

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Reorganization & Regular Meeting  
Tuesday, January 19, 2016  
—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 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.

**SWEAR IN NEW MEMBERS:**

Board Attorney Vastola swore in the following Board Members:

Paul Riga, Regular Member

James Weideli, Alternate #1

Dawn Guttschall Alternate #2

John Fallone Alternate #3

**ROLL CALL:**

Don Sweeney – present

Pushpavati Amin – present

Paul Riga – present

Michael Kirsh, – present

Evans Humenick – present

Alan Fross – present

Beth Powers – absent

James Weideli, Alternate #1- present

Dawn Guttschall Alternate #2 – present

John Fallone Alternate #3 - present

Others present: Board 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. Humenick, second by Mrs. Amin, **Don Sweeney** was elected Chairman for 2016, which carried on the following roll call vote:

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

ABSENT: Mrs. Powers

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

Board Attorney Vastola turned the meeting over to Chairman Sweeney

### **Election of Vice-Chairman**

Motion by Chairman Sweeney, second by Mr. Humenick, Michael Kirsh was elected Vice-Chairman for 2016 on the following roll call vote:

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

### **Appointment of Board Secretary**

Motion by Chairman Sweeney, second by Mr. Kirsh, Pushpavati Amin was appointed Board Secretary for 2016 which carried on the following roll call vote:

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

### **Appointment of Assistant Board Secretary**

Motion by Chairman Sweeney, second by Mr. Weideli, Scarlett Doyle was appointed Assistant Board Secretary for 2016 which carried on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,  
Mr. Sweeney, Mr. Fross, Mr. Weideli  
ABSENT: Mrs. Powers  
NOT ELIGIBLE: Ms. Gutshall, 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, 2016 thru December 31, 2016.

**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 2016, commencing January 1, 2016 thru December 31, 2016.**

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

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,  
Mr. Sweeney, Mr. Fross, Mr. Weideli  
ABSENT: Mrs. Powers  
NOT ELIGIBLE: Ms. Gutshall, 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**,

**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, 2016 through December 31, 2016.
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, 2016 through December 31, 2016 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 Mr. Weideli, second by Mrs. Amin the foregoing resolution was adopted with the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick,  
Mr. Sweeney, Mr. Fross, Mr. Weideli  
ABSENT: Mrs. Powers  
NOT ELIGIBLE: 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 Woodschurch 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., Planner 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., Planner 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, 2016 through December 31, 2016.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Scarlett Doyle, P.P., Planner for Professional Planning services for the period from January 1, 2016 through December 31, 2016 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 Chairman Sweeney, second by Mr. Fross the foregoing resolution was adopted with the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Sweeney, Mr. Fross,  
Mr. Weideli  
ABSENT: Mrs. Powers  
NOT ELIGIBLE: 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 2016 and that all scheduled meetings shall convene at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ:

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

BE IT FURTHER RESOLVED that the 2017 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 17, 2017, at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Certified as duly adopted by the Bridgewater Township Zoning Board of Adjustment at their Reorganization Meeting held on **January 19, 2016**.

Motion by Chairman Sweeney second by Mr. Weideli the foregoing resolution was adopted as amended on the following roll call vote:

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

ABSENT: Mrs. Powers

NOT ELIGIBLE: 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 2016; 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 **2016** as required under the Open Public Meetings Act.

Certified as duly adopted by the Bridgewater Township Zoning Board of Adjustment at their Reorganization Meeting held on **January 19, 2016**.

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

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

ABSENT: Mrs. Powers

NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

**MINUTES FOR APPROVAL:**

**December 1, 2015, Regular Meeting** –Motion by Mrs. Amin, second by Mr. Weideli, the board adopted the transcript as provided by the applicant in lieu of actual minutes written by the Planning Secretary on the following roll call vote: (It was noted that there were some misspellings and omissions in the transcript provided)

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

ABSENT: Mrs. Powers  
NOT ELIGIBLE: Ms. Guttschall, Mr. Fallone

**December 15, 2015, Regular Meeting** – Motion by Mr. Weideli, second by Mrs. Amin, the board adopted the transcript as provided by the applicant in lieu of minutes written by the Planning Secretary on the following roll call vote: ( It was noted that there were some misspellings and omissions in the transcript provided)

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

**November 17, 2015, Regular Meeting**  
**November 24, 2015, Special Meeting**

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

The Board took a moment to acknowledge Mr. Roger Pearly for his service and dedication to the Board of Adjustment.

**MEMORIALIZING RESOLUTIONS:**

**HAROLD BROWN.** –206 Hancock Ave

Block 118 Lots 1.01

#15-030-ZB- Simple Variance – roof over porch

TIME: 120=2/17/16

DECISION: Approved with conditions 11/24/15

Eligible to Vote: Mr. Sweeney, Mr. Humenick, Mr. Kirsh, Mr. Pearly, Mr. Weideli, Ms. Guttschall, Mr. Fallone

Motion by Mr. Weideli, second by Ms. Guttschall the foregoing resolution memorializing the approval on 11/24/15 was adopted as amended on the following roll call vote:

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

**NY SMSA LIMITED PARTNERSHIP DBA VERIZON WIRELESS** – 49 Old York. Rd.

Block 134 Lots 6

#15-019-ZB- Minor Site Plan with Variances

TIME: 120=2/12/16

DECISION: Approved with conditions 11/24/15

Eligible to Vote: Mr. Sweeney, Mr. Humenick, Mr. Kirsh, Mr. Pearly, Mr. Weideli, Ms. Guttschall, Mr. Fallone

Motion by Ms. Guttschall, second by Mr. Kirsh the foregoing resolution memorializing the approval on 11/24/15 was adopted as amended on the following roll call vote:

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

**HEARING AND DELIBERATIONS:**

**SONNER** -85 Loeser Avenue

Block 300 Lot 10



#14-009-ZB, Minor Site Plan with Variances

TIME: 120=4/6/16

Attorney Robert Foley was present to represent the applicant. Robert Sonner, the applicant and Thomas Harris PLS were sworn in for testimony. Mr. Foley explained that the applicant received approval in February of 2015 recognizing the preexisting non conforming use of the property as a landscaping business. A condition of that approval was that they come back with a site plan to identify the operations that were in existence and provide supporting testimony.

Mr. Foley reviewed the report of the Boards professionals. Mr. Sonner submitted an exhibit that was marked into evidence as follows:

**A-1 1/19/16 Photo of a building that is located in the park behind the subject property that shows what Mr. Sonner would like to build in the future**

Mr. Sonner reviewed the equipment he owns that is on the property as follows:

- 1 dump truck
- 1 truck with salt spreader mounted to it
- 3 rack body trucks for snow removal and landscaping
- 1 pickup truck with plow
- 3 wheel loaders for snow removal
- 3 skid steers
- 2 small excavators used for landscaping
- 2 backhoes
- 3 small trailers

Mr. Sonner noted that all the above referenced equipment is not usually on the property at the same time. Mr. Sonner reviewed the site plan submitted describing the activities that take place on the property and provided testimony as follows: At some point in the future he would like to build a building similar to the one shown in A-1 to store some of his equipment and do repairs. There is currently no business sign and he does not intend to put one up. The hours of operation are generally sunrise to sunset. He currently has no employees but does hire day laborers as needed to drive trucks. It was noted by the Board that based on the approval in 2015, they can only approve what is currently on the site and that anything he proposes to do in the future would require that he return to the Board. The Board also questioned the number of pieces equipment that are on the property. Mr. Sonner noted that business has been slower and he is currently trying to sell some of the pieces. The Board questioned if there is anything that could be done to move some of the structures that are on the northerly property line to the southern portion of the property. Mr. Sonner indicated that there is already electricity in the buildings that are currently located there. He does repairs on the equipment in those buildings and needs electricity.

Chairman Sweeney opened the public portion of the meeting.

Helen Meyer of 166 Nimitz Street was sworn in for testimony. Mrs. Meyer stated that she has been living there for 64 years and has never had a problem with the building that encroaches on her property. She noted that Mr. Sonner is a good neighbor. Mrs. Meyer stated that she has a flower garden in the back of the property. She also stated that she was fine with Mr. Sonner maintaining the fence that is actually located on her property.

The Board asked for clarification as to where the equipment was stored because the resolution from the approval in February of 2015 indicated that the equipment was not stored on the property. Mr. Sonner stated

that he owns 19 pieces of equipment and he does store the equipment on the property. Mr. Sonner did note again that they are usually not all on his property at the same time.

The Board discussed and determined that based on the testimony provided and the site plan that was submitted, it is difficult for them to define the intensity of the current use. The Board noted that the applicant must redo the plan to clearly show where all 19 vehicles will be parked and also eliminate the proposed building since it is not the applicant's plan to build it at this time. It was also noted that the applicant agreed that the height of the wood stockpiles would not exceed 6 feet.

This application will be carried to a date to be determined. New notice will be required.

**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 9:35 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Planning Secretary