienced auto dealership operator should be able to establish the width of parking stalls in its storage area. For this reasons the request for 8 feet is acceptable.

There are, in addition to those previously referenced, a number of standards relating to landscaping. In addition to the general landscaping provisions of the ordinance, they are, screening from adjacent properties, plantings in parking lot islands and street trees are required. The applicant has agreed to work with the Township Planner to develop a landscaping plan adequate for this site. If for some reason they can't agree the applicant can return to the Board for a decision on any landscaping issues extant.

In addition to the requests for variances and waivers of design standards, the reports of the Planner and Engineer raised other issues, which need to be addressed. Comment 2 under the Architecture/Building section of the Planner's report suggest that the garage door facing the highway be opaque. The testimony was that there will be no work done in this area so that the door as proposed is acceptable. Applicant agreed to comply with comments 1, 3 and 4 under this section. With respect to comment 4 there will be a roof over the accessory shed. The Lighting section of the report references lighting and when it will be extinguished. The testimony was that all lights with the exception of those needed for security will be turned off upon closing of the business. The Board considers it reasonable to require lights out within 30 minutes after closing. Applicant agreed to comply with comment 1 under the Environmental section of the report. Under the Signage section the report raises as an issue advertising signage on display vehicles in the front yard area. The applicant agreed that such signage will be limited to windshield signage not larger than 8 inches. The traffic section raises off loading of vehicles from the Highway. Applicant acknowledges that this is not permitted.

With respect to the Engineer's report the applicant agreed to comply with comments 1 and 3 under the Policy section of the report. Comment 2 under this section references the County's suggestion for cross easement to the properties to the north and south. Given the nature of the proposed use the Board does not find this suggestion practical. Applicant agreed to comply with comment 2 under the heading General of the Technical section of the report. Applicant agreed to comply with comments 1, 2 and 3 under the Survey heading of the Technical section. Comment 10 under the Access ways and Parking heading of the Technical section questions whether fire and other vehicles accessing the site including those accessing the cellular site will be able to perform all turning movements needed to enter and exit the site. The project engineer testified that she did not apply turning templates to the plan, but was confident that applicant could comply with this comment and would add a template on the plan to demonstrate compliance. Applicant agreed to comply with comments 11, 12, 13 and 14 under this heading. Under the Stormwater Management heading applicant agreed to comply with comments 1(b), 1(c), 2, 3 and 4.

After carefully considering the testimony presented and the reports of its professionals, the Board is satisfied that adequate zoning reasons exists for granting the variances and waivers as set forth

herein as well as preliminary and final site plan approval, and that with conditions the granting thereof will not substantially impair the zone plan or land use ordinance or be a substantial detriment to the public welfare of the residents of the Township of Bridgewater.

The Board deliberated and discussed several conditions including:

- Applicant shall submit a landscaping plan for approval to the Township Planner. Said plan shall address the intent and purpose of the applicable landscaping requirements of the ordinance with the understanding that strict compliance with these standards is not possible or reasonable. In the event the applicant and the Planner are unable to agree on a landscaping plan the issue may come before the Board for resolution.
- The hours of operation shall be Monday through Thursday 7:00 a.m. to 9:00 p.m., Friday and Saturday 7:00 a.m. to 6:00 p.m. and closed on Sunday.
- There shall be no auto body work done at the site, nor shall there be any damaged vehicles stored at the site.
- There shall be no off-loading of vehicles from the highway.
- All lights, with the exception of those needed for security shall be extinguished no later than 30 minutes after closing. Security lighting shall be located in the rear of the property, running parallel to the highway. Security lighting so designated as such shall be shown on the site plan and its location approved by the Township Planner.
- The only signage permitted on display vehicles shall be windshield signage not larger than 8 inches.
- Applicant shall comply with comments 1, 3 and 4 under the Architectural/Building section of the Planner's report.
- Applicant shall comply with comment 1 under the Environmental section of the Planner's report.
- Applicant shall comply with comment 1 and 3 under the Policy section of the Planner's report.
- Applicant shall comply with comments 1 and 3 under the Policy section of the Engineer's report. Any easement required by said comment shall be prepared by the attorney for the Seller and approved by the Township Attorney. A copy of the recorded easement shall be filed with the Township Clerk and Township Engineer. In addition there shall be filed a certification by applicant's counsel that any easement filed is not subject to any mortgage or other lien against the property with the exception of that for real property taxes.
- Applicant shall comply with comment 2 under the heading General of the Technical section of the engineer's report.
- Applicant shall comply with comments 1, 2 and 3 under the Survey heading of the Technical section of the Engineer's report.
- Applicant shall comply with comment 11, 12, 13 and 14 under the Access ways and Parking heading of the Technical section of the report.
- Applicant shall comply with comments 1(b), 1(c), 2, 3 and 4 under the Stormwater Management heading of the Technical section of the Engineer's report.
- The site plan shall be amended to list all of the conditions of this resolution.
- Applicant shall enter into a Developer's Agreement with the Township. The Agreement shall be prepared by the attorney for the applicant and approved by the Township Attorney and the attorney for the Board.

- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

Motion by Mr. Schulz, second by Mr. Schapiro, the AUDI – 701 Route 206 LLC was approved with conditions as discussed, on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick,
Mrs. Amin, Mr. Kirsh, Chairman Vornehm
ABSENT: Mr. Riga
NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS:

Board Attorney Vastola polled the Board and the Board agreed to hire a traffic expert for property located on the island of Route 22 in accordance with correspondence from GIBBONS, dated 11/16/12 regarding AAA Mid-Atlantic Inc., Block 554 Lots 3 & 4, 976 Route 22. Attorney Vastola stated that he would report back to the Board regarding recommendations of a traffic expert.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:00 pm.

Respectfully submitted,
Marie L. Broughman
Land Use Administrator

Approved: 2/26/13