

**MONTGOMERY TOWNSHIP ZONING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
FEBRUARY 21, 2017**

**MINUTES**

Chairman DeRochi called the meeting to order at 7:32 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 Fedun; Mr. Kristjanson (arrived 7:35 p.m.); Mr. O'Brien; Mr. Post; Mr. Thompson; Mr. Voitach (arrived 7:40 p.m.); Mr. Campeas, Alternate #1; Mr. Tuosto, Alternate #2; Mr. Wu, Alternate #3; Mr. Lopez-Lopez, Alternate #4

**ALSO PRESENT:** Mr. Drollas, Board Attorney; Mr. Palmer, Zoning Officer; Mr. Conforti, Township Committee Liaison

**I. SALUTE TO THE FLAG**

**II. SWEARING IN OF NEW MEMBER**

The Board members who are required to and were not at the January 17, 2017 reorganization meeting, have executed a written oath of office and they are duly sworn.

**III. RESOLUTIONS**

**Case BA-07-16                      Applicant: Baker Chrysler Jeep Dodge & Ram, Inc.**  
Block 34001 Lots 57 and 57.01  
Minor Subdivision and Use Variance

Mr. Schatzman represented the applicant and noted two minor typo corrections.

A motion to memorialize the resolution as amended was made by Mr. Post and seconded by Vice Chairman Fedun. The motion carried on the following roll call vote:

Ayes: Campeas, Fedun, Post, Thompson and DeRochi

Nays: None

**Case BA-08-16                      Applicant: John Kessler**  
Block 24001 Lot 29.14  
Bulk Variance

A motion to memorialize the resolution was made by Vice Chairman Fedun and seconded by Mr. Thompson. The motion carried on the following roll call vote:

Ayes: Campeas, Fedun, Post, O'Brien, Thompson and DeRochi

Nays: None

**IV. APPLICATIONS**

**Case BA-02-17                      Applicant: 192 Dutchtown Harlingen, LLC/Jimmy E. Dumas, II**  
Block 4001 Lot 12.03  
Bulk Variance  
Expiration Date – 6/2/17  
Affidavit of Notification and Publication Required

Notice was found to be in order.

Jimmy E. Dumas, II was sworn in. Mr. Dumas gave his qualifications as a licensed architect and professional planner and was accepted as an expert witness. The subject property had an existing two story four bedroom two bathroom home on one acre. It appears that it was originally a smaller house that had numerous additions over the years. Mr. Dumas purchased the property in October. The original intent was to gut and rehab the house. He showed the Board pictures of the interior and exterior of the house showing what was there and what is currently there. As the demolition was started he noticed there was sagging joists and structural challenges. The more that was removed the more structural deficiencies were uncovered including termite damage. The application before the Board is for a bulk variance to construct a new dwelling on the existing foundation which does not meet the required zoning. The property is in the R-2 zone and is on a scenic collector road which has enhanced zoning requirements. Variances from Section 16-4.2d Footnote 9 are needed for the following: Lot

area where 3.5 acres is required and the lot has 1 acre; lot frontage where 275 feet is required and 160 feet exists, lot width where 275 feet is required and 160 feet exists, lot depth where 450 feet is required and 273 feet exists and front yard setback where 125 feet is required and 31.4 feet is proposed. An engineer has been retained to work with the Health Department on a new septic system. There is residual evidence of wetlands in the rear of the property so it would be difficult to locate the septic system and move the house back. The setback of the proposed house appears to be setback a few feet further than the neighbor to the left. Applications have been sent to the Delaware and Raritan Canal Commission (DRCC), Somerset Union Soil Conservation District (SUSCD) and Somerset County Planning Board (SCPB). The SUSCD issued an exemption letter. A SCPB application is not required unless there will be work within the right-of-way. The tax records indicate the house was constructed around 1880. The garage is still in place and the breezeway will be reconstructed. A picture of the proposed house was shown. The new house will be similar in size and scale. The property is unique in that if he had to adhere to the setbacks the rest of the house would have to be demolished. If the house was moved back to conform to the zoning, the new septic location would not be feasible and would impact the wetland buffer. The new dwelling will provide a desirable visual environment. The property slopes back and typically people like the main level of the house at street level. Five evergreen trees will be planted along the property frontage.

Zoning Officer Palmer testified that a permit to renovate the interior of the home was issued. The dwelling was grandfathered under the R-1 requirements. Once the dwelling was demolished it was no longer grandfathered. The existing foundation at 31.4' does not meet the required R-1 setback of 50'.

The Board questioned Mr. Dumas. He testified that the adjacent house has about the same setback and might be a little closer. He estimated the houses across the street have a 75' setback. He does not have an approved septic design at this time. Testing has been completed and the design will be forthcoming in the next week.

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

Conditions of the approval include Delaware and Raritan Canal Commission approval, septic approval and installation of landscaping subject to the Landscape Architect.

Mr. Wu asked if Mr. Dumas would have to come back to the Board if it was found that garage had to be torn down. Mr. Dumas testified there does not seem to be any termite damage. The Board granted permission to rebuild the garage on its existing foundation if it needs to be removed.

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

Ayes: Fedun, Kristjanson, Post, O'Brien, Thompson, Woitach and DeRochi

Nays: None

## **V. OLD/NEW BUSINESS**

### **A. Appointment of Professional Services under the "Local Unit Pay-to-Play Law"**

Chairman DeRochi read the resolution to appoint Dr. Eisenstein as the Board's RF Engineer.

A motion to appoint Dr. Eisenstein was made by Vice Chairman Fedun and seconded by Mr. Thompson. The motion carried on the following roll call vote:

Ayes: Fedun, Kristjanson, Post, O'Brien, Thompson, Woitach and DeRochi

Nays: None

### **B. Appointment of Chair Pro Temp**

Attorney Drollas explained that the Board appointed Mr. Campeas as Chair Pro Temp at the reorganization meeting. The way the MLUL reads is that an alternate member cannot serve as Chair or Vice Chair in any capacity temporary or not. The question is whether it pertains to the Chair Pro Temp position. The safest thing would be to appoint a regular member. The Board unanimously appointed Mr. Woitach as Chair Pro Temp.

**VI. MINUTES**

**November 29, 2016 – Regular Meeting**

A motion to approve the minutes was made by Mr. O'Brien, which was seconded by Mr. Post. The motion carried on the following roll call vote:

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

Nays: None

**January 17, 2017 – Reorganization and Regular Meeting**

A motion to approve the minutes was made by Vice Chairman Fedun, which was seconded by Mr. Post. The motion carried on the following roll call vote:

Ayes: DeRochi, Fedun, Kristjanson, Post, Campeas, Tuosto and Wu

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:17 p.m.