

**BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Tuesday, June 25, 2013  
—MINUTES—**

**CALL MEETING TO ORDER:**

Chairman Vornehm called the meeting to order at 7:34 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>	Lee Schapiro – present (arrived 7:35 pm)
Paul Riga – <b>absent</b>	Carl Schulz – present
Evans Humenick – present	Pushpavati Amin – present
Bill Vornehm – present	Michael Kirsh, Alt. #1 – <b>absent</b>
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

**MINUTES FOR APPROVAL:**

June 18, 2013, Regular Meeting – The foregoing minutes will be presented for Board consideration when completed.

**MEMORIALIZING RESOLUTIONS:**

There were no pending resolutions of memorialization. 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: 120=8/24/13

Attorney Timothy Prime was present to represent the Applicant. Sworn testimony was presented by Professional Planner John McDonough, Applicant's Representative: Steven J. Petrison, Sunoco Manager Business Development and Toll Roads, and Sunoco Marketing Specialist Lori Pettengill.

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

**A-6 6/25/13** Colored Rendering of Site Plan, dated 1/15/13

**A-7 6/25/13** Colored Rendering of the revised, new freestanding sign

Planner McDonough referenced exhibit A-6 and discussed the additional landscaping consisting of hemlock and spruce behind the proposed building which will be planted at a height of 8 to 10 feet and will be pulled back from the property line which results in a 15-ft setback from the adjacent residential properties. Additional landscaping is proposed at the corner of Country Club Road and Route 28.

Planner McDonough referenced exhibit A-7 stating that the aggregate signage on the site today will be reduced from 333.75-sf to 313.6-sf. The new freestanding sign consists of two sides with 90.36-sf of signage on each side and it will be internally lit. The façade and fuel island canopy signs shown in exhibit A-5 on page 2 will also be internally lit. Planner McDonough state that the new signs reflect the updated slogan "Official Fuel of NASCAR."

Planner McDonough stated the automotive service station is a permitted conditional use in the C-3 zone; however, d(1), d(2), and d(3) variances are being requested as the convenience store is not a permitted use in the zone, some of the conditions for the conditional use are not met, and the property is a triangular undersize parcel.

The Board discussed alternative options including moving the building to the southwest which is further away from the adjacent residential structures, smaller convenience store, less fuel pumps, increase setback of the store to be further away from the adjacent residential properties, and planting staggered rows of columnar evergreens at the rear of the convenience store.

Chairman Vornehm opened the hearing to the public.

Gary Casagrande, 315 Country Club Road, addressed concerns regarding his quality of life, increased noise levels, safety of the neighborhood, the need for sidewalks and crosswalks,

Donna Casagrande, 315 Country Club Road, addressed concerns regarding the 24-hour 7-day per week hours of operation, complaints about the existing condition of the site, and she stated that there are already three convenience stores within a one mile radius that are open 24-hrs per day.

Maureen Wilson, 803 Columbus Avenue of Raritan Borough, addressed concerns regarding the 24-hour operation of both uses on the property in question.

Thomas Delacruz, 1091 First Avenue of Raritan Borough, addressed concerns regarding vehicle lights shining into his windows with the new configuration of the fuel pumps.

Vic Vinegra, 425 Hazel Avenue of Garwood, discussed the Master Plan and updates. He stated that the property is undersized with overlapping setbacks which results in numerous variances as shown in the Board Planner's report dated 6/12/13. He requested that the Applicant prepare a qualitative, not a quantitative analysis.

Todd Thayer, 1090 First Avenue of Raritan Borough, addressed concerns regarding the impact on property values, the 24-hour operation with the lights shining throughout the night from dusk to dawn. He stated that the property currently closes at 9:00 pm.

Kathy Kolvites, 63 Vones Lane of Raritan Borough, addressed concerns regarding the safety of pedestrian traffic to the site from Raritan Borough, as there are no sidewalks or crosswalks existing or proposed. She stated that the 24-hour convenience store will attract the children in the neighborhood.

Jim Wilson, 803 Columbus Avenue of Raritan Borough, stated that there are no existing sidewalks because the proposed convenience store is not an allowed use. He requested the Applicant install sidewalks and crosswalks. Chairman Vornehm suggested that he take a look at the report from the Somerset County Planning Board dated 4/2/13, which approves this application.

Joseph DeVito, 710 Columbus Avenue of Raritan Borough, addressed concerns regarding the value of the project to the Township. Planner McDonough stated the site offers one-stop shopping for milk and fuel, the combined use is the industry trend and the positive criteria outweighs the detriments: site improvements, enhanced landscaping and aesthetics.

With no further comments or questions from the public, Chairman Vornehm closed the public portion of the hearing.

Sunoco's Representative Steven Petrison referenced exhibit A-1, Use and Operations Statement for Sunoco with Convenience Store and stated he is available to answer questions from the Board.

Sunoco Marketing Director Lori Pettengill stated there will be two ADA compliant restrooms with access from inside the convenience store only. She stated that smaller store locations include: Jamesburg 4,200-sf and Parsippany 3,159-sf. She discussed store layout and the requirements for ADA compliance with 1,200 to 1,500 square feet for the sales area. She explained that the coolers act as storage areas too, which already reduces the need for more space. Car diesel fuel will be sold for passenger vehicles, not tractor trailers. Newspapers will be delivered daily and other deliveries will be made once each week with garbage being picked up twice weekly. CO2 will be housed

outside of the store which will be used to make the bubbles in the soda. Individual CO2 bottles are not utilized. There will not be any Blue Rhino type propane tank exchange on this site.

Sunoco's Representative Steven Petrison stated that the limousines currently located on the property are not allowed with the A Plus franchise. In addition, he stated that to his knowledge the existing automotive repair bays are not currently operational.

Chairman Vornehm opened the hearing to the public.

Joe DeVito, 710 Columbus Avenue of Raritan Borough, objected to the 24/7 operation hours.

Donna Casagrande addressed concerns regarding the safety of the children in the neighborhood, the existing cars parked on the site, and the lack of existing landscaping. She presented an exhibit which depicted red dots on foam board that represents the number of objectors in the neighborhood. Attorney Prime objected to the exhibit, as he stated he has a right to cross examine each objector. The exhibit was not marked into evidence. Attorney Vastola stated that the petition is not admissible as it is hearsay. Mrs. Casagrande addressed additional concerns regarding quality of life, current zoning violations, noise, loitering, and stated that she does not want this in her neighborhood.

Gary Casagrande addressed concerns regarding trash pickup and fuel delivery hours in addition to the timeframes of proposed construction.

Jim Wilson, 803 Columbus Avenue, addressed concerns with the immense size of the proposed convenience store and requested it to be smaller. Mr. Petrison stated there are some smaller stores located in Denville, Whippany, Fairfield, Parsippany and Cranberry.

Kathy Kolvites addressed concerns regarding accumulation of trash generated by the customers of the convenience store and questioned if there would be security guards at the site during the nighttime hours. Mr. Petrison stated that the employees will police the area for garbage and security camera system known as IRIS, will be located inside and outside of the store with a direct alarm to the Bridgewater Police.

Tom Delacruz, questioned the difference between tractor trailer diesel fuel and passenger diesel fuel. Mr. Petrison stated that the diesel fuel is delivered much slower for passenger vehicles. High speed diesel will not be offered at this site. The store will be offering free coffee to the police to encourage their presence. Lori Pettengill stated that Sunoco inspects their properties monthly which is completed by the Operation Mangers out of Piscataway.

Victor Vinegra addressed concerns regarding the site parking, the size of the store, and he compared the size to Wawa and Quick-Check. Ms. Pettengill stated that A Plus does not have a sit down program like Wawa and Quick-Check.

Joe DeVito addressed concerns regarding potential income and taxes generated. Chairman Vornehm confirmed that money is not part of the Board's decision making criteria.

Sal Cicale, 28 Danberry Lane, address concerns regarding possible increase in crime with the addition of the convenience store. Mr. Petrison stated that a study was not completed.

With no further comments or questions from the public, Chairman Vornehm closed the hearing to the public.

Attorney Prime confirmed that he had no further witnesses. He requested that the Board provide feedback.

The Board recommended changes to the proposed hours of operation and proposed signage.

Attorney Prime requested the Board to carry the application with changes to be made to the signage and hours of operation. The revisions will be heard at the next meeting.

Chairman Vornehm carried the hearing to 8/6/13 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:**

No other business was discussed.

**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 &  
Zoning Officer