

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, February 18, 2020
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Sweeney called the meeting to order at 7:30 pm at the Bridgewater Courtroom, located at 100 Commons Way, Bridgewater, NJ.

2. OPEN PUBLIC MEETING ANNOUNCEMENT:

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 23, 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- present | Daniel Ahern- present |
| John Fallone - present | Donna Kelly - present |
| Dawn Guttschall- absent | Andrew Fresco - present |
| Pushpavati Amin- present | Gary Laspisa - present |
| James Weideli -present | |

Others present: Attorney Steven Warner, Esq.

5. MINUTES FOR APPROVAL:

May 21, 2019 Regular Meeting

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

AFFIRMATIVE: Mr. Sweeney, Mr. Humenick, Mr. Fallone, Mrs. Amin, Mr. Weideli, Mr. Ahern

ABSENT: Ms. Guttschall, Mr. Foose

NOT ELIGIBLE: Ms. Kelly, Mr. Fresco, Mr. Laspisa

DENIAL: None

June 18, 2019 Regular Meeting

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

AFFIRMATIVE: Mr. Sweeney, Mr. Humenick, Mr. Fallone, Mrs. Amin, Mr. Weideli, Mr. Ahern

ABSENT: Ms. Guttschall, Mr. Foose

NOT ELIGIBLE: Ms. Kelly, Mr. Fresco, Mr. Laspisa

DENIAL: None

July 16, 2019 Regular Meeting

Motion for approval by Mr. Weideli and second by Ms. Amin

AFFIRMATIVE: Mr. Sweeney, Mr. Humenick, Mr. Fallone, Mrs. Amin, Mr. Weideli, Mr. Ahern

ABSENT: Ms. Guttschall, Mr. Foose

NOT ELIGIBLE: Ms. Kelly, Mr. Fresco, Mr. Laspisa

DENIAL: None

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)

6. MEMORIALIZING RESOLUTIONS:

ROBERT J. HANLON-86 Oak Street

Block 146 Lot 19

#19-006-ZB- Simple Variance-Use Variance

Approved with Conditions: 11/19/19

Motion for approval by Mr. Weideli and second by Ms. Amin

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Weideli, Mr. Foose

ABSENT: Ms. Guttschall,

NOT ELIGIBLE: Ms. Kelly, Mr. Fresco, Mr. Laspisa, Mr. Ahern, Mr. Fallone, Mr. Humenick

GALORE INVESTMENTS-8 Evagrod Street

Block 309 Lot 9

#19-016-ZB- Variance-Addition

Approved with Conditions: 1/21/20

Motion for approval by Ms. Amin and second by Mr. Weideli

AFFIRMATIVE: Mr. Sweeney, Mr. Humenick, Mr. Fallone, Mrs. Amin, Mr. Weideli,

ABSENT: Ms. Guttschall, Mr. Foose

NOT ELIGIBLE: Ms. Kelly, Mr. Fresco, Mr. Laspisa, Mr. Ahern

7. HEARING AND DELIBERATIONS:

PATRICIA HAYEK-1361 Meiners Drive

Block 607 Lot 7

#19-013-ZB- Variance-Porch & Deck Addition

Patricia Hayek, the applicant, lives at 1361 Meiners Drive (Basking Ridge address), was sworn in.. She stated that she applied to the Zoning Board for the variance relief relating to the construction of a porch onto her single-family dwelling. The property is designated as Block 607, Lot 7 on the Bridgewater Township Tax Map. The lot is located at the intersection of Meiners Drive with both North Shore Drive and Lakeview Drive (streets on 3 sides), in the R-20 zone. It is improved with a 1 story (ranch) frame dwelling and related improvements. She noted the variances are a front-yard setback of 28.8 feet, whereas the existing front-yard setback is 35.8 feet, and the minimum required front-yard setback in the R-20 Zone is 50 feet. This is the only new variance relief that is requested of the Board.

Ms. Hayek discussed the undersized (22,892.5 square feet property, noting that 24,000 square feet required, and the extremely shallow nature of the lot affects development of the lot. The Applicant proposes to construct a covered front porch on the existing single-family dwelling. The proposed front-yard setback is 28.8 feet, whereas the existing front-yard setback is 35.8 feet and the minimum required front-yard setback is

50 feet. Ms. Hayek testified that she purchased the home 6 years ago in the Sunset Lake community and it is a 1950's ranch that consistently needs work, and she has consistently improved the Property. She testified the current front stoop is small and dilapidated and she will replace it with a larger attractive front porch. Ms. Hayek explained that there are 4 other homes nearby that front on Meiners Drive and 2 of them have similar front porches. She introduced into evidence, as **Exhibit A-1** and **Exhibit A-2**, photographs of the front of each of the dwellings located at 1377 and 1380 Meiners Drive, respectively. She also discussed the several documents which were submitted within the application packet. These included:

An Architectural/Variance Plan sketches prepared by Arthur J. Henn, AIA, dated November 4, 2019, and a survey prepared by Vincent J. Rigelon, Jr. P.L.S., dated March 26, 2014.

In reviewing the Board's professional staff report, Ms. Hayek agreed to the conditions itemized in the Sewer Utility's report of December 9, 2019 and the Planner's/Engineer's report of December 6, 2019. She also agreed to the porch remaining an "open porch," that is, not enclosed by walls, glass, screens or otherwise, except for columns or railings which are at least 50% open. As to comment #2 of the Planner's/Engineer's report, Ms. Hayek testified that the front porch design is consistent with the neighborhood development pattern and, as to comment #4, she testified that the driveway has ample room to park at least 3 vehicles off-street. Ms. Hayek testified regarding the architecturally pleasing design, and how the exterior of the dwelling shall be improved to be substantially similar to the porch in color, material, and architectural components. She also testified regarding the unique characteristics of her undersized and very shallow lot, which has 3 front yards from a zoning perspective given that it is surrounded on 3 sides by streets. Ms. Hayek also testified that there are other lots in the neighborhood with similar front-yard setbacks to the requested deviation.

The Chairman opened the meeting to the public for comments.

No member of the public commented on, or objected to, the application.

The Board determined that the Applicant has satisfied her burden of proving an entitlement to the requested front-yard setback variance relief, under both of the alternative bases in N.J.S.A. 40:55D-70(c)(1) and (c)(2) of the Municipal Land Use Law (the "MLUL").

The Applicant demonstrated that strict application of the zoning regulations would result in peculiar and exceptional difficulties to, or exceptional and undue hardship.

The Board also finds that the proposed location of the porch constitutes a better zoning alternative as same will result in a more aesthetic design that makes the view of the dwelling more attractive from the street and that granting the deviations substantially outweigh the detriments associated therewith. The covered porch will allow the Applicant to protect the entryway to her dwelling from the elements. Based on the relatively modest detriment associated with the location of the porch, the granting of the variance is justified, particularly since the proposed development will not be substantially out of character with the other dwellings in the neighborhood, and the front porch will improve the view of the streetscape.

The Board reviewed the reports of its professional staff and discussed conditions that would be necessary if the application were to be approved. The following conditions were imposed: 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). Other conditions that should be required are as discussed;

The front porch is to 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;

The Applicant must comply with the Construction Mitigation Measures set forth in Section 126-243.1 of the Ordinance;

The Applicant must submit a Compliance Report;

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; If the area of disturbance is proposed to significantly increase when building permits are

submitted, the Engineering Department shall revisit the waiver from providing Hillside Development calculations;

The Applicant will not be required to execute a Developer’s Agreement; If the construction of the proposed front porch requires the relocation of the existing sanitary sewer service lateral, then the following notes and details shall be added to the Plans/

The Applicant needs to revise the plans to provide the location of all existing sewer service laterals and cleanouts;

The Applicant must revise the plans to provide the location of all existing “sight-tee;”
The Applicant shall, should the construction of the proposed front porch require the relocation of the existing building sanitary sewer service lateral, bring the service lateral into conformance in accordance with current Township standards and requirements;

The Applicant shall revise the plans to include a note that the Sewer Utility requires that all cleanouts located in paved must be constructed in conformance with its “sight-tee” requirements, which include the clean-out being covered with a cast iron frame and cover, Campbell Casting 4155 or equal;

The Applicant should, for any construction related work take place in close proximity to the existing building service lateral, add notes to the plans providing that the sanitary sewer service lateral shall be subject to an inspection and a leakage test, performed in accordance with Code Enforcement Department requirements following completion of all site grading;

The Board’s attorney advised of Section 126-73(B) of the Land Use Ordinance that stated that variance relief 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 the Resolution. This should also be placed in the Resolution.

The Chairman asked for a motion from the Board.

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

AFFIRMATIVE: Mr. Sweeney, Mr. Humenick, Mr. Fallone, Mrs. Amin, Mr. Weideli, Mr. Ahern, Ms. Kelly

ABSENT: Ms. Guttschall, Mr. Foose

NOT ELIGIBLE: Mr. Fresco, Mr. Laspisa,

8. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to make a comment to the Board on any matter not listed on the agenda may do so at this time. Please note that in accordance with 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. No members of the public wished to address the Board.

9. OTHER BOARD BUSINESS:

No other Board business was conducted.

10. EXECUTIVE SESSION:

No executive session was needed.

11. ADJOURNMENT:

The meeting was adjourned at approximately 8:30 pm