

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Special Meeting
Tuesday, May 29, 2018
—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 May 16, 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:

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 (arrived at 8:00 pm)	John Fallone Alternate #3 – present
Evans Humenick – present	Jeff Foose Alternate #4 - present
Alan Fross – absent	

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:

There were no minutes presented for Board approval.

MEMORIALIZING RESOLUTIONS:

There were no resolutions submitted for Board approval.

HEARING AND DELIBERATIONS:

SOMERSET LAND EQUITIES, LLC-Newmans Lane
Block 706 Lot 9
#18-007-ZB- Variances for New Home on a Vacant Lot

Board member John Fallone recused himself from the application and left the meeting.

Attorney John Sullivan was present on behalf of the applicant. Mr. Sullivan explained that they were previously before the Board on May 1st. Mr. Sullivan stated that after hearing the comments from the Board, the applicant revised the plans and reduced the overall size of the house.

John Chadwick, PP, the applicants Planner was previously sworn and accepted by the Board as an expert witness. Mr. Chadwick submitted an exhibit that was marked into evidence as follows:

A-4 5/29/18 Colored version of the Revised Plan

Mr. Chadwick described the applicant's revised proposal which reduced the size of the dwelling from 3,024 square feet to 2,849 square feet, resulting in a reduction in the FAR from 0.30 to 0.285. Mr. Chadwick testified that the proposed dwelling's livable area is below the average sized dwelling in the neighborhood

noting that the average size of the home in the neighborhood is 2,950 square feet. Mr. Chadwick explained that corner markers have been designed to create a garden effect at the back corners. It is a visible demarcation as to where the property lines are to avoid any encroachment onto the open space lands.

The Board discussed the possibility of a fence at the rear of the property to help prevent any encroachment onto the adjoining park. Mr. Chadwick stated that the applicant would prefer not to install a fence and feels that the proposed corner maker will be sufficient to delineate the property boundaries. The applicant also agreed to install Belgian block curbing along the front of the roadway.

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

Samir Parmar of 2 Kale Drive was present and requested a copy of the letter that the applicant sent to the County, regarding the offer to purchase the land.

Chairman Sweeney opened the public portion of the meeting for comments of Mr. Chadwick.

Samir Parmar returned and was sworn. Mr. Parmar expressed his opposition to the proposal and expressed his concerns about traffic safety, reduced property values and the loss of his privacy

Mr. Sullivan provided closing comments. The board deliberated and discussed conditions of approval.

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

AFFIRMATIVE: Mrs. Amin, Mr. Humenick, Mrs. Powers, Chairman Sweeney, Mr. Weideli,
Ms. Guttschall, Mr. Foose

ABSENT: Mr. Riga, Mr. Kirsh, Mr. Fross, Mr. Fallone (recused)

Mr. Kirsh arrived and Mr. Fallone returned to the meeting.

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 had made some revisions to the plans after the last hearing on May 15th.

Robert Gazzale, PE, the applicant's engineer was previously sworn and accepted by the Board as an expert witness. Mr. Gazzale submitted an exhibit that was marked into evidence as follows:

A-6 5/29/18 Revised Plan

Mr. Gazzale explained that the proposed building has been shortened in length by 25 feet which reduces the overall foot print from 4,085 square feet to 3,335 square feet. Mr. Gazzale also stated that this revision allows them to add two additional parking spaces bringing the total number of spaces on the site to 90. Mr. Gazzale confirmed that additional plantings are proposed along the southerly property line.

The Board discussed alternate locations for the dumpster enclosure to be placed.

Mr. Whitelaw explained that the applicant would like to maintain the parking spaces located between the two buildings because they are the ones most used by the tenants and would prefer not to move the dumpster in the parking area.

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

Attorney David Dockery was present on behalf of Loft Farm Condominium Association. He questioned whether the western part of the proposed building could be eliminated instead of the eastern part to help reduce the sight line from Loft Farm. Mr. Gazzale stated that it could not be due to the location of the overhead doors which allow access to the maintenance equipment.

Katelyn Griffith of 118 Loft Drive was present and questioned how the reduction in the size of the building would impact business for the applicant and the tenant needs for storage. Mr. Berlant stated that he reduced the size of the building as a result of the comments made by the neighbors. Mr. Berlant said the 750 feet reduction in space would come from the space that he would use and would not affect the use by the tenants.

Robert Berlant was previously sworn. Mr. Berlant explained that the most used parking spaces are the spaces between the two buildings. Mr. Berlant stated that he could relocate the dumpster to either the west or east of the storage garage and remove two parking spots. Mr. Berlant stated that the garbage is picked up once a week on Mondays usually between 7 and 8 am.

The Board questioned if the dumpster could be relocated in the northeast corner of the existing building. Mr. Gazzale confirmed that if the dumpster was moved to that location it would make the setbacks 45 feet to the side and rear property line which would improve the side yard setback for the dumpster from the proposed 18 feet. The applicant agreed to move the dumpster as suggested by the Board.

Chairman Sweeney opened the public portion of the meeting for questions of Mr. Berlant. There were no questions.

Gary Dean, PE and PP, traffic engineer was sworn and accepted by the Board both as a fact witness and an expert witness. Mr. Dean explained that his office has been located in the subject office complex for 12 years. Mr. Dean stated that Mr. Berlant has always been an exceptional landlord and is always very responsive in addressing any building related issues or concerns. Mr. Dean stated there is a need for the onsite storage noting that his office currently uses an off -site storage location. Due to the nature of their business they are required to keep hard copies of plans and other documents. Mr. Dean explained that they generally leave the office building once per week to access their off -site storage. Mr. Dean also stated that the applicant has proposed a significant enhancement to the landscape buffer and confirmed that the parking lot has more than sufficient spaces for the tenants.

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

Attorney David Dockery returned and questioned whether Mr. Dean felt that the retention basin and the landscaping buffer on the Martinsville Realty side was being maintained. Mr. Dean stated that he had not noticed any trash or debris in the retention basin. Mr. Dean also stated that Mr. Berlant recently planted additional plantings along the basin. Mr. Dockery questioned how much storage he currently uses. Mr. Dean stated that he currently uses 300-400 square feet and anticipates needing more space in the near future. Mr. Dockery questioned if any other tenants had expressed the need for storage space. Mr. Dean stated not to him personally.

Nancy Curtis of 100 Loft Drive expressed concern about documents being stored without a sprinkler system.

Kimberly Wagle of 120 Loft Drive was present and asked for clarification of Mr. Dean's testimony as to the additional landscaping buffer being positive. Mr. Dean confirmed that anything that augments the buffer would be positive. Ms. Wagle stated that she disagreed and felt that it would be negative and also reduce the amount of sunlight on her property.

Chairman Sweeney opened the public portion of the meeting for comments.

Attorney David Dockery returned on behalf of Loft Farm Condominium Association and stated the Board of the Loft Farm Condominium Association opposes the applicant's proposal. Mr. Dockery stated that the ordinance for the zone is unique because there is a special ordinance specifically for this specific property. Mr. Dockery stated that the zone was created to establish a transition zone between the high density multi-family Loft Farm development and the retail center located at the corner of Chimney Rock Road and Washington Valley Road, with specific requirements for FAR. Mr. Dockery also stated that no specific testimony has been given as to the need for the storage other than from Mr. Berlant and Mr. Dean.

The Board asked Mr. Dockery if the Loft Farm Condominium Association Board had given any instructions or requests in the event the applicant was given an approval. Mr. Dockery stated that the Association's Board feels that the landscape buffer is not adequate especially in the winter months and that has not been properly maintained. Mr. Dockery stated that they are concerned about what could happen on the property further down the road if conditions are not imposed as to the use of the proposed building.

Board Planner, Scarlett Doyle clarified that there is another lot north of the subject property that is also in the C-3B Zone.

Kimberly Wagle of 120 Loft Drive was sworn and expressed concern about how the proposed building will negatively impact her home and her daily quality of life

Cindy Freund of 106 Loft Drive was sworn and expressed concern about how the property values of the homes in Loft Farm will be affected by the proposal

Katelyn Griffith of 118 Loft Drive was sworn and stated that she feels there is poor business rationale being used by the applicant for the proposal. Ms. Griffith stated that there was no data or evidence provided to justify the need for storage. Ms. Griffith also expressed concern about lighting stating that the existing lights on the property are bright and are on until 11pm. Ms. Griffith also stated that there is trash in the buffer area.

Sharon Schwartz of 29 Loft Drive was sworn and stated that she feels the proposal is unnecessary and will affect everyone who lives at Loft Farm. Ms. Schwartz also expressed concern about property values and the storing of files in a building with no fire protection.

Nancy Curtis of 100 Loft Drive was sworn and reiterated that the area near the detention basin is not maintained.

Rosemary O'Rourke of 46 Loft Drive was sworn and expressed concern about additional variances being granted on the property.

Chairman Sweeney closed the public portion of the meeting.

Mr. Whitelaw provided closing comments and the Board began deliberations.

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

AFFIRMATIVE: Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mrs. Powers, Chairman Sweeney, Mr. Weideli,
Ms. Guttschall

ABSENT: Mr. Riga, Mr. Fross

NOT ELIGIBLE: Mr. Fallone, Mr. Foose

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 10:30 pm.

Respectfully submitted,
Ann Marie Lehberger
Secretary to Planning Division