

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, May 3, 2016

—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 08807

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 25, 2016 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

Pushpavati Amin – present

Paul Riga – present

Michael Kirsh, – present

Evans Humenick – present

Alan Fross – present

Beth Powers – present

James Weideli, Alternate #1- present

Dawn Guttschall Alternate #2 – present

John Fallone Alternate #3 – absent

Jeff Foose Alternate #4 – present

Others present: Board Attorney Steven Warner, Board Engineer Thomas Forsythe, Board Planner Scarlett Doyle, Ann Marie Lehberger, Planning Division Secretary

MINUTES FOR APPROVAL:

November 17, 2015, Regular Meeting

Motion by Mr. Weideli; Second by Mr. Fross the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Humenick, Mrs. Powers, Mr. Fross, Mr. Sweeney, Mr. Weideli, Ms.Guttschall

ABSENT: Mr. Fallone

NOT ELIGIBLE: Mr. Riga, Mr. Kirsh, Mr. Foose

February 16, 2016, Regular Meeting

Motion by Mr. Kirsh; Second by Mrs. Amin, the foregoing minutes were adopted as amended on the following roll call vote:

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

ABSENT: Mr. Fallone

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

April 5, 2016, Regular Meeting

Motion by Mrs. Amin; Second by Mr. Weideli, the foregoing minutes were adopted on the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:

NEW YORK SMSA LIMITED PARTNERSHIP/ dba Verizon Wireless - 65 Old York Road

Block 134 Lots 4

#16-001-ZB- Amendment of Prior Approval

TIME: 120=4/5/16

DECISION: Approved with conditions 4/5/16

Eligible to vote: Mrs. Amin, Mr. Humenick, Mr. Fross, Mr. Sweeney, Mrs. Powers, Mr. Weideli, Mr. Foose

It was noted by the Board Attorney Mr. Warner that above resolution will be not be memorialized this evening because the application escrow account was in arrears.

CHRIST PRESBYTERIAN CHURCH – 1600 Washington Valley Road

Block 660 Lots 8

#15-041-ZB- Minor Subdivision with Conditional Use Variance

TIME: 120=6/10/16

DECISION: Approved with conditions 4/5/16

Eligible to vote: Mrs. Amin, Mr. Humenick, Mr. Fross, Mr. Sweeney, Mrs. Powers, Mr. Weideli, Ms. Guttschall

Motion by Mr. Weideli; Second by Mrs. Amin, the foregoing resolution memorializing the approval on 4/5/16 was adopted as amended on the following roll call vote:

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

DE FALCO (AMENDMENT) – 5 Levan Court

Block 172 Lots 39, #15-033-ZB- Bulk Variance- Pool & Patio

DECISION: Approved with conditions 2/16/16, Memorialized 2/23/16

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

Motion by Mr. Kirsh; Second by Mr. Sweeney, the foregoing resolution memorializing the approval on 2/16/16 was amended on the following roll call vote:

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

HEARING AND DELIBERATIONS:

Hall's Warehouse

#15-036-ZB- Minor Site Plan with Variances –Outdoor Storage

TIME: 120=6/10/16

Attorney Peter Lanfrit was present to represent the applicant. Board Planner Scarlett Doyle and Board Engineer Thomas Forsythe were sworn in for testimony. Mr. Lanfrit stated that the applicant received a violation letter about 2 years ago because they were storing some reels outside for Turtle and Hughes. He noted that the items were removed and the complaints were dismissed. Mr. Lanfrit stated that since that time the applicant has had other requests from customers for outdoor storage and they are here tonight to request a variance to allow for some outside storage.

Bruce Jayne, one of the owners of Hall's warehouse was sworn in for testimony. Mr. Jayne provided testimony as follows: Hall's warehouse has 8 locations throughout NJ. They have been located in the current Bridgewater location since 1978. The Bridgewater location has been a public warehouse since 1978. The warehouse was leased to Ortho Mc Neil for a period of time. Ortho McNeil had come before the Board to request a variance for increased parking while they were leasing the space. Hall's is currently operating this location as a public warehouse. They take products in from other companies. They primarily deal with food and pharmaceuticals in the Bridgewater location. Everything comes in via tractor trailer; it is received in and then distributed out. The hours are primarily 7 am to 6 pm. They average 10-14 employees. There is an ADT security system throughout the facility. They currently do not have an outdoor storage area but have received requests from customers for outside storage use. They recently housed reels for Turtle and Hughes but when they received violations, the reels were removed

Chairman Sweeney asked if there were currently reels still on the property. The applicant noted there were still a few on the property and that they are waiting for them to be picked up.

The Board questioned why they would need outside storage. The applicant explained that certain items are not able to be stored inside due to size and other limitations. Mr. Jayne explained that they were recently contacted by a car dealership who wanted to temporarily store some cars outside.

The Board questioned if the outdoor storage areas would be enclosed. The applicant stated that the areas will be open and will not be enclosed.

Board Planner Doyle asked how high the storage would be. Mr. Lanfrit stated that the fence is 8ft high and they are not looking to go above the fence height for the storage.

Board Engineer Forsythe asked what the maximum number of employees would be at the site and whether the gate would be kept closed if there is outdoor storage. Mr. Lanfrit stated that the maximum number of employees is 15 and that the gate is currently closed at 6pm and that would continue. Mr. Forsythe also noted that the applicant needed to clean out and maintain the detention basin that is on the property.

F. Mitchell Ardman, PE & PP, engineer and Planner for the applicant was sworn in for testimony and was accepted by the Board. Mr. Ardman submitted an exhibit that was marked into evidence as follows:

A-1 5/3/16 Colored rendering of sheet 1 of site plan

Mr. Ardman described the current conditions on the property and provided testimony as follows. The total property area is just under 16 acres and it is located in the M1-A Manufacturing Zone. The applicant is proposing three outside storages areas. The first one would be located at the back of the building on the northwest area of the property; it would be 4,700 square feet on an existing gravel area. The second one, also located at the back of the building further to the east is just under 6,500 square feet. These two areas are screened and not visible to the residents on Foothill Road. The third area to be located to the east side of the

entrance will be 11,430 square feet. It will be on a currently paved area. There would still be plenty of parking for employees and there is plenty of room for circulation on the south side of the building. No trees would be removed and the gravel would remain. Mr. Ardman reviewed the reports of the Board Engineer.

The Board asked for confirmation as to the exact number of parking spots that are on the property.

The Board asked the applicant to address the buffer to residences located on Foothill Road.

Chairman Sweeney opened the public portion of the meeting for questions of both Mr. Jayne and Mr. Ardman.

Froso Andronikou of 224 Foothill Road questioned how many loads daily come in to the warehouse and expressed concern that they were operating over capacity as outlined in the resolution of 1978. Ms. Andronikou asked if loading doors 23, 24 & 25 were necessary. Mr. Jayne stated that they were necessary. Ms. Andronikou expressed concern about rodents and hazards to neighbors that could be caused as a result of the proposed outdoor storage.

Joe Vecchio of 201 Foothill Road questioned if other items besides the spools were ever stored outside on the property and expressed concern about cars being stored on the property.

Charles Thurston of 224 Foothill Road asked if the applicant would be willing to put up a sound barrier fenced.

The Board asked the applicant to return with revised plans to address the Board professional's comments and the questions raised at this meeting. The Board requested the applicant to have an operations person available at the next meeting for questions.

The application was carried to July 5, 2016 with no new 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:

After roll call at 7:30 p.m., the Board honored Mr. Lawrence Vastola, Esq. who served as Board attorney for the past 39 years and had recently announced his retirement from the Board. They presented Mr. Vastola with a plaque with the following inscription:

To Honor
Lawrence A. Vastola, Esq.
For His Wise Counsel, Keen Insight and Dedicated Service
Provided over 39 Years as Legal Counsel to
The Bridgewater Township Zoning Board of Adjustment From 1976 to 2015
Presented by The Zoning Board of Adjustment April 5, 2016

Councilman Norgalis, Councilman Pedroso, Councilman Moench, Councilwoman Rose, Mayor Hayes and former Chairman Harlan were all present and spoke to the Board and the members of the audience to thank Mr. Vastola for his support and dedication as Board Attorney for the past 39 years.

Board Attorney Steven Warner read the following resolution that he had prepared for this occasion.

**Resolution
Zoning Board of Adjustment of the Township of Bridgewater**

In Recognition of Service – Lawrence A. Vastola, Esq.

WHEREAS, Lawrence A. Vastola, Esq., is a graduate of Saint Mary's High School (Perth Amboy, NJ), Assumption College (Worcester, MA), and St. Louis University School of Law (St. Louis, MO); and

WHEREAS, Lawrence A. Vastola, Esq., is a partner in the law firm of Vastola Fackelman & Sullivan, formed in 1989; and

WHEREAS, Lawrence A. Vastola, Esq., has practiced law for more than forty years, concentrating primarily on Land Use and Transactional matters; and

WHEREAS, Lawrence A. Vastola, Esq., has honorably and diligently represented the Zoning Board of Adjustment of the Township of Bridgewater for the past thirty-nine (39) years; and

WHEREAS, Lawrence A. Vastola, Esq., has served the Zoning Board of Adjustment, the Township of Bridgewater, and the Townships' residents in exemplary fashion throughout his distinguished career.

NOW THEREFORE BE IT RESOLVED, by the Zoning Board of Adjustment, that, in recognition of his years of faithful service, the Zoning Board of Adjustment extends to Lawrence A. Vastola, Esq., its deep appreciation and sincere gratitude on behalf of the Zoning Board of Adjustment, the Township of Bridgewater, and all of the Townships' residents.

BE IT FURTHER RESOLVED, that this citation of his service be inscribed at length in the minutes of this Zoning Board of Adjustment meeting, held on this 3rd day of May, in the year of Our Lord, 2016, and that a suitable copy thereof, signed by the members of the Zoning Board of Adjustment, be presented to Lawrence A. Vastola, Esq.

At 7:50 pm, everyone present to honor Mr. Vastola went to the adjoining conference room for cake to honor Mr. Vastola. The Board members returned to the Courtroom at 8:05 pm and continued with the agenda items.

ADJOURNMENT:

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

Respectfully submitted,
Ann Marie Lehberger
Planning Secretary