

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, September 6, 2016
—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 08807

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 25, 2016 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	Beth Powers – present
Pushpavati Amin – present	James Weideli, Alternate #1- present
Paul Riga – absent	Dawn Guttschall Alternate #2 – present
Michael Kirsh, – absent	John Fallone Alternate #3 – present
Evans Humenick – present	Jeff Foose Alternate #4 – present
Alan Fross – absent	

Others present: Board Attorney Steven Warner Esq., Board Planner Scarlett Doyle, Deputy Zoning Officer Steve Rodzinak and Ann Marie Lehberger, Planning Division Secretary

MINUTES FOR APPROVAL:

July 19, 2016, Regular Meeting

Motion by Mrs. Amin; Second by Mr. Weideli, the foregoing minutes were adopted on the following roll call vote:

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

August 2, 2016, Regular Meeting

Motion by Mr. Weideli; Second by Mrs. Amin, the foregoing minutes were adopted on the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:

NEW YORK SMSA LIMITED PARTNERSHIP dba Verizon Wireless- 10 Finderne Ave.

Block 304 Lot 1

#16-007-ZB- Minor Site Plan with Variances -antennas and equipment cabinets

DECISION: Approved with Conditions 8/2/16

Motion by Mr. Weideli; Second by Mrs. Amin, the foregoing resolution memorializing the approval on 8/2/16 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Humenick, Mr. Sweeney, Mr. Weideli

ABSENT: Mr. Kirsh, Mr. Riga, Mr. Fross

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

HEARING AND DELIBERATIONS:

ELFAND – 1676 Valley View Road

Block 700 Lot 43

#16-024-ZB- Simple Variance – Roof over Porch

David Stires, PE & PP was sworn in for testimony and accepted by the Board as an expert witness. Todd Elfand, the applicant and Board Planner Scarlett Doyle were also sworn in for testimony.

Mr. Stires provided testimony as follows: The applicant is requesting a variance for front yard setback to construct a roof over the existing porch at the front entry of their home. The home is located in the R-50 zone where a 75 foot front yard setback is required. The existing home currently has a 65 foot front yard setback. Mr. Stires explained that the final plat from 1953 for the subdivision of this development showed a building setback line of 60 feet. The proposed porch overhang is 16.67 feet in length and 5.83 feet in width and the proposed front yard setback is 60.76 feet. Mr. Stires reviewed the reports of the Board professionals. Mr. Stires confirmed that the proposed porch overhang fits in with the other homes currently in the neighborhood.

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

Motion by Mrs. Powers; Second by Mr. Weideli, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Humenick, Mr. Sweeney, Mrs. Powers Mr. Weideli, Ms. Guttschall,
Mr. Fallone

ABSENT: Mr. Kirsh, Mr. Riga, Mr. Fross

NOT ELIGIBLE: Mr. Foose

BATRA & KAUR-575 Buena Parkway

Block 172.01 Lot 2

#16-027-ZB- Appeal Decision of Zoning Officer- Pool

The applicant Amrit Pal Singh Batra was present and was sworn in for testimony. Steve Rodzinak, Deputy Zoning Officer for the Township was also sworn in for testimony.

Mr. Batra explained that he submitted an application for a building permit to put in an above ground pool but the application was denied by the Zoning officer who stated that the applicable setback requirements for an accessory structure in a R-20.1 zone which cross references the R-20 zone standards is 20 feet for both rear and side yard setback. Mr. Batra asserts that the required setback is actually 15 feet for side yard and 10 feet

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for rear yard based on the fact that the original subdivision was created using the bulk standards for a Patio Home, found as a conditional uses in the R-20.1 section of the Ordinance.

Mr. Rodzinak stated that based on his review of the application that the required setbacks for the accessory structure on the property, since it is located in the R-20.1 Zone and the dwelling is a patio home, should be 15 feet for side yard and 10 feet for rear yard. He explained his interpretation based on the R-20.1 section of the ordinance which indicates patio homes as a conditional use, the conditions as stated in Section 126-348 of the ordinance would be applicable. This section of the ordinance indicates that the development standards for patio/zero lot line homes in the R-20.1 Zone should be the same as noted in the R-10B Zone District. The rear and side yard setbacks for accessory structures in the R-10B Zone District are 15 feet for side yard and 10 feet for rear yard. Therefore, Mr. Rodzinak concluded that the building permit as submitted by the applicant should have been granted.

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

The Board began deliberations.

Motion by Mr. Weideli; Second by Mrs. Powers, the decision of the Zoning Officer was reversed on the following roll call vote:

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

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:

Motion by Mr. Weideli, second by Ms. Guttschall, the Board approved the professional services resolution for Provident Design Engineering for traffic review of the JSM at Bridgewater LLC application on the following roll call vote:

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

Board Attorney Steven Warner provided Part 2 of Land Use Seminar for the members of the Board.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:00 pm.

Respectfully submitted,
Ann Marie Lehberger
Planning Secretary