

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, October 16, 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.

Others present: Attorney Amanda C. Wolfe, Board Planner Scarlett Doyle, Board Engineer Tom Forsythe, Municipal Services Secretary Jacqueline Pino.

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 – absent	John Fallone Alternate #3 - present
Evans Humenick – present	Jeff Foose Alternate #4 - present
Alan Fross – present	

MINUTES FOR APPROVAL:

August 21, 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. Humenick, Chairman Sweeney, Mr. Weideli, Mr. Fallone,
Mr. Foose

ABSENT: Mr. Kirsh, Mrs. Powers, Ms. Guttschall

NOT ELIGIBLE: Mr. Fross

September 4, 2018, Regular Meeting-Motion by Mrs. Amin; Second by Mr. Fallone the foregoing minutes were adopted as written on the following roll call vote:

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

ABSENT: Mr. Kirsch, Mrs. Powers, Ms Guttschall

NOT ELIGIBLE: Mr. Fross, Mr. Weideli

MEMORIALIZING RESOLUTIONS:

ANBL LLC - 84 Walnut Ave
Block 142 Lot 9
#18-013-ZB- Variance-Construct Single Family Home

Decision: Approved with conditions 9/04/18

Motion by Mrs. Amin, second by Mr. Fallone the foregoing resolution memorializing the approval on 10/16/18 was adopted as amended on the following roll call vote:

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

HEARING AND DELIBERATIONS:

PETER & MICHELE BEST -1822 Ridge Road
Block 703 Lot 3
#18-018-ZB- Variance-Addition

Architect Booth restated that this was a continuation from last hearing. Mr. Booth testified that the Property is an undersized and shallow lot located in the R-50 Residential Zone District. The lot area is 32,273 square feet, whereas the minimum required lot area is 55,000 square feet for the R-50 zone. The Property fronts on Ridge Road and is presently improved with a 1.5 story, single-family, frame dwelling, slate patio, screened deck, shed, and associated walkways and driveways. The Property also abuts a 10 foot wide right-of-way to the west.

Architect Booth acknowledge that the proposal to remove a one story portion of the dwelling containing the garage and to replace said portion of the dwelling with a 387 square foot addition which will contain a new garage and kitchen. Overall, as proposed, the dwelling size will increase from 2,186 square feet to 2,573 square feet, and the lot coverage will increase from 4,670 square feet (14.5%) to 4,920 square feet (15.2%). The proposed lot coverage of 15.2% is less than the maximum permitted lot coverage of 5,809 square feet (18%) and, therefore, compliant. The only variance relief required relates to the front- and rear-yard setbacks, both of which are already nonconforming.

In prior meeting Mr. Best (applicant) stipulated, as a condition of approval, to comply with the comments set forth in the August 2, 2018 report prepared by Scarlett Doyle, P.P., the Board Planner, and the report prepared by Chip Mills, P.E., P.P., the Township Engineering Division Manager.

Mr. Best testified that he amended his request by shifting the garage towards the rear (northwest) of the Property approximately by another 6.3 feet and, thereby, reducing the magnitude of the front yard setback deviation.

No member of the public commented on, or objected to, the Applicants' proposal.

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

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

APEX 88 LLC.-Union Ave. & Morgan Lane
Block 222 Lot 39
18-022-ZB Variances-New Home on Vacant Lot

Attorney Edward Purcell, Esq. of DiFrancesco Bateman Kunzman, Davis, Lehrer and Flaum, P.C. was present on behalf of the applicant. Mr. Purcell stated that this was a continuation from last hearing and the applicant has made changes to the site plan.

Mr. Purcell explained that the Applicant had amended the proposal such that the driveway would be accessed from Morgan Lane (side loaded garage) and the dwelling will be shifted to increase the front- and side-yard setbacks from 20 feet and 17.47 feet, to 24.04 feet and 18.96 feet, respectively, thereby decreasing the magnitude of both zoning deviations.

Engineer Craig W. Stires, P.E., having a business address of 43 West High Street, Somerville, New Jersey, was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the field of civil engineering. Mr. Stires entered the following exhibits into evidence:

- A-1 4/2/18 An aerial photograph of the Site**
A-2 10/16/18 A colorized version of Sheet 3 of the Engineering Plans

Exhibit A-1, Mr. Stires described the surrounding neighborhood. He testified that there is a school to the south, across Union Avenue/Route 28 and that the Property is bordered by residential development to the west and north, and by Morgan Lane, to the east. Mr. Stires further testified that the Property is a corner lot with 69 feet of frontage along Morgan Lane and 418 feet of frontage along Union Avenue/Route 28. He explained that the Property is encumbered by environmental constraints as well as limitations imposed by the New Jersey Department of Transportation (“NJDOT”) as to the Union Avenue/Route 28 frontage, particularly the potential location of a driveway and the relocation of a portion of the guardrail on same.

Exhibit A-2, Mr. Stires testified that the NJDOT has strict regulations regarding the location and size of a driveway on a state road, how the existing guiderail should be replaced, and the proposed distance between the utility poles. He opined that the location of the driveway is dictated by the NJDOT and that the Applicant could not simply shift the location of same because doing so would require approval from the NJDOT. Mr. Stires testified that the Applicant was seeking a sidewalk waiver so as not to be required to install a sidewalk along the Union Avenue/Route 28 frontage and a tree replacement waiver because the Property is heavily wooded and additional trees might not thrive.

Mr. Stires testified that the Applicant was in discussions with a neighboring property owner regarding an extension of the sewer line to serve the Property. The Board questioned whether a sidewalk would be appropriate on Union Avenue/Route 28 or, rather, if such a sidewalk would create safety hazards because it would encourage students to walk along Union Avenue/Route 28 to get to Adamsville School.

On questioning by the Board as to whether the location of the proposed driveway could be modified, Mr. Stires testified that the Property was encumbered by wetlands and buffer areas, such that the location of the driveway was limited by environmental constraints, as well as by the NJDOT. He further testified that if the driveway were to be located on Morgan Avenue, the Applicant would also have to relocate an existing headwall. On discussion as to whether the driveway could be relocated to Somma Street, Mr. Stires testified that the Applicant did not have the right of access to use Somma Street without obtaining permission to use the 25 foot wide private easement leading to same.

On questioning by the Board as to the status of the NJDOT application, Mr. Stires testified that the application remains pending. The Board again discussed whether the Applicant should be required to install sidewalks on the frontage of Union Avenue/Route 28. Mr. Stires advised that a sidewalk would cross over state open waters and that the New Jersey Department of Environmental Protection (“NJDEP”) might not

approve same. The Board also commented on the proposed orientation of the dwelling not facing the street and the proposed front- and side-yard setbacks. The Board requested that the Applicant review the plans to determine if there is a more conforming location in which the dwelling could be constructed. On questioning as to whether the Fire Chief had reviewed the plans, Mr. Stires stated that the Fire Chief had advised that emergency access to the dwelling would be from Union Avenue/Route 28, so obtaining access from Somma Street or Morgan Lane was not critical.

The Board asked to work with the township engineering and NJDOT to relocate the driveway onto Morgan Lane and revise site plan.

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

The application was carried to the meeting on November 20, 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 8:10 pm.

Respectfully submitted,
Yorleny Moreno
Planning Division