

BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT

Regular Meeting  
Tuesday, July 29<sup>th</sup>, 2014  
—MINUTES—

**CALL MEETING TO ORDER:**

Chairman Vornehm called the meeting to order at 7:30 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 15, 2014 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	Michael Kirsh, – present
Paul Riga – present	Beth Powers, Alt. #1 – present
Pushpavati Amin – present	Alan Fross, Alt. #2 – present
Bill Vornehm – present	Roger Pearly, Alt. #3 – present
Evans Humenick – present	James Weideli, Alt. #4 – present

Others present: Attorney Lawrence A. Vastola, Board Planner Scarlett Doyle, & Jo-Ann Petruzzello, Secretary to Planning Division.

**MINUTES FOR APPROVAL:**

**February 25, 2014 Regular Meeting** (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.  
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**March 25, 2014 Regular Meeting** (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.  
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**April 29, 2014 Regular Meeting** (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.  
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**May 20, 2014 Regular Meeting** (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.  
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**July 15, 2014 Regular Meeting-** Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick, Mr. Fross,  
Mr. Pearly, Mr. Weideli.  
NOT ELIGIBLE: Mr. Kirsh, Chairman Vornehm, Mrs. Powers

**MEMORIALIZING RESOLUTIONS:**

MICHAEL J. COLLINS, INC-1745 Mountain Top Road  
Block 721, Lot 63  
#13-033-ZB, Bulk Variance Application (new dwelling)

DECISION: Approved w/conds 4/29/14

Motion by Mrs. Amin, second by Mr. Sweeney, the foregoing resolution memorializing the approval with conditions on 4/29/14 was adopted on the following roll call vote:

AFFIRMATIVE: Mr.Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mr. Fross,  
Chairman Vornehm.  
NOT ELIGIBLE: Mr. Riga, Mrs. Powers, Mr. Weideli

BREWER-5 Young Way  
#14-018-ZB; Simple Variance Application – Roof over existing patio  
Block 184.01, Lot 8

DECISION: Approved 7/15/14

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval on 7/15/14 was adopted on the following roll call vote:

AFFIRMATIVE: Mr.Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick, Mrs.  
Powers,Mr. Fross, Mr. Pearly.  
NOT ELIGIBLE: Mr. Kirsh, Mr. Weideli, Chairman Vornehm.

COSMO'S CLUB HOUSE - Dog Daycare & Luxury Hotel  
618 E. Main Street  
# 14-005-ZB Minor Site Plan w/Bulk Variances & D-Variances  
Block 317, Lot 3

DECISION: Denied 5/27/14

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the denial on 5/27/14 was adopted on the following roll call vote:

AFFIRMATIVE: Mr.Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Fross, Mr. Weideli  
NOT ELIGIBLE: Mr. Riga, Mr. Humeick, Mrs. Powers, Mr. Pearly, Chairman  
Vornehm

**HEARING AND DELIBERATIONS:**

BUCKINGHAM RETAIL PROPERTIES, LP (THE VERRICHA CO., LLC - WAWA  
(Route 202 & Towne Center)  
#14-011-ZB Use Variance AND Preliminary & Final Major Site Plan  
(Convenience Store & Fuel Pumps)

Block 163, Lots 1, 1.01, 2, 3, 8 & 9  
TIME: 120=10/10/14

Attorney Timothy Prime of Doylestown PA was present to represent the applicant, Buckingham Retail Properties, LP. He described the nature of the application and stated the site consists of 6 lots and is located on the southerly side of NJ Route 202 in the R-20 single-family residential zone. The application is for 5,585 sq. ft food market; and a fuel dispensing facility. An agreement with Thermo Fisher for improvements and an NJDOT permit application has been applied for. The application is for a use variance as well as preliminary and final site plan for both the food market as well as the fuel dispensing facility. The applicant attempts to purchase all 5 dwellings in this, but has not yet done so. The applicant will merge these lots as a condition of the approval. The applicant seeks to have a food market and a fueling station on this site, and considers it as one use, rather than two independent uses. Mr. Prime claims that in the recent Price case, it was determined that the use variance is to be fact-specific and site-sensitive.

Mark Whitaker of Dynamic Engineering was presented and sworn in. The Board accepted his credentials and recognized him as an expert in the field of engineering.

Mr. Whitaker distributed **Exhibit A-1 7/29/14** which is the “Use and Operations Statement.” This document was described. Mr. Whitaker also presented the following exhibits:

- Exhibit A-2 7/29/14:** Colored Arial Photo of existing property.
- Exhibit A-3 7/29/14:** Colored Rendering of Site Plan.
- Exhibit A-4 7/29/14:** Rendering of Proposed Building Elevations.
- Exhibit A-5 7/29/14:** Rendering of Proposed Canopy Elevations.
- Exhibit A-6 7/29/14:** Rendering of Proposed “WaWa” Sign.

Mr. Whitaker summarized the neighborhood and proposed site. He stated the property is located at the south east corner of Route 202 and Fisher Place, which is a private right of way. He also discussed the property and stated the area is 2.57 acres with 5 residential homes, which also includes a COAH group home and one home-based landscaping business. Mr. Whitaker discussed the zoning for the existing properties.

Mr. Whitaker described **Exhibit A-3 7/29/14**, and summarized the proposal which is a single story building with a tan EFIS top and a manufactured stone veneer base. The building is 22.5’ tall and the tower is 33’ high. The roof is a dutch metal-seam roof. There will be an exterior trash enclosure at the rear of the building which is 16x35ft in dimension and includes a compactor, cardboard dumpster and a shed that houses garden tools used for general maintenance. The enclosure will match the building veneer completely and has self-closing galvanized steel gates that will be painted white. The enclosure is proposed at 8ft in height because the compactor is 6 ft high.

Mr. Whitaker discussed **Exhibit A-5 7/29/14** and stated the fueling canopy covers 8 positions (16 fueling positions). He stated the sale of fuel is not intended for tractor trailers, and he

further stated the staff is trained to turn away any tractor trailers entering for fuel. The canopy is 16ft in height at the front and raises to 25ft in the rear. Mr. Whitaker stated that there will be full access to Route 202. A full movement will be afforded on Fisher Place. The left turn lane exiting Towne Center Drive will be modified. Mr. Whitaker stated a through movement to Fisher Place will be provided as well as a double left out movement and other right of way improvements to the intersection.

Mr. Whitaker addressed parking on the site and stated the proposal indicates 60 parking stalls; however only 25 stalls are required by the ordinance. He stated circulation will be all two-way circulation. Mr. Whitaker believes that all the departures from the ordinance are related to the needs of a non-residential use in a residential zone. He further stated lighting illumination will be somewhat higher than the ordinance, but will be “cut off” type lighting. The ordinance illumination is 2.5 foot candles maximum vs. 25-35 foot candles proposed and the lights are LED lights. The landscaping is intended to focus on shade trees. Mr. Whitaker stated there is a rear access that will also be lined with shade trees. The landscaping plan is not fully compliant, but is consistent with the intent of the ordinance. The soil erosion and sediment control plan has been prepared in accordance with water quality treatment standards. The stormwater runoff is currently uncontrolled. Mr. Whitaker stated the plan will manage the runoff by way of an above-ground and a subsurface detention basin in front of the canopy.

Mr. Whitaker testified there will be three 20,000 gallon underground storage tanks which will meet DEP requirements, including double walls and an automatic shut off. Mr. Whitaker also testified that all personnel are trained in emergency response.

Mr. Whitaker addressed signage and stated it is 25ft in height and 100 square feet total. Applicant is proposing a 50 square feet monument sign is on the north side and there will be 4 additional directional signs and logos. The canopy will have signage of 40 square feet, which is mounted inside of the canopy, and spans the two columns underneath the roof line. The proposed canopy will have an area of 55 ft x 130 ft. Mr. Whitaker stated he supports the 8 square foot directional signs as well.

On question of the Board, Mr. Whitaker added that retail uses were intended for remaining lots along Route 202 but will be addressed at a future time.

Mr. Whitaker testified that the sidewalk will provide access to the other properties. The back of the facility will be afforded a sidewalk for future development however grade changes make it difficult to add sidewalks to the easterly side of the property. Finally, the right of way of Fisher Place will not be merged with other lots in this application.

On question of the Board, Mr. Whitaker and Mr. Prime discussed the remaining lots in the zone that are not part of the application. He described the residential development on the opposite side of Route 202 which is substantial.

Mr. Whitaker addressed landscaping and stated there is a 6ft high wall along Guide Place with evergreen trees. The trees are Leyland Cypress at 6-7 ft in height. Mr. Whitaker also clarified the 95% automatic shut offs on the underground fuel tanks were to prevent over spill. Mr.

Whitaker clarified that through movement from Towne Center will afford direct access to Fisher Place. Finally, Mr. Whitaker stated Towne Center Drive will be restriped to allow traffic to travel straight across the intersection and onto Fisher Place and also noted that Towne Center will have an exit lane capability for right turns near the railroad.

Comment [j1]: Is this right????

On further questions of the Board, clarification was made that 'convenience store' is a maximum of a 5,000 square feet; however this is a food market. Also, the remaining homes are not technically linked to this application.

Mr. Whitaker stated there are current cross walks from Towne Center, however there is no confirmation whether pedestrian lights will be incorporated, but the applicant agreed to add pedestrian crossings. Mr. Whitaker noted that tractor trailers that are parked on Fisher Place will be brought to Fisher Scientific's attention for an agreement in order to assure continual vehicular movements.

Attorney Timothy Prime advised the COAH obligation will be addressed and referenced a prior letter which indicates that this location of a group home will be relocated to another site in Bridgewater (exact address was unknown at the time of the meeting).

On question from Mr. Vastola, Mr. Whitaker noted that the plan cannot be developed within a 200 ft building setback which is currently required. The distance of the canopy to Route 202 is 71 feet which is consistent with other WaWa designs.

Chairman Vornehm invited questions from the public.

Ms. Ann Marie Grace of 42 Charlotte Drive, Bridgewater, NJ, addressed the applicant and requested information in regards to potential wetlands on the property. Mr. Whitaker advised Ms. Grace that there are no wetland classifications which would affect development on the property. She asked if there were any studies to establish the visibility of the tower from Charlotte Drive and the answer was no. When Ms. Grace asked about landscaping, she was told the Leyland Cypress trees will be placed on the east side of the property and is suitable for areas with deer. Mr. Whitaker further stated that the animal wildlife would relocate.

Mr. Roger Copt of 1120 Route 202, Raritan, NJ, asked the applicants professionals about lot coverage. The proposed lot coverage is 69.7%. Mr. Copt noted that 25% is permitted in the R-20 zone. Mr. Copt also noted that there were landscaping deviations and the witness concurred.

Ms. Sharon Barnes of 38 Charlotte Drive, Bridgewater, NJ, addressed the Board and the applicants, asking for information about acreage and lot geometry. She asked how the lights (which would be on 24/7) would affect residents on Charlotte Drive if they are installed and Mr. Whitaker stated that they would study the lights as viewed from Charlotte Drive.

Mr. Tom Horvath of 15 Charlotte Drive, Bridgewater, NJ, addressed the Board and applicants. Mr. Horvath asked if there were restrictions on gas dispensing on the Fisher

Scientific property and Mr. Whitaker indicated that Fisher Scientific is a Homeland Security site and he did not know of any restrictions. Mr. Horvath also asked for information in regards to buffers.

Mr. Nicholas Verderese was sworn as the applicants Professional Traffic Engineer. The Board accepted Mr. Verderese's qualifications as an expert in the field of Transportation and Traffic. He prepared the traffic report submitted with the application dated 2/5/14. He indicated that he has worked with the NJDOT on this application and reviewed the existing and proposed improvements. He testified that a third through-lane would be added on Route 202. The length of widening is 600 ft on the north bound Route 202, south of Fisher Place; and 750 ft in the northbound direction prior to Fisher Place. The southbound lane will also be lengthened 450 ft. There will be a 1200 foot extension of the lane southbound from the Towne Center intersection. The center lane exiting Towne Center Drive will be converted to afford a through lane to Fisher Place. The DOT improvement to the driveways into Towne Center will add a right turn movement out of Wegman's onto Route 202. Mr. Verderese advised that the analysis included traffic from all the lots on Route 202 so that future uses would not have to re-apply to NJDOT. There will be a re-timing of the lights at the intersection to facilitate movements.

Mr. Verderese stated the traffic peak hour is 7:15-8:15 and 4:30-5:30pm during the week. The midday traffic peak hour for Saturday is 11:30am-12:30pm.

Mr. Verderese answered questions from the Board and stated that there is approximately 260 feet from the crosswalk to the guard house located on Fisher Place. There will be 2 dedicated lanes into Fisher Place. Mr. Verderese stated half of the traffic will be going in on Fisher and half of the traffic going in from Route 202. Exiting Fisher Scientific, more than 50% of traffic will go onto Route 202. He stated the level of service is based on peak traffic times and is indicated as such in the traffic study provided. The report indicates that the level of service across all peak hour time frames is found to vary; but the report shows that the evening peak hour levels of service will not be improved in any case. In some peak hour time frames, the level of service will remain the same or will be slightly degraded. The change in the level of service is within acceptable NJDOT standards. Mr. Verderese noted that the full design had not been finalized and that further work is needed.

Mr. Verderese addressed the queuing of tractor trailers on Fisher Place as best as he could although there is limited information he could address this concern with because left hand turn is currently not permitted there. Mr. Verderese acknowledged the tractor trailer queuing is a matter of concern with this application that will be addressed.

Chairman Vornehm invited questions from the audience.

Mr. Roger Copt of 1120 Route 202, Raritan, NJ, discussed the U turn going northbound, turning southbound. Mr. Verderese stated that the U turn was still able to be used, but may be narrowed. Mr. Copt also expressed concerns with tractor trailers entering WaWa for fuel, or to utilize the food market, even though tractor trailers are not permitted.

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—MINTUES—

Ms. Ann Marie Grace of 42 Charlotte Drive, Bridgewater, NJ, asked about traffic circulation traveling north on Route 202 and the professionals clarified that a third lane would be added for over a thousand feet. Ms. Grace expressed concerns exiting Charlotte Drive with the proposed application new traffic pattern.

Ms. Sharon Barnes of 38 Charlotte Drive, Bridgewater, NJ, asked the applicant how the traffic lights are controlled so that Charlotte Drive has no inconveniences. Mr. Verderese stated the additional lane stops 600 feet before Charlotte Drive. Mr. Verderese also noted that there would be a 20 second gap for WaWa customers to exit the site. He did not believe Charlotte Drive would be affected because it would be a small percentage of vehicles entering Route 202 from WaWa.

Due to the lateness of the hour, the Board decided to carry the application to September 16<sup>th</sup>, 2014, with no further notice given.

**MEETING OPEN TO THE PUBLIC:**

Members of the public wishing to address the Board on any matter not listed on the agenda were invited to speak. No members of the public appeared to address the Board.

**OTHER BOARD BUSINESS:**

None.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 10:45 pm.

Respectfully submitted,  
Jo-Ann M. Petruzzello  
Secretary to Planning Division