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March 21, 2024

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To: Cheryl Chrusz, Board Secretary  
Montgomery Township Zoning Board  
2261 Van Horne Road  
Route 206  
Belle Mead, NJ 08502

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

Re: 17 Augusta Court  
Skillman, NJ  
Montgomery Township  
Somerset County  
Block 30002, Lot 73  
**Variance Application**  
Application #BA-08-23

Our office has reviewed the documents submitted for a Bulk Variance Application for the above referenced parcel. The applicant is seeking a bulk variance for exceeding the maximum building coverage and maximum floor area.

A 2-story, 4-bedroom dwelling with a driveway, landscaping and rear brick patio are the existing improvements. The dwelling is serviced both by public water and sewer. The existing brick patio will be removed. The project proposes to construct a deck, approximately 253 SF at the rear of the building.

The property is within the R-5 (Single Family Residential – Cluster I) Zoning District at the address listed above. The property is surrounded by similar type dwellings within the Cherry Valley County Club development. There is a 10 FT wide utility easement along the property's frontage.

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 October 25, 2023.
2. Variance Plan prepared by Van Cleef Engineering Associates, LLC, dated July 14, 2021.,
3. Architect Plans prepared by Denise E. Lempthesis, dated June 24, 2020.
4. Response Letter prepared by Van Cleef Engineering Associates, LLC, dated December 19, 2023.
5. Montgomery Township Variance Checklist dated December 19, 2023.
6. Property Deed prepared by Kenneth R. Cutler, Esq., dated March 16, 2020, delivered on March 23, 2020.
7. Somerset County Land Development Application Board dated October 5, 2023.
8. Delaware and Raritan Canal Commission Application Form dated October 25, 2023.
9. Plan of Survey prepared by Louis Lehman, P.A., dated July 21, 2009.

### **General Information**

Owner/: Michael and Jeanine Reilly

Applicant 17 Augusta Court  
Skillman, NJ 08558  
[hillsboroughfh@aol.com](mailto:hillsboroughfh@aol.com)

Engineer: Michael K.Ford, PE  
Van Cleef Engineering Associates, LLC  
32 Brower Lane  
P.O. Box 5877  
Hillsborough, NJ 08844  
[mford@vancleefengineering.com](mailto:mford@vancleefengineering.com)

Architect: Denise E. Vokolos, AIA  
334 Nassau Street,  
Princeton, NJ 08540  
[dvokolos@gmail.com](mailto:dvokolos@gmail.com)

Attorney: Richard Schatzman, Esq.  
Schatzman Baker, A Professional Corp.  
215-216 Commons Way  
Princeton, NJ 08540

## **Zoning**

### **Zoning – R-5 – Single Family Residential – Cluster I §16-6.5-5 – Area and Yard Requirements**

	Required	Existing	Proposed	
Min Lot Area	14,500 SF	18,630 SF	N/C	Conforms
Max Lot Area	33,000 SF	18,630 SF	N/C	Conforms
Min Lot Frontage	75 FT	75.05 FT	N/C	Conforms
Min Lot Width	75 FT	92.31 FT	N/C	Conforms
Min Lot Depth	125 FT	164.85 FT	N/C	Conforms
Min Setbacks				
~ Front Yard	40 FT	43.36 FT	N/C	Conforms
~ Rear Yard	30 FT	39.0 FT	N/C	Conforms
~ Side Yard	20 FT	20.65 FT	N/C	Conforms
Max Building Height	35 FT / 2-1/2 Story	2 Story	N/C	Conforms
Max Building Coverage	15 %	14.92 %	16.28	<b>Variance</b>
Max Lot Coverage	25 %	24.72 %	23.69 %	Conforms
Max Floor Area	0.2	0.214	0.227	<b>Variance</b>

\*On lots which are irregular or with a curved frontage, the lot width and lot frontage shall not be less than 75% of the minimum lot width or lot frontage. The lot width and lot frontage are both 100 FT, and 75% of it is 75 FT.

## **Variances**

The applicant is seeking the following bulk variances:

1. Section §16-4.2d states the allowable maximum building coverage is 15%. While the existing maximum building coverage of 14.92% meets the requirements, the proposed maximum building coverage of 16.28% exceeds the allowable amount and will require a variance.
2. Section §16-4.2d states the allowable maximum floor area ratio is 0.2. The proposed maximum floor area is 0.227 which exceeds the allowable amount and will require a variance.

The Applicant has the burden of proof to justify the variance, by testimony or other means, by using either the c(1) or c(2) proofs.

For c(1) variances the Applicant must demonstrate that strict application of the zoning requirement would have “peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of:

- a. The exceptional narrowness, shallowness, or shape of a specific piece of property, or
- b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.”

For c(2) variances the Applicant must demonstrate that:

- a. The purposes of the Municipal Land Use Law (MLUL) would be advanced by a deviation from strict application of the zoning requirement;
- b. The variance can be granted without substantial detriment to the public good;
- c. The benefits of the deviation would substantially outweigh the detriment; and
- d. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance

### **Waiver**

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. The applicant should provide testimony and quantify if any landscaping is to be removed as a result of this project.
2. A profile of the deck should be provided in order to illustrate the height of the deck from the ground elevation.
3. The Variance Plan does not depict the location of a temporary construction entrance.
4. A note should be added to the plan stating that any damage to existing improvements (sidewalk, curbing, etc.) will be repaired at the applicant’s expense at the direction of the Township Engineer.
5. A Google Earth image shows there is a circular sitting area in the northwest corner of the property. It appears to be a stone surface. Testimony should be provided indicating whether this was included in the calculations for impervious surface. If the area was not included in the calculations, the zoning chart should be updated to reflect the increase impervious coverage based upon the addition of this stone area and the requested variance percentage should be updated.
6. Testimony should be provided regarding if 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.

### **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, determination of non-applicability 10/25/23.
- b. 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

Cc: Michael and Jeanine Reilly, Applicant ([hillsboroughfh@aol.com](mailto:hillsboroughfh@aol.com));  
Mike Ford, Applicant's Attorney ([mford@vancleefengineering.com](mailto:mford@vancleefengineering.com))  
Denise E. Vokolos, AIA, Applicant's Architect ([dvokolos@gmail.com](mailto:dvokolos@gmail.com))  
Richard Schatzman, Esq., Applicant's Attorney (c/o Amanda Slimak, [aslimak@schatzmanbaker.com](mailto:aslimak@schatzmanbaker.com))  
Jonathan Drill, Esq., Board Attorney  
James Clavelli, Board Planner