

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
Tuesday, October 18, 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	Beth Powers – present
Pushpavati Amin – present	James Weideli, Alternate #1- present
Paul Riga – present	Dawn Guttschall Alternate #2 – present
Michael Kirsh, – present (arrived 7:35)	John Fallone Alternate #3 – present
Evans Humenick – present	Jeff Foose Alternate #4 – absent
Alan Fross – absent	

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

**MINUTES FOR APPROVAL:**

**September 6, Regular Meeting**

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

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

**MEMORIALIZING RESOLUTIONS:**

**BATRA & KAUR-575 Buena Parkway (Amendment to Resolution)**

Block 172.01 Lot 2

#16-027-ZB- Appeal Decision of Zoning Officer- Pool

DECISION: Approved with Conditions 9/6/16

Motion by Mr. Weideli; Second by Ms. Guttschall, the foregoing resolution memorializing the approval on 9/6/16 was amended on the following roll call vote:

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

**CHRIST PRESBYTERIAN CHURCH**

Appl#15-041-ZB, Block 600 Lot 8

Request for 90 day extension of time to record subdivision deed

Motion by Mrs. Amin; Second by Mr. Weideli, the foregoing resolution memorializing the approval on 10/18/16 was adopted on the following roll call vote:

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

ABSENT: Mr. Fross, Mr. Foose

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

**PRESBYTERIAN CHURCH OF BOUND BROOK (Cemetery)**

Appl#25-11-ZB, Block 381 Lots 22, 27 & 28

Request for extension of time to record subdivision deed to 11/30/16

Motion by Mr. Weideli; Second by Mr. Riga, the foregoing resolution memorializing the approval on 10/18/16 was adopted on the following roll call vote:

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

ABSENT: Mr. Fross, Mr. Foose

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

**HEARING AND DELIBERATIONS:**

**617 EAST MAIN STREET LLC – (617 East Main Street & Finderne Ave.)**

Block 254 Lot 19 & 20

#16-018-ZB- Preliminary and Final Major Site Plan with C and D Variances- 7-Eleven Retail Store

Attorney Robert Levinson was present to represent the applicant. Mr. Levinson explained that the applicant was requesting Preliminary and Final Major Site Plan approval with variances. He stated that the application relates to the property at 617 East Main Street located in C-1 zone. The property currently consists of a retail strip mall anchored by Twin City supermarket. Mr. Levinson stated that the proposal is to add an outparcel 3,000 square foot retail building that would be tenanted by 7-Eleven. He also noted that the Somerset County Planning Board issued a review letter this afternoon.

Jeffrey Martell, PE was sworn in for testimony and accepted by the Board as an expert witness. Board Planner Scarlett Doyle and Board Engineer Thomas Forsythe were also sworn.

Mr. Martell submitted exhibits that were marked into evidence as follows:

- |            |                 |   |
|------------|-----------------|---|
| <b>A-1</b> | <b>10/18/16</b> | <b>Aerial Exhibit of the Property</b>                           |
| <b>A-2</b> | <b>10/18/16</b> | <b>Colored Rendering of Site Plan</b>                           |
| <b>A-3</b> | <b>10/18/16</b> | <b>WB 50 Truck Turning Exhibit</b>                              |
| <b>A-4</b> | <b>10/18/16</b> | <b>Fire Truck and SU30 Truck Turning Exhibit</b>                |
| <b>A-5</b> | <b>10/18/16</b> | <b>Colored Architectural Plan of Front and Rear of Building</b> |

Mr. Martell described the existing conditions on the property and provided testimony as follows: There are five tenants in the existing shopping center. There are a total of four driveways on the site, three located on Finderne Ave. and one located on East Main Street. The proposal is for a 3,000 square foot 7-Eleven

convenience store to be located in the existing parking lot. There are currently 121 parking spaces on the site. An additional six parking spots will be added as part of the proposal. New concrete sidewalk and street trees are proposed along the entire property frontage of East Main Street and FINDERNE Ave. There is parking proposed on all four sides of the proposed building creating a pedestrian friendly experience. There will not be a loading zone in the back of this building but a trash enclosure is proposed near the building. Landscape islands are proposed. The proposal will potentially bring more activity and continued success to the site.

Mr. Martell reviewed the report of the Township professionals with the Board. Mr. Martell noted that any revisions that would be done to the driveways would need approval from the County. Mr. Martell stated that one free standing sign is proposed as part of the application that will also include all the tenants at the site and that three façade signs are also proposed for the 7-Eleven.

The Board questioned if the drive thru window at the bank would have any impact on the proposal.

The Board questioned if lottery tickets and propane would be sold at the 7-Eleven. Mr. Martell stated that lottery tickets would be sold but that no sale of propane is proposed.

The Board questioned where loading and unloading would be done since there is no specific loading zone. Mr. Martell stated that the front door would be used.

Chairman Sweeney opened the public portion of the meeting.

Joseph Rak, owner of the property at 39, 41, 45 & 47 FINDERNE Ave. was present and expressed concern about traffic safety when exiting from East Main Street. Mr. Rak also questioned the square footage of the signage that was being proposed. Mr. Rak also questioned the parking because the parking lot is full during the middle of the weekday.

Araceli Perez, owner of the Twin City supermarket was present and expressed concerns about adequate parking. Ms. Perez questioned the time frame for construction if the application is approved. Ms. Perez noted that she is currently rebranding and questioned if she would have input in the design of the pylon sign. Ms. Perez expressed concern about the lighting for the remaining portion of the parking lot because it is currently not well lit and can be dangerous.

Earnest Renda of 68 FINDERNE Ave. was present and expressed concern about the condition of the existing dumpsters on the property because they are not currently enclosed and in bad condition.

Mayur Patel of 131 Pearl Street was present and expressed concern about there being enough parking for the proposed 7-Eleven.

Mr. Tai of 635 East Main Street was present and had comments he wished to make.

The Chairman noted that there would be time at the end, once the applicant had completed their testimony for comments to be made. He stated that right now is the time for questions for the Engineer based on his testimony.

Joseph Rak, owner of the property at 39, 41, 45 & 47 FINDERNE Ave. was present and expressed concern about safety of the public in the surrounding neighborhood. Mr. Rak expressed concern about the location of the proposed building because he believes that his property will not be as visible.

Richard Stabile of 626 East Main Street was present and questioned how the easements would affect the lot area and whether the easement areas were included in their calculations. Mr. Martell confirmed that all

easement areas were included in all calculations.

Charles Olivo, PE, Traffic Engineer was sworn in for testimony and accepted by the Board as an expert witness. Mr. Olivo referred to the aerial exhibit (A-1) to describe the property location and provided testimony as follows: The site is located at the intersection of Finderne Ave. and East Main Street. Both of these roads are county roads. The site is served by three access points on Finderne Ave. The first one that you come to if you are traveling in a northerly direction is essentially at the corner of the intersection. This access point is being eliminated completely which in terms of safety is an improvement over what currently exists there today. There is also an egress only point about 15 feet further down on Finderne Ave. that is also being eliminated. The area where these two driveways tie into the site is just an open area of pavement. It is not channelized or striped. By using the land in this corner more efficiently, it can accommodate the 3,000 square foot building as well as add an additional six parking spaces. A new access point, 200 feet away from the intersection on Finderne Ave. is proposed and that driveway access will be left turn out restricted. The existing driveway on East Main Street will be reconstructed so that when you exit the center from East Main Street, you will be entering at a point that is more organized in terms of access management. Traffic counts for the site were done during the morning peak hours on weekday, evening peak hours on weekday and Saturday mid day peak period. Given the makeup of the different retail users within this center right now, the majority of the peaking characteristics occur during the weekday afternoon and evening. Saturday midday showed the most activity on the site for all the collective uses. The parking on the site is shared by all the tenants. The rear area of the building is used for loading and service. The proposal is to further share the parking with the 7-Eleven. There is no significant morning activity on the site. A number of the users do not open until 11 am. 7-Eleven operations complement this site well because a morning peak period is expected when the rest of the center is relatively quiet. Based on the study performed, on a weekday morning at 9 am there were 90 empty parking spots. In the afternoon, during the peak period, there were 75 open parking spots. On Saturday, during midday, there were 65 open parking spots. There is more than adequate capacity for parking on the site to accommodate this proposed use. The large majority of customers associated with convenience stores is passby traffic that already exists on the road.

The Board questioned what the peak time for 7-Eleven customers would be. Mr. Olivo stated that because they draw so much from the existing volumes on the road, their peak hours are the same as the roadway.

The Board questioned if the increased in- and- out traffic would cause more challenges to the drivers on the roadway at the intersection.

The application was carried to the meeting on November 15, 2016 at 7:30 pm with no further 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 were no other matters of Board business.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Planning Secretary