

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Reorganization & Regular Meeting  
Tuesday, January 17, 2017  
—MINUTES—

**CALL MEETING TO ORDER:**

Board Attorney Steven Warner 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 20, 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.

**SWEAR IN NEW MEMBERS:**

Board Attorney Warner swore in the following Board Members:

Michael Kirsh, Regular Member  
Evans Humenick, Regular Member  
John Fallone Alternate #3

**ROLL CALL:**

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

Others present: Board Attorney Steven K. Warner, Board Planner Scarlett Doyle and Planning Division Secretary, Ann Marie Lehberger.

**REORGANIZATION:**

**Election of Chairman**

Motion by Mr. Kirsh, second by Mr. Weideli, **Donald Sweeney** was elected Chairman for 2017, 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, Ms. Guttschall

NOT ELIGIBLE: Mr. Fallone, Mr. Foose

Board Attorney Warner turned the meeting over to Chairman Sweeney

**Election of Vice-Chairman**

Motion by Chairman Sweeney, second by Mr. Weideli, Michael Kirsh was elected Vice-Chairman for 2017 on the following roll call vote:

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

**Appointment of Board Secretary**

Motion by Chairman Sweeney, second by Mr. Kirsh, Pushpavati Amin was appointed Board Secretary for 2017 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, Ms. Guttschall  
NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**Appointment of Assistant Board Secretary**

Motion by Chairman Sweeney, second by Mr. Weideli, Scarlett Doyle was appointed Assistant Board Secretary for 2017 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, Ms. Guttschall  
NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**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, 2017 thru December 31, 2017.

**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 2017, commencing January 1, 2017 thru December 31, 2017.**

Motion by Mr. Kirsh, second by Mr. Weideli 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, Ms. Guttschall  
NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**STEVEN K. WARNER, ESQ. OF VENTURA MIESOWITZ, KEOUGH & WARNER P.C.**

**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 Steven K. Warner, Esq., a Member of the Firm of Ventura, Miesowitz, Keough & Warner P.C.; 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 Steven K. Warner, 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**, Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. completed and submitted a **Business Entity Disclosure Certification to the Township, prior to the adoption of this Resolution**, which certifies that Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. (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 Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. 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**, Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner P.C. 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 Steven K. Warner, Esq. 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 Steven K. Warner from January 1, 2017 through December 31, 2017.
2. The Chairman and Secretary of the Zoning Board are authorized and directed to enter into a contract with Steven K. Warner, Esq. for Professional Legal services for the period from

January 1, 2017 through December 31, 2017 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 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, Ms. Guttschall

NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**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., 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, 2017 through December 31, 2017.
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, 2017 through December 31, 2017 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. Kirsh, second by Mr. Weideli 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, Ms. Guttschall  
NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**DESIGNATION OF MEETING DATES, TIME AND PLACE**

**2017 Annual Meeting Notice**

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 2017 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 7, 21	March 7, 21	April 4, 18	May 2, 16
June 20	July 18	August 1, 15	September 5, 19
October 3, 17	November 21	December 5, 19	

BE IT FURTHER RESOLVED that the 2018 Annual Reorganization Meeting followed by the Regular Meeting shall be held on January 16, 2018, at 7:30 p.m. at the Bridgewater Township Municipal Courtroom, 100 Commons Way, Bridgewater Township, NJ.

Motion by Mr. Kirsh; second by Mr. Weideli the foregoing resolution was adopted on the following roll call vote:

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

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

**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 2017; 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 **2017** as required under the Open Public Meetings Act.

Motion by Mr. Weideli; 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, Ms. Guttschall  
NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**MINUTES FOR APPROVAL:**

**November 1, 2016, Regular Meeting**-Motion by Mrs. Amin; Second by Mr. Weideli the foregoing minutes were adopted as amended on the following roll call vote:

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

**November 15, 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. Riga, Mr. Kirsh, Mr. Humenick, Mr. Sweeney, Mr. Weideli, Mr. Fallone,  
ABSENT: Mrs. Powers, Ms. Guttschall  
NOT ELIGIBLE: Mr. Fross, Mr. Foose

**December 6, 2016, Regular Meeting**-Motion by Mrs. Amin; Second by Mr. Weideli the foregoing minutes were adopted as amended on the following roll call vote:

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

**December 20, 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. Riga, Mr. Kirsh, Mr. Fross, Mr. Sweeney, Mr. Weideli, Mr. Fallone  
ABSENT: Mrs. Powers, Ms. Guttschall  
NOT ELIGIBLE: Mr. Humenick, Mr. Foose

**MEMORIALIZING RESOLUTIONS:**

**TWELFTH STREET PROPERTIES LLC**- 158 Chestnut Street  
Block 151 Lot 12  
#16-033-ZB- Variance- single family home on vacant lot  
Decision: Approved with conditions 12/20/16



Motion by Mr. Kirsh, second by Mr. Weideli the foregoing resolution memorializing the approval on 12/20/16 was adopted on the following roll call vote:

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

ABSENT: Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Humenick, Mr. Fallone, Mr. Foose

**HALL'S WAREHOUSE CORP.** - Foothill Road  
Block 233 Lot 4  
Application #15-036-ZB- Withdrawal of Application

Motion by Mrs. Amin, second by Mr. Weideli the foregoing resolution memorializing the withdrawal of the pending application for minor site plan in relation to outdoor storage was adopted on the following roll call vote:

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

ABSENT: Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Fallone, Mr. Foose

**TERRENO MIDDLEBROOK LLC**- Chimney Rock Road & US 22  
Block 356 Lots 1 & 3  
#16-021-ZB- Certificate of Non Conforming Use  
Decision: Approved with conditions 11/1/16

Attorney Michael Osterman was present on behalf of the applicant. Michael Murray, Vice President of Asset Acquisitions for Terreno Realty Corporation was also present. Mr. Osterman explained the applicant's proposed revisions to the wording in paragraph 14 & 15 of the resolution.

The Board discussed at length the manner in which the wording in the resolution could be revised to simplify the tracking of the activity at the park over time.

Motion by Mrs. Amin second by Mr. Weideli the foregoing resolution memorializing the approval on 11/1/16 was adopted with amendments as discussed on the following roll call vote:

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

ABSENT: Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Humenick, Mr. Fross Mr. Fallone, Mr. Foose

**HEARING AND DELIBERATIONS:**

**KRESNIK SALIJAJ**- 774-Route 202/206 North  
Block 549 Lots 13  
#16-037-ZB- Variance-Single family home

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

Mr. Stires provided testimony as follows: The application is for a variance for lot width to construct a single family home. The existing lot is 100 feet wide and the requirement in zone is 150 feet. The applicant purchased the property in a foreclosure sale. There was an existing dwelling on the property in disrepair. The lot was nonconforming. Mr. Stires submitted an exhibit that was marked into evidence as follows:

**A-1 1/17/17 Old survey of the property dated 5/19/16**

Mr. Stires stated that the applicant filed for permits and demolished the existing home on the property. He explained that if the applicant had not demolished the home prior to seeking approval to construct the proposed dwelling, he would have been able to raze the existing dwelling and construct the proposed dwelling without seeking variance relief. However, because the existing dwelling was demolished, the property is now considered as a vacant lot. The applicant is required to seek variance relief for the pre-existing lot width deficiency. Mr. Stires reviewed the reports of the Township professionals. Mr. Stires stated that there is a basement in the proposed home but since it is actually a cellar it should not be included in the FAR calculations. He also explained that the area above the garage that is proposed as a bonus room should be included in the calculations. He noted that the bonus room proposed is smaller than the cellar so there will be a reduction in the FAR. Mr. Stires submitted exhibits that were marked into evidence as follows:

**A-2 1/17/17 Colored version of plot plan**  
**A-3 1/17/17 Copy of tax map**

Mr. Stires explained that the proposed dwelling would be set further back from the right-of-way than the previously existing home to allow for more privacy and to reduce the noise from traffic on Route 202/206. He also noted that many of the surrounding properties also had insufficient lot widths and similar sized homes as what was being proposed.

Mr. Salijaj stated that he contacted the owners of Lot 12 to see if they would be interested in either selling their lot to him or in purchasing his lot from him. He noted that they were unable to reach an agreement regarding price and, therefore, he could not bring the deficient lot width into or closer to, conformity.

The Board questioned what the room above of the garage would be used for. The applicant stated that it would be used for storage.

The Board expressed concern about the possibility of plumbing or a kitchen being added in the bonus room that will allow it to be used as a separate living area. The applicant agreed as a condition of approval, to submit a deed restriction which states that the bonus room will not be converted into either a separate dwelling unit or a commercial space and only be used as part of the single-family dwelling.

Mr. Stires provided planning testimony.

Chairman Sweeney opened the public portion of the meeting.

Ziggy Grygorcewicz of 780 Route 202/206 was sworn and expressed concern about how the proposal will affect his home. Mr. Grygorcewicz confirmed that he and the applicant could not reach an agreement either to purchase Lot 12 or to sell Lot 13.

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

The Board began deliberations.

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

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

There was no other business discussed.

**ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 10:00 pm.

Respectfully submitted,  
Ann Marie Lehberger  
Planning Secretary