

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, May 15, 2012
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:33 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:

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

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

MINUTES FOR APPROVAL:

March 20, 2012 Regular Meeting – Motion by Mr. Schulz, second by Mrs. Amin, the foregoing minutes were adopted as amended on the following roll call vote:

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

March 27, 2012 Regular Meeting – Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing minutes were adopted as presented on the following roll call vote:

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

April 3, 2012 Regular Meeting – Motion by Mrs. Amin, second by Mr. Sweeney, the foregoing minutes were adopted as presented on the following roll call vote:

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

April 17, 2012 Regular Meeting – Motion by Mrs. Amin, second b y Mr. Sweeney, the foregoing minutes were adopted as amended on the following roll call vote:

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

April 24, 2012 Regular Meeting – Motion by Mrs. Amin, second by Mr. Schulz, the foregoing minutes were adopted as amended on the following roll call vote:

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

May 1, 2012 Regular Meeting – Motion by Mr. Sweeney, second by Mrs. Amin, the forgoing minutes were adopted as presented on the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:

**MARTIFER SOLAR – 400 CROSSING BOULEVARD
BLOCK 552, LOT 4.02**

#30-11-ZB, Minor Site Plan with associated Variances (deck mounted solar arrays)

DECISION: APPROVED 5/1/12

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval on 5/1/12 was adopted as amended on the following roll call vote:

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

**LEXUS OF BRIDGEWATER – 1550 ROUTE 22 EAST
BLOCK 356, LOT 1 (ACCESS ROAD)**

#12-05-ZB, Amendment to Preliminary and Final Site Plan Approval

(enclose dock area-Building 1EB)

DECISION: APPROVED 5/1/12

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval on 5/1/12 was adopted as presented on the following roll call vote:

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

**LEXUS OF BRIDGEWATER – 1550 ROUTE 22 EAST
BLOCK 356, LOTS 2.02 & 3 (DOCK ENCLOSURE)
#12-04-ZB, Amendment to Preliminary and Final Site Plan Approval**

(construct interconnecting driveway)

DECISION: APPROVED 5/1/12

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval with conditions on 5/1/12 was adopted as presented on the following roll call vote:

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

HEARING AND DELIBERATIONS:

**SOMERSET ARC APARTMENTS – 436 UNION AVENUE
BLOCK 252, LOT 1.01**

#20-11-ZB, Amendment to Preliminary and Final Site Plan Approval & Use Variance
(community and laundry room addition, parking, and other related improvements)

TIME: 120=6/5/2012

Attorney Michael Ligorano was present to represent the Applicant. Sworn testimony was presented by Professional Engineer Stephen Parker and Professional Planner Elizabeth McKenzie.

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

A-1 5/15/12 Series of photos labeled A-H, with current issues shown in each photo

That the property is known as Lot 1.01 in Block 252 of the Tax Map, located at the intersection of the southerly side of Union Avenue and the easterly side of Clydesdale Street, an unimproved street, and commonly known as 436 Union Avenue.

The subject property consists of a tract of land having an area of 45,069.03 feet with frontage on Union Avenue of 156.87 feet. The property is fully improved with a 2 story frame building with a freestanding shed and trash enclosure. The property is used as a home for

individuals with intellectual and developmental disabilities. The building provides sixteen (16) apartments. Applicant proposes to add an addition to the rear of the building to be used solely as a laundry room and community room. The addition will add 637 square feet to the first floor increasing the total floor area of this two story building to 9,932 square feet. In addition the applicant proposes to increase parking from the existing 10 to 24 spaces. Thirteen stalls are proposed to be located along the easterly sideline of the property.

With respect to this application the Board is in receipt of the following: (a) a report from the Township Planner dated March 30, 2012; (b) a report from the Township Engineer dated March 1, 2012; (c) a report from the Fire Official dated February 24, 2012; (d) a report from the Construction Official dated April 9, 2012; (e) a report from Sewer Utility dated April 17, 2012 concluding no comment; (f) accompanying the application a plan entitled "Site Plan Tax Map Lot 1.01 Block 252 Township of Bridgewater Somerset County, NJ" prepared by Parker Engineering and Surveying, P.C. Somerville, NJ dated July 13, 2011 last revised January 3, 2012, and consisting of six (6) sheets; (g) accompanying the application floor plans and specifications for the ARC of Somerset prepared by Limn Architects, Somerville, NJ dated September 27, 2011 and consisting of five (5) sheets.

The proposal requires variances from impervious coverage, F.A.R., and distance of parking from property line. This use is not permitted in the R-20 Zone; therefore an expansion requires a use variance. The use as it currently exists was approved by the Board in 1985. The approved impervious coverage was 30.3%, the proposal will increase impervious coverage to 44.9%. F.A.R. was approved for .212 and proposed is .225. The parking area is proposed to be located 1.3 feet from the easterly side line, 10 feet is required.

In support of this application the Board heard the testimony of the project engineer and a professional planner. Given the fact that this proposal does not propose to increase the number of apartments, the Board was perplexed by the need for additional parking. In addressing this issue, the Planner testified that there are 7 full time employees in 3 shifts present at the site at all times. At shift change there are as many as 14 vehicles on premises. Photos introduced into evidence show vehicles parked on the lawn and other inappropriate places. There is a need for additional parking, although the Board is not satisfied that this need requires 24 spaces.

In addition to parking for staff and management there are 4 handicapped spaces in front of the building reserved for vans used to transport residents. Rather than have these vans parked in front of the building, which detracts from the residential character of the area, the applicant agreed to move the proposed 13 parking spaces along the easterly sideline to the easterly side of the building and use 4 of these spaces for the vans.

The proposed addition will be located at the rear of the building and increase FAR by .014, which given the location of the addition is insignificant. The Board accepts the testimony of the planner that this use is inherently beneficial. In applying the required balancing test the Board concludes that with conditions the weight is in favor of granting the requested variances. Also, with conditions the granting of the required variances and preliminary and

final site plan approval will not substantially impair the zone plan or land use ordinance or be a substantial detriment to the public welfare of the residents of the Township of Bridgewater.

The Board reviewed the reports of its professionals with the project engineer, and the applicant shall comply with comments of the Fire Official as well as the following comments in the Engineer's report: (a) The comment under the heading Survey; (b) Comment 2 under the heading Accessways and Parking addresses the distance of the parking area from the property line. Given the fact that the applicant is moving the stalls from the property line to the building there will be no overhang of vehicles so that the proposed distance of 1.3 feet is acceptable; (c) Under the heading Accessways and Parking, comments 3, 4 and 5; and (d) Under the heading Stormwater Management comments 3 and 4. With respect to the Planner's report, comments 6, 7, 9, 11 and 12.

The photos submitted into evidence show that portions of the lawn have been damaged. The applicant agreed to repair these areas. The issue of trash pickup was discussed. The applicant agreed that as a condition of approval there will be trash pick-up once a week.

The applicant proposes a total of 24 parking spaces. After giving the matter due consideration, the Board concludes that 20 spaces are adequate. If, however, in the future the applicant demonstrates to the satisfaction of the Township Planner that the 4 additional spaces are required for the site, then the same shall be permitted.

The Board deliberated and discussed several conditions including:

- No Developer's Agreement shall be required.
- The number of parking spaces permitted shall be 20 and the parking stalls for new parking area shall be along the easterly side of the building and not the easterly sideline of the property. The 4 existing van spaces shall be relocated to the new parking area. Applicant shall amend the site plan showing the aforesaid modifications, which amendment shall be approved by the Township Planner and Township Engineer.
- If in the future the applicant shall require up to 4 additional spaces, the Township Planner shall be so advised. If the Township Planner confirms the need for the additional spaces, then they shall be permitted. In such event the site plan shall be amended to show up to 4 additional spaces, which amendment shall be approved by the Township Engineer.
- The applicant acknowledges that the existing dumpster is not adequate for its needs and that its size shall be increased and that it shall be relocated to the southeasterly part of the property. The size and placement of the dumpster shall be shown on the site plan and shall be approved by the Township Planner and Township Engineer.
- Applicant shall arrange for dumpster pick-up to be once a week.
- A note shall be added to the site plan providing for the repair of all damaged lawn areas.
- The 4 vans shall be parked in the spaces set forth in condition 2 hereof.
- Applicant shall comply with the following comments of the Engineer's report:(a) The comment under the headings survey; (b) The set back referenced in comment 2 under

the heading Accessways and Parking as required by Sec. 126-181(B) of the ordinance shall be 1.3 feet; (c) Comments 3, 4 and 5 also under the heading Accessways and Parking; and (d) Comment 3 & 4 under the heading Stormwater Management.

- Applicant shall comply with the following comments of the Planner's report Comments 6, 7, 9, 11 and 12.
- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

The exhibit was given to the Board Clerk and placed in the application file.

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing application was approved with conditions as discussed on the following roll call vote:

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

**SOMERSET CAR WASH/ NISSAN – 1400 ROUTE 22 EAST
BLOCK 233, LOT 2**

#51-07-ZB, Amendment to Preliminary and Final Site Plan Approval (sign variance)

TIME: 120=7/11/2012

Attorney Stanley was present to represent the Applicant. Sworn testimony was presented by Professional Engineer David A. Stires and Professional Planner Lester Nebenzahle.

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

- A-1 5/15/12** Colored Rendering of the site, approved 2008
A-2 5/15/12 Aerial Photo of site and surrounding area with photos of areas marked on aerial photo

That the property is known as Lot 2 in Block 233 of the Tax Map, located on the east bound lane of Route 22 in the HIC Highway Commercial Interchange Zone, and commonly known as 1020 Highway 22.

On June 28, 2008 the Board memorialized a resolution granting variances and preliminary and final site plan approval for the development of the property with a Nissan Auto Dealership. The site plan approved by the Board proposed one freestanding sign to be located 30 feet from the southerly sideline of Route 22. The applicant now returns to the Board requesting that the free standing sign be located one-foot from the southerly sideline of the Highway instead of 30 feet as originally proposed.

With respect to this application the Board is in receipt of the following: (a)

a report from the Township Planner dated May 7, 2012; and (b) a plan entitled “Sign Variance Plan” prepared by David A. Stires Associates, LLC Bridgewater, NJ, dated February 23, 2012, last revised March 5, 2012, and consisting of one (1) sheet.

In support of this application the Board heard the testimony of the project engineer and a professional planner. From this testimony the Board concludes that the subject property slopes down from the Highway and that to the west of the property is a wooded area. It was clear from this testimony that one traveling east on the Highway would not be able to see the sign prior to the intersection of the Highway with Finderne Avenue. It is the Board’s conclusion that not being able to view the sign prior to the intersection of the Highway with Finderne Avenue creates a dangerous condition, which can be remedied by locating the sign as proposed by the applicant. The slope of the property and the wooded area to the west of the property creates a zoning hardship from which relief can be granted. It should be noted that the ordinance gives the Zoning Board the authority to waive the strict application of sign setback regulation if due to site conditions strict adherence will cause inconvenience to the public or create a hazard. The Board finds this section to be applicable in this instance and concludes that the variance should be granted.

The Board deliberated and discussed several conditions including:

- No Developer’s Agreement is required.
- The address of the property should be included in the sign. In the event approval for this is not given by Nissan, then the applicant shall insert in the ground a small sign with the street address. The size and location of this sign shall be approved by the Township Planner.
- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

The Applicant took the exhibits with them.

Motion by Mr. Sweeney, second by Mr. Schulz, the foregoing application was approved with conditions as discussed which carried on the following roll call vote:

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

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