

BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Tuesday, October 18, 2011  
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:42 pm 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, 2011 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 – present	Jay Rosen – <b>absent</b>
Filipe Pedroso – present	Jim Scott – <b>absent</b>
Paul Riga – <b>absent</b>	William Vornehm, Chairman – present
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – <b>absent</b>	Carl Schulz, Alt. #3 – <b>absent</b>

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

MINUTES FOR APPROVAL:

Chairman Vornehm stated that the September 27, 2011 Regular Meeting and October 4, 2011 Regular Meeting minutes distributed to Board members would be held for consideration at the next meeting.

MEMORIALIZING RESOLUTIONS:

HIND & FORE – American Investment Realty  
Block 184 Lot 5  
#07-11-ZB, Site Plan w/variances & Expansion of Nonconforming Use  
DECISION: Approved 7/26/11

Motion by Mrs. Amin, second by Mr. Sweeney, the foregoing resolution memorializing the approval on 7/26/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mr. Pedroso, Mrs. Amin, Chairman Vornehm
ABSENT:	Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Humenick, Mr. Schulz
NOT ELIGIBLE:	Mr. Schapiro

-----  
CHEN & WANG – 36 Forest Ave  
Block 526 Lot 6.03  
#17-11-ZB, Simple Variance w/d-variance & c-variances  
DECISION: Approved 9/27/11

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval on 9/27/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Chairman Vornehm  
ABSENT: Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Humenick, Mr. Schulz  
NOT ELIGIBLE: Mr. Pedroso, Mr. Schapiro

-----  
CHESSON, Peter – 387 Route 28  
Block 400 Lot 4  
#26-10-ZB, Bulk variance  
DECISION: Approved w/conditions 10/4/11

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval with conditions on 10/4/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mrs. Amin,  
Chairman Vornehm  
ABSENT: Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Humenick, Mr. Schulz  
NOT ELIGIBLE: Mr. Pedroso

-----  
HMS REALTY – Route 22 Valero Service Station  
Block 205 Lot 1  
#22-10-ZB, Minor Site Plan w/d-variance & c-variances  
DECISION: Approved w/conditions 9/27/11

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval with conditions on 9/27/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Chairman Vornehm  
ABSENT: Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Humenick, Mr. Schulz  
NOT ELIGIBLE: Mr. Pedroso, Mr. Schapiro

-----  
HEARING AND DELIBERATIONS:  
SOMERSET VALLEY YMCA – 601 Garretson Rd  
Block 472 Lot 74  
#21-11-ZB, Minor Site Plan w/d-variance  
TIME: 120=1/10/12

Attorney Lawrence Powers was present to represent the Applicant. Sworn testimony was presented by Sunstream Partners President Richard Fortin and Professional Engineer Michael Ford.

The Applicant presented exhibits which were marked into evidence as follows:

- A-1A 10/18/11** Site Plan superimposed on aerial photo – colored
- A-14 10/18/11** Photo: (22) Leland Cypress 8-10 feet high at planting along residential property fence, shown at 3 to 5 year maturity

Resident Henry Hui submitted an exhibit which was marked in to evidence as follows:

- O-1 10/18/11** Photo packet consisting pages marked exhibit H-01 through H-12

Engineer Ford stated that at the last hearing the Board requested a landscape plan for the area along the northerly property line of the parking lot as shown in exhibit A-1A. The landscaping proposed are Leland cypress evergreen trees planted at 8-10 feet in height in a semi-staggered pattern to ensure screening of the parking lot from the adjacent residential properties along the existing fence as shown in exhibit A-14. The proposed Leland cypress will grow to 30-feet at maturity and will provide a visual screen of the parking lot.

Engineer Ford stated that the solar carport located at the Bridgewater Senior Center is much taller than what is being proposed for the YMCA site, as the travel lanes between parking rows are covered. The solar carport proposed at the YMCA site has head to head parking, the traveled lanes between parking rows are not covered and there are three separate carports. He discussed several reasons why a ground mounted system located elsewhere on the property would not be suitable for the YMCA site including: too many trees would have to be cut down, issues with the floodplain of the Peter's Brook, existing wetlands, area is used for outdoor activities at the YMCA, there are underground utilities, the land slopes down toward the bank Peter's Brook which is not in the north to south direction needed to capture the sunrays.

Engineer Ford stated that the existing parking lot has a heat sink effect, meaning that the existing blacktop parking area that attracts heat from the sun will alternatively be captured by the proposed carport solar panels which, in turn, will shade the vehicles parked under the carport.

Engineer Ford stated that the parking lot, as it currently exists has limited landscaping. Enhanced landscaping, semi-staggered planting of Leland cypress, is being proposed, the site is being upgraded to meet ADA compliance requirements and the dumpsters will be relocated. Engineer Ford concurred that a condition of approval would require that the enhanced landscape buffer will be maintained along the rear of the parking lot.

Planner Doyle stated that consideration was given to possible landscaping in front of the parking lot; however, there are existing mature trees that would impede the growth of any new landscaping planted in that location. Placement of bushes along the front of the parking lot would not be viable as the bushes would interfere with the existing parking spaces.

Chairman Vornehm opened the hearing to the public at approximately 8:20 pm.

Members of the public were present as follows:

Judy Mooney, 63 Stryker Ct, addressed concerns regarding the semi-staggered planting of Leland cypress. Planner Doyle stated that Leland cypress grow in columns rather than having a point at the top to ensure a visual barrier at maturity. Mrs. Mooney requested additional landscaping in front of the parking lot along Garretson Road to screen the carport and parking lot from the traveled way. Engineer Ford confirmed that there is existing vegetation in that area which meets the requirements and no variance is needed.

Richard Hellmann, 1004 Hagerman Ct, addressed concerns regarding his residential unit which is not shown in exhibit A-14. Board Attorney Vastola provided a copy of exhibit A-1A to Mr. Hellmann and stated that the white circles shown along the rear of the parking lot are the proposed Leland cypress. Chairman Vornehm confirmed that the Board has requested light shields as a condition of approval.

James Mooney, 63 Stryker Ct, addressed concerns regarding the existing lighting in the parking lot versus the proposed lighting under the carport.

Henry Hui, 94 Hagerman Ct, addressed concerns regarding the ownership of the YMCA and the relationship with Sunstream Partners. He further addressed concerns regarding lighting and glare from the solar panels. He discussed exhibit O-1 with particular attention to sheets marked Exhibit H-01 through H-10. He expressed concerns that his existing view from his second story bedroom would be exposed to glare from the solar panels and that his view of fireworks from this window would be blocked from the proposed Leland cypress. Lastly, he expressed concerns with 30-ft mature Leland cypress during a hurricane.

Leroy Digiovanne, 1317 Tullo Rd, questioned the specific variances being requested. Engineer Ford stated that the front yard setback of 69.9-feet is proposed, where 50-ft is required with no variance needed. A rear yard setback of 59.9-feet is proposed, where 150-ft is required which requires a variance.

Daniel Ackley, 53 Stryker Ct, expressed concerns regarding the proposed Leland cypress visual screen.

Nancy Branson, 25 Stryker Ct, expressed concerns regarding placement of the inter-connect cabinet and security. Engineer Ford stated that it will be located to the east of the existing YMCA building enclosed by a fenced in area.

Karen Maritz, 24 Stryker Ct, requested that the Applicant submit a report on the impact to residential property values. Attorney Powers stated that it is not a requirement.

Chairman Vornehm closed the public portion of the hearing at 9:03 pm.

Attorney Powers stated that he is concerned that there's not a full board membership present, as the d-variance requires five affirmative votes to be approved.

Board Attorney Vastola stated that he will ask the public for comments and then carry the hearing to 10/25/11. The five Board Members present confirmed that they will be at the 10/25/11 Board meeting.

Chairman Vornehm opened the hearing to the public for comments.

The following resident spoke in favor of the application:

Bill Buzby, 41 Stryker, stated that although there is some impact to the neighbors, he is in favor of the application.

The following residents spoke in opposition to the application:

Joan Papera, 33 Stryker, stated that the carport will be detrimental to the view from the High School and she opposes the variance.

James Mooney, 63 Stryker, stated the proposal is not an improvement and urged the Board to deny the application.

Rita Regmault, 56 Stryker, stated that she does not want the application to be approved as it will decrease the property values in the neighborhood.

Joseph Pope, 72 Stryker Ct, requested that the proposed landscaping should be included in the front of the parking lot along Garretson Road.

Harriet Gerndt, 44 Stryker Ct, requested the Board deny the application. She read a letter written by her neighbor from 124 Stryker Ct. and stated that she has the same views: the steel canopies will change the character of the neighborhood which mimic the appearance of gas station canopies, it is a commercial looking structure, and requested landscaping in front of the parking lot along Garretson Road.

Judith Mooney, 63 Stryker Ct, referenced section 126-335.62 of the Municipal Code stating that ground mounted solar arrays are prohibited in residential zones. The negative consequences outweigh the positives. She addressed concerns regarding the negative impact to property values. She urged the Board to vote no.

Henry Hui, 94 Hagerman Ct, addressed concerns regarding the impact to the residential properties. He stated that he is not challenging the merit of solar; however, he is challenging the location chosen for the placement of the solar panels. He requested the Applicant place the solar panels on the rooftop of the YMCA building. Mr. Hui discussed property tax assessment and the effect on property taxes and requested that the Board require the Applicant provide a report on ground mount solar impact on property values.

Dan Braimum, 123 Stryker Ct, stated that he is opposed to the proposal.

Frank Sydlowski, 134 Stryker Ct, stated that he is in opposition to the application and that he wants the proposed cypress buffer.

Mindy Braimum, 123 Stryker Ct, stated that she wants more visual screening of the proposed solar carport from all views. In addition, she stated that she would like to see a property value assessment.

Bill Fee, 23 Stryker Ct, urged the Board to deny the application as there is no benefit.

Elvina Toulon, 114 Hagerman Ct, stated that she is opposed to the application.

Robert Donar, 32 Stryker Ct, stated that he is concerned with the effect on property values.

With no further public comments, Chairman Vornehm closed the public portion of the hearing at 9:35 pm.

Attorney Vastola stated that no additional information can be submitted, as requested by Board Planner Doyle. The next meeting will consist of Attorney Power's summation, Board deliberation and a vote by the Board.

Chairman Vornehm carried the hearing to 10/25/11 at 7:30 pm with no further notice required.

-----  
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:

There was no other business.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:45 pm.

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator