

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, July 16, 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 – **absent**

Evans Humenick – present

Bill Vornehm – present

Beth Powers, Alt. #2 – present

Roger Pearly, Alt. #4 - present

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 Forsythe, Recording Secretary Marianna Voorhees

MINUTES FOR APPROVAL:

June 18, 2013, Regular Meeting – Motion by Mr. Schulz, second by Mrs. Amin the forgoing minutes were adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

June 25, 2013, Regular Meeting – The foregoing minutes will be presented for Board consideration when completed.

MEMORIALIZING RESOLUTIONS:

There were no pending resolutions. No action was taken.

HEARING AND DELIBERATIONS:

7-ELEVEN - FINDERNE AVENUE & EAST MAIN STREET

Block 315 Lots 4, 5 & 6

13-001-ZB Preliminary and Final Major Site Plan with D-variances & Major Subdivision

TIME: 120=10/2/13

Attorney Jason R. Tuvel was present to represent the Applicant. Sworn testimony was presented by Professional Engineer Robert Freund.

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

- A-1 7/16/13** Colored Rendering of Existing Conditions Plan
- A-2 7/16/13** Aerial Photo w/superimposed copy of proposed Site Plan
- A-3 7/16/13** Colored Rendering of Overall Site Plan, last revised 6/27/13
- A-4 7/16/13** Colored Rendering of Lot 4.01
- A-5 7/16/13** 3D Colored Rendering of 7-Eleven building

Attorney Tuvel summarized the application stating that the property is located in the C-1, Neighborhood Business zone and it has frontage on two County roads. To the north is the location of the former automotive use with little to no landscaping, which is currently vacant. To the south are the former Meineke and Check Cashing businesses which are currently vacant. The property is comprised of three undersized lots which the Applicant is proposing to consolidate and subdivide the tract into two lots bringing the tract into further conformity. To the north, the existing building will be demolished and replaced with a 3,000-sf convenience store where zoning requirements for parking, setbacks and f.a.r. will be met. To the south, the Meineke building will remain as it exists today. Enhanced landscaping and improved parking will provide significant upgrades to the site. The two lots will act together via a cross-access easement and the curb cuts will be cleaned up. The convenience store architecture includes awnings and aesthetically pleasing building materials. In addition, a traffic analysis has been prepared and testimony will be provided during the hearing.

Site Engineer Freund discussed the existing conditions and he referenced exhibits A-1 and A-2. The existing site is almost entirely covered in impervious surfaces with very little green areas. There are several driveways on E. Main Street and Finderne Avenue. Existing Lots 4 & 5 forms the corner at the intersection. Engineer Freund listed the non-conformities for each of the existing lots.

Engineer Freund discussed the proposed site plan and he referenced exhibit A-3. Lots 4 & 5 will be merged to create Lot 4.01 for 7-Eleven. Lot 6.01 will be created from the remainder of Lot 6. Lot 6.01 will have access from E. Main Street via a proposed access easement on Lot 4.01. The two existing driveways on E. Main Street will be reduced to one. The existing three driveways on Finderne will be reduced to two. He referenced exhibit A-4 and discussed the 'saw tooth' at

the rear property line of Lot 4.01 stating that it is required for the trash enclosure in the rear of the 7-Eleven. Lot 4.01 will be 22,236-sf which is less than required but will be more conforming than what exists today. Lot 6.01 will be 23,785-sf with a minor deduction in lot area, but the lot width complies.

Engineer Freund discussed the proposed parking for Lot 4.01, where 12-parking stalls are required and 18-stalls are proposed in addition to an ADA parking spot. One ADA parking space is proposed at the corner of the building closest to the entrance. Lot 6.01 requires 16-parking stalls where 21-spaces are proposed. All parking spaces for both sites will be at a 90-degree angle as required. The westerly driveway for Lot 4.01 is 20-ft wide and will be 5-feet from the property line where 10-feet is required; however, it does meet the required separation between McCarthy's driveway. There is no separation between the driveways on Finderne between Lots 6.01 and 4.01. A bicycle rack is proposed at the west end of the parking lot. A crosswalk is proposed from the E. Main Street sidewalk to the front door of the 7-Eleven next to the ADA parking space. Trash removal will occur as needed and may be at least twice per week. All deliveries are made during off-peak hours through the front door, as a loading dock is not needed for this size store. Tractor trailers will remain onsite for 30-35 minutes, once or twice each week at the most. Box trucks are utilized for daily deliveries of fresh food including fruit and already prepared sandwiches. A fire truck can fit through the site with the proposed oversized 28-foot wide drive isles. The rooftop water runoff will be piped to go underground to the County system in the road. There is a 20% reduction in surface runoff. Stormwater runoff is not required for under 5,000-sf of disturbance.

Engineer Freund discussed the proposed landscaping which will total 182 plants as shown in the plans. A waiver is requested from putting in foundation plantings at the storefront due to the proposed 6.5-ft wide sidewalks; however, foundation plantings are proposed at the rear of the building. A juniper hedge row for screening to hide the vehicle headlights and street trees are proposed. Technically, McCarthy's is located in the R-10 zone and a buffer is required; however, a waiver is requested and a white PVC fence is proposed.

Engineer Freund discussed the proposed site lighting which includes LED lights, three double pole mounted and building mounted walpaks. Two waivers are being requested: 1) illumination at the property line is nine foot candles between Lots 4.01 and 6.01 at the access driveway where one foot candle is required and 2) 3.06 foot candles is proposed at the property line in the parking lot where 1.5-ft candles is required.

Engineer Freund referenced exhibit A-5 and discussed the architectural features of the proposed 7-Eleven which includes green awnings over the windows, gooseneck lighting, and architectural pleasing parapet at the store front which requires a waiver as it will exceed the required 3-ft maximum. The HVAC units on the rooftop will be screened by the parapets.

Engineer Freund discussed the proposed signage which includes three facade signs: (1) 7-Eleven logo 44.5-sf placed on the parapet above the roofline and (2) tri-color bands with 27.16-sf each. Two freestanding signs are proposed: (1) 25-sf sign with a height of 20-ft on E. Main Street

setback 5-ft where 25-ft is required and (1) 36.5-sf sign with a height of 25-ft on Finderne setback 10-ft where 25-ft is required. Variances are also requested for number of freestanding signs.

Engineer Freund discussed the existing signage on Lot 6.01 and he referred to exhibit A-3. The existing freestanding Meineke sign will remain. The Check Cashing freestanding sign will be removed and the sign will be added to the Meineke freestanding sign; thereby, reducing the number of existing freestanding signs on Lot 6.01. He discussed the existing conditions on Lot 6.01 stating that there are four bays for Meineke fronting on Finderne and existing board on board fence between residential properties to the south. A smaller green space in front of the Meineke and Check Cashing businesses defines the driveway and channelizes it as required by the County. Due to the subdivision proposed lot 6.01 will have a slight increase in f.a.r.

Engineer Freund reviewed the reports of the Board Engineer dated 7/15/13, Board Planner dated 7/11/13, Sewer Utility report dated 7/10/13, Fire Official's reports dated 7/10/13, and Department of Human Services report dated 7/12/13 and agreed to comply with the outstanding issues.

The Board discussed numerous concerns including the lack of landscaping proposed on Lot 6.01, in and out maneuvers for 7-Eleven from E. Main Street, the two driveways proposed on Finderne, lack of proposed site improvements for Lot 6.01 although Applicant is seeking Site Plan approval for Lot 6.01, 'saw tooth' property line for 7-Eleven and maneuverability of garbage removal, the number of proposed parking spaces should be reduced to the minimum required in order to make those spaces green instead, the intensity of the proposed lighting exceeds the ordinance requirements, and the front entry parapet height is proposed at 5.75-ft where 3-ft maximum is allowed.

Testimony was provided that the store would be open 24 hours a day, 7 days a week.

Chairman Vornehm opened the hearing to the public at 10:05 pm.

Michael Farnham, 36 Finderne Avenue, addressed concerns regarding the proposed ATM inside of the store, the 24/7 hours of operation, and timing of deliveries.

Virginia Schrum, 126 Morgan Place, requested one freestanding sign at the intersection of E. Main and Finderne with two smaller signs placed at the driveways.

Due to the late hour of the 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:

Board Attorney Vastola stated that the Township Engineering Department recommended the Board seek the services of a traffic engineer, specifically TRC Engineering, for review and report of an upcoming application for Hampton Inn. Attorney Vastola did not see a need for a written resolution.

Motion by Mr. Schulz, second by Mr. Schapiro, the Board appointed TRC Engineering as discussed which carried on the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly

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