

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, November 15, 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	John Fallone Alternate #3 – present
Evans Humenick – present	Jeff Foose Alternate #4 – present
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:

October 18, Regular Meeting

Motion by Mr. Kirsh; Second by Mr. Weideli, 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. Sweeney, Mr. Weideli
ABSENT:	Mr. Fross
NOT ELIGIBLE:	Ms. Guttschall, Mr. Fallone, Mr. Foose

November 1, 2016, Regular Meeting

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

MEMORIALIZING RESOLUTIONS:

No Resolutions were pending for Board action

HEARING AND DELIBERATIONS:

BRIDGEWATER TOWNSHIP - 1113 Carteret Road
Block 627 Lot 20
#16-032-ZB- Variance- Fence

Attorney Alexander Fisher was present to represent Bridgewater Township. Mr. Fisher explained the application was for the Township to install a fence as part of a construction project for drainage purposes.

Thomas Forsythe, PE and Township Planner Scarlett Doyle were sworn in for testimony.

Mr. Forsythe submitted an exhibit that was marked in to evidence as follows:

A-1 12/16/16 Colored version of plan

Mr. Forsythe described the existing conditions on the property and provided testimony as follows: The application is to allow a solid fence to be installed along the property line, 15 feet off the property line where 25 feet is required. This application came about as a result of a municipal drainage project relating to the installation of catch basins and drainage pipes on the property that was created to prevent the flooding at the Brown Road and Carteret Road intersection. Brown Road is an emergency access road between Route 202/206 and Washington Valley Road. The fence is a six foot high solid white vinyl fence. The fence would partially screen the drainage improvements and would also reduce the amount of debris that would flow onto the property after a storm.

Chairman Sweeny opened the public portion of the meeting.

Jim Lambert of 1004 Brown Road was present and questioned whether the catch basins that are behind the fence would be hidden from his property. Mr. Forsythe stated that they would be hidden by the existing wooded area. Mr. Lambert also asked if any additional fencing was proposed on that property. Mr. Forsythe stated that the only thing that has not been installed yet is the gate.

Mike Farnum of 36 Finderne Ave was present and questioned if the proposed fence met the township ordinance requirements. Mr. Forsythe stated that it did not and that is why the variance is being requested.

Arnold Quast of 1024 Brown Road was present and questioned why they were not notified about the fence before it was done. Mr. Forsythe explained that he intended to seek approval from the Board prior to the installation of the fence but was unable to do so due to some personal issues and given the need to expedite the installation of the drainage improvements. Mr. Quast expressed concern about whether the fence could withstand the amount of water that drained onto the property.

Sandra Ramsay of 1108 Carteret Road was present and expressed concern about the fence obstructing the view of cars coming down Carteret Road when she is turning into the driveway of her home. Mr. Forsythe stated that the fence did comply with the sight distance requirements and does not interfere with existing vehicle stopping distances.

Regina Yokavonus of 1079 Carteret Road was present and questioned the rationale of installing the solid fence as part of the drainage project. Mr. Forsythe stated that the fence was required as part of an agreement between the Township and the property owner which allowed the Township to obtain the necessary easements to complete the drainage improvements.

Richard Ramsay of 1108 Carteret Road was present and questioned whether the installation of the fence was the best solution to obstruct the view of the grates.

Rich Cirasa of 975 Carteret Road was present questioned if natural landscape fencing could have been a possible solution instead of the white vinyl fence.

Joshua Shearer of 1113 Carteret Road was present and questioned whether the fence would prevent debris from flowing onto the property into the drainage area. Mr. Forsythe confirmed that while stormwater runoff could flow under the fence, larger debris could not.

Theodora Lambert of 1004 Brown Road was present and questioned who would be responsible for the maintenance of the fence. Mr. Forsythe confirmed that the Township would maintain the fence and the drainage easement.

Judith Hampson of 1104 Carteret Road was present and questioned why they were not informed about the fence prior to the installation. Mr. Forsythe stated that notification is not required for municipal construction projects. Ms. Hampson questioned if a lower height or a different more natural color fence could have been a possibility.

Arnold Quast of 1024 Brown Road returned and questioned if the fence was manufactured in accordance with ASTNF964-13 requirements. Mr. Forsythe stated that the consulting engineer reviewed all the submissions and approved the fence. Mr. Quast also questioned if the fence was installed with concrete footings. Mr. Forsythe confirmed that it was.

Jim Guido of 1095 Carteret Road was present and questioned if any study was done of the traffic on the bend on the road at the intersection of Carteret and Brown road. Mr. Forsythe stated that there was not a study done. Mr. Guido expressed concerned about safety of the children in the area.

Jim Lambert of 1004 Brown Road returned and questioned if such a high barrier was needed to hide the catch basin. Mr. Forsythe stated that the fence was part of an agreement with the property owner to allow the Township to obtain the necessary easements. Mr. Lambert also expressed concern about where the stormwater will go if the catch basins got clogged.

Rich Cirasa of 975 Carteret Road returned and questioned what the criteria was that was used to determine the height of the fence. Mr. Forsythe stated that the maximum allowable fence height in the Township is six feet.

Joseph Rak owner of the property at 39, 41, 45 & 47 Finderne Ave. was present and questioned the purpose of the drainage project. Mr. Forsythe stated that the purpose of the drainage project was to keep the intersection of Carteret Road and Brown Road from flooding.

Carmine Liuzzi of 1113 Carteret Road, owner of the subject property was present and questioned Mr. Forsythe if he knew if any of the neighboring homeowners had flooding due to the easement like he has had on his property. Mr. Forsythe stated that he was not aware of any. Mr. Liuzzi stated that he and his family have missed family events and vacations because they had to stay home to ensure the safety of the home. Mr. Liuzzi stated that this has been a problem for the thirty years he has lived in his home and has to place sandbags along his property in an attempt to protect it from the disastrous flooding.

The Board questioned the underlying purpose of the project as it relates to the Township Roads. Mr. Forsythe stated that the Township became involved because of the flooding that occurred at the intersection of Brown Road and Carteret Road. Mr. Forsythe also stated that Brown Road is the police's main cut through from Route 202/206 to Washington Valley Road and noted that several police cars were lost due to the heavy flooding.

Jim Lambert of 1004 Brown Road returned and questioned whether the water from a one inch diameter pipe could cause a drainage problem. Mr. Forsythe stated that it depended on the location of the pipe and the grading in the area.

Arnold Quast of 1024 Brown Road returned and expressed concern about the over flow of the basin during a heavy storm and the fence being wiped out by the water.

The applicant had no further witnesses or testimony to present.

Chairman Sweeney opened the meeting for comments of those in favor of the application.

Carmine Liuzzi of 1113 Carteret Road, owner of the subject property was sworn. Mr. Liuzzi stated that every time the overflow of storm water occurs there is debris deposited on his property. He stated that he has had to clean at least 20 leave bags full of logs, branches and other debris from his property. Mr. Liuzzi stated that the fence is additional mechanism to prevent that debris from coming onto his property and noted that he currently has sandbags all around his home.

Theresa Liuzzi, daughter of the owners at 1113 Carteret Road was sworn and stated that she is in favor of the fence. Ms. Liuzzi stated it was clean and aesthetically pleasing and would assist in reducing the amount of debris on the property.

Joshua Shearer, boyfriend of Theresa Liuzzi at 1113 Carteret Road was sworn and stated that during the 6 and half years he has dated Theresa the property was constantly flooded. Mr. Shearer stated that fence would help the drains from getting clogged and he was in favor of the fence.

Catherine Liuzzi, owner of the property at 1113 Carteret Road was sworn and state that she was in favor of the fence. Mrs. Liuzzi noted that she believes the fence will help alleviate the debris on the property.

Chairman Sweeney opened the meeting for comments of those in opposition of the application.

Jim Lambert of 1004 Brown Road was sworn. Mr. Lambert submitted photographs that were marked into evidence as follows:

- O-1 11/15/16 Photos that he took of the property prior to the installation of the drainage system**
- O-2 11/15/16 Photos that he took of the property after the installation of the drainage system**

Mr. Lambert stated that he was opposed to the fence because it violates the ordinance and would be out of character with what currently exists in the neighborhood.

Susan Bennett of 1114 Carteret Road was sworn and expressed concern about safety on the road because it is a very busy intersection. Ms. Bennett also noted that she was unable to install a similar fence on her property.

Theodora Lambert of 1004 Brown Road was sworn and expressed concern about safety of the fence and feels that the applicant should install a fence that meets the ordinance and also fits in with the character of the surrounding neighborhood.

Jim Guido of 1095 Carteret Road was sworn and expressed concern about safety and visibility on the road.

Richard Ramsey of 1108 Carteret Road was sworn and stated that he felt both sides had valid concerns and hopes that a resolution could be made to appease both parties

Arnold Quast of 1024 Brown Road was sworn and stated that he does not feel that fence will hold up to the pressure of the water.

Regina Yokavonus of 1079 Carteret Road was sworn and stated that she is not in favor of the fence because of its aesthetics.

Joseph Rak owner of the property at 39, 41, 45 & 47 Finderne Ave. was sworn and stated that he hopes that a compromise could be reached since it is important issue to the Township and the residents.
Catherine Liuzzi, owner of the property at 1113 Carteret Road was sworn and stated that she and her husband would agree to allow the removal of the last panel of fencing closest to Carteret Road so as to improve visibility for vehicles traveling southeast along Carteret Road.

Mr. Fisher provided closing comments and 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: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mrs. Powers Mr. Weideli,
NEGATIVE: Mr. Humenick, Mr. Sweeney
ABSENT: Mr. Fross
NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

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 stated that this was a continuation of the application from the October 18th meeting and noted that the traffic engineer, Charles Olivo had completed his testimony and was available for questions.

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 the potential increase in traffic as a result of the proposal.

The Board questioned why the required number of parking spaces changed from 122 to 172 as shown on the revised plans submitted. Mr. Olivo stated that the number was revised because of the revised calculations taking into consideration the number of the seats in the various restaurants as opposed to the square footage.

Aracelli Perez, acting member of Twin City LLC was present and expressed concern about where the customers who would be coming to the shopping center would park.

Mr. Olivo marked an exhibit into evidence as follows:

A-6 11/15 Colored version of the revised Site Plan

Mr. Olivo stated that the parking spaces are increasing and will distribute towards the east side

Board Planner SD expressed concern about adequate handicap parking spots that are close to the tenants behind the proposed 7-Eleven

Joseph Rak owner of the property at 39, 41 45 & 47 Finderne Ave. returned and expressed concern about their being enough parking for the current tenants that occupy the site. Mr. Rak also expressed concern about the proposed location of the garbage dumpsters.

Yogesh Patel of 637 East Main Street expressed concern about the traffic because East Main Street is very busy with cars travelling to Manville and Somerville especially between 4 and 6 pm during the week.

Richard Stabile of 626 East Main Street was present and questioned how the traffic counts were done and expressed concern about safety with cars lining up in front of the entrance blocking the driveway completely

The application was carried to the meeting on December 6, 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 11:00 pm.

Respectfully submitted,
Ann Marie Lehberger
Planning Secretary