

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, February 15, 2011
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township 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 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 – absent
Filipe Pedroso – absent	Jim Scott – absent
Paul Riga – absent	William Vornehm, Chairman – present
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – present

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

MINUTES FOR APPROVAL:

January 25, 2011 Regular Meeting Minutes – Motion by Mr. Sweeney, second by Mr. Schulz, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Mr. Humenick, Mr. Schulz,
Chairman Vornehm
ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Scott, Mr. Riga

February 1, 2011 Regular Meeting Minutes – Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Mr. Humenick, Mr. Schulz,
Chairman Vornehm
ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Scott, Mr. Riga

MEMORIALIZING RESOLUTIONS:

**GREEN KNOLL VOLUNTEER FIRE CO – Dow Road & Garfield Ave.
Block 455 Lot 24**

#30-10-ZB, Minor Site Plan w/variances (addition proposed)

DECISION: Approved with conditions 2/1/11

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution was adopted as amended on the following roll call vote:

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

HEARING AND DELIBERATIONS:

OPEN ROAD OF BRIDGEWATER: MERCEDES DEALERSHIP

Block 222 Lot 1 (1140 Route 22 East)

#24-10-ZB, Amended Prelim & Final Site Plan and Conditional Use

Time: 120=5/5/11

Attorney Francis Linnus was present to represent the applicant. Sworn testimony was provided by Michael Morais, Chief Operating Officer; Andrew French, PE; and John Penny, AIA.

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

A-1 2/15/11 Colored rendering of the site plan, sheet 3 of 8
A-2 2/15/11 Architectural Plans & Sign Plan: PE1, PE2, PE3, SGN1
A-3 2/15/11 Photos of existing facility and proposed facility

The applicant is proposing to renovate the existing dealership building and construct a two-story addition for a larger showroom and sales area.

Automobile dealerships are a conditional use in the HIC Zone. The variances previously granted in this matter included variances from the conditional use requirements of the ordinance. The present application affects a number of the variances given and therefore, this Board continues to have jurisdiction in the matter.

With respect to this application the Board is in receipt of the following: (a) a report from the Township Planner dated December 6, 2010. This report was subsequently modified to include comments of counsel for the Chelsea Village Condominium Association. (b) A report from the Township Engineer dated December 6, 2010. (c) A report from the Fire Official dated February 9, 2010. (d) A report from Sewer Utility dated January 24, 2011. (e) Accompanying the application a plan entitled “Preliminary and Final Site Plan Open Road Mercedes Benz Building Addition Block 222 Lot 1 Township of Bridgewater Somerset County New Jersey”, prepared by French & Parrello, P.E., Wall, NJ, dated November 22, 2010 and consisting of eight (8) sheets. (f) Accompanying the application architectural plans for the proposed building addition, prepared by Penny Design Group, Bethesda Maryland, dated November 11, 2010 and consisting of four (4) sheets. (g) Accompanying the application a Stormwater Management Report,

prepared by Andrew L. French, P.E., dated November 22, 2010. (h) Accompanying the application a survey of the property in question prepared by French and Parrello Engineering dated March 31, 2010 and revised November 22, 2010 and consisting of one (1) sheet. (i) Accompanying the application an Environmental Impact Statement prepared by Andrew L. French, P.E. and dated April 1, 2010, and (j) Accompanying the application a Limited Topographic Survey, prepared by Frank Blum, P.L.S., dated April 1, 2010, last revised November 23, 2010 and consisting of one (1) sheet.

In support of this application the Board heard the testimony of applicant's Chief Operating Officer. He stated that applicant's primary purpose with this application is to extend and update the existing showroom to meet the requirements of Mercedes Benz, which is requiring showrooms to be updated. Currently display vehicles are located at the exterior of the building under an overhang which is supported by columns. Applicant proposes to remove the overhang and extend the existing building by constructing an addition of 3,150 S.F. There will be an overhang supported by columns, but there will no longer be an outdoor display of motor vehicles. All display vehicles will be located inside the showroom. The existing set back from the Highway is 118.02 feet. The ordinance requires a setback of 200 feet. In 1992 the Board granted a variance from this requirement. With this proposal the set back to the overhang will be 96.87 feet and to the building 104 feet. This proposal therefore requires a further variance from the set back requirement. The addition will also provide an additional 650 S.F. to the office space on the second level. There will also be a canopy of 2,085 S.F. over the service drop-off area.

The current hours of operation are: (a) showroom hours Monday through Friday 9:00 a.m. to 9:00 p.m., and 9:00 a.m. to 6:00 p.m. on Saturday, and (b) service 7:30 a.m. to 5:30 p.m. Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. The facility will be closed on Sunday. These hours differ from those testified to in 1992. The chief operating officer testified, however, that these were the hours of operation when the applicant acquired the facility in February, 2010.

In his testimony applicant's chief operating officer made the following representations; (a) that all employee parking is off site, (b) that no new vehicle inventory is delivered on site, (c) that the applicant will make a dedication for road widening along Adamsville Road to the County, and (d) that the hours of operation will be as set forth herein.

The Board reviewed the reports of its professionals and Departments with the applicant's professionals. It was agreed that the applicant shall comply with the report of Sewer Utility as well as the comments in the report of the Fire Official.

The report of the Township Engineer commented on the number of parking spaces proposed. While a note on the site plan references 47 spaces being available on the roof for new and used care storage, the testimony was that no such parking is proposed. This report also points out a conflict between the total of number of spaces shown on the site plan table and the number shown on the plan. The total number of spaces should be 158.

With respect to the remainder of the Engineer's report, the applicant agreed to comply with comment 9 of the Policy Section of the report and all of the comments under the Technical Section of the report.

The Planner's report references two conditions which the attorney for the Chelsea Village Condominium Association requested be imposed. The first comment requested that the applicant replace dead shrubs and trees and the missing fence in the buffer area. Comment 20 of the Planner's report references the fact that a landscaping plan as required by Sec. 126-191 of the ordinance be provided. The applicant agreed to comply with this comments as well as the above referenced conditions. The second condition raised by the attorney for Chelsea Village is the elimination of cars from the dealership consistently being parked on public roads. The applicant agreed to comply with this condition.

The facade of the building is proposed to be glass. Comment 24 of the Planner's report references the fact that this proposal is contrary to the recommendations of the Master Plan which proposes a limitation 30% glass on the side of the building which faces the highway. In response to this comment the testimony was that the proposed design was compliant with the requirement of Mercedes Bens. Should the applicant fail to comply, it would suffer significant penalties which would adversely affect its business. In compromise the applicant proposed that the entire area above the canopy and the first two levels of glass on the building facade be constructed of spandrel glass which will be painted.

The applicant agreed to comply with comment 10 of the Planner's report. Comment 11 questions facade wash and flood lights on the building. The testimony was that there will be in ground LED fixtures at each of the columns and that there will be no spillage beyond the front of the canopy.

Comment 12 of the report references the size of the refuse enclosures. The applicant testified that the enclosures will be 17 feet by 16 feet. Comment 13 of the report comments on the fact that although no sign variances are requested, the applicant should submit a sign package showing colors, materials, and lighting plan. Two signs are proposed between columns on either side of the proposed building. The testimony was that only the letters on these signs will be lit. The applicant agreed to comply with comment 15 of the report.

Comments 17 and 18 of the report suggest that lighting be extinguished at the close of business, and that building sign lighting be extinguished one hour after closing. The testimony was that certain lighting must remain on for security purposes. The extent of lighting needed for security is a matter for determination by the Police Department. The applicant agreed to comply with comments 23 and 26 of the report.

The proposal as presented requires two variances the first as previously stated is from minimum set back from the highway, and second from the impervious coverage limitation. With respect to the first variance, the Board references its findings and conclusions with respect to this issue in the 1992 resolution which found a zoning hardship. The proposed modifications will eliminate the outdoor display of vehicles, and while it will further reduce the front yard set back the Board finds that on balance, the benefits derived will outweigh the detriments. The second variance relates to impervious coverage. The 1992 resolution granted a variance allowing impervious coverage to be 62.8% where the limitation is 60%. The applicant did not comply with this variance and the as built project has coverage of 67.9%. Coverage will remain at 67.9% at the completion of this project, reduced to 67.5% after the Adamsville Road dedication. Applicant's predecessor in title received a certificate of occupancy for the project upon which this

applicant placed reliance. Given this fact, and the fact that coverage is not being increased by this proposal the Board finds it appropriate to grant the requested variance.

The Board has reviewed the site plan submitted by the applicant and concludes that with conditions approval of the site plan and granting the variances with conditions 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.

In addition to variances and site plan approval the applicant has requested a number of waivers. The waivers requested are as follows:

- Ordinance Section 126-153.F - Physical features on the site within 200 feet
- Ordinance Section 126-153.H. - Existing topography 200 feet off-site.
- Ordinance Section 126-153.K. - Proposed Stormwater system, sanitary sewer, and potable water supply.
- Ordinance Section 126-153.L.- Landscaping and Buffering Plan.
- Ordinance Section 126-194.- 5% of parking area landscaped.
- Ordinance Section 126-194.- Existing and proposed fences on landscaping plan,
- Ordinance Section 126-191, and 126-197, - Conservation Plan Exhibit
- Ordinance Section 126-264, through 126-267. Hillside Development Exhibit.
- Traffic Impact Study

Based on the testimony presented the Board is satisfied that the requested waivers should be granted.

The Board deliberated and discussed several conditions including:

- All employees parking shall be off site.
- No motor vehicles to be offered for sale shall be delivered to the site.
- There shall be no display vehicles in the highway frontage.
- The hours of operation shall be as follows:
 - (a) Vehicle sales 9:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays.
 - (b) Service facility, 7:30 a.m. to 5:30 p.m. Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturdays.
 - (c) The facility shall be closed on Sundays.
- The applicant shall make the dedication for road widening purposes required by the County.
- Applicant shall comply with the report of Sewer Utility
- Applicant shall comply with the comments contained in the Fire Official report
- The note on the site plan referencing 47 parking spaces on the roof shall be removed. There will be no parking on the roof.
- The total number of parking spaces shown on the site plan shall total 158 and the plan shall be so amended.
- Applicant shall comply with comment 9 of the Policy Section and all comments under the Technical Section of the Engineer's report

- The applicant shall file a landscaping plan complying with Sec. 126-191 of the ordinance to be approved by the Township Planner. Said plan shall take into consideration replacement of dead shrubs and trees and the missing fence in the buffer area.
- No cars from the dealership shall be parked on public roads. Applicant shall request the governing body to adopt an ordinance limiting parking on Adamsville Road. All costs related to such an ordinance including legal fees and implementation of such ordinance shall be paid by the applicant.
- The area of the facade above the canopy and the first two panels of the façade shall be spandrel glass. The color to be approved by the Township Planner.
- The light fixtures at the façade shall be in ground LED fixtures at each of the canopy columns, and there will no spillage beyond the front of the canopy.
- Applicant shall submit a sign package for approval by the Township Planner. The package shall contain colors, materials and a lighting plan. Only the letters on the two signs proposed to be located on either side of the canopy will be lit.
- Applicant shall submit a plan for approval by the Police Department for security lighting. After the close of business there shall be only security lighting.
- Applicant shall comply with comments 10, 23 and 26 of the Planner's report.
- There shall be no Developer's Agreement.
- The site plan shall be amended by listing thereon all of the conditions of this resolution.

Motion by Mr. Sweeney, second by Mr. Schapiro, the foregoing application was approved for variances on the following roll call vote:

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

ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Scott, Mr. Riga

Motion by Mr. Humenick, second by Mr. Sweeney, the foregoing application was approved for preliminary and final site plan with conditions as discussed on the following roll call vote:

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

ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Scott, Mr. Riga

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/ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:15 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator

ADOPTED: 3/1/11