

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
SEPTEMBER 22, 2015**

MINUTES

Vice Chairman Voitach called the meeting to order at 7:40 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: Vice Chairman Voitach; Mr. DeRochi; Mr. Thompson; Mr. Kristjanson, Alternate #2

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. RESOLUTION

Case BA-07-13 **Applicant: Montgomery 206 Realty**
Block 28005 Lot 64
“d”(3) Conditional Use Variance, Bulk Variance and Preliminary and Final Major Site Plan

Mr. Cline asked that Condition B be revised to read “...shall install ADA compliant sidewalk along...”.

A motion to memorialize the resolution as revised was made by Mr. Thompson and seconded by Vice Chairman Voitach. The motion carried on the following roll call vote:
Ayes: Thompson and Voitach
Nays: None

III. APPLICATION

Case BA-04-15 **Applicant: Janusz Kostanski and Zuzanna Molenda-Kostanski**
Block 28001 Lot 13
Submission Waiver and Bulk Variance
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Notice was found to be in order. Michael Fedun, Esquire represented the applicant. The subject property is a very narrow and long lot. The applicants are the contract purchasers and wish to demolish the existing house and construct a new house. Due to the narrowness of the lot, the house cannot meet the side yard setbacks.

The applicant is requesting submission waivers from providing information within two hundred feet (200') of property (#13), delineation of flood plains and stream corridors (#19), wetlands (#20) and hydric soils (#22). A waiver is needed from 16-5.14.c.1.d for the installation of sidewalks along Opossum Road and from 16-5.6d for the requirement to install 14 trees per acre (42 trees). The Board professionals support the sidewalk waiver. The Board landscape architect supports the tree waiver since the lot is a heavily wooded lot.

Radim Kucera was sworn in. Mr. Kucera gave the Board his qualifications and was accepted as an expert engineer. Mr. Kucera testified that the lot is developed with an existing dwelling. The lot is approximately 107' wide where 200' is required. The required side yard setbacks are 40'. In order to comply the dwelling would only be able to be 27' wide. The existing dwelling and the dwellings on the neighboring properties do not currently comply (except Lot 11 which is a flag lot). Access is via an existing 12' wide paved driveway. The stem of the driveway will remain the same but the driveway will be reconfigured for the circular drive area in front of the proposed garage. The property is served by an onsite septic system, which was designed for four bedrooms, and an onsite well. There is no development proposed in the rear of the property where it is heavily wooded. The new house will be constructed in the general area of the existing house. The existing landscaping will be enhanced to improve screening of the new house. The existing parking area will be removed and replaced with the proposed circular drive to gain access to the proposed 3-car garage. The house will be 2-story with a walkout basement. A swimming pool is proposed to the east of the property. The application is for three bulk “C” variances. A variance is needed for the existing lot frontage and width. A variance is needed for the side yard setbacks. The existing house is about 29.51' to the southerly property line and 23.27' to the northerly property line. The proposed dwelling will be 22.23' from the southerly property line and 15.33' to the northerly property line. To the north of the lot is the flag staff of the flag lot that provides access to the neighboring property. The width of the flag staff is about 27'. Nothing can be developed within that strip of land which will provide a buffer. There is an active driveway on the staff and there are existing trees in between the driveways and the structures. The proposed house will be setback from Opossum Road approximately 243.49' where 75' is required. The visibility of the house will be minimal due to the existing landscaping and the setback. The proposed house is staggered from the neighboring houses to minimize the impact. The proposed overhang is 3' and the Township has a requirement that if the overhang is more than 2' then the side yard should be measured to the overhang. The measurements to the overhang are 12.33' to the northerly property line and 19.23' to the southerly lot line.

The Board questioned Mr. Kucera. Mr. Kucera testified that he did not have the exact measurements of the neighboring houses to the side lot lines but they look to be similar to what is being proposed for the new dwelling. The house will meet all other bulk requirements including height. The existing grading of the lot dictates the house placement. The house is located closer to the northerly lot line because of the flag staff in that area. The existing driveway will remain as is.

Vice Chairman Voitach noted that a minor change to the layout would completely remove the need for the variance. Mr. Kucera said the house has been designed this way because of the configuration of the existing terrain.

Mr. DeRochi opined that 27' is too narrow for a dwelling on a lot that size. Imposing the required setbacks would not make this a designable piece of property. The 40' on both sides is difficult and does constitute a hardship for this lot.

Patryk Hirsz was sworn in. Mr. Hirsz gave the Board his qualifications and was accepted as an expert in architecture. Mr. Hirsz was presented by the applicant to discuss the plans he designed for the dwelling. The dwelling has been oriented in an east and west direction on the site. The site slopes from the front of the building to the rear of the building which lends itself to a walkout basement. The main concept of the style is a contemporary modern design with a low pitched roof to hide the bulkiness of the building. The exterior façade is stone veneer with hardy plank siding. He described the interior layout. The first floor is roughly 2600 square feet and the second floor is roughly 1600 square feet. The basement is partially finished. The total square footage of living space is 4,200. Environmentally friendly materials will be used where possible. As many of the existing site features will be saved as possible. The existing pine trees in the front of the property will be saved.

Vice Chairman Voitach asked if the property lines were taken into consideration when developing the design for the house. Mr. Hirsz replied that the property is constricting to the width of the house. The most desirable views are to the front and rear of the property so they wanted to utilize as much width as possible to obtain those views. The existing features of the site are what attracted the prospective owners so they want to utilize that as much as possible. It is possible to design a home to fit within the setbacks but it will not utilize the same openness feel inside the house to the outdoors.

Mr. DeRochi noted that the house is fairly tall in the center and asked Mr. Palmer if he checked the height calculations. Mr. Palmer said they comply with the height requirement.

Ms. McManus referenced her memo dated September 17, 2015. There are two variances for existing conditions and a new variance for the minimum side yard. The applicant should provide testimony whether the steep slope areas will be revegetated as part of the construction. The lot is very narrow and the 40' setback required would result in a 27' wide building envelope which is quite small. It is very unusual to have a new modern dwelling at that width. The applicant has provided testimony that they have taken the width and lot configuration into consideration during their design of the home. The Board needs to consider whether or not the proposed setback minimum of 12' up to 20' is reasonable or whether additional consideration should have been made to the lot to further shrink the size of the building envelope. The property will have a very significant setback from Opossum Road which will reduce the visibility of the dwelling. The house will be screened with existing trees along the driveway and property lines as well as additional trees to be planted. The proposed house will be approximately 115' from the nearest neighbor. Many of the existing houses are closer to Opossum Road than what is being proposed. The large setback from Opossum is a unique condition to this particular property and will reduce the visibility and impact. The property is heavily treed and there is a substantial rear yard that is not proposed to change. One of the downsides to the large front yard setback is that the home will be situated squarely behind the two homes to the north and south. As a result the new house will be overlooking the rear yards and may affect the privacy of those neighbors. The existing home is in a similar location but the new home is bigger than the existing home. The proposal to provide additional trees has helped mitigate the situation to provide further screening.

Mr. Fedun confirmed the steep slope areas will be revegetated.

Mr. Cline noted that they are dedicating a portion of the front of the property for roadway widening. Mr. Cline asked Mr. Kucera to describe the landscaping along the flag staff.

Mr. Kucera testified there are many fully grown trees along the full length of the flag lot staff. The existing trees have their crowns 8'-10' above the ground so they will screen the first and second floor of the house. Smaller evergreens will be installed to provide screening at the ground level. The neighboring dwelling to the north is about 20' from its southerly property line and the dwelling to the south is about 20' from its southerly lot line.

Mr. DeRochi said it looks like there is a substantial amount of disturbance and asked if there was a soil conservation plan or stormwater management.

Mr. Cline replied that stormwater management is not required and the last two sheets are soil erosion plans and details.

Vice Chairman Voitach opened the meeting to the public.

Filippo Mennella was sworn in. Mr. Mennella is a realtor and his parents own the house. Mr. Mennella showed the Board pictures of the house that were taken in the beginning of May for the property listing on the MLS (the photos were not left for the file). The photos showed the front of the house from Opossum Road and the trees along the property.

Suzanne Diviaio, 271 Opossum Road, was sworn in. Ms. Diviaio is the owner of the flag lot. The proposed distance of 12.3' off the property line where her driveway is located is awfully close. It will be a nice house but she is concerned the people living in the house will be disturbed by people coming in and out of her driveway. She would like to see the house moved 5' further from the lot line.

Mr. Fedun noted that the people constructing the house know about the driveway proximity and know that the issue exists. The applicant is buying into that condition and if they were disturbed they would install more buffering. The applicant will put as much screening as will fit.

Mr. Hirsz noted that most of the dwelling that is 12' to the property line is the garage so there will not be much disturbance to the residents. Shrubs will be placed in between the existing trees to fill in the screening.

There being no further public comment, the public hearing was closed.

Mr. Cline and Ms. McManus had no objection to the request for the submission waivers.

A motion to approve the submission waivers was made by Mr. DeRochi and seconded by Mr. Thompson. The motion carried on the following roll call vote:

Ayes: DeRochi, Thompson, Kristjanson and Woitach

Nays: None

Mr. Fedun noted that although they requested the tree planting waiver, the testimony has been that they will be planting more than what is required. The applicant will work with Mr. Bartolone with regard to the screening.

The applicant agrees to all the comments in the professional's reports except the Environmental Commission's comment that the house is too big.

Mr. DeRochi said the lot is too narrow and the setbacks are too big for a lot of that size. However, they could have constructed a house that is 60' wide without any trouble.

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

Ayes: DeRochi, Thompson, Kristjanson and Woitach

Nays: None

IV. MINUTES

July 21, 2015 – Regular Meeting

A motion to approve the minutes was made by Mr. DeRochi and seconded by Mr. Thompson. The motion carried on the following roll call vote:

Ayes: DeRochi, Kristjanson, Thompson and Woitach

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.