

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, June 18, 2013
—MINUTES—**

CALL MEETING TO ORDER:

Chairman Vornehm 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 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 – **absent**

Evans Humenick – present

Bill Vornehm – present

Beth Powers, Alt. #2 – present

Roger Pearly, Alt. #4 - **absent**

Lee Schapiro – present

Carl Schulz – present

Pushpavati Amin – present

Michael Kirsh, Alt. #1 – present

Alan Fross, Alt. #3 – present

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle, Board Engineer Thomas J. Forsythe, Assistant Recording Secretary Marianna Voorhees

MINUTES FOR APPROVAL:

May 21, 2013, Regular Meeting – Motion by Mr. Sweeney, second by Mr. Humenick, the foregoing minutes were adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga, Mr. Pearly

NOT ELIGIBLE: Mr. Schulz, Mr. Kirsh, Mrs. Powers

MEMORIALIZING RESOLUTIONS:

ANTHONY GALLO, PE - 649 Carlene Drive
Block 426 Lot 21
#13-011-ZB Simple Variance Application - (New Front Porch/ Stoop)
DECISION: Approved 5/21/13

Motion by Mrs. Amin, second by Mr. Schapiro, the resolution memorializing the approval on 5/21/13 for the foregoing application was adopted as presented on the following roll call vote:

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

RODRIGUEZ - 60 Shady Lane
Block 368 Lot 10
#13-004-ZB Simple Variance Application - Place Generator in the Front Yard
DECISION: Approved 5/21/13

Motion by Mr. Schapiro, second by Mr. Sweeney, the resolution memorializing the approval on 5/21/13 for the foregoing application was adopted as presented on the following roll call vote:

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

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: 120=8/24/13

Attorney Timothy M. Prime was present to represent the applicant. Sworn testimony was presented by Site Engineer Joseph Jaworski, PE of Dynamic Engineering; Traffic Engineer Craig Peregoy, PE of Staigar & Peregoy, LLC; and Landscape Architect and 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.

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

- A-1 6/18/13** Use and Operations Statement for Sunoco with Convenience Store
- A-2 6/18/13** Colored Rendering of Site Plan with Overlay of Landscape Plan
- A-3 6/18/13** Colored Rendering of Architectural Building Elevations
- A-4 6/18/13** Colored Rendering of Canopy Signs, Freestanding Sign Layout Overview
- A-5 6/18/13** Photograph Package of three pages: Aerial View of Neighborhood, Photos of Existing Site, Photos of adjacent land uses/sites

Site Engineer Jaworski discussed the existing conditions map in the plan set, which shows two canopies and four fuel dispenser locations. 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 application stating that the existing site would be demolished with new construction of a 3,159-sf convenience store with an ATM inside the store, six fuel dispensers with a total of twelve fueling positions, one canopy and two new underground fuel storage tanks. There will be three driveways: one on Route 28 and two on Country Club Road. The existing driveway on Route 28 will be moved further west away from the intersection. Both of the proposed driveways on Country Club Road will be moved further north away from the intersection. Head on parallel parking, including ADA parking, to the convenience store is proposed with flush sidewalks and bollards. The sidewalk will typically be 6-ft wide, but in no event will it be less than 4-ft with the building bump outs. The old underground fiberglass storage tanks will be removed and replaced with two new underground double walled fiberglass tanks.

Site Engineer Jaworski discussed the site lighting which includes 15-ft high freestanding LED lights and LED canopy lights. Gooseneck fixtures are proposed on the building. One 75-watt bulb light will be located at the rear of the building at the electrical panel.

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. There is a sewer easement on the neighbor's property; however, there is no pipe within 100-ft. One 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. Engineer Jaworski referenced exhibit A-3 and he stated there is a total of 334-sf of existing signage with an increase as 390-sf of total signage is proposed. There will be no outdoor storage or display. There is an advertising sign cabinet which will be changed for the daily specials. There is a 3-ft retaining wall proposed behind the minimart which tapers down to 1-ft high. He agreed to revise the three to four foot distance between the residential property and the retaining wall to an 8-foot distance in order to accommodate the proposed landscaping. Engineer Jaworski stated that there will not be any congregating of employees at the sidewalk located at the rear of the building adjacent to the residential dwelling. In addition, he agreed to comply with the outstanding issues of Board Engineer's report dated 6/13/13 and Board Planner's report dated 6/12/13.

Board Member Fross expressed concerns regarding car lights shining onto the two homes across Route 28 as the hours of operation are 24/7. Engineer Jaworski agreed to look into buffering on those residential properties, if the owners would allow it.

Board Planner Doyle noted that the existing layout of the pumps keeps the car headlights away from the residential properties across Route 28 and the adjacent neighbor. In addition, she stated that the 3-ft setback at the corner is not a great allowance for snow removal and landscaping and she requested a 10-ft setback.

Traffic Engineer Craig Peregoy referred to his report, TRAFFIC IMPACT ANALYSIS FOR SUNOCO dated 1/16/13 and he summarized the results of his findings. Traffic counts were taken during peak hours from 7:00 am to 9:00 am and 4:00 pm to 6:00 pm. Country Club Road delays are due to the existing traffic signal. He discussed the ITE trip generation projections for a 3,159-sf “Convenience Market with Gasoline Pumps”. He stated that new traffic generated to the area is 55 trips. Both ITE and NJDOT define a significant increase in traffic as 100 or more peak hour trips. The existing cut through activity from Country Club Road to Route 28 will likely decrease with the elimination of the driveway on Route 28, closest to the intersection. He concluded that the proposed development will have very minor impact on the traffic conditions along the adjacent roadway network and there is sufficient reserve capacity at the site driveways to accommodate the proposed use. Traffic engineer Peregoy discussed stated that the thirteen parking spaces, which includes a handicap accessible space, proposed will be dimensioned as 10-ft wide by 18-ft deep, which exceeds the accepted engineering design standards and are in compliance with Township Ordinance standards. He concluded that the proposed Sunoco improvements will not significantly impact traffic conditions in the vicinity of the site and the site driveways will operate efficiently at acceptable Levels of Service. The site has been designed to accommodate passenger vehicles as well as fuel delivery vehicles and will provide safe and efficient access. In addition, he agreed to comply with the outstanding issues of Board Engineer’s report dated 6/13/13 and Board Planner’s report dated 6/12/13.

A member of the public was present as follows:

Gary Casagrande, 315 Country Club Road, addressed concerns regarding the 24-hour 7-days per week operation, the rear yard setback of the proposed minimart, the 24-ft height of the minimart rear wall, height of the proposed gas isle canopy, noise level at the property line after 10:00 pm, potential for loitering due to 24/7 operation, discounting his quality of life. In addition, he addressed concerns regarding realistic traffic compared to that projected using the ITE model especially since the 10:00 pm to 6:00 am was not studied nor projected.

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 is the “Official Fuel of NASCAR.” 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 at the rear of the minimart which will be 30 to 40-ft tall at maturity, screening the wall of the 16-ft high building.

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 purpose and intent of the MLUL includes: a, m, h, g, and i. 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.

Planner McDonough agreed to work with Board Planner Doyle regarding the landscaping requirements of section 126-191 of the Municipal code book.

Chairman Vornehm requested the Applicant to move the proposed retaining wall located at the rear of the minimart and to create a drainage swale with plantings even if it must be an underground pipe. In addition, he asked the Applicant to move the building to the west up to the trash enclosure to align the building with the garage on the adjacent residential property.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to 6/25/13 at 7:30 pm in the Municipal Courtroom 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:

Board Attorney Vastola took a count of members who would be available for upcoming board meetings.

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