

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, October 7th, 2014
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the meeting 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 15, 2014 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:

Vice-Chairman Sweeney – present	Beth Powers– present
Paul Riga – present	Alan Fross, Alt. #1 – present
Pushpavati Amin – present	Roger Pearly, Alt. #2 – present
Chairman Vornehm – present	James Weideli, Alt. #3 – present
Evans Humenick – present	Dawn Guttschall, Alt. #4-present
Michael Kirsh – present	

Others present: Board Engineer Thomas J. Forsythe, PE, Board Planner Scarlett Doyle, Attorney Lawrence A. Vastola & Jo-Ann Petruzzello, Secretary to Planning Division.

MINUTES FOR APPROVAL:

April 29th, 2014 Regular Meeting-

Motion by Mrs. Amin, second by Vice-Chairman Sweeney, the foregoing minutes was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Chairman Vornehm, Mr. Fross, Mr. Weideli.

NOT ELIGIBLE: Mr. Riga, Mrs. Powers, Mr. Pearly, Ms. Guttschall.

May 20th, 2014 Regular Meeting

Motion by Vice-Chairman Sweeney, second by Mrs. Amin, the foregoing minutes was adopted as amended on the following roll call vote:

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

NOT ELIGIBLE: Mr. Riga, Chairman Vornehm, Ms. Guttschall.

August 5th, 2014 Regular Meeting-

Motion by Mrs. Amin, second by Vice-Chairman Sweeney, the foregoing minutes was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mrs. Powers, Mr. Pearly, Chairman Vornehm
NOT ELIGIBLE: Mr. Riga, Mr. Fross, Ms. Guttschall.

August 19th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

August 26th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

September 16th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

September 30th, 2014 Regular Meeting- (*pending*)-The foregoing minutes will be presented for Board consideration when completed. No action was taken.

MEMORIALIZING RESOLUTIONS:

Giraldi- 1691 Valley View Rd (*pending*)

#14-026-ZB, Minor Site Plan w/ C Variances

Block 700, Lot 22

Eligible to Vote: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick, Mrs. Powers, Mr. Fross,
Mr. Pearly.

FALLONE GROUP LLC-Eisenhower Ave (*pending*)

Block 438, Lot 7

#14-022-ZB, Seeking relief from Twp Ordinance Section 126-132

Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick, Mrs. Powers, Mr. Fross,
Mr. Pearly.

HEARING AND DELIBERATIONS:

GRANT- 634 FOOTHILL RD

Block 642, Lot 21.01

#14-024-ZB, Simple Variance- Setback for a fence

Mr. Alan Grant and Mrs. Denise Lang-Grant were sworn in by the Board in reference to their application for a simple variance. Mr. Grant stated the nature of the application was for a setback variance to place a solid vinyl fence on the rear and side property lines. The applicants testified the purposes of the fence were to prevent their dogs from chasing deer, to

ensure safety of their dogs, to prevent deer from entering the rear yard and for noise reduction purposes.

Vice-Chairman Sweeney advised the applicants that the fence was not permitted in Bridgewater by ordinance. Mr. Sweeney asked Mr. Grant why a 50 percent open fence would not suffice. Mr. Grant stated the solid fence provides more privacy and blocks their view of downed trees in the property located to the rear of their property. Mr. Grant further stated that placing a solid fence on the required setbacks was not feasible due to a mature tree on the setback line as well as requiring the removal of other trees.

The Board expressed concerns with the solid fence in relation to wind loads during storms. The Board believes the fence could become a safety hazard.

Board Attorney Vastola advised the applicants that the governing body does not want Bridgewater to become a “fenced in” community, which is specifically supported by Ordinance.

Chairman Vornehm opened the meeting to the public for questions.

Ms. Ellen Sherman-Zinn of 642 Foothill Road, Bridgewater, NJ, addressed the applicants and asked why a 5 foot regulation fence is not adequate. Mr. Lang stated a 5 foot fence will not keep the deer out of their yard.

Mr. Edward Sockler of 640 Foothill Road, Bridgewater, NJ, addressed the applicants and stated that the fence would block the neighbors view in the driveway. Mr. Sockler asked how this issue would be addressed. After a discussion, it was determined to be a rhetorical question that Mr. Grant was unable to answer.

Mr. Rocco Castronovo of 642 Foothill Road, Bridgewater, NJ, addressed the applicants and asked if Mr. Grant was aware of the scope of the deer that deer live in Bridgewater. Mr. Grant stated he did. Mr. Castronovo asked Mr. Grant why the deer bother him so much and Mr. Grant stated he is also concerned for his landscaping.

Chairman Vornhem closed the public question portion of the meeting.

On question of the Board, Mr. Grant stated the purposed of his application is to protect his dogs, to keep the deer out of his property, and to provide a visual screen.

Chairman Vornehm opened the meeting for public comments.

Mr. Edward Sockler of 640 Foothill Road, Bridgewater, NJ, spoke in opposition of the application. Mr. Sockler stated the fence will block the area and deteriorate the quality of the neighborhood.

Mr. John Zervopoulos of 632 Foothill Road, Bridgewater, NJ, stated his residence is closest to the property line and stated he is in favor of the solid vinyl fence as opposed to a 6 foot high chain link fence.

Mrs. Ellen Sherman-Zinn of 642 Foothill Road, Bridgewater, NJ, spoke in opposition of the application stating the fence could grow mold and takes away from the beauty of the neighborhood.

Chairman Vornehm closed the public portion of the meeting and the Board deliberated.

Motion by Mr. Riga, second by Vice-Chairman Sweeney, the foregoing application was DENIED based on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,
Mrs. Powers, Chairman Vornehm.

NOT ELIGIBLE: Mr. Fross, Mr. Pearly, Mr. Weideli, Mrs. Guttschall.

BRIDGEWATER CONGREGATION OF JEHOVAH'S WITNESSES -568 East Main St.

Block 314, Lot 6 & 7

#14-007-ZB, Plan of conditional use with Variances

Attorney Marsha Moore was present to represent the applicant. Sworn testimony was provided by Landscape Architect Michele Tomori and Architect Milton Gregory Grew. Additional Exhibits were introduced as follows:

A-4 10/7/14- Floor Plan, Sheet A2.1

A-5 10/7/14-Color Rendering of Landscape Plans

A-6 10/7/14-4 Color Photographs of Existing Site & Proposed Fence

Ms. Moore advised the plans were revised and resubmitted. Ms. Moore also stated that the applicant will comply and satisfy the Somerset County Planning Board requirements.

Mr. Grew provided sworn testimony as the applicants Architect. Mr. Grew stated the building was constructed in 1956 and is not energy efficient and does not comply with ADA requirements. Mr. Grew advised the applicants reduced the number of seats, from 133 to 129, which reduced the number parking stalls required. This change eliminates the need for a parking variance, therefore the applicants are only seeking a variance for lot width, lot area, and side yard setbacks.

On question of the Board, Mr. Grew utilized **Exhibit A-4 10/7/14- Floor Plan, Sheet A2.1** and described the proposed site of the HVAC system that will be screened with landscaping.

Chairman Vornehm opened the meeting to the public for questions. No members of the public wished to address Mr. Grew.

Michele Tomori provided sworn testimony as the applicant's Landscape Architect. Ms. Tomori described the current landscaping on the property and introduced **Exhibit A-5 10/7/14-Color Rendering of Landscape Plans**, the proposed landscaping plans for the property. Ms. Tomori testified that the proposed landscaping plans enhance the buildings architecture, the streetscape, and provides screening on the perimeter. Ms. Tomori stated the plans comply with the ordinance in reference to street trees. Mr. Tomori further stated the applicants are seeking a waiver for the sides of the building as well as the rear.

Ms. Tomori discussed the required buffer for the property citing Ms. Doyle's ordinance requirements of 225 trees, 75% are to be evergreen. The applicant is currently proposing 58 and 50% are evergreen.

Ms. Tomori introduced **Exhibit A-6 10/7/14-4 Color Photographs of Existing Site & Proposed Fence** and discussed the proposed 6 foot high vinyl board on board fence which she believed was a 50% open fence. The Board confirmed this fence is considered a solid fence. Ms. Tomori utilized the Exhibit to discuss the current conditions and stated the existing fence located on Lot 10 eliminates the need for the applicant to place their own fence. Instead, landscaping is proposed in that area. Ms. Tomori advised there is an existing fence on Lot 9 and the applicant is proposing to continue the buffer with trees where their fence ends.

Ms. Moore asked Ms. Tomori to clarify that the applicant is offering trees to be planted on the neighbor's property to create a buffer and provide a "softer" look or \$1,500.00 for the homeowner to utilize for plantings. Ms. Moore also explained the proposed landscaping around the air conditioning units.

On question of the Board, Ms. Tomori advised that the height of the fence on approximately ten feet and the neighbor's fence is currently 5 feet. She further stated the parking stalls located in front of this fence is 18 feet in length with wheel stops.

Chairman Vornehm opened the meeting to the public.

Daniel Mulligan of 8 Shaw Avenue, Bridgewater, NJ, addressed the applicants and stated he is the owner of Lot 10. He confirmed the fence height around the property and clarified that the applicant's are not proposing to place a fence behind his, and was advised that he will be offered a monetary compensation of \$1,500.00 for plantings.

Mr. Mulligan was sworn in by Chairman Vornehm to provide testimony. Mr. Mulligan stated that the plantings on his property are not beneficial to him. The existing area is lawn in which his children play on. Mr. Mulligan also testified that his fence is 6 feet high.

Township Planner Doyle advised that a fence could be placed on the property line as a buffer, however; there must be plantings on the residential side to provide a landscape buffer

according to the ordinance. The applicant is seeking a design waiver if the applicant opts to not place plantings on the residence side.

Chairman Vornehm opened the public portion of the meeting. No one from the public addressed the applicant's.

Township Planner Doyle was sworn in and provided testimony. Ms. Doyle advised this was a SICA Case and stated the Board is required to evaluate the information provided and attempt to accommodate a House of Worship without substantially impairing the current zoning ordinance. Ms. Doyles stated the landscaping adjustments are satisfactory and that she is in favor of reducing the fence height along the westerly side and lot 5. She stated that a lighting test should be conducted by the applicant's engineer prior to the Certificate of Occupancy.

Ms. Tomori advised the fence will reach 8 feet in height when placed on top of the retaining wall.

Mr. Louis Turcotte was present to testify on behalf of the applicants. Mr. Turcotte utilized previously distributed plans to address the retaining wall height. Mr. Turcotte stated the purpose of the retaining wall was to achieve an elevation to collect stormwater and redirect it to the street. He stated the wall tapers from 0 ft to 5'8 ft. Mr. Turcotte stated the retaining wall and fence can be reviewed and possibly reduced in height by 1-2 feet.

Chairman Vornehm closed the public portion of the meeting and the Board deliberated.

Motion by Mr. Kirsh, second by Vice-Chairman Sweeney, the foregoing application was approved with conditions, based on the following roll call vote:

- AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,
Mrs. Powers, Chairman Vornehm.
NOT ELIGIBLE: Mr. Fross, Mr. Pearly, Mr. Weideli, Mrs. Guttschall.

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. No members wished to address the Board at this time.

OTHER BOARD BUSINESS:

None

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:45 pm.

Respectfully submitted,
Jo-Ann M. Petruzzello
Secretary to Planning Division