

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Virtual Online Meeting

Tuesday, July 7, 2020

—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Sweeney called the Virtual Zoning Board 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/1490986664> into your browser. **This method allows listening & participation*

Please note: You may also join via telephone: Dial: +1(213)2505700, Webinar ID: 1490986664 * *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 May 29, 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 at 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

Evans Humenick- present

John Fallone - present

Dawn Guttschall- absent

Pushpavati Amin- present

James Weideli -present

Others present: Attorney Steven Warner, Esq., Engineer William Burr, IV, PE

Jeff Foose - present

Daniel Ahern- present

Donna Kelly - absent

Andrew Fresco - present

Gary Laspisa - present

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)

6. MEMORIALIZING RESOLUTIONS:

AROCKIAM – 6 Yohn Drive

Block 500 Lot 141

#20-002-ZB- Variance-New Deck

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

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

ABSENT: Ms. Guttschall,

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

DOUGHERTY – 1931 Mountaintop Road

Block 713 Lot 16

#20-001-ZB- Variance-New Detached Garage

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

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

ABSENT: Ms. Guttschall,

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

7. HEARING AND DELIBERATIONS:

SKYMANOR PROPERTIES, LLC – 5 Sky High Terrace

Block 904 Lot 5

#20-007-ZB- Variance-construct new home

Attorney John Belardo was present to represent the applicant. He noted that the property is located in the R-50 zone and contains 2.519 acres of land. It is a vacant lot at the terminus of Sky-High Terrace. The applicant seeks to develop a dwelling on this lot. He went through the variances that are necessary and noted that the prior engineers who prepared the plans, have retired. He presented engineer Parker of Parker Engineering to testify as the applicant’s engineer. Mr. Parker provided his qualification and was accepted as a professional engineer.

Board Attorney Warner confirmed that the notices and publications were sufficient and that the Board had jurisdiction. Mr. and Mrs. Larosa were sworn, as was Board Engineer William Burr.

Mr. Belardo noted that he had received reports as follows: Mr. Burr, dated June 30, 2020 and Ms. Doyle dated June 21, 2020. Mr. Parker gave a general overview of the property, noted that the land vacant, somewhat wooded is ‘somewhat steep’. About 45 trees will be removed as part of the application. Engineer Parker discussed Engineer Burr’s report on methods that could be used to reduce the impervious coverage. Mr. Parker testified that since this is a front entry garage, there is little ability to reduce the impervious coverage. He also noted that the proposed dwelling is consistent with those in the neighborhood. He noted that moving the dwelling closer to the road would pose grading issues. The property will be served by public sewer and water.

Mr. Foose asked for clarification of what was meant by the property being ‘somewhat steep. Mr. Parker stated that no area in 30% were being disturbed, including no tree removal in that slope area.

Mr. Parker referenced Mr. Burr’s report and stated that the design advanced is the best design under the conditions that present themselves on this lot.

Chairman Sweeney noted that the impervious coverage is almost three times what is allowed after steep slope computations are applied. The Chairman noted that the ordinance is intended to protect the steep slopes, trees and drainage. He also noted that there will be six parking spaces in the driveway which may be viewed as excessive.

Mr. Parker noted that the plan is for a two-car garage with a turnaround area. Chairman Sweeney again noted that the proposed impervious coverage is well in excess of the permitted impervious area after application of the steep slope modification formula. This should be kept in mind and the applicant should react to that fact.

Mr. Belardo noted that this is why the applicant is before the Board.

Attorney Warner noted that the engineering testimony is intended to provide the foundation, the basis for Planner, Ms. Jessica Caldwell’s testimony which is to be in support of the variances requested.

Mr. Foose stated that he inspected the property and thought it was reasonable to protect all properties in the neighborhood.

Mr. Parker continued to discuss Mr. Burr's report and testified to the fact that this dwelling is a *cellar* and not a *basement* and therefore does not compute into the FAR.

Mr. Parker noted the variances and comparison of this dwelling to others in the neighborhood will be discussed by the Planner, Ms. Caldwell.

Mr. Burr noted that the cover sheet of plans shows 4,900 sf coverage, whereas there is an additional 500 sf coverage that is being asked for but is not depicted on the plans. Mr. Parker could not answer the question and believed that the coverage was 45.3% coverage, but could not confirm whether the percentage included the 500 sf. He concluded that the actual request is 45.3% and noted that the 500 sf. is not shown on the plans, although requested. Mr. Burr stated that there is 49.27% coverage shown on the application form. Attorney Belardo asked the applicant to address the discrepancy. The applicant, Ms. Larosa, stated that the amount of coverage as shown on the plans is 45.3%, which was stipulated to by the applicant as the requested relief.

Mr. Parker continued with the Burr report and discussed tree removal and drainage. Mr. Parker stated that the stormwater system will eliminate runoff from many areas that will have a positive impact on erosion and drainage downhill.

He continued with the Burr report. Mr. Parker noted that a drywell could be provided if the Board determined that it was important to the application, but was not proposed. He added that the stormwater system is within an easement on lot 6 which would need approval from the property owner and the township.

Attorney Warner noted that the Board could condition an approval on the applicant's need to secure an easement to connect to the infrastructure that is located within the easement.

On discussion of Mr. Burr's stormwater comment of excessive slopes of the stormwater pipe, Mr. Parker noted that the slope of the drop manhole could be lowered or he could lower the inlet elevation. He also stated that the 17' high retaining walls were high, but putting in stepped retaining walls would reduce the disturbance area. He noted that security fences would also be installed.

Mr. Burr was asked about the height of a 17' high wall as being of concern. Mr. Burr noted that the lot 6 could be affected if something happened to the 17' high wall. On question by Mr. Burr, Mr. Parker testified that the large wall had not yet received geotechnical analysis and drainage analysis footing designs. There was discussion by the applicant that she spoke to an engineer and that the wall design would have a footing on bedrock and it was believed that a proper design can be achieved. Mr. Warner noted that that comment was hearsay. The applicant agreed that the structural stability would be provided as a condition of approval.

Board member, Ms. Amin, stated that this is the only property in the neighborhood that has such a high retaining wall. The wall is in all sides of the house. Mr. Parker suggested that the dwellings have similar slopes and speculates that the houses were built before the ordinance was enacted. He stated that the grading design incorporated the wall, with a result that there was less disturbance and removal of trees. Also, Sky High Terrace was an element that needed to be considered as well. The area will be regraded to provide a flatter area to allow for construction of the dwelling.

Chairman Sweeney asked where there are similar sites that have a dwelling surrounded by retaining walls such as found in this design. Mr. Parker could not point to one specifically, but noted that people that want to have a view may wish to have this.

Mr. Fallone discussed alternate orientation for the proposed dwelling, garage, proposed wide driveway and turn around area which could be reduced as a 'what if' scenario. Mr. Parker responded by stating that other layouts were considered in the general design and the applicant believes that this was the best design. The driveway can be reduced to 12 feet wide and the turn around can be somewhat reduced to help. Mr. Fallone said that flipping the house would be more in keeping with the topography and could reduce some of the walls.

Mr. Parker continued with the Burr report and testified that there is an easement specifically designed for this lot. There will be some overlap from abutting lot 4. It will look like a shared driveway until the two driveways split off. He stated that a new driveway could be constructed without encroaching onto lot 4 or lot 6. It was noted that there may be an ordinance offset requirement of 5 feet. Mr. Parker stated that a fire truck could not access the lot. Mr. Parker was not able to testify on location of the nearest hydrant, but stated that the walls would not restrict access to the property for an emergency vehicle such as an ambulance.

Chairman Sweeney wants to see a report from the Fire Official and asked that the applicant follow up on this. The attorney agreed to do so, but asked for a 5-minute break to discuss the issues of the wall, the fire official and the comments made by Board member Fallone.

Attorney Belardo requested a break so that he could speak to his client confidentially. At 8:40 pm, the Board went into a break. The Board reconvened the meeting at approximately 8:50 pm. Applicant, Ms. Larosa, stated that she appreciated the Board's time in review of this application. She wanted to make it clear that their family are

grounded in the community of Bridgewater. She testified that she had redesigned the home three times and the other plans created higher walls, greater disturbance. She asked for a continuance. Mr. Belardo stated that Ms. Larosa was one his legal assistant he, too, is familiar with the Watchung ridge. Mr. Belardo asked for another date in order to consider the comments made during the public hearing.

The Chairman also noted that Ms. Doyle's report should be considered, particularly the ordinance standards for development on steep slopes. He also noted his concern over the excessive coverage and measures to employ to reduce the impacts. Mr. Belardo could not state whether blasting would be anticipated. It was determined that the date is uncertain and therefore new notices and new publication will be required when the meeting is scheduled for continuation.

Mr. Belardo agreed to grant an extension to end of August and emphasized that he would not attempt to get an approval, by claiming inaction by the Board. Mr. Wells Winegar, Deputy Administrator, asked, and was allowed to read a written question from Natalie Hubert who wants additional sketches of side view of the retaining wall for the next hearing. Mr. Winegar was advised that any additional comments would be held over until the next meeting.

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. Mr. Winegar explained how public comments can be made during this virtual setting. No members of the public wished to address the Board.

9. OTHER BOARD BUSINESS:

The Chairman reviewed future applications that would appear before the Board. There was no other Board business.

10. EXECUTIVE SESSION:

There was no executive session needed.

11. ADJOURNMENT:

The meeting was adjourned at approximately 9:10 pm