

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, April 17, 2012
—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, 2012, 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 – present
Jim Scott – present	Paul Riga – present
William Vornehm, Chairman – present	Lee Schapiro – absent
Pushpavati Amin, Alt. #1 - present	Evans Humenick, Alt. #2 – present
Carl Schulz, Alt. #3 – absent	Michael Kirsh, Alt. #4 - present

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

MINUTES FOR APPROVAL:

February 21, 2012 Regular Meeting – Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing minutes were adopted as amended on the following roll call vote:

The **March 20, 2012 Regular Meeting, March 27, 2012 Regular Meeting, and April 3, 2012 Regular Meeting** minutes will be adopted when they are completed.

MEMORIALIZING RESOLUTIONS:

There were no pending resolutions to memorialize.

HEARING AND DELIBERATIONS:

HOME FOR TEMPORARILY DISPLACED CHILDREN -Bridge House

Block 508, Lots 4&18

#09-11-ZB, Preliminary and Final Site Plan w/ Bulk & Use Variances (two-story group home, 10-bedrooms)

TIME: Extension to 4/30/12

The hearing was continued from 1/17/12.

Attorney Robert Foley was present to represent the Applicant. Sworn testimony was presented by Professional Engineer David A. Stires, Landscape Architect Len Piscetelli, Architect Joe Kiernan and Professional Planner Leslie Niebinthou.

Several exhibits were presented and marked into evidence as follows:

- A-21 4/17/12** Colored Rendering of Site Plan, dated 3/24/12
- A-22 4/17/12** Color Rendering of Landscape Plan
- A-23 4/17/12** Colored Rendering of landscaping
- A-24 4/17/12** View of parking lot landscaping

That the property is known as Lots 14 and 18 in Block 508 of the Tax Map and located between Third and Fourth Avenues in the R-10A Single Family Residential.

The subject property is improved with a 1½ story single-family residence and masonry garage fronting on Third Avenue. The property has an area of 20,000 S.F., irregularly shaped with frontage on Third Avenue of 120 feet and 80 feet on Fourth Avenue. Applicant proposes to raze all improvements and construct a two-story building to be used as a group home for young adults that are in need of life-skills education and independent living skills or are at risk of homelessness. Group homes are a permitted conditional use in the R-10A Zone. Applicant appears before this Board seeking variances for the conditions for group homes as set forth in Sec. 126-3512 of the ordinance. In addition applicant also seeks preliminary and final site plan approval.

The Applicant agreed to comply with the reports of the Township Planner dated 5/3/11 and Township Engineer dated 4/11/11.

Sec. 351-2A of the ordinance requires all group homes to comply with the bulk requirement for single-family homes in the R-10A Zone. The application as initially presented sought the following variances: (a) Impervious coverage, 35% permitted, 56.0% proposed; (c) FAR .35 permitted, .51 proposed (exclusive of the basement); (d) Parking stall size 9.5 feet in width required, 9.0 feet proposed; (e) Parking distance to property line, 10 feet required, 9 feet proposed; (f) Parking in front yard prohibited, parking in Fourth Avenue front yard proposed; (g) Driveway distance to property line minimum of 10 feet required, 5.2 feet proposed for the Third Avenue driveway for access to the dumpster. At the initial hearing the Board indicated to the applicant that it recognized that the proposed use was well intended and one which would fulfill

a need benefiting the public welfare. A concern was expressed, however, that the proposal as presented was too large for the site.

The size of the revised proposed building was reduced by 942 S.F., the pitch of the roof changed from 12 on 12 to 8 on 12, the northerly side yard increased to 19.74 feet from 15.5 feet, total side yards to 45.00 feet from 40.76 feet the number of parking spaces reduced by 2 to a total of 12 and the driveway will be 10 feet from the property line. The landscaping plan was also revised.

In evaluating this application, the intensity of the proposal is of primary concern. Given the fact that the proposal is primarily a residential use to the best measure of intensity is FAR. The FAR as originally proposed was .51. It was subsequently reduced to .38. Initially proposed lot coverage was 56% and revised 50.7%. The applicant's planner presented an analysis of the FAR of 10 surrounding properties the majority of which were greater than the FAR proposed by the applicant. Impervious coverage of the same lots showed the same. When considering an application for a variance from the FAR limitation, the Board must determine if the site will be able to accommodate the use with the increased FAR. With the modifications made to the proposal the Board is satisfied that the site can accommodate the proposed use. In reaching this conclusion the Board recognizes that the use is permitted, residential in nature, and not high intensity.

The Board reviewed the reports of its professionals with those of applicant's. The applicant agreed to comply with the comments in the Fire Official's report, referenced in paragraph 4(c) hereof. The Planner's report referenced in paragraph 4(a) raises as an issue whether the proposal meets the ordinance definition of group home. The Board heard detailed testimony from applicant's executor director, who testified that the applicant is licensed as a group home by the State of New Jersey and subject to inspection by State agencies. He testified that applicant maintains 5 group homes in Bridgewater including the one on the subject property, which this proposal will replace. Applicant has 70 employees and in addition to housing provides basic skills education and counseling to residents. The use proposed by the applicant is a group home within the meaning of the ordinance. The Planner's report also contained comments relating to the size of the proposed facility and the need for more bedrooms and common space than permitted by the ordinance. The Board previously noted that group homes are permitted in the R-10A Zone as a conditional use. Therefore, in considering the application it is not the Board's function to analyze the use, but to determine if the project can function on the property with the requested deviations from the ordinance. The Board has concluded that it does.

The applicant has proposed a total of 12 parking spaces, with access to the site from Fourth Avenue. The Board is satisfied that 12 spaces are adequate for the proposed operation. Applicant was proposing a distance of 9 feet from the edge of the parking lot to the easterly sideline where 10 feet is required. The plan has been revised to comply. Parking in the front yard is prohibited and applicant proposes parking in the Fourth Avenue frontage. Given the fact that the property is a through lot, to deny this variance would preclude development of the property, with the exception of a residence with a garage. Applicant is proposing to locate a dumpster at the terminus of a driveway running from Third Avenue. The ordinance requires driveways to be located 10 feet from the sideline and applicant proposes 5.2 feet. Given the

limited use of this driveway and the landscaping proposed by the applicant the Board considered this proposal favorably. Landscaping around the dumpster was discussed, and it was decided that there will be 4 green giant arborvitae along the westerly side of the dumpster and forsythia along the rear of the dumpster.

The Planner also raised as an issue the COAH applicability of this project. It was not clear from the testimony whether the proposal qualified for COAH credits or if COAH is applicable. The applicant agreed, however, that if the project should qualify and if COAH becomes applicable, then applicant shall submit the project to COAH. A deed restriction to be approved by the Township attorney shall be provided.

There was a concern expressed in the Planner's report as to the abandonment of this use in the future and use as a multi-family project. It is clear that the proposed use is a permitted use in the Zone and any deviation from a permitted use would require a variance.

The issue of sidewalks was discussed and it was decided that sidewalks shall be installed on Fourth Avenue, beginning at the westerly sideline of the property to the intersection of Fourth Avenue with North Bridge. Installing the sidewalk off site is in lieu of providing sidewalks on Third Avenue.

The applicant agreed to comply with the Plat Details, Access ways and Parking and Stormwater Management comments under the Technical Section of the Engineer's report referenced in paragraph 4(b) hereof. There was raised in the report the waiver requested for parking space width, 9.5 feet required 9.00 feet proposed. Given the fact that R.S.I.S. permits a width of 9.00 feet the Township Engineer had no objection to the waiver and neither does the Board.

Members of the public were present as follows:

Resident Buck Boccanfuso, 20 3rd Avenue, expressed a concern with stormwater runoff from the dumpster area. Applicant's engineer proposed the construction of a trough at the dumpster to collect debris and to connect the trough to the roof leader drains.

The Board deliberated and discussed several conditions including:

- The building as constructed shall be the same as the elevations shown on the building plans submitted with the application.
- All proposed siding shall be wooden plank with the color to be approved by the Township Planner, which shall be an earth tone as proposed by the applicant.
- Applicant shall execute a deed restriction to be prepared by the Township Attorney with respect to COAH should the project become COAH eligible.
- The only lighting on the building shall be canopy lighting.
- There shall be 4 green giant arborvitae planted along the westerly side of the dumpster and forsythia along the rear of the dumpster. A planting plan for this shall be submitted to and approved by the Township Planner.
- There shall be a trough to collect stormwater from the dumpster area to drain into the roof leader system. The plan for this shall be approved by the Township Engineer.

- Applicant's obligation for sidewalks shall be satisfied by providing sidewalks along Fourth Avenue up to North Bridge Street. No sidewalks shall be required along the Third Avenue Frontage.
- Applicant shall enter into a Developer's Agreement with the Township to be approved by the Township Attorney.
- Applicant shall comply with the comments of the Fire Official's report
- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

Motion by Mr. Sweeney, second by Mr. Scott, HOME FOR TEMPORARILY DISPLACED CHILDREN -Bridge House application was approved with conditions on the following roll call vote:

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

The Applicant took the exhibits.

Chairman Vornehm called for a short recess at 8:50 pm and called the meeting back to order at 9:05 pm with all present as before.

GENOVA BUILT – 1 Henry Street
Block 519, Lots 23&24
#12-03-ZB, Bulk Variances (construct 2 ½ story dwelling)
TIME: 120 =7/18/2012

Attorney Robert Foley was present to represent the Applicant. Sworn testimony was presented by Applicant Tom Genova and David A. Stires, PE/PP.

Several exhibits were submitted and marked into evidence as follows:

A-1 4/17/12 Colored Rendering of plot plan
A-2 4/17/12 Photo: Lot 20, Monmouth St.
A-3 4/17/12 Photo: Lots 25, 25.01 and 26
A-4 4/17/12 Photo: New siding
A-5 4/17/12 Photo: Lot 13.07
A-6 4/17/12 Photo: Lot 27

The subject property consists of a vacant tract of land having an area of 8,408 S.F. with frontage of 80 feet on Henry Street. Applicant proposes to construct a single-family dwelling on the property. Variances are needed as the ordinance requires an area of 10,000 S.F. and lot width of 100 feet.

The subject property is a vacant, isolated undersized lot, which presents a zoning hardship. Applicant's principal, Tom Genova, testified as to efforts to make the lot conforming by purchasing property from adjoining property owners. Appropriate letters were sent, but there was not interest in selling. There was, however, interest in purchasing the property by the owner of the property to the north. He did, however, express nothing definite.

No variances other than these above referenced are sought. Applicant was careful to design a home, which could be accommodated on the property without the need for any front, side, or rear yard variances. The proposed dwelling is suited for the property.

In considering an isolated undersized lot case, the Board must be cognizant of the fact that if the variance is denied the property will be zoned into inutility exposing the Township to a claim of inverse condemnation. There is a zoning hardship and the remaining issue is whether the applicant has satisfied the negative criteria. The Board considers that the dwelling proposed is suitable for the lot as sufficient to satisfy the negative criteria.

The Board reviewed the report of the Township Engineer dated 4/4/12 with the project engineer. Applicant shall comply with comment 4 under the Environmental Impact Section of the report. With respect to drainage, two affected property owners brought to the Board's attention a stormwater problem in the Henry Street and Monmouth Avenue area. There was no comment in the Engineer's report indicating that the development of this property would add to this problem. The Board, however, instructed its attorney to inform the Township Engineer of this concern.

In a case such as this the adjoining property owner does have the right to purchase the property, with the purchase price being the value of the property as if the variance was granted. The adjoining property owner shall be given the right to purchase the property at the price determined as aforesaid. If, however, he has not made an offer by May 1, 2012, the day on which this resolution is scheduled to be memorialized, it shall be concluded that he does not want to purchase and his right shall be extinguished.

The Board is satisfied that adequate zoning reasons exist for the granting of the requested variances and the waiver from the requirement of Sec. 126-153A(8) of the ordinance as recommended by the Township Engineer, and that with conditions the granting of same will not substantially impair the zone plan or land use ordinance nor be a substantial detriment to the public welfare of the residents of the Township of Bridgewater.

Members of the public were present as follows:

Evelyn Field, North Bridge St., addressed concerns about the size of the dwelling and drainage concerns.

James Hobes, 90 Monmouth Ave., addressed concerns about the size of the dwelling, grading and drainage concerns.

Xiong Cai, 3 Henry St., stated that he may want to purchase the lot within one to two weeks. Applicant Genova agreed to extend the purchase period until May 1, 2012.

The Board deliberated and discussed several conditions including:

- After completion of construction sidewalks along the Henry Street frontage shall be repaired if required by the Township Engineer.
- Applicant shall comply with comment 4 under the Environmental Impact section of the Engineer's report.
- No Developer's Agreement shall be required.
- The adjoining property owner shall have until May 1, 2012 to make an offer to purchase the property. If no offer is made this right shall be extinguished.
- The Applicant shall submit a Bridgewater Township Compliance Report prior to the plans being signed, and prior to scheduling the pre-construction meeting and issuance of construction permits.

Motion by Mr. Rosen, second by Mr. Sweeney the GENOVA BUILT – 1 Henry Street application was approved with conditions on the following roll call vote:

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

ABSENT: Mr. Schapiro, Mr. Schulz

NOT ELIGIBLE: Mr. Kirsh

MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time.

OTHER BOARD BUSINESS:

There was no other Board business discussed.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:45 pm.

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