

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, November 15, 2011
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:32 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 20, 2011 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

Jay Rosen – **absent**

Filipe Pedroso – present

Jim Scott – **absent**

(arrived 7:39 pm & left at 10:38 pm)

Paul Riga – **absent**

William Vornehm, Chairman – present

Lee Schapiro – present

Pushpavati Amin, Alt. #1 - present

Evans Humenick, Alt. #2 – present

Carl Schulz, Alt. #3 – present

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

MINUTES FOR APPROVAL:

The October 25, 2011 & November 1, 2011 meeting minutes will be presented for Board consideration at the next meeting.

MEMORIALIZING RESOLUTIONS:

MARTINSVILLE REALTY ASSOCIATES LLC

23 Mountain Boulevard Suite 3

Block 472 Lot 74

#28-11-ZB, Request for Amended Condition of Approval

Motion by Mr. Schapiro, second by Mr. Sweeney, the foregoing resolution memorializing the approval on 11/1/11 was adopted as presented on the following roll call vote:

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AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Chairman Vornehm
ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Scott, Mr. Riga
NOT ELIGIBLE: Mrs. Amin, Mr. Humenick, Mr. Schulz

HEARING AND DELIBERATIONS:

SOUTH BRANCH INVESTMENT

78 Hillcrest Road

Block 815, Lot 27

#22-11-ZB, Bulk Variance Application

Attorney Jeffrey Lehrer was present to represent the Applicant. Sworn testimony was presented by Applicant Michael Picone, Architect Jim Matarazzo, and Professional Engineer F. Mitchell Ardman.

The Applicant submitted several exhibits which were marked into evidence as follows:

- A-1 11/15/11** Colored Rendering of sheet A-1
A-2 11/15/11 Colored Rendering of sheet SD-2

Attorney Lehrer provided a history of the property stating that this Board denied three applications in 1989, 2003 and 2007. The 2007 Middlebrook application was appealed and the case was remanded back to the Board; however, the applicant never returned to the Board due to unknown reasons. The Judge ruled that the Medici case did not apply.

Attorney Lehrer stated that the significant difference in the application before the Board is that the garage is under the proposed dwelling and other design techniques.

Applicant Picone stated that he has been in business for 41-years and has built numerous homes on steep slopes with garage under design technique on Timberline Drive and Cushing Drive in Bridgewater. Both of those developments were built after the steep slope ordinance was enacted. He stated that the proposed garage under works with the slope and minimizes the footprint and disturbance. There is a cross sewer easement on the mountain between Timberline and Cushing, but it has not been utilized in order to avoid unnecessary disturbance. Applicant Picone stated that he will not be bringing in any fill. He will scratch the slope area for the rear footings. He will be balancing the fill on the site by creating a plateau for an area to build the dwelling.

Member of the public were present as follows:

Jim Hinkle, 7 Fawn Lane, questioned if Mr. Picone had ever built in 30% slopes. Applicant stated that he has on Timberline. Board Member Schulz requested Applicant Picone to submit a cross-section exhibit and he agreed to provide it.

Board Engineer David Hoder was sworn in. He reviewed his report dated 11/7/11 and discussed the elevations at the rear of the proposed dwelling and the bottom floor. He stated that two-thirds of the proposed dwelling is in the 30% slopes.

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Architect Jim Matarazzo stated that he designed the proposed dwelling with the 3-car garage under. The house is narrow from front to back at 33-feet. There is a full basement with one-third being used for the 3-car garage. The remaining portion of the basement will not be living space and it will have a height of just under 8-feet in height. The roofline is in character with the neighborhood. He referenced exhibit A-1 stating that the proposed dwelling with garage under follows the contours along Hillcrest and front yard setback, which results in less excavation. The piers shown on the plans at the rear of the dwelling are for the deck only, as the house has a regular foundation wall. The actual square footage of the dwelling is 3,719 with 2,123 sf on the first floor and 1,596 sf on the upper floor. The height, average of the four corners per ordinance definition, is 32.25-feet.

Board Engineer Hoder stated that the deck appears to be larger, 15'8"x47'4", than what is shown on the architectural plans. The proposed height of the deck seems excessive with 16-ft piers plus 4-ft high wall, that's 20-ft in the air. He requested the driveway to be moved and redesigned for a 2-car garage, which will save on improved lot coverage on steep slopes. He confirmed that most of his testimony is to reduce disturbance on the hill with a smaller footprint. Engineer Hoder requested a small retaining wall in the front and rear of the property rather than a large retaining wall in the front. The garage can be raised to accomplish this; thereby, reducing the livable space.

Chairman Vornehm opened the hearing to the public. With hearing none, Chairman Vornehm closed the public portion of the hearing.

Professional Engineer F. Mitchell Ardman stated that he supervised and prepared the plans for this application. He referenced exhibit A-2 and described the site stating that Hillcrest runs in an east to west direction. The property is in the R-50 zone, consists of 96,647-sf and it slopes away from Hillcrest. The proposed footprint is smaller than the neighboring properties. The steep slope begins 85-feet from the front property line. After the steep slopes calculations, 13,541-sf is available for development. The proposed dwelling has been designed to minimize variances and disturbance by taking advantage of the existing slopes. The driveway is located at the lowest elevation on Hillcrest to allow a lower entrance into the garage under design, which limits disturbance. The roof drains will be connected to piping leading to onsite drywells. He reviewed the report of the Township Engineer dated 11/8/11 and agreed to comply. In addition, he agreed to comply with the Sewer Utility comments. Engineer Ardman stated that if the driveway is narrowed to ten feet, it would reduce the improved lot coverage by 200-sf from 4.79% to 4.58%. He further stated that a variance free home could not be built on the property due to the steep slopes. The driveway wall at the garage facing Hillcrest is nine to ten feet tall; at the center it is 5-ft tall and one to two feet tall at the road. A fence will be placed on top of this wall with guardrail at the opposite driveway wall to prohibit driving off of the mountain.

Engineer Ardman stated that the intent of the hillside development ordinance is to reduce velocity runoff with a series of dry wells for the roof and driveway. A maintenance schedule will be prepared to keep the drywells in working order and he agreed to provide the schedule, 30% slopes are being disturbed but will be protected by retaining walls. The walls lessen soil

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slippage. Sixteen trees are proposed to be removed with a minimum of eight will be replanted onsite and the remaining trees to be planted elsewhere in the Township.

Engineer Ardman stated that the water from the road will not go into the garage due to the velocity as it is a flat area at Hillcrest Road and there is a high point in the driveway to prohibit the velocity of the water. The remaining portion of the driveway will go into inlets and capture the water into onsite drywells.

Board Engineer Hoder stated and the Applicant agreed to raise the garage floor by 2-feet which will reduce the 9-ft wall to 7-feet at the driveway by the garage. The driveway width will be reduced to a 10-foot width and the high point in the driveway at 427.5 elevation mark should be raised two or three inches. The Applicant agreed to provide percolation test data to prevent downhill erosion if it overflows and agreed to over design it for a higher level of confidence by enlarging the stone beds and installing lower manholes in the stone basin for overflows. At the request of Engineer Hoder, the Applicant agreed to move the location of the drywells six to eight feet further toward the east away from the neighbor's property, reduce the walkway going to the front of the house and reduce the wall from 25-ft to 4-ft closer to the house, reduce the size of the landing pad outside of the garages from a 32'x30' rectangle to a 32'x26-ft oval as nine cars do not need to be parked in that area.

Engineer Ardman stated that snow removal will be lifted over the 3-ft wall along the far side of the driveway, not over the 9-ft wall.

Attorney Lehrer recommended that Applicant Picone connect with Board Engineer Hoder in order to revise the plans per the Board's comments.

Chairman Vornehm opened the hearing to the public.

Members of the public were present as follows:

Kevin Ainsworth, 76 Hillcrest Rd, addressed concerns regarding steep slope disturbance and tree removal.

Jeff Hinkle, 7 Fawn Lane, he requested the Applicant to look at possibly building the home at the bottom of the hill rather than at the top. He requested the Applicant to provide a cross-section of the site with the proposed dwelling. He stated that all of the lots on the southerly side of Hillcrest have slopes away from the road and that the proposed drywells are 20-ft below the house elevation across the street.

At 9:45 pm, Chairman Vornehm carried the hearing to 12/20/11 at 7:30 pm with no further notice required.

**MARTIFER SOLAR USA
400 Crossing Boulevard
Block 552 Lot 4.02**

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30-11-ZB, Preliminary and Final Site Plan with Variances

Attorney Glenn Pantel was present to represent the Applicant. Sworn testimony was presented by Professional Engineer Richard Pantel and Professional Planner Richard Priess.

The Applicant submitted several exhibits which were marked into evidence as follows:

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|------|----------|--|
| A-1 | 11/15/11 | Site Plan Phasing Aspect: Phase I – ground mounted canopy
Phase II – solar over existing parking deck |
| A-2 | 11/15/11 | Photo Board: Existing Conditions Site Photographs from offsite locations |
| A-3 | 11/15/11 | Photo: Existing Conditions looking southwest into Lot 4.02 from North Bridge Street just south of Route 287 |
| A-4 | 11/15/11 | Photo Simulation of Proposed Installation looking southwest into Lot 4.02 from North Bridge Street just south of Route 287 |
| A-5 | 11/15/11 | Photo: Existing conditions looking east from Commons Way |
| A-6 | 11/15/11 | Photo simulation of Proposed Installation looking east from Commons Way |
| A-7 | 11/15/11 | Photo: Existing conditions looking west from North Bridge Street ramp toward Pannone Drive |
| A-8 | 11/15/11 | Photo Simulation of Proposed Installation looking west from North Bridge Street ramp toward Pannone Drive |
| A-9 | 11/15/11 | Photo: Existing Conditions looking southwest from North Bridge Street just north of Route 287 |
| A-10 | 11/15/11 | Photo Simulation of Proposed Installation looking southwest from North Bridge Street just north of Route 287 |
| A-11 | 11/15/11 | Photo: Existing Conditions looking north from Route 22 east |
| A-12 | 11/15/11 | Photo Simulation of Proposed Installation looking north from Route 22 east |

Attorney Pantel stated that d-variances are being sought for a canopy carport over the existing parking lot and also for a canopy over the existing parking deck. In addition, c-variances are being sought. The Applicant has a time constraint to obtain federal credits for this project to work. This project will have two phases: Phase I – canopy over surface parking and lawn area; Phase II – canopy over existing parking deck.

Professional Engineer Richard Pantel referred to sheet S1.1 of the plan set and described the site. He referenced sheet S2.0 and described the parking deck and the proposed canopy with solar panels. He referenced exhibit A-1 and discussed the phasing aspect of the project. He stated that the Fire Official's comments refer to the canopy proposed over the parking deck, not the canopy over the parking lot.

Engineer Pantel discussed the views from surrounding properties and discussed the views shown in exhibits A-2 through A-12. The evergreen arborvitae bushes shown in exhibit A-4 are existing and will be preserved at a height that will not cast a shadow onto the proposed solar arrays. He referenced exhibit A-8 and stated that tree removal will be replaced with evergreen shrubs. If the one to one replacement of trees can't be placed on the site then they

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will be planted elsewhere in the Township. He reviewed the reports of the Township Planner dated 11/2/11 and Township Engineer dated 11/7/11 and agreed to comply. Engineer Pantel stated that only Phase I is being presented at this time, as the Applicant will come back to the Board for Phase II.

Board Member Pedroso stepped down from the dais and left the meeting at 10:38 pm.

Professional Planner Richard Priess stated that solar is an inherently beneficial use. He discussed the Sica prongs and the balancing test. Detrimental effects include limited view of the solar canopy from non-residential properties. The closest residential property is located 400-feet away, across Route 287 which has sound barriers. It is not visible from the residential properties. Additional evergreen shrubs of the same type and height will be planted along Pannone Drive to enhance the screening. The c(2) variance benefits outweigh the detriments and there is no negative impact on the master plan or zone plan. Special reasons n and m apply: to promote utilization of renewable energy resources and to encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

Chairman Vornehm opened the hearing to the public. With hearing none, Chairman Vornehm closed the public portion of the hearing.

Attorney Vastola listed several conditions including:

- Applicant to replace dead or down trees and bushes
- Developers Agreement required
- Maintenance of evergreen screening required
- Decommissioning Plan required
- Comply with the Township Engineer's report dated 11/7/11

The Board began deliberation at 10:50 pm.

Board Member Sweeney questioned why the solar isn't being proposed on the roof and he wants an answer. He stated that the application is moving too fast and requested that the application be carried to another meeting date.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to 11/29/11 at 7:30 pm with no further notice required.

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.

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OTHER BOARD BUSINESS:

2010 Annual Report – Motion by Mr. Schulz, second by Mrs. Amin, the Board adopted the 2010 Annual Report as presented on the following roll call vote:

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

Mr. Schulz, Chairman Vornehm

ABSENT: Mr. Pedroso, Mr. Rosen, Mr. Scott, Mr. Riga

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 11:00 pm.

Respectfully submitted,

Marie L. Broughman,

Land Use Administrator