

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
Tuesday, January 28, 2014  
—MINUTES—

**CALL MEETING TO ORDER:**

Chairman Vornehm called the meeting to order at 7:30 p.m. 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 15, 2014 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.

**ROLL CALL:**

Don Sweeney – present

Paul Riga – **absent**

Pushpavati Amin – present

Bill Vornehm – present

Alan Fross, Alt. #2 – present

James Weideli, Alt. #4 - present

Lee Schapiro – present

Evans Humenick – present

Michael Kirsh, – present

Beth Powers, Alt. #1 – present

Roger Pearly, Alt. #3 – **absent**

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

**MINUTES FOR APPROVAL:**

**November 26, 2013 Regular Meeting** (*pending*) – The foregoing minutes will be presented for Board consideration when completed. No action was taken.

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**December 17, 2013 Regular Meeting** (*pending*) – The foregoing minutes will be presented for Board consideration when completed. No action was taken.

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**January 14, 2014 Reorganization & Regular Meeting** (*pending*) – The foregoing minutes will be presented for Board consideration when completed. No action was taken.

**MEMORIALIZING RESOLUTIONS:**

CIFELLI – 459 Milltown Road - (*pending*)

Block 168 Lots 28 & 29

#16-11-ZB, Prelim & Final Site Plan w/d-variance & c-variances

(Storage building to enclose construction equipment)

DECISION: Approved w/conds 1/14/14

Eligible to vote: Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Mr. Humenick, Mr. Kirsh, Mrs. Powers, Chairman Vornehm

Foregoing resolution will presented for Board consideration when completed. No action was taken.

**HEARING AND DELIBERATIONS:**

HARSHAL LIMAYE – 1001 Rosemary Dr.

Block 614 Lot 9

#13-031-ZB, Minor Site Plan w/variances (addition)

Time: 120=4/29/14

Attorney Robert Foley was present to represent the Applicant. Sworn testimony was presented by Applicant Harshal Limaye, Professional Engineer/Planner Stephen E. Parker, and Architect Nehal Jhaveri.

The Applicant did not submit any exhibits.

Applicant Limaye stated that he has live at this address for over 8-years, since 2005 with his wife and two children. The addition is required in order for the residence to meet the expanding needs of his growing family. The additions proposed include a new bedroom, laundry room, bathroom, two balconies, and covered front porch.

Engineer/Planner Parker provided an overview of the application stating that the property is known as Lot 9 in Block 614, located on the easterly side of Rosemary Drive in the R-20 Single-Family Zone, and commonly known as 1001 Rosemary Drive. The subject property consists of a tract of land having an area of 33,750 square feet, fully improved with a one-story single-family dwelling. Applicant proposes to construct additions to the existing dwelling. The property is located in an area of steep slopes and when the Hillside Development provisions of the ordinance are applied to this property the developable area is reduced from 33,750 square feet to 22,352.5 square feet, which results in the addition proposed by the Applicant to be in conflict with the F.A.R and improved lot coverage limitations of the ordinance. Applicant is seeking variances to construct the addition as proposed.

Engineer/Planner Parker reviewed the joint report of Board Engineer Forsythe and Board Planner Doyle dated 1/21/14. Public water supply does not exist; therefore, the single-family dwelling will remain with well water. The addition is being located in the 10-20% slope categories, which is the area immediately surrounding the home and it is the flattest. The water runoff patterns will remain in the same direction as it does now. A variance is required

for lot coverage, existing is 17% and proposed 23.2%. The ordinance limitation after application of the steep slope analysis is 16.6%. In addressing this issue the primary concern is drainage. Engineer/Planner Parker testified that the increase in runoff would be minimal, an increase of 0.18 CFS. He agreed, as a condition of approval, to provide a grading plan and stormwater runoff calculation prior to issuing a building permit. Engineer/Planner stated that with conditions imposed by the Board and testimony provided, the requested variances can be granted, and that the granting thereof will not substantially impact the zone plan or land use ordinance or be a substantial detriment to the public good.

Architect Jhaveri stated that the addition will add 824 square feet to the first floor and 990 square feet to the basement, which includes conversion of unfinished portions of the existing basement to useable space. The total proposed F.A.R. is .21, the ordinance limitation is .16. Existing F.A.R. is .142. A variance from the F.A.R. limitation is required. F.A.R. limitations are intended to control the intensity of use. A variance from the F.A.R. limitations is by statute a “d” variance and requires 5 affirmative votes to carry. Both variances in this case are the result of the impact of the Hillside Development Regulations on this property. If the property were not so impacted the proposed addition would not require any variances. The Board, therefore, must determine whether the property can accommodate the proposal.

Members of the public were present as follows:

George Bicking, 1004 Walcott Drive, addressed concerns regarding drainage. He expressed concern that the addition would cause a drainage problem. The subject property and those surrounding are serviced by wells. The property owner also expressed concern for the impact that blasting would have on the wells should it be required. Engineer Parker stated that there will not be any blasting if it can be avoided. The project engineer testified that the proposed addition would generate an increase in runoff of 0.18 CFS, which is below the standard requiring action. There was also concern expressed with respect to the sump pump discharge which is not piped.

The Board deliberated and discussed several conditions including:

- There is to be no blasting or other extraordinary techniques employed in excavation.
- A condition for the issuance of a building permit shall be the preparation and filing of a grading plan and storm water calculations. The stormwater calculations shall take into consideration the sump pump and confirm the project engineer’s testimony that the increase runoff shall not be greater than 0.18 CFS. The grading plan shall also provide for the planting of grass in the rear yard. The grading plan and storm water calculations must be approved by the Township Engineer prior to the issuance of a building permit.
- No Developer’s Agreement shall be required.
- Applicant shall comply with comment 5 of the joint report of the Township Engineer and Township Planner dated 1/21/14
- Applicant shall grant to the Township the easement requested in comment 8 of the joint report. The easement shall be prepared by the attorney for the applicant and approved by the Township Attorney. The easement shall be recorded by the applicant and a recorded copy of the easement filed with the Township Clerk and Township Engineer. The

recorded easement shall also be accompanied by the certification of Applicant's attorney that the only lien to which it is subject is the lien for municipal taxes

- The applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the preconstruction meeting and issuance of construction permits

Motion by Mr. Sweeney, second by Mrs. Amin, the Board approved the d-variance to allow an increased f.a.r., which carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick,

Mr. Schapiro, Mrs. Powers, Chairman Vornehm

ABSENT: Mr. Riga, Mr. Pearly

NOT ELIGIBLE: Mr. Fross, Mr. Weideli

Motion by Mr. Sweeney, second by Mrs. Amin, the Board approved the remainder of the application and improved lot coverage variance, which carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick,

Mr. Schapiro, Mrs. Powers, Chairman Vornehm

ABSENT: Mr. Riga, Mr. Pearly

NOT ELIGIBLE: Mr. Fross, Mr. Weideli

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DHIREN SENJALIA – 4 Catena Ct.  
Block 184 Lot 8  
#13-035-ZB, Simple Variance (new deck)  
Time: 120=5/6/14

The Applicant was present and represented himself. Sworn testimony was presented by Applicant Dhiren Senjalia.

Applicant Senjalia stated that he has been a resident in Bridgewater for 14-yrs, since 2000. The property is located in the R-20.1 Single-Family Affordable Residential Zone in the Vanderveer neighborhood. The subject property consists of a tract of land having an area of 6,200 square feet, with frontage on Catena Court of 62.00 feet. It is fully improved with a two-story single-family dwelling. The lot is in full compliance with the requirements of R-20.1 Zone. He proposes to construct a deck off the rear of the dwelling to provide a leisure area for his family. He also stated that other dwellings in the area on lots the same as his have similar decks. The proposed deck will reduce the rear yard from 30.46 feet to 16.46 feet. The ordinance requires a rear yard of 25 feet, therefore a variance is required.

He reviewed the joint report of Board Engineer Forsythe and Board Planner Doyle dated 1/16/14 and he agreed to comply with the outstanding issues. In addition, he noted for the record that the joint report incorrectly states the minimum rear yard existing as 20.5-ft where 30.46-ft exists.

In this instance the Board recognizes that decks such as proposed by the Applicant have become an integral part of a single-family dwelling in many areas of the Township. Such is the case in this area based on the testimony of the applicant. The Board does not find the encroachment of the rear yard requirement to be substantial and acknowledges that the activities taking place on the deck could also take place in the rear yard without a deck. Also, the location of the dwelling on the lot adjoining the rear line of the subject property is such that the proposed deck will not have a substantial impact on that lot.

The Board concluded that the granting of the requested variance will be an appropriate use of the property in question, that the benefits to be derived from the deviation from the ordinance outweigh any detriment thereto, and that the granting of the requested variance will not substantially impair the zone plan or land use ordinance or be a substantial detriment to the public good.

The Board deliberated and discussed several conditions including:

- That the deck to be constructed shall be as shown on the plan filed with the application.
- That the rear yard shall not be less than 16.46 feet.
- The applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the preconstruction meeting and issuance of construction permits.

Motion by Mr. Kirsh, second by Mr. Sweeney, the Board approved the SENJALIA application, which carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick,  
Mr. Schapiro, Mrs. Powers, Chairman Vornehm

ABSENT: Mr. Riga, Mr. Pearly

NOT ELIGIBLE: Mr. Fross, Mr. Weideli

**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:**

There was no other business discussed.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 10:00 pm.

Respectfully submitted,  
Marie L. Broughman  
Land Use Administrator/Board Clerk