

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, March 20, 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 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 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:

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

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

The December 20, 2011 - Regular Meeting; January 17, 2012 - Reorganization & Regular Meeting; February 28, 2012- Regular Meeting; March 6, 2012- Regular Meeting minutes were adopted as amended by those eligible Board Members present.

February 21, 2012- Regular Meeting minutes will be presented for Board consideration when completed by the secretary to the Planning Office.

MEMORIALIZING RESOLUTIONS:

HIGGINS - 157 CANDLEWICK LANE
Block 444, Lot 25
#26-11-ZB; Bulk Variances (ground mounted solar arrays)
DECISION: APPROVED 2/28/2012

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval with conditions on 2/28/12 was adopted as presented on the following roll call vote:

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

ABSENT: Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Humenick

DILEEP - 17 JENNA DRIVE

Block 179, Lot 15

#32-11-ZB; Simple Variance (sunroom deck addition)

DECISION: APPROVED - 2/28/2012

Motion by Mr. Schulz, second by Mrs. Amin, the foregoing resolution memorializing the approval on 2/28/12 was adopted as presented on the following roll call vote:

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

ABSENT: Mr. Schapiro, Mr. Rosen, Mr. Scott, Mr. Riga, Mr. Humenick

BRIDGEWATER PROFESSIONAL GROUP - 2003 WASHINGTON VALLEY ROAD

Block 907, Lot 40.01

67-06-ZB; Amendment to conditions of site plan approval (parking for medical/dental use)

TIME: 120 = 6/5/2012

DECISION: APPROVED – 3/6/2012

Eligible to vote: Sweeney, Rosen, Scott, Riga, Vornehm, Amin, Humenick

The foregoing resolution will be presented for Board consideration at the next meeting. No action was taken.

MR. OGIBA - 88 ADAMSVILLE ROAD

Block 238, Lot 1

31-11-ZB; Simple Variance (demo garage/construct 4-car attached garage addition)

TIME: 120 = 6/5/2012

DECISION: APPROVED – 3/6/2012

Eligible to vote: Sweeney, Rosen, Scott, Riga, Vornehm, Amin, Humenick

The foregoing resolution will be presented for Board consideration at the next meeting. No action was taken.

HEARING AND DELIBERATIONS:

FIRST HARTFORD REALTY/ CVS - Finderne & Union Avenue

Block 252, Lot 1

#18-11-ZB, Preliminary and Final Site Plan w/ Variances (construct 14,600 sf bldg/vacant lot)

TIME: 120= 4/19/2012

Attorney Thomas Malman was present to represent the Applicant. This hearing has been continued from 1/31/12. Sworn testimony was presented by Professional Engineer David Caruso, Robert Oelenschlager of National Sign Services, Professional Planner Michael Tobia and Traffic Engineer David Caruso.

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

- A-5** **3/20/12** Sheet C3R, Colored rendering of Site Plan
- A-6** **3/20/12** Colored Rendering of Wall Signs & Elevations
- A-7** **3/20/12** Ground Signs

Engineer Caruso summarized the application stating that the property is 2.75 acres and that a 14,600 sf building is proposed. He discussed the changes made to the plan with a curb cut on Route 28 for traveling east only. The other entrance has full access on Finderne Avenue. If the NJDOT approved the full access on Route 28, then Finderne will be a right in, right out only. There will be a sign on the drive thru canopy. The light pole has been reduced to 16-ft high with two fixtures on each pole with the same illumination levels and the landscaping has been revised.

Engineer Caruso reviewed Planner Doyle's report dated 3/14/12 and agreed to comply; however, a waiver has been requested for foundation plantings as CVS requires a 10-ft wide sidewalk width for their customers. The loading area remains unchanged. Shade trees have been added along the perimeter and islands where possible. The lighting fixtures requested by the Board Planner will be put in. The wall pack lights proposed by the vertical compactor were discussed including the brightness. Engineer Caruso agreed to comply with alternate lighting to be approved by the Board Planner. Curb stops will be placed in parking spaces along the building sidewalk perimeter. There will not be a raised step-up sidewalk as required by CVS which is safer for the customers. The sidewalks on Finderne will be ADA compliant.

Engineer Caruso reviewed the report of the Township Engineer dated 3/6/12 and agreed to comply with the outstanding issues. He discussed the traffic and circulation stating that the drive through can handle 5-stacked cars with the availability of the bypass lane. It is a dual lane drive thru. If there is an ATM it will be located inside, not outside. He discussed the steep slope calculations, noting that 25% improved lot coverage is permitted in the zone, where 22.6% is permitted after steep slopes calculations have been applied.

Robert Oelenschlager of National Sign Services referenced exhibit A-6 and discussed the proposed wall signs. He stated that the front of the building façade is 104.36 square feet and that the left side is 100.3 square feet. The proposed letters are 36" high and the combined square footage is 101.86. The signage total is 104.3 square feet including the sign with the store hours and 101.86 without the store hours sign. The ground mounted signs have been changed to include a pylon sign on Route 28 at a height of 15-feet with 78.35 square feet of signage on each side with a setback of 5.5-feet from the right of way, which requires a variance.

Sign Specialist Oelenschlager referenced exhibit A-7, Ground Signs. He stated that the monument sign on Finderne remains the same, but has been moved to the required setback of 25-feet from the

right of way. The electronic billboard remains as originally proposed. Board Planner Doyle stated that the sign area includes the entire framed area, not just the letters.

Professional Planner Michael Tobia summarized the application stating that both d-variances and c-variances are being requested. The following variances are being requested:

<u>Bulk Variances:</u>	<u>Required:</u>	<u>Proposed:</u>
Improved Lot Coverage	25%	49.1%
Parking Buffer, exhibit A-5	50-ft front Yard setback	32-ft from Finderne
Free Standing Sign (Finderne)	30-ft	3.8-ft
Sign Wall	100-sf	204.79 with store hours
# of Ground Signs	One	Two (pylon & monument)

<u>D-Variance:</u>		
Use	R-20 Zone	Pharmacy

Planner Tobia stated that the retail/pharmacy is not a permitted use in the R-20 zone and requires a d(1) variance. Particular suitability includes arterial roadways, corner lot, heavily traveled roadways, and C-1 zone is next to the property in question moving east retail/pharmacy is a permitted use in the C-1 Neighborhood Business zone.

Lot coverage of 25% is the standard in the R-20 Single-Family Residential zone; however, the C-1 zone permits 50%, which is consistent with the area. It is impossible to meet the 50-ft setback required if the site is to be adequately parked. The 50-ft buffer is met along the Somerset ARC residential use; however, other commercial properties don't provide the 50-ft setback from Finderne. Board Attorney Vastola stated that the 50-ft setback should be decided on the standard needed because of the d(1) variance. The R-20 standards are not applicable to this site. Planner Tobia stated that the C-1 Neighborhood Business zone is a good comparison.

The pylon sign includes the archway too, stated Board Planner Doyle as previously decided by the Board on another case. Chairman Vornehm stated that he doesn't remember that case or that discussion; however, agreed that what is seen at any one time, one side, is equal to the maximum size permitted by ordinance. Planner Tobia stated that the signs match the architecture of the building arch, which is over the windows and entrance to the building. The pylon sign is 180.4-sf and the monument sign is 34.7-sf. Architectural enhanced features have been added to the signs to match the building. Chairman Vornehm requested two monument signs and no pylon sign. Planner Tobia stated that the 3.8' setback is not hidden by the line of street trees at Somerset ARC and there is also a sewer easement which prohibits placement further back and concluded the benefits outweigh the detriments. The Applicant agreed to provide two monument signs and no pylon sign. The Route 28 monument sign will be larger than the Finderne sign. With regards to the electronic community bulletin board sign the changeable copy display applies to all signs in section 126-195F. Board Attorney Vastola stated that in the R-20 zone, the proposed signs are not permitted.

Planner Tobia stated that the variances requested are not a substantial detriment to the public good or zone plan. The pharmacy promotes the public good and the materials including brick, stone, stucco and architectural archways is appealing. The internally lit monument signs will be turned off by 10:45 pm with closing of the store at 10:00 pm.

Traffic Engineer Caruso stated that the Route 28 and Finderne Avenue intersection, Route 28 and the proposed Site Driveway, and Finderne Avenue and the proposed Site Driveway intersections were analyzed as part of the traffic study report dated November 2011.

Finderne Avenue will have full access which is a County road and the speed limit is 40-mph. Route 28 will have a right-in, right-out which is a State highway and the speed limit is also 40-mph. It is estimated that 30% of new site-generated traffic will access the site to/from the south via Finderne Avenue, 25% of new site-generated traffic will access the site to/from the north via Finderne Avenue, 20% to/from the west via route 28, and 25% to/from the east via Route 28. Capacity analyses were conducted for the route 28 and Finderne Avenue intersection as well as for the proposed site driveway intersections along these roadways. Based on the analyses, it is anticipated that the minimal increases in new site traffic will not significantly impact the local roadway network. Moreover, movements to and from the site are anticipated to operate safely and efficiently. Level of service is E with F being the worst and A being the best.

Board Attorney Vastola stated that the Board can hire their own traffic expert if they wish. Chairman Vornehm called for a motion, which did not carry and the Board did not choose to hire their own traffic expert.

Members of the public were present as follows:

Virginia Schrum, 126 Morgan Place, addressed concerns regarding trees not being planted around the northeast perimeter due to the detention basin. In addition she questioned the 5% slopes and was content that the 10-ft buffer on the westerly side would remain. Lastly, she requested the wall-pack lighting to be lowered to ensure no light is thrown onto the neighboring properties.

Ed Schrum, 126 Morgan Place, stated that the pharmacy is for the public good. He addressed concerns regarding the traffic study and questioned if the studies were done during the seasons of high water. Traffic Engineer Caruso stated that they had not been done seasonally.

Marie Hughes stated that the area is extremely busy from 4:00 pm through 7:30 pm.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to 5/1/12 at 7:30 pm with no further notice required. The Applicant granted an extension of time to act to the Board until 5/31/12.

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:

There was no other business discussed.

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/Board Clerk