

**MONTGOMERY TOWNSHIP ZONING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
FEBRUARY 26, 2019**

**MINUTES**

Chairman DeRochi called the meeting to order at 7:31 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 Smith; Mr. Kabis; Mr. Kristjanson; Mr. Voitach; Mr. Lopez-Lopez, Alternate #1; Mr. Blodgett, Alternate #2; Mr. Patel, Alternate #3; Mr. Sudol, Alternate #4

**ALSO PRESENT:** Mark R. Peck, Esquire, Board Attorney; Emily Goldman, Board Planner; Jason Cline, Board Engineer; Joseph Palmer, Zoning Officer

**I. SALUTE TO THE FLAG**

**II. RESOLUTIONS**

**Case BA-03-16**                      **Applicant: New York SMSA, LP d/b/a Verizon Wireless**  
Block 20001 Lot 6 – Route 206  
Use Variance, Height Variance, Bulk Variance and Preliminary and Final Major Site Plan

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

Ayes: Kristjanson and DeRochi  
Nays: None

**Case BA-05-18**                      **Applicant: Paul Fernandes**  
Block 8001 Lot 6 – 644 River Road  
Submission Waivers and Bulk Variances

A motion to memorialize the resolution was made by Mr. Sudol and seconded by Mr. Kristjanson. The motion carried on the following roll call vote:

Ayes: Kristjanson, Patel, Sudol and DeRochi  
Nays: None

**Case BA-07-18**                      **Applicant: Mountaintop Properties, LLC**  
Block 15010 Lot 9 – 149 Kildee Road  
Submission Waivers and Bulk Variances

A motion to memorialize the resolution was made by Mr. Sudol and seconded by Mr. Patel. The motion carried on the following roll call vote:

Ayes: Patel, Sudol and DeRochi  
Nays: None

**Case BA-06-18**                      **Applicant: Mountaintop Properties, LLC**  
Block 15010 Lot 10 – 147 Kildee Road  
Submission Waivers and Bulk Variances

A motion to memorialize the resolution was made by Mr. Patel and seconded by Mr. Sudol. The motion carried on the following roll call vote:

Ayes: Patel, Sudol and DeRochi  
Nays: None

**III. APPLICATION**

**Case BA-09-18**                      **Applicant: Joseph Ventresca**  
Block 4009 Lots 1-13 – Route 601  
Submission Waivers and Bulk Variances  
Expiration Date – 120 Days from Submission Waiver Approval  
Affidavit of Notification and Publication Required

Notice was found to be in order. Michael Fedun, Esquire and Michael Ford represented the applicant.

Mr. Ventresca is the contract purchaser of the property. The property is on Route 601 and is adjacent to the Lubas baseball field. A submission waiver is needed for the requirement to provide a two hundred foot (200') topo map. Mr. Cline recommended the submission waiver.

Michael Ford, Van Cleef Engineering, was sworn in and accepted as an expert witness. Mr. Ford referenced an illustration of the property. The property is shown on the tax map as Lots 1 through 13. A consolidation deed will be filed as a condition of any approval. The property is 1.6 acres and is in the R-2 zone. The lot must meet the enhanced zoning standards since it fronts on Route 601 therefore the lot size requirement is 3.0 acres. The bulk variances that are being requested are due to existing conditions and include lot area, lot width, lot depth and front yard setback from Roosevelt Avenue (an existing paper street). The existing structure in the southeast corner of the property will be removed and replaced with a new single family dwelling. Driveway access will be from Route 601. The proposal is to hook into public water but if NJ American won't provide public water, there is an on-site well. The design of the on-site septic system has been reviewed and approved by Board Health. The project is exempt from Delaware and Raritan Canal Commission review. A Letter of Interpretation has been issued for a small area of wetlands at the southwest corner of the property that has an associated 50 foot buffer. No activities are proposed within the wetland area. Somerset Union Soil Conservation District issued an approval. A Somerset County Planning Board application is pending.

Chairman DeRochi asked if the paper street could be vacated. Mr. Ford said in this instance the Township may not want to vacate it since the Township owns the property on both sides of Roosevelt Avenue.

Mr. Ford testified that one of the variances is for the front yard setback from Roosevelt Avenue. The proposed setback is 69 feet and the requirement is 75 feet. Although technically it is a front yard, it acts and looks like a side yard which has a 40 foot requirement. The applicant is requesting relief from installing both street trees and a sidewalk along Route 601. There are no existing sidewalks along this section of Route 601. There is a substantial area of wetlands along the frontage that is not being disturbed and will be left in its natural state. The existing trees along the front of the property will not be disturbed. The total area of disturbance for the project is approximately 0.7 acres. Relief is requested to have the number of trees to be planted to be calculated based on the area of disturbance rather than the gross acreage of the lot for a total of 9 trees. The planting locations and species will be reviewed and approved by the Township Landscape Architect. The subject site is surrounded by Township owned property so there is no ability to make the property larger by acquiring other lands. The variances are not being created nor made worse with the application. The existing structure is an attractive nuisance that will be eliminated along with the abandonment of any well and onsite wastewater system. There will be no substantial detriment to the Township zone plan and master plan with the granting of the variances.

Mr. Ford discussed Mr. Bartolone's memo dated February 21, 2019. The applicant requests that the Board not require the wetland area be placed in a conservation easement. The wetlands are regulated by the DEP and the use of that area is already restricted. There is no development proposed in the wetland area and it will be left in its natural state. The limits of disturbance will be staked in the field during construction. The "piles" that are shown on the variance plan are dirt piles that will be removed. The soil log areas that were disturbed during the investigation process will be graded and seeded with a meadow mixture. All other comments will be complied with.

Mr. Ford discussed Lauren Wasilauski's memo dated February 14, 2019. She recommends granting the waiver to construct sidewalk and for calculating the required number of shade trees. The existing trees along the frontage will not be disturbed other than for utility connections and driveway connection to Route 601. There is an overall DEP Landscape Project where potential areas for threatened or endangered species are identified. There is a small portion in the rear of the property that is shown on the Landscape Project as having habitat for the Northern Long Eared Bat. There are certain times of the year the bats may be in this wooded area and the suggestion is to place a conservation easement on that area. The applicant does not want to grant the easement since the regulations don't preclude the trees from being removed. The applicant does not intend to gain access to the property through Township owned property.

Mr. Ford discussed the Environmental Commission memo dated February 22, 2019. The construction of the dwelling will utilize energy efficient fixtures but not solar panels. The applicant will work with Mr. Bartolone regarding the landscape comments. A plot and grading plan that addresses grading and drainage will be reviewed by the Township Engineering Department at the time of building permit application.

Mr. Ford discussed the Shade Tree Committee's memo dated February 21, 2019. The applicant will work with Mr. Bartolone and will plant 9 trees.

There was discussion about the “piles” on the property, the possibility of importing and exporting soil and the deed restricted conservation area on the wetlands. Mr. Ford testified that the amount of soil to be imported or exported should be no more than 250 cubic yards. The “piles” will be inspected to see if there is buried debris. If debris is found, it will be removed. If the “pile” outside the area of disturbance is only soil it could be left where it is to minimize disturbance and preserve the existing vegetation. A note will be added to the plan that any disturbance of the wetlands or wetland areas requires DEP approval. A note will also be added about the restriction of construction activity in the habitat area during the specified period of April 1<sup>st</sup> to September 31<sup>st</sup>. Mr. Ford asked if the applicant would be able to cut the trees prior to April 1<sup>st</sup>. There would be no land disturbance. A map will be provided to Mr. Bartolone showing the limits of disturbance and the trees in excess of 5 inch caliper to be removed. The temporary soil stockpile will be moved further from the habitat area.

Chairman DeRochi opened the meeting to the public. There being no public comment, the public hearing was unanimously closed.

Mr. Peck said the conditions would be the standard conditions plus what is set forth in the staff memos. There will be no requirement for a conservation easement, for planting street trees or for installing a sidewalk. A waiver is granted for the number of trees to be planted. The trees along the road frontage should be saved to the maximum extent possible.

A motion to approve the application subject to the conditions was made by Mr. Kabis and seconded by Mr. Kristjanson. The motion carried on the following:

Ayes: DeRochi, Kabis, Kristjanson, Smith, Woitach, Lopez-Lopez and Blodgett

Nays: None

#### **IV. MINUTES**

##### **December 18, 2018 – Regular Meeting**

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

Ayes: DeRochi, Kristjanson, Sudol and Patel

Nays: None

##### **January 15, 2019 – Regular Meeting**

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

Ayes: DeRochi, Kabis, Smith, Lopez-Lopez, Blodgett and Sudol

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:26 p.m.