

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, September 16th, 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 – absent	Michael Kirsh, – present
Paul Riga – present	Beth Powers– present
Pushpavati Amin – present	Alan Fross, Alt. #1 – absent
Chairman Vornehm – present	Roger Pearly, Alt. #2 – present
Evans Humenick – present	James Weideli, Alt. #3 – present
	Dawn Guttschall, Alt. #4-present

Others present: Attorney Lawrence A. Vastola & 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.

August 5th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

August 19th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

August 26th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

MEMORIALIZING RESOLUTIONS:

WAWA INC. - ROUTE 28 & CHIMNEY ROCK ROAD - (*pending*)

13-010-ZB Preliminary & Final Major Site Plan w/variances

Block 257, Lot 3 & 4

Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Humenick, Chairman Vornehm, (Mr. Fross) (Mr. Pearly) (Mr. Wiedeli)

HEARING AND DELIBERATIONS:

BUCKINGHAM RETAIL PROPERTIES, LP (THE VERRICHA CO., LLC - WAWA
(Route 202 & Towne Center)

Use Variance AND Preliminary & Final Major Site Plan

(Convenience Store & Fuel Pumps)

#14-011-ZB

Block 163, Lot 1, 1.01, 2, 3, 8 & 9

TIME: 120=10/10/14

The Board acknowledged and granted the applicants request for an extension to 12/31/14. The applicant will re-notice prior to returning to the Board.

SHAH- Sunset Rdg

Single Family Dwelling with Variances

#14-017-ZB

Block 633, Lot 36

TIME: 120=11/27/14

Attorney Christopher Quinn was present to represent the applicant. Sworn testimony was provided by Engineer James Mantz and Architect Andrew Podberezniak.

The applicant submitted exhibits which were marked into evidence as follows:

A-1 9/16/14- Lot Development Plan

A-2 9/16/14- NJ DEP Aerial Photograph

A-3 9/16/14-Bridgewater Township Topography Map

Attorney Quinn described the zone and the project presented in the application as well as each variance the applicant applied for. Mr. Quinn stated the proposed residence is appropriate for the neighborhood and “fits in” by size and scale to surrounding residences. Mr. Quinn discussed an ordinance amendment in 2005 that removes steep slopes from the calculations

for FAR. Mr. Quinn stated the project would have been fully compliant had the ordinance not been changed.

Engineer James Mantz provided credentials and was recognized by the Board as a Professional Engineer. Mr. Mantz described the property and proposals within the application. Mr. Mantz described the lot and stated it is located in the R50 zone, and stated that the zoning has been changed since this subdivision was established. Under current zoning standards, the application is deficient in lot area. The minimum lot width for this zone is 165 feet and this application proposes 170 feet. The minimum front yard is 75 feet and the application is proposing 77.5 feet. Mr. Mantz stated the houses in the neighborhood are non compliant since they were constructed prior to the rezoning. Mr. Mantz testified that the property is subject to the limitations of steep slopes although the slopes located on the property are not severe; it is the current placement of the fill on the property that required a variance.

Mr. Mantz referred to and described **Exhibit A-1 9/16/14**, the ten-scale plotting of the **Lot Development Plan** as indicated in sheet 2 of the application plans. He stated that applicant chose a non-circular driveway in order to ensure to minimize the amount of impervious area on the property.

Mr. Mantz discussed the stormwater management system of the residence and stated that a proposed retaining wall begins on the southerly side of the driveway, wraps around the driveway, and continues to the rear of the residence.

Mr. Mantz reviewed the LUA report prepared for this application and addressed the Engineers Report dated 8/15/14. He addressed item number 1 under technical comments and stated in an attempt to decrease the amount of coverage being proposed, the applicant has chosen to install only one driveway, and the residence itself will be approximately 3,400 square feet with one walkway located in the front.

He presented and discussed **Exhibit A-2 9/16/14, the Bridgewater Township Topography Map** of the proposed dwelling and the surrounding area. He utilized the Somerset County tax information to compare the proposed dwelling to adjoining properties.

Mr. Quinn stated the residences located immediately next to this proposed residence, are larger than the proposed dwelling. Mr. Quinn cited the statistics for these residences.

Mr. Mantz addressed items number 2-11 under technical comments. He then testified that the applicant will comply with all requirements from technical comment number 4 (B through H), as well as number 5 through number 11.

Mr. Mantz advised the Board that the majority of the slopes are located 80 feet to the rear of the lot and extend to the southerly side of the property, on a “chunk” of land 160 feet x 40 feet.

Mr. Mantz addressed the Sewer Authority Report prepared by Robert Reich and advised the applicant would comply with the recommendations.

On question of the Board, Mr. Mantz confirmed the retaining wall is 8 feet in height in certain areas because of the difference of elevation on the property.

On question of the Board, Mr. Mantz described the sand filter and clarified that the owner of the property is responsible for maintaining the filter as outlined in the maintenance manual.

Mr. Kirsh clarified with Mr. Quinn and Mr. Mantz that the basement will remain unfinished, and if the applicant were to finish the basement, they would need to return back to the Board for a variance approval in respect to FAR.

Ms. Beth Rallis of 860 Bluestone Lane addressed the applicant's professionals and stated her concern of potential impacts regarding her well water. Mr. Mantz advised, in his opinion, her well water would not be impacted. Ms. Rallis also stated her concerns regarding flooding on Bluestone Lane and Mr. Mantz introduced Exhibit **A-3 9/16/14, Bridgewater Township Topography Map**. Mr. Mantz described the exhibit and discussed the stormwater plans with Ms. Rallis.

Mr. Andrew Podberezniak was sworn in as a Professional Architect for the applicant and described the proposed residence and materials that will be utilized. He stated the unfinished basement is approximately 8 feet in height.

On question of the Board, Mr. Podberezniak testified that there are no plans to finish the basement. The Board clarified that any future plans to finish the basement would require a variance for FAR and the applicant would have to return to the Board.

On question of the Board, Mr. Podberezniak confirmed that access to the attic would only be through a pull down stairway located in the garage.

Chairman Vornehm opened the meeting to the public. There were no members of the public that addressed the Board.

Mr. Quinn provided closing comments and the Board deliberated.

Motion by Mrs. Amin, second by Mrs. Powers, the foregoing application was approved on 9/16/14 based on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,
Mrs. Powers, Chairman Vornehm.

ABSENT: Mr. Fross

NOT ELIGIBLE: Mr. Pearly, Mr. Weideli, Mrs. Guttschall

TERRENO MIDDLEBROOK, LLC
14-021-ZB, Block 356 Lot 1 & 3
Preliminary & Final Major Site Plan

Attorney Mr. Michael Osterman was present to represent the applicant. Michael Murray, VP of Terreno Middlebrook Corporation, Dan Miola of Langan Engineering, and Greg Woodruff, Planner from Langan Engineering provided sworn testimony on behalf of the applicant.

The applicant submitted exhibits which were marked as follows:

A-1 9/16/14 Aerial of Existing Site.

A-2 9/16/14 Aerial Photo of Existing Site (close up).

Attorney Vastola clarified, for the record, the applicant understood that the Board members and professionals did not have staff reports for this application. Mr. Vastola stated that Mr. Osterman agreed in a telephone conversation that if the Board approved the application, the applicant's professionals are required to work with Township Planner and Engineers to resolve any issues during the compliance phase.

Mr. Osterman described the nature of the application, which is to expand parking by 137 additional stalls, as well as the reason of both variances. Mr. Osterman stated the right of ways were expanded which decreased the property size by 2 acres.

Mr. Murray provided the Board with background information of the Terreno Realty Corporation and advised the Corporation currently owns Terreno Middlebrook LLC. Mr. Murray stated the park is currently 90% occupied; however one tenant is expected to vacate the premises shortly which will reduce occupation to 85% occupancy.

Mr. Miola of Langan Engineering introduced **Exhibit A-1 9/16/14 Aerial of the Existing Site.**

Mr. Murray utilized **Exhibit A-1 9/16/14** to indicate the location of the proposed parking stalls. Mr. Murray explained to the Board which parking stalls were associated with which buildings to demonstrate the need for parking stalls in the indicated area.

Mr. Dan Miola was recognized by the Board as a Professional Engineer.

Mr. Vastola clarified that the Board members have not had the opportunity review the professional reports.

Mr. Miola utilized **Exhibit A-1 9/16/14 Aerial of the Existing Site**, to orient the Board on the parking. Mr. Miola then introduced **Exhibit A-2 9/16/14 Aerial Photo of Existing Site** (close up). Mr. Miola explained the current conditions as a manicured lawn with few ornamental trees and stated the proposal presented is to add a 137 net increase of parking stalls.

Mr. Miola discussed the water quality and stormwater management systems. He testified the addition of 2 “jelly fish” units to maintain water quality, which meets the Township Ordinance and State Requirements. Mr. Miola referred to **Exhibit A-1 9/16/14 Aerial of the Existing Site**, and described to the Board, the current stormwater system for Terreno Middlebrook LLC.

Mr. Miola discussed the purposes for both variances, FAR and ILC, utilizing **Exhibit A-1 9/16/14**. Mr. Miola testified that approximately 2 acres were given to the State and Somerset County as right of ways, which reduced the existing lot size and requiring variances for the additional parking stalls. Mr. Miola stated by Township Ordinance, this site is required to have a total of 1241 parking stalls, but the current amount is 590 parking stalls. In order to provide more parking on the site, a variance is needed for Improved Lot Coverage. Mr. Miola advised the only way to add parking stalls on this site, is in this location.

On question of the Board, Mr. Miola indicated on **Exhibit A-1 9/16/14** where the land was dedicated to the State and County right of way.

On question of the Board, Mr. Miola stated that lighting will comply with the Township Ordinance.

Mr. Greg Woodruff was recognized by the Board as a Professional Planner.. Mr. Woodruff described the site from a Planning perspective. Mr. Woodruff testified that the public will see no difference with the site in respect to functionality and briefly discussed the MLUL in relation to the variances proposed. Mr. Woodruff stated there is a landscaping buffer next to Route 287 proposed in the application and the proposed parking stalls are an efficient use of the land, in his opinion.

Mr. Vastola clarified the variance for the FAR is .354 subject to the modification required for rights-of-way dedications.

Chairman Vornehm opened the meeting to the public. There were no members of the public wishing to address the applicant’s professionals.

Mr. Miola testified that there are currently 590 existing parking stalls located on the property and 137 net parking stalls will be gained on approval of the application, creating 727 total parking stalls.

Chairman Vornehm closed the public portion of the meeting and the Board deliberated.

Motion by Mr. Riga, second by Mr. Sweeney, the foregoing application was approved on 9/16/14 based on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,
Mrs. Powers, Chairman Vornehm.

ABSENT: Mr. Fross

NOT ELIGIBLE: Mr. Pearly, Mr. Weideli, Mrs. Guttschall

MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time.

OTHER BOARD BUSINESS:

None.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:05 pm.

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