

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Tuesday, February 26, 2013

—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Zoning Board of Adjustment 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 16, 2013, 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	Carl Schulz – absent
Evans Humenick – present	Paul Riga – absent
William Vornehm, Chairman – present	Lee Schapiro – present
Pushpavati Amin - present	Michael Kirsh, Alt. #1 – present
Beth Powers, Alt. #2 – present	Allen Fross, Alt. #3 – absent
Roger Pearly, Alt. #4 - present	

Others present: Attorney Lawrence A. Vastola, Acting Board Recording Secretary Patricia Bueno, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

May 22, 2012 Regular Meeting – Motion by Mr. Sweeney, second by Mr. Humenick, the foregoing minutes were adopted as presented on the following roll call vote:

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

ABSENT: Mr. Riga, Mr. Schulz, Mr. Fross

NOT ELIGIBLE: Mr. Pearly

January 15, 2013 Regular Meeting – Motion by Mr. Humenick, second by Mrs. Amin, the foregoing minutes were adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga, Mr. Schulz, Mr. Fross

NOT ELIGIBLE: Mrs. Powers, Mr. Pearly

January 29, 2013 Regular Meeting – Motion by Mr. Schapiro, second by Mr. Humenick, the foregoing minutes were adopted as amended on the following roll call vote:

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

ABSENT: Mr. Riga, Mr. Schulz, Mr. Fross

NOT ELIGIBLE: Mr. Sweeney, Mrs. Powers, Mr. Pearly

MEMORIALIZING RESOLUTIONS:

SAFARI ENERGY LLC – BWT Commons Mall

Block 553 Lot 1 (400 Commons Way)

#12-026-ZB, Amended Preliminary & Final Site Plan w/variances (amend lighting on solar canopy)

DECISION: Approved w/conditions 1/29/13

Motion by Mr. Schapiro, second by Mrs. Amin, the foregoing resolution memorializing the approval on January 29, 2013 was adopted as amended on the following roll call vote:

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

ABSENT: Mr. Schulz, Mr. Riga, Mr. Fross

ABSTAIN: None

NOT ELIGIBLE: Mr. Sweeney, Mrs. Powers, Mr. Pearly

Chairman Vornehm announced that the Board members will go into a closed session meeting which began at 7:34 pm.

Those present for closed session were: Attorney Vastola, Special Attorney Steven Warner, Chairman Vornehm, Mr. Sweeney, Mr. Schapiro, Mr. Humenick, Mrs. Amin, Mr. Kirsh, Mrs. Powers, Mr. Pearly, Township Planner Scarlett Doyle, and Acting Board Recording Secretary Patricia Bueno.

Pending litigation was discussed.

The Board reconvened at 8:14 pm.

ROLL CALL:

Don Sweeney – present

Evans Humenick – present

William Vornehm, Chairman – present

Pushpavati Amin - present

Beth Powers, Alt. #2 – present

Carl Schulz – **absent**

Paul Riga – **absent**

Lee Schapiro – present

Michael Kirsh, Alt. #1 – present

Allen Fross, Alt. #3 – **absent**

Roger Pearly, Alt. #4 - present

Others present: Attorney Lawrence A. Vastola, Acting Board Secretary Patricia Bueno, Board Planner Scarlett Doyle

HEARING AND DELIBERATIONS:

ASSANTE – 10 Assante Lane

Block 906 Lot 47

#12-025-ZB, Bulk Variance Bulk Variance - (demo/construct new 2-story dwelling)

TIME: 120="5/7/13"

Attorney Frank J. Stanley was present to represent the Applicant. Sworn testimony was presented by Robert J. Templin, PE and Elizabeth C. McKenzie, PP on behalf of the Applicant.

The property is known as Lot 47 in Block 906 of the Tax Map, fronts on the northerly side of Washington Valley Road and it is an existing flag lot located in the R-50 zone.

Attorney Stanley summarized that the previous subdivision was granted in 1963 and stated this is a legitimate lot that met the requirements of the Board at that time. He added that the new ordinance no longer allows new subdivisions to include flag shaped lots therefore the lot consists of a pre-existing condition due to the flag lot no longer being permitted. He added that the applicant seeks from the Board two types of variances, one being a bulk variance due to the width of the lot as well as a D-variance due to the road location on this property.

Attorney Stanley stated that the applicant was unsuccessful with obtaining neighboring/additional land.

Robert Templin, PE was sworn in by Chairman Vornehm. Mr. Templin's credentials were accepted by the Board.

Engineer Templin stated that the contemplated structure for the property is a two-story colonial about 2800 sq. ft. He reviewed the reports of the Township Engineer dated 2/20/2013.

Mr. Templin discussed the Township Engineer's Report and stated the applicant will comply with the items listed under the Policy and the Technical portions of the report. Mr. Templin referred to the Hillside Development Calculations stating that the applicant will modify the plat details and change the impervious coverage percentage and the FAR which will bring those numbers into compliance. He stated that he will also provide certification that the disturbed area will be less than one acre.

Scarlett Doyle, Township Planner discussed her review, the deed and the applicant's obligations regarding constructing, maintaining, and repair of the driveway on the property that also serves the subject property and other properties as well.

Attorney Stanley stated this is a shared obligation but the applicant has been taking care of it for about fifty years because it has been in the family. He added that they will prepare a new agreement for the properties that is serviced by Assante Lane and the property owners will share equally on the maintenance responsibilities for the Lane. Lot 46 is not included as a responsible party.

Chairman Vornehm opened questions to the Board. There were no questions for the Applicant's Engineer.

Attorney Stanley referred to the Sewer Report dated 2/13/2013 and agreed to comply with the items listed.

Attorney Stanley referred to the Fire Official's report dated 2/15/2013. He stated that he spoke with the Fire Official he did not see any large issues. The Fire Official would like to speak with the Fire Chief in Martinsville and possibly have a site visit with him. Attorney Stanley agreed to comply with the items listed in the report.

Attorney Vastola referred to the Human Services Report dated 2/14/2013 and stated that it looks like this report is standard items. Attorney Stanley agreed that it is and will comply.

Chairman opened the hearing to the Public for questions. There were no questions from the public.

Attorney Stanley introduced the Applicant's Planner to discuss the Township Planner's report.

Elizabeth C. McKenzie, LPP was sworn in by Chairman Vornehm. Ms. McKenzie's credentials were accepted by the Board.

Planner McKenzie provided information to the Board regarding the current existing conditions on the property versus the aerial map from 2007-2008 which will be helpful in responding to the Township Planner's report dated 2/16/2013.

The Planner submitted an exhibit on the Applicant's behalf which was marked into evidence as follows:

A-1 2/26/2013 Aerial Photo (based on DEP 2007-2008) with a Bing inset of existing conditions (Bing is based on 2012 aerials)

Professional Planner Mckenzie referred to the location of the existing house and where it located against the steep slope portion of the property. Ms. McKenzie then refers to a barn that is located toward the front of the property where it sits up on a knoll portion of the property. Ms. McKenzie stated that this is the location of where the new house would be built on the property. She added that this area is where the property widens out and is not situated on the steep slope. She added that the large equipment as well as the barn she refers to on **Exhibit A-1** is no longer on this property.

Ms. McKenzie points out there are additional difficulties with obtaining property around this lot due to the surrounding properties. The property located to the west of the subject property has structures against the lot line. There is a detention basin in the front of the lot located westerly to the subject property that was approved as part of a D-variance. Should her client be able to obtain any portion it would still be an expansion of a non-conforming use that would require them to come back to this Board.

In regard to the Township Planner's Report dated 2/26/13 Planner McKenzie stated the Applicant will comply.

Chairman Vornehm opened questions to the Board.

The Board deliberated and discussed conditions including:

- Specific location (footprint) on the subject property of new home to be built.
- Include size envelope of new home to be built, (ex. 40ft. x 80ft. plus deck)
- Agreement to be drawn by the applicant to include the construction, maintenance, and repair of Assante Lane with all parties involved.
- Erect a 'No Outlet' sign on Assante Lane.
- Use of existing utility lines should there be no ordinance that requires underground services.
- Planting of evergreens near lot 46 pool area regarding the lack of neighborhood privacy.
- Replacement of (3) trees to be installed in place of the removal of deciduous trees and will also be required to obtain a Certificate of Occupancy.
- No person(s) will inhabit the current dwelling while the new house is being constructed.

Chairman opened the hearing to the Public for questions. There were no questions from the public.

Board Attorney Vastola discussed the basis for approval summarizing that this is a flag lot and it is a non permitted use, however this is a pre-existing lot and the Board should hear these applications on an individual basis.

Motion by Mr. Sweeney, second by Mr. Schapiro the **ASSANTE – 10 Assante Lane**

application was approved with the conditions discussed on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mr. Humenick, Mrs. Amin, Mr. Kirsh, Mrs.
Powers , Chairman Vornehm,
ABSENT: Mr. Riga, Mr. Schulz, Mr. Fross
NOT ELIGIBLE: Mr. Pearly

MEETING OPEN TO THE PUBLIC:

There were no members of the public present 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 9:20 pm.

Respectfully submitted,
Patricia Bueno
Acting Board Recording Secretary