

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, December 3, 2013
—MINUTES—**

CALL MEETING TO ORDER:

Chairman Vornehm called the meeting to order at 7:30 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 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 – present	Paul Riga – present
Carl Schulz – absent	Pushpavati Amin – present
Evans Humenick – present	Lee Schapiro – 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, Board Engineer Thomas Forsythe

MINUTES FOR APPROVAL:

The November 19, 2013, Regular Meeting and November 26, 2013, Regular Meeting minutes will be presented for Board consideration when completed. No action was taken.

MEMORIALIZING RESOLUTIONS:

BOCCANFUSO - 446 Shasta Drive (pending)
Block 508 Lot 13.01
#13-019-ZB Bulk Variances (new dwelling/vacant lot)

DECISION: Approved w/conds 11/26/13

Eligible to vote: Mr. Sweeney, Mr. Humenick, Mrs. Amin, Chairman Vornehm, Mrs. Powers

The foregoing resolution will be presented for Board consideration when completed. No action was taken.

HEARING AND DELIBERATIONS:

SUNOCO - 301 Country Club Road

Block 400 Lot 18

13-006-ZB Preliminary & Final Major Site Plan w/variances - Existing Sunoco Station Rebuild with Convenience Store

TIME: Extension to 12/31/13

Attorney Timothy M. Prime was present to represent the applicant. Sworn testimony was presented by Applicant's Representative: Steven J. Petrison, Sunoco Manager Business Development and Toll Roads; Site Engineer Joseph Jaworski, PE of Dynamic Engineering; and Landscape Architect & Professional Planner John McDonough.

Attorney Prime provided an overview of the application stating that Sunoco is an existing gas station at the corner of Country Club Road and Route 28. The Applicant is proposing a total upgrade and remodel of the entire site with elimination of the automotive service bays and replacing it with a convenience store, new canopy and fueling stations. The property is located in the C-3, Office and Service zone which does not allow a motor vehicle fueling station with a convenience store; therefore, a use variance is being requested in addition to bulk variances. Significant revisions have been made to the site plan including a smaller convenience store of 2,955-sf, revised location of building, fueling canopy and driveways on both Country Club and Route 28, reduction in proposed improved lot coverage, and reduced hours of operations to name a few.

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

- A-8 12/3/13** Use and Operations Statement for Sunoco with Convenience Store, revised 12/3/13
- A-9 12/3/13** Colored Rendering of Site Plan with Overlay of Landscape Plan, dated 12/3/13
- A-10 12/3/13** Colored Rendering of Architectural Building Elevations, dated 11/26/13
- A-11 12/3/13** Colored Rendering of Fuel Delivery Truck turning plan, dated 12/3/13

During the hearing references were made to the following exhibits which were previously submitted on 6/18/13:

- A-1 Use and Operations Statement for Sunoco with Convenience Store
- A-2 Colored Rendering of Site Plan with Overlay of Landscape Plan
- A-3 Colored Rendering of Architectural Building Elevations
- A-4 Colored Rendering of Canopy Signs, Freestanding Sign Layout Overview
- A-5 Photograph Package of three pages: Aerial View of Neighborhood, Photos of Existing Site, Photos of adjacent land uses/sites

Steven J. Petrison, Sunoco employee, referenced exhibit A-8 and stated that the description of the proposed use has been revised to include a hot dog grill & microwave, flat grill for freshly made breakfast and lunch sandwiches plus a hot food/snack program that includes chicken wings, chicken tenders and pizza.

Mr. Petrison stated that there will be three employee shifts with typically 2 to 4 employees, which supersedes the number of employees shown in exhibit A-8. The hours of operations have been reduced from 24/7 to 5:00 am – 11:00 pm, seven days per week. Currently the site operates from 6am to 10pm, and had previously operated 24-hours a day. He stated that the box truck deliveries will park in front of the store, while the other trucks i.e. Pepsi, that are smaller than the fuel tankers will park alongside the curb line adjacent to the proposed septic system for a short period until the goods are delivered. He stated that fuel deliveries can be limited to be from 5:00 am to 11:00 pm.

Site Engineer Jaworski summarize the existing conditions stating there are two canopies and four fuel dispenser locations as shown on the site plan shown in exhibit A-2. The northwest corner of the property is wetlands, which requires a 50-ft buffer by the NJDEP. The property is 1.17-acres and there is an existing 1,320-sf building. A residential use is next door with a golf course across the street. There is existing public water; however, there is no public sewer but rather an existing septic system in the rear of the property toward the northeast. The property pitches in a southerly to northerly direction and drains in the southwest corner.

Site Engineer Jaworski provided an overview of the substantial changes to the site plan and he referenced exhibit A-9, stating that the existing site would be demolished with new construction of a 2,955-sf convenience store, which has been reduced from the previously proposed 3,159-sf building, with an ATM inside the store, one canopy with a total of six fuel dispensers for gas and passenger car diesel fuels with a total of twelve fueling positions, which replaces the existing two canopies with a total of four fuel dispensers and two new underground fuel storage tanks. He stated that the previously existing bulk variances have been brought closer to conformance than previously presented. The canopy has been relocated as requested by the Board in order to deter vehicle lights from shining into the residential dwellings directly across Route 28. There will be three driveways: one on Route 28 and two on Country Club Road. The previously proposed driveway on Route 28 will be moved further east toward the intersection. Both of the previously proposed driveways on Country Club Road will be moved further south toward the intersection and they will be 80-ft apart with the most southern driveway a one way right turn out only. Head on parking, including ADA parking is proposed in front of the convenience store is proposed with flush sidewalks and bollards. The old underground fiberglass storage tanks will be removed and replaced with two new 20,000-gallon underground double walled fiberglass tanks. Improved lot coverage proposed is 54.3% where 59% exists and a maximum of 60% is permitted.

Site Engineer Jaworski discussed the site lighting which includes recessed flush LED canopy lights and gooseneck fixtures proposed on the building.

Engineer Jaworski described the stormwater management plan stating that the property flows east to west with various inlets that lead to the underground system and it provides a peak rate reduction in runoff.

Site Engineer Jaworski stated that water, electric and gas are available from Country Club Road. An onsite septic system is proposed as public sewer is located 750-ft to the north. The revised location of the septic system is proposed along the adjacent residential property on Country Club. The location of the single freestanding sign is proposed in a location 30-ft back from the existing sign. A future dedication turning lane from Country Club Road is proposed and shown on the site

plan. Engineer Jaworski referenced exhibit A-3 and he stated the proposed signage has been reduced: freestanding sign previously 168.4-sf down to 90.6-sf with the height reduced to 21.7-ft high. The revised freestanding sign now complies with the zoning setback and a variance is no longer needed. The building and canopy signage has been reduced from 223-sf total to 169.6-sf. There will be no outdoor storage or display. There is an advertising sign cabinet 24-sf which will be changed for the daily specials located on the building to the right of the front entrance. There is a 3-ft retaining wall proposed on the easterly side of the convenience store which tapers down to 6-inches high toward the front of the building. Enhanced evergreen landscaping is proposed on the property line between the proposed septic and the adjacent residential property which will grow into a solid evergreen wall within 5 to 8 years. He stated that the circulation is typical for a gas station with head on parking at the store front in 15-spaces that are 10'x18'.

Engineer Jaworski reference exhibit A-10 and reviewed the convenience store architectural elevations. In addition, he stated outside agency approvals are pending for Somerset County Planning, Somerset-Union County Soil, and NJDOT. The NJDEP LOI has been approved. Sidewalks are proposed across both frontages with an 8-ft dedication shown along Country Club. He referenced exhibit A-11 and stated that all trucks shall enter from Route 28 and exit onto Route 28.

Engineer Jaworski stated that the septic system has not been designed; however, he will contact the Township Health Department after the application has been approved. He confirmed that the septic system must be a minimum of 100-ft from a well. The proposed septic will be 65-ft from the proposed underground water detention system where a minimum of 50-ft is required.

In addition, Engineer Jaworski agreed to comply with the outstanding issues of Board Engineer's report dated 11/20/13 and Board Planner's report dated 11/15/13.

Professional Planner and Landscape Architect John McDonough referenced exhibit A-5 and discussed the photos stating that this site was originally a grocery store, then an auto repair shop and now it is being proposed as a convenience store (back to a grocery store). This intersection is the gateway to the Bridgewater community with Raritan to the south. Planner McDonough discussed the photos on page two of exhibit A-5 and stated that an aggregate of the proposed signage will increase. The rebranding of Sunoco as the "Official Fuel of NASCAR" signs will be on three sides of the canopy. He discussed the existing variances noting that majority of the proposed variances actually improve the variances to be less non-conforming than what exists today, with the exception of the rear yard setback and aggregate signage. To mitigate this, a year-round non-deciduous evergreen wall of landscaping is proposed between the proposed septic and the adjacent residential property.

Planner McDonough stated that a d(1)-variance is being requested as the fuel dispensing and convenience store is not a permitted use in the C-3 zone. C(1)-variances are being requested due to the unusual shape and size of the property. Any development at this site would require bulk variances, as 5-acres is required and 1.17-acres exist. Permitted uses in the zone allow for a building 45-ft tall, where 15-ft is proposed. Three accessory structures are proposed: shed, air pump station, and trash enclosure; however a variance is required as only one accessory use is permitted in the C-3 zone.

Planner McDonough stated that the special reasons, purpose and intent of the MLUL includes: a, m, h, g, and i. He stated that this site is particularly well suited for the proposed use and the positive criteria outweighs any detriment. It is not a substantial departure from the master plan or zone plan.

Board Member Sweeney expressed high concern regarding the proposed 15-ft rear yard setback at the corner of the store to the adjacent residential property. He stated that a 75-ft setback is required in addition to another 75-ft buffer between the residential and commercial zones for a total of 150-ft buffer/setback requirement where 15-ft is proposed, is a substantial impairment to the zone plan and ordinance.

Engineer Jaworski stated that the wall will be constructed of a decorative keystone block wall covered by the proposed evergreen landscaping along the residential property line.

Board Member Fross expressed high concern regarding the bigger impact on the Raritan Plaza as this convenience store is becoming more of a takeout restaurant.

Board Attorney Vastola stated that a d-variance is required because the convenience store is not a permitted use in the zone; therefore, it is not unreasonable for the Board to limit the goods sold at the proposed convenience store.

Attorney Prime read section 126-2 Convenience Stores definition: “A retail establishment of up to 5,000 square feet and open for long hours, providing quick service for takeout. Convenience stores sell primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.” [Added 7-19-2010 by Ord. No. 10-20]

Members of the public were present as follows:

Stephanie Gara, 21 Church Street in Raritan, expressed concern regarding the delivery trucks on site without a designated loading dock and possible use of Country Club Road by fuel delivery trucks.

Gary Casagrande, 315 Country Club Road, expressed concern regarding the proposed truck turning radiuses as shown in exhibit A-11, the fire lanes as required by the Fire Department/Fire Official, and questioned if the sale of propane tanks will be sold. Steven J. Petrison, Sunoco Employee stated that propane tank exchange sales will be sold and the tanks will be stored in a cage adjacent to the store. Chairman Vornehm stated the propane tank sales must be shown on the site plan. Mr. Casagrande also addressed concerns regarding pedestrian traffic.

Joanne Liptak, 22 First Street in Raritan, expressed concern regarding the odors from the venting of the open grill, possible parking of soda trucks on Country Club Road and Route 28 while making deliveries and she requested details of the fire suppression system which will be as per Code requirements.

Jim Wilson, 803 Columbus Ave in Raritan, expressed concern with the proposed sidewalks on Country Club and Route 28 that go nowhere.

Jim Palini, 704 Riverside Ave in Raritan, expressed concern with the proposed stormwater management, the increase in improved lot coverage, and the leaching field for the septic system.

Donna Casagrande, 315 Country Club Road, addressed concern with the proposed septic system adjacent to the residential property to the east as she has both septic and well water. In addition, she stated that the intersection is dangerous with a new accident three weeks ago.

Alexandra Parameritis, 703 Columbus Ave in Raritan, stated that she is a bus driver for the Bridgewater-Raritan High School and she expressed concern regarding the peak hours of the traffic study.

Tom Delacruz, 1091 First Ave in Raritan, addressed concerns about landscape trailers obtaining diesel fuel at the site. Steven J. Petrison, Sunoco Employee stated that the diesel fuel dispenses at 30-gallons per minute and that it is not a fast fill system, but rather it is setup for passenger vehicles.

Joe Devito, 710 Columbus Ave in Raritan, questioned the conclusion of the traffic study. Engineer Jaworski stated the study was done using the ITE standards in accordance with the NJDOT standards.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to 1/21/14 at 7:30 pm with no further notice required. Chairman Vornehm noted that the next hearing will continue with questions for Planner McDonough.

Attorney Prime granted an extension of time for the Board to act to 3/1/14 and he provided a signed extension form to Land Use Administrator Broughman.

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 10:30 pm.

Respectfully submitted,
Marie L. Broughman
Land Use Administrator
& Zoning Officer