

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, April 24, 2012
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:31 pm at 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 – absent
Jim Scott – absent	Paul Riga – absent
William Vornehm, Chairman – present	Lee Schapiro – absent
Pushpavati Amin, Alt. #1 - present	Evans Humenick, Alt. #2 – present
Carl Schulz, Alt. #3 – present	Michael Kirsh, Alt. #4 - present

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

MINUTES FOR APPROVAL:

The **March 20, 2012 Regular Meeting, March 27, 2012 Regular Meeting, April 3, 2012 Regular Meeting, and April 17, 2012 Regular Meeting** minutes will be presented for Board consideration when they are completed.

MEMORIALIZING RESOLUTIONS:

BASIL FIGLIANO – 83 PINE STREET

Block 144 Lot 5

#27-11-ZB, Bulk Variances (Additions & Renovations to Residence)

DECISION: Approved 1/17/12 (memorialized 1/31/12)

Board Attorney Vastola requested clarification from the Board regarding the approved improved lot coverage percentage for the above application. The Board considered the issue

raised and on motion duly adopted allowed the impervious to be 40.56% instead of the 38% referenced in the resolution, with removal of the gravel area.

The Board approved the above referenced improved lot coverage percentage on the following roll call vote:

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

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

**HOME FOR TEMPORARILY DISPLACED CHILDREN –Third & Fourth Avenue
Block 508, Lots 4&18 (Pending)**

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

DECISION: Approved 4/17/12

Eligible to vote: Mr. Sweeney, Mr.; Rosen, Mr. Scott, Mr. Riga, Chairman Vornehm, Mrs. Amin, Mr. Humenick

The forgoing resolution will be presented for Memorialization once it is completed. No action was taken.

GENOVA BUILT – 1 Henry Street (Pending)

Block 519, Lots 23&24

#12-03-ZB, Bulk Variance (construct 2 ½ story dwelling)

DECISION: Approved 4/17/12

Eligible to vote: Mr. Sweeney, Mr.; Rosen, Mr. Scott, Mr. Riga, Chairman Vornehm, Mrs. Amin, Mr. Humenick

The forgoing resolution will be presented for Memorialization once it is completed. No action was taken.

HEARING AND DELIBERATIONS:

KUMAR – 981 Route 202/206

Block 482, Lot 7

#23-11-ZB, Bulk Variance & d-variance (renovations/addition)

TIME: 120= 7/10/2012

The Applicant Manju Kumar was present to represent herself and she provided sworn testimony.

No exhibits were presented.

The property is known as Lot 7 in Block 482 of the Tax Map, located at the northwest corner of the intersection of Route 202/206 and Mountainview Avenue in the R-20 Single-Family Residential Zone, and commonly known as 981 Route 202/206.

The subject property consists of a tract of land having an area of 6,618 S.F. It is fully improved with a single-family dwelling and detached garage. Applicant proposes to construct an addition to the dwelling. The following variances are required: (a) front yard at Mountainview 50 feet required, 8.2 feet proposed, (b) front yard at Route 202/206 50 feet required, 44 feet proposed; (c) side yard along the westerly line 20 feet required, 13.83 feet proposed; (d) minimum rear yard, 50 feet required, 20.11 feet proposed; and (e) FAR maximum permitted .16, .34 proposed.

Ms. Kumar agreed to comply with the Township Planner's report dated 4/2/12 and the Township Engineer's report dated 4/9/12. She confirmed that she would like to connect to public water.

The subject lot is substantially undersized, having only 27% of the area required for a corner lot in the R-20 Zone. It was, however, created prior to the adoption of a zoning ordinance and is, therefore, deemed a preexisting nonconformity. The existing dwelling is in poor condition described by a resident of Mountain View Avenue as an eyesore. Applicant proposes to connect the garage to the dwelling and add a second story to both the garage and the dwelling, which will increase its utility and improve its appearance.

In support of this application the Board heard the testimony of the applicant. She testified that she acquired the property in August, 2011 and that she desires to modify the dwelling to make its suitable for her principal residence. Currently, the property is improved with a one-story dwelling with a detached garage. The proposal is to add a second story to the dwelling, which will extend over the garage, and increase the floor area from 370 S.F. to 2,560 S.F.

By making the detached garage part of the dwelling, it is no longer an accessory structure and must comply with the set back requirements for a principal structure. The dwelling as proposed will front on Mountainview Avenue. A proposed porch will reduce the front yard setback from 14.28 feet to 8.20 feet. While this is substantial deviation from the required set back of 50 feet, it is only the porch which reduces the set back. The front and rear of the proposed second floor addition will extend 2 feet beyond the first floor. The Board does not consider this as having an effect on its determination.

The size of this lot creates a zoning hardship. The proposed addition will improve the utility and appearance of the dwelling so that with conditions the granting of the variance 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.

The reports of the Board's professionals raise certain issues, which must be addressed by the applicant. The property is a corner lot on a State Highway. The Planner's report raises the issues of the need for a sight triangle, which if determined necessary by the Township Engineer will be required. Applicant will also be required to plant and bond for one street tree, and to make a contribution to the Township's sidewalk fund. The contribution instead of sidewalk will be required as there are currently no sidewalks in the area.

The Engineer's report references an existing board on board fence located 6.86 feet from the property line. A solid fence must meet the setback for an accessory structure of 20 feet. Given

the fact that it exists and is shielded by vegetation, the Board will permit it to continue in its present location.

Members of the public were present as follows:

Ellen Bogusky, Mountainview, spoke in favor of the application stating that the property currently has a boarded up vacant house and that the improvements are welcome.

The Board deliberated and discussed several conditions including the following:

- Applicant shall, in lieu of providing sidewalks, make a contribution to the Township sidewalk fund in an amount determined by the Township Engineer.
- If it is determined by the Township Engineer that a sight triangle is needed at the intersection of Route 202/206 and Mountain View Road, then applicant shall provide a sight triangle. The sight triangle easement shall be reviewed and approved by the Township Attorney and the metes and bounds description by the Township Engineer.
- Applicant shall post a performance guaranty for one street tree, which shall be installed prior to the issuance of C.O.
- 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. Schulz, second by Mrs. Amin, the KUMAR application was approved with conditions on the following roll call vote:

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

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

SAFARI ENERGY – 202/206 and Commons Way

Block 553, Lot 1

#12-02-ZB, Preliminary & Final Major Site Plan with d-variance (parking deck solar canopy)

TIME: 120 =7/31/2012

Attorney Michael Vitiello was present to represent the Applicant. Sworn testimony was presented by Professional Engineer Michael Richard, Safari Energy Senior Vice President John E. Tole, and Professional Planner Ronald Igrari.

An exhibit was presented and marked into evidence as follows:

A-1 4/24/12 Photos: 7-pages

The property is known as Lot 1 in Block 553 of the Tax Map, located on the southerly side of Commons Way in the BRC-Bridgewater Regional Center Zone, and commonly known as the Bridgewater Commons Mall.

Applicant proposes to construct a photovoltaic canopy assembly over the existing top level of the existing customer two-story parking deck at the Commons Mall. Solar assemblies are not

permitted for accessory use parking decks, and therefore applicant requires a use variance. In addition the proposed array will extend greater than 12 inches above the roof line and not be shielded by a parapet, which proposal also requires a variance.

In support of this application the Board heard the testimony of the project engineer, applicant's Senior Vice President, and a professional planner. In considering this application there are two factors which the Board considers of primary importance, first, by legislative decree alternate energy sources are an inherently beneficial use, and second, the particular suitability of this site.

The testimony presented to the Board was that the proposal will have no adverse impact on the functioning of the parking deck, no spaces will be eliminated, the flow of traffic will not be altered, snow guards will be placed on the panels to prevent snow accumulation from falling, and there will be no impact on the existing stormwater system. Currently, there are light poles on the top of the deck 25-feet in height. Applicant proposes to remove this lighting replacing it with fixtures mounted within the array structure.

The Commons Mall lies within area bounded by Commons Way, Highway 22 and Route 202/206. The parking deck is located along the southwesterly sideline of Commons Way far removed from any residences. There are currently plantings along Commons Way acting as a buffer from the parking lot, which the applicant proposes to enhance. While the proposed array will, to some extent, be visible from Commons Way it will be less intrusive than the existing light poles. To the extent it is visible to mall visitors it will show that the Township has made a conscious effort to provide alternate energy.

The testimony was that the electricity generated by the proposal will be used solely by the Mall, and will provide approximately 28% of the Mall's consumption. The Board is satisfied that with conditions the balancing required in considering an inherently beneficial use falls in favor of approval.

The Board reviewed the reports of its professionals with the applicant's professionals. The Planner's report commented on the impact on traffic during construction. The project engineer testified that there will be two construction phases, one for each half of the deck and that during each phase access to the deck will be maintained via the alternate ramp. Construction is planned during periods of less activity in the mall. The project engineer also testified that the number of handicapped spaces will always be to code. The Planner also commented on the lighting, concerned with the visibility of the light source outside the structure. The project engineer testified that this will not occur, but if it should the lights can be shielded. The Applicant agreed to comply with the reports of the Township Planner dated 4/13/12 and Township Engineer dated 4/12/12.

The proposed array will extend 13.9 feet above the existing parapet. For the reasons heretofore stated, the Board does not consider this a significant departure, and as previously stated less intrusive than the existing light poles. The Board is satisfied that the applicant has met its burden and that the granting of the requested variances and preliminary and final site plan approval will not substantially impair the zone plan and land use ordinance nor be a substantial detriment to the public welfare of the residents of the Township of Bridgewater.

There were no members of the public who were present regarding this application.

The Board deliberated and discussed several conditions including:

- Applicant shall comply with all of the requirements of the Township's solar array ordinance, with the exception of the variances granted herein.
- Applicant shall enter into a Developer's Agreement with the Township to be prepared by the Township Attorney and approved by the Township Planner and Township Engineer.
- If in the future it is determined by the Township Planner that the lighting proposed for this project is objectionable or visible from abutting properties or the right-of-way, applicant shall take such corrective measures as determined by the Township Planner to shield the lighting.
- 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. Schulz, the SAFARI (Commons Mall) application was approved with conditions on the following roll call vote:

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

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

MARTIFER SOLAR – 400 Crossing Boulevard

Block 552, Lot 4.02

#30-11-ZB, Minor Site Plan with associated Variances (deck mounted solar arrays)

TIME: 120=8/8/2012

The foregoing application was not heard due to the late hour of the meeting and Chairman Vornehm carried the application hearing to 5/1/12 at 7:30 pm with no further notice required.

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