

BRIDGEWATER TOWNSHIP  
ZONING BOARD OF ADJUSTMENT

Regular Meeting

**July 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:**

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

Others present Acting Board Attorney Richard Oller, Esq., Board Planner Scarlett Doyle, PP, Board Engineer William Burr, IV, PE, CME, 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.

There was no public comment.

**6. MINUTES FOR APPROVAL:**

December 7, 2021 Regular Meeting (pending)

December 21, 2021 Regular Meeting (pending)

January 18, 2022 Reorganization Meeting (pending)

February 1, 2022 Regular Meeting (pending)

February 15, 2022 Regular Meeting (pending)

March 1, 2022 Regular Meeting (pending)

April 5, 2022 Regular Meeting (pending)

JUNE 21, 2022 MINUTES

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

**Motion** by Ms. Amin, **seconded** by Mr. Weideli to approve

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

DENIED: NONE

July 5, 2022 MINUTES

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

**Motion** by Mr. Weideli, **seconded** by Ms. Amin to approve

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

DENIED: NONE

**7. MEMORIALIZING RESOLUTION(S):**

**RAWSON FOOD SERVICES, INC. – 977 ROUTE 22 (Block 200 Lot 3) - REVISED  
21-032-ZB – MINOR SITE PLAN, C-VARIANCE, D-VARIANCE**

*Eligible to vote: Foose, Weideli, Guttschall, Amin, Sweeney, Fresco, La Spisa*

**Motion** by Ms. Amin, **seconded** by Mr. Weideli to approve.

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

DENIED: NONE

**APPOINTING RICHARD OLLER, ESQ. AS NEW BOARD ATTORNEY (PENDING)**

**ENGAGE SERVICES OF ENGINEERING CONSULTANT (PENDING)**

**ENGAGE SERVICES OF PLANNING CONSULTANT (PENDING)**

**GRAHAM, FILOMENA & KENNETH - 192 BRAHMA AVENUE (PENDING)**

**Block 160, Lot 3**

**22-004-ZB - Bulk Variance Relief**

*Eligible to vote: Mr. Foose, Mr. Weideli, Ms. Amin, Mr. La Spisa, Mr. Gayeski, Mr. Kulak*

**8. LAND DEVELOPMENT APPLICATIONS:**

**SAHAJ PATEL – 524 BRIDGEWATER AVENUE (Block 308, Lot 2)**

**#22-007-ZB – D Variance (F.A.R.)**

*Eligible to vote: All Members*

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

Marcia Zalewski, Esq. represented the applicant, Mr. Sahaj Patel.

Testimony would be provided by Mr. Patel, and David Stires of David A. Stires Associates, LLC

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

Ms. Zalewski stated the applicant is seeking several variances for the proposed construction of a new single-family residential home and pool in the R-10 Zone.

1. A “d(4)” variance for a Floor Area Ratio (FAR) of 0.287, whereas the maximum permitted FAR is 0.25; and
2. A variance for a side yard setback of 10’ to the swimming pool, where 15’ is required; and
3. A variance for a rear yard setback of 8’ to the swimming pool, where 10’ is required

Ms. Zalewski distributed two rendered drawings which were marked as Exhibit 4 in addition to the other exhibits marked into evidence:

- A-1 Application submitted by the Applicant
- A-2 Architectural Plan prepared by Steve J. Druga, A.I.A., dated May 20, 2022.
- A-3 Variance Plan/Location & Topographic Survey prepared by Gary V. Marmo, P.L.S., dated April 26, 2022, consisting of three sheets.
- A-4 Artist Rendering consisting of one sheet with two front elevations.
- A-5 F.A.R. Calculation Worksheet
- A-6 Improved Lot Coverage Calculation Worksheet
- A-7 Planning Department Report
- A-8 Rendering of Variance Plan, Sheet 2

Mr. Patel provided an overview of the proposed improvements. He testified that he desires to construct a new single-family dwelling for himself and his family. The proposed dwelling would be a colonial design, 2 ½ stories in height, with a 2-car garage, and consist of 4 bedrooms. In referencing Exhibit A-4, Mr. Patel testified he prefers to have a “cellar” as defined by Ordinance and, therefore, would utilize the elevation shown on Exhibit A-4 which has a window in the “cellar”. He also testified the new dwelling will satisfy the front yard setback.

Mr. Patel also testified that there will be a fence around the rear yard and side yards of the Property to approximately the midpoint of the dwelling and would enclose the rear yard.

Ms. Doyle asked if the house would have a cellar or basement. Mr. Patel confirmed that it was a cellar and that area would be less than 50% exposed and would not contain a walkout area and not impact the Floor Area Ratio.

Mr. Patel testified that the under-soffit lighting would be along the front façade of the dwelling only and not along the rear or sides. He further confirmed the area around the proposed in-ground swimming pool would be grass and not a patio, except as shown on the Variance Plan (Exhibit A-3). He stipulated the total improved lot coverage would not exceed 32.1% once the project was completed.

Mr. Patel stated he would comply with the comments and recommendations in the Joint Report from the Township Engineer and Planner dated July 14, 2022.

**PUBLIC QUESTIONS ON MR. PATEL'S TESTIMONY**

Tom Antosiewicz of 23 Evagrod Street asked if Mr. Patel aware of a tree in the rear yard that is on the property line. It was determined after reviewing the survey that the tree in question is located on the Applicant's Property and there are no easements between the two lots.

Mr. Antosiewicz asked what privacy screening is being proposed and if the basement was finished. Mr. Patel stated a privacy fence will be erected on three sides of the property. Mr. Patel also stated there are several planned improvements in the basement.

There were no further questions from the public.

Mr. Stires was duly sworn and accepted by the Board. He reviewed the three requested variances and presented details on the lot, proposed construction, and fencing. He testified existing surrounding homes are smaller, but it is not cost effective or realistic to build a smaller structure. He further testified the proposed dwelling is consistent with other new housing being constructed in the neighborhood.

Mr. Stires provided special reasons for the granting of the d(4) FAR variance and that the project satisfies MLUL – 40:55D-2 (a), (c), (i) (g) and (j), 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.

**PUBLIC QUESTIONS ON MR. STIRES' TESTIMONY**

Tom Antosiewicz of 23 Evagrod Street commented that he was concerned about landscaping, drainage, lighting and tree removal. He was assured plans would be submitted for each, no BRs in basement, owner occupied,

**PUBLIC COMMENT ON APPLICATION**

Nicholas Scodari 522 Bridgewater Ave. had no objection to the application. He commented that most of the trees on the lot are dead. Was seeking reassurance that the project will not encroach on his property.

Ms. Zalewski reviewed the application and reasons for supporting requested variances.

**BOARD DELIBERATIONS**

Mr. Oller reviewed the conditions of approval as follows:

- Comply with the Construction Mitigation Measures set forth in Section 126-243.1 of the Township's Ordinance.
- A grading/drainage plan shall be submitted if required by the Board Engineer

- Comply with the comments and requirements detailed in the July 14, 2022, Engineering and Planning memorandum
- An updated survey of the property shall be submitted if required by the Board Engineer
- Electronic versions of the signed plans shall be verified by Engineering or Planning before a building permit is issued.
- Construction must commence within a year of the resolution's adoption.
- Comply with all outside agency permits and approvals.
- No walkout doorway from the cellar as defined by Ordinance.
- No under-soffit lighting along the sides or rear of the dwelling. Security lighting permitted at garage and front door.
- Improved lot coverage shall not exceed 32.1%.
- Applicant shall work with the Township Planner to alter the shape of the in-ground pool to reduce the number of trees to be removed. At least five new trees, or equivalent, shall be planted by the Applicant, or as otherwise determined by the Township Planner.
- Provide a landscape plan to provide a buffer to neighboring property owners to the approval of the Township Planner.
- Provide a storm water management plan to the satisfaction of the Township Engineer
- Revise the Variance Plan to update the zoning table.
- Submit a Compliance Report.
- Provide a performance bond for installation of trees in an amount to be determined by the Township Planner.
- Provide verification from the Applicant's surveyor to the Township Planner that all trees designated for removal are located on the Applicant's Property.
- Revise the Variance Plan to locate the swimming pool equipment at least 20' from the rear yard and side yard property lines.

Board members provided favorable comments on house design. There were concerns about the pool placement and comments that the removal of the pool would eliminate the FAR element. Member commented that the house design is out of character with existing structures

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

**Motion** by Mr. La Spisa, **seconded** by Mr. Kulak to approve with conditions.

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

**DENIED:** NONE

Board took a recess at 8:38 PM and reconvened at approximately 8:45 PM. Second roll call was taken with all previous members still present.

**T-MOBILE NORTHEAST LLC**

**Block 601, Lot 107 (Route 202/206)**

Prior Applications #20-018-ZB & 21-010-ZB (Preliminary & Final Site Plan, D1 Use Variance, D6 Height Variance and Bulk Variances)

Amended Site Plan Approval/Amendment of Prior Conditions of Approval

*Eligible to vote:* All Members

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

Edward W. Purcell, Esq. of Price, Meese, Shulman & D'Arminio, PC represented T-MOBILE NORTHEAST LLC.

Testimony would be provided by applicant's Planner Timothy Kronk, P.P. and Melissa Cooke of Diamond Connections, the utility site developer.

Timothy Kronk, P.P., Melissa Cooke, Board Planner, Scarlett Doyle, P.P., and Board Engineer, William Burr, IV, P.E., were duly sworn according to law.

Applicant sought amended conditions as detailed in prior resolution conditions Resolution 20-018-ZB and 21-001-ZB which stated the temporary tower located on the Chambers Brook Property was required to be removed within twelve (12) weeks from the date the carriers' antennas were permitted to be placed on the new PSE&G tower located on the PSE&G Property. That deadline was July 11, 2022.

Mr. Kronk testified that T-Mobile has located its new equipment onto the new tower on the PSE&G Property, however, due to an unforeseen problem providing a fiber backhaul connection to the site, T-Mobile has been unable to complete its relocation and will not be able to complete its relocation until the fiber backhaul is installed, tentatively scheduled for August 30, 2022. Thus, T-Mobile must continue to rely on the temporary tower until the relocation to the permanent tower is completed.

Mr. Kronk further testified that once T-Mobile becomes operational on the PSE&G Property, the temporary substation will be removed from the Chambers Brook Property. However, the required powering down of the temporary substation will not occur during the summer due to electric power needs in the area. It will have to wait until Autumn when there is less electrical demand.

The applicant requested that the Board revise Condition 16 of Resolution 21-001-ZB and condition 16 of Resolution 20-018-ZB and extend the period during which the temporary tower on the Chambers Brook Property may remain-from July 11, 2022, to November 18, 2022.

**PUBLIC QUESTIONS ON MR. KRONK'S TESTIMONY**

There were no questions from the public.

Melissa Cooke testified that Diamond Connections is responsible for the removal of the temporary tower on the Chambers Brook Property. She further testified that once Diamond Connections submits its request to JCP&L to power down the temporary substation, then JCP&L will coordinate the shutdown with all other necessary parties. She too confirmed that it will not be possible to power down the substation during the summer months due to power demands.

**PUBLIC QUESTIONS ON MS. COOKE'S TESTIMONY**

There were no questions from the public.

**BOARD QUESTIONS**

Board members asked if the applicant would agree to a condition that if the temporary tower cannot be removed by November 18, 2022, that any further extension request will only be heard by this Board at a special meeting called for that purpose. The applicant agreed.

The Applicant further stipulated it would provide a status report to the Board attorney on October 3, 2022, with respect to the project's progress. The applicant also agreed to provide a performance bond for the restoration of the Chambers Brook Property impacted by the equipment removal.

Chairman Foose requested that due to the extensive delay of the project and the multiple meetings for timeline extension, the applicant should be compelled to make a financial contribution to a tree or sidewalk fund. Mr. Oller advised that this was not a legal option.

**PUBLIC COMMENT ON APPLICATION**

There was no public comment.

Mr. Purcell summarized the applicant's request and conditional agreements.

**DELIBERATIONS**

Members commented that the Applicant demonstrated that the delay in permanently relocating to the PSE&G Property was not caused entirely by the Applicant; that the relocation is in part dependent upon other parties and that an early power down of the temporary site would cause a gap in service to the immediate area.

Members stated they believe the applicant satisfied its burden of proof and were entitled to the requested extension from July 11, 2022, to November 18, 2022.

Mr. Oller reviewed conditions of approval, as stated:

- The Applicant shall provide a status report to the Board attorney on October 3, 2022, detailing the Applicant's efforts and status of removing the temporary tower and other equipment from the Chambers Brook Property.
- If the Applicant cannot remove the equipment from the Chambers Brook Property by November 18, 2022, then any further request for an extension shall only be heard at a special meeting of the Board at the applicant's expense.
- Except for the additional time granted herein for the removal of the equipment from the Chambers Brook Property, all other conditions set forth in Resolution 20-018-ZB and Resolution 21-001-ZB shall continue in full force and effect.
- A performance bond shall be established for the restoration of the site after tower removal.

*Eligible to vote: Foose, Weideli, Guttschall, Amin, La Spisa, Gayeski, Mr. Kulak*

**Motion** by Mr. Weideli, **seconded** by Ms. Guttschall to grant extension with conditions.

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

**DENIED:** Mr. Foose

**GCP BRIDGEWATER, LP – 530 ROUTE 22**

**Block 400, Lot 7**

#21-003-ZB – Use Variance

*Eligible to vote: All*

(To be carried to 8/16/22 with an extension of time thru 9/30/2022)

**9. OTHER BOARD BUSINESS:**

None

**10. EXECUTIVE SESSION:**

None

**11. ADJOURNMENT**

**Motion** by Weideli, **seconded** by La Spisa to adjourn at approximately 9:22 PM. Motion carried without objection.

Respectfully Submitted,



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Roger Dornbierer, Zoning Officer

APPROVED 9/6/22