

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Virtual Online Meeting
Tuesday, May 18th, 2021
—MINUTES—

1. CALL MEETING TO ORDER:

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

2. OPEN PUBLIC MEETING ANNOUNCEMENT:

Both adequate and electronic notice of this meeting specifying the time, place and manner in which such notice was provided in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and recently enacted Emergency Remote Meeting Protocols for Local Public Bodies, N.J.A.C. 5:39-1, et seq.

Specifically, on **January 13, 2021** 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. Public meetings are held with participants at remote locations, connected by conferencing software provided by RingCentral.com. Members of the public are invited to attend and participate in live meetings either by using the RingCentral client, which allows audio and video participation, or by phoning into a meeting for audio only participation. The required access information is provided in the notice, as well as set forth on the agenda. The procedures and requirements for making public comment are as follows: Attendees are admitted to meetings via the waiting room and microphones are muted until enabled by the host. Members of the public may participate in meetings at certain designated times as announced by the Board Chair. Members of the public will be allowed to address applicants and their experts, ask questions and/or make comments as appropriate once recognized to do so. Attendees may request to be heard by 'raising a hand', either physically or virtually. Regulation of conduct by members of the public on the remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. Specifically, if a member of the public becomes disruptive during any period for public comment, the member of the public shall be muted and warned that continued disruption may result in him or her being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity. A member of the public who continues to act in a disruptive manner after receiving a warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting. Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm.

3. SALUTE TO FLAG:

4. ROLL CALL:

Jeff Foose - present
James Weideli - present
John Fallone - **absent**
Dawn Guttschall- present
Pushpavati Amin-present

Donald Sweeney -present
Bruce Bongiorno-present
Kevin Wrobel - present
Andrew Fresco -present
Gary La Spisa - present

Others present: Board Attorney Mr. Steven Warner, Esq., Board Planner Ms. Scarlett Doyle, PP., and Land Use Coordinator Ms. Zuzana Karas.

5. MINUTE(S) FOR APPROVAL:

March 2nd, 2021 Meeting Minutes:

Some changes were made by the Board.

The Chairman asked the Board for a motion to approve the March 2nd, 2021 meeting minutes with the changes made.

A motion of approval was made by Mr. Weideli with a second by Ms. Amin.

Roll Call Vote:

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, Mr. La Spisa, Mr. Bongiorno, Ms. Guttschall, and Mr. Wrobel.

ABSENT: Mr. Fallone.

ABSTAIN: None.

DENIAL: None.

6. MEMORIALIZING RESOLUTIONS:

TERRENO MIDDLEBROOK LLC - CHIMNEY ROCK ROAD AND ROUTE 22

Block 356 Lot 1 & 3

20-039-ZB- USE VARIANCE

Some changes were made by the Board.

The Chairman asked the Board for a motion to approve the resolution with the changes made.

A motion of approval was made by Mr. Weideli with a second by Ms. Amin.

Roll Call Vote:

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. Fresco and Mr. Wrobel.

ABSENT: Mr. Fallone.

ABSTAIN: Mr. La Spisa, Mr. Bongiorno, Ms. Guttschall and Mr. Sweeney.

DENIAL: None.

ROBERT AND JAYNE SPENGLER - 1378 MT. VERNON ROAD

Block 652 Lot 33

21-006-ZB- BULK VARIANCE - SWIMMING POOL INSTALLATION IN BACK YARD

Some changes were made by the Board.

The Chairman asked the Board for a motion to approve the resolution with the changes made.

A motion of approval was made by Mr. Weideli with a second by Ms. Amin.

Roll Call Vote:

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Fresco, Mr. La Spisa and Mr. Wrobel.

ABSENT: Mr. Fallone.

ABSTAIN: Mr. Bongiorno and Ms. Guttschall.

DENIAL: None.

7. 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 were able to do so at that time. As noted, under the Municipal Land Use Law and case Law, any questions or comments about a pending application would have to be held until the hearing on that specific application.

No member of the public wished to address the Board.

8. HEARING AND DELIBERATIONS:

PAULO G. CUNHA AND ANABELA BRANDAO - 1065 BROWN ROAD

Block 263 Lot 6

20-040-ZB- SIMPLE VARIANCE

The application was carried to the Board's June 1st meeting as request by the applicant, with no further notice required.

JITESH AMIN - 11 BURR STREET

Block 196.02 Lot 3

20-036-ZB- SIMPLE VARIANCE

Applicants Mr. Jitesh and Mrs. Unmati Amin submitted an application to the Zoning Board for variance relief to remove the existing rear stairs and construct an open 20'x16' deck to the single-family dwelling. The property designated as Block 196.02, Lot 3, on the Official Tax Map of the Township of Bridgewater, is more commonly known as 11 Burr Street, Bridgewater, New Jersey. The property is located on a corner lot, having two front yard setbacks, one rear, and one side yard. According to the survey submitted with the application materials, there is an active drainage easement and sight triangle easement along the north side of the property.

The proposed rear-yard setback is 17.2 feet, whereas the required rear-yard setback in the R-20.1, Single-Family Residential Zone is 25 feet. The proposed deck would violate the setback requirement in the zone.

The Board reviewed the following as part of the submittal: A report from the Township Planner, Ms. Scarlett Doyle, P.P., and Township Engineer, Mr. William H. Burr, IV, P.E., dated May 12, 2021, a survey prepared by Mr. Thomas M Ernst, P.L.S., dated September 19, 2019, and Form #3E-A, Simple Variance Application with supporting documents.

The applicants, Jitesh and Unnati Amin, and the Board Planner, Ms. Scarlett Doyle, P.P., were duly sworn according to law.

Mr. Amin testified as that they are seeking a simple variance relief to construct an open rear deck. Most of the houses in the neighborhood already have decks similar to what they are proposing.

Mr. Amin further testified that this is an existing dwelling and they cannot locate the proposed deck to comply with the rear-yard setback. The rear deck would result in a more desirable visual environment from an architectural perspective. All the lots in the immediate area are undersized and, as such no land is available for purchase from any neighbors. The proposed porch would not cause substantial detriment to the public good as it would not be out of character with the other homes in the neighborhood.

In response to questioning from the Board, Mr. Amin testified that he currently has a six-foot-tall, solid PVC fence in his rear yard and mature landscaping, which would provide essential privacy to the applicants and neighbors. The applicants confirmed that they do not intend to remove any existing trees on the property.

The applicants stipulated to all of the comments and recommendations outlined in the May 12, 2021, Review Memorandum prepared by the Township Planner, Ms. Scarlett Doyle, P.P., and Township Engineer, Mr. William H. Burr, IV, P.E.

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

The Board, following deliberation, approved the application, subject to terms and conditions stipulated during the hearing.

Roll Call Vote:

Motion of approval was made by Mr. Weideli with a second by Ms. Guttschall.

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

ABSENT: Mr. Fallone.

ABSTAIN: Mr. Wrobel and Mr. Bongiorno.

DENIAL: None

9. OTHER BOARD BUSINESS:

The Board discussed the next upcoming meeting dates and applications scheduled.

10. EXECUTIVE SESSION:

There was no need for an Executive Session.

11. ADJOURNMENT

The meeting was adjourned at approximately 8:45 pm with a motion made by Mr. Weideli and a second by Mr. La Spisa.