

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, February 6, 2018

—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 17, 2018 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 – present	Dawn Guttschall Alternate #2 – absent
Michael Kirsh – present	John Fallone Alternate #3 - present
Evans Humenick – absent	Jeff Foose Alternate #4 - present
Alan Fross – present	

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

MINUTES FOR APPROVAL:

There were no minutes presented for Board approval

MEMORIALIZING RESOLUTIONS:

There were no resolutions presented for Board approval

HEARING AND DELIBERATIONS:

CHRISTY BITNER – Union Ave

Block 222 Lot 37 & 38

#17-022-ZB- Variances –Construct new Home on Vacant Lot

Attorney Donald Whitelaw who was present to represent the applicant explained that the applicant’s proposed to purchase the two undersized lots that are currently vacant and merge them into one conforming lot to construct a single family home.

Justin Bitner, the applicant’s husband was sworn. Mr. Bitner provided testimony as follows: He and his family would like to move to Bridgewater because they like the area and also so their two young children can attend the schools here. There are wetlands on the property so a permit was obtained from the Department of Environmental protection (DEP) allowing them to construct the home. The home will be a modular home that will look similar to the homes that are currently in the neighborhood. The home will be

slightly smaller than the home that was initially proposed. Mr. Bitner submitted an exhibit that was marked into evidence as follows:

A-1 2/6/18 Revised floor plans for modular home

Mr. Bitner explained that the home will utilize the public sewer and agreed to provide a 25 foot wide easement to the Township as requested by the Board Engineer.

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

Robert Gazzale, PE, the applicant's engineer was sworn in for testimony and accepted by the Board as an expert witness. Mr. Gazzale provided testimony as follows: The property has frontage on both Union Ave. and Somma Street which is a private right of way. It is a 22,000 square foot rectangular property in the R-20 Zone which requires a minimum front yard setback of 50 feet. Given the depth of the lot at 95 feet, two front yard variances are required. The lot drains from west to east into a drainage ditch along Somma Street that leads out to Union Ave. The applicant received a permit from the DEP to fill 850 square feet of the drainage ditch to allow the construction of the driveway. The proposal is to build a single family home. The home would be serviced by public utilities. There will be no stormwater impact on the adjoining properties. Mr. Gazzale reviewed the reports of the Township professionals.

The Board questioned the proposed location of the dwelling. Mr. Gazzale explained that the combined lot is 11 feet narrower on the eastern end of the property which would result in a greater setback deviation and reduce the amount of front yard on the property.

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

The Board deliberated and discussed conditions of approval.

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

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

ABSENT: Mr. Humenick, Ms. Guttschall

NOT ELIGIBLE: Mr. Fallone, Mr. Foose

C & H CUSTOM HOME BUILDERS LLC- 254 Leeham Ave.
Block 544 Lots 2 & 3
#17-025-ZB- Preliminary & Final Major Subdivision with Variances -3 Lots

Attorney Jeffrey Lehrer was present to represent the applicant. Mr. Lehrer explained that the applicant was seeking approval for preliminary and final major subdivision with a density variance and other variances for the subdivision of two conforming lots into three building lots of equal size. Mr. Lehrer stated that all preexisting variances would be eliminated and noted that the homes proposed would comply with all the bulk standards except for lot area and lot width. Mr. Lehrer also stated that the proposed subdivision would be more consistent with the lot sizes that are currently in the neighborhood.

Craig Stires, PE, the applicant's engineer was sworn in for testimony and accepted by the Board as an expert witness. Board Planner Scarlett Doyle and Board Engineer Thomas Forsythe were also sworn. Mr. Stires submitted exhibits that were marked into evidence as follows;

A-1	2/6/18	Color Aerial Photograph
A-2	2/6/18	Colored Rendering of Existing Conditions Plan
A-3	2/6/18	Lot Comparison Chart
A-4	2/6/18	Wetlands Evaluation Report

Mr. Stires described the existing conditions on the property and provided testimony as follows: The property consists of two conforming lots. The existing lots 2 and 3 would be merged and then subdivided into three equally sized lots that would be 26, 668 square feet in size. There is currently a new home being constructed on the existing lot 2. There is an existing home with accessory structures on existing lot 3 that will be demolished. The homes that would eventually be built on the proposed lots would comply with all other bulk requirements. The proposal requires a density variance because the ordinance requirement allows for one dwelling per 40,000 square feet and the applicant proposes one dwelling per 26,666 square feet. Mr. Stires stated that the proposal would be more consistent with the neighborhood than what currently exists. The applicant could construct much larger homes on the existing lots that would be out of character with the other neighborhood homes. Mr. Stires explained the lot comparison chart that he prepared (A-3) that compares the existing lot area and lot widths of neighboring lots in Block 544 and 545 to the ordinance requirements. Mr. Stires further explained that the proposed lots are above average for both lot area and lot width compared to those lots that currently exist on both sides of Leeham Ave. Mr. Stires also noted that there were only two other large lots that could be subdivided, but that if subdivided would result in lot sizes below the average lot size in the neighborhood. Mr. Stires stated that the lots would use public sewer and private water and also noted that the applicant will fully comply with the RSIS requirements.

Mr. Lehrer reviewed the reports of the Township professionals.

The Board took a 10 minute break and returned at 9:15 pm with all members present.

Mr. Stires explained that during the brief break the figures in Exhibit A-3 were recalculated and noted the changes.

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

Christine Nazzaro Cofone, PP, the applicant's planner was sworn in for testimony and accepted by the Board as an expert witness. Ms. Cofone stated that she worked with Mr. Stires to come up with the chart that was presented in Exhibit A-3 noting that they looked at the lots on the same side of the road of the subject property on Leeham Ave. as well as one street over to Highland Ave. Ms. Cofone further explained that this area was roughly consistent with the 200 foot radius and was in her opinion the appropriate neighborhood to study for the analysis. Ms. Cofone continued her testimony as follows: The lots that are being proposed by the applicant are completely consistent with the character of the area. Based on the character of the area, the applicant demonstrated that the property could accommodate the increased density because the average area of the lots in Block 544 is 25, 478 square feet and the area for the proposed lots are 26, 666 square feet which is larger than the average lot area. If the property remained as two lots, a developer could construct two much larger homes that would be far more out of character with the neighborhood. The proposal results in a better zoning alternative to the community and a land use pattern that is more consistent with the character of the area.

The Board questioned what would stop other surrounding lot owners to also come in front of the Board and request a subdivision to be consistent with the area. Ms. Cofone. stated that those cases would result in lots that would be well below the average lot area and a far different scenario than what the applicant is presenting.

The Board noted that if the application for subdivision was approved it would lower the average lot size.

The Board questioned how they defined the neighborhood studied when choosing the lots that were used in the comparison chart noting that some of the largest lots in Block 545 were left out. To further the discussion of neighborhood boundaries, Board Planner Scarlett Doyle submitted an exhibit that was marked into evidence as follows:

Exhibit B-1 2/6/18 Colored Zoning Map of Bridgewater with each neighborhood depicted in a different color

Ms. Doyle explained that the existing neighborhood was far larger than as defined by the applicant noting that each neighborhood is defined by its specific characteristics and values. Ms. Doyle stated that neighborhoods are very distinctive to the Township of Bridgewater explaining there is difference in area rather than a neighborhood.

Chairman Sweeney opened the public portion of the meeting.

Adelino Nunes of 255 Leeham Ave. was sworn. Mr. Nunes stated that he lives directly across the street from the proposed subdivision and feels that the three smaller homes would fit in better with the neighborhood.

Scott Stevens of 49 Highland Ave. was sworn. Mr. Stevens stated the he lives directly behind the proposed subdivision and expressed concern about additional water that would flow on to his property as a result of the proposal.

David Kondas of 246 Leeham Ave. was sworn. Mr. Kondas also expressed concerns about stormwater management.

Mr. Lehrer provided closing comments. The Board deliberated and discussed conditions of approval.

Motion by Mr. Weideli, second by Mr. Kirsh the foregoing application was approved with conditions on the following roll call vote:

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

ABSENT: Mr. Humenick, 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:

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:45 pm.

Respectfully submitted,
Ann Marie Lehberger
Planning Division Secretary