

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

**MINUTES**

Vice Chairman Fedun called the meeting to order at 7:35 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 Fedun; Mr. Campeas; Mr. O'Brien, Mr. Voitach; Mr. Lopez-Lopez, 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. APPLICATION**

**Case BA-08-17**                                    **Applicant: Christopher and Shauna Gerry**  
Block 31001 Lot 4  
Bulk Variance  
Expiration Date – 2/20/18  
Affidavit of Notification and Publication Required

Ryan Kennedy, Esquire represented the applicant. Notice was found to be in order. Glen Fries, Michael Ford and Christopher Gerry were sworn in.

Mr. Kennedy explained the application is for three bulk variances for the construction of an attached garage. The PowerPoint entitled "Variance Application, 18 Rolling Hill Road, Lot 4 Block 31001" dated 11-21-17 consisting of 8 pages was marked as Exhibit A-1. A variance is required for the existing lot depth, for impervious coverage and rear yard setback. The required rear yard setback is 50' and the proposal is for 37'.

Christopher Gerry testified he met with each of the neighbors except for the King family who were not available. Everyone he spoke to was supportive of the project.

Glen Fries, the applicant's architect, gave his qualifications and was accepted as an expert witness in architecture. Mr. Fries went through the PowerPoint presentation. The existing laundry room, kitchen and some other rooms are very small. The Gerry's proposed to expand the existing garage for more parking and to use part of the garage for a laundry room, an extra bathroom and a storage area. The first bay of the existing two car garage will be used for the laundry room and bathroom. The second bay will be used for storage. The connection to the new 3 bay garage will be an entrance/mudroom. The second floor of the new garage will have a playroom and exercise room. They looked at constructing a detached garage which has a required setback of 15' but they felt it was better to expand the garage to bring it in as far from the property line as they could. There are several existing large Norway Spruce trees and other evergreens that shield the house from the golf course.

Mr. Fries referenced Sheet A-2 of the PowerPoint which shows the front yard setbacks, where the garage sits over existing pavement and what impervious is being removed. Sheet A-3 shows the new proposed plantings. The new plantings will be 3 or 4 evergreen spruce trees that will be installed along the line of the existing trees to build a larger buffer between the golf course and the house. Mr. Fries described the existing and proposed floor plans, the existing conditions and both the existing and proposed elevations. All the materials on the new addition will match the existing house. LEED materials will be used where possible but they will not go for LEED certification. The second floor of the garage will have a 24 x 36 room that will be used mainly for exercise equipment and a playroom for the children.

The Board and Board professionals questioned Mr. Fries. There was discussion about reducing the coverage by eliminating the western driveway. The applicant would prefer to keep the driveway and construct a water management system with a drywell. The existing generator will be relocated behind the proposed garage. Additional sewer capacity may be needed if determined necessary by the Township Engineer.

Michael Ford, the applicant's engineer, gave the Board his qualifications and was accepted as an expert witness. Mr. Ford discussed the variances. The lot depth requirement is 200' and the existing condition is 142'. This is due to the unique configuration of the lot which is triangular in shape. The rear yard setback of 37.2' where 50' is required. The applicant could have constructed a detached garage within 15' of the rear yard setback. The application is for an increase in impervious to 15.9% coverage where 15% is permitted which is approximately

720 square feet over. Stormwater management will be provided to mitigate the additional coverage. The details of the drywell will be worked out with the Board Engineer. A waiver is being requested from providing street trees, sidewalks and planting 14 trees per gross acre. A reduction is being requested to plant 3 or 4 evergreen trees. A waiver has been received from the Somerset Union Soil Conservation District and an exemption from the Delaware and Raritan Canal Commission. There are no negative impacts.

Mr. Ford and Mr. Fries discussed Mr. Bartolone's memo. Mr. Bartolone recommended plantings along the rear and side property lines. If the plantings are installed in a straight line along the property line it will not benefit the applicant or the neighbors. Mr. Fries said it would be better to work with Mr. Bartolone in the field to determine the appropriate plantings and planting locations. The applicant will be required to establish a landscape escrow account.

Mr. Cline's and Ms. Goldman's comments in their memos have been addressed through testimony or accepted conditions.

The meeting was opened to the public for comment. There was no public comment.

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

Ayes: Campeas, Fedun, O'Brien Woitach and Lopez-Lopez

Nays: None

Since there were no engineering issues associated with the next application Mr. Cline left the meeting.

**Case BA-09-17**

**Applicant: Frank Drift and Dr. Thomas Picone**

Block 10001 Lot 7.01

Bulk Variance

Expiration Date – 3/1/18

Affidavit of Notification and Publication Required

Richard Schatzman, Esquire represented the applicant. Notice was found to be in order. Variances are needed for lot area, lot frontage, lot width and side yard setback. The lot area requirement in the MR zone is 10-acres, the lot frontage and lot width requirement is 350' and the side yard setback requirement is 100'. The subject property is 6.08 acres with an existing lot frontage and lot width of 250'. The applicant proposes to construct a single family dwelling on the lot with a side yard setback of 85'. The current ordinance grandfather existing vacant lots in the MR zone between 1 and 3 acres and 3 and 5 acres but not lots greater than 5 acres. The Master Plan Committee has recommended the ordinance be amended to grandfather lots greater than 5 acres under the R-5 zoning but the ordinance has not been adopted yet. Under the proposed grandfathering the lot would still need variances for lot width and depth.

Frank Drift was sworn in. Mr. Drift testified the house will be a four bedroom colonial house between 3,200 and 3,600 square feet in size. The size is consistent with what is in the area. The house will meet the height requirements.

The review memos were discussed. It was recommended that the applicant grant a conservation easement on the wooded area and a pedestrian easement 100' along the rear property line. Mr. Drift testified he does not want to grant the easement because the property will be in an agricultural woodland program. The well will be constructed once approval has been granted. There should be no need to import or export soil. The size of the lot cannot be increased in size. The property to the north has an existing driveway, the property owner to the south wanted too much money for their lot and there is a federal lien on the property to the northwest. The applicant will plant 11 trees as requested. A waiver is needed from the street tree and sidewalk requirement as well as the shade tree requirement.

Ms. Goldman testified that the Open Space Coordinator asked that the rear yard setback area be placed within an easement with public access not the whole wooded area. Mr. Drift responded that you can't do that with agriculture property. Ms. Goldman said the Board could consider requesting an easement when deciding the tree planting waiver.

Ms. Goldman recommended the Board consider allowing a certain amount of soil to be imported or exported without having to come back to the Board. Mr. Drift testified 1,000 cubic yards would be sufficient.

Mr. Campeas asked about the easement. Ms. Goldman said it would be a conservation easement that would allow for public access. Currently there are trails in the area but not contiguous to the property. Mr. Campeas thought it would be difficult to require it if there is no specific plan for the trails at this time.

The meeting was opened to the public.

Vivienne Blake, 501 Dutchtown-Zion Road, was sworn in. Ms. Blake said she is used to having the open space but can't think of any good reason to object except that they should have a bigger lot. She asked if there was any way to move the house closer to the other side so it isn't close to her lot. It was explained that they can't really move the house because of the setback requirements. The house is being located in the middle of the lot. Moving the house back would cause more disturbance to the trees and create more impervious coverage because of the longer driveway.

There was no further public comment.

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

Ayes: Campeas, Fedun, O'Brien, Voitach and Lopez-Lopez

Nays: None

### **III. MINUTES**

#### **October 17, 2017 – Regular Meeting**

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

Ayes: Fedun, Voitach and Lopez-Lopez

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:45 p.m.