

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Virtual Online Meeting
Tuesday, October 20, 2020
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Sweeney called the Virtual Online meeting to order at 7:30 pm.

ANNOUNCEMENT: For the duration of the Corona virus Health Emergency, the Municipal Complex is closed to the public and meetings will be held digitally, connected by conferencing software provided by RingCentral.com. Members of the public are invited to view meetings live using RingCentral webinar, which also allows them to “raise a hand” and contribute when they are invited to do so during public portions of the meeting. Instructions for Virtual online meeting:

1. Download RingCentral meetings on preferred device: <https://www.ringcentral.com/apps/rc-meetings>
2. At the advertised start time of the meeting, enter: <https://webinar.ringcentral.com/j/1490092742> into your browser. **This method allows listening & participation*

Please note: You may also join via telephone: Dial: +1(213)-250-5700, Webinar ID: 1490092742* *telephone access allows only listening and not participation.* If you would like to make a comment, text 1(908) 912-4247 with name, contact information and comment for the Board and it will read into the record.

2. 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 October 2, 2020, 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 Department 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.

3. SALUTE TO FLAG:

4. ROLL CALL:

Donald Sweeney- present	Jeff Foose -absent
Evans Humenick- absent	Daniel Ahern- present
John Fallone - absent	Donna Kelly - absent
Dawn Guttschall- present	Andrew Fresco - present
Pushpavati Amin- present	Gary La Spisa -present
James Weideli - present	

Others present: Board Attorney Steven Warner, Esq., Board Planner Scarlett Doyle, PP, Board Engineer William Burr, IV, PE, and Land Use Coordinator Zuzana Karas

5. MINUTES FOR APPROVAL:

November 20, 2018 Regular Meeting (pending)	August 6, 2019 Regular Meeting (pending)
August 20, 2019 Regular Meeting (pending)	September 17, 2019 Regular Meeting (pending)
November 19, 2019 Regular Meeting (pending)	December 17, 2019 Regular Meeting (pending)
January 21, Regular & Reorg Meeting (pending)	February 18, 2020 Regular Meeting (pending)
June 16, 2020 Virtual Meeting (pending)	July 7, 2020 Virtual Meeting (pending)
July 21, 2020 Virtual Meeting (pending)	August 4, 2020 Virtual Meeting (pending)
September 15, 2020 Virtual Meeting (pending)	September 29, 2020 Virtual Meeting (pending)
October 6, 2020 Virtual Meeting (pending)	

Chairman Sweeney announced that the scheduled Nolfo application would not be heard due to notice issue requirements. However, the Chairman announced that the application would be carried to November 17.

Attorney Mr. Warner announced that the applicants were present and continued to explain to them notice requirements. As stated, re-notice of the entire 200' radius list would be required before the new hearing date set for November 17. Attorney Mr. Warner reiterated the application would be carried with no further publication notice but with the latest certified mailing notice requirement. The applicants fully agreed.

6. MEMORIALIZING RESOLUTION:

**T-MOBILE NORTHEAST, LLC - 1222 Washington Valley Rd
Block 623 Lot 12
#20-011-ZB- VARIANCE**

Chairman Sweeney confirmed that a new, revised version of the Resolution was distributed before the meeting. Mr. Warner addressed the changes made following a request from the Applicant's attorney, Mr. Purcell. Mr. Warner explained to the Board in detail the conditions requested to be removed. Questions followed, which then had Mr. Warner reiterated that the decision on the case itself had already been made and that this vote was solely on the Resolution drafted. Some wording was also switched around to reflect accurately what the Board meant to imply. Conditions #13 and #14 were disputed and removed from the final draft. (No one representing the Applicant was present.)

The Chairman asked for a motion from the Board to approve the Resolution.
Motion for approval was made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Guttschall, and Ms. Amin
ABSENT: Mr. Humenick and Mr. Fallon
NOT ELIGIBLE: Mr. Weideli, Mr. Foose, Mr. Ahern, Ms. Kelly, Mr. Fresco, and Mr. La Spisa
DENIED: None

The Board took a short 5-minute break. This was requested by Mr. Winegar, the deputy administrator, who moderates the Zoning Board virtual meetings. The break was due to addressing the difficulty some individuals experienced in connecting to the meeting. It was all straightened out during the break.

7. HEARING AND DELIBERATIONS:

**MICHAEL PUORRO - 1171 EVERGREEN DRIVE
Block 601 Lot 53
#20-017-ZB- SIMPLE VARIANCE FRONT PORTICO**

Applicant Mr. Micheal Puorro came before the Zoning Board seeking variance relief to construct a portico over the existing dwelling's front entrance. The property for which this application was

fie for is designated as Block 601, Lot 53 on the Tax Map, more commonly known as 1171 Evergreen Drive. The project would create a front-yard setback of 48.5 feet, whereas the existing front-yard setback is 50 feet. The minimum required front-yard setback in the R-50 Zone is 75feet, according to Section 126-325, the Schedule of Requirements of the Land Use Ordinance. The Applicant proposes removing the existing (bluestone) front stoop and replacing the area with a covered porch (entrance). No other improvements are presented as part of the application.

For the application submittal, the Board reviewed the following: A Memorandum from the Board Planner, Scarlett Doyle, P.P., and Board Engineer, William Burr, IV, P.E., dated October 13, 2020; Plans prepared by Cory Fernandez, A.I.A., of Total Architecture, dated August 10, 2020, unrevised, same consisting of one sheet; A copy of the Form #3E-A, Variance Application, and supporting documents.

Applicant Mr.Micheal Puorro, Scarlett Doyle, P.P., the Board Planner, and William Burr, I.V., P.E., the Board Engineer, both were duly sworn according to law.

Mr. Puorro testified that he is seeking to change his dwelling's existing roof line because it is a low-pitched roof with low overhanging eaves that create a gully. He explained that rain funnels into the gully and then poured over his front door. Mr. Puorro further explained that the runoff is wearing away the bluestone and the adjacent walkway.

Mr. Puorro testified that he is replacing the existing roof and installing new gutters. He explained that the current front-yard setback is only 55 feet, whereas 75 feet is required and that the proposed entrance will reduce the setback to 48.17 feet. During questioning, Mr. Puorro testified that the existing nonconforming conditions are not being exacerbated by his proposal aside from the requested relief for the front-yard setback.

During a discussion of October 13, 2020, Review Memorandum prepared by Ms. Doyle, the Board Planner, and Mr. Burr, the Board Engineer, Mr. Puorro introduced into evidence, as **Exhibit A-1**, photographs of the existing front entrance of the property taken from the MLS listing. He explained that the current roofline is such that water runs off from the roof and freezes, creating unsafe conditions. Mr. Puorro also introduced into evidence, as **Exhibit A-2**, a photograph of the exterior front stoop. He confirmed that the pictures accurately depict the property as it presently exists, except that some of the shrubbery shown in the photographs has been removed.

Mr. Puorro confirmed that the improvements would be consistent with the neighborhood's character, introduced into evidence, as **Exhibit A-3**, photographs of adjacent dwellings with similar front porticos. He testified that the proposed entrance would be a craftsman-style portico. Mr. Puorro recognized that the dwelling would be slightly closer to the right-of-way but opined that the same occurs with the adjacent properties, many of which also have nonconforming front yard setbacks. He testified that his property does not begin at the curb and that the Township owns the first 10 feet or so of the lot. Mr. Puorro explained that because the Township owns a 10-foot strip of land in front of his property, the proposed setback of 48.17 feet does not reflect the total distance from the entrance to the right-of-way/curb.

Returning to the discussion of the October 13, 2020 Review Memorandum from the Board Professionals, Mr. Puorro stipulated, as a condition of approval, to comply with the comments and recommendations set forth therein, including a grading plan, confirming that the new porch will not interfere with existing underground utility lines, submitting an updated survey, ensuring the entrance remains open (i.e., unenclosed on three sides), and also revise the signature block on the plans. As to the Survey, Mr. Puorro testified that he had an updated survey revised in 2013 and would submit that same one to the Township Engineer.

The Chairman asked if anyone from the public wished to comment on the application.

No public member commented on or objected to the application.

The Board, following deliberation, granted the simple variance application, subject to the following conditions:

1. Any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by Ordinance within 30 days of the adoption of a Resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable)
2. The front porch shall remain an open porch, that is, not enclosed by walls, glass, screens or otherwise, except for columns or railings which are at least 50% open
3. The exterior of the porch shall be substantially similar in architectural style, materials, and colors to the balance of the exterior of the existing dwelling
4. The Applicant, if necessary, shall revise the plans to demonstrate that the proposed porch will not interfere with existing underground utility lines and same shall be subject to the review and approval of the Township Engineering Department
5. The Applicant shall, at the time of the application for a building permit, provide a grading plan limited to the area of disturbance to assure against adverse drainage effects, and same shall be prepared by a licensed surveyor. The grading plan shall be subject to the review and approval of the Township Engineering Department
6. The Applicant shall submit an updated survey and same shall be subject to the review and approval of the Township Engineering Department
7. The Applicant shall revise the signature block on the plans to include the names of the Chairman, Donald Sweeney; the Secretary, James Weideli; and the Engineer, William H. Burr, I.V., P.E.
8. The Applicant shall comply with the Construction Mitigation Measures set forth in Section 126-243.1 of the Ordinance
9. The Applicant shall submit a Compliance Report for a simple variance and the Compliance Report shall be submitted prior to the signing of the plans and prior to the issuance of a building permit

10. The Applicant shall not be required to execute a Developer's Agreement
11. Once the Applicant has satisfied all of the conditions and requirements set forth in the Compliance Report, the Applicant shall provide nine copies of the approved plans for distribution to the Construction Official, Engineer, Planner, Tax Assessor, and others as required
12. The variance relief granted herein shall expire by limitation unless the construction or alteration of any structure or building, pursuant thereto, shall have been actually commenced within one (1) year from the date of the adoption of this Resolution, pursuant to Section 126-73(B) of the Land Use Ordinance
13. The Applicant shall comply with any and all other outside agency permit and approval requirements in accordance with the law.

The Chairman asked for a motion from the Board.

Motion for approval by Mr. LaSpisa and second by Mr. Weideli

AFFIRMATIVE: Mr. Sweeney, Ms. Guttschall, Ms. Amin, Mr. Weideli, Mr. Ahern, Mr. Fresco, and Mr. La Spisa

ABSENT: Mr. Humenick, Mr. Fallone, Mr. Foose, and Ms. Kelly

NOT ELIGIBLE: None

DENIED: None

The Board informed the Applicant that a resolution would be ready for the next board meeting to be memorialized.

CHISUL PATEL - 96 OAK STREET

Block 146 Lot 14

#20-020-ZB- BULK VARIANCE

Applicants Mr. and Mrs. Patel and their professionals, Mr. John Wiley, Jr, Esq., Geeta Shaw, and Satyen Rawal, were all present for the Applicant. Mr. Warner advised the Board that the Applicant has satisfied all notice requirements. Mr. Warner then continued to swear in all of the members on behalf of the Applicant in addition to the Board's professionals.

The Applicant's attorney, Mr. John Wiley, Jr, Esq., explained the application briefly to the Board. He clarified the application before the Board sought relief on setbacks requirements specifically to side yard and combined side yard, accessory setback requirements, and floor area ratio (D variance) permitted in the zone.

The Board qualified architect Mr. Rawal as an expert in architecture. He proceeded to explain the design regarding the proposed addition. This addition was requested to accommodate the family's current needs. The architectural plans, dated 9-9-20, which were submitted with the application, were discussed in detail following questions and answers.

Several questions focused on the proposed carport, which would not leave any clearance to the property line. Clarification of an accessory structure versus a principal structure was explained emphasized setback requirements pertain to both.

Chairman Sweeney emphasized the importance the town holds regarding floor area ratio and its impact on various zone districts and their properties. The property, as explained, is currently at 2,545 square feet. However, questioning what that total sum include was asked. The new proposed addition would consist of a total of 3,581 square feet. This proposed addition would expand the home to become a five-bedroom home, including four full baths.

The Board collectively expressed their concern on the overbuilding proposed with this application. This is a lot that is undersized for this family's needs/wants. The Board felt that this would exceed the zone's capacity, and perhaps the Applicant's needs would be better fulfilled if they reallocated to a home/zone which would comply with such FAR limits. The neighborhood's impact was emphasized as well as the lack of clearance to property lines for neighboring properties, specifically with the proposed carport layout.

The Applicant advised the Chairman that no reports were received from the board professionals before the meeting, the Board apologized for the oversight. The Applicant's attorney asked to be carried since this would provide proper time to address those reports. The request would also allow the Applicant to come back before the Board with a more appropriate plan, explicitly considering the concerns and questions addressed by the Board.

No questions from the public were presented on the application before being announced the application would be carried.

The application was carried, at the request of the Applicant, to the Board's December 15th meeting with no further notice requirements.

8. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to comment to the Board on any matter not listed on the agenda were able to do so at that time. Please note that under the Municipal Land Use Law and case Law, any questions or comments about a pending application must be made in the hearing on that specific application.

Board member Mr. Weideli asked the Board to go over the upcoming meetings for the next coming weeks. Board planner, Ms. Doyle, went over-scheduled applications in the next coming months.

Mr. Warner also advised that the Board does need to get the annual report completed for 2019. He also informed the Board that this would include recommended changes made to the committee bases on 2019 and even prior years. The Board was advised that they would be provided the preceding year's report, which should be reviewed.

Training requirements for board members were also discussed, especially in how such courses are handled considering current COVID-19 regulations. The members were advised that an email would circumvented providing such information. This would allow the ability to register for the remote classes currently being offered.

No member of the public wished to address the Board.

9. OTHER BOARD BUSINESS:

None.

10. EXECUTIVE SESSION:

There was no need for Executive Session.

11. ADJOURNMENT

The meeting was adjourned at approximately 9:30 pm with a motion made by Mr. Ahern and second by Mr. Weideli.

Respectfully submitted,
Ms. Zuzana Karas
Land Use Coordinator

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Bridgewater, in the County of Somerset, that the application of **MICHAEL PUORRO**, for simple variance relief, as heretofore stated, is granted, subject to the following conditions:

14. Any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by Ordinance within 30 days of the adoption of a Resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable);
15. The front porch shall remain an open porch, that is, not enclosed by walls, glass, screens or otherwise, except for columns or railings which are at least 50% open;
16. The exterior of the porch shall be substantially similar in architectural style, materials, and colors to the balance of the exterior of the existing dwelling;
17. The Applicant, if necessary, shall revise the plans to demonstrate that the proposed porch will not interfere with existing underground utility lines and same shall be subject to the review and approval of the Township Engineering Department;
18. The Applicant shall, at the time of the application for a building permit, provide a grading plan limited to the area of disturbance to assure against adverse drainage effects, and same shall be prepared by a licensed surveyor. The grading plan shall be subject to the review and approval of the Township Engineering Department;
19. The Applicant shall submit an updated survey and same shall be subject to the review and approval of the Township Engineering Department;
20. The Applicant shall revise the signature block on the plans to include the names of the Chairman, Donald Sweeney; the Secretary, James Weideli; and the Engineer, William H. Burr, I.V., P.E.;
21. The Applicant shall comply with the Construction Mitigation Measures set forth in Section 126-243.1 of the Ordinance;
22. The Applicant shall submit a Compliance Report for a simple variance and the Compliance Report shall be submitted prior to the signing of the plans and prior to the issuance of a building permit;
23. The Applicant shall not be required to execute a Developer's Agreement;
24. Once the Applicant has satisfied all of the conditions and requirements set forth in the Compliance Report, the Applicant shall provide nine (9) copies of the approved plans for distribution to the Construction Official, Engineer, Planner, Tax Assessor,

and others as required;

25. The variance relief granted herein shall expire by limitation unless the construction or alteration of any structure or building, pursuant thereto, shall have been actually commenced within one (1) year from the date of the adoption of this Resolution, pursuant to Section 126-73(B) of the Land Use Ordinance; and

The Applicants shall comply with any and all other outside agency permit and approval requirements in accordance with the law.

The Chairman asked for a Motion from the Board.

Motion for approval by Mr. LaSpisa and second by Mr. Weideli

AFFIRMATIVE: Mr. Sweeney, Ms. Guttschall, Ms. Amin, Mr. Weideli, Mr. Ahern, Mr. Fresco and Mr. LaSpisa

ABSENT: Mr. Humenick, Mr. Fallone, Mr. Foose and Ms. Kelly-

NOT ELIGIBLE: None

DENIED: None

As per the applicants question on how to proceed, the Board replayed the Resolution would be ready for the next board meeting to be memorialized.

CHISUL PATEL - 96 OAK STREET

Block 146 Lot 14

#20-020-ZB- BULK VARIANCE

Mr. and Mrs. Patel;s, Mr. Wylee the attorney, the architect Mr. Shaw were all present for the Applicant. Mr. Warner advised the Board that the Applicant has satisfied all notice requirements to proceed. Mr. Warner then proceeded to swear in all of the members on behalf of the Applicant in addition to the board professionals.

The Board's attorney introduced the application to the Board which was before the Board seeking relief on setbacks requirements specifically side yard and combined side yard, accessory setback requirements, in addition to floor area ratio (D variance) permitted in the zone.

Architect, Mr. Rawal, was qualified by the Board as an expert in field of architecture. He proceeded to explain the design regarding the proposed addition, which would increase the space needed for the Patel's family needs. The architectural plans, dated 9-9-20, which were submitted with the application, were discussed in detail following questions and answers.

Several questions focused on the proposed carport which would not leave any clearance to the property line. Clarification of an accessory structure and principle structure was explained emphasized setback requirements pertain to both.

Chairman Sweeney explained to Mr. ____ why floor area ratio is part of the Bridgewater's ordinance and the importance to have to the various zones and its properties. The property, as confirmed by Mr.

___ is currently at 2,545 square feet, the total was asked to be specified to exactly with what that includes. The new proposed addition would include a total of 3,581 square feet. This proposed addition would convert the home to become a five bedroom home including four full bathrooms.

The Board collectively expressed their concern on the overbuilding that be requested for a lot that is clearly undersized for the needs/wants. The Board explained that this is exceeding the zone's capacity and to consider the option to reallocate to a home/zone which this would be more possibly in satisfy the family needs for the additional space request via this application. The impact on the neighborhood was emphasized as well as the lack of clearance to property line for neighboring properties, specifically with the proposed carport.

The Applicant advised the Chairman that no reports were received from the board professionals prior to the meeting, with that the attorney asked to be carried. This was requested to come back before the Board with a more appropriate plan, since hearing the concern and questions already addressed by the Board.

No questions from the public were addressed on the application prior to being announced the application would be carried.

The application was carried, at the request of the Applicant, to the Board's December 15th meeting with no further notice requirements.

8. MEETING OPEN TO THE PUBLIC:

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Board member, Mr. Weideli asked the Board go over the upcoming agenda for the coming weeks. Board planner, Ms. Doyle, went over scheduled applications in the next coming months.

Mr. Warner also advised that the Board does need to get the annual report completed for 2019 and recommended changes wishing to make to the committee board from what occurred in 2019 or even prior years. This would be a focus on amended changes requested. The Board was advised that they have been provided the prior year's report to look over.

Training requirements for board members was discussed, especially to how they are proceeding consideration to all of COVID-19 regulations. The members were advised an email would circuat providing that information, having the ability to register for the remote classes currently being offered.

No member of the public wished to address the Board.

9. OTHER BOARD BUSINESS:

None.

10. EXECUTIVE SESSION:

There was no need for Executive Session.

11. ADJOURNMENT

The meeting was adjourned at approximately 9:30 pm with motion made by Mr. Ahern and second by Mr. Weideli.