

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Regular Meeting  
Tuesday, July 26, 2011  
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:50 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 – <b>absent</b>
Filipe Pedroso – present	Jim Scott – <b>absent</b>
Paul Riga – present	William Vornehm, Chairman – present
Lee Schapiro – <b>absent</b>	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – present (arrived 7:55 pm)

Others present: Attorney John Sullivan, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

The July 5, 2011 Regular Meeting minutes, July 12, 2011 Special Meeting minutes, and the July 19, 2011 Regular Meeting minutes will be presented for Board consideration when they are complete.

MEMORIALIZING RESOLUTIONS:

PETRYNA – 1391 Washington Valley Rd.  
Block 904 Lot 38  
#13-11-ZB, D-Variance & C-Variance (addition)  
DECISION: Approved w/conditions 7/19/11

Motion by Mrs. Amin, second by Mr. Sweeney, the foregoing resolution memorializing the approval with conditions on 7/19/11 was adopted as amended on the following roll call vote:

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

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PRITCHARD – 266 Nagle St., Bound Brook  
Block 377 Lot 16  
#14-11-ZB, Bulk Variances & d-variance for height (garage and storage)  
DECISION: Approved w/conditions 7/19/11

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval with conditions on 7/19/11 was adopted as amended on the following roll call vote:

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

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Board Members Carl Schulz arrived at approximately 7:55 pm and took a seat at the dais.  
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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 of Fisk Associates; Ed DeStephano, Applicant/Owner; and Carl Zimmerman, PP.

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

**A-6 7/26/11** Cross section of proposed solar array  
**A-7 7/26/11** Photo Board: frontage on Vista Road  
**A-8 7/26/11** Photo Board: Route 28 view of subject property  
**A-9 7/26/11** Photo of existing landscaping at rear of subject property abutting residential property

Attorney Linnus stated that he provided new notice due to the substantial changes made to the application and plans. He summarized some of the changes including: reduced size of proposed array, reduced height of proposed array, addition of board on board fence, relocation of the compressors, increased proposed parking spaces, added new patron side entrance from parking area, increased proposed landscaping and proposing a new trash enclosure.

He further stated that a d-variance is required for the ground mounted solar array, which is not allowed in the C-4 Lodging zone, and it is an inherently beneficial use. Several c-variances are being requested and another d-variance for expansion of a pre-existing non-conforming use.

Engineer Robert Gazzale discussed the details of the proposed changes to the site plan. He stated: there is an increase in the amount of existing pavement to be removed; the Applicant reduced the solar array from 190'x52' to 153'x43'; the height of array was reduced from 18-ft to 7-ft; the plan removed existing freezer and cooler, which are independent structures on the property, and attached them to the principal building; there was removal of two compressors on the side of the building; there was removal of existing parking and wheel stops along Route 28 and Vista Road; the Applicant will install formal parking along Vista Road in the existing stone area; removal of a small stone area leading from Vista Road into the site; modifying the entrance by installing a side door for the new parking area; installation of landscaping along the northerly portion of the site, increasing it from what was previously submitted; construction of a new trash enclosure; thirteen onsite parking spaces (previously nine requested); and 45-degree angle parking with one-way isle entrance on Vista Road with exit at end of isle to Vista Road.

Engineer Gazzale described exhibit A-6 stating that the height maximum will be 6'10" of the proposed array and the footprint has been reduced by 3,300 square feet with 10-inverters to be mounted to the supports. The trees along the residential properties will remain. The parking along Vista Road will be fully paved and striped. He reviewed the reports of the Township Engineer dated 7/21/11 and Board Planner dated 7/18/11 and agreed to comply with outstanding issues. He stated that a lighting study has not been done but the existing light on the one pole is sufficient for the site. There will not be any interconnection from the proposed freezer to the meat market. There is no curbing proposed on Route 28 and he stated that he believes the existing site triangle pre-dates the existing traffic signal. He further testified that the roof mount panels will not exceed 12-inches in height as they will be flat on the roof and he will comply with the setback from the edge of the roof as required by the Fire Official. There are roof mounted solar panels that are not part of this application. Attorney Linnus requested a temporary certificate of occupancy until the force main and all proposed phases are accomplished.

Planner Zimmerman stated that retail is not a permitted use in the C-4 Lodging zone and that the meat market is a pre-existing non-conforming use. Solar is being proposed as it will save substantial money on the electric bill. In addition, the proposed site plan application is upgrading the property.

Planner Zimmerman stated that there is no adjacent land available for purchase. He reviewed exhibit A-7 and stated that the view is prominent of the two buildings to be removed at the rear of the meat market. He discussed exhibit A-8 and stated that an 83-square foot building expansion is proposed and the Applicant will be hooking up to public water and sewer in addition to installing landscape improvements.

Planner Zimmerman stated that the d(1)-variance for the ground mounted solar is an inherently beneficial use in the MLUL. He further discussed the SICA criteria stating that the reduction of energy usage is in the public interest and there are no detriments as it will not be visible to the neighbors or public. He referenced exhibit A-9 and stated that a board on board fence is proposed to screen the solar array. There is no substantial detriment as the proposed height has been reduced to a 7-foot maximum. He stated that the d(1)-variance for solar meets the SICA criteria.

Planner Zimmerman discussed the bulk variances being requested including accessory side yard setback of 20-feet required, whereas 10-feet is proposed due to the narrowness of the property and parking in the front yard on Vista Road which has been reduced from parking in two front yards (Route 28 parking eliminated). A waiver is being requested for the requirement that 5% of the parking area is to be landscaped. A planter is to be placed in front of the existing fence and he agreed to coordinate with the Board Planner recommendations as to the preferred plantings. He stated that there is a depressed curb on Vista Road; however, there is a curb toward the end of the parking area that has a storm water drain and he stated that it will be striped so cars do not drive over it and off the curb.

Applicant/Owner DeStaphano stated that he is concerned with the site triangle, water and gas lines, and overhead wires with regard to Planner Doyle's request for one street tree, which is required by ordinance. He stated that there is an existing norway spruce that should satisfy that part of the ordinance.

Attorney Linnus summarized the application and urged the Board to vote in favor of the application. In addition, he requested that no developer's agreement be required.

The Board deliberated and discussed several conditions including:

- Comply with the Township Engineer's report dated 7/21/11
- Applicant to stripe the parking lot and curb with the storm water drain
- Applicant to meet with the Fire Sub-Code Official regarding the solar panels on the roof
- Board Planner to approve the plantings to go into the planters
- No development agreement is required
- Applicant to work with the Board Planner regarding the required street tree
- No permit certificate of occupancy to be issued until the septic is abandoned connection to public sewer is installed
- Applicant to provide lighting study to determine if another light pole is needed, which will be reviews and approved by the Township Engineer

Motion by Mr. Sweeney, second by Mrs. Amin, the Board approved the d-variances on the following roll call vote:

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

Motion by Mr. Schulz, second by Mr. Sweeney, the Board approved the site plan with bulk variances with conditions as discussed on the following roll call vote:

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

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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 Robert Foley was present to represent the applicant. He requested the Board to carry the application to 9/27/11 with no further notice required and asked to be first on the agenda.

Chairman Vornehm carried the hearing to 9/27/11 at 7:30 pm in the Municipal Courtroom with no further notice and stated that the application would be first on the agenda.

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 9:45 pm.

Respectfully submitted,  
Marie L. Broughman,  
Land Use Administrator

**ADOPTED: 8/16/11**