

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, March 3, 2020
—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 23, 2020** 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 Department 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.

SALUTE TO FLAG:

There was a Salute to the Flag.

ROLL CALL:

Don Sweeney - present	James Weideli - present
Pushpavati Amin - present	Dawn Guttschall - present
John Fallone - present	Daniel Ahern, Alternate #1 - absent
Jeff Foose – present	Donna Kelly, Alternate #2 - absent
Evans Humenick – absent	Andrew Fresco Alternate #3 - Present
Gary Laspisa, Alternate #4 - present	

Others present: Board Attorney Steven K. Warner, Board Engineer Bill Burr, Board Planner, Scarlett Doyle, and Municipal Services Secretary Jacqueline Pino

MINUTES FOR APPROVAL:

None adopted

MEMORIALIZING RESOLUTIONS:

PATRICA HAYEK-1361 Meiners Drive
Block 607 Lot 7
#19-013-ZB- Variance-Porch & Deck Addition
Approved with Conditions: 2/18/20

Motion by Mr. Weideli, second by Mr. Fallone the foregoing resolution memorializing the approval on February 18, 2020 was adopted as written on the following roll call vote:

AFFIRMATIVE: Mr. Fallone, Mrs. Amin, Chairman Sweeney, Mr. Weideli

ABSENT: Mr. Humenick, Mr. Ahern, Mrs. Kelly

NOT ELIGIBLE: Mrs. Guttschall, Mr. Foose, Mr. Fresco, Mr. Laspisa

HEARING AND DELIBERATIONS:

SES FIDELITY INVESTMENTS-762 Route 202 South
Block 164 Lot 6.06
#19-024-ZB- Variance-Sign

The Applicant has made application to the Bridgewater Township Zoning Board of Adjustment, for the installation of an additional freestanding monument sign, to be located on property identified as Block 164, Lot 6.06 on the Tax Map and more commonly known as 750 Route 202, Bridgewater, New Jersey

Scarlett Doyle, P.P., the Township Planner, was sworn according to law.

Stephen P. Sinisi, Esq., of The Law Offices of Stephen P. Sinisi, Esq., entered his appearance on behalf of the Applicant.

Charles Schalliol, having a business address of 6001 Nimtz Parkway, South Bend, Indiana, was duly sworn according to law. Mr. Schalliol testified that he is the Director of Site Enhancement Services, and that he has been with Fidelity Investments since 2004. He further testified as to the nature of Fidelity's business. Mr. Schalliol explained that the proposed signage is necessary to facilitate wayfinding because, currently, the existing office building is void of such signage. He testified that the proposed sign is 72.4 square feet. On discussion of why the proposed signage is necessary given the existing Fidelity signage on the existing freestanding sign, Mr. Schalliol testified that Fidelity is relocating to a different location within the Towne Center and that the signage will be necessary to help customers find the new location. On questioning as to why Fidelity was relocating to a different location, he explained that the new location will provide additional space and allow Fidelity's employees to move into one location, rather than having some employees at the original location and some of the fourth floor of the office building. Mr. Schalliol testified that, if the requested signage were approved, the Fidelity signage on the existing monument sign will be removed. Mr. Schalliol further testified that this Fidelity branch will not have retail banking or an ATM. Chairman Sweeney asked if anyone in the audience had questions for this witness. No one responded. The next witness was called to testify.

Mary Burke of Steiner Equity Group was called to the stand, testified that her role is "Leasing" and she explained that the Applicant previously leased a 4,500 square foot retail pad in the Towne Center, but now relocated to 4,225 square feet of space on the first floor and approximately 4,000 square feet on the fourth floor of the front office building. She further explained that, because Fidelity is relocating, its façade signage will be removed from the existing retail pad in accordance with the terms of Fidelity's leases. Chairman Sweeney asked if anyone in the audience had questions for this witness. No one responded. The next witness was called to testify.

William Page, P.E., P.P., having a business address of 6 Forest Avenue, Paramus, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the fields of both civil engineering and professional planning. Mr. Page conceded that the requested relief could not be granted pursuant to N.J.S.A. 40:55D-70(c)(1) because the Applicant is not facing an undue hardship as a result of unique features affecting a specific piece of property. Mr. Page described the existing conditions. He testified that the proposed signage would facilitate way finding, particularly since there are existing trees obscuring motorists' views of the Towne Center. As to the positive criteria pursuant to N.J.S.A. 40:55D-70(c)(2), Mr. Page opined that the proposed monument sign constituted a better zoning alternative than simply utilizing the new façade signage. He further opined that the Applicant's proposal advances purpose subsection (a) of N.J.S.A. 40:55D-2, in that the proposed signage will promote the general welfare, particularly the safety of motorists and pedestrians accessing the Towne Center by improving wayfinding and on-site circulation. Mr. Page testified that the Applicant had also satisfied the negative criteria pursuant to N.J.S.A. 40:55D-70(c)(2), contending that the proposal would not result in substantial detriment to the public good or substantial impairment of the Master Plan and Zoning Ordinances. On questioning as to whether the proposal was truly consistent with the Master Plan and Zoning Ordinance, particularly since the ordinance prohibits multiple signs, as does Condition 6 of the 1998 Approval, Mr. Page opined conceded same was true but nonetheless still contended the variance relief was justified. No member of the public commented on, or objected to, the Applicant's proposal.

After reviewing the evidence submitted, the Board, by a vote of 7 to 0, finds that the Applicant has failed to satisfy its burden of proving an entitlement to the requested bulk variance relief.

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

The Board deliberated and discussed; the applicant's request was denied.

Motion by Mr. Weideli, second by Mr. Fallone the foregoing application was denied on the following roll call vote:

AFFIRMATIVE: Chairman Sweeney, Mr. Fallone, Mrs. Guttschall, Mrs. Amin, Mr. Weideli, Mr. Foose,
Mr. Fresco

ABSENT: Mr. Humenick, Mr. Ahern, Mrs. Kelly

MEETING OPEN TO THE PUBLIC:

One member of the public, Resident Frank Carpinelli, of 928 Country Club brought up concerns of the development of a parking lot at Cedar Brook Park. The resident was advised by Board member Mr. Foose to contact the Office of Constituent Relations as the topic was not related to Board of Adjustment.

OTHER BOARD BUSINESS:

None

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

Respectfully submitted,
Marianna Voorhees
Planning Division