

BRIDGEWATER TOWNSHIP ZONING BOARD OF ADJUSTMENT

Regular Meeting

Tuesday, October 19, 2021

-MINUTES-

1. CALL MEETING TO ORDER:

Chairman Foose called the meeting to order at 7:30 pm at the Municipal Annex Room off the Courtroom located at 100 Commons Way, Bridgewater, NJ.

2. OPEN PUBLIC MEETING ACT 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 13, 2021 proper notice was sent other 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. Accommodations will be made for individuals with a disability, pursuant to the Americans With Disabilities (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.

3. SALUTE TO THE FLAG:

4. ROLL CALL:

Mr. Foose – present

Ms. Amin – present

Mr. Sweeney – present

Mr. Weideli – present

Ms. Guttschall – present

Mr. Fallone – present

Mr. Fresco – present

Alt. 1 Mr. LaSpisa – absent

Alt. 2 Mr. Wrobel – absent

Alt. 3 Mr. Bongiorno – present

Alt. 4 Mr. Gayeski– 7:38

Also present was attorney John Kaplin, Esq. to 8:08 pm and Steve Warner, Esq, from 8:08 to adjournment of meeting, William Burr, IV, PE and Scarlett Doyle, PP

5. APPROVAL OF BOARD MINUTE(S):

June 15, 2021

Motion for approval was made by Mr. Weideli with a second by Ms. Guttschall

AFFIRMATIVE: Mr. Foose, Ms. Amin, Mr. Sweeney, Mr. Weideli, Ms. Guttschall, Mr. Fresco,

Mr. Bongiorno,

ABSENT: Mr. LaSpisa, Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. Gayeski, Mr. Fallone,

6. MEMORIALIZATION OF RESOLUTION(S):

None

7. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda could do so at this time. It was announced that if any questions or comments were made about a pending application, they would need to be held until the hearing of such application (This being in accordance with the Municipal Land Use Law and Case Law.)

No member of the public wished to address the Board.

- The doctors will be responsible to have refuse containers, but the hospital will be required to remove all medical waste.
- All signs will conform to the ordinance.
- In order to improve the appearance of the building, some of the louvres will be replaced subject to the review of the Planner.
- Any roof mounted equipment will be screened to 8' to 10' if visible from the highway.

The meeting was opened to the public for questions. There were no members of the public with questions for the expert witness.

Attorney Robertson presented Christine Cofone, PP, as a Professional Planner.

Planner Cofone discussed the planning and zoning aspects of the application. Planning considerations included a d(6) use variance for height, explaining that the use is permitted. One reason for the height variance is that the applicant provides protective parking in the garage below. The bulk variances for # of stories, front yard setback from Route 22, parking setback from Adamsville Road and from Route 22. The application has an accessory recycling enclosure in the front yard as shown as A-1. The number of parking spaces is deficient and the plans show more than 20 spaces in a row without an island. Design waivers of landscape trees were a matter of testimony as well as lighting apex, shrubbery along Route 22, landscape shrubs. Ms. Cofone believes that the Board can approve the application due to the hardship c(1) conditions, which addresses the placement of the building is dictated by wetlands locations, Route 22 and Adamsville Road conditions. A design waiver for solid waste enclosure construction materials was also requested.

At this point, attorney Warner joined the meeting and took over from his associate.

In this case, a c(2) criteria is also applicable. The following MLUL criteria are satisfied: a, h, g and criteria m. The Master Plan also has significant language noting the goal to enhance the visual and economic aspects of underutilized land. Ms. Cofone believes that these elements satisfy the terms of the MLUL.

Ms. Cofone discussed the negative criteria and concluded that the plan will not negatively affect the zone plan or zoning ordinance.

On question of the adequacy of size, the Board asked Ms. Cofone to comment on the possibility that the lot is not of sufficient size. Ms. Cofone noted that this was not the case since the FAR and Improved Lot Coverage are less than what is permitted. Regarding parking, the right of way dedication caused the hardship.

With regard to design waivers, the Planner believes that the plans still adhere to the intent of the ordinance.

With regard to the flexible c(2) criteria, the Planner believes that the plans conform to the intent of Section 2 of the MLUL subsections a, g, h and m.

In response to the possibility that the lot was simply too small and therefore caused the need for the great number of variances and design waivers, the Planner testified that there is sufficient property to accommodate the proposed building as evidenced by conformance with the FAR. The improved lot coverage also conforms to the ordinance which speaks against the notion that the lot is undersized for the proposed building. Further, the building was consistent with other buildings in the area.

The Planner testified that the benefit outweighed the detriments and stated that there are no substantial impacts to the public good or produces an inconsistency with the Township Master Plan.

The Planner agreed with the terms of the Planner Doyle's report dated September 1, 2021 and stipulates to a revision of plans to include the required number of electric charging stations.

The hearing was opened to the public for questions. There were no members of the public with questions of the expert witness.

On question of the Board, the aspect of unauthorized parking of vehicles on Adamsville Road was discussed. Engineer Craig Stires testified that scheduling was a potential, but also that a traffic engineering audit, post

construction, should be submitted to the Board 12 months from the time that a CO has been issued. This would be submitted to the Township Engineer for his approval and operational adjustments, if needed.

On question of the Board, 20 doctors and 15 staff would consume the available parking, with the rest of the parking available to patients.

On recommendation of the Board, the applicant stipulated that he is willing to grant an easement for access (or right of entry) to the wetlands should the need arise for maintenance. There is no obligation for such maintenance, however.

Attorney Robertson summed up the application, citing the testimony of the engineer, planner and architect. He believed that the plan offers benefit to the Township

The Chair opened the hearing for comments from the public. No members of the public presented comments on this application.

Attorney Warner summarized the conditions that were discussed and the testimony and stipulations made for this hearing which will be embodied in the Resolution.

Deliberations were conducted by each member of the Board. The Board approved the application for Preliminary and Final Site Plan, with variances and with conditions as stipulated during the public hearings on the following Roll Call vote:

Roll Call Vote:

Motion for approval was made by Mr. Weideli with a second by Mr. Fallone

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

ABSENT: Mr. LaSpisa, Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. Bongiorno, Mr. Gayeski

9. OTHER BOARD BUSINESS:

Discussion of Annual Report. The Board reviewed the details of the Annual Report Motion to adopt the report was by Mr. Weideli and second by Ms. Guttschall with the following vote:

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

ABSENT: Mr. LaSpisa, Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. Bongiorno, Mr. Gayeski

Attorney Warner was authorized to forward Report to the Planning Department for distribution to the governing body and Planning Board, as required by law.

10. EXECUTIVE SESSION:

The Board entered into Executive Session at 8:56 pm to discuss Litigation of Skymanor Properties, LLC Block 904 Lot 5 Application #20-007. The matter may be made available once the litigation is fully concluded.

The Board reconvened after the Executive Session at approximately 9:00 pm. with all original members present.

Attorney Warner was authorized to continue with efforts to resolve the dispute.

11. ADJOURNMENT:

Motion by Mr. Weideli and second by Mr. Fresco, the Board's consensus adjourned the meeting at approximately 9:15 pm.

Submitted by
Scarlett Doyle