

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, June 16, 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 – present
Pushpavati Amin – present	Roger Pearly, Alt. #1 – present
Paul Riga – absent	James Weideli, Alternate #2- present
Michael Kirsh, – present	Dawn Guttschall Alternate #3 – absent
Evans Humenick – present	John Fallone Alternate #4 - present
Beth Powers – absent	

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 19, 2015, Regular Meeting - Motion by Mr. Kirsh, second by Mrs. Amin, the minutes were adopted on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mr. Pearly, Mr. Weideli, Mr. Fallone
ABSTAIN:	Mr. Fross
ABSENT:	Mr. Riga, Mrs. Powers, Ms. Guttschall

MEMORIALIZING RESOLUTIONS:

CLEARY -2141 Washington Valley Road
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

Motion by Mrs. Amin, second by Mr. Fross the foregoing resolution memorializing the approval on 5/5/15 was adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga, Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Weideli, Mr. Fallone

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

DECISION: Approved with conditions 5/19/15

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

Motion by Mrs. Amin, second by Mr. Kirsh the foregoing resolution memorializing the approval on 5/19/15 was adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga, Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Fross, Mr. Weideli, Mr. Fallone

HEARING AND DELIBERATIONS:

Vadinsky-44 Bradley Lane

Block 121 Lot 29

#15-011-ZB- Minor Site Plan with variances -pool

TIME: 120= 8/21/15

Attorney Robert Foley was present to represent the applicant. William Vadinsky, applicant was sworn in for testimony. Mr. Vadinsky provided testimony as follows. He is applying for a variance for the construction of an in ground swimming pool. His property, having frontage on 3 streets, by the ordinance, has 3 front yards. Accessory structures are not permitted in the front yard, therefore a variance is required. The front of the house faces on Bradley Lane, to the right of the house is Roanoke Road and the back of the house faces Berwick Drive. Berwick Drive is not a through street and is chained off about 150 ft down. There is no traffic going down the road and the road ends at Bradley Gardens School. They are proposing to put the pool in the back of the house facing Berwick Drive. They are proposing screening and fencing. There are also currently two accessory structures, a dollhouse and a shed which will remain.

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

Mr. Martin Miller, the applicants engineer was sworn in for testimony and was accepted by the board. Mr. Miller provided testimony as follows. The applicant has chosen a 4 ft high aluminum fence that will be coated black. The applicant is proposing additional screening. Mr. Miller reviewed the reports of the board professionals. The board questioned if the pool could be moved to another location on the property to address the setback issues. Mr. Miller stated it would not be possible because it would be too close to the house.

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

Ms. Nancy Weaver Smith, PP was sworn in for testimony and was accepted by the board.
Ms. Weaver submitted exhibits that were marked into evidence as follows.

- **A-1 6/16/15** Photos of rear of property from Berwick Drive

Ms. Weaver Smith noted that she visited the property and observed that there was no traffic on Berwick Rd. She confirmed that the pool could not be moved because it would be too close to the house. She reviewed the report of the Board's professionals. She agreed with the comment of the Board Planner Scarlett Doyle that the species of the trees should be Evergreens.

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

The board began deliberations.

It was noted that a developer's agreement was not required.

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. Kirsh, Mr. Humenick, Mr. Fross,
Mr. Pearly, Mr. Weideli

ABSENT: Mr. Riga, Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Fallone

The Board went into executive session at 8:05 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 8:15 pm.

QuickChek Corp. –Frontage on Route 22 & Route 28
Block 400 Lots 1 & 2
#14-033-ZB- Preliminary & Final Major Site Plan w/ Variances
TIME: 120= 6/30/15

Attorney Bill Robertson was present to represent the applicant. Mr. Robertson provided an overview of the application. The property is presently occupied by a two story office building that has been vacant for some time on Lot 2. There is a two story residential dwelling that is presently occupied as well as a seasonal farm stand on Lot 1. The applicant is proposing to construct a food store approx 5,700 square feet as well as an 8,900 square foot canopy and associated fuel stations. Mr. Robertson provided an overview of the variances that are needed with the proposed application.

Mr. Richard Lamont, real estate development manager with QuickChek was sworn in for testimony. Mr. Lamont provided testimony as follows. QuickChek has 140 stores, 47 of those have fuel stations. All of the stores are family owned. They do not franchise any of the stores which allow them to provide consistency with the operations of each location. The QuickChek Corporation is very active in the communities where their stores are located. He described the property where the food store and fuel station is proposed. It is their intention to keep the current home and farm stand structures in place. They would function completely separate and independent however they do have the option to remove them. Mr. Lamont provided an overview of the QuickChek operations. The fuel deliveries would be 6 to 8 times per week. The deliveries of merchandise to the store would be approximately 6 times per week. There will be smaller box trucks that would be more frequent, approximately 5 times per day. There is a designated loading zone which allows them to keep these functions separate from the customers. Trash and recycling pickups would be 2-3 times per week by a private hauler. The store will operate 24 hours a day. It is expected for this location to have

between 35 and 50 employees. There is a 3 employee minimum for overnight. They have security cameras that blanket the site. The majority of the employees would be hired from the community and would be provided with extensive training. The board questioned the times that deliveries would be made. Mr. Lamont stated that typically most deliveries occur during the day but are not limited to that time. Trash pickup times are not limited unless required to. The board questioned if diesel would be sold. Mr. Lamont stated that they do sell diesel but only accommodate cars and smaller vehicles that use diesel. They discourage tractor trailer trucks from getting fuel because they are not designed to accommodate them. The board questioned the current ownership of the property. Mr. Lamont stated that it was QuickChek's intent to purchase both properties but noted that the sale is subject to the approval by the municipality. The lots would then be merged into 1 lot. The board questioned if they would consider limiting the hours to not be 24 hours. Mr. Lamont stated that they believe that they provide a service to those people who work in the evening and have nowhere to go. The board asked if they could redesign the plans to buffer Route 28 and have an entrance only on Route 22. Mr. Lamont stated that the entrance on Route 28 could be limited to their customers only driving on Route 28. He noted they could limit trucks from using the Route 28 entrance. The existing driveway would remain as well as all vegetation on Route 28 will remain in place. The board questioned if any of their locations with fuel were not open 24 hours. Mr. Lamont stated that there was only one where the gas station closed but the store remained open 24 hours. The board questioned the number of pumps being proposed. Mr. Lamont stated there would be 8 pumps with sixteen fueling positions. There is a separate pump for diesel. Mr. Lamont also noted that the closest similar QuickChek location with gasoline is currently in Hillsborough. The board questioned if propane would be sold. Mr. Lamont stated it would not be. Board Planner Doyle questioned the business plan for the current home and farm stand. Mr. Lamont stated that they plan to continue leasing the properties as they currently are being now.

Mr. Sweeney opened the public portion of the meeting.

Swati Patel of 9 Kiser Lane questioned what the advantage would be to having another gas station if there are already several close by. Mr. Lamont stated that he feels they will provide a better gas station.

Inderpreet Banga of 376 Route 28 asked if there were demographic studies done on the traffic that occurs in other stores between the hours of 10 pm and 3 am as well as crime studies. Mr. Lamont stated that they monitor the safety of the stores very closely. Mr. Lamont stated that they did a recent study that was used in a recent application in West Orange and would share that at the next session.

Bal Mukand Gupta of 4 Decker Lane asked why this location was chosen. Mr. Lamont stated that the site would provide a service to all surrounding areas.

Anthony Casale of 382 Route 28 asked if there are any wetlands on these properties. It was noted that this would be discussed by the engineer. Mr. Casale questioned why they did not look for a property that was in the proper zone. Mr. Lamont stated that they feel they would fit in this location and their use would be consistent with the uses on Route 22. Mr. Casale also asked if a traffic study was done. It was noted that a traffic study was done.

Ms. Pu of 2 Levan Court questioned how this location would benefit the community. Mr. Lamont stated that providing multiple items in one place would be a benefit in the community that is better than their competitors.

Charles Ziss of 20 Bogart Drive asked for sales of the Branchburg location and number of transactions. Mr. Lamont stated that is information that he cannot share. Mr. Ziss asked if a variance was required for the location currently on Route 28. Mr. Lamont stated he did not know. Mr. Ziss asked if demographic studies were done of the population in the area to see if they work at night. Mr. Lamont stated that they only do general demographic studies.

Andy Guo of 10 Jenna Drive questioned whether they would be attracting existing customers as opposed to meeting an unmet need. Mr. Lamont stated they believe that they provide a convenience for people who are driving by. Mr. Guo expressed concern about the traffic pattern change not being good for the residential area.

Henry Wang of 571 Buena Parkway asked if alcohol would be sold. Mr. Lamont confirmed that alcohol would not be sold. Mr. Wang expressed concern with schools so close and the amount of school buses that travel those roads.

Dharmash Bhatt of 7 Kiser Lane asked what the contingency plan was if the farm stand was not able to be leased. Board Attorney noted that because they are non conforming uses, any changes in uses on that property would require a variance. Mr. Bhatt asked if a divider could be put at the entrance to prevent tractor trailers from entering on Route 28. Mr. Lamont stated that he thought it would not be necessary because they will have the ability to restrict their trucks from entering from Route 28.

Shoshana Enny of 39 Kiser Lane asked if this QuickChek would have the same lights as the one in Hillsborough because she has been at that site in Hillsborough late at night and it is very bright. Mr. Lamont stated that there are rules that require them to limit the amount of light that spills from the property.

Feng Xie of 42 Purcell Road was concerned about safety due to the gas station being so close to the residential area.

Rui Wang of 22 Purcell Road asked how many diesel dispensers there would be. Mr. Lamont stated that there will be 2 diesel dispensers which would be in close proximity to the other dispensers. Ms. Wang expressed concern about the air pollution being so close to the residential area. Ms. Wang also questioned why this location was chosen when it is not zoned for this use. Mr. Lamont noted that the planner would go into more detail on this.

Nigam Patel of 12 Bogart Drive asked if there were any existing similar gas stations in nearby towns. Mr. Lamont said he would provide a list of all the stores in the area.

Zhe He of 14 Purcell Road asked if there was study done on the property value of the homes where a similar store was located. Mr. Lamont stated that there was not.

Chairman Sweeney closed the public portion of the meeting.

Keith Cahill, the applicant's engineer was sworn in for testimony and was accepted by the board. Mr. Cahill submitted exhibits that were marked into evidence as follows:

- **A-1** **6/16/15** Aerial exhibit from Google Maps of property
- **A-2** **6/16/15** Color rendering of site plan with original proposal
- **A-3** **6/16/15** Color rendering of site plan with current proposal
- **A-4** **6/16/15** Color rendering of site plan overlay
- **A-5** **6/16/15** Building Envelope
- **A-6** **6/16/15** Tractor trailer heading eastbound on Route 22
- **A-7** **6/16/15** Truck turning exhibit

Mr. Cahill provided testimony as follows. He described the property. The total area is 5.47 acres. There is an extensive frontage on Route 22 which is in excess of 900 feet. There is also a 900 foot frontage on Route 28. The existing structures on Lot 1 do not comply with the current zoning. There is a 30 foot grade from the eastern portion of the property to the western portion of the property on Route 28. Mr. Cahill reviewed the original plan layout with the current proposed plan. The plans were revised based on the feedback received from the township professionals. When it comes to safety, QuikCheck goes above and beyond all aspects for design. All the trees that exist on Route 28 today will remain. The characteristics as you drive down Route 28 will be maintained. The driveway on Route 28 would provide access for people to enter on Route 28 without having to go onto Route 22. If access was only on Route 22, then customers leaving the site would have to travel a significant distance before they can turn around on Route 22 or go onto Route 28. The site layout has to be convenient for its customers to be a viable site. The layout and the grade changes help provide buffer to the residents on Route 28. A berm has been created in excess of 10 feet of height to shield the view from the site. The number of parking spots proposed is 57 which would be located on three sides of the building as well as on the perimeter. There would be 8 dispenser islands which create 16 fueling positions. There are 2 additional diesel dispensers that are immediately adjacent to the gas product so there are no additional fueling positions. There would be 4 underground storage tanks. The entire fueling facility meets and exceeds all of the Bureau of Underground Storage Tank regulations. The tanks are continuously monitored. The layout makes it convenient and safe for circulation. Mr. Cahill reviewed the truck turning exhibits to show how the tractor trailers would enter and exit the site from Route 22.

Chairman Sweeney stated that it would be extremely helpful to have simulations for the next meeting that show the view facing the proposed site from Route 28 both east and west of Bogart Dr.

Mr. Kirsh also stated that it would also be helpful to have the simulations in different conditions as summer and winter.

The application was carried to the meeting on August 4, 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