

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Regular Meeting
Tuesday, December 6, 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 – absent
Evans Humenick – present	Jeff Foose Alternate #4 – present
Alan Fross – absent	

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

MINUTES FOR APPROVAL:

November 1, 2016 Regular Meeting
November 15, 2016 Regular Meeting

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

MEMORIALIZING RESOLUTIONS:

BRIDGEWATER TOWNSHIP - 1113 Carteret Road
Block 627 Lot 20
#16-032-ZB- Variance- Fence
DECISION: Approved with conditions 11/15/16

Motion by Mr. Weideli; Second by Mr. Kirsh, the foregoing resolution memorializing the approval on 11/15/16 was adopted on the following roll call vote:

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

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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.

Chairman Sweeney noted that there were still questions from the public for the traffic engineer Mr. Olivo when the last meeting ended on November 15th.

Chairman Sweeney opened the public portion of the meeting for questions of the traffic engineer.

Joseph Rak owner of the property at 39, 41 45 & 47 Finderne Ave was present and expressed concern about accidents that occur at the intersection.

Linda Hart of 627 East Main Street was present and questioned the increase in traffic because she has owned a business on East Main Street for the past thirty years and said it has always been very difficult for cars to make a left turn out of the parking lot.

Attorney Richard Ragsdale was present on behalf of Twin City of Bridgewater LLC and questioned the tractor trailer route of entry and exit and the number of trucks that would be delivering product to the site each day.

The Board expressed concern about the relief being requested for the number of parking stalls since the tenants in the shopping center could change in the future and therefore changing the parking demands.

Mike Farnham of 36 Finderne Ave. was present and expressed concern about the cars making left turns out of the shopping center onto East Main Street.

Joseph Rak owner of the property at 39, 41 45 & 47 Finderne Ave returned and expressed concern about where the customers going to the shopping center would park since currently they park in the area where the 7-Eleven building is being proposed.

Jeffrey Martell. PE was previously sworn and accepted by the Board as an expert witness. Mr. Martell briefly explained the revisions that were made to plans based on the comments from Township professionals. Mr. Martell reviewed the open items on the reports of the Board Planner and Engineer.

The Board questioned the possibility of moving the trash enclosure for the 7- Eleven to the rear of the shopping center. Mr. Martell stated that based on the operations of the 7 –Eleven they would prefer to keep the trash enclosure at the current proposed location but noted that they were willing to work with the Township Planner to add landscaping and decorative enhancements to make it look as good as possible.

Chairman Sweeney opened the public portion of the meeting.

Joseph Rak owner of the property at 39, 41 45 & 47 Finderne Ave returned and expressed concern about the possible overflow of the dumpsters and where water might drain. Mr. Rak also questioned the number of variances and waivers that the applicant was requesting for the proposal.

Richard Stabile of 626 East Main Street was present and questioned the accuracy of the FAR calculations that were submitted by the applicant.

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Board Engineer Forsthye explained how FAR was calculated regarding easements, noting that easements are included in the base lot line and considered part of the property.

Attorney Richard Ragsdale returned and questioned the signage variances. Mr. Martell noted that those would be discussed by the planner is his testimony

Mr. Olivo returned and gave the Board some additional information on the ITE (Institution of Transportation Engineers) and ULI (Urban Land Institute) parking guidelines confirming that based on the recommended guidelines there would be adequate parking on the site with the proposed 7-Eleven.

Keenan Hughes, PP was sworn in for testimony and accepted by the Board as an expert witness. Mr. Hughes provided testimony as follows. The surrounding area where the 7-Eleven is proposed is currently aesthetically unappealing and in need of revitalization. The Township has done a study of the Finderne Neighborhood Area noting this as a very important intersection. The intent of the proposal is to build a convenience store to drive more foot traffic to the existing shopping center and encourage more investment in the Finderne neighborhood. The proposed improvements all implement the township's vision and provide a major aesthetic improvement to the intersection and provide a boost to the existing center. Pedestrian crosswalks and landscaping will be added and will improve access to the shopping center. There is a large pedestrian customer base that currently utilizes the shopping center. Mr. Hughes discussed the variances and design waiver that the applicant was seeking for the proposal. He stated that the proposal will provide a positive addition to the existing center due to the synergistic relationship with the peak hours of the proposed 7- Eleven and the hours of the existing tenants. Mr. Hughes explained the signage that was proposed for the 7-Eleven.

The Board expressed concern about the amount of signage that was being requested and suggested the possibility of reducing the size of the sign on the side of the building. The applicant agreed to reduce the size of the two side façade signs on the building.

The Board expressed concern again about future tenants that could occupy the center and the potential need for additional parking.

Board Planner Doyle questioned if the applicant considered bank parking as part of the proposal.

The Board questioned if there was any possibility that parking stalls could be added in the back of the existing shopping center that could be used strictly for employee parking. Mr. Martell upon a quick calculation stated that they could potentially add an additional 12 parking stalls in the rear of the shopping center for employee use.

Chairman Sweeney opened the public portion of the meeting for question of the planner.

Joseph Rak owner of the property at 39, 41 45 & 47 Finderne Ave returned was present and expressed concern about there being enough parking.

Chairman Sweeney opened the public portion of the meeting for comments of those who are in favor of the application. There were no comments.

Chairman Sweeney opened the public portion of the meeting for comments of those who were in opposition of the application.

Joseph Rak owner of the property at 39, 41 45 & 47 Finderne Ave returned, was sworn in and stated that he is opposed to the application due to safety concerns and concerns for adequate parking. Mr. Rak stated that the proposal will have a negative impact on the local family businesses that are already there.

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Richard Stabile of 626 East Main Street was sworn and is opposed to the application due to traffic and stated that the 24/7 operation will disrupt the quiet neighborhood since all of the other businesses close at 11 pm. Mr. Stabile also expressed concern about glare from the lights, location of the dumpsters and parking.

Rita Bahoushian of 618 2nd Street was sworn and is opposed to the application due to traffic stating that trucks currently cut down her street making it nearly impossible for elderly residents and children to cross the street safely. Ms. Bahoushian also stated that emergency vehicles use East Main Street and Finderne Ave. frequently for access through town.

Mike Farnham of 36 Finderne Ave. was sworn and is opposed to a 24/7 business in the neighborhood since it is a very dangerous intersection noting there will be an increase in traffic for the 7-Eleven because of deliveries of many different products.

Board member Michael Kirsh left the meeting at approximately 10:40 pm.

Linda Hart of 627 East Main Street was sworn and is opposed because it is a very dangerous intersection.

Allen Kurdyla of 4 Crest Drive in Bound Brook is opposed to the application due to traffic noting there is already a lot of traffic that goes through the intersection. Mr. Kurdyla stated that he has been in the Fire Dept. for 50 years and is concerned about the number of emergency vehicles that would need to enter the site and circulate through the site in the event of an emergency. Mr. Kurdyla also expressed concern about where snow will be stored in the parking lot when plowed after a storm

Jeanette Jardine of 614 2nd Street was sworn and is opposed to the application due to concern for safety in the neighborhood noting that businesses close at 11 pm. Ms. Jardine stated she has two small children and it is not safe for them to wait for school bus by themselves or play outside.

Board member Dawn Guttschall left the meeting at approximately 11:05 pm.

Yogesh Patel of 637 East Main Street, owner of Stop and Go stated that he strongly opposes the proposal.

Richard Ragsdale Esq on behalf of Twin City LLC stated that the proposal is too big and too intense for the site. Mr. Ragsdale stated that it will multiply the amount of truck traffic that already exists on the site with the supermarket. Mr. Ragsdale also stated that they will lose parking spots that are in front of their businesses and customers will need to walk further to get to the stores.

Chairman Sweeney closed the public portion of the meeting.

Mr. Levinson provided closing comments and the board began deliberations.

Motion by Mrs. Amin; Second by Mrs. Powers, the foregoing application was denied on the following roll call vote:

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

NEGATIVE: Mr. Riga

ABSENT: Mr. Fross, Mr. Fallone

NOT ELIGIBLE: Mr. Kirsh, Ms. Guttschall

MEETING OPEN TO THE PUBLIC:

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There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS:

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 11:30 pm.

Respectfully submitted,
Ann Marie Lehberger
Planning Secretary