

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, August 28, 2012
—MINUTES—**

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater 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 – absent
Jim Scott – present	Paul Riga – absent
William Vornehm, Chairman – present	Lee Schapiro – present
Pushpavati Amin - present	Evans Humenick, Alt. #1 – present
Carl Schulz, Alt. #2 – present	Michael Kirsh, Alt. #3 – present (arrived 7:32pm)
Beth Powers, Alt. #4 - present	

Others present: Attorney Vastola, Acting Board Secretary Patricia Bueno

MINUTES FOR APPROVAL:

August 7, 2012 Regular Meeting – Motion by Mr. Scott, second by Mr. Schulz, the foregoing minutes were adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Schapiro, Chairman Vornehm, Mr. Humenick, Mr. Schulz,
Mr. Kirsh
ABSENT: Mr. Rosen, Mr. Riga

NOT ELIGIBLE: Mr. Sweeney, Mr. Scott, Mrs. Amin, Mrs. Powers

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

Motion by Mr. Schapiro, second by Mr. Scott, the foregoing resolution memorializing the denial on 5/22/2012 was adopted as presented on the following roll call vote:

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

WALNUT BUILDERS LLC – 86 & 88 Walnut Avenue

Block 142, Lots 7 & 8

#12-014-ZB, Minor Subdivision with Use Variance

(divide two lots; construct (2) two single-family dwellings)

DECISION: APPROVED 7/17/12

Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing resolution memorializing the approval on 7/17/2012 was adopted as presented on the following roll call vote:

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

ENGELSTEIN – 63 Totten Drive

Block 721, Lot 111

#12-012-ZB, Simple Variance

(construct an addition)

DECISION: APPROVED 8/7/12

Motion by Mr. Schapiro, second by Mr. Schulz, the foregoing resolution memorializing the approval on 8/7/2012 was adopted as presented on the following roll call vote:

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

HEARING AND DELIBERATIONS:

**LECH –1081 Tullo Farm Road
Block 722, Lot 11
#12-021-ZB, Simple Variance (extend deck; reconstruct screened porch)
TIME: 120="11/20/12"**

Applicant Mark Lech was present and sworn testimony was provided by both the applicant and the Applicant's Architect Robert Hernandez.

Applicant Lech discussed the nature of the application adding that the current screened in porch area is used for a gathering area for visiting family members. Architect Hernandez stated that there is a hardship related to this application since the property is currently a pre-existing non-conforming lot due to the lot size.

Architect Hernandez referred to the proposed plans and added that the applicant wishes to extend the existing porch area and minimize the existing deck area. Due to the right side of the current deck area having two levels, Mr. Hernandez explained that improvements would allow for the area to be leveled out which will allow the homeowner to obtain maximum use of this living space.

Architect Hernandez stated the existing footings will be used as well as some new footings added. He added that the current view of the back yard from the screened porch is obstructed by a current 36 inch railing which will be removed during the restructuring process.

Chairman Vornehm opened the meeting to the Board for questions.

Mr. Sweeney asked if the product proposed for under the deck area will be permeable. Architect Hernandez responded the product will be soil and rock and will abide by the Engineer's recommendation. He also stated that clips will be used during installation of the deck to allow for proper gapping.

Mr. Schulz asked the applicant how the property got to the current violation. Mr. Lech responded that the realtor, at the time of purchase, confirmed everything had permits and the deck was there prior to the purchase of the property therefore he did not know. Architect Hernandez stated during redesign of the deck he was trying to take advantage of the existing footing and he that the screened

porch was not in alignment with the girder lines so he believes it may have been done after the initial structure was built.

Mr. Schapiro clarified the square footage of the existing deck which is 627.5 sq. ft. and the proposed deck will be 65.53 sq. ft. smaller which will be transferred to the reconstruction/addition to living space. Architect Hernandez agreed.

Mrs. Amin asked the applicant if everything was there at the time of purchase. The applicant replied yes. She also asked if a certificate of occupancy was required. Attorney Vastola replied that a C.O. is not required in Bridgewater Township.

Mr. Schulz asked the applicant if any actions were taken regarding previous non-compliance, as recommended in Township Planner's report, #3, adding this should be confirmed by the applicant. Mr. Lech stated that the realtor that processed the sale transaction went to the Township because tax records no longer existed due to flooding.

Mr. Kirsh clarified the old vs. new to obtain a better understanding of the portion that will increase of livable space to correspond with the loss of the deck. He continued stating that the existing screened in porch is 163 sq. ft. and the existing deck is 627 sq. ft. The proposed construction will deduct 65.53 sq. ft. from the existing deck and increase the existing living space/screened porch area by 176 sq. ft. which will actually increase the area by a total of 112 sq. ft. Architect Hernandez agreed.

Attorney Vastola confirmed that the porch will have no utilities other than electric and that there will be no changes to the trees on the property. The applicant agreed.

Mr. Schulz confirmed with the applicant that there will be no changes to the sidewalk. The applicant agreed.

Chairman Vornehm opened the hearing to the Public for questions.

There was no one from the public present for questions.

Attorney Vastola summarized the basis for approval summarizing that the applicant seeks approval from the Board for a net increase of 162 sq. ft. of living space and allow reconstruction of existing tiered deck to make it level. Attorney Vastola noted that conditions of the Board's approval is based on the subjects agreement to abide by the Engineer's recommendations listed in the Engineer's report dated August 8, 2012 which include comment number 1 under the Policy Section, comment number 2 under Technical; General Section, comment number 2 under Accessways and Parking Section of the Township Code.

The Board deliberated and discussed several conditions including:

- As referred in the Township Engineer’s Report, listed under the Policy Section, number 1, “By definition, decks (without roofs and with earth underneath and serving as residential structures) are not counted as improved lot coverage. The Code assumes that stormwater will be able to drain through gaps between the deck planking to a pervious area below. With the increasing use of manmade decking, we’re noticing that those gaps are not something that should be assumed to exist. Therefore, we recommend that any approval be conditioned upon installing the new decking with gaps.
- As referred in the Township Engineer’s Report, listed under the Technical; General Section, number 2, “A certification of affidavit of no change in boundary or structure is required as per 126-40.1.A(6)”
- As referred in the Township Engineer’s Report, listed under the Accessways and Parking Section, number 2, “There is an existing sidewalk along Tullo Farm Road. Any approval should be conditioned upon any shifted or cracked slabs of sidewalk being replaced prior to issuance of a Certificate of Occupancy”.

Motion by Mr. Schapiro, second by Mr. Schulz the LECH application was approved with the conditions discussed on the following roll call vote:

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

Chairman Vornehm discussed Board availability to hear the CVS application on September 25, 2012. If the Board is unable to form a quorum on this date the CVS application will be tabled to the October 2, 2012 meeting date. The Board will contact Danielle Britton, the Planning Office secretary to obtain those Board members that are eligible to vote on the CVS application to ensure there is a quorum.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 8:30 pm.

Respectfully submitted,
Patricia Bueno
Acting Board Secretary