

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, May 15, 2018
—MINUTES—

CALL MEETING TO ORDER:

Vice Chairman Kirsh 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 17, 2018 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:

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|---------------------------|---|
| Don Sweeney – absent | Beth Powers – absent |
| Pushpavati Amin – present | James Weideli, Alternate #1- present |
| Paul Riga – absent | Dawn Guttschall Alternate #2 – present (arrived 7:35) |
| 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 Planner Scarlett Doyle, Board Engineer Tom Forsythe, Planning Division Secretary, Ann Marie Lehberger and Municipal Services Secretary Jacqueline Pino.

MINUTES FOR APPROVAL:

April 17, 2018, Regular Meeting-Motion by Mrs. Amin; Second by Mr. Foose the foregoing minutes were adopted as written on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mr. Fross, Mr. Weideli,
Mr. Fallone, Mr. Foose

ABSENT: Mr. Riga, Mrs. Powers, Chairman Sweeney

NOT ELIGIBLE: Ms. Guttschall

MEMORIALIZING RESOLUTIONS:

MICHAEL SMITH-1101 Cambridge Lane

Block 621 Lot 18

#18-004-ZB- Variance-pool

Decision: Approved with conditions 5/1/18

Motion by Mr. Weideli, second by Mrs. Amin the foregoing resolution memorializing the approval on 5/01/18 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Kirsh, Mr. Weideli

ABSENT: Mr. Riga, Mrs. Powers, Chairman Sweeney

NOT ELIGIBLE: Mr. Fallone, Mr. Fross, Mr. Humenick

HEARING AND DELIBERATIONS:

PATTISON SIGN GROUP-1550 Route 22 East (Lexus)

Block 356 Lot 2

#17-027-ZB- Minor Site Plan-Replacement of Pylon Sign

Attorney Chris Chiacchio was present on behalf of the applicant. Mr. Chiacchio stated that this was a continuation of the hearing for the replacement of a monument sign for Lexus. All witnesses were previously sworn in for testimony at the April 3, 2018 meeting along with the Board Planner Scarlett Doyle and the Board Engineer Thomas Forsythe.

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

- | | | |
|------------|----------------|--|
| A-5 | 5/15/18 | Photos of Proposed Sign Replacement |
| A-6 | 5/15/18 | Photos of the 20ft Sign |
| A-7 | 5/15/18 | Photos of the 25ft Sign |
| A-8 | 5/15/18 | Progression Images from Chimney Rock Road |

Mr. Chiacchio explained that the sign that is proposed is 25 ft at the current location and the Board had asked if there is a different size which was 18 ft and 10 ft from the road. Mr. Chiacchio stated that he also found out from Pattison's main office that they also make a 20 ft sign. Mr. Chiacchio noted that in the exhibit and in the submission there are pictures of the 18 ft, 20 ft, and 25 ft signs off Route 22 service road, both east and west bound.

Vice Chairman Kirsh suggested that the applicant focus on the 20 ft and 25 ft signs in their testimony which is the sense of the Board noting that this will be more beneficial. Mr. DiPrinzio, the applicant's planner confirmed that he took the photographs between the Lexus and the Chevrolet signs showing the views as suggested by the Board.

Mr. Wainwright, general manger of Lexus stated that he had confirmed with his corporate owner and Lexus USA that the 25 ft sign in the current location would be their choice. He also explained that they also discussed 20 ft sign that would be placed 10 ft off the roadway as another alternative. The Board questioned if the preferred choice would be the 25 ft sign at the current location, which is 30 ft from the highway. Mr. Wainwright confirmed that is correct.

Mr. Chiacchio confirmed that the 25 ft sign is preferred, but they are willing to have the 20 ft sign if that is the suggestion of the Board. The Board questioned if the 20 ft sign with 10 ft from the roadway was close to the power lines. Mr. Chiacchio agreed that the sign is close to the power lines and also stated that the reason for the 10 ft from the roadway with the 20 ft sign was because the sign is smaller.

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

Mr. Chiacchio provided closing comments. The Board deliberated and discussed conditions of approval for the 25ft sign at the current location.

Motion by Ms. Guttschall, second by Mr. Weideli the foregoing application was approved with conditions on the following roll call vote:

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

ABSTAIN: Mr. Fross

ABSENT: Mr. Riga, Mrs. Powers, Chairman Sweeney

NOT ELIGIBLE: Mr. Foose

MARTINSVILLE REALTY ASSOCIATES LLC-784-792 Chimney Rock Road
Block 802 Lot129
#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 this was a continuation of an application to construct a storage building to be used by the tenants of the existing office building. Mr. Whitelaw stated that there were some changes made to the plans from the prior meeting.

Robert Gazzale, PE, the applicant's engineer was sworn in for testimony and accepted by the Board as an expert witnesses. Board Planner Scarlett Doyle and Board Engineer Thomas Forsythe were previously sworn at the prior meeting.

Mr. Gazzale provided testimony as follows: The storage garage was relocated to the parking lot to the south of the existing building. The proposed building is 4,085 square feet as before, but is now L-shaped with no utilities except electric for lighting and will be located on a proposed slab on grade. Since the building location was moved, the trash enclosure had to be moved to the northerly curb line of the parking lot. The access into the building is from the parking lot, no doors will face the Loft Farm property. All lighting has been added to the front of the building or pole mounted to illuminate the parking lot. A new parking lot is proposed on the easterly side of the existing building. The area between the southerly parking lot and the Loft Farm property mainly is lawn with an existing landscape buffer area. We are proposing to add 27 trees to that property line. A height variance of 22 ½ feet is proposed for the roof peak to match the existing architecture. More landscaping will be added to the property in addition to the area of the trash enclosure so it will be screened. There are two underground detention basins, one running parallel to the proposed parking lot and the other in the grass area. Mr. Gazzale reviewed the reports of the Township professionals.

The Board questioned the electrical use. Mr. Gazzale confirmed that there is no heating or air conditioning system, only electrical service for lighting and outlets.

The Board also asked for confirmation that no insulation or sheet rock will be added. Mr. Whitelaw confirmed that was correct as stated in previous testimony.

The Board asked for confirmation that since there is only electric and no insulation or sheet rock that the building will only be used as storage now and in the future. Mr. Whitelaw confirmed that is correct.

Mr. Berlant, manager of Martinsville Realty Associates LLC was previously sworn in. The Board questioned the use of a sprinkler system. Mr. Berlant stated that he doesn't believe that a sprinkler system is needed but when applying for the permit if the Township requires one then a dry sprinkler system will be put in.

Vice Chairman Kirsh opened the public portion of the meeting for questions.

David Dockery, attorney for the Loft Farm Condominium Association was present. Mr. Dockery questioned the landscaping regarding the height, maturity and the type of the 27 trees. Mr. Gazzale confirmed the most effective screen will be the evergreens and noted that they will be planted in back of the building and will be 5 to 7 feet at a minimum. Mr. Dockery questioned the relocation of the lighting in the parking lot questioning if the new lights would shine in the Loft Farm property. Mr. Gazzale confirmed that they would not and confirmed that they will be shielded.

Katelyn Griffith of 118 Loft Drive questioned the blackout lighting and the hours of the lighting. Mr. Gazzale confirmed there will be a shield installed on the light so that it directs out not back to Loft Farms. Mr. Berlant confirmed that the hours differ throughout the year when it gets dark and should be set to turn off at 11:00pm. Ms. Griffith also questioned the need for the large amount of square footage of 4,085. Mr. Whitelaw confirmed prior testimony that the applicant needed the space for storage since there is no basement and no attic in the existing buildings.

Veronica Thomas of 54 Loft Dive asked for clarification of the shield regarding the lighting. Mr Gazzale confirmed it's called a backlight shield noting that the light is positioned along the curb line and the backlight shield prevents the illumination behind the fixture so the light is directed to the parking area. Ms. Thomas also questioned when the leaves fall from the trees, what we will see. Mr. Gazzale confirmed the view would be the light pole and a glow from the light and some from building. He explained that the Evergreens will be planted to help screen the lights.

Bill Keegan of 12 Loft Drive questioned the zone of this property. Mr. Gazzale confirmed it is located in the C-3B zone and noted that there is another property in this zone. This was also confirmed by the Board Planner Doyle

Maureen Koenen of 21 Stevens Lane questioned what exactly this proposed building is considered since it's been referred to as a shed, garage, warehouse, and or a storage unit. Mr. Whitelaw confirmed it is a storage unit explaining that the storage unit is for the use of the tenants. Ms. Koenen questioned how many tenants are there currently. Mr. Berlant stated there are 12 commercial tenants and out of those 12 several have expressed interest in using the storage unit.

Michael Tobia, PP, the applicant's planner was sworn in for testimony and accepted by the Board as an expert witness.

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

- A-4 5/15/18 Photo of the existing Detention Basin with Loft Farm Property Line**
- A-5 5/15/18 Photo of existing Landscaping**

Mr. Tobia provided testimony as follows: The storage building will be smaller in size and lower in height than the existing office buildings. The peak of the existing building is 26 ½ feet and the proposed peak is 22.5 feet which is roughly 4 ft lower. The size of accessory building permitted by ordinance is 1,000 square feet, proposed is 4,085. The maximum height allowed per ordinance is 16 ft and proposed is 22.5 feet. The dumpster was moved 320 ft from the common property line which enabled the relocation of the storage garage and also moved the activity from the dumpster away from the residential neighbors. The dumpster enclosure is only 6 ft high and will be surrounded with 5 Norway spruce.

The Board questioned if there will be a solid waste enclosure gate. Mr. Tobia confirmed there will be a gate.

Mr. Tobia continued his testimony as follows: The parking setback should be 50 ft from the property line so we moved 16 parking stalls to the back. This enabled us to move the storage garage 82.8 ft off the southern property line. The proposed parking lot is 42.6 ft from the property line. The parking at the easterly end allows for a sidewalk along the back of the existing building. The proposed building is a storage building providing storage for tenants and the owner only. The office buildings on the property have no attic or basement for storage.

Mr. Tobia described the exhibits confirming that the area next to Loft Farms has existing landscaping and is proposed to have additional landscaping as per the request of the neighbors. Mr. Tobia confirmed as previously testified by Mr. Gazzale that 27 trees will be added to that area. Mr. Tobia reviewed the reports of the Township professionals.

The Board questioned if it was considered to have a basement in the storage building to reduce the building foot print. Mr. Tobia said it was considered but it would have required stairs or an elevator and would be impractical and less desirable.

The Board questioned the need to have a storage building and how the market has changed. Mr. Berlant confirmed he built the original buildings 18 years ago and at that time there was not a need for additional storage. Mr. Berlant confirmed that his tenants are asking for the storage since they are currently storing files offsite.

The Board questioned if there is a similar tenant mix in the other investment properties owned by the applicant. Mr. Berlant confirmed there is a real estate office, medical, etc. but the need for additional storage is currently only in the Martinsville location.

Vice Chairman Kirsh opened the public portion of the meeting for questions for Mr. Tobia.

David Dockery, attorney for the Loft Farm Condominium Association questioned the height of the roof .Mr. Tobia confirmed it was 26 ft to grade to the lowest south east corner and if it's from the roof peak it is 19 ft and above the finished floor it would be 23 ft. Mr. Dockery questioned if you were standing 15 ft from a Loft farm town house at an elevation of 244 ft, would it give the appearance that the building is taller even without any buffering or screening. Mr. Tobia confirmed that when you look up at something it does give the appearance that it is taller explaining that when you put the line of plant material the view at 82 ft away is really compromised and buffered. Mr. Dockery questioned what the dimension of the main garage door opening would be. Mr. Gazzale confirmed it may be 14 or 15 ft. Mr. Dockery questioned the equipment that would be stored. Mr. Tobia confirmed as it was previously testified that it would be lawn mowing equipment and snow removing equipment. Mr. Dockery questioned if there will be fertilizers or fuels stored. Mr. Tobia confirmed as previously testified that no fuels, no flammables, no fertilizers or hazardous materials would be stored. Mr. Dockery questioned if there is a similar storage site for medical/office building in Bridgewater. Mr. Tobia confirmed that there was one along the Route 22.

Nancy Curtis of 100 Loft Drive was present and questioned the hours of operation for the landscaping equipment expressing concern about the noise. Mr. Berlant confirmed it would be during normal business hours Monday thru Friday 8am-4pm explaining that the landscaping equipment will only be for this site. Mr. Berlant stated that the snow removal would depend on the weather. Ms. Curtis also expressed concern about the trees losing the leaves. Mr. Tobia confirmed that Evergreens will be planted and noted that they will be working with the Township Planner on the landscaping.

Dirk Hoffman of 54 Loft Drive was present and questioned if heat, air conditioning, internet could be added later. The Board confirmed that if the application is approved a resolution would be put in place and the applicant can't deviate from that noting that if they wanted to change it they would have to come again in front of the Board.

Bill Keegan of 12 Loft Drive returned and asked for confirmation that the current floor area ratio was above the requirements and was given a variance when the original plan was done. Mr. Tobia confirmed that is correct. Mr. Keegan asked for confirmation that the zone was created as a transitional zone due to the residential property. Mr. Tobia explained that the variance for FAR from the required .10 to .12 was approved 20 years ago for a right-of-way dedication to Chimney Rock Road for future improvements of the Road.

Veronica Thomas of 54 Loft Drive was present and expressed concern about security.

Bill Keegan returned stating that his question wasn't answered about how the increased coverage of the property has an effect of what the zone was intended for. Mr. Tobia stated that applicants can come to the Board and ask for variance relief. Mr. Tobia explained that even with the FAR at .14 they are meeting the setback requirement, putting in plant material, hiding the dumpster, putting the parking at the back of the site and the new building will also block the parking.

Vice Chairman Kirsh stated that due to the late hour the application will be carried to May 29, 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:

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:45 pm.

Respectfully submitted,
Jacqueline Pino
Secretary to Municipal Services