

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting

June 21, 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:

Jeff Foose	Present	Gary La Spisa	Present
James Weideli	Present	Bruce Bongiorno	Absent
Dawn Guttschall	Absent	John Gayeski	Present
Pushpavati Amin	Present	Jeffrey Sicat	Absent
Donald Sweeney	Present	John Kulak	Present
Andrew Fresco	Absent		

Others present: Acting Board Attorney Richard Oller, Esq., Board Planner Scarlett Doyle, PP, Land Use Administrator Nancy Probst, and Zoning Officer, Roger Dornbierer

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.

Kathy Franco, 766 Weemac Rd.

Ms. Franco asked why the two resolutions on the agenda for engaging engineering and planning consultants were not previously introduced. Chairman Foose explained that the Zoning Board can adopt resolutions without introduction. He explained the nature of the resolutions and said he has requested they be placed on the website. They are being deferred to next meeting in order for the Board to complete a thorough review.

6. 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)	April 19, 2022 Regular Meeting
February 1, 2022 Regular Meeting (pending)	May 17, 2022 Regular Meeting
February 15, 2022 Regular Meeting (pending)	

APRIL 19, 2022 MINUTES

Eligible to vote: All members

Motion by Mr. Weideli, **seconded** by Ms. Amin to approve, with additional revisions as noted.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. La Spisa, Mr. Gayeski, Mr. Kulak

ABSENT: Ms. Guttschall, Mr. Fresco, Mr. Bongiorno, Mr. Sicat

DENIED: NONE

MAY 17, 2022 MINUTES

Eligible to vote: Mr. Foose, Weideli, Amin, Fresco, La Spisa, Bongiorno, Gayeski, Sicat, Kulak

Motion by Mr. Weideli, **seconded** by Mr. La Spisa to approve, with additional revisions as noted.

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. La Spisa, Mr. Gayeski, Mr. Kulak

ABSENT: Ms. Guttschall, Mr. Fresco, Mr. Bongiorno, Mr. Sicat

DENIED: NONE

NOT ELIBGABLE: Mr. Sweeney,

7. MEMORIALIZING RESOLUTION(S):

RESOLUTIONS ENGAGING ENGINEERING AND PLANNING CONSULTANTS POSTPONED TO JULY 5, 2022

ADRIAN TURCU – 39 MORRIS STREET (Block 108, Lot 9)

21-039-ZB – BULK VARIANCE

Eligible to vote: Foose, Weideli, Amin, Fresco, La Spisa, Bongiorno, Gayeski

Motion by Weideli, **seconded** by La Spisa to approve.

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

DENIED: NONE

ABSENT: Mr. Bongiorno, Mr. Fresco, Ms. Guttschall, Mr. Sicat

MARTINSVILLE REALTY ASSOCIATES, LLC – Carried from May 17, 2022 meeting.

801 CHIMNEY ROCK RD

Block 802 Lot 131

21-031-ZB– PRELIMINARY SITE PLAN AND VARIANCES

Eligible to vote: All members

Motion by Mr. Weideli, **seconded** by Mr. La Spisa for approval

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. La Spisa, Mr. Gayeski, Mr. Kulak

ABSENT: Ms. Guttschall, Mr. Fresco, Mr. Bongiorno. Mr. Sicat

DENIED: NONE

RAWSON FOOD SERVICES, INC. - 977 ROUTE 22 Block 200 Lot 3

TABLED

21-032-ZB- MINOR SITE PLAN, C-VARIANCE, D-VARIANCE

Eligible to vote: Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Guttschall, Ms. Amin, Mr. Fresco, Mr. La Spisa

8. LAND DEVELOPMENT APPLICATIONS:

LOPEZ, ELMER & WENDY – 63 MARIE AVENUE

Block 241, Lot 25

22-005-ZB – Bulk Variance Relief

Eligible to vote: All

Mr. John Sullivan, Esq. represented Elmer and Wendy Lopez.

Applicants are seeking an FAR variance and one bulk variance for a proposed addition to a home on a property with pre-existing non-confirming conditions located in the R-10 zone.

Testimony would be provided by the applicant’s Architect, Mr. Kenneth Annes, and the applicant’s Planner Mr. Michael Pessolano. Mr. Annes was sworn but acknowledged his professional license lapsed during COVID-19. Board Attorney Richard Oller stated Mr. Anness could not be accepted as an expert witness but could present factual details on the design he prepared.

Mr. Pessolano was sworn, qualified, and accepted. Board Planner, Ms. Scarlett Doyle was also sworn.

Mr. Oller confirmed 200’ notices were served and published in compliance with MLUL.

Mr. Sullivan described the property as an existing one-story structure on an undersized lot. The requirement for an R-10 lot is 10,000 sq. ft. whereas 7,500 sq. ft. exists. Lot width requirement is 100 ft whereas 75 ft. exists. There are also non-conforming rear and side yard setbacks for a shed, which will be removed if the application is approved.

The applicant is proposing the addition of a garage, an addition to the first floor, a second story, and the widening of the driveway. Requested variances included:

- An FAR of 29.6% where the maximum is 25%

- A combined side yard setback of 25.12 ft where the required is 28.5 feet.

Mr. Lopez was sworn in. He testified that he and his wife are the owners of the property and have resided there since June 2018. He described the existing conditions of the house and explained how the proposed additions would better accommodate his family.

Mr. Foose asked how the project fits with the neighborhood character. Mr. Lopez testified that other houses in the neighborhood have similar additions. He testified that his upgrades will blend into the character of the neighborhood and that the home at #70 Marie Ave has a similar layout to what is being proposed.

There were no questions from the public for Mr. Lopez.

Ms. Doyle stated the rear brick paver patio brings lot coverage very close to maximum. She stated a deck does not count as coverage and asked if a deck could be an option. Mr. Sullivan stated that due to grading restrictions of the existing slab, a deck could not be accommodated. Ms. Doyle requested detailed lot coverage calculations be provided as a condition if application is approved. Mr. Sullivan agreed.

Mr. Anness stated the applicant would like to add a basement and asked if it increased FAR.

Ms. Doyle stated a cellar does not increase the FAR but a basement with an exit into the yard does. Mr. Anness stated the proposal is for a cellar which would raise the structure 2' and would allow for a deck instead of a patio. It also does not impact the footprint or layout of the internal improvements.

Ms. Doyle presented the Board Engineer's report prepared by Mr. Burr. The applicant agreed with item #10. Applicant will comply with item #11. Mr. Anness stated rear yard drainage is to the rear of lot, front yard drainage is to the street. If approved, the applicant will have a full drainage report from a site engineer and applicant will comply. If the ILC is exceeded, the applicant agreed to work with Mr. Burr for a storm water management system.

There were no questions from the Board or public.

Credentials of applicant's Planner, Mr. Pessolano, were presented and accepted. He presented his plan as Exhibit A-4. (Exhibits A1-A3 were pre-marked.) He reviewed the variance requests and stated 80% of the homes in the area have been expanded from their original construction. He reviewed surrounding properties and how they parallel the proposed project.

Mr. Pessolano testified there is no negative impact, and that the requested variances are the result of an undersized lot. He testified the FAR increasing from 25% to 28% is not a detriment. The benefits of the proposed improvement satisfy the request from side yard setbacks, and those benefits meet both the C1(a) and C2 criteria with a harmonious and positive impact on the neighborhood. Mr. Pessolano presented the details of his exhibit.

Sheet 1 – Tax map excerpt

Sheet 2 – Aerial photos of the neighborhood

Sheet 3 – Ground photos of applicant's home

Sheet 4 – Images of surrounding properties

Mr. Pessolano stated that the aerial photos show 80% of homes having been expanded with living space, garages, second levels. He stated modern life requires more living space, and the applicant's lot and

matches neighborhood spacing. He stated the ground photos of neighboring homes and images of surrounding properties show sufficient green spacing even with additions.

Mr. Pessolano presented special reasons for approval. The property will be used for a family residence. More than 2 parking spaces are being provided with no detriment. The site will continue to function safely, and the project does not contribute to sprawl.

He testified the site can accommodate the proposed improvements and that sufficient green space is maintained. The removal of the shed will positively impact green space as well. He stated the plan supports the purposes of the MLUL – 40:55D-2 (a) (i) (j) (m), and the project presents no substantial detriment to the public good and does not substantially impair the intent and purpose of the zoning plan and zoning ordinance.

Mr. Pessolano addressed the negative criteria stating there is no detrimental impact from the improvements, and the visual harmony of the neighborhood will not be impaired. He testified that the narrowness of lot creates a side yard hardship as defined in subsection C1(a) and that the application meets the C1 and C2 criteria.

A Board member asked if there were FAR measurements of surrounding dwellings. Mr. Pessolano did not have specific measurements, but he stated his exhibits showed other similar improvements are comparable.

A Board member asked if there was any ability to reduce the FAR. Mr. Pessolano stated the modification of the plan would incur significant cost to the applicant for a minor reduction in the square footage. He stated 2,200 sq. feet is not a lot of living space for a family of four.

PUBLIC QUESTIONS ON MR. PESSALANO'S TESTIMONY

There were no questions from the public.

Mr. Sullivan summarized the existing conditions of the property, structure, and proposed improvements.

PUBLIC COMMENT ON APPLICATION

Mr. Angel Guzman, 61 Marie Ave was sworn in and spoke in favor of application.

BOARD DELIBERATIONS

Mr. Oller reviewed the conditions of approval as follows:

- Install street tree and bond
- Remove shed
- Patio will be replaced with a deck
- Prepare a storm water grading plan to town's approval
- Show basement with no impact to FAR

Members commented that the site can accommodate the increased FAR. Several members stated project fits into neighborhood.

Motion by Mr. Weideli, **seconded** by Mr. La Spisa to approve.

Eligible to vote: Foose, Weideli, Amin, Sweeney, La Spisa, Gayeski, Kulak

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. La Spisa, Mr. Gayeski, Mr. Kulak

DENIED: NONE

ABSENT: Mr. Bongiorno, Ms. Guttschall, Mr. Fresco. Mr. Sicat

The Board took a 5-minute break. Roll call was taken at 8:27 PM and all were present.

GRAHAM, FILOMENA & KENNETH - 192 BRAHMA AVENUE

Block 160, Lot 3

22-004-ZB - Bulk Variance Relief

Mr. Erik Frins represented Kenneth and Filomena Graham.

Ms. Deborah D'Amico would provide testimony as the applicant's Engineer.

Mr. Oller confirmed 200' notices were served and published in compliance with the MLUL.

Kenneth and Filomena Graham, Ms. Deborah D'Amico and Ms. Doyle were sworn in.

Applicant is seeking a bulk variance to construct a non-conforming garage.

Mr. Graham testified that he and his wife have owned the property since 1992. He described garage structures on adjoining properties. In 1994 they installed a shed, which is proposed to be removed and replaced with a two-car garage with a loft for storage.

Mrs. Graham stated the proposed garage would fit into the neighborhood as other properties have garages.

Mr. Graham testified that he saw a 24' x 28' product at a garage assembly business in Lebanon, NJ which can be pre-fabricated and brought onsite or assembled onsite. He anticipates having it assembled due to limitations of the street size for pre-fab delivery.

Mr. Foose noted that the garage plans submitted do not match what may actually be built.

A Board member asked why wasn't a design drawing submitted of the proposed garage. Mrs. Graham stated the drawing that was submitted is what they want, but construction prices are impacting a product choice. Plans show dormers on east and west side. The constructed dormers will be north and south. Mrs. Graham stated the dimensions of the submitted drawing represent the product's dimensions – 24' x 28' x 17.5' high. Product cannot be customized.

Mr. Oller asked the applicant if they would agree to a condition of approval of limiting the height to 17.5', structure cannot be used as habitable space, and there will be no plumbing, gas, or sewer hookups, only electricity. Applicant agreed.

Ms. Amin asked if the 28' side would be width or length. Applicant stated it would be the depth.

Mr. Foose referenced the Board Planner and Engineering June 15, 2022 report regarding lot coverage. Maximum coverage is 25%. Existing is 30.9%. Applicant is proposing 32.7%. Mr. Foose asked how 30.9% was reached without a prior appearance before the Board. Mr. Graham stated the conditions were pre-existing and nothing has been added since the land purchase.

A Board member asked if any commercial vehicles will be on the site. Mr. Graham stated a commercial vehicle does exist but is being removed.

A member asked if the house has a basement. He testified that it has a partial basement with a 6' ceiling, and that the attic is also partial.

A member asked if there was a shed on the property. He testified that there is but it will be torn down if application is approved.

A member asked if shrubbery was going to be installed around garage. The applicant stated that was planned.

Mr. Foose asked about item #12 in the joint report regarding the driveway encroachment. Applicant said it will be replaced with soil. Mr. Foose stated that would be a condition of approval.

Member asked about item #10 in the joint report. Ms. Doyle stated Ms. D'Amico calculated ILC based on a 24' x 24' structure resulting in 1,152 sq. ft., which is reflected on the submitted plan; however, the proposed structure is 24' x 28', which increases the sq. footage to 1,344 sq. ft. The measurement needs to be confirmed and a vote taken on the confirmed size. Applicant confirmed size is 24' x 28'.

Ms. D'Amico presented her credentials and they were accepted. She testified that the garage is 24' wide with a 28' length, and that the garage can be moved approx. 25' closer to the house. It will adjust the ILC to the existing 30.9% and maintain the driveway turning radius.

Ms. D'Amico testified the property is very flat. Run off on the front driveway flows toward the street and the rear portion of the lot flows to the rear and south, she testified. Garage would not impact those flows. Ms. D'Amico will work with the Engineer, Mr. Burr, to show those calculations.

Mr. Foose asked about item #16 from the joint report regarding buffering. Ms. D'Amico stated they would work with Ms. Doyle on appropriate plantings that are deer resistant.

Ms. Doyle stated with no increase of the existing coverage, the Board has the option to still require a storm water plan. Ms. Doyle stated Mr. Burr is not making a recommendation either way. Mr. Foose stated a condition of approval will be a report reviewed by Mr. Burr to confirm no negative impact from the project.

Ms. D'Amico stated the applicant will offer the option of a rain garden to Mr. Burr.

Ms. Doyle asked if Ms. D'Amico had any disagreements or comments regarding the June 15 joint report. Ms. D'Amico and the applicant agreed with the report.

A Board member asked if the existing driveway is all stone. Ms. D'Amico stated it was stone and that there are no plans to pave it at this time.

PUBLIC QUESTIONS ON D'AMICO TESTIMONY

No members of the public spoke.

PUBLIC COMMENT ON APPLICATION

No members of the public spoke.

Mr. Oller reviewed conditions of approval, as stated:

- Provide new zoning chart, new signed/sealed architectural plans
- Applicant must return to Board if FAR is exceeded
- No windows with face adjoining properties
- Dormers will face north and south
- Height maximum set at 17.5 feet
- No habitual space in garage
- No plumbing, sewer or gas connections
- Not to exceed 24 by 28' in size
- Shed removed
- Shrubbery of 30 ft. length planted to buffer neighbor
- Remove encroachment of driveway, replace with soil and mulch
- Provide storm water management plan to satisfaction of Engineer
- Move garage 25' closer to house to prevent increasing ILC beyond existing 30.9%

Mr. Frins thanked the Board and stated the applicant would comply.

BOARD DELIBERATIONS

Members stressed the requirement of relocating the garage, keeping the existing ILC, and setting maximum square footage at 1,152 feet.

Ms. Doyle is to receive sample board to review and approve garage materials to match home materials and colors.

Members commented the garage is consistent with neighborhood character and are in support as long as conditions are met.

Mr. Sweeney objected to the garage's size, height, and location.

Motion by La Spisa, **seconded** by Mr. Weideli to approve with conditions
Eligible to vote: Foose, Weideli, Amin, Sweeney, La Spisa, Gayeski, Kulak

AFFIRMATIVE: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. La Spisa, Mr. Gayeski, Mr. Kulak

DENIED: Mr. Sweeney

ABSTAIN: NONE

ABSENT: Mr. Bongiorno, Ms. Guttschall, Mr. Fresco, Mr. Sicut

GCP BRIDGEWATER, LP – 530 ROUTE 22

Block 400, Lot 7

#21-003-ZB – Use Variance

Eligible to vote: All

An announcement was made to carry the application to 7/5/2022.

9. OTHER BOARD BUSINESS:

Mr. Foose announced Mr. Oller will be acting as Board Attorney as Mr. Warner joins the firm representing the Township.

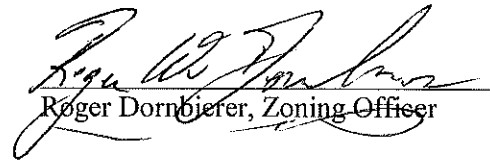
10. EXECUTIVE SESSION:

None

11. ADJOURNMENT

Motion by Mr. La Spisa, **seconded** by Mr. Weideli to adjourn at approximately 10:15 pm. Motion carried without objection.

Respectfully Submitted,



Roger Dornbierer, Zoning Officer

APPROVED _____