

**MONTGOMERY TOWNSHIP ZONING BOARD**  
**MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**  
**REGULAR MEETING**  
**DECEMBER 18, 2012**

**MINUTES**

Chairman Walker called the meeting to order at 7:37 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; Mr. Drift; Mr. Petraske; Mr. Sugden; Mr. Wilson; Mr. Weitach; Mr. Francolini, Alternate #2; Mr. Thompson, Alternate #3

**ALSO PRESENT:** Jonathan Drill, Esq., Board Attorney; Cindy Coppola, Board Planner; Jason Cline, Board Engineer; Joseph Palmer, Zoning Officer

**I. APPLICATION**

**Case BA-02-12**

**Applicant: Lori and Gerard Hogan III**

Block 24001 Lot 29.11

Bulk Variance

Expiration Date – 3/15/2012

Affidavit of Notification and Publication Required

Notice was found to be in order. David Schmidt, the applicant's engineer, Mr. Hogan and the Board professionals were sworn in.

Mr. Schmidt was accepted as an expert engineer. Mr. Schmidt provided exhibits which were put on a flash drive. Mr. Schmidt referenced the variance plan dated March 16, 2012 revised November 20, 2012, an architectural plan prepared by Ralph Finelli dated May 28, 2012, color photos taken on December 14, 2012, a Google Maps aerial and a plot plan dated May 31, 2001. The flash drive was marked as Exhibit A-1.

The subject property is 1-acre in size and is within the R-5 zone. When the lot was created it was in the R-1 zone. A number of variances are required because the lot is not grandfathered. The application is for the construction of an 18' x 38' in ground pool and a 575 square foot addition over an existing patio. The addition is not enclosed. It has openings which are screened but no windows and is not heated.

Variances are required for the following pre-existing conditions: lot area, lot frontage, lot width, lot depth, side yard setbacks and lot circle width. The new addition will be 42.12' from the rear property line, the building coverage will be 8.34% and the lot coverage will be 24.52% which all require variances. A design waiver is being requested since the applicant proposes no trees be planted, but will work with the Township Landscape Architect if required by the Board.

Mr. Schmidt discussed the stormwater management associated with the project. In accordance with State standards there is not ¼ acre of new impervious so stormwater management is not needed. The net increase in impervious surface coverage for the lot is 2,186 square feet. The total amount over the 15% is 4,146 square feet. The existing lot coverage is 19.5% to which the 2,186 is being added. The Township requires stormwater management methods for lot coverage variances. Mr. Schmidt referenced his report dated October 1, 2012 entitled "Stormwater Management Analysis prepared for Block 24001 Lot 29.11". The report addresses the clean roof runoff and runoff from lawn areas, walkways, patios and decks which do not need to be treated for total suspended solids removal. The 4,146 square feet of impervious surface coverage will increase the stormwater runoff. The property slopes in a northerly direction and the stormwater runoff is collected in a series of storm drainage structures which discharge to an existing detention basin in Lot 29 in Block 24001. The engineer who designed the basin provided a detention basin as-built report. The basin is designed in accordance to the plan and is over designed. There is additional capacity for increase in runoff.

Mr. Schmidt testified that there are no flood hazard areas, no stream corridors, wetlands or wetland transition areas or critical soils on the property.

The lot was created January 20, 1999. The property was acquired by the applicant in May 2002. The dwelling was located on the property 40' further back from the front yard setback line because the septic is within the front yard. The drive is 3,162 square feet and the length of the driveway contributes approximately 1,097 square feet more of impervious than most lots in the neighborhood. The walkway in the front is 490 square feet, the house is 3,097 square feet and the patios and associated walkways to the basement are 1,745 square feet for a total of 8,494 square feet of existing coverage. The proposed 575 square foot addition does not add any additional impervious coverage. The proposed pool and patio adds 2,186 square feet for a total of 10,680 square feet.

Mr. Schmidt showed a plot plan dated May 31, 2001 of Lot 29.02 to show what a typical driveway looks like when the house is set at the front setback line. The area of the driveway on this lot is approximately 2,065 square feet and the total square footage is 5,835 square feet which is 13.4%.

Mr. Schmidt testified that the proposed patio area of 332 square feet in the area behind the driveway could be removed. The walkway around the pool could be reduced to 4' all the way around the pool which would remove 487 square feet.

Mr. Schmidt said the pool size does not create the variance. The location of the dwelling and the unique shape of the lot is why the variance is needed. The unique characteristics of the property inhibit the extent to which the property can be used. A residential swimming pool is typical for this use in the zone. Failure to grant the variance would result in exceptional hardship. There are no additional lands to purchase to lessen the variance. The increase in stormwater runoff as a result of the improvements is minimal and controlled by an existing detention basin.

Mr. Schmidt referenced Mr. Finelli's architectural plan dated May 28, 2012. The existing patio area is being covered by a proposed 575 square foot addition which will be connected to the house. The addition is not enclosed and will have no windows. It will have gas for the grill and electric. The addition will provide shade during the summer months. The building coverage variance of 8.34% is necessary due to the zoning change. The R-1 zoning allows a 10% building coverage while the R-5 allows 8%.

Ms. Coppola asked about screening. Mr. Hoagland testified how there is a pretty large buffer of pine trees between his lot and the lot to the rear. Mr. Schmidt showed a Google aerial map and photos of the front yard, driveway area and the rear yard. The applicant agreed to supplement the landscaping as required by the Board Landscape Architect. The aerial shows how far back the house is set and how long the driveway is compared to neighboring properties.

Mr. Schmidt discussed the Remington Vernick Engineers' memo dated December 12, 2012. The owner has no intention of enclosing the addition. It was noted that the applicant would not need to come back to the Board if they wish to enclose it in the future if the variance is granted. Information on roof leaders and gutters on the new addition will be provided as a condition of approval. The pool equipment is not enclosed so a variance is not necessary. Landscaping will be installed to screen the equipment. The plans will be revised to note that a pool light is proposed in the pool. The height of the fence and height and detail of the gates will be provided. The architectural plans will be revised to show the gates. A fence or gate will be provided for any gaps so the pool is not accessible to small children. The fence will be black wrought iron and will allow stormwater through the swale. There will be a 6" gap and will be 4' high. Additional documentation will be provided to demonstrate that the basin handles the quantity from the proposed increase in surface coverage if needed. Information regarding the configuration and adequacy of the existing stormwater drainage piping between the rear yard and the drainage basin will be provided.

Mr. Petraske asked if the drainage may have an impact on the neighboring properties. Mr. Schmidt said he believes most of the water will go to the storm inlets. If not, he will install additional berms to make sure the runoff is directed to the inlets. The roof leaders in the rear will be piped into the stormwater pipe.

Mr. Schmidt discussed the Coppola and Coppola Associates memo dated December 10, 2012 and Mr. Bartolone's memo dated December 13, 2012.

Mr. Hogan discussed how the granting of the application would enhance the property values in the neighborhood without having any detriment to the neighborhood. Landscaping will be added as needed.

The Board discussed the applicant's proposal to reduce some of the coverage on the lot. The 332 square foot of patio area will be removed but for aesthetic and maintenance reasons the walkway around the pool will not be reduced. With the removal of the patio area the lot coverage will be 23.76% for a total addition of 10,348 square feet.

Chairman Walker noted that there was no public in attendance. A motion to close the public hearing was made by Mr. Wilson, which was seconded by Mr. Petraske. The motion carried unanimously.

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

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

Nays: None

## **II. MINUTES**

### **October 16, 2012 – Regular Meeting**

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

Ayes: Walker, Drift, Sugden, Wilson, Woitach and Thompson

Nays: None

There being no further business to come before the Board the meeting was adjourned at 9:30 p.m.