

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, July 19, 2011
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township 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 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 – absent	Jim Scott – absent
Paul Riga – present	William Vornehm, Chairman – present
Lee Schapiro – absent	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

MINUTES FOR APPROVAL:

The July 5, 2011 Regular Meeting minutes and July 12, 2011 Special Meeting minutes will be presented for Board consideration when they are completed.

MEMORIALIZING RESOLUTIONS:

WAWA, INC. – Route 28 & Chimney Rock Road
Block 257 Lots 3 & 4
#05-11-ZB, Use Variance (bifurcated) – Mini-Mart & Gas Station
DECISION: Approved 7/5/11

Motion by Mrs. Amin, second by Mr. Schulz, the resolution memorializing the approval on 7/5/11 was adopted as amended on the following roll call vote:

AFFIRMATIVE:	Mr. Riga, Mrs. Amin, Mr. Humenick, Mr. Schulz, Chairman Vornehm
ABSENT:	Mr. Pedroso, Mr. Schapiro, Mr. Rosen, Mr. Scott

NOT ELIGIBLE: Mr. Sweeney

HEARING AND DELIBERATIONS:

PETRYNA – 1391 Washington Valley Rd.

Block 904 Lot 38

#13-11-ZB, D-Variance & C-Variance (addition)

TIME: 120=10/28/11

Applicants Olga & Volodymyr Petryna were present to represent themselves. Sworn testimony was provided by Applicant Olga Petryna, Applicant Volodymyr Petryna, and Professional Engineer Christian Kastrud.

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

A-1 7/19/11 Photo sheet with (4) photos of existing house, neighbor on left, across the street and second neighbor on left

The property is known as Lot 38 in Block 904 of the Tax Map, located on the northerly side of Washington Valley Road in the R-50 Single-Family Zone, and commonly known as 1391 Washington Valley Road. The subject property consists of a tract of land having an area of 40,172 square feet with frontage on Washington Valley Road of 120 feet. The property is improved with a one story single family dwelling. Applicant proposes to erect a second story to the existing dwelling. Variances are needed from the impervious coverage and F.A.R. limitations of the ordinance.

In support of this application the Board is in receipt of the following: (a) a report from the Township Planner dated June 26, 2011; (b) a report from the Township Engineer dated June 30, 2011; (c) accompanying the application a survey of the property prepared by Control Layouts, Inc. Highland Park, New Jersey dated November 29, 2010; (d) accompanying the application floor plans and elevations of the proposed dwelling prepared by Andrew Podberezniak, R.A., dated January 25, 2011, and consisting of five (5) sheets; and (e) a variance plan prepared by DPK Consulting, LLC, Middlesex, NJ dated May 11, 2011 and last revised June 17, 2011.

The property is located in an area of steep slopes which makes the Hillside Development provisions of the ordinance applicable. When applied to this application the developable area of the property is reduced to 25,252.51 square feet. In support of this application the Board heard the testimony of the applicant and Project Engineer. The applicant testified that with the exception of one corner of the existing foundation, which needs to be replaced due to its age, the proposed second story will be erected on the existing foundation. Impervious coverage before the application of the Hillside Development provision will be 22.4% and after 35.6%. F.A.R. prior to said adjustment will be .12 and after the adjustment .19.

The project engineer testified that the purpose of the F.A.R. provisions of the ordinance is to control the size of structures and in this instance, does not have any impact on the purposes of

the Hillside Development sections of the ordinance. With respect to impervious coverage, the Board is satisfied that the increase in impervious coverage resulting from the application of the Hillside Development sections of the ordinance will not adversely impact drainage, which can be controlled by a grading plan required as part of the building permit process.

Applicant proposes a temporary construction access path to the east of the existing driveway. The project engineer testified that this access is proposed to avoid damage being done to the existing driveway during construction. The applicants acknowledge that this path must be removed, graded and seeded prior to the issuance of a certificate of occupancy. From the testimony presented, the Board is satisfied that the requested variances can be granted and with conditions the granting thereof will not substantially impair the zone plan or land use ordinance or be a substantial detriment to public welfare of the residents of the Township of Bridgewater.

The Board deliberated and discussed several conditions including:

- The stabilized construction entrance shall be removed, and graded and seeded prior to the issuance of a certificate of occupancy.
- Neither sidewalks nor contributions to the Township Sidewalk Fund shall be required.
- All dead trees shall be removed and replaced.
- The tree line along the westerly and the easterly sides of the property shall not be disturbed during and after construction.
- No Developer's Agreement shall be required.
- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans and any deeds being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

Motion by Mr. Sweeney, second by Mr. Schulz, the PETRYNA application was approved with conditions on the following roll call vote

AFFIRMATIVE: Mr. Sweeney, Mr. Riga, Mrs. Amin, Mr. Humenick,
Mr. Schulz, Chairman Vornehm

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

PRITCHARD – 266 Nagle St., Bound Brook
Block 377 Lot 16
#14-11-ZB, Bulk Variances & d-variance for height (garage and storage)
TIME: 120=10/14/11

Applicants Robert and Carolyn Pritchard were present to represent themselves and they provided sworn testimony.

The Applicants did not submit any exhibits. Photos were distributed with each of the Board member's application packet prior to the meeting.

The property is known as Lot 16 in Block 377 of the Tax Map, located on the southerly side of Nagle Street in the R-20 Single Family Zone, and commonly known as 266 Nagle Street. The subject property consists of a tract of land having an area of 16,920 square feet with frontage of 125 feet on Nagle Street. The property is improved with a one and one-half story single-family dwelling and freestanding garage. Applicant proposes to raze the garage and construct a new garage. Variances are needed from the side yard requirement, 20 feet required 8 feet proposed, the rear yard requirement, 20 feet required 8 feet proposed and the height limitation, 16 feet maximum height, 18.9 feet proposed.

With respect to this application the Board is in receipt of the following: (a) a report from the Township Planner dated June 15, 2011. (b) a report from the Township Engineer dated June 23, 2011. (c) Accompanying the application a map entitled "Pritchard Residence", undated. (e) Accompanying the application elevations of the proposed garage prepared by Structures, Inc. and (f) accompanying the application plan for the trusses for the proposed garage prepared by John M. Presley, Burlington, North Carolina. (g) Accompanying the application a survey of the property prepared by Titus Surveying and Engineering, North Plainfield, NJ dated July 27, 2007, upon which the applicants have inserted the proposed garage; and (h) accompanying the application a series of photos showing the existing garage as it is located on the property.

In support of the application the Board heard the testimony of the applicants. They testified that the existing garage is in poor condition and too small to suit their needs. The two-car garage which they proposed will provide more space for motor vehicles and storage, and will improve the appearance of the property. They chose side and rear yards of 8 feet to minimize the impact of the garage on the usable area of their rear yard. The height variance is necessitated by the fact that they proposed a prefabricated garage and they cannot reduce the height.

The Board finds that the size of the lot, 16,920 feet presents in a zoning hardship. It is the Board's conclusion, however, that by increasing the side and rear yard to 10 feet the impact on the adjoining property owners will be lessened and the rear yard will continue to be adequate for the applicants needs.

The following residents spoke in favor of the application as follows:

Steve Drown, 840 Hawthorne Ave., stated that there are no basements or attics in the neighborhood and the storage area in the proposed garage is necessary. He stated that the new construction would be an improvement.

Mathew Graham, 272 Nagle St, spoke in favor of the application welcoming the proposed garage to replace the existing garage.

Tom Scally, 834 Hawthorne Ave, spoke in favor of the application and urged the Board to approve the application.

While the height is above that permitted by the ordinance there was no objection thereto. The two properties most affected by this proposal will not be substantially impacted, as the garage is located a substantial distance from either of the dwellings on these lots.

The Board deliberated and discussed several conditions including:

- The side and rear yard shall be increased from 8 feet to 10 feet.
- The only utility to service the garage shall be electric.
- The siding and color thereof shall be similar to the existing dwelling.
- No Developer's Agreement shall be required.
- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans and any deeds being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

The Board, therefore, is able to conclude that with conditions the granting of the requested variances will not substantially impair the zone plan or land use ordinance or be a substantial detriment to the public welfare of the residents of the Township of Bridgewater.

Motion by Mr. Sweeney, second by Mr. Schulz, the PRITCHARD application was approved as amended with conditions on the following roll call vote

AFFIRMATIVE: Mr. Sweeney, Mr. Riga, Mrs. Amin, Mr. Humenick,
Mr. Schulz, Chairman Vornehm

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

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/ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:00 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator

ADOPTED: 8/2/11