

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
Tuesday, April 4, 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	Beth Powers – absent
Pushpavati Amin – present	James Weideli, Alternate #1- absent
Paul Riga – absent	Dawn Guttschall Alternate #2 – present
Michael Kirsh, – present	John Fallone Alternate #3 - present
Evans Humenick – present	Jeff Foose Alternate #4 - present
Alan Fross – present	

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

**MINUTES FOR APPROVAL:**

**March 21, 2017, Regular Meeting**

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

**MEMORIALIZING RESOLUTIONS:**

No Resolutions were presented for Board action

**HEARING AND DELIBERATIONS:**

**SONNER-** 85 Loeser Ave.

Block 300 Lot 10

#14-009-ZB- Minor Site Plan with Variances- Landscape Business

Attorney Robert Foley was present to represent the applicant. Robert Sonner, the applicant and Thomas Harris PLS were sworn in for testimony. Board Engineer Thomas Forsythe and Board Planner Scarlett Doyle were also sworn. Mr. Foley explained that the applicant received approval in February of 2015 recognizing the preexisting non conforming use of the property as a landscaping business. A condition of

that approval was that they come back with a site plan to identify the operations that were in existence and provide supporting testimony.

Mr. Sonner explained that he would like to add some additional lighting on the property that would be motion detecting lights located at the gate and in the parking area. The applicant agreed to add the lighting to the site plans and to have the lighting approved by the Township Planner and Engineer prior to installation. Mr. Sonner stated that he has used the property as a landscaping business since 1988 but at that time was not the owner of the property. He provided additional testimony as follows: The landscaping business was conducted continuously prior to 1988. The prior occupant of the home was not the owner of the home or the operator of the landscape business.

Board Planner Scarlett Doyle raised the question as to whether Mr. Sonner can leave the property and rent the property and landscape business to someone else.

The Chairman stated that the Board is here to determine the existing intensity of use and guarantee that it does not change going forward from what it is today.

Mr. Foley stated that the applicant has no objections to any items listed in the Township professional reports.

The applicant reviewed the site plan that shows what currently exists on the site. The applicant agreed to obtain and record easements from the owners of the adjoining properties affected by fences encroaching within 120 days of the approval, if granted.

Chairman Sweeney opened the public portion of the meeting.

Cheryl Delucas of 91 Loeser Ave. was sworn and stated that Mr. Sonner has been nothing but a very kind neighbor. Ms. Delucas also stated that she was his direct next door neighbor and would grant Mr. Sonner the easement for the fence.

The Board began deliberations.

Motion by Mrs. Amin; Second by Ms. Guttschall, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mr. Fross, Mr. Sweeney, Ms. Guttschall, Mr. Fallone

ABSENT: Mr. Riga, Mrs. Powers, Mr. Weideli

NOT ELIGIBLE: Mr. Foose

**EAST RIDGE DEVELOPMENT LLC- 966 Route 22 East**

Block 200 Lot 2

#16-034-ZB- Minor Site Plan with Variances-Proposed Restaurants (Current La Catena Site)

Attorney Henry Kent Smith was present to represent the applicant. Mr. Kent Smith stated that the applicant was here to request a variance to permit the expansion of the restaurant that is currently La Catena by separating it into two separate spaces with a dividing wall. He provided some history on the property as follows: The Feathered Frog was originally approved as a restaurant in 1984. In 2005 La Catena got approval for the existing restaurant. The restaurant is located in the General Commercial and Manufacturing Zone and restaurants are not permitted in that zone, therefore any modifications to the use on the site require approval from the Board.

Robert Grimaldi, AIA, Christian Cueto, PE, Victor Vinegra, PE & PP were sworn in for testimony. Board Engineer Thomas Forsythe and Board Planner Scarlett Doyle were also sworn.

Mr. Grimaldi, AIA was accepted by the Board as an expert witness and provided testimony as follows: There are very little changes to the building. There will be structural updates to the building to bring it up to a modern, safe code compliant building. Mr. Grimaldi marked an exhibit that was marked into evidence as follows:

**A-1 4/4/17 Colored Elevation**

Mr. Grimaldi stated that a dividing wall will be constructed to allow for two individual tenants in the building and noted that the HVAC unit will be moved to the roof. The applicant agreed to reface the front of the building with stucco and or another similar material that is not EIFS.

Mr. Kent Smith stated that since the time this application was filed, both originally proposed tenants have indicated that they will not be proceeding and noted that the applicant will be looking for similar tenants to occupy the site.

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

Mr. Cueto, PE was accepted by the Board as an expert witness. Mr. Cueto submitted exhibits that were marked into evidence as follows:

**A-2 4/4/17 Aerial Photo of the Site**  
**A-3 4/4/17 Colored Rendering of Site Plan**

Mr. Cueto described the property and provided testimony as follows: There are presently 83 parking spots on the site. There are 3 ways to access the site currently. There is a one way in and out off of Route 22 East. There are also two way entrance and exits off of North Bridge Street and Ivanhoe. There will be no changes to the footprint of the restaurant. The proposed improvements to the frontage of the site include increasing the width of sidewalk and reconfiguring some of the parking stalls in front of the restaurant. Those proposed stall will be 9x18 and the handicap stalls will be 8 x 18 as per ADA. ADA ramps will also be installed to allow better access to the site. All other parking spaces will be restriped to be 9 x 18. Landscaping will be added around the perimeter of the restaurant as well an additional light fixture will be added to the parking lot. The door on the trash enclose will be modified to swing out in an easterly direction.

The Board questioned the number of parking spots because there are more parking spaces than required by the ordinance.

Victor Vinegra, PE & PP was accepted by the Board as an expert witness. Mr. Vinegra submitted an exhibit that was marked into evidence as follows:

**A-4 4/4/17 Modify of Access Plan from NJ DOT with Survey**  
**A-5 4/4/17 Aerial Map**

Mr. Vinegra provided testimony as follows: There are 15 parking stalls that are either all or in part located in the NJ DOT right-of-way. Those parking spaces have been there since at least from 1997. The applicant proposes to eliminate those stalls from the parking count with the acknowledgement that the applicant would continue to use the stalls unless otherwise allowed by the DOT. The applicant agreed to make all the stalls 9.5 x 18 within their property to comply with the Township Ordinance. This would result in a reduction of approximately 5 parking spots.

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

Mr. Vinegra provided Planning testimony as follows: The uses that are surrounding the site are similar non conforming uses for the zone. The applicant is requesting a variance for an expansion of a non conforming use. Retail uses exist along Route 22 in almost every municipality so it does not impair the intent of the zone or state plan. The site continues to be suited for this type of use.

Mr. Kent Smith provided closing comments.

The Board expressed concern about the possible increase in traffic that would result from increasing to two new tenants in the building versus the one that currently exists, noting that it a very busy and unsafe intersection. The Board also expressed concern about the increase in turnover and additional cars pulling in and out of the site.

Mr. Kent Smith noted that there was no drive-thru requested as part of the application.

The board took a 5 minute recess.

The Board returned at 9:30 with all members present.

Mr. Kent Smith requested to carry over the application to another date to give them an opportunity to provide further traffic testimony. The application will be carried to the meeting on May 2, 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 9:40 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Planning Secretary