

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Reorganization & Regular Meeting  
Tuesday, January 6, 2015  
—MINUTES—

**CALL MEETING TO ORDER:**

Board Attorney Vastola called the meeting to order at 7:30 pm 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 1, 2015 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.

**SWEAR IN NEW MEMBERS:**

Board Attorney Vastola swore in the following Board Members:

Beth Powers, Regular Member

Pushpavati Amin, Regular Member

James Weideli, Alternate #2

Dawn Guttschall Alternate #3

**ROLL CALL:**

Don Sweeney – present

Pushpavati Amin – present

Paul Riga – present

Michael Kirsh, – present

Evans Humenick – present

Beth Powers – present

Alan Fross – present

Roger Pearly, Alt. #1 – present

James Weideli, Alternate #2- present

Dawn Guttschall Alternate #3 – present

John Fallone Alternate #4 - present

Others present: Attorney Lawrence A. Vastola, Board Planner Scarlett Doyle, Board Engineer Thomas J. Forsythe, Ann Marie Lehberger, Planning Secretary

**REORGANIZATION:**

**Election of Chairman**

Motion by Mr. Kirsh, second by Mr. Weideli, **Don Sweeney** was elected Chairman for 2015, which carried on the following roll call vote:

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

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone, Mr. Sweeney

**Board Attorney Vastola turned the meeting over to Chairman Sweeney**

**Election of Vice-Chairman**

Motion by Chairman Sweeney, second by Mrs. Powers, **Michael Kirsh** was elected Vice-Chairman for 2015 on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Humenick,  
Mrs. Powers, Mr. Fross, Mr. Pearly

NOT ELIGIBLE: Mr. Kirsh, Mr. Weideli, Ms. Guttshall, Mr. Fallone

**Appointment of Board Secretary**

Motion by Chairman Sweeney, second by Mr. Kirsh, **Pushpavati Amin** was appointed Board Secretary for 2015 which carried on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Riga, Mr. Kirsh, Mr. Humenick,  
Mrs. Powers, Mr. Fross, Mr. Pearly

NOT ELIGIBLE: Mrs. Amin, Mr. Weideli, Ms. Guttshall, Mr. Fallone

**Appointment of Assistant Board Secretary**

Motion by Chairman Sweeney, second by Mrs. Amin, **Board Planner Scarlett Doyle** was appointed Assistant Board Secretary for 2015 which carried on the following roll call vote:

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

NOT ELIGIBLE: Mr. Pearly, Mr. Weideli, Ms. Guttshall, Mr. Fallone

**Appointment of Board Clerk**

Motion by Chairman Sweeney, second by Mr. Kirsh, **Ann Marie Lehberger** was appointed Board Clerk for 2015 which carried on the following roll call vote:

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

NOT ELIGIBLE: Mr. Pearly, Mr. Weideli, Ms. Guttshall, Mr. Fallone

**Appointment of Board Professionals**

**THOMAS J. FORSYTHE, PE, CME AS THE ZONING BOARD ENGINEER**

**WHEREAS**, the Zoning Board of the Township of Bridgewater will require engineering services for the Board; and

**WHEREAS**, the above mentioned services can be performed adequately by Thomas J. Forsythe who is employed as the Township Engineer of the Township of Bridgewater; and

**WHEREAS**, it is the intent of the Zoning Board of the Township of Bridgewater to appoint Thomas J. Forsythe, PE, CME as the Board Engineer commencing January 1, 2015 thru December 31, 2015.

**NOW, THEREFORE, BE IT RESOLVED**, the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

- 1. The Zoning Board of the Township of Bridgewater hereby appoints Thomas J. Forsythe, PE, CME as the Board Engineer for 2015, commencing January 1, 2015 thru December 31, 2015.**

Motion by Mrs. Amin, second by Mr. Pearly the foregoing resolution was adopted with the following roll call vote:

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

**LAWRENCE A. VASTOLA, ESQ. OF VASTOLA, FACKELMAN & SULLIVAN**

**WHEREAS**, the Zoning Board of Adjustment of the Township of Bridgewater will require professional services for legal services; and

**WHEREAS**, the above-mentioned services can be performed adequately and effectively by Lawrence A. Vastola, Esq., a Member of the Firm of Vastola, Fackelman & Sullivan; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

**WHEREAS**, it is the intent of the Zoning Board of Adjustment of the Township of Bridgewater to approve an agreement with Lawrence A. Vastola, Esq. at the rate of \$375.00 per Zoning Board Meeting and hourly rate of \$135.00 an hour for work done in the office and \$135.00 per hour for litigation/court plus costs and expenses; and

**WHEREAS**, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

**WHEREAS**, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5,**

—MINUTES—

**WHEREAS**, Jim Naples, the Township Administrator, has determined and certified in writing that the value of the acquisition and such services will exceed \$17,500, that document being entitled **Certificate of Value**; and

**WHEREAS**, Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan completed and submitted a **Business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution**, which certifies that Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan (including any individual with an ownership “interest” or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Howard Norgalis, Matthew Moench, Allen Kurdyla, Christine Henderson Rose, Filipe Pedroso, and/or Mayor Daniel J. Hayes, Jr. and that the contract will prohibit Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

**WHEREAS**, Lawrence A. Vastola, Esq. and Vastola, Fackelman & Sullivan has completed and submitted to the Township, in accordance with the New Jersey Local Unit Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Township Professional Services Agreement which the Lawrence A. Vastola, Esq.<sup>3</sup> will be required to sign; and

**WHEREAS**, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5 et seq. has been provided by the Chief Financial Officer of the Township and is attached hereto and made a part hereof, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of Adjustment of the Township of Bridgewater hereby approves the contract with Lawrence A. Vastola from January 1, 2015 through December 31, 2015.

2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Lawrence A. Vastola, Esq. for Professional Legal services for the period from January 1, 2015 through December 31, 2015 in accordance with the contract attached hereto and made a part hereof.

3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.

4. This appointment will be published in the Courier News, the Zoning Board of Adjustment's official newspaper, within ten (10) days of passage as required by law.

Motion by Mrs. Amin, second by Mr. Fross the foregoing resolution was adopted with the following roll call vote:

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

NOT ELIGIBLE: Mr. Pearly, Mr. Weideli, Ms. Guttschall, Mr. Fallone

**SCARLETT DOYLE, P.P. PLANNER**

**WHEREAS**, the Zoning Board of the Township of Bridgewater will require professional services for planning services; and

**WHEREAS**, the above-mentioned services can be performed adequately and effectively by Scarlett Doyle, P.P., Planner and Sole Proprietor having offices at 81 Woodchurch Road, Flemington, NJ 08822; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5, permits a contract for professional services to be awarded without the need for competitive bids; and

**WHEREAS**, it is the intent of the Zoning Board of the Township of Bridgewater to approve an agreement with Scarlett Doyle at an hourly rate of \$110.00 per hour; and

**WHEREAS**, N.J.S.A. 40A:11-5 requires that the award for professional services be publicly advertised;

**WHEREAS**, such award of contract shall be made **as a non – fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5;**

**WHEREAS**, James T. Naples, the Township Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500;

**WHEREAS**, Scarlett Doyle, P.P. Planner completed and submitted a **Business Entity Disclosure Certification to the township, prior to the adoption of this Resolution**, which certifies that Scarlett Doyle, P.P. (including any individual with an ownership “interest” or control of more than 10% of its profits or assets for 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Matthew C Moench, Howard Norgalis, Filipe Pedroso, Christine Henderson Rose, Allen Kurdyla and/or Mayor Daniel J. Hayes, Jr. and that the contract will prohibit Scarlett Doyle, P.P. from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of their contract with the municipality; and

**WHEREAS**, Scarlett Doyle, P.P. has completed and submitted to the Township, in accordance with the New Jersey Local Pay to Play Laws (N.J.S.A. 19:44A-20.4 et seq.) a **Political**

**Contribution Disclosure Form** (submitted at least 10 days prior to the adoption of this Resolution) as well as a **New Jersey Business Registration Certificate and a Stockholder Disclosure Certification** (prior to the adoption of this Resolution) and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provision within the Township Professional Services Agreement which Scarlett Doyle, P.P. will be required to sign; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of the Township of Bridgewater, County of Somerset, State of New Jersey, as follows:

1. The Zoning Board of the Township of Bridgewater hereby approves the contract with Scarlett Doyle, Planner from January 1, 2015 through December 31, 2015.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Scarlett Doyle, P.P., for Professional Planning services for the period from January 1, 2015 through December 31, 2015 in accordance with the contract attached hereto and made a part hereof.
3. This contract is entered into without competitive bidding as a "professional service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of that law.
4. A copy of this resolution will be published in the Courier News, the Zoning Board's official newspaper, within ten (10) days of passage as required by law.

Motion by Mr. Riga, second by Mrs. Powers the foregoing resolution was adopted with the following roll call vote:

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

**Designation of Meeting Dates, Time and Place**

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Bridgewater that the following schedule of dates and times for Regular Meetings be established for 2015 and that all scheduled meetings shall convene at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ:

January 6, 20	February 3, 17	March 3, 17	April 7, 21
May 5, 19	June 2, 16,	July 7, 21	August 4, 18
September 1, 15	October 6, 20	November 17	December 1, 15

BE IT FURTHER RESOLVED that the 2016 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 19, 2016, at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Motion by Mr. Kirsh second by Mrs. Amin the foregoing resolution was adopted as amended on the following roll call vote:

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

**Designation of Official Newspapers**

BE IT RESOLVED by the Zoning Board of Adjustment of the Bridgewater Township that **The Courier News** is hereby designated the official newspaper of the Zoning Board of Adjustment for 2015; and

BE IT FURTHER RESOLVED, that **The Courier News** and **The Star Ledger** are hereby designated to receive all notices of Zoning Board of Adjustment meetings in **2015** as required under the Open Public Meetings Act.

Motion by Mr. Riga, second by Mr. Pearly, the foregoing resolution was adopted on the following roll call vote:

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

**MINUTES FOR APPROVAL:**

**December 16, 2014, Regular Meeting** – Motion by Mr. Weideli, second by Mrs. Amin, the foregoing minutes with amendments were adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr.  
Weideli, Ms. Guttschall  
ABSTAINED: Mrs. Powers, Mr. Fross, Mr. Pearly  
NOT ELIGIBLE: Mr. Fallone

**MEMORIALIZING RESOLUTIONS:**

**SENA- 5 WIMPLE WAY**

Bulk Variance, New house on vacant lot

#14-029-ZB, Block 716, Lot 10

DECISION: Approved w/conditions 12/16/14

Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Weideli, Ms. Guttschall

Motion by Mrs. Amin, second by Mr. Kirsh the foregoing resolution memorializing the approval on 12/16/14 was adopted on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Weideli, Ms. Guttschall

NOT ELIGIBLE: Mrs. Powers, Mr. Fross, Mr. Pearly, Mr. Fallone

**CHIMNEY ROCK INN - 800 Thompson Ave (*pending*)**

Block 801 Lots 44 & 45

#14-016-ZB, Preliminary & Final Site Plan w/variances (warehouse offices)

DECISION: Approved w/conditions 12/16/14

Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Weideli, Ms. Guttschall

Foregoing resolution will be presented for Board consideration when completed. No action was taken.

**HEARING AND DELIBERATIONS:**

**RAJGARHIA – 1195 Fairfield Rd.**

Block 656 Lot 58

#14-035-ZB, Simple Variance (rear deck expansion)

TIME: 120=4/16/15

The Applicant's wife Huynh Nga Nguyen was present and represented herself. The applicant was sworn in for testimony.

The Applicant's wife stated that the house still had its original deck which had not been redone for 13 years and was in need of repairs. The applicant's wife stated that they would like to increase the size of the deck by 2 feet with an octagon on one corner.

The applicant's wife noted that the neighbors on both sides have larger decks and that this proposed deck will be more in line with what is already in the neighborhood.

Mr. Sweeney stated that the proposed deck would intrude into the rear yard setback but noted that the area behind the proposed deck was wooded and that the nearest residence located on Heath Lane was quite a distance away. Mr. Sweeney also noted that there was a conservation easement running through the back of the property.

There were no other questions from the board.

Motion by Mr. Riga, second by Mr. Pearly, the **RAJGARHIA** application was approved with the following roll call vote:

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

ABSENT: Mr. Fross (left early)

NOT ELIGIBLE: Mr. Weideli, Ms. Guttshall, Mr. Fallone

**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 business discussed.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 8:15 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Planning Secretary