

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, September 17, 2013
—MINUTES—**

CALL MEETING TO ORDER:

Vice Chairman Sweeney called the meeting to order at 7:30 pm 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

Paul Riga – present

Evans Humenick – present

Bill Vornehm – **absent**

Beth Powers, Alt. #2 – present

Roger Pearly, Alt. #4 - present

Lee Schapiro – **absent**

Carl Schulz – **absent**

Pushpavati Amin – present

Michael Kirsh, Alt. #1 – present

Alan Fross, Alt. #3 – present

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

MINUTES FOR APPROVAL:

None presented

MEMORIALIZING RESOLUTIONS:

FSG BRIDGEWATER HOTEL, LLC – Hampton Inn & Suites
Block 581 Lots 4, 8, 9 (frontage on Route 22 West & Foothill Rd. at overpass)
#13-018-ZB, Preliminary & Final Major Site Plan w/variances
DECISION: Approved w/conditions, 8/27/13

Motion by Mrs. Amin, second by Mr. Riga, the foregoing resolution memorializing the approval on 8/27/13 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Riga, Mrs. Amin, Mr. Fross, Mr. Pearly

ABSENT: Mr. Schapiro, Mr. Schulz, Chairman Vornehm

NOT ELIGIBLE: Mr. Humenick, Mr. Kirsh, Mrs. Powers

HEARING AND DELIBERATIONS:

SONNER - 85 Loeser Ave
Block 300 Lot 10
12-031-ZB Appeal Zoning Officer's Decision
TIME: 120=12/3/13

The applicant's attorney, Richard Fleischer opened with the statement that his client, Mr. Robert Sonner was cited by the Bridgewater Township Zoning Officer for having an illegal business on his property on Loeser Ave. The applicant Sonner was before the Board of Adjustment to appeal that decision. Attorney Fleischer noted that this property was zoned M-2 until 1999 and then was changed to the R-10, residential zone. The property was purchased by Mr. Sonner in 1999 and attorney Fleischer asserted that the use to which his client places the property has existed on the site since 1962, before township zoning ordinances came into effect.

Attorney Vastola asked the applicant's attorney to establish the timeframe involved between the date of the Zoning Officer's citation and the date that there was submission of an application to appeal that decision. Vastola explained to the Board that the law has specific timeframes within which an appeal of a Zoning Officer's decision must be made.

Attorney Fleischer stated the latest application date he has in his file is April 13, 2012, at which time the application to the Board was determined to be 'incomplete'.

Vice Chairman Sweeney asked Mr. Vastola whether the 65 day 'window' for an appeal of the Zoning Officer's decision expired without an application being filed.

After review of the pertinent dates of the Zoning Officer's citation and the date of the application to appeal, Attorney Vastola stated that the application was not filed timely. Attorney Vastola then advised that the application is barred for Board review on the basis of jurisdiction. He advised that the Board does not have jurisdiction to proceed and the matter must therefore be dismissed.

Attorney Michael Camerino, representing the Bridgewater Township Zoning Officer, presented a position taken by the Zoning Officer. That position is that the applicant would be permitted to promptly apply for variance in order to avoid penalties.

The matter of Robert Sonner, Application # 12-031-ZB was therefore dismissed due to lack of jurisdiction.

BOCCANFUSO - 446 Shasta Drive
Block 508 Lot 13.01
#13-019-ZB Variance Application (new dwelling/vacant lot)
TIME: 120=11/6/13
(Continued from the meeting of 8/20/13)

Attorney Robert J. Foley, Esq. was present to represent the Applicant. Sworn testimony was presented by Boccanfuso, who served as applicant and as a licensed Professional Engineer in the State of New Jersey. Also sworn and present to testify was Jennifer Beam, a New Jersey licensed Professional Planner.

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

- A-1 9/17/13** Supplemental Information – Block 508 Setbacks Exhibit
- A-2 9/17/13** Colored rendering Setbacks Exhibit for Block 508, Lot 13.01

Attorney Foley stated the reason that the applicant Brian Boccanfuso was in front of the board was to seek variances for an existing under-sized lot, along with bulk variances in order to build a single family dwelling. Mr. Boccanfuso addressed the comments in the Engineer's report dated August 15, 2013. He stated that he would comply with the engineer's comments under *Policy* in the report. Mr. Boccanfuso agreed to comply with the *Technical Plat Details* listed on the report as well. Regarding comment number four on the report, Mr. Boccanfuso acknowledged that he would need to come back to the Board if he wanted to finish the cellar in the single family home he intends to build on the property. He agreed to comply with the *Stormwater Management* comments in the Engineering report.

Mr. Boccanfuso agreed to comply with comments raised in the *Sewer Utility Report*.

Mr. Boccanfuso was asked to explain what he was proposing to do with the property. Mr. Boccanfuso stated he is intended to build a single family home, approximately 26' x 48', with a 11.5' long by 4' wide porch, and a 5' x 11' deck, with 1 car garage that is 16' x 24'. Access to the property is from Shasta Drive. He stated there will be a stone driveway for easy access to the sewer easement, which is owned by Bridgewater Township. He noted that there is an oak tree also located on the property and would like to keep intact. Mr. Boccanfuso also mentioned that the cellar in this house will be unfinished, and acknowledged that he would need to return to the Board if he intended to finish the cellar in the future. Mr. Boccanfuso mentioned there will be no significant grading changes.

Board Member, Mr. Fross, raised his concern for the cellar, mentioning that many people finish the basement. He noted that if one wants to sell the house the owner typically would want to finish the basement. Attorney Vastola said that there was need for a deed restriction to alert the owner that the cellar was to be unfinished. Mr. Boccanfuso agreed and stated he only intends on using the cellar for storage only and will not finish the basement.

Board Member, Mr. Pearly, stated the opinion that the stone driveway is included in the Improved Lot Coverage and would not be in best interest to pave because of the easement. The driveway will not be replaced by the town if they need to access the sewer line.

Attorney John R. Lanza represented abutting neighbors at 452 Shasta Dr. and he had questions regarding the land. The existing lot is undersized and attorney Lanza had several questions regarding variances are being requested for lot area, lot width, Floor Area Ratio, and front yard setback.

The Vice Chairman opened the meeting for public questions of the Engineer/Applicant.

Mr. Rustam had questions regarding the utility expense and digging up the drive way. He asked who is responsible. The answer provided was that the homeowner had responsibility.

Planner Beam was qualified as a Professional Planner. She testified the single family home on Block 508, Lot 13.01 will have 3 bedrooms on the second floor, a modest kitchen, 14' x 11' and the house will be consistent with others in the area. Planner Beam handed out exhibit A-1 to the Board members which depicted different lots in the area which are consistent variances to Mr. Boccanfuso's plans. Planner Bean testified to points four and five on Township Planner, Scarlett Doyle's report as to which the applicant will agree to work with the Township Engineer regarding additional parking over the easement.

Board Member, Mr. Humenick, asked whether there are drainage issues; Mr. Boccanfuso stated that he knows of none.

Board Member Mr. Kirsh asked about the potential of purchasing the 20 ft. of adjacent property. The neighbors at 452 Shasta stated they offered to sell property to the applicant for \$95,000. Mr. Boccanfuso said he did not see the offer. He stated that he is willing to work with them but not for that much money.

Mr. Boccanfuso gave an explanation as to why the Floor Area Ratio (F.A.R.) is larger than permitted. He stated that to comply with the F.A.R. he would have to reduce the house size by 500 s.f.

Based upon a question by Township Planner Doyle, the applicant stated that electric service will come from 3rd Avenue. Public water is more than 200' away and therefore the site will be served by well which are also found in the immediate area.

Attorney Foley summarized the application and variances, indicating that the application is for an existing undersized lot and the applicant wants to improve the area by constructing on this vacant land.

The Vice Chairman opened the meeting for public questions of the Applicant's Planner.

Mrs. Kotulich, a nearby resident stated that she did not want more houses in the neighborhood.

Mr. Ali, a neighbor was concerned that other lots in the neighborhood would be built up as well.

Mr. Kotulich noted that the township could combine the lots as they did years ago with his lot.

Attorney Lanza represented Mr. and Mrs. Singh. Mr. Singh gave his statements. Mr. Singh stated that he had his house demolished and built a new one on the same footprint with bigger windows to view nature on vacant lot next door. He stated that no house would be appropriate for this lot.

Board member Mrs. Amin asked if the Singh's would consider buying the land. Mrs. Singh stated the previous owner died and they did not know it was for sale.

Vice Chairman Mr. Sweeney asked about the landscaping to improve buffer. Mr. Boccanfuso stated there is an existing buffer; he had no desire to invade the Singh's privacy. He stated that he had every intention to come up with a buffer and work with the Township Planner.

Board Member Mr. Kirsch asked the Singh's if they believed no house is appropriate or just this house is not appropriate. Mr. Kirsch stated his concern regarding the size of the house.

Attorney Lanza gave his closing statement that the house should conform to the size permitted in ordinance. He stated that the proposed house is a substantial detriment to public good.

The Board deliberated and discussed a few conditions including:

- Negotiate on the properties as to whether to buy/sell
- Reconsider the size for the proposed house
- Reconsider lowering the F.A.R.

Vice Chairman Sweeney recommended to the applicant consider amendments to the plan based on the board's deliberations. The Board carried the hearing to 10/15/13 at 7:30 pm with no further notice required.

Members from the public were present and spoke as follows:

Rustam Ali, Shasta Drive
Gurdeep and Priti Singh, 452 Shasta Drive
John and Theresa Kotulich, 19 Fourth Ave.

MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda were invited to do so. There was no one present who wished to address the Board.

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,
Marianna Voorhees, Secretary to
Engineering and Planning Division