

**BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Tuesday, January 31, 2012  
—MINUTES—**

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:40 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, 2012 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:

William Vornehm, Chairman – present	Lee Schapiro – <b>absent</b>
Don Sweeney, Vice-Chairman – present	Pushpavati Amin, Alt. #1 – present
Jim Scott – <b>absent</b>	Evans Humenick, Alt. #2 – present
Jay Rosen – present	Carl Schulz, Alt. #3 – present
Paul Riga – present	Michael Kirsh Alt. #4 – present

Others present: Lawrence A. Vastola, Board Attorney, Scarlett Doyle, P.P. Board Planner, Danielle A. Britton, Planning Division Secretary,

MINUTES FOR APPROVAL:

The December 20, 2011 - Regular Meeting Minutes were deferred until the next meeting.  
January 17, 2012 - Reorganization & Regular Meeting Minutes were deferred until the next meeting.

MEMORIALIZING RESOLUTIONS:

**SOUTH BRANCH INVESTMENT  
78 Hillcrest Road; Block 815, Lot 27  
#22-11-ZB, Bulk Variance Application  
120: 2/11/2012  
(Build new dwelling on vacant land)**

The Resolution was moved for adoption by Mr. Sweeny, seconded by Ms. Amin and was adopted, as amended, by the following eligible voting members:

D. Sweeney - yes  
L. Schapiro - absent  
P. Amin - yes  
E. Humenick -yes  
C. Schulz - yes  
Chairman Vornehm – yes

**BASIL FIGLIANO**  
**83 Pine Street; Block 144, Lot 5**  
**#27-11-ZB, Bulk Variance Application**  
**120: 3/20/2012**  
**(Addition and renovations)**

The Resolution was moved for adoption, as written, by Ms. Amin, seconded by Mr. Sweeny, by the following eligible voting members:

D. Sweeney – yes  
J. Rosen – yes  
J. Scott – yes  
P. Riga – yes  
Chairman Vornehm – yes

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HEARING AND DELIBERATIONS:

**ROYAL LEASING INC.**  
**Route 22 East-Chimney Rock Road; Block 356, Lot 2.02**  
**#34-11-ZB, Preliminary and Final Site Plan w/ Variances**  
**120: 4/19/2012**  
**(addition to building, canopy, and free standing sign)**

Attorney Edward J. Johnson, Jr., Esq. represented the applicant Royal Leasing, Inc. Mr. Glen Staropoli, President of Royal Chevrolet and Royal Leasing, Inc. was sworn-in as the first witness. Mr. Staropoli explained that General Motors has an EB image improvement policy and goals for better visibility. The canopy is needed because GM wants a roof-enclosed new car delivery center. These will be accomplished by a modification of the building façade and the installation of a small canopy outside the building. He also noted that the hours of operation will not change from its current hours. In reviewing the comments and questions raised in the Planner's Report, he responded that there will be no outdoor displays such as rock piles, etc. for the site. The proposed sign will have less square footage than which currently exists. There will be no advertising on the vehicles which can be seen and marketed from the highway. The dealership is only on one circuit. There currently is an agreement with a cross-easement with the abutting Lexus Dealership. The additional cross easement that was granted to the abutting property to the west will remove seven (7) parking stalls. The owner testified that the proposed access will facilitate the Lexus dealership and he does not need seven (7) storage spaces.

Planner/Engineer, Mitchel Ardman, PE, PP from the Reynolds Group, Inc. was sworn-in as the next witness and was accepted as an expert in the industry of Engineering and Planning. Mr. Ardman described the site location and customer parking spaces, proposed canopy area, building

and entrance addition and other areas of small upgrades. He noted the green area along the right-of-way which was the subject of a Department of Transportation (DOT) taking; meaning that some of the setbacks have been affected by this taking.

He marked the following exhibit into record:

Exhibit A-1 – Colored site plan sheet SP-1 dated 12/19/11.

Mr. Ardman described the seven improvements that were identified on S. Doyle's letter dated January 7, 2012. The main reason for the variance was due to the insufficient size of the lot and the DOT taking of 0.35 acres along the frontage of the highway. The existing use is a permitted conditional use. The landscaping did not conform to the current ordinance. S. Doyle recommended a waiver on the landscaping requirement due to the small nature of the proposed improvements. Mr. Ardman noted that street trees would not be visible as street amenities due to the DOT taking, because the trees would not be installed along the right-of-way. Mr. Ardman discussed the township Master Plan, noting that the use was grandfathered. Mr. Ardman stated that three (3) signs would be removed and four (4) signs would be installed. There would be a 67 sq.ft. reduction in overall signage from the existing. The freestanding sign of 67 sq. ft. and 127 sq. ft. are proposed which is 27 sq. ft. over the permitted area. The height of the sign will be 26 ft., whereas 25 ft. is permitted in the zone. The proposed setback is 2 ft. inside the lot (due to the DOT taking). The signs would be LEED lit and will not be a cabinet sign.

Mr. Ardman discussed the history of the site. The site has historically been used for automobile dealerships. He noted that the proposed improvements are minor and the intent and purpose of the zoning district would not be impaired.

D. Sweeney asked about signage, referencing S. Doyle's chart in her letter on Page 4, noting that other dealerships could conform to the free standing signage. He asked why the applicant could not conform. Mr. Ardman stated that the rationale for this is due to the DOT taking. Mr. Staropoli agreed to reduce the sign area to 100 sq.ft.

C. Schulz asked what the impact would be as a result of the DOT taking. Mr. Ardman described that the dealership could continue to function, but widening of the road may occur. There would be no significant change in access onto the site.

Mr. Vastola asked what one would notice once the changes were made. Mr. Ardman responded that the facade and freestanding signs would be the only noticeable change to this site. The municipal engineering report was reviewed and the applicant discussed each item and agreed to the recommendations in this report.

Michael Melillo was sworn-in and testified that he was a licensed architect in the State of New Jersey. The Board accepted Mr. Melillo as an expert in the industry of Architecture. Mr. Melillo described the changes to the façade and signage. The face of the building would be a composite aluminum with a membrane roof with an aluminum ceiling system. The entire front façade and windows would be changed. The color of the façade is a light grey tone. It will not be "shiny".

Exhibit A-2 Colored rendering of the front of the dealership, his plan sheet CS 1/1

Exhibit A-3 Colored Chevrolet Pylon Sign  
Exhibit A-4 Photograph of the existing free standing sign.

The Board reviewed the application noting that the freestanding sign would be reduced to 100 sq. ft.

Chairman Vornehm opened the meeting to the public for questions or comments, but there was no public comment. Public Comment portion was closed

The Board deliberated. Motion was made by Mr. Sweeney, and seconded by Mrs. Amin that variances were modified and the preliminary and final site plan application is approved on the following vote:

William Vornehm – Chairman - yes  
Don Sweeney-Vice Chairman -yes  
Paul Riga –yes  
J. Scott- absent  
Lee Shapiro- absent  
Jay Rosen -yes  
Puspavati Amin –Alternate #1 -yes  
Evans Humenick-Alternate #2 -yes  
Carl Schulz- Alternate #3 -yes  
Michael Kirsh -Alternate #4 – Not Eligible

**FIRST HARTFORD REALTY/ CVS**  
**Finderne & Union Avenue; Block 252, Lot 1**  
**#18-11-ZB, Preliminary and Final Site Plan w/ Variances**  
**120: 4/19/2012**  
**(Construct on vacant lot 14,600 sq. ft. commercial site)**

Attorney Tom Malman, Esq. represented First Hartford Realty/ CVS and described the property and variances being sought.

Mr. David Caruso, from Vanasse Hangen Brustlin, Inc., was sworn-in as the first witness. Mr. Caruso gave testimony to his credentials, and the board accepted the credentials as an expert in the industry of Professional Engineering.

He marked the following exhibit into record:

Exhibit A-1 – Aerial photo of surrounding area of vacant lot 1, taken in 2010.

Mr. Caruso described the aerial and the lot in that neighborhood context. An Alta Survey was presented and discussed which showed that the slope is from the south to the north. The height differential is approximately 19 feet from south to north. There is a 20' wide sanitary sewer easement and a proposed 3' wide county dedication along Finderne Avenue. All calculations are based on post-dedication. There IMAP mapped wetlands to the south and west of the property.

However, Princeton Hydro went onto the site to investigate and did not find evidenced of wetlands. There has been an application submitted to the NJDEP for a wetlands absence/presence letter, but the results of this have not yet been received.

On question by the Chairman, Mr. Caruso described the location and extent of the steep slopes on the property which has a 10 drop along the southerly property line.

Exhibit A-2 – Colorized version of Sheet C-3R – of the site plan sheet.

Mr. Caruso described the site plan, which showed building elevation, dual lane driveway, parking fields of 67 spaces, and green areas. There was one-way access of 25 ft. in width from Union Avenue. The south elevation was the operational side of the site. Landscaping would ring around the building. Also, there was access from Finderne Ave. Both accesses from Union Avenue and Finderne Avenue were shown to be unrestricted. Testimony was given that the DOT desired a “right-in” and “right-out” access only. Somerset County would be working with the state because the four lane traffic on Finderne Avenue would be complicated if the state does not permit unrestricted access. If the state does not change, the county will allow full access in and out of the site. However, location of the access would not change. Mr. Caruso noted that he is not a traffic engineer, but he explained the rationale for the left turn movement from the proposed CVS. Mr. Caruso suggested that if there is no DOT / County conclusion on this issue, the applicant may be hindered from developing this site.

Mr. Caruso described the need for a design waiver for the entrance of a 6% grade whereas a 5% grade is the maximum per ordinance. Overland drainage from the abutting properties will be addressed in their storm water management system. The buffer toward the ARC property is 50 feet and complies with ordinance requirement(s). The Finderne Avenue side required relief from the proposed 32’ width which is in keeping with other buildings to the east, whereas 50 feet is required for parking setback. Lighting is by perimeter lights, facing the parking lot. There are no perimeters lights along the ARC lot only cornice lighting are proposed along with lighting that would not intrude onto the ARC property.

Attorney Malman planned to conform to all of the issues of S. Doyle’s report with the exception of 6, 7, 8, 14, 17, 18,-24, 30, 32, 34. Further discussion was needed.

The 1/26/12 Engineering report will be complied with, except for possible changes recommended by the geotechnical engineer.

The applicant was not aware of the specific issue regarding the need for the monitoring well, but would work with the Health Department. The landscaping would be shifted to not interfere with sight triangles, or the landscaping within the site triangle would be kept at a height of 30 ft. or less.

Chairman Vornehm opened the meeting to the public for questions of the engineer:

Virginia Schrum 126 Morgan Place inquired of the location of the dumpster and the applicant indicated that the dumpster construct materials will be changed to comply with the ordinance.

Public Comment portion was closed.

Attorney Malman called his next witness, Mr. Robert Gehr, RA/AIA, of LDG and was sworn-in. He supplied his credentials and was accepted as an expert in the industry of Architecture. Mr. Gehr presented the building layout on 11/17/11/ Sheet 01-Outline Floor Plan of the building, which was part of the submission set.

Sheet A-4/1 Exterior Elevations were also apart of the submission set. He discussed materials and color. The Union Ave side would have a stone base water table, with brick for the remainder of the building. Pilasters were added for building relief. In addition solid brick courses were added. The windows were more traditional with an arch at the top of each window to compliment the arch at the entry. He added a stucco band at the top is added for interest. The parapet is to be 2 ft. high facing the Finnerne side and raised to a 4 ft. high parapet on the other side. The parapet is 6 ft. at the entrance. The idea of a parapet is to screen the rooftop HVAC units. The ordinance required 3 ft. height, which would be considered.

On question by Ms. Amin regarding the parapet height, the architect noted that the computations of parapet height will be re-checked. The height of the building is correct on the plans.

On question by Mr. Humenick, there was no curb, but wheel stops are proposed to protect the building and pedestrians. The parapet height was discussed.

Gary Lorio, Director of Real Estate for CVS was sworn-in to testify. Mr. Lorio described the WB-60 vehicle which would deliver once per week. The box trucks are not regulated for deliveries. Proposed hours of operation are 7 am-10 pm, and currently would stay fixed to seven days per week. The drive through feature was added as a convenient to the shoppers, and is only about one vehicle per hour. There would be two (2) drive-through windows. There would be typically 25-40 employees with 8-12 employees per shift. CVS proposed a need for parking 65-75 cars onsite. He was not certain if there would be an ATM, but if there were an ATM, it would be inside. Proposed are shopping carts. These are smaller carts than the size of grocery shopping carts and they would not be taken out of the store. Mr. Riga asked if CVS is seeking 24 hours service. The answer was no.

E. Humenick asked about a Minute Clinic. Mr. Lorio indicated that a Minute Clinic may be desired, and Mr. Vastola indicated that this would require a return to the Board if a Minute Clinic were proposed.

M. Kirsh noted there is another location next to the Dunkin Donuts which might be available. Mr. Lorio stated that this selected site was the best location for the needs of the CVS. He suggested that the Milltown Road CVS store is slightly smaller than what this site has proposed.

The Chairman opened the meeting to the public for comments or questions:

Virginia Schrum 126 Morgan Place asked about the business hours. Mr. Lorio questioned if employees would arrive to work earlier than the hours of operation proposed. The applicant indicated that all lighting will be extinguished by 10:30 pm.

Public Comment portion was closed.

Mr. Robert Oelenschlager of National Sign Services in Magnolia NJ was sworn-in as the next witness to discuss the proposed signage. Mr. Oelenschlager described each of the proposed signs and discussed the variances which were being sought.

In discussing the sign setback, it was agreed that Finderne Ave. sign would be set back to conform but there was no way to set back the other signs to conform.

D. Sweeney suggested that the sign be removed. The applicant agreed to remove the sign. The electronic sign text could change every 3 minutes but they ask that the text be limited to every 15 minutes. After 30-45 minutes after the store closes the sign and exterior lights will automatically closed down.

Chairman Vornehm suggested that other signs on Union and Finderne be eliminated. Applicant agreed to reduce the building façade signage to 100 sq. ft. for each of the two CVS/Pharmacy signs.

Attorney Vastola asked for justification of the need for these signs and an electronic message board. Mr. Oelenschlager testified that two signs of 25 feet in height were reasonable.

Being that no new testimony was taken after 10:30 p.m., the application has been carried to a second hearing date of March 20, 2012. The public was notified at this meeting of the carried date, and new notice is not required.

**MEETING OPEN TO THE PUBLIC:**

The Chairman noted: Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time. There were none

**OTHER BOARD BUSINESS:**

There was none.

**ADJOURNMENT:**

The meeting was adjourned at approximately 10:45p.m.

Respectfully submitted,  
Danielle A. Britton  
Planning Division Secretary