

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
MARCH 15, 2016**

MINUTES

Chairman DeRochi called the meeting to order at 7:33 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 DeRochi; Vice Chairman O'Brien (arrived 7:40 p.m.); Mr. Fedun; Mr. Post; Mr. Thompson; Mr. Wu, Alternate #3

ALSO PRESENT: Mr. Drollas, Board Attorney; Ms. Goldman, Board Planner; Mr. Cline, Board Engineer; Mr. Palmer, Zoning Officer; Mr. Conforti, Township Committee Liaison

I. SALUTE TO THE FLAG

II. RESOLUTIONS

Resolution No. 01-2016

Case BA-01-16 Applicant: Grosso Homes, LLC
Block 21012 Lot 5
Bulk Variance

Richard Schatzman, Esquire representing the applicant, noted a typo on Page 6.

A motion to memorialize the resolution as amended was made by Mr. Post, which was seconded by Mr. Thompson. The motion carried on the following roll call vote:

Ayes: Post, Thompson and DeRochi
Nays: None

Resolution No. 02-2016

Case BA-06-15 Applicant: Satvinder Singh
Block 7019 Lot 61.27
Bulk Variance

A motion to memorialize the resolution was made by Mr. Post, which was seconded by Mr. Thompson. The motion carried on the following roll call vote:

Ayes: Post, Thompson and DeRochi
Nays: None

Resolution No. 03-2016

Case BA-09-13 Applicant: Sunoco, Inc.
Block 35004 Lot 1
One Year Extension of Site Plan Approval

A motion to memorialize the resolution was made by Mr. Thompson, which was seconded by Mr. Wu. The motion carried on the following roll call vote:

Ayes: Thompson, Wu and DeRochi
Nays: None

III. APPLICATION

Case BA-03-15

Applicant: John & Stephen Seeley
Block 11003 Lot 9
Submission Waiver and Bulk Variance
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

John Seeley and Stephen Seeley were sworn in. The subject property is located at 310 Hollow Road. Mr. Seeley referenced the existing survey and aerial photograph that was submitted with the application. The survey and aerial photograph show the existing dwelling, the larger shed, the smaller shed, the drainage ditch and the pond. The application is for approval to remove the existing dwelling and replace it with a new dwelling. Mr. Seeley went through a PowerPoint presentation that was emailed to the Board office. The PowerPoint included photos of the existing dwelling showing that it has holes in the foundation, deteriorating siding, deteriorating masonry on the chimney, fire code and safety concerns, unsafe electrical wiring issues and the outside power lines within the allowable 10' to the house. The existing dwelling is 18" off the roadway. The dwelling will be replaced with a structure of similar square footage. The existing wetlands buffer area will be increased by 1,000 square feet with the re-seeding of the area of the existing improvements to be removed and reduction in the existing impervious coverage. If the variances are granted, the well

will be repaired subject to the Township Health Department. Mr. Seeley showed sketches of the new dwelling. Photos of surrounding dwellings were presented to show that the proposed dwelling will be in keeping with the neighborhood.

Mr. Seeley described the required variances. They include the lot size of 0.77 acres where 10 acres is the minimum required. Additional property cannot be acquired since the surrounding land is already owned and developed or in the Green Acres program. The existing frontage and width is 185' where 350' is required. The lot depth is approximately 180' where 750' is required. The required side yard setback is 100' and is currently 63'. With the house being turned, one side of the house will be 20' closer to the side property line. The existing front yard setback is 1.9' and will be increased to at least 13.8'. An existing shed that was previously a chicken coop needs a variance for the side yard setback. The existing lot coverage is 10.7% and the proposal is for over a 3 point reduction which will bring it under the 10% allowed.

Mr. Seeley discussed the Board professional reports. A conservation deed restriction will be placed over the wetlands on the property per the request from the Open Space Committee. It will not include the buffer area. There is no objection to donating the property across the street to the Township if requested. There will be no other construction on the property other than reconstructing the structure, maintaining the driveway, the front porch, the side porch, the rear steps and the two existing sheds. The wetland buffer area will be mowed and maintained. There is a concrete pipe and stone walls within the deed restricted area that will need to be maintained. The applicant will work with the Board Landscape Architect and plant a few trees on the property. The house will have energy efficiency lighting and other things but he can't put solar panels on the roof. He will salvage whatever materials he can and reuse them in the new dwelling or give them to a barn demolition company. A search of Township records show this property is not a historic site. Based on Mr. Seeley's experience since 1985, the area does not flood. The first floor elevation will be at 167' so he is well above 162'. Mr. Seeley described the work allowed under his DEP permit. The house cannot be moved back any further or it will encroach into the undisturbed transition area. He has approached DEP for an interpretation of the work allowed under the permit and is awaiting a response. The interpretation will not affect the proposed setbacks.

Ms. Goldman noted that a lot of the variances are preexisting nonconforming that will not disappear. The front yard setback is improving which will create a positive impact to motorists by moving the house further from the road. Although the side yard setback is an expansion of an existing nonconformance, there is a large shed between the house and the side yard lot line so it doesn't really impact the neighbors.

Mr. Cline noted that the applicant's surveyor is to provide the conservation deed restricted areas to be reviewed by the Township professionals.

Mr. Seeley asked if he could apply for the building permit prior to the resolution being memorialized.

Chairman DeRochi opened the meeting to the public. There was no public comment.

Chairman DeRochi suspected the realignment of Hollow Road probably created the situation and left the piece on the other side of the road. There is no doubt the house needs replacement. It would be nice if some of the stone foundation could be salvaged and reused in some way. The DEP, not the Board, has jurisdiction over whether the lawn can be maintained within the transition area.

If DEP revises the allowable footprint area, the applicant will not have to come back to the Board. The house can be constructed within the area approved by DEP with the minimum setbacks shown on the plan. The applicant should move the house as far back from Hollow Road as possible.

A motion to approve the application subject to the conditions was made by Mr. Thompson, which was seconded by Mr. Post. This carried on the following roll call vote:
Ayes: Fedun, Post, O'Brien, Thompson, Wu and DeRochi
Nays: None

IV. OLD/NEW BUSINESS

A. Appointment of Subcommittee Member

1. Site Plan/Subdivision Committee (meets the 1st Tuesday of each month at 8:00 a.m.)

Mr. Fedun was appointed to the Site Plan/Subdivision Committee.

B. Appointment of Professional Services under the "Local Unit Pay-to-Play Law"

Chairman DeRochi read the resolution to appoint Joseph Fishinger of The RBA Group as the Board Traffic Engineer.

A motion to appoint Mr. Fishinger was made by Mr. O'Brien, which was seconded by Mr. Post. The motion carried on the following roll call vote:
Ayes: Fedun, Post, O'Brien, Thompson, Wu and DeRochi
Nays: None

V. MINUTES

February 16, 2016 – Regular Meeting

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

Ayes: DeRochi, O'Brien, Post, Thompson and Wu

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:37 p.m.