

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REORGANIZATION AND REGULAR MEETING
JANUARY 15, 2019**

MINUTES

Zoning Officer Palmer called the meeting to order at 7:36 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: Mr. DeRochi; Mr. Fedun (left at 8:00 p.m.); Mr. Kabis; Mr. Smith; Mr. Wu; Mr. Lopez-Lopez, Alternate #1; Mr. Blodgett, Alternate #2; Mr. Sudol, Alternate #4

ALSO PRESENT: Mark Peck, Esquire; Jason Cline, Michael Sullivan, Joseph Palmer and Catherine Gural

I. SWEARING IN OF NEW MEMBERS

Mr. Blodgett and Mr. Sudol were sworn in.

II. SALUTE TO THE FLAG

III. REORGANIZATION

A. Election of Officers

1. Call for Nominations for Chairman

Mr. DeRochi was nominated as Chairman by Mr. Smith, which was seconded by Mr. Fedun. There were no further nominations.

The following roll call vote was taken for Mr. DeRochi as Chairman:

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

Nays: None

2. Call for Nominations for Vice Chairman

Mr. Smith was nominated as Vice Chairman by Mr. Fedun, which was seconded by Chairman DeRochi. There were no further nominations.

The following roll call vote was taken for Mr. Smith as Vice Chairman:

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

Nays: None

3. Call for Nominations for Chair Pro Temp

Mr. Fedun was nominated as Chair Pro Temp by Chairman DeRochi, which was seconded by Vice Chairman Smith. There were no further nominations.

The following roll call vote was taken for Mr. Fedun Chair Pro Temp.

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

Nays: None

B. Appointment of Recording Secretary – Joseph Palmer

Mr. Palmer was appointed as Recording Secretary by Vice Chairman Smith, which was seconded by Mr. Lopez-Lopez. This carried on the following roll call vote:

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

Nays: None

C. Meeting Schedule

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Montgomery that the monthly meetings of the Board will be scheduled on the following dates in 2019 at 7:30 p.m. in the Municipal Building located at 2261 Van Horne Road (Route 206) Belle Mead, New Jersey. Special work sessions scheduled periodically will be noticed as required upon scheduling. Formal action may be taken. All interested persons may attend and be heard. The following notice shall be sent to the officially designated newspapers.

January 22	July 16, 23	January 21, 2020
February 19, 26	August 20, 27	
March 19, 26	September 17, 24	
April 16, 23	October 15, 22	
May 21, 28	November 19, 26	
June 18, 25	December 17	

Mr. Smith made a motion to adopt the meeting schedule, which was seconded by Mr. Fedun. This carried on the following roll call vote:

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

Nays: None

D. Designation of the Official Newspaper

The official newspapers for legal municipal advertising and notice shall be the Courier News. All legal notices to be published must appear in an official newspaper as stipulated by the NJ-MLUL.

A motion to designate the official newspaper was made by Mr. Wu, which was seconded by Mr. Kabis. This carried on the following roll call vote:

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

Nays: None

E. Appointment of Subcommittee

I. Site Plan/Subdivision Committee (meets the 1st Tuesday of each month at 8:30 a.m.)

Mr. DeRochi and Mr. Smith were appointed to the Site Plan/Subdivision Committee.

F. NJ Federation of Planning Officials - Renewal of Membership

Combination Membership - Zoning Board Membership - \$185.00

A motion to renew the membership was made by Mr. Sudol, which was seconded by Mr. Kabis. This carried on the following roll call vote:

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

Nays: None

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

Chairman DeRochi read the resolution to appoint the following professionals for 2019:

- 1. Appointment of Legal Counsel – Florio Perrucci Steinhardt & Fader, LLC**
- 2. Appointment of Board Planner – Clarke Caton Hintz**
- 3. Appointment of Traffic Engineer – NV5**
- 4. Appointment of Landscape Architect – Richard Bartolone**
- 5. Appointment of Board Engineer – Remington & Vernick Engineers, Inc.**
- 6. Appointment of RF Engineer – Dr. Bruce Eisenstein**

A motion to appoint the professionals was made by Vice Chairman Smith, which was seconded by Mr. Lopez-Lopez. This carried on the following roll call vote:

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

Nays: None

H. Swearing in of Board Professionals

Mr. Cline and Mr. Sullivan were sworn in.

IV. APPLICATION

Case BA-02-18 **Applicant: Montgomery Township Fire Company No. 1**
Block 6001 Lots 1.01 & 2 – 35 Belle Mead-Griggstown Road
Submission Waivers and Preliminary and Final Major Site Plan with Use and Bulk Variances
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required and Previously Found to Be In Order

Matt Fedun stepped down.

Michael Fedun, Esquire, Bill Spohn and Ron Kennedy, PE, PP represented the applicant.

Mr. Fedun explained how the Fire Company got the land and the construction of the current facility in 1994. Covert Drive was constructed by the Township and serves as the main driveway to the rear of the firehouse. Until a few years ago the firehouse had sole use of Covert Drive. The new retail center on the western side of Covert Drive now also uses Covert Drive. The use by the retail center presented a problem for the fire company because parking and traffic on the road could possibly prevent the ingress and egress of fire trucks. In the negotiations that took place during the review process of the retail center, it was decided the fire company would work out a way to move the driveway to the other side of the firehouse. In the meantime the fire company was able to purchase the house next door.

William Spohn was sworn in. Mr. Spohn testified that he is Chairman of the Driveway Committee. The Fire Company thought that Covert Drive was a private road for the use of the fire company and the Municipal Building. The retail development received approval for two entrances onto Covert Drive. Covert Drive will eventually become a through road to Route 206. The firehouse saw this as a tremendous potential safety hazard. Although apparatus uses Covert Drive, the primary use is for the responding members. Several meetings were held with Township staff and the Planning Board and an agreement was reached that the firehouse would rescind their right that it is a private road. They received some compensation from the Township and the developer to help them build a driveway along the eastern side of the firehouse. To move the driveway to the other side of firehouse building would require moving a PSE & G pole, the transformer and a generator which was cost prohibitive. The original plan included the construction of a larger barn in the rear to free up space for new trucks. The fire company purchased the neighboring residential lot which has a barn and an outbuilding that could be used. The barn could house the antique fire truck, excess gear and other miscellaneous items the fire company has. The outbuilding is currently empty but could be used as a training area. The purchase of the residential lot allows the proposed driveway to be moved further from the firehouse building which would negate the extra expense of moving the pole and generator. The single family house is currently being rented out. Mr. Spohn referenced the site plan and showed the new driveway location. The prior proposal had a very sharp turn with a blind corner and the new location gives a better turning radius for the equipment. There are parking spaces proposed along the new driveway to allow members closer access to the door for faster response time and keeps cars from coming in to the back lot.

Mr. Peck asked Mr. Spohn if he was aware of a letter dated October 2, 2018 from the neighbors at 55 Belle Mead-Griggstown Road. Mr. Spohn said he met with the neighbor and had kept them informed of the new meeting date. The neighbors can see into the parking area so if the members are training or if there are headlights going in and out they can see it. The Fire Company agreed to install trees to block the view. The Fire Company's landscaper had dumped items on the neighboring property thinking it was the Fire Company's which has been cleaned up. Mr. Peck said the letter references a private landscaping company being allowed to utilize the residential property with trailers and equipment coming and going, crews coming in daily and on weekends and the parking of personal cars. Mr. Peck asked if the lot is being actively used as a landscaping business. Mr. Spohn testified that the landscaper that is there has a business based out of Cherry Hill. The Fire Company has allowed him to park a trailer and a vehicle on the site. When the vehicle and trailer are taken out they leave their private vehicles. The landscaper maintains the property and plows the lot. The Fire Company has discussed it with the neighbor and has agreed to add more buffering.

Mr. Spohn testified that the new driveway would be exclusively for the fire company. For safety reasons, the fire company does not want to share a driveway with the residential property. The two existing entrances to the fire company property from Covert Drive will be fenced and gated.

Chairman DeRochi opened the meeting to the public to ask Mr. Spohn questions. There were no questions from the public.

Mr. Ron Kennedy was sworn in. Mr. Kennedy gave the Board his qualifications and was accepted as an expert engineering and planning witness. Mr. Kennedy referenced the aerial plan depicting Lot 1.01 and Lot 2 and described the site plan. Lot 1.01 is in the PPE zone and Lot 2 is in the R-2 zone. Lot 1.01 is approximately 2.1 acres and Lot 2 is approximately 2.86 acres. There is a 14,000 square foot single story firehouse with 4 bays on Lot 1.01. To the rear of the property is a parking lot primarily for the fire department members. Lot 2 has a two story residence, a garage, a barn and a shed and had a construction/contractor yard with a fair amount of stone and pavement lot coverage. There are two sheds in the rear of the firehouse; one will remain and one will be removed. The firehouse building is 23 feet high, the shed in the rear is 10 feet high and the flagpole is 30 feet high. The house is 31 feet high, the garage is 24 feet high, the barn is 16 feet high and the shed is 10 feet high.

The aerial plan, a colored rendering of the site plan and the property use exhibit were all marked as Exhibit A-1.

Mr. Kennedy referenced the colored rendering of the site plan. The primary focus of the application is the new driveway for the fire company. The driveway is proposed to be 26 feet wide, will come off of Belle Mead-Griggstown Road and will connect to the fire company parking areas in the rear of the building. A dumpster enclosure is proposed at the end of the drive. The two story garage, the barn and shed on Lot 2 will be reused. The shaded areas on the plan depict the existing stone areas to remain. There are significant areas of stone that will be removed. The driveway will have 7 angled parking spaces for firefighters. It has been designed to provide adequate turning radius' for firetruck ingress and egress. A fence from the rear of the firehouse building running along Covert Drive and then connecting into the rear of the property is proposed. The fence along Covert Drive will be a 6 foot PVC style fence. The fence along the rear property line will be a 4 foot high chain link fence. The existing driveway entrances onto Covert Drive will have gates. The number of parking spaces on the firehouse lot will increase from 37 to 47 which are adequate for the uses on the property. There are no changes to the signage. The improvements on Lot 2 include the driveway, removing pavement and stone areas, a bio-infiltration basin and additional screening.

Mr. Kennedy referenced the property use exhibit that shows the clear division line between the two distinct uses. The residential component is 0.89 acres which consists of the house, the patio, a pergola, the pool and manicured lawn area.

Mr. Kennedy discussed the landscaping and lighting. There are two existing light poles on the firehouse property that will be relocated to illuminate the parking area. There is no lighting along the proposed driveway. Landscaping is proposed along the easterly property line of Lot 2, along the rear property line of Lot 2, at the end of the proposed driveway on Lots 1.01 and 2 and some hardwood plantings along the roadway around existing trees. Based on conversations with the neighbor they will amend the plans to take some of the landscaping from the rear and put it closer to the residence. A total of 29 trees that will be removed and 31 trees will be replanted.

Mr. Kennedy described the pre-existing conditions that don't meet the current zoning. On Lot 1.01 they include lot size, lot width, lot depth, lot frontage, side yard or front yard setback to Covert Drive, side yard setback to the eastern property line and lot coverage (48.7% where 20% is permitted). On Lot 2 they include the front yard setback, side yard setback and lot coverage (31.3% where 15% is permitted). The existing shed is closer than 20 feet to the equipment storage building. Additional bulk variances that are required include the fence height and lot coverage (that is being reduced). A use variance is required since Lot 2 will have two uses; the storage of firehouse equipment and training and the residential use. The fire department use is inherently beneficial. The uses promote the general welfare. The use itself meets special reasons. Lot 2 is particularly suited to accommodate the two different uses. They are two separate and distinct areas on the property. Providing the driveway exclusively for firehouse use addresses a potential safety issue. The proposal allows for the reuse of existing buildings instead of constructing new buildings. Lot 2 is getting rid of a pre-existing nonconforming use and replacing it with a conforming use. From a negative criteria standpoint for the traveling public, except for the driveway, no change will be seen to Belle Mead-Griggstown Road. The fire company will be able to provide better and safer service as the neighboring property gets developed. There is no significant impact to the zone plan.

Mr. Kennedy testified that the plan is to have a driveway for the residence and a new driveway next to it for the firehouse. Comments have been received from the County and they have concerns about the two driveways so close to each other. They may have to open the new driveway to the residence and close the existing residential driveway.

Mr. Kennedy discussed the Board professionals review memos. Access, parking and circulation will be maintained during construction. Updated parking calculations for both lots will be provided. There is federally listed threatened species habitat for the Northern Long Eared Bat on the property. They will comply with the recommendation in the Environmental Commission's review letter to install a bat house as a mitigation aspect for removing the trees. The applicant will coordinate the timing of construction so it does not occur during roosting season. The maximum amount of soil that can be imported/exported without going back to the Board is 100 cubic yards. There is an existing pile of fill on the property they are hoping to use. The applicant is working with the County on the stormwater system. The system will be subject to the review and approval of the Township and the County. Mr. Cline noted that the 1996 approval allowed 34% coverage and the existing coverage is at 47%. Mr. Kennedy said there is not a drainage problem on the site. A right-of-way dedication along Lot 2 will be made to the County. The septic will be staked out during construction. The landscaping and coordination of the buffer for the neighbor is subject to the review and approval of the Township Landscape Architect.

Mr. Kennedy testified that the Fire Company does not want to install sidewalk along Covert Drive or Belle Mead-Griggstown Road. They are requesting relief because of the uniqueness of the use on the property and there is a significant sidewalk network on the other side of Covert Drive and Belle Mead-Griggstown Road. The frontage along Lot 3 starts to turn into a wetland area so additional development will not occur in that area. Sidewalk was just installed along Covert Drive as part of the neighboring development. A new cross walk with signage was installed on Belle Mead-Griggstown Road. The Fire Company does not want to encourage people to come to the property because of the activities on the site and the unintended consequences.

Mr. Kennedy testified regarding the height of the fence. The rear of the property is primarily used for training activities that occur at nights and on weekends. The 6 foot fence would help to screen these activities which can be both unsightly and noisy.

The Fire Company is requesting a number of design waivers. The ordinance requires 14 trees per acre to be planted for a total of 69 trees. The proposal is to plant 31 new trees. The area they are disturbing is under 1 acre and the lot coverage on the property is being decreased. The ordinance requires planting of street trees. Covert Drive already has street trees. The frontage of the firehouse has no room for additional trees because of the sight distance. The area in front of Lot 2 already has significant vegetation. Relief is needed from the ordinance requirement of a 125 foot distance between access drives. There will be 12 feet between the existing residential driveway and the proposed driveway and 52 feet from the ramps that lead to the front of the firehouse to the new driveway.

The Delaware and Raritan Canal Commission will be issuing an exemption letter.

Mr. Fedun said the Fire Company is opposed to consolidating the lots. It is unnecessary and could create issues in the future as far as the uses of the lot. If they decide to sell the residence in the future they would have to come back to the Township for a subdivision.

Chairman DeRochi opened the meeting to the public.

Rosalie Lopez-Lopez stated how she was impressed with the presentation and how the Fire Company wanted to do more than any neighbor would expect.

There being no further public comment, a motion to close the public hearing was made by Mr. Smith and seconded by Mr. Kabis. The motion carried unanimously.

The motion is to approve preliminary and final major site plan approval, use variance approval to permit the two principle uses on one lot, bulk variances and design waivers. The conditions include the standard conditions, buffering to the Landscape Architect's satisfaction, all the plans being revised according to the testimony made at the hearing and in accordance with the various review memos, the bat house, coordination of the construction with the Board Engineer, soil movement up to 100 cubic yards, right-of-way dedication to the County along Lot 2, the septic to be staked out and bare ground on Lot 2 is to be returned to its natural state. The Board agreed there would not be a sidewalk.

A motion to approve the application subject to the conditions was made by Vice Chairman Smith and seconded by Mr. Kabis. The motion carried on the following roll call vote:

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

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:11 p.m.