

BRIDGEWATER TOWNSHIP ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, October 5, 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. Gutschall – absent
Mr. Fallone – absent
Mr. Fresco – absent

Alt. 1 Mr. LaSpisa – present
Alt. 2 Mr. Wrobel – present
Alt. 3 Mr. Bongiorno – present
Alt. 4 Mr. Gayeski–7:35 present

Also present were Amanda Wolf, Esq, William Burr, IV, PE and Scarlett Doyle, PP

5. APPROVAL OF BOARD MINUTE(S):

None

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 withheld 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.

8. LAND DEVELOPMENT APPLICATIONS:

CAR RENTALS, INC-400 North Bridge Street
Block 200 Lot 1
Application 21-030 ZB
Preliminary and Final Major Site Plan, with Use and other Variances
Eligible to vote: All Members

An announcement was made that this application was carried to the Courtroom at 7:30 pm on December 7, 2021, with no notice required.

BEATA SZERSZUNOWICZ-582 East Main Street

Block 314 Lot 1

582 East Main Street

Application 21-025 ZB

Simple Variances

Eligible to vote: All Members

Applicant Beata Szerszunowicz, represented herself. The following persons were sworn: Beata Szerszunowicz, owner; Kenneth R. Quabeck, R.A.; William Burr, IV, PE; Scarlett Doyle, PP.

Ms. Szerszunowicz testified that the application was to expand the existing dwelling. She and her husband, along with their two children, reside in the home. She explained that the home has only two bedrooms. They wished to construct a one-story, 265 square foot addition, consisting of a master bedroom and bathroom. The additional living space would allow their children to have their own bedrooms. She indicated that she and her husband want to continue to live in the Township, and an expansion of the two-bedroom home would allow that expansion.

The application and professional reports show that the property is a 7,500 square foot corner lot with frontage on both Wharton Avenue and East Main Street, which creates two (2) front yards with the need for two front-yard setback requirements. The applicant needed a front-yard setback from Wharton Avenue which was proposed to be 8 feet, where the minimum front-yard setback in the R-10 Zone is 30 feet.

The Chairman opened the meeting to the public for questions of the applicant. There were no members of the public who wished to ask questions of Ms. Szerszunowicz

Kenneth R. Quabeck, R.A., provided his qualifications, and was accepted by the Board as an expert in architecture. Mr. Quabeck described the existing conditions mentioning that the lot is an undersized corner lot, with frontage on both Wharton Avenue and East Main Street. He explained that the narrowness of the lot, in connection with the two front yard setback requirements, makes it difficult to construct an addition in a conforming location, particularly since the addition has to be located to the side or rear of the dwelling. Mr. Quabeck also testified that the property has an existing evergreen buffer along Wharton Avenue, adjacent to the proposed addition, and that this would buffer the proposed improvements from the right-of-way.

On questioning as to the large stones on Wharton Avenue, Mr. Quabeck explained that the Applicant experienced problems with ponding due to pits in the surface made by commercial vehicles and the stones helped to deter such vehicles from parking on her property.

Mr. Quabeck added that the Applicant has already removed portions of the existing impervious coverage in order to accommodate the additional impervious coverage associated with the expansion. He testified that the existing coverage would not be increased. Mr. Quabeck referenced the survey to demonstrate which areas of existing coverage had been removed. Mr. Quabeck stated that the property is well landscaped and the existing stormwater management system can accommodate the proposed improvement. He also testified that the proposal does not require any changes to the utility services or connections.

Mr. Quabeck testified that the garage appeared to be constructed at the same time as the dwelling and, therefore, the garage was a pre-existing condition. On questioning as to the impact on the neighborhood, Mr. Quabeck testified that the setback will be consistent with the setbacks of the adjacent properties and that the size of the addition is reasonable as compared to the size of other dwellings in the neighborhood. Mr. Quabeck confirmed that he had visited the property at around the same time as the last big rainstorm and that he did not observe any issues of flooding.

Mr. Quabeck reviewed the professional reports and explained that the proposed addition could not be designed to be located in another location because of the layout of the existing dwelling, which is complicated by the undersized, narrow geometry of the lot.

It was confirmed that the exterior of the addition would be consistent with the exterior of the balance of the existing dwelling as to design, materials, and color. Mr. Quabeck was asked about the survey; he advised that the areas of impervious coverage shown to be removed to accommodate the addition had already been removed, but he believed that the balance of the survey remains accurate.

The Chairman opened the meeting to the public for questions of Mr. Quabeck. There were no members of the public who wished to ask questions of the expert. The Chairman then opened the meeting to the public for comments on the application; there were no members of the public that wished to make comments.

The Board deliberated and approved the application on the following vote:
Motion for approval made by Mr. Laspisa with a second by Mr. Weideli on the following Roll Call vote:
AFFIRMATIVE: Mr. Foose, Ms. Amin, Mr. Sweeney, Mr. Weideli, Mr. LaSpisa, Mr. Wrobel,
Mr. Bongiorno,
ABSENT: Mr. Fallone, Ms. Guttschall, Mr. Fresco,
ABSTAIN:
NOT ELIGIBLE: Mr. Gayeski

The Board took a break from 7:55 pm to 8:03 pm and returned with the following Roll Call vote:
Present: Mr. Foose, Ms. Amin, Mr. Sweeney, Mr. Weideli, Mr. LaSpisa, Mr. Wrobel, Mr. Bongiorno, Mr. Gayeski
Absent: Mr. Fallone, Ms. Guttschall, Mr. Fresco

OUTFRONT MEDIA, LLC- Route 22
Block 206 Lot 3
Application 21-012 ZB
Preliminary and Final Site Plan, with Use and other Variances
Eligible to vote: All Members

Mr. Edward Purcell represented the applicant, Outfront Media. LLC. There is an existing static sign in the M-1B zone. Outfront seeks to modernize the existing sign with a single pole and with an advanced- technology sign. The existing sign is larger than what is being proposed. Preliminary and Final Major Site Plan approval is being requested. The position of the applicant is that no variances are required; however, the applicant will present d(1) proofs as well as c(1) and c(2) variances if these are not subsumed with the d(1) variance. On question, the applicant was requested to specifically state what is being requested in this application. Attorney Purcell restated that he believes that no variance is needed, but that they would give proofs for a d(1) variance. Board attorney Wolf clarified the changes that are being made which the Board concluded that this is a new principal use that requires a d(1) variance.

The following witness was sworn:

John Antal is a NJ General Manager was presented and the Board accepted Mr. Antal as a fact witness. He explained the business activities of Outfront Media, and he was manager of same.
Exhibit A-1 (an aerial, Sheet #2 of site plan) and Exhibit A-2 (third page of the site plan) were presented. Mr. Anatol described the location of the site on Route 22. The address is 1130 US highway 22 East. An easement is on the property which allows the billboard sign. He stated that the residences on Woodside Lane would not be affected by the new sign. The property is adequate for the proposed use. It is located in a commercial area. It can be constructed to meet NJDOT requirements.

Exhibit A-3 (Existing Condition and Proposed Simulation) and Exhibit A-4 (State Permit for the existing sign and LED upgrade) were presented.

The proposed sign is 231 square feet sign, which is less area than the existing static sign. He explained the technology of the multi-message digital sign. The sign will operate with the change in copy every 8 seconds. There will be an 8-advertiser loop for the sign. The sign must change instantaneously. There is no motion on the sign. It is controlled remotely, which is convenient. Visit is anticipated 4 times per year. Attorney Purcell cited the

NJDOT requirements for digital signs and the applicant complies with these requirements. Emergency advertising is available and is superior as a presentation technology because the light changes based on ambient light.

Exhibit A-5 is a sample of public service package that shows public service messaging which was described by Mr. Antal. This includes emergency as well as general public service announcements and non-profits as well. There are also letters from other municipalities in the package. He advised that a public service messaging occurs when the space is not rented.

Exhibit A-6 shows protocols (A and B) that are used the way in which the sign may be used for municipal announcements. Protocol A is for an emergency message is posted for one hour and then rotates with other advertisements. Protocol B is for non-emergency messages. Political advertising would go through a special approval process. Tobacco cannot be advertised and certain topics are not acceptable to be advertised, as well a recreational cannabis which is not currently an eligible topic for advertising. First amendment rights may come into play if there are restrictions on advertising cannabis in the future. On-line gaming and gambling are acceptable topics for advertising.

With regard to the professional reports, Mr. Antal responded to questions. There will be 24/7 advertising for 8 advertisers in rotation at this time. The billboard will be one-sided. Advertisers want the flexibility for digital advertising. Hacking is less likely since the sign is operated remotely and the server are protected by fire walls that are configured to display images originated in their location 1949 Route 35 which has a similar sign that can be viewed.

On question of the Board, Mr. Antal indicated that approximately 70% of the advertising are local businesses and the remainder of customers are from national campaigns. Examples were given of users that have used the sign. He advised that on average, 15% is often unsold and the sign could have a specific municipal advertising timeframe. The operations center is in Spokane, Washington.

On inquiry by the Board's Engineer, the applicant will supply a copy of the NJDOT approval letter. There is a typographical error in the area of the existing sign that will be addressed by the engineer. The brightness can be controlled remotely. The copy is in rotation.

On inquiry by the Board's Planner, NJDOT has qualifications for multi-messaging signs. Those regulations will be sent to the Planner. The location of the easement, and changes to that easement will be discussed by the engineer.

On presentation of Exhibit A-3, the concept of penetration was discussed. The engineer will address the penetration as compared to vinyl and how far away the signs can be read. The applicant indicated that the flexibility of providing several advertisers is a marketing advantage. In other words, if a sign can be seen at a certain distance, how many transitions will the driver visualize as he approaches the sign. The engineer will address this during testimony.

A break was taken at 9:15 pm to 9:20 pm with all original members present again.

Mr. Purcell asked that the application be carried so that the applicant could commission additional traffic information. The Chair asked for traffic and safety, including our police force relative to accidents and the potential for new modernization. The Board would like to have this information to the Board before the meeting. Promoting smaller businesses was done during the pandemic and preempt-able rate for small businesses when slots are not filled.

This application was carried to December 7, 2021, with no further notice required.

9. OTHER BOARD BUSINESS:

Discussion of Annual Report. The Board generally discussed the year 2020 applications and determined that a more detailed discussion would be conducted at the next meeting.

10. EXECUTIVE SESSION

None

11. ADJOURNMENT:

Motion by Mr. Weideli and second by Mr. Laspisa, the Board's consensus adjourned the meeting at approximately 9:30 pm

Submitted by
Scarlett Doyle