

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
November 1, 2022
—MINUTES—

1. CALL MEETING TO ORDER

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

2. OPEN PUBLIC MEETING 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	Absent		Gary La Spisa	Present
James Weideli	Present		Bruce Bongiorno	Present
Dawn Guttschall	Present		John Gayeski	Absent
Pushpavati Amin	Present		Jeffrey Sicat	Absent
Donald Sweeney	Present		John Kulak	Present
Andrew Fresco	Present			

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

6. MINUTES FOR APPROVAL:

The following Minutes are PENDING: December 7, 2021, March 1, 2022, December 21, 2021, April 5, 2022, January 18, 2022 Reorganization Meeting, February 1, 2022, February 15, 2022, September 20, 2022.

7. MEMORIALIZING RESOLUTION(S):

KONDOROSSY – 1171 Colonial Way (Block 615, Lot 5), #22-012-ZB – Bulk Variances

Eligible to vote: Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. La Spisa, Mr. Bongiorno

Motion by Mr. La Spisa, **seconded** by Ms. Amin to accept.

AFFIRMATIVE: Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. La Spisa, Mr. Bongiorno

DENIED: NONE

8. LAND DEVELOPMENT APPLICATIONS:

• **GCP BRIDGEWATER, LP – 530 ROUE 22 (Block 400, Lot 7)**

#21-003-ZB – D Variance (Use)

Applicant requested the application be withdrawn.

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

Motion by Mr. La Spisa, **seconded** by Ms. Amin

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

DENIED: NONE

• **SHAH, NEEL B. & SEJAL – Block 633, Lot 36 (850 Sunset Ridge)**

#22-013-ZB – Site Plan/Use Variance/Bulk Variance

Eligible to Vote: Mr. Weideli, Mr. Sweeney, Ms. Guttschall, Ms. Amin, Mr. Fresco, Mr. Laspisa, Mr. Bongiorno

Mr. Michael Silbert, Esq., represented Neel B. & Sejal Shah. Testimony would be provided by Engineer Craig Stires, P.E. and Mr. John Chadwick, Planner.

Mr. Shah, Mr. Stires, Mr. Chadwick, Ms. Doyle, and Mr. Burr were sworn according to law.

The following exhibits were referenced during testimony:

- # A-1 Rendered copy of sheet 3 of the Variance Plan prepared by Craig W. Stires, P.E. of Stires Associates, P.A.
- # A-2 Arial Photograph of the Property
- # A-3 Photograph of the Property taken prior to the existing dwelling having been constructed
- # A-4 Photograph of the Property showing the location of the existing dwelling, but taken prior to the existing dwelling having been constructed
- # A-5 Photograph of the existing dwelling

Craig W. Stires, P.E., testified that the Property is a pre-existing non-conforming lot located in the R-50 zone as it is 39,861 square feet instead of the required 50,000 and that the majority of the lots in the neighborhood are closer in size to the R-40 requirement of 40,000 square feet, which is

closer to the subject Property. Mr. Stires explained the subject property is in an area of steep slopes and was vacant until 2014 when the Board of Adjustment granted an application submitted by the same Applicants to construct the existing home.

He stated that the 2014 application and the R-50 zone had an improved lot limitation of 16% and a maximum FAR of 18%, which are still the requirements. After applying the steep slope deductions required by the Township's Hillside Development Ordinance, the improved coverage limitation in 2014 was 5.6% and the maximum FAR was 4.98%. The 2014 resolution approved an improved coverage of 15.5% and a FAR of 8.6%. At that time, the basement and the area above the garage were not proposed to be used as living space, and, not included in the calculations.

Mr. Stires further testified that the Applicant's request is to now use the area over the garage as a bedroom plus office space and the basement for family uses and entertainment. The Applicants also proposed a 190 square foot addition to the rear of the dwelling to increase the size of the existing family room, which would also create an additional 190 square feet of useable area in the basement. Mr. Stires testified that the Applicants' family is getting older and with the necessity of working from home, they are seeking the additional living space to accommodate their growing family and work needs. The Applicants also requesting to install a 16' x 40' in-ground swimming pool and patio in the rear yard which increases the improved lot coverage. Mr. Stires opined that the swimming pool was not an excessive size; that most of the improvements are within the existing dwelling; and that although exterior modifications would be necessary over the garage, said modifications would have minimal visual impact from the street view.

Mr. Stires confirmed that there would be no changes to any steep slope area. He also explained that the 2014 construction leveled the lot and no longer had the same level of steep slopes that it did in 2014.

BOARD QUESTIONS

A member asked if there was a plan to have an apartment in the basement. Mr. Stires said no.

A member asked about the proposed patio's impact on improved lot coverage. Mr. Stires said the existing patio, which was installed without a permit, would be removed in order to accommodate the proposed patio.

A member asked if an AC system was being installed. The answer was no.

A member asked about distances to the rear yard fence. The answer was that the distance from the rear of the dwelling to the existing rear fence is approximately 80 feet and that the proposed patio will end approximately 20 feet before the fence.

A member asked the Applicant, Mr. Neel Shah, about the impact of construction equipment on impervious surfaces. Mr. Shah replied that the surface would be compacted but the access road would be temporary and returned to original condition.

A member asked how increased coverage is being justified. Mr. Shah responded that he is leveraging the basement and garage space because COVID has caused a need for home offices.

A member asked what the hardship was to justify the FAR coverage. The applicant's attorney, Mr. Michael Silbert answered that the footprint of the house wasn't changing except for the basement, and that making use of existing space is what is impacting the FAR.

Township Planner Scarlett Doyle reviewed the 2014 resolution and statistics for the property wherein it states that the space above the garage would not be developed in future.

A member asked about the impact of water roll off. Mr. Stires stated that two dry wells were proposed.

The board took a break from 7:52 PM – 8:00 PM.

Roll call was taken after break. All members were still present.

BOARD QUESTIONS (cont.)

The applicant stated that they will reduce the Improved Lot Coverage (ILC) from the proposed 19.9% to the 18% permitted in the zone with the reduction of 757 sq. ft. and that they would commit to a drainage feature.

Board Engineer Bill Burr suggested reducing the size of the driveway to reduce lot coverage.

A member asked where the pool would drain. Mr. Stires answered that he wasn't sure. It was suggested a condition be added that that pool water discharge could not be into the rear yard.

Ms. Doyle asked where construction soil from the pool be placed. The Applicant agreed that it will be removed from the site.

Mr. Burr asked if the basement was going to have a stove installed. The applicant said no.

A member asked about the number of bedrooms. The Applicant stated at present there are four and after improvements, there would be five.

Mr. Burr asked if any trees were to be removed. Applicant stated no trees would be removed.

A member asked about the depth of the proposed pool. The answer was 6' deep.

A member asked if the roofline would be modified. The answer was no.

PUBLIC QUESTIONS ON THE STIRE'S TESTIMONY

No members of the public spoke.

The Applicant's Planner Mr. Chadwick was presented and qualifications offered. He was accepted.

Mr. Chadwick testified that there is no change in the building's appearance and that they are utilizing the existing space; not increasing size.

A Board member asked if the project could be accommodated with the lot size. Mr. Chadwick said it could.

A Board member questioned if surrounding lots were similar to the subject property's one-acre size. Mr. Chadwick stated they were similar in size. He stated a nearby home was 4,800 sq. ft. and another was 4,200 sq. ft.

A member stated that an ILC of 15.5% was approved in 2014 for this property. Now the applicant is looking for a 2.5% increase. Ms. Doyle stated that the 2014 Board decided the house could not accommodate a finished basement and a room over the garage.

Mr. Chadwick stated that Covid-19 changed the need for additional space and that homes have become multi-generational. He opined that the proposal was in keeping with the neighborhood and there would be no light pollution.

Mr. Silbert stated the applicant will work with Mr. Burr to comply with drainage requirements.

There were no further questions from the board.

PUBLIC QUESTIONS ON THE CHADWICK TESTIMONY

No members of the public spoke.

PUBLIC COMMENTS FOR OR AGAINST THE APPLICATION

Ms. Adriana Korgold of 854 Sunset Ridge was sworn in. She stated she was a real estate agent and that she was in favor of the application.

Ganesh Iyer of 846 Sunset Rd stated he was in support of the application and that the Shah's are good neighbors.

BOARD DELIBERATIONS

A member stated they don't understand the need for the bump out addition and suggested it be eliminated.

A member stated that flooding issues have gotten worse and that was the reason behind the establishment of the Steep Slope rules.

A member stated they were in favor of the proposed basement improvement, and that the project was not impacting the structure.

A member stated the proposed FAR is doubling and the project was not justifiable because the lot is smaller than others in the area and therefore cannot justify the FAR increase.

A member stated that the applicant agreed to the conditions and testimony in 2014 and now wants to do what they agreed they wouldn't. The FAR is way above what is allowed, and they are against the application.

Another member stated the proposal pushes the FAR way above the allowance. They are in favor of the ILC reduction and are leaning toward a denial.

Another member stated they have no issue with the proposal conflicting with the 2014 agreement. They think the addition bump out on the first floor isn't necessary. They want to see the conditions and what the applicant agrees to.

Another member stated the 2014 resolution allowed the applicant to return to the board. Now the applicant is back. Circumstances have changed.

Another member stated they see only good reasons to approve the application.

Mr. Silbert consulted with the applicant and requested the application be carried to the 12/6/2022 meeting without additional notice. The Board agreed.

Zoning Officer Roger Dornbierer recapped which members would be qualified to vote on the proposal at the December 6, 2022 meeting.

9. OTHER BOARD BUSINESS:

None

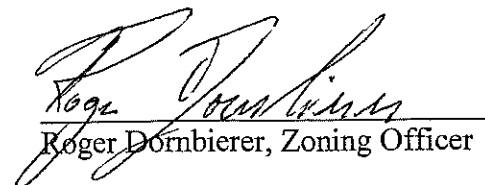
10. EXECUTIVE SESSION:

None

11. ADJOURNMENT

Motion by Mr. Sweeney, **seconded** by Mr. Fresco. Motion carried without objection. Meeting was adjourned at approximately **8:55 PM**.

Respectfully Submitted,


Roger Dornbierer, Zoning Officer

APPROVED 4/18/23