

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, May 1, 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 – absent
Pushpavati Amin – present	James Weideli, Alternate #1- present
Paul Riga – present	Dawn Guttschall Alternate #2 – present
Michael Kirsh – present	John Fallone Alternate #3 - absent
Evans Humenick – present	Jeff Foose Alternate #4 - present
Alan Fross – absent	

Others present: Attorney Amanda C. Wolfe for Board Attorney Steven K. Warner, Board Planner Scarlett Doyle, Board Engineer Tom Forsythe, Planning Division Secretary, Ann Marie Lehberger and Municipal Services Secretary Jacqueline Pino.

MINUTES FOR APPROVAL:

March 20, 2018, Regular Meeting-Motion by Mr. Weideli; Second by Mrs. Amin the foregoing minutes were adopted as written on the following roll call vote:

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

ABSENT: Mrs. Powers, Mr. Fross, Mr. Fallone

NOT ELIGIBLE: Ms. Guttschall

April 3, 2018, Regular Meeting-Motion by Mrs. Amin; Second by Mr. Weideli the foregoing minutes were adopted as written on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Kirsh, Mr. Humenick, Chairman Sweeney, Mr. Weideli,
Ms. Guttschall, Mr. Foose

ABSENT: Mrs. Powers, Mr. Fross, Mr. Fallone

NOT ELIGIBLE: Mr. Riga

MEMORIALIZING RESOLUTIONS:

There were no resolutions submitted for Board approval.

HEARING AND DELIBERATIONS:

MICHAEL SMITH-1101 Cambridge Lane
Block 621 Lot 18
#18-004-ZB- Variance Pool

Mr. Smith the applicant was present and sworn in for testimony along with Tom Forsythe, Board Engineer and Scarlet Doyle, Township Planner. Mr. Smith explained that he is seeking a variance to put his pool 15 ft

from the side yard where as the ordinance requires 25 ft side yard setback. Mr. Smith stated that his yard is narrow and long and has a drainage ditch, so the area he is proposing to put the pool is on the flattest part of the yard. He explained that it will also help with utilizing the back yard for playing sports and other things and noted that the neighbors on either side had no complaints about the pool.

The Board questioned why there are no trees listed on the plan. Mr. Smith confirmed that there are trees on the property. The Board suggested moving the pool 10 feet to the left, which is where the play area currently exists. The Board noted that the bulk of the pool would still be in the proposed area. Mr. Smith explained that the play set will be replaced. He further explained that the pool would be in the center of the yard and would only leave 10 to 15 feet of usable backyard space. Mr. Smith stated that bushes, shrubs, and landscaping will be placed along the side of the fence to provide privacy and to keep the noise down for the neighbors.

The Board questioned the location of the pool equipment. Mr. Smith explained that the pool water will be electrically is going to be heated and the proposed location is closer to the box on the side wall of the home. The Board questioned if it can be located closer to the house instead of the fence to comply with the 25 feet setback. Mr. Smith stated that if it was moved it would be in the middle of the patio walkway.

Board Engineer Forsythe clarified that the applicant's request for the pool is 15 feet off the property line, which lines up with the edge of the house noting that they were not going beyond the side yard variance which already exists with the house. He also noted that the patio extends another 10 feet. Mr. Smith reviewed the reports of the Township professionals. The Board stated that if the patio and the pool were moved 5 feet over that it will provide enough room for the landscaping. Mr. Smith stated that he is willing to work with Township Planner Scarlet Doyle to provide a buffer along the fence and instead of the proposed 5 feet setback for the pool equipment changing it to 10 feet. Mr. Smith explained that they will not use any chemicals 14 days before closing the pool and the drain down hose will be directed to the yard. Since a cartridge filter is being used there will be no backwash.

The Board requested that the applicant work with the Board Engineer to determine the location of the proposed fence due to the location of the drainage ditch and easement.

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

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Chairman Sweeney, Mr. Weideli, Ms. Guttschall

NEGATIVE: Mr. Humenick

ABSENT: Mrs. Powers, Mr. Fross, Mr. Fallone

NOT ELIGIBLE: Mr. Foose

SOMERSET LAND EQUITIES, LLC-Newmans Lane
Block 706 Lot 9
#18-007-ZB- Variances for New Home on a Vacant Lot

Attorney John Sullivan was present on behalf of the applicant. Mr. Sullivan described that the property is a vacant lot in the R-50 zone which is undersized and requires a numbers of variances for the front, rear and side yard setbacks.

Mr. Sullivan submitted exhibit that was marked into evidence as follows:

A-1 5/1/18 Mr. Sullivan's Letter to the County

Tom Genova, owner was sworn and provided testimony as follows: He is the managing owner of Somerset Land Equities, LLC. The prior owner of the property was Richard H. Latten dated September 3, 1901 per deed recorded March 27, 1902. The property is currently a vacant lot. The land surrounding the property on three sides is owned by Somerset County Park Commission. Mr. Genova explained that he contacted Somerset County to see if they were willing to sell a portion of the surrounding property. The County declined noting that in accordance with Green Acres regulations the space is for conservation and recreation use. Mr. Genova also contacted Somerset County to sell the lot with the variances being granted for a single family dwelling and they also declined.

Chairman Sweeney opened the public portion of the meeting for questions of Mr. Genova. There were no questions.

David Stires, PE, the applicant's engineer was sworn and accepted by the Board as an expert witness. Mr. Stires described the property and provided testimony as follows: The site is on the west side of Newmans Lane which is surrounded by Somerset County Park Commission property. On the opposite side there was a sub division, which was Logan Farms. The property is a 10,000 square foot lot. They will provide a roadway easement since the property goes in the Newmans Lane paved area. The proposal is for a 3,024 foot square two story house with a two car garage on the south side. The front yard setback is 39.17 feet where 75 feet is required, the side yard setback on the south side 10.33 feet where 25 feet is required. The combined side yard setback is 38 feet where 70 feet is required and rear yard setback is 10 feet where 85 feet is required. The maximum approved lot coverage proposed is 39.1 % where 18% is allowed in R-50 Zone and the FAR proposed is .3 where .16 is allowed in the zone.

Mr. Stires reviewed the reports of the Township professionals. He explained that the front setback is measured from the property line in the pavement. He also explained that the proposed setback from the curb line to the house is 33.39 feet and the house is set so there is enough room for parking behind the garage since there is no parking on Newmans Lane. Mr. Stires also noted the applicant would like to install stakes or railings to denote the property lines in the rear instead of a fence as suggested by the Township professionals.

The Board expressed concern that the proposed house is too large for the property due to the amount of variances that are being requested. The Board questioned if the utilities are accessible. Mr. Stires stated that the utilities are in the Newmans Lane right -of -way and are available to the site noting that the house will have public water, public sewer, gas and electric.

Chairman Sweeney opened the public portion of the meeting for questions of Mr. Stires. There were no questions.

John Chadwick, PP, the applicant's planner was sworn and accepted by the Board as an expert witness. Mr Chadwick submitted exhibit that were marked into evidence as follows:

- A-2 5/9/18 Aerial photograph of Logan Farms Development**
- A-3 5/9/18 Chart Showing Surrounding Homes Square Footage**

Mr. Chadwick provided testimony as follows: The proposed dwelling is consistent in size with the dwellings in the surrounding area. The houses are 2,790 square feet to 3,300 square feet and the proposed house is 3,024 square feet which is below the average. Mr. Chadwick explained that there is no encroachment and the utilities are accessible. He further stated that there was no additional land that the applicant could purchase to bring the property into or closer to, conformity because the adjacent lots are also owned by Somerset County Park Commission. Mr. Chadwick also explained that the request of a fence would make the property appear closed in and hence they are proposing to put markers in the back corners.

Chairman Sweeney opened the public portion of the meeting for questions for Mr. Chadwick.

Samir Parmar of 2 Kale Drive was present. Mr. Parmar asked for confirmation that the County will not be willing to buy the land. Mr. Chadwick confirmed that the county would not purchase the lot as the applicant would offer it with the variances. Mr. Parmar also questioned if there was any house that is on the same size lot in a 200 square feet radius. Mr. Chadwick stated there was not.

Mr. Sullivan provided closing comments.

Chairman Sweeney opened the public portion of the meeting for comments.

Mr. Parmar returned and was sworn in. Mr. Parmar stated that he bought his house 7 years ago because of surrounding greenery, foliage, open space and close to the nature. He also stated that these were the key factors why he purchased his property at a high price. Mr. Parmar is not in favor of the application because of the number of variances being requested and location of the proposed home would be away from the cluster of the houses that exist. He also expressed concern about safety explaining that Newmans Lane is a narrow road with a sharp curve leading to this location.

The Board deliberated and suggested that the applicant consider looking at the R-10 zone guidelines, instead of the R-50 due to the size of the lot. The Board also stated that they felt that the lot is too small for the house and expressed concern about the property line not being encroached on. The Board asked the applicant to consider scaling down the house.

The applicant requested a short recess at 9:35 pm to discuss the Boards comments. The Board returned at approximately 9:45 pm with all members present.

At the applicant's request the application was carried to May 29, 2018 at 7:30 pm with no new notice 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:

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:50 pm.

Respectfully submitted,
Jacqueline Pino
Secretary to Municipal Services