

BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Tuesday, July 17, 2012  
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Zoning Board of Adjustment to order at 7:34 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 – <b>absent</b>
Jim Scott – <b>absent</b>	Paul Riga – present
William Vornehm, Chairman – present	Lee Schapiro – <b>absent</b>
Pushpavati Amin- present	Evans Humenick, Alt. #1 – present
Carl Schulz, Alt. #2 – present	Michael Kirsh, Alt. #3 – present
Beth Powers, Alt. #4 - present	

Others present: Attorney David Holloway, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

**May 22, 2012 Special Meeting** - Due to the discrepancy in the written transcript attached to the minutes, the Board deferred adoption of the minutes until the transcripts are corrected.

**June 19, 2012 Regular Meeting** – Motion by Mr. Schulz, second by Mrs. Amin, the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mrs. Amin, Mr. Humenick, Mr. Schulz, Mr. Kirsh, Mrs. Powers, Chairman Vornehm
ABSENT:	Mr. Schapiro, Mr. Rosen, Mr. Scott

NOT ELIGIBLE: Mr. Riga

**June 26, 2012 Regular Meeting** – Motion by Mrs. Amin, second by Mr. Kirsh, the foregoing minutes were adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Humenick, Mr. Kirsh,  
Mrs. Powers

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

NOT ELIGIBLE: Mr. Riga, Chairman Vornehm, Mr. Schulz

MEMORIALIZING RESOLUTIONS:

**T-Mobile Northeast LLC - 606 North Bridge Street  
Block 500, Lot 1**

**#03-10-ZB, Minor Ste Plan w/ Variances** (installation of flagpole tower)

DECISION: DENIED 5/22/12

Eligible to vote: Mr. Scott, Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Chairman Vornehm, Mr. Humenick, Mr. Schulz

The foregoing resolution will be presented for Board consideration at the next meeting. No action was taken.

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**SENA – 610 Pennlyn Place**

**Block 470 Lot 15**

**#12-013-ZB, C-Variance: Rear yard setback** (additions & 2-car detached garage)

DECISION: APPROVED 6/26/12

Eligible to vote: Mr. Sweeney, Mr. Schapiro, Mr. Scott, Mrs. Amin, Mr. Humenick, Mr. Kirsh, Mrs. Powers

The foregoing resolution will be presented for Board consideration at the next meeting. No action was taken.

HEARING AND DELIBERATIONS:

**NOLFO – 1394 Mount Vernon Road**

**Block 652, Lot 37**

**#12-010-ZB, Simple Variance** (construction of deck over existing patio)

TIME: 120=10/9/2012

Applicant Dennis Nolfo was present to represent himself and he provided sworn testimony.

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

**A-1 7/17/12** Photo board: five photos of the existing red brick patio

**A-2 7/17/12** Copy of plot plan survey with dimensions added by Applicant

Applicant Nolfo discussed exhibit A-1 and stated that he is proposing to construct a deck of the same size over the existing red brick patio area. He can't turn the deck 90-degrees due to the existing well head location and basement entryway. The deck will be 2-ft in height from

grade and 25-feet in length as measured from the house.

Discussion pursued regarding the needed rear yard variance for placement of the deck in the proposed location. Applicant revised the required variance from 40-feet to 38-feet and he referenced exhibit A-2. The brick stairs will remain; however, the remainder of the patio area will be removed prior to construction of the proposed deck.

The variance is a c-1 hardship variance due to the shape of the property.

The Board deliberated and discussed several conditions including:

- Applicant to provide calculations for improved lot coverage
- Applicant to provide a current certified property survey with distances of structures to the property lines
- Deck shall not be closer than 38-feet to the rear property line
- Deck shall not be larger than the existing red brick patio

Motion by Mr. Sweeney, second by Mrs. Amin the NOLFO application was approved with the conditions discussed on the following roll call vote:

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

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**WALNUT BUILDERS LLC – 86 & 88 Walnut Avenue**  
**Block 142, Lots 7 & 8**  
**#12-014-ZB, Minor Subdivision with Use Variance**  
(Create two lots; construct two single-family dwellings)  
120=10/5/2012

Attorney John Belardo was present to represent the Applicant. Sworn testimony was presented by Professional Land Surveyor Stephen M. Fisk, Applicant's wife Karen Larosa, Architect Roger C. Winkle, and Professional Planner Roger DeNiscia.

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

- A-1 7/17/12** 1987 Topographic Map with property lines in red
- A-2 7/17/12** 1970 or before Bridgewater Topographic Map with property lines in red
- A-3 7/17/12** Front elevation of an alternate dwelling with front porch and garage on right
- A-4 7/17/12** Front elevation of an alternate dwelling with front porch and garage on left
- A-5 7/17/12** Photo board: ten (10) photos of surrounding area homes
- A-6 7/17/12** Photo board: ten (10) photos of surrounding area homes
- A-7 7/17/12** Page 16 of the Tax Map, with several lots colored in yellow

Engineer Fisk summarized the application stating that the property is located in the R-10

Single-Family Residential zone in Bradley Gardens on Walnut Avenue. The Applicant proposes a minor subdivision. The adjacent lands are all undersized and none of them are available to purchase. Utilities, public water and sanitary sewer are available in the roadway in front of the properties. The Applicant agreed to provide street trees should they become damaged or removed for construction. Variances are being requested for lot area, lot width, one side yard, and total of two side yards.

Discussion pursued regarding whether or not a subdivision is needed. Attorney Belardo referred to several cases including Loechner. The tax lots have not been merged by the Tax Assessor's Office and separate tax bills exist for Lot 7 and Lot 8 as testified by Applicant's wife Karen Larosa. She stated that the house had burnt down on Lot 8 and was never rebuilt in 2008.

Engineer Fisk reviewed Board Planner Doyle's report dated 7/11/12 and Township Engineer's report dated 7/11/12 and agreed to comply with the outstanding issues. The overhead wires serving Lot 9 will be relocated so they do not cross Lot 8. Applicant will make a sidewalk contribution instead of installing sidewalks as they do not exist in the area. The existing barbeque, concrete pad and asphalt walkway will be removed from Lot 8. Five trees will be removed and Applicant agreed to plant replacement trees as follows: three (3) new trees on Lot 8 and two (2) new trees on Lot 7.

Engineer Fisk agreed to comply with all comments of the Bridgewater Township Sewer Engineer Robert Reich dated 7/10/12.

Architect Winkle described the proposed dwellings for Lots 7 and Lot 8, as they were identical. The Board requested slightly different dwellings and Architect Winkle discussed exhibits 3 and 4. Discussion pursued regarding driveway placement and rear deck placement. The height of the dwellings will be a maximum of 30-ft to keep with the character of the neighborhood. Planner Doyle requested that the house be flipped in order to have the driveway on the left with the deck further away from the adjacent deck for proposed Lot 8.01. Engineer Fisk disagreed as he wants to lessen the re-grading to match with Lot 9 and there are two substantial trees that would have to be removed. Planner Doyle requested that if the house shown in exhibit A-4 was constructed, she would request that the porch roof be extended the full width of the house for appearances. The Board requested the Applicant to construct the dwellings as shown in exhibit A-4 and the plans marked 86 Walnut Avenue.

With no comments or questions from the public, Chairman Vornehm requested the Applicant to present their next witness.

Professional Planner Roger DeNiscia summarized the application. The variances being requested include: d-variance for the undersized square footage of the lots and c(2) variances for the remaining deviations. He described the neighborhood and referred to exhibits A-5, A-6 and A-7. Two lots are proposed with 8,750 sf of lot area for each. He

stated that the two lots will provide reasonably priced homes which promote NJSA 40:55D101, Affordable Housing Act of 1983. The proposed dwellings are compatible with the neighborhood. The older single story to 1-½ story homes are shown in exhibit A-5 and the newer two-story homes are shown in exhibit A-6. Sixty-percent of the yellow highlighted 166-lots, as shown in exhibit A-7, have a 50-foot width and 63% have a 60-foot width on Walnut Avenue. The planning benefits outweigh any detriments and the purposes of the MLUL include a, c, g, and i.

At the request of the Applicant, Chairman Vornehm called a short recess at 10:05 pm and the meeting reconvened at 10:10 pm with all present as before.

A member of the public was present as follows:

Raymond Larosa, 90 Walnut Avenue, confirmed he is the brother of the Applicant and he stated that the proposed dwellings are in character of the existing neighborhood and urged the Board to vote in favor of the application.

The Board deliberated and referred to conditions as discussed during the hearing.

Motion by Mr. Kirsh, second by Mr. Riga, the WALNUT BUILDERS LLC application was approved with the conditions discussed on the following roll call vote:

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

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:

There was no other Board business discussed.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 11:00 pm.

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