

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Virtual Online Meeting
Tuesday, June 15th, 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. OATH OF OFFICE:

- 4a. Regular Member – Andrew Fresco Exp; 12/31/2024
- 4b. Alternate 1 – Gary La Spisa Exp; 12/31/2021
- 4c. Alternate 2 – Kevin Wrobel Exp; 12/31/2022
- 4d. Alternate 3 – Bruce Bongiorno Exp; 12/31/2022
- 4e. Alternate 4 – John Gayeski Exp; 12/31/2021

5. ROLL CALL:

Jeff Foose - present	Donald Sweeney -present
James Weideli - present	Bruce Bongiorno-present
John Fallone - absent	Kevin Wrobel - present
Dawn Guttschall- present	Andrew Fresco -present
Pushpavati Amin-present	Gary La Spisa - absent
John Gayeski-present	

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

6. MINUTE(S) FOR APPROVAL:

March 16th, 2021 Meeting Minutes:

The Board made some changes. The Chairman asked the Board for a motion to approve the March 16th, 2021 meeting minutes with the changes made.

Roll Call Vote:

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

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

ABSENT: Mr. Fallone and Mr. La Spisa.

ABSTAIN: Ms. Guttschall and Mr. Gayeski.

DENIAL: None.

7. MEMORIALIZING RESOLUTIONS:

NICHOLAS NATURILE - 964 NORTH SHORE DRIVE

Block 608 Lot 3

21-018-ZB- BULK VARIANCE

No changes were made. The Chairman asked the Board for a motion to approve the resolution.

Roll Call Vote:

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

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

ABSENT: Mr. Fallone and Mr. La Spisa

ABSTAIN: Mr. Wrobel, Mr. Gayeski and Mr. Bongiorno.

DENIAL: None.

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 were able to do so at this 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.

9. HEARING AND DELIBERATIONS:

PAULO G. CUNHA AND ANABELA BRANDAO - 1065 BROWN ROAD

Block 263 Lot 6

20-040-ZB- SIMPLE VARIANCE

On behalf of the applicants, Ms. Erica Edwards, Esq. described the property and the requested relief. Applicants Mr. Paulo G. Cunha and Ms. Anabela Brandao applied to the Board for variance relief to construct

a 495 sq. ft. addition to the rear of the existing two-story dwelling with a one-car garage, including a roof overhang. The variance relief would include deficient front-yard setback, excessive improved coverage, an excessive number of and deficient setbacks for accessory structures.

The property 1065 Brown Road is also designated as Block 623, Lot 6. The proposed front-yard setback is at 47.5 feet, whereas the existing front-yard setback is 51.7 feet. The zone, however, requires 75 feet. A variance for four accessory structures is requested since only two structures are permitted on any lot per ordinance. A variance for non-conforming accessory structure setbacks from the wooden shed adjacent to the pergola and the wooden shed in the northeasterly portion of the property to the property line is sought. An additional variance for the proposed improved coverage of 18.5%, where the maximum allowed improved coverage after slope analysis is 16%, is also requested by the Board.

The Board reviewed the following documents Form #3E-A, Variance Application, with supporting documents, a Memorandum from the Board Planner, Ms. Scarlett Doyle, P.P., and Board Engineer, Mr. William Burr, IV, P.E., dated May 12, 2021, Architectural Plans prepared by Gary I. Segal, R.A., dated May 28, 2018, last revised February 18, 2020, Variance Plan prepared by Antoine Hajjar, P.E., P.P., P.L.S., dated April 21, 2020, last revised April 14, 2021, Topographic Survey prepared by Jeffrey S. Grunn, P.L.S., dated September 10, 2019, and A Compendium and photographs of the property.

Ms. Scarlett Doyle, P.P., the Board Planner, and Mr. William Burr, IV, P.E., the Board Engineer, both were duly sworn according to law.

Mr. Paulo G. Cunha, one of the applicants, was duly sworn according to law. Mr. Cunha testified that he purchased the property in 2014 and currently resides with his wife and two daughters. He explained that he expects his parents to soon live with his family due to health issues. Mr. Cunha explained that, in order to accommodate his elderly parents, the existing kitchen would need to be relocated to the first floor. He further explained that the proposed improvements would include a parent's suite with a master bedroom and bathroom on the first floor. Mr. Cunha testified that the proposed attached garage would allow his parents to get in and out of the car without going outside.

During questioning, Mr. Cunha testified that all the accessory structures, except for the pergola, were already located on the property when he initially purchased it. He explained that the wooden shed near the pergola and pool are used to store pool equipment. He explained that the wooden shed in the northeasterly portion of the property is used to store tools and lawn equipment, while the frame garage is used to store vehicles. Mr. Cunha testified that the applicants purchased the property due to the deepness of the lot, which provides them with a reasonable backyard area. During further questioning, he explained that the rear garage has two vehicles and storage. Mr. Cunha noted that his family currently has three cars.

Mr. Antoine Hajjar, P.E., P.L.S., P.P., was duly sworn according to law, provided his qualifications, and was accepted by the Board as an expert in the fields of civil engineering and professional planning. Mr. Hajjar presented exhibits he prepared which were submitted with the application. Mr. Hajjar described the property and the proposed improvements. He explained that the proposal would not require additional grading. Mr. Hajjar testified that the addition is 495 square feet off the rear of the dwelling, the proposed garage is on the west side of the dwelling, and the overhang from the garage encroaches into the existing front yard setback.

Referencing the May 12th, 2021 Review Memorandum prepared by Ms. Doyle and Mr. Burr, Mr. Hajjar testified that the applicants currently have four accessory structures. The applicants did stipulate to removing the 143 square foot shed located in the northeasterly portion of the property and restoring that portion of the lawn.

During a discussion of the proposed improved coverage, Mr. Hajjar noted that removing the shed would reduce the proposed coverage by 143 square feet. The removal of 674 square feet of asphalt would also result in a total reduction in coverage by 817 square feet. He explained that removing the 817 square feet of coverage would reduce the proposed improved coverage from 18.5% to 16.8%. He testified that the applicants would install a drywell where the pavement is being removed. Mr. Hajjar further testified that the drywell would be sized to accommodate 368 square feet of excess coverage for a two-year storm. He explained that the applicants are reducing the overall coverage to less than what currently exists and, therefore, the applicants are not required to reduce the peak volume or rate of flow of the stormwater runoff.

With regards to the stormwater management proposal, Mr. Burr requested that the applicants size the proposed drywell for a 25-year storm event, given the proximity of the dwellings in the neighborhood. Mr. Burr explained that the applicants would essentially be doubling the amount of runoff directed into the drywell if they agreed to design the same for a 25-year storm event rather than a 2-year storm event.

Ms. Edwards advised that the applicants stipulated, as a condition of approval, to designing the drywell for a 25-year storm event, subject to the review and approval of the Township Engineer. Mr. Hajjar explained that the driveway has curbing, which serves to minimize stormwater runoff onto adjacent properties. Mr. Hajjar contended that doing so would require disturbing more steep slopes during questioning whether a swale or berm could be installed. Mr. Burr opined that the reduction in improved coverage, together with the addition of the drywell, would result in an efficient improved stormwater management condition.

Mr. Hajjar confirmed that no trees are being removed even near the pavement, which is planned to be removed. Mr. Hajjar testified that the exact location of the proposed drywell has not yet been determined. Ms. Doyle suggested that the location be subject to the review and approval of the Township Engineering Department, which the applicant stipulated with.

During questioning, Mr. Hajjar testified that there already is pavement in the proposed garage area. He confirmed that no new additional driveway area is being proposed with this application. Mr. Hajjar explained that the shed near the pool contains equipment for the pool and the garage. Therefore, it'd be challenging to relocate that shed. Mr. Cunha also noted that he had never received any complaints from his neighbors about the location of the shed.

Mr. Hajjar summarized the requested relief and opined that the applicants had satisfied both the positive and negative criteria.

Mr. Gary Segal, R.A., P.P., was duly sworn according to law after providing his qualifications and was accepted by the Board as an expert in the field of architecture and professional planning.

Mr. Segal testified that the applicants would not modify the existing foundation but instead reinforce the existing structure to accommodate the addition. Referencing the Architectural Plans, Mr. Segal testified that the current garage would be converted into Mr. Cunha's parents' suite and that the addition to the rear of the dwelling would contain the new kitchen. All of the amenities would be located on the first floor of the dwelling. Mr. Segal explained that the addition is located on existing impervious coverage and, therefore, would not encroach into the existing grass area. Mr. Segal described the roof plan and the proposed dormers. He explained that none of the proposed improvements would exceed the height of the existing roof. Mr. Segal explained that he designed the proposed improvements to be consistent with the character of other dwellings in the neighborhood. He testified that the building materials include stone. The materials, color, and architectural design of the addition's exterior would be substantially consistent with the exterior of the balance of the dwelling.

During questioning as to whether there would be changes to the HVAC or electrical systems, Mr. Segal explained that the applicants are in the early stages of planning and that a general contractor/electrician ultimately would determine whether the applicants need to install additional split system HVAC units and/or increase the existing amperage. The final design would be up to the client. He confirmed that, in his opinion, the proposal is consistent with the current neighborhood.

During questioning whether the downspouts would be directed into the drywell, Mr. Segal advised that they would be. Mr. Burr advised that the applicants should run as much roof runoff into the drywell as possible, and the applicants agreed. As to the proposed lighting, Mr. Segal testified that there is sconce lighting at the rear entry and motion-activated fixtures near the garage. The applicants stipulated that all of the proposed lighting would be downward directed to prevent light spillage onto adjacent properties.

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. Wrobel, and Mr. Fresco.

ABSENT: Mr. Fallone and Mr. La Spisa.

ABSTAIN: Mr. Bongiorno and Mr. Gayeski.

DENIAL: None.

HECTOR AND DEBORAH DE JESUS - 986 CARTERET ROAD

Block 629 Lot 6

21-017-ZB- BULK VARIANCE

Applicants Mr. Hector and Ms. Deborah De Jesus submitted an application to the Board for variance relief relating to constructing a covered porch addition and replacing an existing concrete sidewalk in the front of the dwelling. The property designated as Block 629, Lot 6, is known as 986 Carteret Road.

A proposed front-yard setback of 45.5 feet, whereas the existing front-yard setback, is 53.8 feet. The R-50 zone requires a minimum required front-yard setback of 75 feet.

Ms. Scarlett Doyle, P.P., the Board Planner, and Mr. William Burr, IV, P.E., the Board Engineer, both were duly sworn according to law.

Mr. Hector and Ms. Deborah DeJesus, were duly sworn according to law. Mrs. DeJesus testified to having two children and living in Bridgewater for the past 13 years. She explained that seeking to construct a front porch would only allow the applicants to improve the exterior of the dwelling and engage with their neighbors.

During a discussion of the June 9th, 2021, Review Memorandum prepared by Ms. Doyle and Mr. Burr, Mr. DeJesus introduced exhibits into evidence referenced during the hearing.

Mr. DeJesus testified that he had taken the photographs in June of 2021 and confirmed that they constituted an accurate depiction of the property as it presently exists. He explained that the applicants had not yet selected the building materials but did stipulate that the exterior of the addition was substantially similar in architectural design, color, and materials to the balance of the exterior of the dwelling. Mrs. DeJesus noted that they do

intend to replace the existing siding and roof. Therefore, all of the improvements would be consistent with the exterior of the existing dwelling.

Mrs. DeJesus testified that the proposed improvements would be consistent with the neighborhood, mainly since other dwellings in the community have a similar non-conforming front setback of approximately 50 feet, in addition to covered porches. Mrs. DeJesus explained that, currently, the layout of the dwelling is not functional and that relocating the door would allow the applicants to install landscaping and a pathway leading to the kitchen. These proposed upgrades would make the dwelling more aesthetically pleasing and more functional.

While questioning whether the Survey, dated May 6, 2008, is accurate, the applicants confirmed no changes, except a fence installation has occurred since the Survey was completed. Mr. DeJesus advised that he could not recall if the applicants had obtained a permit for the existing fence but described it's currently a 5-foot-tall fence located entirely on the property. As a condition of approval, the applicants stipulated to comply with the requirements outlined on June 9, 2021, Review Memorandum prepared by Ms. Doyle and Mr. Burr.

The Board noted that the property is slightly undersized yet deep. The Board further stated that the applicants would not be able to construct the proposed improvements in a conforming location, given the existing location of the dwelling on the property. The applicants noted that the proposed front porch would improve the appearance of the residence and allow the applicants to receive visitors and deliveries without visitors being exposed to the elements.

Ms. Gina Cerami, having an address of 968 Carteret Road, was duly sworn according to law, and expressed her support for the applicants' proposal since she believed it would add value to the neighborhood.

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. Amin.

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

ABSENT: Mr. Fallone and Mr. La Spisa.

ABSTAIN: Mr. Bongiorno and Mr. Gayeski.

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 10:15 pm with a motion made by Mr. Weideli.