

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
OCTOBER 27, 2015**

MINUTES

Chairman Cheskis called the meeting to order at 7:36 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 Cheskis; Mr. DeRochi; Mr. Post; Mr. O'Brien; Ms. Covello, Alternate #1

ALSO PRESENT: Mr. Drollas, Jr., Board Attorney; Ms. McManus, Board Planner; Mr. Cline, Board Engineer; Mr. Palmer, Zoning Officer

I. SALUTE TO THE FLAG

II. APPLICATION

Case BA-05-15

Block 12001 Lot 10.06

Bulk Variance

Expiration Date – February 9, 2016

Affidavit of Notification and Publication Required

Applicant: Sandipan Gangopadhyay

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. David Schmidt, PE and Ralph Finelli, AIA also represented the applicant. The application is for a frontage C1 variance, a C2 variance for a slight disturbance of the steep slope area and a design waiver for tree planting.

David Schmidt, DS Engineering, was sworn in. Mr. Schmidt gave his qualifications and was accepted as an expert engineer. Mr. Schmidt had four exhibits that were part of the plan set submitted to the Board. The exhibits are dated September 16, 2015 and revised October 12, 2015. The property is located at the end of Hillside Terrace. The lot is 12.1547 acres and is in the MR zone. When the lot was created in 1986 it was in the R-3 zone. The property has road frontage of 209.58. There is a paved driveway half way up the lot which turns to gravel with a turnaround. There is a well house, a shed and a hole dug for the foundation of a previously started house. The proposed house will be located where the existing hole is. Mr. Schmidt listed the lot frontage and acreage of the other lots within the Hillcrest Drive subdivision. The whole area drains to the detention basin on Lot 10.12. Mr. Schmidt described the lot frontage variance. The 75% reduction allowed along a cul-de-sac does not apply to this lot since there is a little straight portion along the frontage. Mr. Schmidt described the steep slope disturbance variance. The 4" septic system gravity line will be constructed through the area which will then be regraded and restored. There will also be a little perimeter grading on the outside perimeter of the proposed house. Mr. Schmidt described the design waiver to minimize the number of trees to be planted based on area of disturbance of 1.47 acres rather than total tract area. The number of trees to be planted totals 21. The lot is completely wooded with the exception of the front portion which is lawn. A 2.5 story house is proposed and is located approximately 360' away from the right-of-way. The required setback is 100'. The existing 12' driveway will be used. The net increase in impervious surface coverage is 10,851 square feet. The dwelling will have a full basement and the height of the dwelling will not exceed the ordinance requirement of 35'. The original septic plan showed the line being installed along the driveway. After locating the trees on the property they found the line could be reduced by 200' if they are permitted to go through the steep slope area. The area of disturbance for a 4" lateral line is minimal. The proposal is well under the 15% allowable lot coverage. Board of Health has approved the project. There are various critical areas on site. Rock Brook stream is located in the rear of the property which has a 100-year flood plain, a 100' stream corridor and steep slopes. There are no wetlands on the property. There is a Letter of Interpretation pending at NJDEP for absence of wetlands. No soil types are critical. As a condition of approval most of the critical areas will be placed in a conservation deed restricted area. The conservation deed restricted area location has been worked out with Ms. Wasilauski, the Open Space Coordinator. The existing detention basin as designed will handle the impervious coverage and no stormwater is needed on site. Application submissions have been made to Delaware and Raritan Canal Commission, Somerset County Planning Board and Somerset Union Soil Conservation. Additional frontage cannot be obtained because the surrounding lots are developed and in doing so they would make them less conforming. Hillside Terrace could be reconfigured to obtain the required frontage but it would add a significant amount of impervious coverage and add to the maintenance cost to the Township. The house fits in with the neighborhood.

Ralph Finelli, the applicant's architect, was sworn in. Mr. Finelli gave the Board his qualifications and was accepted as an expert architect. Mr. Finelli described the proposed house using the plans that were submitted to the Board as part of the application. Due to the topography of the lot and the existing vegetation, the house will not be that visible from the road.

Mr. DeRochi asked about the disturbance of the steep slopes. Mr. Schmidt said they could tighten up the area of disturbance and the grading a little bit but there is not a significant amount of steep slopes that are being disturbed. Mr. DeRochi noted that he understands the disturbance for the septic line but the house could be designed to avoid the steep slopes. Mr. Schmidt tried to keep the house location in the area where the existing retaining wall and the hole for the foundation already are.

Mr. Cline noted that the applicant agreed with the modifications to the conservation deed restricted areas that Ms. Wasilauski recommended. The final location of the conservation deed restricted areas should be conditioned on the review of the Open Space Coordinator and Township Engineer or Township Landscape Architect. The easement shall be filed prior to this issuance of a building permit. The metes and bounds are subject to the review and approval of the Township Engineer or her designee. The deed restricted conservation easement language can be modified to permit Forest Management and to allow the installation, maintenance and repair of the septic line.

Mr. Schatzman discussed the Clarke Caton Hintz memorandum dated October 23, 2015, Mr. Bartolone's memo dated October 22, 2015, the Open Space Committee memo dated October 16, 2015, the Public Safety memorandum dated October 22, 2015 and the Board of Health comments dated October 26, 2015. The applicant agrees with the comments.

Mr. Schatzman discussed the Environmental Commission memorandum dated October 1, 2015. Mr. Finelli testified they would use as many LEED standards as possible. The pitch of the roof prohibits the use of solar panels. Street trees have already been planted along Hillside Terrace.

Mr. Schatzman said the lot is pie shaped and they can't comply with the frontage. They are unable to obtain property to make the situation more conforming because the neighboring lots are already developed and their frontage would be made more noncompliant. The subject property is 3 times the size of other lots in the neighborhood. The steep slope disturbance will be minimized by tightening up the grading as much as possible in the rear of the house. The advantages outweigh any detriments.

Mr. DeRochi asked if the application is contingent on obtaining NJDEP approval. Mr. Drollas said the variance is contingent on obtaining outside agency approval. Mr. Schmidt said he expects a response from DEP in December. He believes there are no wetlands on the site.

Chairman Cheskis opened the meeting to the public. There being no public comment, a motion to close the public hearing was made by Mr. DeRochi and seconded by Mr. Post. The motion carried unanimously.

Mr. DeRochi encouraged the applicant from disturbing the steep slopes on the top of the hill.

Mr. Drollas summarized that the applicant has agreed to the conditions in the comments referenced in the review letters. The grading is to be revised to avoid the steep slope boundaries in the vicinity of the proposed house.

Mr. Schatzman noted that they are not going to do most of the items in the Environmental Commission's memo. The only thing from the memo is they will try to use LEEDS and water-conserving fixtures as much as possible. They will comply with Mr. Bartolone with regard to the landscaping except not planting street trees since street trees are already there. They don't want to construct the house into the ridge since the hole is already there.

A motion to approve the application subject to the conditions was made by Mr. DeRochi and seconded by Mr. Post. The following roll call vote was taken:

Ayes: Covello, DeRochi, Post, O'Brien and Cheskis

Nays: None

III. MINUTES

September 22, 2015 – Regular Meeting

A motion to approve the minutes was made by Mr. DeRochi and seconded by Mr. O'Brien. This was carried on the following roll call vote:

Ayes: DeRochi

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:35 p.m.