

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
Tuesday, April 29, 2014  
—MINTUES—

**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:**

Don Sweeney – present	Lee Schapiro – present
Paul Riga – <b>absent</b>	Evans Humenick – present
Pushpavati Amin – present	Michael Kirsh, – present
Bill Vornehm – present	Beth Powers, Alt. #1 – <b>absent</b>
Alan Fross, Alt. #2 – present	Roger Pearly, Alt. #3 – <b>absent</b>
James Weideli, Alt. #4 - present	

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

**MINUTES FOR APPROVAL:**

**November 26, 2013 Regular Meeting** – Motion by Mrs. Amin, second by Mr. Sweeney the foregoing minutes were approved as amended on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Shapiro, Mr. Fross, Chairman Vornehm
ABSENT:	Mr. Riga, Mr. Schulz, Mr. Humenick
NOT ELIGIBLE:	Mr. Humenick, Mr. Weideli

**December 17, 2013 Regular Meeting** – Motion by Mr. Sweeney, second by Mrs. Amin, the foregoing minutes were adopted as presented on the following roll vote:

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

**January 14, 2014 Reorganization & 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. Kirsh, Mr. Humenick,  
Mr. Schapiro, Mr. Fross, Chairman Vornehm  
ABSENT: Mr. Riga, Mrs. Powers, Mr. Pearly  
NOT ELIGIBLE: Mr. Weideli

**January 28, 2014 Regular Meeting** – Motion by Mrs. Amin, second by Mr. Sweeney, the foregoing minutes were approved as amended on the following roll call vote:

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

**February 4, 2014, Regular Meeting** – Motion by Mrs. Amin, second by Mr. Sweeney, the foregoing minutes were approved as amended on the following roll call vote:

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

**February 25, 2014, Regular Meeting** – (*pending*) The forgoing minutes will be presented for consideration when completed. No action was taken.

**March 25, 2014, Regular Meeting** – (*pending*) The forgoing minutes will be presented for consideration when completed. No action was taken.

**MEMORIALIZING RESOLUTIONS:**

SUNOCO - 301 Country Club Road  
Block 400 Lot 18  
# 13-006-ZB Preliminary & Final Major Site Plan w/Variances  
(Existing Sunoco Station Rebuild with Convenience Store)  
DECISION: Denied 2/25/14  
Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mr. Schapiro,  
Chairman Vornehm

Attorney Vastola confirmed the foregoing resolution is finished and it will be distributed to Board Members tomorrow via email. No action was taken.

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FSG BRIDGEWATER HOTEL LLC – Hampton Inn and Suites  
Block 581 Lots 4, 8, 9  
#13-018-ZB, Amend Prior Approval: Prelim & Final Major Site Plan w/variances (Revised NJDOT access/egress)  
DECISION: Approved w/conditions 3/25/14

Motion by Mrs. Amin, second by Mr. Schapiro, the foregoing resolution memorializing the approval with conditions on 3/25/14 was adopted as amended on the following roll call vote:

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

**HEARING AND DELIBERATIONS:**

WOODRING – 1058 Mayflower Ct., Martinsville  
Block 806 Lot 62  
#13-024-ZB, Simple Variance (front open portico & basement access door)  
TIME: 120=7/5/14

Applicant Ryan Woodring was present and represented himself. He provided sworn testimony.

The Applicant submitted an exhibit which was marked into evidence as follows:

**A-1 4/29/14** Photos, one sheet with two photos of side of house for bilco door Placement

Mr. Woodring stated that the front yard setback for the R-50 zone is 75-ft where 56.4-ft is existing and a variance is needed for the proposed 47.87-ft. He stated that a 25-ft side yard setback is required where 10.2-ft exists and 6.7-ft is proposed. Six photos were included with the application submission; therefore, there was no need to mark them into evidence. The photos show similar front porches in the neighbor including: 1050 Mayflower Ct., 1062 Mayflower Ct., 2252 April Drive, 5 Van Pelt Ct., Washington Valley Road, and 1037 Vosseller. Mr. Woodring stated that there is no other possible location for the bilco basement door as there is an existing deck at the rear of the dwelling and an existing walkway on the other side of the dwelling. Mr. Woodring stated that he needs access to the basement via the bilco door so that he can store the swimming pool chemicals in the basement without having to travel through the home to the basement.

The Board reviewed Engineer Forsythe and Planner Doyle's report dated 3/18/14 and he agreed to comply with the outstanding issues.

The Board deliberated and discussed conditions including:

- Applicant shall continue and maintain the plantings along the sideline adjacent to the proposed basement door.
- 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. Kirsh, second by Mrs. Amin, the foregoing application was approved with conditions on the following roll call vote:

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

OPPOSED: Mr. Fross  
ABSENT: Mr. Riga, Mrs. Powers, Mr. Pearly  
NOT ELIGIBLE: Mr. Weideli

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MICHAEL J. COLLINS, INC. – 1745 Mountain Top Road  
Block 721 Lot 63  
#13-033-ZB, Bulk Variance Application (new dwelling)  
TIME: 120=7/5/14

Attorney Jeff Stanley was present to represent the Applicant. Sworn testimony was presented by Professional Engineer James Mantz and Professional Planner Elizabeth McKenzie.

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

- A-1 4/29/14 Variance Plan, last revised 12/31/13 with Engineer Mantz's notes added
- A-2 4/29/14 Lot Development Plan, Sheet 2 of 3, revised 12/31/13
- A-3 4/29/14 Minor Subdivision & Variance Map, last revised 12/31/14
- A-4 4/29/14 Aerial Photo dated 2014 by NJDEP
- A-5 4/29/14 Pictures labeled A through N, with description on back of each photo
- A-6 4/29/14 Aerial Photo, dated 2014, prepared by Elizabeth McKenzie, PP

That the property is known as Lot 63 in Block 172 of the Tax Map, located on the northeasterly side of Mountaintop Road in the R-50 Single-Family Residential Zone, and commonly known as 1745 Mountaintop Road.

The subject property consists of a tract of land having an area of 33,501 S.F. with frontage on Mountaintop Road of only 61.16 feet. The property is improved with a one-story single-family dwelling. Applicant proposes to raze all of the improvements and construct a new single-family dwelling on the property. The following variances are required: (a) lot area, 50,000 S.F. required, 33,501 S.F. existing; (b) lot width 165 feet required, 61.16 feet existing; (c) minimum one side yard, 25 feet required, 8.1 feet proposed, and (d) minimum total side yards 70 feet required, 8.1 feet proposed.

With respect to this application the Board is in receipt of the following: (a) a joint report from the Township Engineer and Township Planner dated March 14, 2014; (b) a report from Sewer Utility dated March 10, 2014; (c) accompanying the application a plan entitled "Variance Map for Block 172 Lot 63, 1745 Mountaintop Road Bridgewater Township Somerset County New Jersey", prepared by James J. Mantz, P.E.&L.S., Bridgewater, NJ, dated November 15, 2013, last revised December 31, 2013 and consisting of 3 sheets sheet 2 of which shows elevations and floor plans for the proposed dwelling; and (d) accompanying the application a Map of Survey of the property also prepared by James J. Mantz, P.E.&L.S., dated September 29, 2013.

In support of this application the Board heard the testimony of the project engineer James Mantz, PE and Professional Planner Elizabeth McKenzie. The project engineer explained the proposal and reviewed the comments in the joint report and the report from the Sewer Utility.

He agreed to comply with all engineering comments in the joint report and all comments in the Sewer Utility report.

In addition to the subject property the applicant also owns Lot 61.03 which adjoins the westerly sideline of the subject property. Lot 61.03 is a vacant conforming lot created by subdivision. If the subject property were a vacant isolated lot the doctrine of merger would apply. Given the fact that the subject property is fully improved the doctrine of merger does not apply. Notwithstanding the foregoing, the property to the east of the subject property, Lot 64, is dedicated to open space and not available for sale.

Planner McKenzie testified that the existing dwelling was built circa 1930 and is in poor condition. This fact was confirmed by interested parties who appeared in favor of this application. The Planner opined that from the street the distance between houses is an important consideration. Applicant is proposing a side yard along the sideline adjoining Lot 63.01 of 12.1 feet. She proposed, with applicant's consent, that a conservation easement 38 feet in width be imposed on Lot 63.01. The result of the conservation easement will insure that the distance between the proposed dwelling and one to be constructed on Lot 63.01 will comply with the distance between dwellings contemplated by the ordinance. The foregoing shall, of course, in no way modify the bulk requirements for the dwelling to be constructed on Lot 63.01 in the future. Also, the side yard setback for a dwelling on Lot 63.01 will be measured from the westerly side of the easement.

The plan submitted proposes the driveway to run along the westerly sideline. The Board discussed the proposed driveway location with the project engineer James Mantz. He stated that the location was determined in part by a rock outcrop located in the front yard. He did state, however, that with the same entrance the driveway could be relocated to run more along the easterly sideline of the property.

The narrowness of the property creates a zoning hardship. While this condition cannot be eliminated, it will be ameliorated by the proposed conservation easement. With the proposed conservation easement and conditions hereinafter set forth. The Board is satisfied that, granting the requested variances will not substantially impair the zone plan and land use ordinance, and will not be a substantial detriment to the public welfare of the residents of the Township of Bridgewater.

Members of the public were present as follows:

Barry Walker, 1699 Mountain Top Road, he stated that his lot is 60.01 and he spoke in favor of the application. He stated that the current home is an eyesore and poorly maintained.

George Collins, 1710 Mountain Top Road, stated that the Applicant is his son and he spoke in favor of the application.

The Board deliberated and discussed several conditions including:

- Applicant shall comply with the following comments in the joint report of Board Engineer Forsythe and Board Planner Doyle hereof: 4, 5, 6, 7, 8 and 12.

- Comment 10 of the joint report calls for a dedication to the Township of a strip of land along Mountaintop Road as shown as Sheet 1 of the variance plan. The applicant shall submit a deed of dedication for approval by the Township Attorney. The deed shall contain a metes and bounds description approved by the Township Engineer. The recorded deed shall be delivered to the Township Clerk with a copy to the Township Engineer and Board Clerk. The recorded deed shall be accompanied by the certification of the applicant's attorney or Title Company that the only lien against the dedicated property is that for municipal taxes.
- Applicant shall comply with all of the comments in the report from Sewer Utility dated 3/10/14.
- Applicant shall reposition the proposed driveway. The repositioned driveway shall have the same entrance as shown on the variance plan, but shall be made to run along the easterly sideline of the property. The repositioned driveway shall be approved by the Township Engineer.
- No developer's agreement shall be required.
- The dwelling to be constructed shall be that as shown on sheet 2 of the plan
- 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. Schapiro, second by Mr. Sweeney, the foregoing application was approved for Option #3 with conditions which carried on the following roll call vote:

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

**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. No action was taken.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

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