

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REORGANIZATION AND REGULAR MEETING
JANUARY 7, 2019**

MINUTES

Ms. Savron called the meeting to order at 7:35 p.m. and read the opening statement that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Mr. Campeas; Mr. Cheskis; Mr. DeRochi; Mayor Jaffer; Mr. Mani; Mr. Matthews; Ms. Roberts; Mr. Schuldiner (left at 8:30 p.m.); Mr. Wilson, Mr. Conry, Alternate No. 2; Mr. Glockler and Mr. Laskey, Advisors

ALSO PRESENT: Francis P. Linnus, Esquire; Emily Goldman; Lori Savron

I. SWEARING IN OF NEW MEMBERS

Attorney Linnus swore in new members Mayor Jaffer, Mr. Schuldiner, Mr. DeRochi, Mr. Campeas and Ms. Roberts.

II. SALUTE TO THE FLAG

III. REORGANIZATION

A. Election of Officers

1. Call for Nominations for Chairman

A nomination of Mr. Campeas was made by Ms. Roberts and seconded by Mayor Jaffer. A nomination for Mr. Wilson was made by Mr. Cheskis and seconded by Mr. Conry.

There being no further nominations, a motion to close nominations was made by Ms. Roberts and seconded by Mr. Cheskis. This carried on the following voice call vote: Ayes (9) Nays (0)

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

Ayes: Campeas, DeRochi, Jaffer, Mani, Roberts and Schuldiner

Nays: Cheskis and Matthews

Abstentions: Wilson

2. Call for Nominations for Vice Chairman

A nomination of Ms. Roberts was made by Mr. Schuldiner and seconded by Mayor Jaffer. A nomination of Mr. Cheskis was made by Mr. Wilson and seconded by Mr. Campeas.

There being no further nominations, a motion to close nominations was made by Mr. Cheskis and seconded by Mr. Conry. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call vote was taken for Ms. Roberts as Vice Chairman:

Ayes: Campeas, Jaffer, Mani, Matthews, Roberts and Schuldiner

Nays: Cheskis, DeRochi and Wilson

3. Call for Nominations for Secretary

A nomination of Mr. Matthews was made by Mr. Cheskis and seconded by Chairman Campeas.

There being no further nominations, a motion to close the nominations was made by Mr. Mani and seconded by Mr. Cheskis. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call was taken for Mr. Matthews as Secretary:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson

Nays: None

B. Appointment of Recording Secretary– Lori Savron

The nomination of Ms. Savron as Recording Secretary was made by Mr. Cheskis and seconded by Chairman Campeas. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson

Nays: None

C. Meeting Schedule

1. PLANNING BOARD MEETINGS

BE IT RESOLVED by the Planning Board of the Township of Montgomery the regular monthly meetings of the Board will be held 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 mailed to the officially designated newspapers.

February 4	July 1, 15	December 2, 16
March 4, 18	August 5, 19	January 6, 2020
April 1, 15	September 16	
May 6, 20	October 7, 21	
June 3, 17	November 4, 18	

A motion to adopt the Planning Board meeting schedule was made by Vice Chairman Roberts and seconded by Mr. Mani. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson
Nays: None

2. SITE PLAN/SUBDIVISION COMMITTEE MEETINGS

BE IT RESOLVED by the Planning Board of the Township of Montgomery that the Site Plan/Subdivision Committee regular monthly meetings will be held on the following dates in 2019 at 8:30 a.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. The following notice shall be mailed to the officially designated newspapers. All interested persons may attend those portions of the meeting that the applicant is being heard.

February 5	August 6
March 5	September 3
April 2	October 1
May 7	November 5
June 4	December 3
July 2	

A motion to adopt the Site Plan/Subdivision Committee meeting schedule was made by Mr. Cheskis and seconded by Chairman Campeas. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson
Nays: None

D. Designation of the Official Newspaper

The official newspaper 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 Ms. Roberts and seconded by Mr. Cheskis. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson
Nays: None

E. Appointment of Subcommittees

1. Master Plan/Land Development Ordinance Update Committee

- | | |
|--|-------------------------------|
| Member 1: Chairman Campeas | Member 2: Mayor Jaffer |
| Member 3: Vice Chairman Roberts | Member 4: Mr. DeRochi |

2. Site Plan/Subdivision Committee

- | | |
|---------------------------------|-------------------------------|
| Member 1: Mr. Schuldiner | Member 2: Mr. DeRochi |
| Member 3: Mr. Matthews | Member 4: Mayor Jaffer |

3. Planning Board Liaison to TAC

Member 1: Mr. Schuldiner

4. Planning Board Liaison to Economic Development Commission

Member 1: Mr. Mani

F. NJ Federation of Planning Officials - Renewal of Membership

Combination Membership - Planning Board Membership – \$185.00

A motion to renew the NJPO membership was made by Ms. Roberts, which was seconded by Mr. Conry. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson

Nays: None

IV. CLOSED SESSION

Ms. Savron read the resolution to go into closed session so the Board could discuss the appointment of Board Professionals for the 2019 year.

A motion to go into closed session was made by Mr. Cheskis and seconded by Mayor Jaffer which carried unanimously.

A motion to reopen the meeting was made by Mr. Cheskis and seconded by Mr. Schuldiner which carried unanimously.

V. APPOINTMENT OF PROFESSIONAL SERVICES UNDER THE “LOCAL UNIT PAY-TO-PLAY LAW”

Chairman Campeas read the resolution to award a contract to Board Planner Clarke Caton Hintz, Traffic Engineer NV5 and Board Landscape Architect Richard Bartolone for the 2019 year.

A motion to appoint Clarke Caton Hintz, NV5 and Richard Bartolone for the 2019 year was made by Mayor Jaffer and seconded by Mr. Schuldiner. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson

Nays: None

Chairman Campeas read the resolution to extend the contract for Board Attorney Francis P. Linnus and Board Engineer Remington and Vernick for 30 days. The Board will have further discussion at the February 4, 2019 meeting.

A motion to extend the contract for Francis P. Linnus, Esquire and Remington and Vernick was made by Vice Chairman Roberts and seconded by Chairman Campeas. This was carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner and Wilson

Nays: None

VI. SWEARING IN OF PROFESSIONALS

Ms. Goldman was sworn in.

VII. PUBLIC PARTICIPATION - None

VIII. APPLICATIONS

1. Case PB-07-18 Applicant: Dr. Deborah Ginsburg

Block 34005 Lot 6 – 29 Pine Brae Court

Minor Site Plan with Bulk Variance

Affidavit of Notification and Publication Required

Mr. Schuldiner stepped down. Notice was found to be in order. David Schmidt, 77 Cairns Place and Dr. Ginsburg, 29 Pine Brae Court, were sworn in.

Mr. Schmidt referenced the plan entitled “Proposed Home Office Parking” dated December 11, 2018. The lot is 1.274 acres and is within the R-2 zone. The property has a two story four bedroom house, asphalt drive, brick walk in front, a porch and patio pavers in the rear and a shed and trash enclosure on the southern property line. Dr. Ginsburg purchased the property in the fall of 2018. The application is for minor site plan and variance approval to expand the existing home occupation of 200 square feet to 683 square feet. The name of the business is Healing Ocean Family Wellness. The hours of operation are Monday and Friday from 9:00 a.m. to 3:30 p.m. and Tuesday and Thursday from 11:00 a.m. to 7:00 p.m. Office hours on Saturday and Sunday are for emergencies only. It is anticipated Dr. Ginsburg will see 20

patients per week. The parking requirements are broken down to 3 spaces for the single family dwelling, 2 spaces for patients and 1 space for an employee. Based on Dr. Ginsburg's testimony at the Site Plan/Subdivision Committee that she does not need 6 parking spaces, the Committee recommended Dr. Ginsburg provide 5 spaces and bank 1 space. The existing home occupation has no parking problems. It is unlikely that there will be 5 cars on site at any one time but if there are, the plan as proposed does work. On street parking is not permitted for a Home Occupation. The parking spaces will not be striped. The square footage expansion of the Home Occupation is all within the structure.

A variance is requested for the side yard setback for the existing shed. The requirement is 15 feet from the property line and the shed is over the property line by 2.9 feet. The shed is old and can't be moved. If a new shed is constructed it will be moved off the Township property and will conform to the ordinance.

Ms. Goldman testified that if the Board granted the variance it would be conditioned on the Township Committee accepting the encroachment.

A variance is requested for the driveway location. The ordinance requires driveways to be setback 10 feet from the property line and the existing driveway is within the required setback. The house was constructed in the 1960's when there likely wasn't a driveway setback requirement. The variances are pre-existing. The applicant will add additional landscaping to buffer the parking subject to the review and approval of the Township Landscape Architect.

There was discussion as to whether the variances were C1 or C2. Mr. Wilson opined they would be C1 because there are some exceptional confines of the lot that would preclude the applicant from moving the driveway and the shed. Mr. Linnus agreed it would be more C1 than C2.

Mr. Schmidt discussed Ms. Goldman's memo dated January 3, 2019. Depending on the time of year some of the office hours will be after daylight so relief is being requested. There is a typical residential motion sensor light in the driveway which will be adequate. Relief is also being requested since land banked parking is not identified as a permitted method of off-street parking. Only passenger cars and typical residential deliver trucks are expected to come to the site. All the equipment is contained within the house and it will not interfere with radio or television reception. The trash/recycling area is an existing structure so an exception is not needed. There are no commercial vehicles associated with the Home Occupation. There is no onsite chemical storage. The parallel parking space complies with RSIS but not with Township standards. Decorative gravel could be installed along the parallel parking space to provide additional room if needed in the future. The applicant is not proposing to install any shade trees. The existing 4 foot fence around the trash area buffers the property to the south.

Mr. Schmidt discussed the January 7, 2019 email from Stephanie Carey. The new septic license with an annual renewal is on file and the Health Department has no further objections.

Mr. Schmidt discussed Ms. Wasilauski's memo dated December 20, 2018. If the shed has to be replaced it will be moved from the Township property.

The Police Department issued a "no comment" memo dated December 31, 2018.

Deborah Ginsburg explained her practice. She is a family physician and started her current practice approximately 8 years ago. She has a very personalized and individualized practice. Patients are onsite anywhere from 40 minutes to 80 minutes. Patients are scheduled to allow 10 minutes between appointments and it is rare that there are two patients onsite at a time.

Chairman Campeas opened the meeting to the public.

Mr. Glockler said family practice is becoming rare in New Jersey. He asked what the likelihood that the practice will grow. Dr. Ginsburg replied that she did not want to work more hours than she already is. Mr. Linnus said the hours of operation will be in the resolution.

Ms. Goldman asked Dr. Ginsburg to discuss the potential for a future employee and what their role would be. Dr. Ginsburg said her husband is currently doing the front desk work. If she is granted approval, an employee will be hired to take over the front desk work. She also testified that her son takes her car to school and work so often times her car is not onsite.

Vice Chairman Roberts asked if there were provisions for clearing snow from the driveway. Dr. Ginsburg said she will need to hire a company.

There being no public comment, the public hearing was closed.

Mr. Linnus said there are two variances, one for the shed and one for the distance of the off-street parking to the side lot line.

A motion to approve the variance for the shed subject to Township Committee approval was made by Mr. Mani and seconded by Mr. Cheskis. The motion carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts and Wilson

Nays: None

A motion to approve the off-street parking location was made by Mr. Matthews and seconded by Mr. Mani. The motion carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts and Wilson

Nays: None

A motion to approve the minor site plan for a home occupation with the requested exceptions was made by Mr. DeRochi and seconded by Vice Chairman Roberts. The motion carried on the following roll call vote:

Ayes: Campeas, Cheskis, DeRochi, Jaffer, Mani, Matthews, Roberts and Wilson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.