

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, May 5, 2015
—MINUTES—

CALL MEETING TO ORDER:

Chairman Sweeney 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 12, 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.

Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Board Secretary before the public meeting. However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

ROLL CALL:

Don Sweeney – present	Alan Fross – present
Pushpavati Amin – present	Roger Pearly, Alt. #1 – present
Paul Riga – absent	James Weideli, Alternate #2- present
Michael Kirsh, – present	Dawn Guttschall Alternate #3 – absent
Evans Humenick – present	John Fallone Alternate #4 - absent
Beth Powers – present	

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

MINUTES FOR APPROVAL:

January 20, 2015, Regular Meeting (*pending*)

The foregoing minutes will be presented for Board consideration when completed. No action was taken.

November 25, 2014, Regular Meeting - Motion by Mr. Kirsh, second by Mrs. Amin, the minutes were adopted on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mrs. Amin, Mrs. Powers, Mr. Kirsh, Mr. Humenick, Mr. Pearly, Mr. Weideli
ABSTAIN:	Mr. Fross
ABSENT:	Mr. Riga, Ms. Guttschall, Mr. Fallone

April 21, 2015 Regular Meeting – Motion by Mrs. Amin, second by Mr. Fross, the minutes were adopted on the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:

BRIDGEWATER CHEVROLET, INC. - 1548 Route 22 East (*pending*)

Block 356 Lot 2.02

#15-006-ZB, Preliminary Major Site Plan and Final Major Site Plan with variances- Expansion

TIME: 120=7/1/15

DECISION: Approved with conditions 4/7/15

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

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

HEARING AND DELIBERATIONS:

CLEARY -2141 Washington Valley Road

Block 907 Lot 68

#14-034-ZB-Major Subdivision

TIME: 120= 5/27/15

Craig Stires PE was present and discussed the revised plan with the board. He stated that the new proposed plan indicates the split driveways as requested by the board. He also stated that the new proposed plan also reduces the eastern most side yard setback on lot 68.01 to 25 feet.

Chairman Sweeney opened the public portion of the meeting. There were no comments or questions from the public.

Mr. Sweeney closed the public portion of the meeting and the board began deliberations.

Motion by Mrs. Amin second by Mr. Pearly the foregoing application was approved with conditions on the following roll call vote:

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

BOGUSKY -785 Mountain View Ave.

Block 482 Lot 5

#15-013-ZB-Certificate of Non Conformity

TIME: 120= 7/28/15

Attorney Bill Robertson was present to represent the applicant. Mr. Robertson discussed the application with the board which is a request for a certificate of non conformity.

Scarlett Doyle, PP was sworn in for testimony. Ms. Doyle discussed her report with the board. Ms. Doyle stated that she was asked by administration to look into the zoning officer's decision that the dwelling was not identified as a two family unit that was a pre existing condition before the 1952 ordinance change. Ms. Doyle stated that she went to the house, took photos, reviewed tax stubs and deeds. She listed several items in her report that helped her draw the conclusion for the board which was that in her view this was clearly a dwelling that was a preexisting two family home. Ms. Doyle reviewed some of the items with the board. She noted that there were two entrances, a parking lot for two or three cars, independent heating systems, electrical systems, and gas meters. She also mentioned that tax filings during this time also show rental income.

Mr. Sweeney opened the public portion of the meeting. There were no questions or comments.

Mr. Robertson submitted an exhibit which was marked into evidence as follows:

- **A-1 5/5/15** Color photo of home

Mrs. Helen Bogusky was sworn in for testimony. Mrs. Bogusky described the property to the board and stated that it was in her family since the 1950's. She confirmed that there have always been two separate living units on the first and second floor with no shared space. She described the second floor as consisting of a kitchen, bathroom, a bedroom, a living room and another small room and stated the bottom floor is the same.

The board began deliberations.

Motion by Mrs. Powers second by Mr. Kirsh the foregoing application was approved on the following roll call vote:

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

Board Attorney Vastola read the resolution to the board for the above application.

Motion by Mrs. Amin, second by Mrs. Powers the foregoing resolution memorializing the approval on 5/5/15 was adopted as read on the following roll call vote:

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

#14-002-ZB, Variance Application (ILC, FAR, Lot Width, Lot Area)
TIME: 120=5/5/15

Attorney Eric Wasser was present to represent the applicant.

Applicant Raymond Bodnar was sworn in for testimony. Mr. Bodnar testified as follows:

He described the property to the board located at 7 Barbara Drive. The proposed application complies with everything, including the rear yard, approximately 200 feet, which will be left the way it is with all the trees, both side yards are satisfied and front yard is satisfied. The FAR and impervious coverage are satisfied with the exception of the steep slope calculation. The main issue was access to Barbara Drive which was not developed in this section. The issue was who should complete this portion of Barbara Drive, the township or the applicant? A stipulation of settlement was negotiated with the Township authorizing the applicant or owner to construct an access way 15 feet wide to allow for emergency vehicles with a 15% incline and construction would be private construction. The existing storm sewer easements and collection systems would remain. It was not feasible to do a turnaround at this location because it is an easement and also due to the topographical condition of the property. There would be a private driveway 15 feet wide with a 15% incline. There will be a car port with stalls for parking and a turnaround. The car port will have a roof over it. The roof will collect snow and will also provide additional support for all the walls in this area. Rain water, melted snow, ice and sleet from the roof would go into a 6,000 gallon cistern and if there is excess water, it will go from the cistern by underground piping into the existing storm water collection basins. The building will be built in the contours of the property which gives additional support to the property. There will be a two car garage for the vehicles of the homeowners so that the car port will be available for guests and any emergency vehicles and service vehicles that would need to get to the property. A deck is also provided which would allow for fire personnel to have ready access to the home. The homeowner would be required to remove ice and snow on the access way. There is a requirement of a 6,000 gallon cistern and the cistern size is calculated based on the schematic building plan. The cistern will be built and installed in accordance with the specification of The National Fire Protection Association Code. There will be a recessed stairway in the proposed house for the protection of the firemen and there will be piping from the cistern into the recessed stairwell for the firemen to use. Upon visual inspection of the property, there are no swales or drainage swales running through the property from Sunset Ridge. The proposed house would be 3,042 square feet and was designed to match the homes currently on Barbara Drive.

Chairman Sweeney opened the public portion of the meeting.

Jim Kovacs of 894 Sunset Ridge questioned the non conforming items for the property. He also asked who will monitor the property to be sure the owner is maintaining it. He expressed concern about the fire safety and access to the rear of the house if there should be a fire. He also questioned the value of the property.

Kim Fromberg of 900 Sunset Ridge is concerned that the construction of the property will upset the foundation of her home.

Patrick Kane of 29 Stella Drive questioned if any offers from adjoining property owners were received for buying the property. Mr. Bodnar replied that no offers were received. Mr. Kane also stated that he felt the asking price of the lot was too high.

Tom Moog at 27 Stella Drive asked if the driveway was included in the impervious coverage. He expressed concern about water on his property.

Craig Stires PE was sworn in for testimony. Mr. Stires submitted an exhibit which was marked into evidence as follows:

- **A-1** 5/5/15 Color rendering of sheet 4 of plans
- **A-2** 5/5/15 Color rendering of elevations
- **A-3** 5/5/15 Aerial of the area

Mr. Stires reviewed the application and provided testimony as follows:

The lot contains 39,638 square feet which is just under the 40,000 required. The lot width is also below what is required. The road ends at the lot right before the applicant's lot so part of the application is to extend the road with a private driveway. The lot is part of the Bridgewater Hills Section 3, filed map# 901 and that development was primarily Sunset Ridge. The site contains steep slopes. Based on the Hillside Development Ordinance for steep slopes, the permitted floor area will be 248 square feet and the improved coverage area 297 square feet. The proposed plan is to construct a two story dwelling, 3,042 square feet, set into the bank of the slope. The proposal includes an oversized car port with roof and windows. Rainwater from the roof will be drained to the tank (cistern), and if the tank is filled it would discharge into the storm sewer. To respond to a prior question from a resident, Mr. Stires indicated that the runoff coming down the mountain is being collected and overflow redirected and piped down Barbara Drive. The board asked if it was possible to build a smaller home than the one that has been proposed. Mr. Bodnar stated that the 3,042 square feet is comparable to what is already in the neighborhood and stated it was possible. Board Planner Scarlett Doyle noted a discrepancy on the side yard setback between the plan in the settlement agreement and the plan that was currently being presented. Mr. Stires reviewed the professional reports with the board

Chairman Sweeney opened the public portion of the meeting.

Warren Schwarz of 904 Sunset Ridge stated that he is concerned about the stability of the ridge and questioned if any studies have been done on the property. Mr. Stires confirmed that no studies had been done.

Tom Moog of 27 Stella Drive asked if the impervious includes the driveway through the right of way. Mr. Stires stated it includes the driveway in the calculation. Mr. Moog felt it should include the right of way and studies should be done on the water runoff. He is also concerned about the construction and the effect it's going to have.

Michael Paul of 5 Barbara Drive is concerned about the erosion factor. He asked if retaining walls will stop the erosion and felt that should be investigated.

Patrick Kane of 29 Stella Drive questioned how the runoff would be improved. Mr. Stires stated that the surface runoff would be redirected to the storm sewer. Mr. Kane stated he is still getting water during heavy rains. Mr. Kane also questioned what the view of the house would be from the bottom of the hill and whether new trees would be planted to replace the trees that will be removed.

Jim Kovacs of 894 Sunset Ridge questioned if blasting will be done. He stated his concern about the safety of the homes and their foundations with the construction. He felt that studies should be done to analyze what is in the hill and if the project will impact the stability of the hill. Mr. Kovacs also stated his concern about the trees in the back of the property and whether they would be removed.

Joshua Schneiderman of 3 Barbara Drive questioned the size of the house and how it would fit in with the other homes. He is concerned about the drainage and the water that will run down the hill. He also expressed concern on how the erosion would be controlled during the construction process.

The application was carried to the meeting on July 7th, 2015 with no additional notice required.

MEETING OPEN TO THE PUBLIC:

Mr. Charles Callari of 16 Shaffer Road was present. He stated that in 1998 he put in a patio and a walkway on his property and the recent survey now shows that it exceeds the permitted lot coverage. He is under contract to sell his home now. The board concluded that he would need to apply for a variance.

OTHER BOARD BUSINESS:

There was no other business discussed.

ADJOURNMENT:

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

Respectfully submitted,
Ann Marie Lehberger, Planning Secretary