

**BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Tuesday, January 29, 2013  
—MINUTES—**

**CALL MEETING TO ORDER:**

Chairman Vornehm called the regular meeting of the Bridgewater Zoning Board of Adjustment 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 16, 2013, 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.

**ROLL CALL:**

Don Sweeney – <b>absent</b>	Carl Schulz – present
Evans Humenick – present (7:34pm)	Paul Riga – <b>absent</b>
William Vornehm, Chairman – present	Lee Schapiro – present
Pushpavati Amin - present	Michael Kirsh, Alt. #1 – present
Beth Powers, Alt. #2 – <b>absent</b>	Allen Fross, Alt. #3 – present
Roger Pearly, Alt. #4 - present	

Others present: Attorney Lawrence A. Vastola, Acting Board Secretary Patricia Bueno, Board Planner Scarlett Doyle

**MINUTES FOR APPROVAL:**

**May 22, 2012** Regular Meeting (pending) – no action was taken

**January 15, 2013** Reorganization & Regular Meeting (pending) – no action was taken

**MEMORIALIZING RESOLUTIONS:**

AUDI – 701 Route 206 LLC

Block 476 Lot 23

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

DECISION: Approved w/conditions 1/15/13

Eligible to vote: Mr. Sweeney, Mr. Schapiro, Mr. Schulz, Mr. Humenick, Mrs. Amin, Mr. Kirsh, Chairman Vornehm

Motion by Mr. Schulz, second by Mr. Shapiro, the foregoing resolution memorializing the approval on January 15, 2013 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Schapiro, Mr. Schulz, Mr. Humenick, Mrs. Amin, Mr. Kirsh, Chairman  
Vornehm  
ABSENT: Mr. Sweeney, Mr. Riga, Mrs. Powers  
ABSTAIN: None  
NOT ELIGIBLE: Mr. Fross, Mr. Pearly

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**HEARING AND DELIBERATIONS:**

SAFARI ENERGY LLC – BWT Commons Mall  
Block 553 Lot 1 (400 Commons Way)  
#12-026-ZB, Amended Preliminary & Final Site Plan w/variances (amend lighting on solar canopy)  
TIME: 120=4/17/13

Attorney Michael Vitiello was present to represent the Applicant. Sworn testimony was presented by Safari Energy Senior Vice President John E. Tole and Ronald J. Igneri, PE, PP on behalf of the Applicant.

The property is known as Lot 1 in Block 553 of the Tax Map, located on the southerly side of Commons Way in the BRC-Bridgewater Regional Center Zone, and commonly known as the Bridgewater Commons Mall.

Attorney Vitiello summarized the previous Board approval received in April 2012 for the photovoltaic parking deck canopy located at the mall. The applicant is requesting a change to the lighting under those panels.

Safari Energy Senior Vice President John E. Tole was sworn in by Chairman Vornehm. Mr. Tole's credentials were accepted by the Board. He thanked the Board for approval on this applicant's previous application and shared that Safari Energy is exactly on schedule with their design and construction of the pyramid style solar project granted in their approval.

Mr. Tole furthered his testimony by stating that after receiving approval from the Board, General Growth Properties (GGP) had advised Safari Energy of guidelines they would like to see adhered to. Mr. Toles added that there were changes in the requirements after receiving approval from the Board.

Attorney Vitiello stated that a site plan waiver was submitted for the changes in lighting fixtures, however a variance was required due to the foot candle limitations enforced within the Township Ordinance.

Mr. Tole provided a status of the current project to the Board. Phase 1 is referred to as the left side of the mall which was completed approximately December 15, 2012. Phase 2 is referred to as the right side of the mall and is currently 80% complete. Mr. Tole explained that they installed temporary

lighting in Phase 1 and the applicant is hopeful that temporary lighting can be avoided in Phase 2 as it is a costly alternative.

The following information was provided as a result of Board discussion regarding vehicle access to the upper level with regard to vehicle height as well as lighting with regard to security for shopping patrons.

Mr. Tole discussed the overall height of the structure and added that there is a sign that states 'no vehicle taller than 6ft. 8in.' posted at the entryway of the parking deck and there is also a bar which does not allow vehicle access over the posted height limitation.

Attorney Vitiello provided a brief summary regarding how the lighting is placed within the current parking deck. He said the lower levels are a little brighter than what is proposed for the top portion of the parking deck.

Mr. Tole acknowledged that whatever the Board wishes to approve for the upper deck will not impact any lighting changes for the lower levels.

Chairman opened the hearing to the Public for questions. No one from the Public was present in the audience.

Mr. Ronald J. Igneri, PE, PP of INNOVATIVE ENGINEERING INC. was sworn in by Chairman Vornehm. Mr. Igneri's credentials were accepted by the Board.

Mr. Igneri stated that the lighting currently provided in the parking deck is at the current 1.5 foot candles specified in the Township Ordinance, however, the Applicant feels that an increase in foot candles will provide additional security to shoppers/patrons that are leaving the mall and walking to their parked vehicles when it is dark.

Mr. Igneri provided additional testimony to the Board in support of this application by referring to the Existing Lighting Exhibit plan. His testimony supported the comparison of measuring light by 'foot candles which began in the northwest corner of the parking lot and continued counter-clockwise as his testimony continued. Mr. Igneri discussed the lit areas throughout the parking area and discussed their range from 1.88 through 5.3, the lowest foot candle being located at the outskirts of the parking lot.

Mr. Igneri referred to Section 126-190, Lighting stating that street intersection require a 3.0 foot candle and may be comparable to a parking deck since they are formulated by a series of intersections. Mr. Igneri stated the proposed foot candle for the area is 3.2 which technically is half of what is currently on levels 2 and 3 of the parking deck.

Mr. Igneri stated for the record that the existing foot candle is 6.1 at the mid to lower levels of the parking deck and the proposal for the top of the deck was 1.5 and has increased to 3.2. He wanted to ensure the record is not confused.

Mr. Igneri agreed on behalf of the Applicant to comply with outstanding issues in the Board Engineer's report dated January 23, 2013 and the Board Planner's report dated January 23, 2013.

Board Attorney Vastola discussed the basis for approval summarizing that the applicant seeks approval from the Board to increase the upper deck parking area lighting from 1.5 foot candles to a proposed increase to 3.2 foot candles.

The Board deliberated.

Motion by Mr. Schultz, second by Mr. Schapiro the Safari Energy, LLC – BWT Commons Mall application was approved with the conditions discussed on the following roll call vote:

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

ABSENT: Mr. Sweeney, Mr. Riga, Mrs. Powers

NOT ELIGIBLE: Mr. Pearly

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**MEETING OPEN TO THE PUBLIC:**

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

**OTHER BOARD BUSINESS:**

There was no other business discussed.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 8:50 pm.

Respectfully submitted,  
Patricia Bueno  
Acting Board Recording Secretary

ADOPTED: 2-26-13