

**MONTGOMERY TOWNSHIP ZONING BOARD**  
**MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**  
**REGULAR MEETING**  
**JULY 17, 2018**

**MINUTES**

Chairman DeRochi called the meeting to order at 7:34 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; Mr. Fedun; Mr. Kabis; Mr. Kristjanson; Mr. Woitach (arrived 7:45 p.m.); Mr. Wu; Mr. Sudol, Alternate #2

**ALSO PRESENT:** Mark R. Peck, Esquire; Lori Savron, Planning Director

**I. SALUTE TO THE FLAG**

**II. APPLICATION CONTINUATION**

**Case BA-01-18**                      **Applicant: Paulina Dabek**  
Block 15015 Lot 8 (Formerly Lots 8-11 and 25-28) – 159 Dutchtown-Harlingen Road  
Bulk Variances  
Expiration Date – 10/25/18  
Affidavit of Notification and Publication Required

The above application has been rescheduled for an August, 2018 meeting. New notice will be sent.

**III. MINUTES**

**June 26, 2018 – Regular Meeting**

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

Ayes: DeRochi, Fedun, Kabis and Sudol

Nays: None

**IV. APPLICATION**

**Case BA-03-18**                      **Applicant: Montgomery Township**  
Block 23001 Lot 13 – 124 Montgomery Road  
Submission Waivers, Minor Subdivision and Conditional Use Variance  
Expiration Date – 120 Days from Submission Waiver Approval  
Affidavit of Notification and Publication Required

Kevin Van Hise, Esquire represented the applicant. Notice was in order. Mr. Van Hise explained that the application is for a minor subdivision. The application is before the Zoning Board because there are two buildings that are 12.5 feet apart as opposed to 50 feet which requires a conditional use variance.

Ms. Savron was sworn in. She gave the Board her qualifications and was accepted as an expert witness in planning.

Mr. Van Hise said the subject property is 129 acres, is within the PPE (Public Parks and Education) zoning district and is owned by the Township. The property is improved with a farmhouse known as the 1860 House, a storage building, a barn at the rear of the site that is being utilized by the Van Harlingen Historic Society, a driveway, parking areas, pedestrian walkways through the open space and a storage shed that is to be removed. The house has not been used for a significant portion of time and became in disrepair. In 2016 the Township started talking to the 24 Club of Princeton which is a nonprofit organization that provides counseling and supportive services for individuals with addiction problems. As part of the agreement the Township authorized the conveyance of the 1860 House property which will encompass the 1860 House, the storage building immediately behind it and a surrounding 3-acre parcel to the 24 Club. The 24 Club agreed to rehabilitate, renovate and preserve the historic nature of the property. The Township entered into an installment purchase agreement with the 24 Club on January 23, 2017. There will be a series of easements for the shared parking. The application before the Board is to create the 3.089-acre lot (new Lot 13.03) that will be conveyed. The remaining 126-acres will remain Township property with 113 acres as open space and 13 acres reserved for general municipal purposes. The supportive group home facilities are specifically permitted by the ordinance as a conditional use in the PPE district. The subdivision meets all of the requirements except the distance between

buildings which condition has existed since the 1960's. The Township is seeking minor subdivision approval, conditional use variance approval from Section 16-6.1u5 for the 12.5' preexisting condition and possibly the general bulk requirements of the PPE zone (Section 16-4.10c) which has the same requirement for distance between buildings.

Ms. Savron described the subject property and surrounding uses. Funding from the State Green Acres program was used to help acquire the property. Sixteen acres of the entire parcel was left unrestricted. Ms. Savron described the ingress and egress and parking on the property. A barn that the Van Harlingen Historic Society owns is not part of the subdivision and will remain on the Township's property. The barn contains farm equipment, is part of the farm museum that they operate and is open by appointment. 24 Club has been using the house and they are renovating it as part of a use-occupancy agreement. There is a historic preservation easement on the house which governs the side and front exteriors and the Ballantine bookcases that were restored and installed in the library. An access easement will be granted to the 24 Club to utilize the portion of the driveway that will remain in Township ownership. There is a sidewalk easement along the front of the property should the Township extend the sidewalk that was recently installed on Montgomery Road. There is an easement that provides the right for the public wishing to utilize access to the barn or to the trail system to be able to park on the site (with a caveat that it doesn't interfere with their operation). There is an easement that the fire lane will remain accessible through the property. The Support Group Facility ordinance requires the operation to be shut down at 11:00 p.m. The zoning ordinance and the agreement do not permit overnight stays. The adaptive reuse of the 1860 House is one of the goals and objectives of the Township. There will be a future site plan application by the 24 Club to expand and improve the parking. The Township is aware that there has been an instance where there has been difficulty accessing the barn. The Township will work with the Van Harlingen Historic Society and the 24 Club to address the access. The 24 Club has spent a good amount of money on the interior. There is exterior work that needs to be done as well as the parking lot. They are a nonprofit so a lot of their work is done by either by in-kind services or by fund raising. Removing and relocating the storage building to a location that complies with the ordinance would be a significant cost and effort and would impact the proposed parking area. The variance is being sought for a pre-existing structure constructed prior to the current bulk standards. The 3-acre envelope is the area that works best in terms of the zoning and allows the 24 Club room to add the parking. The application furthers a public purpose by providing a Support Group Facility and permitting the conveyance of the 1860 House to the nonprofit substance abuse support and counseling center. The remaining lands will be retained for municipal public purpose uses. The variance will not result in a substantial detriment to the public good. The benefits of the proposed deviation substantially outweigh any detriment. It allows the pre-existing condition to continue and will benefit the 24 Club to better serve its members. The Township Committee has already determined the 24 Club is a suitable user for the 1860 House. It will not impair the intent and purpose of the zoning or Master Plan. It will effectuate the subdivision of the property which was a recommendation in the 2017 Master Plan Reexamination Report. The site remains appropriate despite the non-compliance with the 50 foot distance requirement.

Chairman DeRochi asked how the size of the lot was determined and if the 24 Club could add a lot of square footage to the facility. Ms. Savron testified that they do intend to put an addition off of the back of the house to expand the meeting room space. There would no expansion into the side yard or into the front yard.

Chairman DeRochi opened the meeting to the public.

Jim Peoples, 67 Montgomery Road, asked if the new addition that is planned will impact the 50 foot regulation. Ms. Savron testified it is her understanding it would be attached to the rear of the building but she has not seen a site plan application. Mr. Peoples said once the subdivision is perfected he will not receive notice since he is not within 200 feet of the newly created lot. Ms. Savron suggested he reach out to the Township to be added to the agenda distribution list. Mr. Peoples said his wife works with people with problems such as those at the house and she is concerned with her house being close to the facility. Mr. Van Hise said the use is already permitted in the zoning district.

Candy Willis, 72 Knickerbocker Drive, is the Landmarks Commission Chair and a Trustee for the Van Harlingen Historical Society. Ms. Willis gave a history of the Landmarks Commission involvement in the property. Landmarks representatives spoke favorably about a lease purchase not an installment purchase. They thought it would be a 20 year deal where the Township would maintain control. Ms. Willis referenced the December 2016 minutes pertaining to the purchase. In April 2017 the Van Harlingen Historical Society tried to hold a May in Montgomery event in the Barn Museum. Mr. Mandell sent a letter insisting the event not interfere in any way with the work on the building and going forward they should seek the 24 Club's agreement prior to scheduling these types of events since it will interfere with their operation. Consequently the Farm Museum is not used much. Ms. Willis said they would like to have access and the easement language does not adequately address it.

Mr. Kristjanson asked how they got access to the barn in the past. Ms. Willis said they would be able to drive right in. Ms. Willis said the concern becomes greater when the 24 Club owns the property. They should have unfettered access with no provisions. Mr. Kristjanson asked if there is any other way to access the barn. Ms. Willis said it could be accessed through the emergency fire lane. Mr. Peck asked if the easements have been drafted. Mr. Van Hise confirmed they have been and they provide access for the public.

Mr. Kristjanson asked Ms. Willis if there are specific hours that the Van Harlingen Historical Society would want access. Mr. Peck said the easements are outside the Board's jurisdiction.

Ms. Savron recommended a meeting between the Township, the Van Harlingen Historical Society and the 24 Club.

Mr. Kabis said the fire lane should be unobstructed at all times regardless of activity. Since the fire access road goes from Montgomery Road to the Stonebridge property it has to remain open. There shouldn't be any cars blocking the drive. Mr. Kabis recommended a condition that the 24 Club is responsible for maintaining and marking the access road as well as placing a sign that it cannot be obstructed at any time unless it is loading or unloading. It would be beneficial for the Historical Society to have scheduled events.

Christina Kozen, 63 Montgomery Road, said she uses the trails on a regular basis and it is becoming more difficult since the 24 Club has moved in. It seems there is more traffic in the area and for extended periods. They have not done anything to update the outside of the house.

Ms. Savron responded that the Township has not heard from anyone that there is difficulty accessing the trails. If there is any activity that is being conducted late at night she should call the Police to investigate or contact the Zoning Officer the next business day.

Ms. Kozen asked if the 24 Club could ever change the hours of operation. Mr. Van Hise said not without Township approval.

Don Matthews, 28 Rutland Road, said he was concerned about the renovations and who is going to make sure the 24 Club completes the work. Ms. Savron said to date all the work that has been completed has been inspected by the Construction Department or Township Staff. The Township has the right to enter the building with advanced notice. Once the property has been conveyed there is a reporting period. The easement remains in perpetuity. Mr. Matthews said the millings were installed over the lawn area the Historical Society uses in front of the barn. Mr. Matthews said he supports the 24 Club using the property.

Barbara Preston, Montgomery News, said she uses the trails all the time. She has parked on the property and has not had any problems. She asked about the Green Acres funding. Mr. Van Hise confirmed that the tract size is 129 acres and a portion of it was funded by Green Acres. Green Acres will not fund existing improvements and requires a carved out area which is why the 1860 House is eligible to be continued to be used and ultimately conveyed. There are currently 16 acres that are unrestricted and after the subdivision there will be 13 unrestricted acres for general municipal purposes. Ms. Preston asked what the plans are for the 13 acres of unrestricted property.

Mr. Peck responded that the Planning Board handles Master Plan type questions and questions related to the future growth and development of the Township. The application before the Zoning Board is for the subdivision.

Chairman DeRochi said there are concerns with the renovation of the property and the Township will meet with the 24 Club. There is a concern that the driveway be kept open for public access and unobstructed. There has been testimony that the 12.5 foot separation has existed for many years and has not caused a problem with the use of the site.

Mr. Peck said a condition of the approval can be that the 24 Club has to meet with the interested parties to address access and parking issues prior to site plan application. The 24 Club will be responsible to mark and maintain the fire lane and guarantee that access remains open.

A motion to grant the subdivision approval and conditional use variance subject to the conditions was made by Mr. Kristjanson and seconded by Mr. Kabis. The motion carried on the following roll call vote:

Ayes: DeRochi, Fedun, Kabis, Kristjanson, Woitach, Wu and Sudol

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:05 p.m.