

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
September 24, 2024

—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Foose 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 9, 2024 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 10:15 pm and no new testimony will be taken after 10:30 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
James Weideli-	Present	Claudio Vescio-	Present
Jeffrey Sicat-	Present	Andrew Fresco-	Absent
Pushpavati Amin-	Present	Chris Gabbett-	Present
John Kulak	Present		

Others present: Board Attorney Rich Oller, Esq., Board Planner Katherine Sarmad, Bill Burr, PE Township Engineer and Roger Dornbierer, Zoning Officer.

5. OPEN TO THE PUBLIC

Chairman Foose opened the meeting to the public. With there being no members of the public wishing to speak, the Board closed this portion of the meeting.

The Board expressed their gratitude for Mr. Dornbier's hard work during his tenure at Bridgewater Township.

6. APPROVAL OF MINUTES

April 9, 2024 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve the minutes as amended based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Kulak & Chairman Foose
Nays:
Ineligible: Mr. Bongiorno, Mr. Gayeski, Mr. Sicat & Mr. Gabbett
Abstain:
Absent: Mr. Fresco

April 23, 2024 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve the minutes as amended based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Kulak & Chairman Foose
Nays:
Ineligible: Mr. Bongiorno, Mr. Gayeski, Mr. Sicat & Mr. Gabbett
Abstain:
Absent: Mr. Fresco

May 28, 2024 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve the minutes as amended based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Kulak & Chairman Foose
Nays:
Ineligible: Mr. Bongiorno, Mr. Gayeski, Mr. Sicat & Mr. Gabbett
Abstain:
Absent: Mr. Fresco

June 11, 2024 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve the minutes as amended based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Kulak & Chairman Foose
Nays:
Ineligible: Mr. Bongiorno, Mr. Gayeski, Mr. Sicat & Mr. Gabbett
Abstain:
Absent: Mr. Fresco

June 25, 2024 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve the minutes as presented based on the following roll call vote:

- Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Bongiorno, Mr. Gayeski, Mr. Sicat & Chairman Foose
- Nays:
- Ineligible: Mr. Kulak, Mr. Vescio & Mr. Gabbett
- Abstain:
- Absent: Mr. Fresco

July 9, 2024 Regular Meeting

On motion by Mr. Weideli, seconded by Mr. Sweeney, the Board voted to approve the minutes as presented based on the following roll call vote:

- Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Bongiorno, Mr. Gayeski, Mr. Sicat & Chairman Foose
- Nays:
- Ineligible: Mr. Kulak, Mr. Vescio & Mr. Gabbett
- Abstain:
- Absent: Mr. Fresco

7. RESOLUTIONS

Application # 24-003-ZB; Somerset Properties Associates, LLC (“Senior Life”) (pending)
Block 476, Lot 20 (757 Route 202/206)
Preliminary & Final Site Plan with Use Variance

8. LAND DEVELOPMENT APPLICATIONS

#24-005-ZB; 821 Bridgewater LLC & JCC of Somerset, Hunterdon & Warren
Block 477, Lot 45&46 (821 & 831 Route 202-206)
D(1), D(4), D(5) Variances

This application was carried to the October 22, 2024 Regular Meeting without further notice.

Application #23-023-ZB; Bridgewater Realty II LLC (Starbucks)
Block 222, Lot 6.01 (1288 & 1298 Rt. 22 & Morgan Lane)
Preliminary & Final Major Site Plan, Use Variance, Bulk Variances

This application was carried to the November 12, 2024 Regular Meeting pending new notice.

Application #23-014-ZB; CX Towers
Block 163, Lot 6.01 (719 Route 202)
Preliminary & Major Final Site Plan with D Variance, C Variance (s)

This application was carried to the November 12, 2024 Regular Meeting pending new notice.

Application #23-010-ZB; Bellie Holdings LLC
Block 249, Lot 40 (19-21 Mount Pleasant Ave
D Variances, Bulk Variances

This application was carried to the December 10, 2024 Regular Meeting pending new notice.

Application #23-011-ZB; 1200 Route 22 Land Investors & 1200 Route 22 LLC Holding
Block 221; Lots 1.02, 1.03, 1.04, 2 & 2.01 (1210 & 1220 Route 22)
Preliminary & Final Site Plan Approval with D Variance(s), Bulk Variance(s)

This application was carried to the December 10, 2024 Regular Meeting pending new notice.

Application # 24-015-ZB; Chen, Xi
Block 633, Lot 56 (950 Sunset Ridge)
Simple Variance/Design Waiver

This application was carried to the October 8, 2024 Regular Meeting without further notice.

Application # 24-018-ZB; Sabella, Jonathan
Block 606, Lot 9 (1377 Meiners Drive)
D Variance (FAR)

Mr. Silbert was present to represent the applicant. He provided a brief overview of the application and identified the variance relief requested by the applicant for floor area ration. Mr. Oller confirmed notice was adequate and the Board has proper jurisdiction. Sworn testimony was provided by Mr. David Stires, Professional Engineer, Mr. Fortunato, Professional Architect, Mr. Flynn, Professional Planner

Exhibits were entered as follows:

A1 9/24/24 Rendering/Variance Plan

Mr. Silbert introduced Mr. Stires as the applicant's Professional Engineer. Mr. Stires used the **A1 9/24/24 Rendering/Variance Plan** to describe the current characteristics of the lot and existing home. Mr. Stires confirmed the existing deck and pool will be removed to allow for a rectangular 372 sq. ft. addition with a new deck. The stairs will be moved to the north and the

deck is proposed to have a slight expansion. The applicant has requested the pool be permitted to be rebuilt later.

Mr. Stires identified all the existing nonconformities that exist on the property. He identified the 25% ILC permitted and advised the applicant to propose an increase to approximately 26% ILC. He then identified the proposed FAR as approximately .171 instead of the .16 permitted in the zone.

Mr. Stires reviewed Mr. Burr's review memo and identified all the items the applicant will comply with. He then discussed the drainage for the site in detail for the Board.

On questioning by the Board, Mr. Silbert advised there is no requirement for HOA approval for this project. The Board requested the applicant notify the HOA as a courtesy.

On questioning by the Board Professionals, Mr. Stires confirmed the footprint of the exterior improvements do not extend past the footprint of the existing deck.

The Board opened the meeting to the public for questions. With there being no questions, the Board closed this portion of the meeting.

Mr. Silbert introduced Mr. Fortunato as the applicant's Professional Architect. He was accepted by the Board.

Mr. Fortunato advised the stairs previously built for a previous addition and were unsafe. He then advised the old stairs are going to be removed completely and the new addition will account for the headroom needed for new steps proposed. He then confirmed this addition is a "raised addition." New footings and posts will be installed to keep the addition at the same elevation as the existing deck. Mr. Fortunato confirmed there is nothing proposed for underneath the addition.

On questioning by the Board Professionals, Mr. Fortunato confirmed Mr. Stires calculations are accurate and will be submitted as part of the permit package.

The Board opened the meeting to the public for questions. With there being no questions, the Board closed this portion of the meeting.

Mr. Silbert introduced Mr. Flynn as the applicant's Professional Planner. He was sworn accepted by the Board.

Mr. Flynn provided planning testimony in favor of the applicant's proposal. He opined the project promotes several aspects of MLUL. He identified each of the beneficial aspects of the project. He then opined the relief being requested does not negatively affect the zoning intended for the zone.

The Board requested a condition in the resolution that the shed remain in the current location and not be expanded and the applicant agreed.

The Board opened the meeting to the public for questions. With there being no questions, the Board closed this portion of the meeting.

Mr. Silbert provided a brief summation of the application.

The Board opened the meeting to the public for comments. With there being no comments, the Board closed this portion of the meeting.

Mr. Oller reviewed conditions for the resolution and the Board deliberated.

On motion by Mr. Weideli, seconded by Mr. Bongiorno, the Board voted to approve the application with conditions based on the following roll call vote:

Ayes:	Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Bongiorno, Mr. Gayeski & Chairman Foose
Nays:	
Ineligible:	Mr. Kulak, Mr. Vescio & Mr. Gabbett
Abstain:	
Absent:	Mr. Fresco

Application # 24-013-ZB; Shalaby, Sherif
Block 374, Lot 9 (233 Shepherd Avenue)
Bulk Variances

Mr. John Sullivan, Esq, was present to represent the applicant. Mr. Oller confirmed the notice was in order and the Board has jurisdiction. Sworn testimony was provided by Mr. Sherif Shalaby, Owner.

Mr. Sullivan provided a brief overview of the application and identified the variance relief requested by the applicant.

Mr. Sullivan introduced Mr. Shalaby as the owner of the property. He described the existing house for the Board and advised the family needs more space so they are proposing an addition. He then identified the existing driveway and then described the unsafe location.

On questioning by the Board, Mr. Shalaby confirmed the proposed addition will create a total of 5 bedrooms and 3 bathrooms.

On questioning by the Board Professionals, Mr. Shalaby advised the existing driveway will be removed and a new driveway will be installed on the Park Ave side of the house. He further confirmed there is no other hardscape than can be removed from the lot to decrease the improved lot coverage.

On questioning by the Board, Mr. Burr opined Shepherd Ave is busier than Park Ave.

Mr. Sullivan introduced Mr. Frank Mileto as the applicant's Professional Architect. He was sworn accepted by the Board.

Mr. Mileto described the proposed addition in detail. He used the submitted plan set to describe the proposed addition in detail, advising there are 3 proposed bedrooms with 2 additional bathrooms proposed.

On questioning by the Board, Mr. Mileto confirmed the proposed driveway is adequate for 2 vehicles parked in front of the garage.

On questioning by the Board, Mr. Mileto opined the ILC overage is minimal, and the proposed pavers will absorb some of the water. He opined there will be no detriments to the surrounding properties.

Mr. Mileto advised the lot is "substandard" and the owners hardship lies. He opined the variance should be granted as it does not disrupt the neighbors, neighborhood or municipality. He further opined the granting of the variance creates positive promotion of the MLUL and outweighs any detriments.

On questioning by the Board, Mr. Mileto confirmed he did not conduct a study of the surrounding neighborhood.

On questioning by the Board, Mr. Mileto confirmed the removed driveway will become a grass area. He then confirmed no driveway materials have been selected for the proposed driveway. The Board requested a condition that pervious pavers be used for the new driveway and the applicant agreed.

Ms. Sarmad requested the driveway to be removed on the plans and the proposed driveway should be quantified in the plans.

The Board opened the meeting to the public for questions. With there being no questions, the Board closed this portion of the meeting.

Mr. Sullivan provided a brief summation of the project.

The Board opened the meeting to the public for comments. With there being no comments, the Board closed this portion of the meeting.

Mr. Oller reviewed conditions for the resolution and the Board deliberated.

On motion by Mr. Weideli, seconded by Mr. Bongiorno, the Board voted to approve the application with conditions based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Fresco, Mr. Bongiorno,
Mr. Sicat & Chairman Foose

Nays:
Ineligible: Mr. Kulak, Mr. Vescio & Mr. Gabbett
Abstain:
Absent: Mr. Fresco

9. OTHER BOARD BUSINESS

There was no other Board business.

10. ADJOURNMENT

The Board unanimously voted to adjourn at approximately 8:42 pm.

Respectfully Submitted,



Jo-Ann M. Ricks
Certified Board Secretary

