

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**  
Regular Meeting  
**September 20, 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	Present
Dawn Guttschall	Absent		John Gayeski	Present (Arrived 7:08 PM)
Pushpavati Amin	Present		Jeffrey Sicat	Present
Donald Sweeney	Present		John Kulak	Present
Andrew Fresco	Absent			

Others present Board Attorney Richard Oller, Esq. 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.

Chairman Foose announced the GCP BRIDGEWATER, LP application would be carried to a future meeting.

**6. MINUTES FOR APPROVAL:**

September 6, 2022 Regular Meeting

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

**ROLL CALL:**

**AFFIRMATIVE:** *Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. Sicat, Mr. Kulak*  
**DENIED:** NONE

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

**APPOINTMENT OF TRAFFIC ENGINEERING CONSULTANT**

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

**ROLL CALL:**

**AFFIRMATIVE:** *Mr. Foose, Mr. Weideli, Mr. Sweeney, Ms. Amin, Mr. La Spisa, Mr. Bongiorno, Mr. Sicat, Mr. Kulak*

**DENIED:** NONE

**8. LAND DEVELOPMENT APPLICATIONS:**

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

Stephen Kondorossy represented himself as the applicant. Testimony would be provided by Architect Daniel Fortunato, AIA.

Mr. Kondorossy and Mr. Fortunato were sworn according to law.

The following exhibits were referenced during testimony:

- # A-1 Variance Application Form # 3E
- # A-2 Architect's Plan prepared by Daniel Fortunato, P.A., dated February 18, 2022.
- # A-3 Survey prepared by Richard C. Mathew, P.L.S., dated March 31, 2022.
- # A-4 Improved Lot Coverage Calculation Worksheet
- # A-5 Floor Area Ratio Calculation Worksheet

Mr. Fortunato testified that the lot is undersized for its location within the R-50 zone, and the applicant proposes to construct a second-floor addition to the existing dwelling within the required front yard and one side yard. The existing dwelling has a pre-existing non-conforming front yard setback of 52.33 feet, where 75 feet is required, and a pre-existing non-conforming side yard setback of 20.9 feet, where 25 feet is required. Therefore, a variance relief is requested.

Mr. Fortunato testified that the Property was near its maximum permitted impervious coverage and the only alternative to not further increasing the impervious coverage was to expand by

building a larger second floor. With the proposed addition, including a new deck addition, the impervious area within the Property will be 17.98%, slightly under the maximum permitted 18% impervious coverage.

Mr. Fortunato testified that the improvements were consistent with the neighborhood and represent similar improvements already in existence with other homes in the area. Mr. Fortunato opined that there was no other way to add additional square footage to the dwelling to bring it up to modern standards and that the proposed addition was the best planning alternative to provide additional square footage.

Mr. Fortunato presented the positive criteria as it relates to the front and side yard setbacks, demonstrating that strict application of the zoning regulations would result in a hardship under the Subsection "c(1)".

Mr. Fortunato 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 also stated the project would not substantially impair the intent and purpose of the Township's Master Plan and Zoning Ordinance, and it advances the purposes of the MLUL 40:55D-2 (a), (i).

#### **BOARD QUESTIONS**

Members questioned the presence of a fountain in the front yard and if it counted as a permanent structure. It was determined not to be permanent. A member asked if the pergola on the property was detached from the primary structure. It was determined to be attached and not an accessory structure.

A Board Member asked if the existing storage POD would be removed from the property. The applicant testified it would be.

#### **PUBLIC QUESTIONS ON THE FORTUNATO TESTIMONY**

No members of the public spoke.

Mr. Fortunato summed up the application and stated the applicant had no objections with all points outlined in the Planner and Engineer's report.

Mr. Oller recapped the following conditions of approval to which the applicant agreed:

- Applicant shall comply with the Construction Mitigation Measures set forth in Section 126-243.1 of the Ordinance;
- Applicant shall include topographic information and highlight any conflicts between the proposed addition and the existing utilities, subject to review and approval of the Engineer;
- Applicant shall not be required to execute a Developer's Agreement;
- Applicant shall comply with the comments and requirements
- "Compliance Report" for a "Simple Variance" prior to any plans being signed and before a building permit can be issued;

- Once the Applicants have satisfied all of the conditions and requirements set forth in the Compliance Report and the Plans are signed, the Applicants must submit electronic versions of the signed plans to the Township. This will be checked by the Township before a building permit is issued;
- The the plot plan shall identify the exact dimensions of the proposed dwelling, with distances to the property lines.
- Applicant shall revise the plans to modify the zoning chart to accurately reflect the measurement at the right of way and minimum front yard setback, as defined in the ordinance;
- All storage pods shall be removed prior to the issuance of a certificate of occupancy.
- The variance relief shall expire in one year if work has not commenced.
- Applicant shall comply with all other outside agency permit and approval requirements.

**PUBLIC COMMENTS FOR OR AGAINST THE APPLICATION**

No members of the public spoke.

**BOARD DELIBERATIONS**

Board members indicated they liked the design and felt it fit in with the surrounding neighborhood. They expressed no objections to the application.

**Motion** by Mr. Weideli, **seconded** by Mr. La Spisa to approve the application, with conditions as enumerated by the Board Attorney.

**ROLL CALL:**

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

**DENIED:** NONE

**9. OTHER BOARD BUSINESS:**

Chairman Foose advised that there were no applications pending and that an announcement will be made if the October 4, 2022 meeting is cancelled.

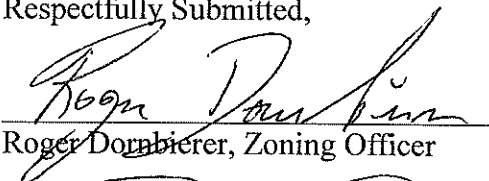
**10. EXECUTIVE SESSION:**

None

**11. ADJOURNMENT**

**Motion** by Mr. Weideli, **seconded** by Mr. La Spisa. Motion carried without objection. Meeting was adjourned at approximately **7:33 PM**.

Respectfully Submitted,

  
Roger Dornbierer, Zoning Officer

APPROVED 12/6/2022