

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
Tuesday, March 21, 2017

—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 18, 2017 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 – absent

Beth Powers – present

James Weideli, Alternate #1- present

Dawn Guttschall Alternate #2 – present

John Fallone Alternate #3 - present

Jeff Foose Alternate #4 - present

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

**MINUTES FOR APPROVAL:**

**February 21, 2017, Regular Meeting-**Motion by Mr. Weideli; 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, Mr. Sweeney, Mr. Weideli, Ms. Guttschall

ABSENT: Mr. Fross

NOT ELIGIBLE: Mrs. Powers, Mr. Fallone, Mr. Foose

**MEMORIALIZING RESOLUTIONS:**

**MARTA CZYRNEK-5 Ash Street**

Block 547 Lot 7

#16-040-ZB- Variance-Addition to Existing Garage

Decision: Approved with conditions 2/21/17

Motion by Mr. Weideli, second by Mrs. Amin the foregoing resolution memorializing the approval on 2/21/17 was adopted as amended on the following roll call vote:

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

**HEARING AND DELIBERATIONS:**

**NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS-** 685 Route 202/206  
Block 476 Lot 25  
#16-038-ZB- Conditional Use Variance-Antennas on roof of existing office building

Attorney Frank Ferraro was present to represent the applicant. Mr. Ferraro explained that the applicant was requesting a conditional use variance and minor site plan approval to install a wireless telecommunication facility that will be predominantly located inside the office building located at 685 Route 202/206, and will service the Samsung business uses within the building. He noted that Samsung, as part of their operations tests cell phones and that the existing service in the area is not enough to handle the capacity needs of their use. He also stated that the only exterior item proposed is a small antenna to be placed on the rooftop of the building.

Chad Schwartz, PE was sworn and accepted by the Board as an expert witness. Board Planner Scarlett Doyle and Board Engineer Thomas Forsythe were also sworn.

Mr. Schwartz described the existing conditions on the property and provided testimony as follows: The purpose of the proposed in building DAS (Distribution Antenna System) in building system is to augment RF signal inside the Samsung office building. It does not broadcast outside. The only exterior item will be two small antennas similar in size to a 12 ounce soda can. The height of the antennas will be 39'9" above grade. Mr. Schwartz reviewed the reports of the Township professionals.

The Board questioned whether other carriers could co-locate on this site. The Board also discussed adding a condition of approval that will require any future co-locations on this site to obtain the Board's approval.

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

William F. Masters Jr., PP was sworn and accepted by the Board as an expert witness. Mr. Masters submitted an exhibit that was marked into evidence as follows:

**A-1      3/21/17              Photos of existing building**

Mr. Masters provided testimony as follows: The variance relief is being requested due to the location of the proposed antennas. The proposed antennas would be 418 feet from the nearest residential zone where 1,000 feet is required. There will be no visibility from anywhere on the ground due to the placement of the antennas. The proposed antennas would be 2'4" higher than the existing parapet and 39'9" feet above grade. The location continues to be the most appropriate site for this use. It will allow Verizon to improve service within the building which will also alleviate some of the burden on the surrounding network.

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

Mr. Ferraro provided closing comments. The Board began deliberations and discussed conditions of approval.

Motion by Mrs. Amin; Second by Mr. Weideli, the foregoing application was approved with conditions 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

**BA MASSEY**- 24 Finderne Ave.

Block 319 Lot 8

#16-026-ZB- Minor Site Plan with Variances- Expansion and modifications to existing gas station

Attorney Marcia Zalewski was present to represent the applicant. Ms. Zalewski explained the applicant is requesting minor site plan approval with variances to make updates and improvements to the site which is currently a full service Shell gas station.

Bashar Massey, owner and operator of the gas station was sworn. Board Engineer Thomas Forsythe and Board Planner Scarlett Doyle were also sworn. Mr. Massey provided testimony as follows: The application is to install a canopy over the pumps, replace existing pumps and rearrange the pumps to improve circulation on the property. There are no additional pumps proposed. There will not be a need for additional employees. There are a total of 5 employees with normally one on site during business hours. The business hours are 6 am to 10 pm seven days a week. The current mini mart sells drinks and packaged snacks and is monitored by the attendant on site pumping gas. There is no ATM machine proposed. Mr. Massey stated that they are proposing to add a roof to the existing building that houses the mini mart to improve the aesthetics and conform to the Townships Finderne Neighborhood Study. The size of the space where items are sold will remain very close to how it currently is. He does not expect any significantly increased traffic to the site to come to the mini mart as it is designed to service the customers getting gas.

Responding to the Board's question, Mr. Massey stated that fuel is delivered five times per month and he does not anticipate an increase as a result of the proposal. Mr. Massey also stated that he usually supplies the items sold in the mini mart with the exception of cigarettes that are delivered.

The Board questioned if trailer trucks get gas at the site. Mr. Massey stated that the site cannot accommodate the fueling of large tractor trailers.

The Board also questioned if repairs would be done at the site. Mr. Massey said that there would not be any repairs.

Mr. Massey stated that the main reason for the application was for his employees. The canopy will protect the employees from sun and rain. He also stated that he is not sure whether he will sell lottery because it would require another employee on the site.

Chairman Sweeney opened the public portion of the meeting.

Jeanette Jardine of 614 Second Street questioned whether services would be expanded over time if business increases. Ms. Jardine also questioned the increase in the size of the building and the time of fuel deliveries because currently it gets delivered after business hours. Mr. Massey agreed to ensure that deliveries of fuel only occur during business hours and that light would be extinguished half hour after close of business.

Mike Farnham of 36 Finderne Ave. questioned if there would be a possibility of increasing the hours to be 24/7. Mr. Massey stated that he does not intend to increase the hours. The Chairman confirmed that the business hours would be listed in the resolution and that if the applicant wished to change the hours of operation they would have to return to the Board for approval.

Deborah D'Amico, PE was sworn and accepted by the Board as an expert witness. Ms. D'Amico described the existing conditions on the site and provided testimony as follows: The existing Shell gas station which was formerly a Hess was constructed sometime between 1963 and 1970 and has been commercially used since that time. There is a building on the property that houses retail sales. The existing building has areas behind the building that are attached that have walls but no roof. Approximately 600 square feet of area has a roof. The Bridgewater Township ordinance defines a building as a structure with a roof. Based on this, the existing building is only 600 square feet. There is no striped parking on the site. Current location of the pumps makes it difficult to pump gas to two cars at once. Violations on the property from the DEP have been remedied. There is an air pump on the property that will remain. The proposal is to enclose the existing walls on the building and put a roof on it, stripe parking spaces and add accessible bathroom facilities inside the building. It is also proposed to reconfigure the pumps and space them that will allow two cars to be serviced at once and will also alleviate cars from backing up onto Finderne Ave. A dumpster enclosure is proposed to enclose the current dumpster and also allow some room for recycle bins. The existing sign will be upgraded. It will remain in the same location but will be slightly higher. The proposed canopy will not be lit. It would be red and yellow according to the Shell brand colors. Landscaping is proposed along the back of the building and also along Third Street. There are currently no sidewalks and none are proposed.

The Board discussed the options of adding a sidewalk in front of the site or the applicant making a contribution to the Township's sidewalk fund.

Ms. D'Amico submitted exhibits that were marked into evidence as follows:

**A-1 3/21/17 Enlarged Photo of Site Plan colorized to show proposed changes to building**

Ms. D'Amico reviewed the reports of the Township professionals.

Chairman Sweeney asked the members of the public present in the audience who live in the neighborhood whether or not they felt the addition of a sidewalk in front of the site would be helpful.

Jeanette Jardine of 614 Second Street was sworn. Ms. Jardine submitted exhibits that were marked into evidence as follows:

**O-1 3/21/17 Photo of walkway that leads to the front of the gas station from 2<sup>nd</sup> Street.**

**O-2 3/21/17 Photo showing the pathway from the front of the gas station**

Ms. Jardine stated that people often walk across her property to access the gas station. Ms. Jardine stated that it is difficult for her to determine whether a sidewalk would help from deterring people from crossing her property or not because Finderne Ave. is a very busy road.

The Board discussed the proposed lighting. The proposed levels are higher than allowed by ordinance. The applicant agreed to work with the Township Planner and Township Engineer to work to bring the lighting closer to the ordinance requirements and ensure that it is properly shielded from the neighboring residences.

Chairman Sweeney opened the public portion of the meeting.

Audrey Mothner of 623 Fourth Street questioned if moving the pumps would help because at present the cars that are waiting on Finderne Ave. to enter the site sometimes spill onto Third and Fourth Street. Ms. D'Amico stated that the pumps will be moved apart allowing more than one cars to be serviced at once. Ms. Mothner also expressed concern about the lighting from the site spilling onto her property.

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Rae Orloff of 18 Finderne Ave. asked if the canopy was going to be red. Ms. D'Amico stated that it would be white with yellow and red stripes on it. Ms. Orloff also expressed concern about the flags that are located in the dirt in front of the gas station because they obstruct view for the vehicles. Ms. Orloff expressed concern about traffic and accidents that occur since it is a busy road.

Rita Bahooshian of 618 Second Street questioned what the use of the mini mart would be. Mr. Massey stated that he was going to sell automotive items such as oil, washer fluid and transmission fluid. Mr. Massey also stated that in addition he was going to sell packaged foods, cigarettes, candy, gum, drinks and coffee. Mr. Massey noted that he was unsure if he would sell lottery at this time.

Jeannette Jardine of 614 Second Street questioned why the dumpster enclosure was being placed closer to the residences. Ms. D'Amico stated that it would be enclosed and a tree buffer would be added to shield it. Ms. Jardine expressed concern about the increased height of the sign from what it is currently. Ms. Jardine was sworn and submitted exhibits that were marked into evidence as follows:

- O-3 3/21/17 Photo of sign on the property**
- O-4 3/21/17 Photo of activity on the site**
- O-5 3/21/17 Photo of existing guardrail on the site**
- O-6 3/21/17 Photo of site showing existing green area on the site**
- O-7 3/21/17 Photos of existing landscaping**
- O-8 3/21/17 Photos of existing landscaping**
- O-9 3/21/17 Photos of existing landscaping**

Ms. Jardine questioned if the applicant would consider installing a privacy fence along the property line where the residences are in addition to the proposed landscaping. Ms. D'Amico said they would be adding the landscape buffer but not a fence. Ms. Jardine asked if repairs were done on the site. Ms. D'Amico said that repairs were not done on the site. Ms. Jardine questioned if the air pump can be shut off when the establishment closes. Mr. Massey stated that it could not be shut off. Ms. Jardine also expressed concern about drainage and the maintenance of the landscaping once it is installed to ensure the buffer is maintained.

Chairman Sweeney stated that due to the late hour the application will be carried to the meeting on April, 18, 2017 at 7:30 pm 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:**

There was no other business discussed.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 11:15 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Planning Secretary