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February 20, 2024

55184 00

To: Cheryl Chrusz, Board Secretary
Montgomery Township Zoning Board
100 Community Drive
Skillman, NJ 08858

From: Rakesh R. Darji, PE, PP, CME
Zoning Board Engineer

Re: 26 Blue Heron Way
Skillman, NJ
Montgomery Township
Somerset County
Block 30001, Lot 16.13
Variance Application
Application #BA-09-23

Our office has reviewed the documents submitted for a Bulk Variance Application at the address listed above. The applicant is seeking a bulk variance for exceeding the maximum allowable impervious cover on the 1-acre site.

A 2-story brick and frame dwelling with a connecting brick sidewalk and slate patio, pool with decking and a 1-story pool house are the existing improvements. The applicant is proposing to expand the existing kitchen by approximately 72 FT.

The house sits on Blue Heron Way located within the Bedens Brook Farm development in the R-5 (Single Family Residential) Zoning District. The dwelling is serviced both by public water and sewer.

The parcel is encumbered by a 10 FT wide utility easement along Blue Heron Way and a 20 FT wide drainage easement at the rear of the property (west). Wetlands and a wetlands buffer are located within the western portion of the parcel.

The following information has been submitted by the applicant in support of this application. This office has reviewed submitted documents for compliance with the submission requirements of the Montgomery Township Land Use Ordinance.

1. Montgomery Township General Application Data, dated November 16, 2023.
2. Property Deed prepared by Ray J. Barson, Esq., dated June 23, 2016.
3. Somerset-Union Soil Conservation District Request Determination of Non-Applicability dated November 15, 2023.
4. Variance Plan prepared by Van Cleef Engineering Associates, LLC, dated July 20, 2020, last revised January 8, 2024.
5. Architect Plans prepared by Kevin C. Roy Architect LLC, dated February 27, 2023.
6. Response Letter prepared by Van Cleef Engineering Associates, LLC, dated December 19, 2023.
7. Montgomery Township Revised Variance Checklist dated December 19, 2023.
8. Delaware and Raritan Canal Commission Application Form, dated November 15, 2023.

9. Plan of Survey prepared by JT Surveying, dated May 23, 2023.
10. Stormwater Management Facility Soil Testing Results Narrative prepared by Van Cleef Engineering Associates, LLC, dated November 16, 2023.
11. Final Plat prepared by Van Cleef Engineering Associates, LLC, dated March 17, 1995, last revised April 10, 1995.

General Information

Owner/: George Thomas
Applicant 26 Blue Heron Way
Skillman, NJ 08558
george.thomas64@gmail.com

Engineer: Michael K. Ford, PE
Van Cleef Engineering Associates, LLC
mford@vancleefengineering.com

Architect: Kevin C. Roy Architect LLC
keroy@optimum.com

Attorney: Lawrence P. Powers, Esq.
Hoagland, Longo, Moran, Dunst & Doukas, LLP

Zoning

Zoning – R-5 – Single Family Residential* §16-4.2d – Area and Yard Requirements

	Required	Existing	Proposed	
Min Lot Area	1.0 Acre	1.0 Acre	N/C	Conforms
Min Lot Frontage	150 FT	150 FT	N/C	Conforms
Min Lot Width	150 FT	150 FT	N/C	Conforms
Min Lot Depth	200 FT	290.4 FT	N/C	Conforms
Min Setbacks				
- Front Yard	50 FT	55 FT	N/C	Conforms
- Rear Yard	50 FT	157.2 FT	N/C	Conforms
- Side Yard	30 FT (each)	31 / 45 FT	N/C	Conforms
Max Building Height	35 FT/2-1/2 Story	2 Story	N/C	Conforms
Min Foundation Setback to “Critical Area”	20 FT	N/A	N/A	Conforms
Minimum Non-Critical Area	43,560 SF	43,664 SF	N/C	Conforms
Accessory Building (Pool House), §16-5.15				
Distance to Sideline	15 FT	16 FT	N/C	Conforms
Distance to Rear Line	15 FT	37.9 FT	N/C	Conforms
Distance to Other Buildings	20 FT	100.4 FT	N/C	Conforms
Coverages				
Max Building Coverage (Pool)	3%	0.95%	N/C	Conforms
Max Building Coverage (Dwelling)	10%	7.9%	8%	Conforms
Max Impervious Coverage**	19%	27.2%	27.2%	Variance

* Per Footnote #1: all lawfully existing detached single-family dwellings located in either the MR or R-5 district situated on lawfully existing lots having an area of 1 acre but less than 3 acres shall meet the requirements for R-1.

** An additional 4% lot coverage is permitted on a lot less than 2 acres for a private residential inground pool, include all buildings, structures, etc., provided stormwater BMPs are maintained.

Variances

The applicant is seeking the following bulk variances:

1. Section §16-4.2d states the allowable maximum lot coverage is 19%. The proposed 6' x 12' kitchen addition to the existing family dwelling resulted in a net increase in impervious cover 20 SF. The existing and proposed lot coverage remains at 27.2%. The lot coverage exceeds the maximum permitted coverage and will require a variance.

The Applicant has the burden of proof to present “positive” and “negative” criteria to justify the variance and should be prepared to provide testimony as such. The applicant must provide to the satisfaction of the Board that there are exceptional conditions of the property preventing the applicant from complying with the Zoning Ordinance. Testimony should also demonstrate that the site is particularly suited to the proposed use and that the proposal will advance the purposes of the Municipal Land Use Law and the Township’s Master Plan and Zoning ordinances. Additionally, the applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances. Testimony should be provided.

Waivers

1. From §16-5.6(d)3, a minimum of 14 trees per acre shall be planted on single family lots. Should the Board allow the tree requirement to be based upon the area disturbed, a single tree would be required. The property is nicely landscaped with mature trees and landscaping. It appears that no trees are proposed to be removed. A design waiver will be required.

General Comments

1. Footnote # (2) on the zoning table should be revised to reference the R-5 district, not the R-2 district.
2. The asterisk for the Maximum Building Coverage (accessory) which indicates that a variance is required should be removed. No variance is required for the accessory building (pool house).
3. Our office reviewed historical aerial data found from Google Maps and Google Earth relating to this parcel. It appears that these improvements were constructed around 2001. At that time, the NJ DEP stormwater regulations did not require the use of BMPs onsite to manage stormwater. The proposed improvements, 20 SF, increase the building coverage by 0.05%.
 - a. The applicant should provide testimony regarding the existing drainage patterns and if there appears to be any adverse impact to the adjoining parcels.
 - b. Should the Board act favorably on this application, the applicant should be aware that any improvement going forward will require stormwater management.
4. The applicant has provided Stormwater Management Facility Soil Testing Results Narrative prepared by Van Cleef Engineering Associates, LLC, dated November 16, 2023 which states the site is not suitable for an infiltration type of stormwater BMP due to the lack of permeability and shallow depth to groundwater.
 - a. Note 1 on the Variance plan should be revised to include the soils on the parcel. The provided Stormwater management facility testing requirements show there are 2 types of soil on this lot.
5. Testimony should be provided regarding the existing drainage easement at the rear of the parcel. It appears that the existing drainage patterns direct the flow on the parcel to this location.
 - a. Note 2 states that NJ DEP Maps shows no wetlands or wetlands transition areas. Note 6 states there are no critical areas per the Township Critical Area Map. It is noted that NJ Geo Web shows an area of wetlands at the rear property line and that the Montgomery Township Critical Areas map shows both this wetlands area along with a 150 FT wetlands buffer area. This discrepancy should be reviewed and the plans revised accordingly.
6. Testimony should be provided as to whether any soil is to be removed from or imported to the site. Per §16-5.6c, no soil shall be removed from or imported to the site in excess of 20 CY per year without the prior approval of the Planning Board.

7. It is noted that a tree is depicted on a GoogleEarth image of the property in close proximity to the proposed construction access. This tree is not shown on the survey or existing conditions plan. The applicant should provide testimony regarding the location of the tree to the construction access and if this tree will need to be removed.
8. The applicant should provide information and quantify if any landscaping is to be removed as a result of this project.
9. Note #9 indicates the house is serviced by a septic system. Per the Township utilities map, there is a sanitary line within the Blue Heron Way right-of-way. The applicant should provide testimony whether the dwelling is connected to the Township sanitary system. The existing septic system should be depicted on the plan or the connection to the sanitary should be shown.

Permits & Approvals

The applicant shall secure any and all other approvals, licenses, and permits required by any other board, agency or entity having jurisdiction over the subject application or over the subject property, if required:

- a. Somerset-Union Soil Conservation District, if needed
- b. Delaware and Raritan Canal Commission, application pending
- c. New Jersey Department of Environmental Protection, if needed
- d. Any and all others as required.

Should you or the applicant have any questions, please do not hesitate to contact this office.

RRD/jnc/mbs