

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
April 19, 2022
—MINUTES—

1. CALL MEETING TO ORDER:

Chairman called the meeting to order at 7:00 pm.

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 19, 2022 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 9:30 pm and no new testimony will be taken after 10:00 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	Present
Bruce Bongiorno	Present	John Gayeski	Present
Jeffrey Sicut	Present	John Kulak	Present
Dawn Guttschall	Present	Andrew Fresco	Present
Pushpavati Amin	Present	Gary La Spisa	Present
James Weideli	Present		

Others present: Board Attorney Steven Warner, Esq., Board Planner Scarlett Doyle, PP, Board Engineer William Burr, IV, PE, Zoning Officer Roger Dornbierer, and Land Use Administrator Nancy Probst

5. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to comment to the Board on any matter not listed on the agenda were able to do so at that time. Please note that under 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.

6: CHAIRMAN'S COMMENTS:

The Chairman welcomed Nancy Probst and Roger Dornbierer to the Board and recognized Ms. Doyle for her work in keeping the past meetings in order.

The Chairman thanked Mr. Kulak for his letter and all those participating in the first Somerset County Bar Association for Land Use Symposium and Training on April 16, 2022. Township professionals were recognized for their contribution.

There were no other Board comments.

7. MINUTES FOR APPROVAL:

December 7, 2021 Regular Meeting (pending)	March 1, 2022 Regular Meeting (pending)
December 21, 2021 Regular Meeting (pending)	April 5, 2022 Regular Meeting (pending)
January 18, 2022 Reorganization Meeting (pending)	
February 1, 2022 Regular Meeting (pending)	
February 15, 2022 Regular Meeting (pending)	

8. MEMORIALIZING RESOLUTION(S):

No resolutions for consideration.

9. HEARING AND DELIBERATIONS:

MARTINSVILLE REALTY ASSOCIATES, LLC – Carried from March 1, 2022 meeting.

801 CHIMNEY ROCK RD

Block 802 Lot 131

21-031-ZB– PRELIMINARY SITE PLAN AND VARIANCES

Eligible to vote: All Members with the exception of Mr. La Spisa

Mr. Jeff Lehrer represented Martinsville Realty Associates LLC.

Applicant is seeking preliminary site plan approval only and a d(5) density variance and certain bulk variances for a proposed eight single family home senior housing project. The zone is single family C3B Professional Office Zone. Property is just over 4 acres in size.

Proposal is to create a “Cottage” community with the exiting historical house being renovated and used as a community center. Traffic, architecture, and Engineering testimony has been given previously. Final testimony will be applicant’s Planner, Mr. Tobia. Mr. Tobia was sworn, qualified, and accepted.

Exhibit A2 was presented. Document including site photos and images of existing 18th century home. Historic home will be used as a gazebo. House is 3.7’ from Chimney Rock road due to expanding right of way. Remaining photos were reviewed.

Project will be of lower density than surrounding properties. There would be an age restriction of head of household at 62 and above.

Mr. Weideli asked about properties being contiguous. Mr. Tobia stated they would not be connected.

Mr. Bongiorno asked about the tree line location. Tree line is on the adjoining office complex property.

Mr. Weideli asked about the age of residents. Mr. Tobia stated no child under 18 will be allowed to live in the units. Visitors can stay 3 months. The Fair Housing Act allows for underage persons with disabilities.

A density variance is being requested. Current requirements are the same as an R-50 zone of 50,000 sq. ft. Mr. Tobia stated there is no need for large lots with senior housing. Request is for eight units.

Mr. Warner asked when photos were taken. Mr. Tobia stated January 2022 and that the conditions have not changed.

Mr. Tobia explained senior population is growing according to census data and the housing market is responding to their needs. Ms. Doyle's report states there are currently senior housing zones. The plan to treat the property as a condo with all external maintenance provided by the home owners association.

Mr. Warner asked about the magnitude of the d(5) density variance compared to proposed density. Mr. Tobia stated density requirements of C3B zone would allow only two single family homes. R-50 would allow for four.

If lot was used as office space, required setback would be 50 feet from adjoining office lot. Following set back variances are requested. All setbacks are consistent with township's existing senior housing of twenty-feet.

Location	Required	Proposed
Side yards	50'	Unit A - 39.33' Unit C - 45.01'
Rear yard	100'	Unit D - 22.99' Unit E - 25.14'

Building heights, coverage, and parking meet standards.

Planner advises MLUL encourages senior citizen housing and justifies density over use.

Mr. Bongiorno asked about connecting sidewalk to Washington Valley Road. Mr. Tobia stated pavement would be installed to connect to Chimney Rock Road.

Mr. Kulak asked if any other parking was proposed. Mr. Tobia stated off hour parking is available at adjoining office parking lots if there is a special event at proposed site.

Mr. Tobia stated the application promotes the MLUL goals of Section 40:55D-2: (a), (c), (g), (i), (l), and (m).

Applicant offered the following conditions:

- 1.) Consent to developer's agreement outlining maintenance responsibilities during project
- 2.) Submit homeowner's association document to Mr. Warner for review
- 3.) Agree to annual certification report on mason maintenance to be provided to professionals in addition to O&M manual
- 4.) Agree to one sign instead of two

Board member asked why are any signs needed. He suggested none. Applicant agreed. Applicant will name street Cottage Court, subject to Township approval. Sign will be erected during construction only.

- 5.) There will be a 22-visitor cap at the senior center
- 6.) EV charging stations will be installed in every garage. None at public parking
- 7.) Street light installed at cul-de-sac, and intersection of Chimney Rock. All lighting to be shielded. Study must be certified
- 8.) Electric panel will be screened, subject to approval of Ms. Doyle
- 9.) Site plan proposed name of Cottage Court. Will confirm there is no phonetic similarity with other streets to prevent emergency responder location confusion.

Mr. Weideli asked if there would be any renovation on the existing house. Mr. Berlant explained there will be a renovation to the original design with a “Hollywood” enhancement as the historical design makes the structure look like a colonial barracks. It will be handicap accessible with a ramp. (Exhibit A3 details renovations.)

Mr. Bongiorno asked about existing basement floor. Planner Tobias testified it was dirt and in good condition.

Mr. Sicat asked if there will be any public use of the development. Mr. Berlant advised non-profits can schedule tours with approval by HOA. There will be no public use of playground.

Ms. Doyle suggested youngest age should be changed from 18 to 19. Applicant agreed. Ms. Doyle asked if there were any points in the Engineering or planning report on which the applicant disagreed. They reviewed the reports and have no disagreements.

#5 of planning report – HOA documents will show residents can plant their own gardens

#12 of planning report – dead tree on property can not be saved

Septic system will be relocated on the plans

Purposes of MLUL details goals: (a), (c), (g), (i), (l), and (m).

Ms. Doyle stated site plan lines shown are condo lines, not perimeter boundaries. Road is also a common element. Storm water retention was discussed.

PUBLIC QUESTIONS ON MR. TOBIAS’ TESTIMONY

Kathy Franco - 766 Wemack Road

What design elements are being used for seniors? Mr. Tobias replied:

- Two master bedrooms on first floor. Barrier free with bathrooms
- Bathroom details haven’t been determined yet

What will prevent underage residence?

- HOA & Zoning can enforce
- Bylaws will address

Will any units be COAH?

- No COAH units. Fee will be paid to COAH program.

Ms. Doyle had no further comments.

Mr. Lehrer thanked Board and public for their questions and recapped the project proposal.

PUBLIC COMMENT ON APPLICATION

- Jane Gandolfe, 2000 Washington Valley Road, Martinsville
 - Would prefer to keep the field and historic house as is
 - Don’t want commercial development
- Kathy Franco - 766 Wemack Road

- Not against the proposal
- Will senior housing element restriction be removed in future?

Board Attorney Warner stated, if approved, it will remain in perpetuity.

Board Attorney Warner summarized the condition of approval:

- Request of preliminary site plan approval
- d(5) density (proposed 2 dwelling units/acre vs. .8/acre max permitted due to R-50 requirements.)
- Rear and side yard setbacks
- Technical variance for existing condition of historic structure. Requires 100' setback from road. Existing condition is 3.7 and it is proposed to remain
- Consult with Engineer and Planner on making storm water basin larger and deeper
- Township will have right to enter, site but no obligation
- 62-year-old head of household requirement
- Sidewalks completed as outlined in site plan
- Provide license agreement with adjoining property for overflow parking

BOARD DELIBERATIONS

Board commented that the proposed development was preferable to commercial property, architecture was well-designed, there was a need for senior housing options, and it matched the look and feel of the community. Chairman Foose said previous concerns about flooding have been addressed by applicant.

Motion by Mr. Weideli, **seconded** by Ms. Guttschall to approve the application with conditions, as discussed.

ROLL CALL:

AYE: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Guttschall, Ms. Amin, Mr. Fresco, Mr. Bongiorno

NAY: None

ABSTAIN: None

A recess was called at 8:35 PM, reconvened at 8:45 PM. The Chairman asked for a roll call after the break. All were present.

DAVID SCAGLIOTTA - 208 ADAMSVILLE ROAD

Block 222.02 Lot 3

21-029-ZB – VARIANCE

Eligible to vote: All Members

Mr. Scagliotta was represented by Marcia Zalewski. Applicants are appearing before the Board due to violations erecting a covered desk without a permit.

Applicant's Engineer, Deborah D'Amico was sworn in.

Mr. Scagliotta was sworn in. Home purchased in 1988, and was built by parents in 1954, improved with garage in 1999 with permit, extended driveway from front of house to new garage erected in back yard with permit. In 2005, removed front drive to 1,100 sq. ft. and turned previous garage into family room. Then installed an 1,100 sq. ft uncovered deck on rear of house. All done by permit.

- Exhibit A1: The application documents;
- Exhibit A2: The Variance Plan dated 5/13/2021;
- Exhibit A3: Historic aerials of the Property;
- Exhibit A4: “Current Conditions” photographs, 9 pages, 2 photos per page;
- Exhibit A5: “Preconstruction” photographs, 2 pages, 2 photos per page;
- Exhibit A6: 2005 field plans;
- Exhibit A7: Construction permit violation notice for deck construction; and
- Exhibit A8: Certificate of approval for detached garage

Ms. Doyle advised that the sunroom and covered deck added to impervious coverage and lot coverage may have been exceeded before then. The driveway may have pushed beyond the ILC limit.

A request was made to review what is and what is not conforming on the property to current standards.

Ms. D’Amico was qualified and accepted. She reviewed history of building with HistoricAerials.com. House appears in records in 1956 with front driveway. In 1979, driveway was installed just past the house, not into the rear yard. Ms. D’Amico stated with those improvements, the improvements may have been at or over impervious lot coverage at that time.

In 2002, shows front driveway and a second driveway curving to a rear yard garage. There is also a pool. No deck existed at this time.

Mr. Foose suggested the Planner address the issues in Ms. Doyle’s report.

Report Item #2 – Sunroom to property line is 21’ to adjacent property with all season vegetative screening.

Planner addressed item #3 of Ms. Doyle’s report – Geometry of lot does not allow for expansion of property. Adjoining lots 2 and 4 (both 100’ x 300’) are owned and developed.

The improvements are not out of character for the neighborhood.

Mr. Warner asked if detached garage was required to be in the rear yard. Ms. Zalewski said a two-car garage could only be located in the rear due to side yard requirements. Mr. Warner asked what percentage of the unpermitted construction added to the impervious coverage. Ms. D’Amico stated it brought it from existing 33% to 35%.

- Covered deck added 440 sq. feet
- Sunroom added 200 sq. feet

Mr. Bongiorno asked how much square footage of non-pervious would have to be eliminated to meet requirements. Ms. D’Amico: 3,000 sq. ft. It was stated that the driveway as existing was issued a permit.

Mr. Bongiorno asked how wide the driveway in front of garage is. Ms. D’Amico stated the Applicant would not be able to turn around vehicle and exit forward onto road.

Report item #4 – Playhouse – photos 17&18 – less than 6’ tall. Not a permanent fixture. Applicant stated stone beneath was not impervious coverage. Ms. Doyle disagreed. Mr. Burr stated that loose stone with spaces would not be interpreted as impervious. The drainage is the larger issue. Ms. D’Amico stated yard water is directed south to a brook. Driveway diverts water to Adamsville Road. Deck water is diverted to

surface under deck. Mr. Burr asked where the garage downspouts pointed. Mr. Scagliotta testified that they were directed into the yard.

In response to a question from Mr. Burr, the Planner opined on whether the existing conditions are a detriment to adjacent properties. Mr. Foose said that a multi-faceted solution should be considered, including a storm water retention plan, bio retention basin, dry well, and planted greenery. Mr. Scagliotta detailed the tree plantings he has completed. He testified that water is an issue in the entire neighborhood. He has three sump pumps. Mr. Foose said a condition of potential approval would be for the applicant to work with the Engineer to develop a low-cost plan to drainage issue. Applicant agreed.

Mr. Foose asked Ms. Doyle about additional areas for plantings. Ms. Doyle stated she would work with Mr. Scagliotta. Applicant agreed. Applicant accepted Ms. Doyle's suggestions.

PUBLIC COMMENT ON APPLICATION

There were no questions/comments.

Mr. Warner reviewed the prospective conditions of approval and testimony was concluded.

BOARD DELIBERATIONS

The board recommended applicant work with professionals with one recommendation of returning coverage to 33%.

Motion by Mr. Sweeney, **seconded** by Mr. Weideli to approve the application with conditions, as discussed.

ROLL CALL:

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


NAY: None

ABSTAIN: None

11. ADJOURNMENT

Motion by Mr. Weideli, seconded by Mr. La Spisa to adjourn at approximately 10:10 pm.

Respectfully Submitted,



Roger Dornbierer, Zoning Officer

APPROVED 6/21/22