

BRIDGEWATER TOWNSHIP ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, September 21, 2021
-MINUTES-

1. CALL MEETING TO ORDER:

Chairman Foose called the meeting to order at 7:30 pm at the Municipal 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 – present
Alt. 3 Mr. Bongiorno – present
Alt. 4 Mr. Gayeski– absent

Also in attendance was Attorney Steve Warner, Esq., William Burr IV Board Engineer and Scarlett Doyle, PP, Board Planner

5. APPROVAL OF BOARD MINUTE(S):

May 18, 2021 (Virtual meeting)

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

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

Mr. Wrobel

ABSENT: Mr. LaSpisa, Mr. Gayeski

ABSTAIN:

NOT ELIGIBLE: Mr. Bongiorno, Mr. Fallone

June 1, 2021 (Virtual meeting)

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. Fallone, Mr. Fresco

ABSENT: Mr. LaSpisa, Mr. Gayeski

ABSTAIN:

NOT ELIGIBLE: Mr. Wrobel, Mr. Bongiorno

6. MEMORIALIZATION OF RESOLUTION(S):

MARC CONOVER -1262 Washington Valley Rd.

Block 648 Lot 8

21-007 ZB Simple Variance

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

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

ABSENT: Mr. LaSpisa, Mr. Gayeski

ABSTAIN:

NOT ELIGIBLE: Ms. Amin, Mr. Bongiorno

VOLTA CHARGING LLC – 400-600 Commons Way

Block 553 Lots 1.03 and 1.05 Use Variance and Site Plan

21-016 ZB

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

AFFIRMATIVE: Mr. Foose, Mr. Sweeney, Mr. Weideli, Ms. Guttschall, Mr. Fallone, Mr. Wrobel,

ABSENT: Mr. LaSpisa, Mr. Gayeski

ABSTAIN:

NOT ELIGIBLE: Mr. Bongiorno, Ms. Amin, Mr. Fresco

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.

8. LAND DEVELOPMENT APPLICATIONS:

GATEWAY 70-B, LLC

Block 221 Lot 1.01

Application #21-020 ZB

Preliminary and Final Major Site Plan, with Use and other Variances

Board Member La Spisa recused himself from hearing the application.

Attorney Jeffrey Lehrer represented the Applicant, GATEWAY 70-B, LLC. He explained that the Property is located at the intersection of Route 22 East and Adamsville Road, in the M-1B Limited Manufacturing Zone, and contains 3.89 acres. He summarized the application, stating that the applicant seeks preliminary and final major site plan approval, and a d(6) height (use variance) and bulk variances (c variances), and design waivers. The plan includes demolition of a one-story, 14,133 square foot vacant building, except for an existing Verizon Vault in the building that will be retained, and the construction of a new 42,374 square foot medical office building. The plan also shows a parking lot, sidewalks, a stormwater management system, a sanitary sewer connection, landscaping, lighting, and signage.

Attorney Lehrer briefly listed the relief that was being requested. There was a variance for building height. The building is three stories, where the maximum building number of stories is two stories. The Applicant also requests a bulk variances front-yard setback from Route 22 East, bulk variances for a proposed rear-yard buffer, an accessory structure in a front yard area, a parking setback variance from Adamsville Road and a variance for the number of required parking spaces.

Several design waivers were also requested. The Applicant asked for a design waiver for parking lot illumination, for lighting requirements and landscaping.

The following witnesses were sworn:

Craig Stires, P.E., of Stires Associates, P.A.

Michael Devois, Applicant's Vice President of Marketing

William Burr, IV, PE, Board Engineer

Scarlett Doyle, PP, Board Planner

Mr. Lehrer presented Mr. Michael Devois as a witness. Mr. Devois gave his background and was accepted by the Board as a President of Marketing who would serve as a fact witness.

Mr. Devois gave his background, stating that he had been an employee of the Applicant for nine years, and was currently working in the Somerset Medical Center, which is associated with RWJ Barnabas Health. He explained that RWJ Barnabas Health is currently in need of office space and this site is to satisfy that need. The Applicant proposes to construct a medical office building, with laboratories that will collect and test samples.

On questioning by Attorney Lehrer, Mr. Devois testified that most of the visitors will come to the site during weekdays and by appointment only. The operating hours would be Monday through Friday from 8:00 a.m. to 6:00 p.m. They may also be open one night a week to 8:00 p.m. On weekends and holidays, the facility will be open, as needed, from 8:00 a.m. to 3:00 p.m. The facility will not be operated as an "urgent care" facility.

The Board reviewed the reports from the professionals and asked questions that were responded to by Mr. Devois. He stated that ambulances would not be coming to the building as part of the operation. He stated that the office space would be occupied by employees of RWJ Barnabas Health, with approximately 10 to 15 doctors on the site at a time, along with 10 to 20 staff members. There would be flex space for community physicians, one or two per day, which may be RWJ/Barnabas employees.

Chairman Foose opened the meeting for public questions.

There were no members of the public who wished to question the witness.

Attorney Lehrer presented Craig Stires as a witness. Mr. Craig gave his credentials and was accepted as an expert Professional Engineer in the State of New Jersey.

Mr. Stires presented a colorized version of the site plan, dated September 17, 2021, and described the existing conditions on the site and the surrounding area. The property is in the vicinity of the Chelsea Village condominiums to the east. There are additional residential homes to the rear of the property.

An 8.5-foot-wide portion of the property along Adamsville Road is proposed to be dedicated to the Township.

The colorized exhibit was marked as **Exhibit A-1**

Using this Exhibit, Mr. Stires testified that the 3.89-acre property lies within the M-1B Zone and that the proposed medical and medical office uses are permitted in the zone. He described the property as a corner lot at the intersection of Route 22 East and Adamsville Road. The property has 250 feet of frontage along Route 22 and 510 feet of frontage along Adamsville Road. There is an existing 14,133 square foot building on the site, including a 3,500 s.f. Verizon Vault. Access into the property is only from Adamsville Road

Mr. Stires described how the property drains, stating that storm water runs to the west and south into a wetlands area found to the southwest and west, and the wetlands area drains to the Cuckholds Brook. He stated that a wetlands Letter of Interpretation has been approved by the NJDEP and a buffer averaging plan will be submitted to the Board Engineer.

Mr. Stires described the proposed medical and medical office building, which will be three floors having a total height of 40 feet, with the lowest level being reserved for parking. A detention basin will be constructed under the proposed parking lot in the rear of the building. He testified that the Applicant requires a d(6) variance for the height of the proposed medical office building because the maximum height of a building in the M-1B Zone is 35 feet. He noted that the five-foot-tall elevator penthouse, located on top of the proposed 40-foot-tall building, is not required to be included in the overall height of the building.

Mr. Stires also testified that the internal circulation under the building includes drive aisles that are designed to accommodate vehicle and garbage trucks. He described lighting as seven, 25-foot tall pole lights, and eight wall mounted lights, 20 feet high. A detention basin, with 30-inch pipes, will be constructed under the parking lot in the rear of the building, which will meet all standards for stormwater management. Mr. Stires confirmed that the Applicant agreed to provide 'Green' stormwater design techniques which would be reviewed by the Board Engineer.

After considerable Board discussion, the Applicant agreed to provide the Township Engineer with annual certifications to assure adequate maintenance of the stormwater management system. To aid in this, the Stormwater Operations and Maintenance Manual will be recorded with the Somerset County Clerk's office.

On inquiry from the Board, Mr. Stires testified that, due to the size of the building, all 189 required parking spaces cannot be accommodated under the building and on the lot. Therefore, 183 parking spaces are proposed, which requires a variance. He noted that, while only six ADA parking spaces are required, the Applicant will provide additional ADA parking spaces in a medical office building, a total of 20 ADA spaces are shown, which reduces the area available for traditional parking spaces.

During review of the Professional reports by the Board, Mr. Stires testified that the Applicant will comply with all of the comments contained in the Board Professionals' review letters.

Way-finding-signs will be provided on the site to aid visitors in finding the ADA parking spaces located in the parking area under the building. He agreed that the Applicant will attempt to save certain trees in the northwest portion of the property, but the Applicant does intend to remove all of the pine trees throughout the site. Mr. Stires testified that deliveries will be made via box truck deliveries, not tractor trailers.

Chairman Foose opened the meeting for public questions.

James Kelly, 1200 Route 22 East, Bridgewater, requested further details regarding the adequacy of the proposed stormwater management system, and Mr. Stires provided a detailed explanation of how the stormwater management system will function.

The Chairman stated that the time of evening was such that the application should be carried to a future date. It was announced that the meeting would be carried to October 19, 2021, with no further notice required.

The Chairman called for a break at 9:10 pm and the Board reconvened at 9:20 pm with all members as originally present.

CAR RENTALS INC – 400 NORTH BRIDGE STREET

Block 200 Lot 1

Application #21-030 use and bulk variances

Attorney Alan Welch, Esq. represented the applicant. Attorney Welch summarized what the witnesses will testify to. He described the history of attempting to secure 2 parking spaces for purposes required by the NJDOT for what was required to be reserved for retail sales of vehicles.

Mr. Warner questioned the validity of the NJDOT assertion that these two spaces could be used for sales, but to the Board, the applicant would state the opposite. The applicant would stipulate that the spaces, in fact, would not be used. Attorney Warner discussed the condition of a resolution stipulating that the spaces could NOT be used. Attorney Welch stated that this stipulation would defeat the purpose of the NJDOT application. Attorney Warner further noted that a Board approval without the stipulation would allow future owners to use the spaces for the retail sales of cars. Attorney Welch specified that the retail sales of used vehicles and not new car sales were being requested. Also, the North Bridge St. location would not be used to sell rental cars from the fleet.

Attorney Welch then produced an Order of Denial for the application for a Municipal Business Certificate and a Notice and Order of Denial of the Division of Motor Vehicle.

The following witnesses were sworn, in addition to the Board's professionals.

John Sullivan representing the Car Rentals.
Mr. Craig Stires, PE
Mr. Paul Rici, PP

Attorney Welch called his first witness, John Sullivan managing member of the LLC Mr. Harding and Mr. Sullivan own 400 N. Bridge Street which is used for administrative offices for the car rental business. He has 6 employees at this location. He described that the PM medi-merge is to the north. To the west is a vacant lot in the Borough of Somerville which Mr. Sullivan owns. To the south is Ivanhoe and lot 6. To the east is Wendy's. The building also on the site is an antique business.

Administrative offices were requested of the Zoning Board to operate an Administrative Office at the site. Exhibit A-1 is the application for business license certificate and Notice of Proposed Denial. And an Order of Denial from the DMV. He stated that there would never be sale of used cars from this site. His fleet sales would have vehicle storage in 17 sites throughout the state. Employees park behind the building. He does not expect to add employees.

There would be no marketing or display of used cars on the site. Attorney Warner asked if adding this could be a condition in a Resolution of Approval. Attorney Welch stated that the stipulation of no marketing or display could be included in the Resolution.

Continuing with testimony, Mr. Sullivan explained that the vacant lot in Somerville was used for overflow vehicles.

Mr. Sullivan stipulated that there would be no retail sales now or in the future *by him*. These restrictions cannot be placed in the Resolution, however.

Mr. Sullivan was generally inclined to agree with the terms raised in the professionals' report.

The Board discussed lighting and the dumpster, in an attempt to more definitively resolve the some of the outstanding items that were not being addressed. Mr. Sullivan suggested that the dumpster could be placed in Somerville. This was not acceptable to the Board. The Board and applicant acknowledged that the dumpster may need variance relief since a dumpster cannot be located within a minimum front yard area. Relief would be needed.

Based on question, the rental cars were parked in Somerville. Mr. Sullivan stated that the parked cars in front of the building are reserved for rental car pick-ups.

The application stated that there have been no prior applications made to the Board. This raises the issue as to whether there ever was a prior municipal approval to rent cars from this site. The applicant could not confirm whether or not a municipal approval was ever secured for this site or whether this may be a pre-existing non-conforming use.

Mr. Warner stated that the application would be required to confirm that the existing rental car use was previously approved, or that the rental car use was a pre-existing use, which requires confirmation from the Zoning Board. There was discussion on whether the application and testimony create a need for expanded proofs or an amendment to the application to add an additional d(1) use for the *existing* car rental business being conducted at the site, which may not be a legally-authorized use or may be a pre-existing condition. Clarity would be helpful to sort out the finer details of the application.

Due to the lateness of the hour and additional information that the Board would be interested in receiving, it was agreed by Attorney Welch, after conferring with his client, that the hearing would be carried to October 19, 2021, with no further notice required. For the purpose of securing municipal information on the existing rental business, Zoning Office Karas gave advice on how archive information could be obtained.

9. OTHER BOARD BUSINESS:

None

10. EXECUTIVE SESSION:

None

11. ADJOURNMENT:

A motion to adjourn was made by Mr. Weideli with a second by Ms. Gutschall to adjourn the meeting at approximately 10:15 pm.

Submitted by:
Scarlett Doyle