

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Reorganization & Regular Meeting
Tuesday, January 16, 2018
—MINUTES—

CALL MEETING TO ORDER:

Board Attorney Steven Warner 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.

SWEAR IN NEW MEMBERS:

Board Attorney Warner swore in the following Board Members:

Donald Sweeney, Regular Member
Alan Fross, Regular Member
James Weideli, Alternate #1
Jeffrey Foose, Alternate #4

ROLL CALL:

Don Sweeney – present	Beth Powers – present
Pushpavati Amin – present	James Weideli, Alternate #1- present
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, Board Engineer Thomas Forsythe, Board Planner Scarlett Doyle and Planning Division Secretary, Ann Marie Lehberger.

REORGANIZATION:

Election of Chairman

Motion by Mrs. Amin, second by Mr. Kirsh, Donald Sweeney was elected Chairman for 2018, which carried on a unanimous voice call vote.

Board Attorney Warner turned the meeting over to Chairman Sweeney

Election of Vice-Chairman

Motion by Chairman Sweeney, second by Mrs. Amin, Michael Kirsh was elected Vice-Chairman for 2018, which carried on a unanimous voice call vote.

Appointment of Board Secretary

Motion by Chairman Sweeney, second by Mr. Kirsh, Pushpavati Amin was appointed Board Secretary for 2018 which carried on a unanimous voice call vote.

Appointment of Assistant Board Secretary

Motion by Chairman Sweeney, second by Mr. Kirsh, Scarlett Doyle was appointed Assistant Board Secretary for 2018 which carried on a unanimous voice call vote.

APPOINTMENT OF BOARD PROFESSIONALS

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF BRIDGEWATER RATIFYING AND AUTHORIZING
THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES TO STEVEN K. WARNER, ESQ. OF
VENTURA MIESOWITZ, KEOUGH & WARNER P.C.**

WHEREAS, the Zoning Board of Adjustment of the Township of Bridgewater will require professional services for legal services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Steven K. Warner, Esq., a Member of the Firm of Ventura, Miesowitz, Keough & Warner P.C.; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of Adjustment of the Township of Bridgewater to approve an agreement with Steven K. Warner, Esq. at the rate of \$375.00 per Zoning Board Meeting and hourly rate of \$135.00 an hour for work done in the office and \$135.00 per hour for litigation/court plus costs and expenses; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5**,

WHEREAS, Jim Naples, the Township Administrator, has determined and certified in writing that the value of the acquisition and such services will exceed \$17,500, that document being entitled **Certificate of Value**; and

WHEREAS, Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. completed and submitted a **Business Entity Disclosure Certification to the Township, prior to the adoption of this**

—MINUTES—

Resolution, which certifies that Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Allen Kurdyla, Christine Henderson Rose, Filipe Pedroso, and/or Mayor Daniel J. Hayes, Jr. and that the contract will prohibit Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

WHEREAS, Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. has completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which the Steven K. Warner, Esq. will be required to sign; and

WHEREAS, a **certification affirming the availability of funds** in accordance with N.J.A.C. 5:34-5 et seq. has been provided by the Chief Financial Officer of the Township and is attached hereto and made a part hereof, and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of Adjustment of the Township of Bridgewater hereby approves the contract with Steven K. Warner from January 1, 2018 through December 31, 2018.

—MINUTES—

2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Steven K. Warner, Esq. for Professional Legal services for the period from January 1, 2018 through December 31, 2018 in accordance with the contract attached hereto and made a part hereof.

3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.

4. This appointment will be published in the Courier News, the Zoning Board of Adjustment's official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Weideli, second by Mrs. Amin the foregoing resolution was adopted with the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF BRIDGEWATER
APPOINTING THE TOWNSHIP ENGINEER,
THOMAS J. FORSYTHE, PE AS THE ZONING BOARD ENGINEER**

WHEREAS, the Zoning Board of the Township of Bridgewater will require engineering services for the Board; and

WHEREAS, the above mentioned services can be performed adequately by Thomas J. Forsythe who is employed as the Township Engineer of the Township of Bridgewater; and

WHEREAS, it is the intent of the Zoning Board of the Township of Bridgewater to appoint Thomas J. Forsythe, PE, as the Board Engineer commencing January 1, 2018 thru December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

- 1. The Zoning Board of the Township of Bridgewater hereby appoints Thomas J. Forsythe, PE, as the Board Engineer for 2018, commencing January 1, 2018 thru December 31, 2018.**

Motion by Mrs. Amin, second by Mr. Weideli the foregoing resolution was adopted with the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

**RESOLUTION OF THE ZONING BOARD OF THE TOWNSHIP OF BRIDGEWATER
RATIFYING AND AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL
SERVICES TO SCARLETT DOYLE, PLANNER**

WHEREAS, the Zoning Board of the Township of Bridgewater will require professional services for planning services; and

WHEREAS, the above-mentioned services can be performed adequately and effectively by Scarlett Doyle, P.P., Planner and Sole Proprietor having offices at 81 Woodschurch Road, Flemington, NJ 08822; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

WHEREAS, it is the intent of the Zoning Board of the Township of Bridgewater to approve an agreement with Scarlett Doyle at an hourly rate of \$110.00 per hour; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

WHEREAS, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5;**

WHEREAS, James T. Naples, the Township Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500;

WHEREAS, Scarlett Doyle, P.P., Planner completed and submitted a **Business Entity Disclosure Certification to the township, prior to the adoption of this Resolution**, which certifies that Scarlett Doyle, P.P. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets for 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Matthew C Moench, Howard Norgalis, Filipe Pedroso, Christine Henderson Rose, Allen Kurdyla and/or Mayor Daniel J. Hayes, Jr. and that the contract will prohibit Scarlett Doyle, P.P. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

—MINUTES—

WHEREAS, Scarlett Doyle, P.P., Planner has completed and submitted to the Township, in accordance with the New Jersey Local Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provision within the Township Professional Services Agreement which Scarlett Doyle, P.P., Planner will be required to sign; and

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of the Township of Bridgewater hereby approves the contract with Scarlett Doyle, Planner from January 1, 2018 through December 31, 2018.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Scarlett Doyle, P.P., Planner for Professional Planning services for the period from January 1, 2018 through December 31, 2018 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. A copy of this resolution will be published in the Courier News, the Zoning Board's official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Kirsh, second by Mr. Weideli the foregoing resolution was adopted with the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

DESIGNATION OF MEETING DATES, TIME AND PLACE
2018 Annual Meeting Notice

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bridgewater that the following schedule of dates and times for Regular Meetings be established for 2018 and that all scheduled meetings

—MINUTES—

shall convene at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ:

February 6, 20	March 6, 20	April 3, 17	May 1, 15
June 19, 26	July 3, 17	August 7, 21	September 4, 25
October 2, 16	November 20, 27	December 4, 18	

BE IT FURTHER RESOLVED that the 2019 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 15, 2019, at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Motion by Mrs. Powers; second by Mr. Fross the foregoing resolution was adopted on the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

DESIGNATION OF OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Zoning Board of Adjustment of the Bridgewater Township that The Courier News is hereby designated the official newspaper of the Zoning Board of Adjustment for 2018; and

BE IT FURTHER RESOLVED, that The Courier News and The Star Ledger are hereby designated to receive all notices of Zoning Board of Adjustment meetings in 2018 as required under the Open Public Meetings Act.

Motion by Mr. Weideli; second by Mrs. Powers the foregoing resolution was adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

MINUTES FOR APPROVAL:

December 19, 2017, Regular Meeting-Motion by Mr. Kirsh; Second by Mr. Fross the foregoing minutes were adopted as written on the following roll call vote:

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

ABSENT: Mr. Riga

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Foose

MEMORIALIZING RESOLUTIONS:

There were no resolutions presented

HEARING AND DELIBERATIONS:

**MARTINSVILLE REALTY ASSOCIATES LLC-784-792 Chimney Rock Road
Block 802 Lot 129**

#17-024-ZB- Amend Prior Approval- Construct free standing storage garage

Attorney Donald Whitelaw was present on behalf of the applicant. Mr. Whitelaw explained that the applicant was seeking an amendment to a previous site plan approval to construct a storage building to be used by the tenants of the existing office building.

Robert Berlant, managing member of Martinsville Realty Associates LLC was sworn in for testimony. Mr. Berlant provided testimony as follows. This property has two single story office buildings that are approximately 10, 247 square feet each. There is no basement in the buildings. The attics cannot be used for storage due to fire and building code restrictions. There are a total of 14 tenants in the buildings that are medical and professional business offices. The tenants have been inquiring about the availability of additional storage space on site. Some of the tenants are currently using off site locations for storage that requires them to leave the premises when they need to access the items.

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

- A-1 1/16/18 Colored Architectural rendering of Proposed Storage Building**
- A-2 1/16/18 Alternate Concept Plan dated 1/15/18**
- A-3 1/16/18 Photograph of the Western Building facing Chimney Rock Road**

Mr Berlant continued his testimony as follows: The proposal is to construct a 4,050 square foot storage garage with similar architecture to the existing office buildings. There would be a garage door on the western side of the building to enable a larger vehicle to pull in. There would also be a double door in the middle of the building for pedestrians to access. The building will only be used by the owner and tenants of the building. Landscape equipment would be stored in the building. The interior of the building will not be insulated or sheet rocked. There would be no plumbing, heating or air conditioning. There would be power for lights and emergency lights. The landscaping would be similar to what is around the existing office buildings. Mr. Berlant explained that he met with Loft Farm residents to show them the plans of the proposed storage garage. He noted that to address some of the concerns of the residents of Loft Farm they are proposing an alternate plan which will relocate the storage garage further north east. Mr. Berlant further explained that this location would be in the existing parking lot and will cause the loss of 12 parking spaces which would be relocated to the east of the building.

The Board questioned the size of the storage shed and whether it could be reduced in size. Mr. Berlant stated that they surveyed the tenants to assess their storage needs and explained that they also needed space for the landscape equipment.

The Board questioned how the storage shed would be monitored. Mr. Berlant noted that it will be an open unfinished space and explained that the properties are inspected regularly.

Board Planner Doyle questioned why the applicant was proposing more landscaping than is required. Mr. Berlant stated that he thought it would look nicer and it would be easier to maintain. Mrs. Doyle also questioned the type of lights that would be used in the new parking area proposed in the alternate plan. Mr. Berlant stated that they would have light poles with shields on the back side so the light would go towards the building.

The Board questioned as to whether they had looked at putting the storage shed in the back of the buildings. Mr. Berlant stated that it would put the building too close to the property line.

The Board questioned whether they looked at making the building smaller and possibly two stories. Mr. Berlant stated that they would prefer a one story building.

Chairman Sweeney opened the public portion of the meeting for questions of Mr. Berlant.

David Dockery, attorney for Loft Farm Condominium Association was present. Mr. Dockery questioned if the equipment stored in the shed would be used to maintain any other properties. Mr. Berlant stated that it would only be used for this property. Mr. Dockery questioned if they planned to use other vendors to maintain the property. Mr. Berlant stated that in the event a major snow storm they would need to have someone come in to help clear the parking lot, noting that his employees maintain the property for smaller jobs. Mr. Dockery questioned the kind of items the tenants said they would like to store. Mr. Berlant stated that some of the items were files, filing cabinets and furniture. Mr. Dockery questioned if there would be additional rent charged for storage. Mr. Berlant stated that he does plan to charge for the storage space. Mr. Dockery asked what the intention was for the use of the storage shed 5-10 years from now. Mr. Berlant stated that he plans to use the building as a storage garage as long as he is using the office buildings

It was noted by the Board that if the applicant wanted to use the shed for anything other than storage they would need to return to the Board for approval.

Tobie Kramer of 28 Loft Drive questioned how many square feet would be used for the applicant's business. Mr. Berlant stated that different tenants had different needs. He noted that he plans to use 750-1000 square feet for himself and the remaining will be used by the tenants. He explained that he would reduce the amount of space he was using if more space was needed by the tenants. Ms. Kramer also questioned how paper could be stored without an air conditioning, heat or sprinkler system Mr. Berlant stated that is was not required by building code.

Dirk Hoffmann of 54 Loft Drive questioned if the use of the storage garage would be offered to anyone other than the tenants of the office buildings. Mr. Berlant stated that it would be used only by the owner and the tenants.

Maureen Koenen of 21 Stevens questioned if they checked to see if insurance covered the storage area. Mr. Berlant stated that he had not. Ms. Keenan also questioned what the skill set of the people inspecting the property would be. Mr. Berlant stated they would be trained qualified personnel

Kimberly Wagle of 120 Loft Drive questioned why some of the existing landscaping had been cleared. Mr. Berlant stated that they did clean up brush and dead bushes and trees. Ms. Wagle also questioned if there was any documentation from tenants as to what their storage needs were. Mr. Berlant stated that it was done internally by him. Ms. Wagle also questioned if all of the residents were being considered equally when designing the proposed storage shed. Mr. Berlant stated that they were.

Katelyn Griffith of 118 Loft Drive questioned what the backup plan was if neither plan was approved. Mr. Berlant stated that he had not determined a Plan C. Ms. Griffith also questioned if the storage shed would solve the issue of keeping tenants. Mr. Berlant stated that he did research and this is a need for this complex and the availability of storage will help keep tenants at this location.

Gerard Bruno of 98 of Loft Drive questioned why so many windows are proposed on the storage shed expressing concern about safety of the items being stored. Mr. Berlant stated that they were keeping it in line with the look of the existing office buildings

Bill Keegan of 120 Loft Drive questioned if the addition of the extra building was in line with the Professional Office Zone. It was noted that applicant did have a Planner that would address this.

The applicant requested to carry the application so they can revise the site plan to reflect the alternate plan presented. The application was carried to the meeting on February 20, 2018 at 7:30 pm without further notice.

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 9:30 pm.

Respectfully submitted,
Ann Marie Lehberger
Planning Division Secretary