

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
Tuesday, June 7, 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

Filipe Pedroso – **absent**

Paul Riga – present

Lee Schapiro – **absent**

Evans Humenick, Alt. #2 – present

Jay Rosen – present

Jim Scott – present

William Vornehm, Chairman – present

Pushpavati Amin, Alt. #1 - 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:

The May 24, 2011 Special Meeting minutes will be presented at the next meeting for Board consideration.

MEMORIALIZING RESOLUTIONS:

None pending

HEARING AND DELIBERATIONS:

**HIND & FORE – American Investment Realty**

**Block 184 Lot 5**

**#07-11-ZB, Site Plan w/variances & Expansion of Nonconforming Use**

Time: 120=8/19/11

Attorney Francis Linnus was present to represent the applicant. Sworn testimony was provided by Robert Gazzale, PE with Fisk Associates, Applicant/Owner Ed DeStephano, and Fred Telis with E2 Solar Design Engineer.

The following exhibits were admitted into evidence and marked as follows:

- A-1 6/7/11 Colored Rendering of Sheet 1 of plan set
- A-2 6/7/11 Raritan Plaza LLC Parking Agreement
- A-3 6/7/11 Cut of solar panel, 2-pages
- A-4 6/7/11 Inverter DC voltage to AC voltage
- A-5 6/7/11 marked-up version of solar panels on canopy system 18-ft high

Attorney Linnus summarized the application stating that the DeStaphano family has owned the meat market for 44-years. Variances are being requested for d(1) use, d(3) expansion of pre-existing non-conforming use. He stated that the SICA test applies.

Engineer Gazzale reviewed the existing conditions as shown on sheet 2 of the set of 4 sheets. The property is known as block 184 lot 5 with frontage on Route 28 at the intersection of Vista Road. It consists of 29,431 sf and is located in the C-4 zone. There is an existing butcher shop with head on parking on Route 28 and Vista Road. The property is not connected to sanitary sewer; however, there is public water, gas and electric. The site drains toward the southwest corner.

Engineer Gazzale referenced exhibit A-1 noting the green area is lawn; yellow area is the 18-ft high solar array; grey area is stone, concrete and existing buildings; black area is pavement and the pink area is the proposed visual screening which is a double row of 6 to 8-ft high arborvitae.

The applicant is proposing to remove the existing freezer and cooler which will be relocated northwest of the butcher shop. The parking along Route 28 will be eliminated and planters will be placed to prohibit parking there. The parking will be moved to Vista Road frontage. There is no increase in impervious coverage and no change in the existing drainage flow. Two board on board trash enclosures are proposed in addition to connecting to the sanitary sewer thereby, eliminating the existing septic system.

Engineer Gazzale listed the design waivers being requested including: 24-ft parking distance for isle, stone parking lot, not planting street trees, not planting landscaping within parking lot, not submitting a lighting plan, parking within the front yard, no buffer along parking lot adjacent to residential property and buffer from residential use to solar array.

Engineer Gazzale stated that the 18-ft high solar array will be more secure from theft. He reviewed the reports of the Township Engineer dated 4/13/11 and Board Planner reports dated 4/9/11 and 6/4/11 and agreed to comply with outstanding issues.

Eighteen existing parking spaces are being replaced with nine parking spaces four customer spaces, four employee spaces and one handicap space. Truck deliveries will pull parallel to Vista Road to make their deliveries to the butcher shop. All existing trees along the southerly property line are proposed to be removed and replaced with arborvitae that will grow to 16-ft tall when mature.

The Board requested that the pavement along Route 28 be removed and have grass planted with some of the required street trees. The arborvitae will be eaten by the deer and the employee parking spaces should be paved. The Applicant measured the height of the Courtroom ceiling stating that 18-ft is one foot taller than this ceiling.

Chairman Vornehm opened the hearing to the public. With hearing none, Chairman Vornehm closed the public portion of the hearing.

Applicant/Owner Edward DeStephano stated that the butcher shop has been in the same location for 49-years and they sell unique products of extreme quality and personalized service. He stated that the proposed solar array is great for the economy and ecology. If approved, it will cut costs for the business which increase by 18% each and every year. He stated the hours of operation: Monday & Sunday – Closed; Tuesday through Friday – 9:00 am to 6:00 pm; Saturday – 9:00 am to 5:00 pm. Mr. DeStephano stated that 9-parking spaces are sufficient as everyone already parks on Vista Road side of the building.

Mr. DeStephano discussed exhibit A-2, stating that overflow parking is allowed behind the gym next door; however, he's never used it. Twice a week a tractor trailer unloads from the rear of the truck on Vista Road. There are two out buildings used to store supplies and paper storage. The cooler and freezer have compressors and a third compressor is being proposed only for backup emergency use.

The Board addressed concerns with the reduced parking spaces and location, the off-site parking agreement and the 18-ft height of the proposed solar array.

Chairman Vornehm opened the hearing to the public. With hearing none, Chairman Vornehm closed the public portion of the hearing.

Fred Missel, E-2 solar installer, stated that the solar array will reduce the electric bill for the butcher shop by 75%. He referenced exhibits A-3, A-4 and A-5 and discussed the proposed solar system. The solar panels will be tilted toward Vista Road and the reflection from the panels would not be seen unless you were positioned higher than the panels. He stated that the supporting structure is galvanized steel, which can be painted any desired color. He reviewed the Board Planner's reports dated 4/9/11 and 6/4/11 and agreed to comply with the outstanding issues.

Chairman Vornehm opened the hearing to the public. With hearing none, Chairman Vornehm closed the public portion of the hearing.

Attorney Linnus stated that the Applicant would like to redesign the proposed solar array system and he requested at least four-weeks to complete the revisions and requested the hearing be carried to a future date with no further notice required.

Chairman Vornehm carried the hearing to 7/19/11 at 7:30 pm with no further notice required.

The Applicant took the exhibits with them.

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**HMS REALTY – Route 22 Valero Service Station**  
**Block 205 Lot 1**  
**#22-10-ZB, Minor Site Plan w/d-variance & c-variances**  
TIME: 120=9/9/11

Attorney Bob Foley was present to represent the Applicant. Sworn testimony was presented by Stephen Kutch, PE.

No exhibits were presented for evidence.

Engineer Kutch provided a history of the property stating that there is an existing functioning gas station with convenience store. The convenience store was approved in 2005; however, the approval expired and the Applicant went back to the Board and received an approval in 2006 and built the store.

Engineer Kutch described the site and the proposed improvements including a 367 sf walk in cooler and a 2,165 sf second floor addition including the stairway. He referenced pages A-3 and A-4 of the plan set. The 367-sf walk in cooler with storage area is proposed on the first floor. He stated the 2,165-sf second floor addition would be used for additional storage of dry goods to be sold in the convenience store, which will cut down on the number of required deliveries. No elevator is proposed. Fourteen parking spaces are proposed.

The Board has plans last revised 2/7/11; however, the applicant was presenting the plans last revised 3/30/11. Attorney Foley stated that he will submit the updated plans prior to the next hearing date.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to 6/28/11 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/ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:45 pm.

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator

ADOPTED: 7/5/11