

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, May 19, 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.

Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Board Secretary before the public meeting.

However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

ROLL CALL:

Don Sweeney – present	Alan Fross – absent
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 – present	

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

MINUTES FOR APPROVAL:

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

The foregoing minutes will be presented for Board consideration when completed. No action was taken.

May 5, 2015, Regular Meeting - Motion by Mr. Kirsh, second by Mrs. Amin, the minutes were adopted as amended on the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:

BRIDGEWATER CHEVROLET, INC. - 1548 Route 22 East Block 356 Lot 2.02
#15-006-ZB, Preliminary Major Site Plan and Final Major Site Plan with variances- Expansion
TIME: 120=7/1/15

DECISION: Approved with conditions 4/7/15

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

Motion by Mr. Kirsh, second by Mr. Pearly the foregoing resolution memorializing the approval on 2/17/15 was adopted as amended on the following roll call vote:

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

ABSENT: Mr. Fross

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

CLEARY -2141 Washington Valley Road (*pending*)

Block 907 Lot 68

#14-034-ZB-Major Subdivision

TIME: 120= 5/27/15

DECISION: Approved with conditions 5/5/15

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

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

HEARING AND DELIBERATIONS:

New York SMSA Limited Partnership dba Verizon Wireless

Block 400 Lot 5.02

#15-008-ZB- Minor Site Plan with Variances

TIME: 120= 8/20/15

Attorney Michael Beck was present to represent the applicant. Mr. Beck provided an overview of the application to the board. Mr. Beck stated that the applicant is requesting minor site plan and use variance approval to install one antenna that is approximately 60 inches in height and 16 inches wide, a GPS antenna and two equipment cabinets all to be located on the rooftop of the existing commercial building. He noted that the property is in the C-3 zone where telecommunications are permitted as a conditional use. He stated that a use variance is needed because the proposed application does not meet the required condition of a 1,000 foot setback to residential properties and a building height variance is needed because 45 feet maximum is permitted in the zone and 51 feet is proposed.

Mr. Timothy Kronk, PP was sworn in for testimony and was accepted by the board. Mr. Kronk submitted exhibits which were marked into evidence as follows:

- **A-1** 5/19/15 Photo of existing conditions and Photo used for computer simulation
- **A-2** 5/19/15 Photo of existing conditions and Photo used for computer simulation
- **A-3** 5/19/15 Photo of existing conditions and Photo used for computer simulation

- **A-4 5/19/15** Aerial Photographs

Mr. Kronk reviewed the photographs and described the proposed location of the antenna to the board.

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

Ms. Stephanie Koles, radio frequency engineer for Verizon Wireless was sworn in for testimony and was accepted by the board. Ms. Koles provided the following testimony. The antenna is needed at the proposed site to increase LTE capacity for subscribers in the area and to improve coverage gap in the 2100 megahertz frequency. LTE is the current technology that is based on a data network. Subscribers in this area will experience a loss in data service if the deficit is not remedied.

Ms. Koles submitted exhibits that were marked into evidence as follows:

- **A-5 5/19/15** Topographic map of area
- **A-6 5/19/15** Topographic map showing current coverage deficit
- **A-7 5/19/15** Topographic map showing proposed coverage

Verizon needs to add a site that could pick up the subscribers in the local area where the coverage gap exists. The area in need was identified through a distant histogram. This helps to determine a location where a new site is needed. This proposed antenna is a small network node that is a single antenna, low in height with minimal equipment. It will specifically target the area where the deficit has been identified. The board asked if another location was looked at for the placement of this antenna. Ms. Koles stated that placing the antenna in another location would be too far away and would not benefit the users in the targeted coverage area in need. Ms. Koles noted that the installation of the proposed antenna would not interfere with the service of the residents in the 1,000 foot radius.

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

Mr. Paul Dugan, radio frequency consulting engineer was sworn in for testimony and was accepted by the board. Mr. Dugan stated based on his evaluation, he concluded that the proposed application complies with both the NJ act as well the federal regulations for radiation emissions.

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

Mr. Chad Schwartz, PE was sworn in for testimony and was accepted by the board. Mr. Schwartz described the site and what was proposed physically. Mr. Schwartz provided the following testimony. The proposed antenna is 16 inches in diameter and about 5 feet tall. The top of the antenna height will be 10 feet above the parapet of the building. There will also be two equipment cabinets. It is a very small installation located on the rooftop. Routine maintenance would be one time per month. Mr. Schwartz reviewed the reports of the township professionals with the board.

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

Mr. Kronk, PP planner was recalled. Mr. Kronk reviewed the variances being requested with the board. Mr. Kronk submitted exhibits which were marked into evidence as follows:

- **A-8 5/19/15** Photo taken of view from 491 Route 28
- **A-9 5/19/15** Photo taken of view from 491 Route 28

Mr. Kronk reviewed the photos which indicate how the proposed antenna would be seen by the properties on Route 28. He noted that this is the minimum that Verizon wireless needs to eliminate the coverage deficiency.

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

The board began deliberations.

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

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

KANHAA LLC- 600 East Main Street
Block 315 Lot 3
#15-009-ZB- Preliminary and Final Major Site Plan with variances
TIME: 120= 7/29/15

Attorney Donald Whitelaw was present to represent the applicant. Mr. Whitelaw provided an overview of the application with the board.

Mr. Prashant Amin, principle was sworn in for testimony. Mr. Amin provided the following testimony. He is the current owner of Crossroads Bar and Grill. The business in not what he had hoped and is looking to redevelop the site into a different kind of commercial use. He has lived in Bridgewater for 25 years.

The Board went into executive session at 8:55 pm to discuss litigation - T –Mobile Northeast LLC v. Township of Bridgewater Board of Adjustment

The Board returned to open session with all present as before at approximately 9:13 pm.

Motion by Mrs. Powers second by Mrs. Amin the resolution subject to the clarification discussed in executive session was approved on the following roll call vote:

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

The board continued with the Kanhaa LLC application. Mr. Amin continued his testimony as follows. It was his hope to own and operate a business in town. Part of the proposal is for him to

use a portion of the building for a deli. The proposed hours of operation are 5am to 11pm. The current hours are until 2 am for the bar restaurant and there have been some neighborhood complaints due to the nature of the business. He is looking to turn it into more a retail space with a deli and four other businesses. There are no other proposed tenants at this time. He and his family have worked hard to try to make the business work but it has not been successful. The building is old and in need of repair.

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

Mr. Ryan Fennell, AIA was sworn in for testimony and was accepted by the board. Mr. Fennell submitted exhibits that were marked into evidence as follows.

- **A-1 5/19/15** Colored diagram footprint of existing building compared to the proposed
- **A-2 5/19/15** Photo of existing conditions
- **A-3 5/19/15** Photo of existing conditions
- **A-4 5/19/15** Color rendering of sheet A-2 of plans

Mr. Fennell provided testimony as follows. There is an existing utility basement that will remain. The largest retail space will be the deli. It will have outdoor seating that will be facing the street with an iron fence and some low plantings. There will be 16 seats inside the deli and 20 seats outdoors. He reviewed the photos of the existing conditions noting that existing building is very run down and outdated looking. The current sign would be used but would be made a little smaller in size.

Mr. Sweeney opened the public portion of the meeting.

Christopher Faulborn of 591 East Main Street questioned who the other tenants would be. He stated that he was not able to review the plans and documents that were in the planning office prior to the meeting due to his work schedule. He stated that he lives directly across the street from the location and hears a lot of noise now.

Diane Veneroso of 595 Bridgewater Ave asked where the stores would be facing. Mr. Whitelaw stated that the storefronts would be facing the parking lot.

John Veneroso of 595 Bridgewater Ave asked what zone the property was in. Mr. Whitelaw confirmed it was a residential zone. Mr. Veneroso would like to know what variances have been granted to the property over the years. Board Attorney Vastola recommended to the board that the Board Planner investigate the variances that have been granted previously on the property and have the information available for the next meeting since due to time this application would not be completed tonight. Mr. Veneroso was concerned about the pickup of garbage at the location. Mr. Whitelaw stated that there would not be garbage pickup prior to 8 am.

Christopher Faulborn of 591 East Main Street asked if the entrances and exits would be in the same location as they are now. It was noted by the board that the engineer would address that in their testimony.

Mr. Sweeney closed the public portion of the meeting.

Mr. Paul Ricci, PP was sworn in for testimony and was accepted by the board. Mr. Ricci submitted exhibit that was marked into evidence as follows.

- **A-5 5/19/15** Aerial photograph of site with 8 pictures of existing site and adjoining properties.

Mr. Ricci reviewed the photographs with the board and provided the following testimony. As a result of the proposal there will be new landscaping and a significant increase in green space and landscaping in the space between the roadway and the parking. He noted that this is largely an application of improvement to an existing longstanding non conforming use. The size of the sign would be reduced and would create a new character and positive impact for the area. This is a longstanding commercial use that has been in the area for decades. This application provides a better use for the surrounding property owners in a manner that is aesthetically pleasing.

Diane Veneroso of 595 Bridgewater Ave asked if the whole block including her property would now be a C-1 zone if the application was approved. Chairman Sweeney clarified that there would be no zone change. Mrs. Veneroso asked about landscaping. Chairman Sweeney noted that the applicant's engineer would address that in their testimony.

Chairman Sweeney encouraged the members of the audience to come view the application and other information in the township office. The applicant's attorney also noted that the professionals would be available after the meeting to answer any questions the residents had.

The application was carried to the meeting on June 30, 2015 with no additional notice required.

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 10:30 pm.

Respectfully submitted,
Ann Marie Lehberger, Planning Secretary