

**MONTGOMERY TOWNSHIP PLANNING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
FEBRUARY 4, 2013**

Acting Chairman Conforti called the meeting to order at 7:30 p.m. and read the opening statement that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

**BOARD MEMBERS PRESENT:** Acting Chairman Conforti; Ms. Davis; Ms. Dyer; Mr. Smith; Mayor Trzaska; Mr. Wilson; Mr. DeRochi, Alternate #2; Mr. Madrid, Advisor

**ALSO PRESENT:** Francis P. Linnus, Esq., Board Attorney; Gail Smith, Township Engineer; Ms. Coppola, Board Planner; Ms. Savron, Secretary

**I. PUBLIC COMMENT – 5 MINUTES PER PERSON**

Elizabeth Palius, President of the Millstone Valley Preservation Coalition, discussed with the Board the National Scenic Byway.

**II. RESOLUTIONS**

**Case PB-13-12                      Applicant: New Jersey American Water Company, Inc.**  
Block 28001 Lot 6  
Conditional Use, Preliminary and Final Major Site Plan with Variance

A motion to memorialize the resolution was made by Mr. Smith, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer and Smith

Nays: None

**III. APPLICATION CONTINUATION**

**Case PB-02-13                      Applicant: East Country Development Associates**  
Block 16002 Lot 9  
Amended Preliminary and Final Major Subdivision with Bulk Variance for Height  
Affidavit of Notification and Publication Required

Notice was found to be in order. The above application has been continued to the March 4, 2013 Planning Board meeting. No further notice will be provided.

**IV. APPLICATIONS**

**Case PB-01-13                      Applicant: East Country Development Associates**  
Block 16002 Lot 9  
Amended Preliminary and Final Major Subdivision for Grading  
Expiration Date –3/4/2013  
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. The application is to amend the grading plans for each of the 54 lots.

Patricia Ruskin, 67B Mountain Boulevard, was sworn in. Ms. Ruskin gave the Board her qualifications and was accepted as an expert engineer. The amendment to the application is associated with the revised grading of the site. As construction began, the existing topography used as the base map was erroneous in some locations. There was almost up to a 2' differential in some locations. The grading was revised taking into consideration the topography and the groundwater and seasonal high groundwater elevations on the site at each lot. The average change is 0.84'.

Ms. Coppola's January 9, 2013 memo was discussed. The prior approval resolution required the applicant to come back to the Board if there was a change of 6" or more. At the time of the prior approval the Board Engineer was concerned about the water table and soil testing. The testing results will be given to Ms. Smith. The basements are being elevated up higher out of the seasonal high groundwater elevation.

The applicant submitted a handout that was marked as Exhibit A-1. Ms. Ruskin referenced the fifth page which was an exhibit of the Orchid Model. The Orchid Model is the tallest model. The exhibit shows the relationship between the garage floor and the first floor and the six steps up. The overall height from the first floor to the peak of the roof is 31.75'.

Ms. Coppola noted that the height as measured by Ordinance is from the pre-existing grade. The question is whether the house would fit using the pre-existing grade since that may be lower. Mr. Schatzman replied that there are ten (10) lots in the development that will require variances which is the subject of another application to be heard by the Board.

Mr. Kevin Hayes, 18 Lorien Place, was sworn in. Mr. Hayes is the Project Manager. A lot matrix was developed for the site and the six (6) models fit within the guidelines of the matrix. They will be able to come up with additional models if needed. He is confident that they can make it work with the six (6) models they have now.

Ms. Coppola said the prior grading plan had some mounding up of the lots but the topography was off. The Board Engineer who originally reviewed the project was concerned about the high water table particularly in the area near wetlands and the detention basins. Some of the units are being raised up out of the ground. They may have to lower some of them if there is a problem with height and do better waterproofing of those units. With the houses raised there will be more basement wall that is visible. There is a concern with the visual and drainage impact on the three (3) sides of the tract that abut existing residential units.

Mr. Schatzman said that the drainage will not change which Ms. Ruskin confirmed. Ms. Ruskin confirmed that where the lot drains to has not changed. The lots drain to either the street or to the rear of the property where there are swales that collect the runoff. The grade at the toe of slope has not been changed. None of the drainage patterns have been changed. The previous approval allowed for up to 40,000 cubic yards of soil to be exported from the site. The regrading will result in less soil to be exported. The grading of the driveway meets the 10% maximum slope; most will be 8%, and will be shown in detail on the plot plan. Ms. Ruskin discussed the cross sections as shown in the exhibit and compared the elevations of the development to the elevations of the neighboring lots.

Mr. Schatzman discussed Gail Smith's memo dated January 28, 2013. The heavy dashed line on the grading plans is the limit of revised grading for the application. The limits of disturbance will not be changed at all.

Mr. Schatzman discussed Richard Bartolone's memo dated February 4, 2013. Mr. Hayes said every house will have a landscape package and the applicant will work with Mr. Bartolone.

Ms. Coppola asked if the façade treatment will be brought down to cover the exposed basement wall on the houses that are raised up more than 3' from grade, especially the sides and rear. Mr. Hayes said the proposal is to landscape the front of the house but will do whatever Mr. Bartolone suggests be done.

Mr. DeRochi commented that none of the houses are going to look like the drawings that have been provided.

Ms. Ruskin noted that the chart on the front of the plans shows the worst case scenario.

Mr. Smith said that landscaping will not address the 4' concrete all the way around the building. He asked why the siding could not be brought down. He suggested the Board give a maximum height of the concrete.

Ms. Smith suggested there be a maximum concrete exposure of two (2) feet.

Larry Horowitz, (address not audible), was sworn in. Mr. Horowitz is the project manager. Mr. Horowitz said the siding typically comes down to about 1" below the top of the foundation. Siding cannot be put over foundation since there is no place to connect it to and siding cannot move if it is connected to concrete. A normal height of exposed concrete is at least three (3) feet because of snow build up. The foundation plantings can come around the sides a little bit to block off the front and expand the look of the house.

Mayor Trzaska thought the best solution would be to have Mr. Bartolone work with the applicant on the landscaping.

Mr. Smith and Mr. DeRochi said the siding could be attached to concrete.

Mr. Wilson said he would feel comfortable with a standard applied to every home.

After further review of the chart, Mr. DeRochi thought that most of the houses would come in under 3' of exposed concrete. The Board agreed that the applicant will work with Mr. Bartolone on enhanced landscaping as needed.

Mr. DeRochi said each house is on its own little mound. The excess soil could be used to fill the side yards so that water will drain to the front and rear of the lots and the swales between the lots could be eliminated.

Ms. Davis asked if the prospective home buyer of a house that could not be raised up as much as the applicant wanted to is told that there could be a water problem. Ms. Ruskin said every home is being waterproofed and has foundation drains. In the case where needed, it will have an under-slab drainage system. Each home will have two sump pump pits and a natural gas generator.

The meeting was opened to the public. There being no public comment, Mayor Trzaska made a motion to close the public hearing, which was seconded by Ms. Dyer. The motion carried unanimously.

Mr. Smith asked for clarification on the definition of height and how the height of the house is measured.

Mr. Linnus summarized that the application is to amend the subdivision approval to change the grading. The main condition will be appropriate landscaping subject to the review of Mr. Bartolone. The applicant has agreed to that condition. The approval of this application has no impact on any future application that may come before the Board. Any affirmative vote by the Board does not support or indicate any height variance for a dwelling in the future. The landscaping review by Mr. Bartolone will include the front, rear and sides of the dwelling. The groundwater sampling results will be submitted to Ms. Smith. The applicant has made certain agreements with respect to the professional reports which will be included in the resolution.

A motion to approve the application subject to conditions was made by Mayor Trzaska, which was seconded by Mr. DeRochi. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Smith, Trzaska and Wilson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:10 p.m.