

MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
FEBRUARY 21, 2012

MINUTES

Chairman Walker called the meeting to order at 7:33 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman Walker, Vice Chairman Gamache (arrived 8:16 p.m.), Mr. Drift; Mr. Petraske; Mr. Sugden; Mr. Wilson; Mr. Voitach; Mr. Francolini, Alternate #2, Mr. Thompson, Alternate #3, Alison Covello, Alternate #4

ALSO PRESENT: Jonathan Drill, Esq., Board Attorney; Cindy Coppola, Board Planner; Joseph Palmer, Zoning Officer; Patricia Graham, Township Committee Liaison

I. APPLICATION CONTINUATION

Case BA-03-08 **Applicant: Omnipoint Communications, Inc.**
Block 20001 Lot 6
Preliminary and Final Major Site Plan with Use Variance
Expiration Date – 4/30/2012
Affidavit of Notification and Publication Required and Previously Submitted

The above application was continued to the February 28, 2012 meeting. No further notice is required.

Case BA-12-01/BA-03-08 **Applicant: Nassau Racquet and Tennis Club, Inc.**
Block 20001 Lot 6
Submission Waivers and Modification to Previously Approved Site Plan
Expiration Date – 120 Days After Submission Waivers are Approved
Affidavit of Notification and Publication Required and Previously Found to Be In Order

The above application was continued to the March 20, 2012 meeting. No further notice is required.

II. APPLICATIONS

Case BA-01-12 **Applicant: Ralph Raymond**
Block 27001 Lot 28
Bulk Variance
Expiration Date – 5/29/12
Affidavit of Notification and Publication Required

Notice was found to be in order. Ms. Coppola, Mr. Raymond and Mr. Weshnak were sworn in. Mr. Weshnak's address is 310 Charles Terrace.

Mr. Raymond purchased the property in 1998. There is a small 2 bedroom ranch that he has completely renovated to bring it up to Code. The house, which is a little less than 1,000 square feet, does not meet his current needs. The purpose of the addition is to allow him to continue to live in the home as he grows older. The addition is a master bedroom and master bathroom that is wheelchair and handicapped accessible as well as a second bedroom. One of the existing 10' x 10' bedrooms will become a walk-in closet. The addition as proposed is being constructed in the area where it will fit in architecturally with the rest of the house. A variance is required because the addition is approximately 30' from the property line which is consistent with the old R-1 zoning. Because of the lot size, the property is not grandfathered and must meet the R-2 zoning. A front yard setback is also required. It is consistent with the character of the neighborhood. The neighborhood is a 1950's type neighborhood with a lot of small ranches. The property is narrow and very elongated.

Chairman Walker asked Ms. Coppola if a variance for the lot frontage and width is necessary. Ms. Coppola opined that it does not since it is an existing condition that is not being changed. The front yard setback is also pre-existing nonconforming but a variance is needed because the addition will continue the same line as the existing dwelling. The existing dwelling meets the side yard requirement of 40' but the addition will encroach. It is very difficult to comply with the R-2 standards on the elongated lots because many of them don't even meet the frontage requirement for the R-1 district.

Mr. Raymond showed the Board the house plans and explained why the north side is the best positioning for the addition. Mr. Raymond showed pictures of existing houses in the neighborhood. The existing layout of the

floor plan constrains the ability to place any addition elsewhere on the site. The existing house is 1,060 square feet and the addition will only increase it to 1,802 square feet.

Mr. Raymond said the house will blend in with the neighborhood. He has an organic garden in the rear of the house and has also reforested the rear of the lot. The prior owner cleared the lot and had a nursery there.

Ms. Coppola opined that with regard to the front yard setback the applicant could argue C2 variance relief because the prevailing character of the area. Mr. Raymond's setback is about the same as all the houses to the south of his property and probably further setback than some of the houses across the street. There is no hardship in moving the addition back 2' to meet the setback requirement but it would serve no purpose since it is so de minimis.

Mr. Raymond said he would be planting some additional conifers to block the view of the property.

Ms. Coppola said the benefits would outweigh the detriments. The existing dwelling is extremely small and the proposed addition will modernize and enlarge the dwelling which will be an enhancement to the overall neighborhood. By improving the dwelling it may possibly prevent the 1-story dwelling from being raised and being replaced with a larger 2-story home. This would protect the housing stock variety in the Township. There will be no detriment to the zone plan and zoning ordinance. Even though the property is now subject to the R-2 standards the front yard setback variance is very de minimis and the prevailing character of the area seems to be more consistent with the 30' side yard setback.

The meeting was opened to the public. There being no public comment, a motion to close the public hearing was made by Mr. Petraske, which was seconded by Mr. Wilson. This was carried on the following voice call vote: Ayes (7) Nays (0) Abstentions (0)

Mr. Drill said that the only conditions would be the Board's standard conditions.

A motion to approve the application was made by Mr. Wilson, which was seconded by Mr. Woitach. This was carried on the following roll call vote:

Ayes: Drift, Francolini, Petraske, Sugden, Wilson, Woitach and Walker

Nays: None

III. CLOSED SESSION

Chairman Walker read two resolutions to go into closed session, one to go into closed session to discuss whether or not to adopt Resolution No. 2011-12 and one to discuss appointment of staff.

A motion to go into closed session to discuss whether or not to adopt Resolution No. 2011-12 was made by Chairman Walker, which was seconded by Ms. Covello. This carried on the following voice call vote: Ayes (7) Nays (0) Abstentions (0)

A motion to go into closed session to discuss the appointment of staff was made by Chairman Walker, which was seconded by Mr. Petraske. This carried on the following voice call vote: Ayes (7) Nays (0) Abstentions (0)

The Board went into closed session.

A motion to come out of closed session in both matters was made by Mr. Petraske, which was seconded by Chairman Walker. This carried on the following voice call vote: Ayes (7) Nays (0) Abstentions (0)

IV. RESOLUTIONS

Resolution No. 2011-12

Case BA-02-09

Block 8001 Lot 3

Preliminary and Final Major Site Plan with Use Variance

Applicant: Omnipoint Communications, Inc.

Mr. Drill noted that there is a deficiency in the applicant's escrow account. A letter was issued requesting additional money which has not been received by the Township. He advised the Board to adopt the resolution but direct the Planning Office not to sign the resolution until the escrow is received. The Board agreed.

A motion to memorialize the resolution was made by Chairman Walker, which was seconded by Mr. Francolini. This was carried on the following roll call vote:

Ayes: Gamache, Petraske, Woitach, Francolini and Walker
Nays: None

V. Appointment of Subcommittee

I. Site Plan/Subdivision Committee

This was carried to the next meeting.

VI. MINUTES

December 20, 2011 – Regular Meeting

A motion to approve the minutes was made by Chairman Walker, which was seconded by Mr. Petraske. This was carried on the following roll call vote:

Ayes: Walker, Gamache, Petraske, Woitach and Francolini
Nays: None

January 17, 2012 – Regular Meeting

A motion to approve the minutes was made by Chairman Walker, which was seconded by Mr. Wilson. This was carried on the following roll call vote:

Ayes: Francolini, Gamache, Petraske, Sugden, Walker, Wilson and Woitach
Nays: None

VII. OLD/NEW BUSINESS

A. Adoption of Procedures, Rules and Regulations Dated 1/27/2012 and the Resolution Memorializing said Adoption

This was carried to the next meeting.

There being no further business to come before the Board, the meeting was adjourned at 9:27 p.m.