

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, February 3, 2015
—MINUTES—

CALL MEETING TO ORDER:

Chairman Sweeney called the meeting to order at 7:30 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 12, 2015 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	Alan Fross – present
Pushpavati Amin – present	Roger Pearly, Alt. #1 – present
Paul Riga – present	James Weideli, Alternate #2- present
Michael Kirsh, – present	Dawn Guttschall Alternate #3 – present
Evans Humenick – present	John Fallone Alternate #4 - present
Beth Powers – absent	

Others present: Attorney Lawrence A. Vastola, Board Planner Scarlett Doyle, Board Engineer Thomas J. Forsythe, Ann Marie Lehberger, Planning Secretary

MINUTES FOR APPROVAL:

November 25, 2014, Regular Meeting (*pending*)

January 20, 2015, Regular Meeting (*pending*)

December 30, 2014, Regular Meeting – Motion by Mrs. Amin, second by Mr. Fross, the foregoing minutes with amendments were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick, Mr. Fross
Mr. Pearly, Mr. Weideli

ABSENT: Mrs. Powers

ABSTAINED: Mr. Kirsh

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

January 6, 2015 Reorganization & Regular Meeting– Motion by Mr. Kirsh, second by Mr. Riga, the foregoing minutes with amendments were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,
Mr. Fross, Mr. Pearly

ABSENT: Mrs. Powers

NOT ELIGIBLE: Mr. Weideli, Ms. Guttschall, Mr. Fallone

MEMORIALIZING RESOLUTIONS:

CHIMNEY ROCK INN - 800 Thompson Ave

Block 801 Lots 44 & 45

#14-016-ZB, Preliminary & Final Site Plan w/variances (warehouse offices)

DECISION: Approved w/conditions 12/16/14

Eligible to Vote: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Weideli, Ms. Guttschall

Motion by Mr. Weideli, second by Mr. Kirsh the foregoing resolution memorializing the approval on 12/16/14 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Weideli, Ms. Guttschall

ABSENT: Mrs. Powers

NOT ELIGIBLE: Mrs. Fross, Mr. Pearly, Mr. Fallone

RAJGARHIA – 1195 Fairfield Rd.

Block 656 Lot 58

#14-035-ZB, Simple Variance (rear deck expansion)

TIME: 120=4/16/15

DECISION: Approved w/conditions 1/6/15

Eligible to Vote: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mrs. Powers, Mr. Pearly

Motion by Mrs. Amin, second by Mr. Kirsh the foregoing resolution memorializing the approval on 1/6/15 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Pearly

ABSENT: Mrs. Powers

NOT ELIGIBLE: Mrs. Fross, Mr. Weideli, Ms. Guttschall, Mr. Fallone

TMI HOSPITALITY, INC. - Marriot Courtyard & Residence Inn (*pending*)

Block 221, 1.02, 1.03, 1.04, 2 & 2.01 (1210 and 1220 Route 22 East)

#14-010-ZB, Prelim & Final Major Subdivision (3-lots) and Prelim Major Site Plan

TIME: 120-2/28/15

DECISION: Denied 1/20/15

Eligible to Vote: Mr. Sweeney, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Fross, Mr. Pearly, Mr. Weideli

Foregoing resolution will be presented for Board consideration when completed. No action was taken

HEARING AND DELIBERATIONS:

CUST III - 5 Reagan Dr.

Block 418.01 Lot 20.03

#14-027-ZB, Variance Application (improved lot coverage)

TIME: 120=2/6/15

Chairman Sweeney advised the applicant that because the revised plans were submitted less than 10 days prior to the hearing date, the board professionals did not have enough time to review them and that they would need to be presented tonight as an exhibit.

Applicant's engineer Christopher Nusser PE was sworn in for testimony. Mr. Nusser stated his credentials, and was accepted as same licensed in NJ. Mr. Nusser discussed the application.

Mr. Nusser submitted an additional exhibit which was marked into evidence as follows:

- **A-3 2/3/15** Revised Variance Plan for 5 Reagan Drive, Block 418.01, Lot 20.03, prepared by Christopher Nusser, P.E. of LS of Engineering & Land Planning Associates Inc., dated 8/1/14, last revised 1/19/15 (3 Sheets).

Mr. Nusser stated there were five main things that were changed.

1. The pool was moved 5 feet closer to the house.
2. The entrance gate at the driveway was moved 6 feet closer to the house
3. The patio to the left, right and rear of the pool was removed and the patio now ends at the edge of the pool.
4. The walkway that used to extend from the patio to the shed has been removed.
5. The walkway that went to the side stairs has been removed

Mr. Nusser stated that with the new proposed plan they are now at 21.4% impervious coverage and he also noted the drywell and drainage have been changed to accommodate the new plan.

Chairman Sweeney noted that revised plans still show a solid fence which the applicant had earlier agreed would to be removed. Mr. Nusser confirmed that this would be removed and that a compliant fence would be used in its place.

Chairman Sweeney opened the public portion of the meeting. There were no comments or questions.

The board deliberated and discussed several conditions including:

- Address any questions of professionals after they have the opportunity to review revised plans
- Replace solid fence shown on property line by a compliant fence

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

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Fross, Mr. Pearly

ABSENT: Mrs. Powers

NOT ELIGIBLE: Mr. Weideli, Ms. Guttschall, Mr. Fallone

BRIDGEWATER CHEVROLET INC. – 1549 Route 22 East
Block 356 Lot 2.02
#14-032-ZB, Variance Application (signage)
TIME: 120=3/18/15

Attorney Jeffrey B. Lehrer, Esq. was present to represent the applicant. He reviewed the application and the below reasons for request for new free standing sign to replace current sign:

1. Realignment of Route 22 and the significant grade change
2. Upward of 75 feet of frontage was taken from DOT with realignment
3. Limited frontage
4. Awkwardly shaped lot

Mr. Lehrer stated that the client has agreed to reduce the height of the sign from 47 feet to 37 feet.

David A. Stires, PE & PP, the applicant's engineer provided testimony for the applicant.

Mr. Stires submitted additional exhibits which were marked into evidence as follows

A-15- 2/3/15 Photo of Route 22 westbound simulation

A-16 - 2/3/15 Photo of Route 22 eastbound simulation

Mr. Stires reviewed the pictures with the board of how the existing sign is currently seen from the highway.

Mr. Stires stated that the current sign is 100 square feet approximately 28 feet high. The height of the proposed new sign would be 226 square feet and 37 feet high. The proposed new sign would be set back 10.4 feet from route 22.

Mr. Fross asked if any other signs would be used in addition to the proposed sign. Mr. Stires stated that no other signs would be used.

Mr. Kirsh asked if is possible to get a sign that is shorter than 37 feet and what other sizes are available.

Mr. Ferraez, President of Bridgewater Chevrolet stated that the 10 x10 sign that is currently there is no longer available from General Motors but other size signs are available.

Mr. Kirsh asked what the next size down was. Mr. Ferraez stated that there is an 11'-3" x 11'-3" sign is available with a height of 26 feet.

Board Planner Scarlett Doyle stated that the address would need to be on the sign for emergency services. Mr. Ferraez stated that the signs cannot be altered but a smaller address sign could be put into the ground.

Craig Van Roekel, district sales manager for central NJ was sworn in for testimony and stated his credentials.

Mr. Van Roekel stated that the Bridgewater Chevrolet site has been underperforming for the past 10 years in sales of both cars and trucks.

Mr. Van Roekel stated the dealership is also currently pulling customers from 20 miles away.

Mr. Ferrez stated sign won't make or break the dealer ship. The motive was to get better attention to Chevrolet and let the people know that a dealer is there. He would agree to next smaller sign if the board is more inclined to approve that size.

Chairman Sweeney opened the public portion of the meeting. There were no comments or questions.

Attorney Vastola asked what the General Motors product number was for the proposed 11'-3" x 11'-3" sign. Mr. Stires confirmed that the proposed new sign was GM #P137

The board deliberated based on the sign size of 11'-3" x 11'-3" and 26 ft high, and discussed several conditions including

1. Any sign illumination would be extinguished during non business hours
2. Work with Township Planner regarding landscaping at base of freestanding sign
3. Add something to identify street address at base of sign

Motion by Mr. Humenick, second by Mrs. Pearly the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr.
Fross, Mr. Pearly
ABSENT: Mrs. Powers
NOT ELIGIBLE: Mr. Weideli, Ms. Guttschall, Mr. Fallone

Mr. Kirsh excused himself and left the meeting.

SONNER -85 Loeser Avenue
Block 300 Lot 10
#14-009-ZB, Use Variance: Residential Dwelling & Landscape Business
TIME: 120=4/16/15

Attorney Robert Foley Esq. appeared for the applicant. Applicant Robert Sonner and Thomas Harris PP were sworn in for testimony.

Applicant Mr. Sonner stated that he runs a landscape business from his property since 1988. He discussed the nature of his business. He confirmed that he has been doing the business consistently without interruption since he moved in 1988 as a tenant. He purchased the property in the spring of 1999. He stated the nature of his business remained the same from that time.

Mr. Sonner stated that the property to the south is owned by Somerset County. The applicant was given permission by county to use driveway. There is no written agreement.

Mr. Sonner is asking the board to recognize that he has been operating a business that pre existed prior to zoning change in 1999. At the time he purchased the property it was an M-2 zone and his current use was permitted under the M-2 zone.

Chairman Sweeney asked about the containers that were located at the back of the property. Mr. Sonner stated that these were used for storage.

Attorney Robert Foley explained preexisting non conforming use to the board.

Mr. Sonner stated that he purchased the property prior to the zone change in 1999 and that he was never notified and was not aware of the zone change.

There was discussion with the board regarding whether a landscaping business is in fact a permitted use in the M-2 zone.

Thomas Harris Planner and Surveyor stated his credentials and was accepted.

Mr. Harris submitted an exhibit which was marked into evidence as follows:

A-1 2/3/15 Historical Aerial photo of property from 1995

Mrs. Harris discussed the photo showing the property in question.

Helen Meyer of 166 Nimitz Street, Bridgewater was sworn in for testimony. Mrs. Meyer stated that she has been a resident there since 1952 and that she can see the applicant's property from her window. She stated that to her knowledge he has been running a landscape business prior to 1999 and his business had not changed since he moved in. She also stated that she has no complaints and that he keeps his property nice and neat.

Helen Rosania of 190 Nimitz Street, Bridgewater was sworn in for testimony. Mrs. Rosania that she can see the applicant's property from her home and that he has been operating the business for many years. She stated that he was a very nice neighbor and she never had a problem with it and that he helps out the neighbors.

Mr. Foley concluded his testimony.

Chairman Sweeney opened the public portion of the meeting. There were no comments or questions.

The board deliberated on the approval of the use of this property as a preexisting non conforming use and discussed several conditions including:

1. The applicant is required to submit a site plan application filed within 90 days.

Motion by Mr. Weideli, second by Mr. Fross the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick, Mr.
Fross, Mr. Pearly, Mr. Weideli

ABSENT: Mrs. Powers, Mr. Kirsh (left early)

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

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:

At the request of Township Engineer Tom Forsythe the board approved a traffic engineer that is needed for an application that is being heard coming up.

ADJOURNMENT:

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

Respectfully submitted,
Ann Marie Lehberger
Planning Secretary