

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Virtual Online Meeting
Tuesday, November 17, 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/1488381284> into your browser. **This method allows listening & participation*

Please note: You may also join via telephone: Dial: +1(646)-357-3664, Webinar ID: 1488381284* *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 21, 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 (A.D.A.), 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
Evans Humenick- absent
John Fallone - present
Dawn Guttschall- present
Pushpavati Amin-present
James Weideli -present

Jeff Foose -present
Daniel Ahern- present
Donna Kelly - absent
Andrew Fresco - present
Gary LaSpisa -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:

Chairman Sweeney asked the Board if any comments would be made regarding the minutes listed, ready for approval. Ms. Guttschall advised that her name was incorrect in several areas. Board planner Ms. Doyle confirmed corrections to Ms. Guttschall's name would be applied.

No other comments were made.

Board attorney, Mr. Warner, informed the Board on how to go about approving the minutes with one motion and second followed by a single roll call. He specified that only those eligible to vote, having been present at the particular meeting, would be reflected in approving such minutes.

November 20, 2018, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney

AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Weideli, Ms. Guttschall, and Mr. Foose

ABSENT: Mr. Humenick

ABSTAIN: Ms. Kelly, Mr. Fresco, Mr. LaSpisa, Mr. Ahern, and Mr. Fallone

DENIAL: None

August 6, 2019, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney

AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Weideli, Mr. Fallone, Mr. Ahern, and Mr. Foose

ABSENT: Mr. Humenick

ABSTAIN: Ms. Kelly, Mr. Fresco, Mr. LaSpisa, and Ms. Guttschall

DENIAL: None

August 20, 2019, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney

AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Fallone, Mr. Ahern, and Mr. Foose

ABSENT: Mr. Humenick

ABSTAIN: Ms. Kelly, Mr. Fresco, Mr. LaSpisa, Mr. Weideli and Ms. Guttschall

DENIAL: None

September 17, 2019, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney

AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Ms. Guttschall, Mr. Fallone, Mr. Ahern, Mr. Weideli, and Mr. Foose

ABSENT: Mr. Humenick

ABSTAIN: Ms. Kelly, Mr. Fresco, and Mr. LaSpisa

DENIAL: None

November 19, 2019, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney

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

ABSENT: Mr. Humenick

ABSTAIN: Ms. Kelly, Mr. Fresco, Mr. Fallone, and Mr. LaSpisa

DENIAL: None

December 17, 2019, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Ms. Guttschall, Mr. Fallone, Mr. Ahern, Mr. Weideli, and Mr. Foose
ABSENT: None
ABSTAIN: Ms. Kelly, Mr. Fresco, Mr. LaSpisa, and Mr. Humenick
DENIAL: None

January 21, Regular & Reorg Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Ms. Guttschall, Mr. Fallone, Mr. Ahern, Mr. Weideli, Mr. Foose, Mr. Fresco, and Mr. LaSpisa
ABSENT: Mr. Humenick and Ms. Kelly
ABSTAIN: None
DENIAL: None

February 18, 2020, Regular Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Fallone, Mr. Ahern, Mr. Weideli, Mr. Foose, Mr. Fresco, and Mr. LaSpisa
ABSENT: Mr. Humenick and Ms. Kelly
ABSTAIN: Ms. Guttschall
DENIAL: None

March 3, 2020, Virtual Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Ms. Guttschall, Mr. Fallone, Mr. Weideli, Mr. Foose, Mr. Fresco, and Mr. LaSpisa
ABSENT: None
ABSTAIN: Mr. Humenick, Ms. Kelly, and Mr. Ahern
DENIAL: None

June 16, 2020, Virtual Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Ms. Guttschall, Mr. Fallone, Mr. Ahern, Mr. Weideli, Mr. Foose, Mr. Fresco, and Mr. LaSpisa
ABSENT: Mr. Humenick and Ms. Kelly
ABSTAIN: None
DENIAL: None

July 7, 2020, Virtual Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Fallone, Mr. Ahern, Mr. Weideli, Mr. Foose, Mr. Fresco, and Mr. LaSpisa
ABSENT: Mr. Humenick
ABSTAIN: Ms. Kelly and Ms. Guttschall
DENIAL: None

July 21, 2020, Virtual Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Fallone, Mr. Ahern, Mr. Weideli, Mr. Foose, Mr. Fresco, Ms. Guttschall, and Mr. LaSpisa

ABSENT: Mr. Humenick
ABSTAIN: Ms. Kelly
DENIAL: None

August 4, 2020, Virtual Meeting

Motion for approval made by Ms. Amin and second by Mr. Sweeney
AFFIRMATIVE: Mr. Sweeney, Ms. Amin, Mr. Foose, Mr. Ahern, and Mr. LaSpisa
ABSENT: Mr. Humenick
ABSTAIN: Ms. Kelly, Mr. Fallone, Mr. Weideli, Mr. Fresco, and Ms. Guttschall
DENIAL: None

September 15, 2020, Virtual Meeting (pending)
September 29, 2020, Virtual Meeting (pending)
October 6, 2020, Virtual Meeting (pending)
October 20, 2020, Virtual Meeting (pending)

6. MEMORIALIZING RESOLUTIONS:
MICHAEL PUORRO - 1171 EVERGREEN DRIVE
Block 601 Lot 53
#20-017-ZB- Simple Variance Front Portico

Chairman Sweeney asked if the Board had any comments regarding the resolution provided.

No comments were made to the resolution.

The Chairman asked for a Motion to approve the resolution.
Motion for approval by Mr. Weideli and second by Ms. Guttschall
AFFIRMATIVE: Mr. Sweeney, Ms. Guttschall, Ms. Amin, Mr. Weideli, Mr. Ahern, Mr. Fresco, and Mr. LaSpisa
ABSENT: None
NOT ELIGIBLE: Mr. Humenick and Mr. Fallone
DENIED: None

T-MOBILE NORTHEAST LLC - ROUTE 202/206
Block 601 Lot 107
#20-018-ZB- Appointing an independent radiofrequency expert

Chairman Sweeney advised the Board to appoint the town's own independent radiofrequency expert. Mr. Warner recommended adding a comment, "not to exceed \$10,000." to item #2. However, this radiofrequency expert would be an expense to the applicant and reflect in a withdrawal from their escrow account. A copy was filed at the planning office.

The Chairman asked for a Motion from the Board to approve the resolution.
Motion for approval by Mr. Foose and second by Mr. Weideli
AFFIRMATIVE: Mr. Sweeney, Mr. Fallone, Ms. Guttschall, Ms. Amin, Mr. Weideli, Mr. Foose, and Mr. Ahern
ABSENT: Mr. Humenick
NOT ELIGIBLE: Ms. Kelly, Mr. Fresco, and Mr. LaSpisa
DENIED: None

ADOPTING EMERGENCY PROTOCOLS FOR REMOTE PUBLIC HEARING

Board attorney, Mr. Warner, asked all board members to confirm, for the record, that they can see and hear as well as be seen and be heard during zoning board meetings, as the meetings continue virtually. A roll call vote followed as requested by Mr. Warner for the record confirming all members have such capability.

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

ABSENT: Mr. Humenick and Ms. Kelly

DENIED: None

7. HEARING AND DELIBERATIONS:

MICHAEL AND AMIE NOLFO - 1390 WELL RD (Carried from 10/20/20)

Block 649 Lot 113

#20-013-ZB- VARIANCE ADDITION

Applicants Mr. Michael and Mrs. Amie Nolfo were before the Board seeking variance relief related to removing an existing front stoop and constructing a foyer addition to the front of the existing dwelling. (No other improvements were part of the application.)

The property for which the application was filed is known as Block 649, Lot 113 on the Tax Map, more commonly known as 1390 Well Road. A proposed front-yard setback of 44.83 feet, whereas the existing front-yard setback is 49.3 feet, and the minimum required front-yard setback in the R-50 Zone is 75 feet, according to Section 126-325, the Schedule of Requirements of the Land Use Ordinance. As explained, the property sits on the cul-de-sac of Well Road. The property is undersized (30,004 square feet existing; 50,000 square feet required), narrow (143 feet wide; 75 feet width required) lot located in the R-50 Single Family Residential Zone.

Mr. Michael and Mrs. Amie Nolfo, Scarlett Doyle, P.P., the Board Planner, and William Burr, I.V., P.E., the Board Engineer, were all, collectively, sworn in accordance to the law.

The Board reviewed the following, which was a receipt for review: A Memorandum from the Board Planner, Scarlett Doyle, P.P., and Board Engineer, William Burr, IV, P.E., dated October 13, 2020; A copy of the Form #3E-A, Variance Application and supporting documents; Site Plan General Notes prepared by Bruce A. Brattstrom, A.I.A., dated December 22, 2019, last revised August 22, 2020, same consisting of one sheet; Architectural plans also prepared by Mr. Brattstrom, dated December 22, 2019, unrevised; Key Map prepared by Anthony M. DeVizio, P.E., P.L.S., dated August 7, 2020, unrevised, same consisting of one sheet; and a Survey of Lands also prepared by Mr. DeVizio, dated November 17, 2019, unrevised.

Mr. Nolfo testified that they seek to construct a small addition that would provide additional open space and functionality to the front of the dwelling. Referencing Sheet A-2 of the Architectural Plans, Mr. Nolfo contended that the expansion would improve the dwelling's aesthetics.

During discussion referencing Mr. Burr and Ms. Doyle's Memorandum dated October 13, 2020, the applicant addressed the comments. Mr. Nolfo testified, in response to Comment 3, that the

proposed overhang is approximately 1 foot and will provide sufficient shelter. Comment 4 testified that the property located on a cul-de-sac with only one adjacent dwelling to the west. During questioning by the Board, Mr. Nolfo testified that the proposed front-yard setback would not be out of character with the neighborhood's front-yard setbacks.

Ms. Doyle, the Township Planner, addressed the uniqueness of the subject property, including its deficient lot area, lot width, the impact of the bulb of the cul-de-sac on the front-yard setback, and the fact that Well Road and Howell Road are not connected. As explained, the residential development was approved. It was requested by the neighbors at the time not to connect. (Had the roads in the past been joined, there would be no cul-de-sac and, hence, no bulb impact regarding the front-yard setback of the subject dwelling.)

The Chairman asked if anyone from the public would like to ask questions or comment on the testimony given.

From the public, Patricia Camp, residing at 1 Howell Road, was duly sworn according to law and expressed her support for the applicants' proposal.

After reviewing the evidence submitted, the Board, by a vote of 7 to 0, found the applicants had satisfied their burden of proving entitlement to the requested front-yard setback variance.

The Board approved, 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 addition shall be substantially similar in architectural style, materials, and colors to the balance of the exterior of the existing dwelling
4. The applicants shall revise the plans to include the correct lot area of 36,004 square feet on the zoning chart
5. The applicants shall revise the plans to demonstrate that the proposed addition will not interfere with existing underground utility lines (including sewer, water, electric and underground storage tanks) and same shall be subject to the review and approval of the Township Engineering Department
6. The applicants shall, at the time of the application for a building permit, provide a grading plan prepared by a licensed engineer and a topographical map prepared by a licensed land