

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, August 5th, 2014
—MINUTES—

CALL MEETING TO ORDER:

Vice-Chairman Sweeney 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 – absent	Beth Powers, Alt. #1 – present
Pushpavati Amin – present	Alan Fross, Alt. #2 – absent
Chairman Vornehm – present	Roger Pearly, Alt. #3 – present
Evans Humenick – present	James Weideli, Alt. #4 – present

Others present: Attorney Lawrence A. Vastola, Thomas J. Forsythe, PE Board Engineer, 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.

March 25, 2014 Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

April 29, 2014 Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

May 20, 2014 Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

July 29, 2014 Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

MEMORIALIZING RESOLUTIONS:

None.

HEARING AND DELIBERATIONS:

BRIDGEWATER CONGREGATION OF JEHOVAH'S WITNESSES -568 East Main St.

Site Plan of conditional use with Variances

#14-004-ZB

Block 314, Lot 6 & 7

TIME: 120=10/10/14

Attorney Marsha Moore of Springfield, NJ, represented the applicant, Bridgewater Congregation of Jehovah's Witnesses. She described the nature of the application and stated the purpose of the application is to demolish an existing residence to combine both lots, 6 & 7, to create a total of 43 parking stalls. Ms. Moore described the existing building as 3,878 square feet that houses one auditorium but proposes to utilize the already existing 167 seats. Ms. Moore stated the basis of application is a D(3) Variance since churches are permitted in the R10 zone as a conditional use; however this applicant does not meet 3 conditions and, therefore, requested a conditional use variance.

Brian Longwill of 568 E Main St, Bridgewater, NJ, was sworn in as the first witness and an "Elder" of the congregation. Mr. Longwill stated his responsibilities within the Bridgewater-English Congregation. Mr. Longwill stated there are three local congregations that utilize this property, the English Bridgewater Congregation (115 members), Spanish Bridgewater Congregation (104 members) and Spanish Bound Brook Congregation (99 members). Mr. Longwill advised the Board of the history of congregation as well as the history of the property. Mr. Longwill stated members are kept to 125 members and if one congregation exceeds 125 members, a new congregation is formed to keep each congregation small and intimate.

Ms. Moore introduced **Exhibit A-1 8/5/14**, an Interior/Exterior Photograph of the existing Kingdom Hall. Mr. Longwill advised the photos depict a service on the prior Sunday as a typical service. Mr. Longwill advised the Board that the hours of operation are as follows:

Spanish Bound Brook Congregation are Sunday at 9:30 am and Wednesday at 7:30pm. Services last approx 1 hour and 45 minutes.

Spanish Bridgewater Congregation meets on Sundays at 12:15pm and Tuesdays at 7:30pm.

English Bridgewater Congregation meets on Sundays at 3:00pm and Thursday at 7:30pm.

Mr. Longwill testified that the purpose of the staggered hours is to allow the members on site to exit prior to the members arriving for the next service to alleviate parking issues. Mr. Longwill also advised that upon the Boards approval, the Congregation is reviewing the possibility of staggering Sunday hours differently to allow more time between services.

Mr. Longwill testified that the building is old and does not comply with current ADA requirements. Another reason for the proposed application is to expand the parking lot to accommodate the congregation's members. The reason the residence was purchased was to utilize the property for extra parking. Mr. Longwill advised that there are no day care services, kitchens, or banquet halls on the property. Mr. Longwill testified that there is no need for garbage trucks, as the only area that generates trash is the restrooms and members remove their own trash from the building to dispose of it offsite.

The Board requested clarification on day time activities and Mr. Longwill stated the only weekday activities are when the members gather to perform activities off site. These members (approximately 10-20 members) are only on the property to meet and then exit the facility within 20 minutes.

Mr. Longwill advised the Board that the 23 parking stalls are not adequate for the congregation therefore the overflow reverts to on-street parking. He stated the proposed parking stalls will be enough to meet the needs of the congregation and therefore reduce demand for on street parking in the neighborhood. Mr. Longwill testified that the proposed auditorium will not be increased. Upon question of the Board, Mr. Longwill does not know of any accidents occurring in the existing parking lot.

Upon questions of the Board, Mr. Longwill stated that children attend services with their parents, smaller children are not counted in number of members of the congregation; however teenagers are counted. Mr. Longwill stated the application indicates proposed classrooms which will be utilized for "break outs" during services. The 182 square feet expansion proposed in this application is to create ADA-compliant restrooms as well as one conference room. Mr. Longwill stated that there are no increases in the number of seats in the building. The seats will remain at 167 total between the auditorium and the classroom. Mr. Longwill testified that once a year, a special meeting to commemorate death of Jesus is held. He stated that both of the larger congregations could rent a facility off-site to handle the members that attend this special meeting and only the smallest number of the congregation members will keep their special meeting on this site.

Chairman Vornehm invited the public to ask questions of the witness.

Mrs. Fanny Mulligan of 8 Shaw Ave, Bridgewater, NJ, addressed the applicants and requested a definition of "active" members. Mr. Longwill provided this definition for Mrs. Mulligan. She further asked questions in reference to drainage and she was directed to ask the engineer.

Mr. Dan Mulligan of 8 Shaw Ave, Bridgewater, NJ, addressed the applicants and asked if the congregation could limit members to available parking stalls. Mr. Longwill advised Mr. Mulligan the only way to address this concern is to increase the number of service times, which has not been discussed.

Mr. Mulligan was sworn in to provide testimony. Attorney Vastola asked Mr. Mulligan about parking on Shaw Avenue. Mr. Mulligan estimates 8-10 vehicles park on Shaw Avenue which creates an unsafe roadway.

Mr. Longwill stated the congregation has taken into consideration off-site parking and transporting the members to the Kingdom Hall.

Mrs. Mulligan of 8 Shaw Avenue, Bridgewater, NJ, asked if the new parking stalls will guarantee that members will not park on the street. Mr. Longwill advised the purchase of the lot to install new stalls will improve the parking situation; however he cannot guarantee there will not be members parking on the street.

Ms. Chris Gusciora of 577 Bridgewater Avenue, Bridgewater, NJ, asked the applicants if they were aware of any issues with the neighbors in reference to the current parking situation. Mr. Longwill advised that he personally did not know any problems; however he has heard the neighbors were concerned.

Engineer Louis Turcotte was sworn in and accepted by the Board as a Professional Engineering expert in NJ. Mr. Turcotte described the site utilizing **Exhibit A-1 8/5/14** and **Exhibit A-2 8/5/14**, an Aerial photo of the property. Mr. Turcotte utilized the cover sheet of the plans to identify the variances. He discussed the details of the property survey which shows topographically that curbing captures water that would normally flow onto Bridgewater Ave. (Sheet C-1.01).

Mr. Turcotte presented Sheet C 2.02 titled, “Drainage Areas Plan,” and demonstrated how the water flows. Mr. Turcotte indicated how all of water will go to the municipal storm drain system. The detention basin is depicted on Sheet C 2.01, the “Grading Drainage and Utility Plan.” Sheet C 2.01 also shows elevations and inlets throughout the property and shows how water will flow, be stored, and discharged. The Board Engineer confirmed that he did review the plans.

Sheet C 1.01 “Site Plan” shows driveways, setbacks and Sheet L2.01 show lighting fixtures that will be used as well as illumination patterns. Mr. Turcotte stated that the lighting will be on a timer, to be on when people are in the building and long enough for when they exit. The light cut off will assure that there are no spill-over onto the neighbors properties. Sheet L 2.01 “Landscaping Plans” indicate the location of the proposed landscaping as well.

Mr. Turcotte testified that all of the utilities on the applicants property will be underground. The concrete pad on located at the north east corner of the property will be utilized for air conditioning condensers only.

Mr. Turcotte stated that there is no trash pick-up at the facility because the members remove trash and dispose of it off-site. The applicant will remove the refuse enclosure indicated on the plans.

Mr. Turcotte testified that the applicant will comply with the letter written by Mr. Forsythe, the Board Engineer.

Mr. Turcotte introduced and explained Exhibit **A-3 8/5/14**, a photo exhibit of the proposed modular wall and described the wall. He stated a solid vinyl fence would be also installed which is 5 ft. high. The fence is indicated on Sheet C 4.01. The fence ends 5 ft from the property line on the west side, and 15 ft. from the property on the east side. Mr. Turcotte further stated that the fence would sit on top of the wall to prevent headlights from shining into neighbors' homes. Mr. Vastola advised Mr. Turcotte that variance would be needed for the proposed fence because the current Township Ordinance prohibits a solid fence to the lot lines at the proximity.

The Board asked if reorienting the building would help alleviate need for a side yard variance and increase parking. Mr. Turcotte believed that the parking stalls would be lost if the building was reoriented. Various parking options and adequacy were discussed with Mr. Turcotte.

Upon question of the Board, Mr. Turcotte testified that the 5 ft. vinyl fence will be placed 18 inches from the retaining wall and not on top of the retaining wall as previously stated.

The Chairman invited questions from the public for questions of the witness.

Mr. Vinod Nair of 573 Bridgewater Avenue, Bridgewater, NJ, addressed the applicants engineer with questions pertaining to the proposed fence, the retaining wall, and the landscaping plans. Mr. Nair stated his concerns with flooding in the area and asked why the retaining wall would not be built around the entire property. Mr. Nair stated in his opinion this would be a cost issue but it would save the neighbors. Mr. Nair also addressed parking concerns and stated he is in favor of 9 foot parking stalls.

Mr. Craig Gusciora of 577 Bridgewater Avenue, Bridgewater, NJ, addressed the applicants engineer and asked questions pertaining to the retaining wall. Mr. Gusciora also asked what stops the water and Mr. Turcotte advised him the height of the curbing is what would stop the water. Mr. Gusciora expressed concerns with the lighting plans as well as the drainage plans.

Mrs. Mulligan of 8 Shaw Avenue, Bridgewater, NJ, addressed the applicants engineer and asked questions in reference to trees on the property line. This question was deferred to the landscape architect. Mrs. Mulligan expressed her concerns on drainage and Mr. Turcotte explained how the drainage plans would reduce runoff by 75%. Mrs. Mulligan then requested the applicants to reduce the building size and amount of seats. Mr. Longwill answered Mrs. Mulligan's question and stated that scenario would not be ideal for their congregation.

Mr. Dan Mulligan of 8 Shaw Avenue, Bridgewater, NJ, addressed the applicants engineer and asked what he would see from his yard. Mr. Turcotte advised that Mr. Mulligan would see the existing retaining wall and a 5 ft high solid tan fence.

Mrs. Mulligan of 8 Shaw Avenue, Bridgewater, NJ, addressed the applicants engineer and requested more clarification on what she would see while standing in her property.

Mr. Ed Jusay of 560 East Main St. Bridgewater, NJ, addressed the applicant engineer and asked landscaping questions that were deferred to the landscape architect as well as foundation questions which were deferred to the architect for the project.

Ms. Elizabeth Roy was sworn in as a Professional Planner. Ms. Roy was accepted as a professional by the Board. Ms. Roy described the residential character of the neighborhood. She discussed the SICA Standards Test; Prong #1: Inherently beneficial use serves the public benefit. In reference to Prong #2, Detrimental effects, Ms. Roy found no substantial detrimental effect from the deviant lot size. In reference to Prong #3, what reasonable conditions could be imposed, Ms. Roy suggested that drainage and parking be required. In reference to Prong #4, The Balance Test, she weighed the negatives with benefits of the site plan.

With regard to the Coventry Square case, the standard for inherently-beneficial uses; the standard can be relaxed and the site is appropriate for this use. Lighting has been designed to be safe but will not be intrusive to the neighbors.

Ms. Roy went through the variances that were needed, including the parking stall width, parking stall numbers, reorienting the building, parking lot setbacks, monument sign setbacks, fence and retaining wall height.

After a discussion with the Board, Ms. Moore stated the applicant will reduce the amount of seating to 164 total seats to reduce the parking stalls by 1 which will comply with the township parking ordinance.

Chairman Vornehm opened the meeting to the public.

Mrs. Mulligan, 8 Shaw Avenue, Bridgewater, NJ, addressed the applicant with landscaping questions that were deferred to the Landscape Architect.

Mrs. Chris Gusciora of 577 Bridgewater Avenue, Bridgewater, NJ, addressed the applicant and asked whether or not the applicants were aware that the abutting church, Finderne Reformed Church, holds one service at 10:15 am. The applicant was not familiar with the time of the service.

Due to the lateness of the hour, the Board decided to carry the application to October 7th, 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 do so at this time. No members of the public asked to address the Board.

OTHER BOARD BUSINESS:

None.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

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