

MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
MARCH 19, 2019

MINUTES

Chairman DeRochi called the meeting to order at 7:40 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. Fedun; Mr. Kristjanson (arrived at 8:00 p.m.); Mr. Wu; Mr. Lopez-Lopez, Alternate #1

ALSO PRESENT: Mark R. Peck, Esquire, Board Attorney; Michael Sullivan, Board Planner; Joseph Palmer, Zoning Officer; Catherine Gural, Township Committee Liaison

I. SALUTE TO THE FLAG

II. RESOLUTION

Case BA-02-18 **Applicant: Montgomery Township Fire Company No. 1**
Block 6001 Lots 1.01 and 2 – 35 and 45 Belle Mead-Griggstown Road
Preliminary and Final Major Site Plan with Use and Bulk Variances

The adoption of the resolution was tabled to the next meeting.

III. MINUTES

February 26, 2019 – Regular Meeting

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

Ayes: DeRochi, Smith and Lopez-Lopez

Nays: None

IV. APPLICATION

Case BA-03-19 **Applicant: Donald and Patricia Matthews**
Block 17004 Lots 1, 2 and 3 – Route 206 and Rutland Road
Submission Waivers and Preliminary and Final Major Subdivision with Use and Bulk Variances
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Notice was found to be in order. David Schmidt, PE was sworn in and accepted as an expert.

Mr. Schmidt referenced a plan entitled “Existing Conditions Plan” dated February 18, 2019 revised March 5, 2019. The property is located on the north side of Rutland Road and the east side of Route 206. Lot 1 is 0.2311 acres and is in the CC2 zone. Lot 2 is 7.4294 acres and is in the NC zone. Lot 3 is 1.6752 acres and is in the NC zone. The acreage of all three properties is 9.3357 acres. The purpose of the application is to preserve the farm. Lot 1 is farmland with a lot coverage and building coverage of 0%. Lot 2 has a 1½ story residential dwelling, an asphalt drive, brick walkway, patio and a shed. Also located on Lot 2 are 4 metal barns, 3 silos, 2 stone driveways, 1 masonry building, 1 corn crib, various concrete walkway areas and open areas used for pasture. The total lot coverage for Lot 2 is 6.72% and building coverage is 3.78%. Lot 3 has a 2½ story dwelling, an asphalt drive, slate concrete walkway and patio, masonry and framed barn, a well house, and pasture area. Lot 1 is encumbered with stream corridor and flood plain. The lots are serviced by PSE & G, an on-site well, public sewer, Century Link and Comcast.

Mr. Schmidt referenced a plan entitled “Farmland Preservation Plan” dated February 18, 2019 revised March 5, 2019. Existing Lot 1 will be merged with existing Lot 2 and become new Lot 1.01. A portion of existing Lot 3 (0.8375 acres) will be subdivided and merged with new Lot 1.01. New proposed Lot 1.01, after the right-of-way dedication, will total 8.1663 acres, most of which will be preserved. New Lot 1.01 will contain a 0.6961 acre non-severable exception area that will encompass the 1½ story residence and associated improvements. The remaining lands of 7.4702 acres will be placed in a preserved agricultural easement with a 175 foot viewshed easement along Route 206. The viewshed easement does not permit new structures but can be farmed and cultivated. The agricultural easement will contain 5 metal barns, 3 silos, 2 stone driveways, a masonry building, a corn crib, a well house and open areas for pasture. The lot coverage for new Lot 1.01 will be 6.52% and the building coverage is 4.07%. Existing Lot 3 is 1.6752 acres. After the subdivision and the right of way

dedication along Rutland Road of 0.0553 acres new Lot 3.01 will be 0.7824 acres. Lot 3.01 will have the 2½ story dwelling and associated improvements. The lot coverage for new Lot 3.01 will be 18.57% and the building coverage will be 6.24%.

The proposed subdivision will not result in any new impervious surface coverage or any new construction. Existing Lot 2 and 3 share the same well. The well will be located on new Lot 1.01 and will continue to service the 1½ story dwelling. New Lot 3.01 will use public water, if available, or a new well will be installed.

Since the property is within the commercial zone, a use variance is needed for both single family residences and the agricultural uses. A variance is needed for the existing patios on new Lots 1.01 and 3.01 and the shed within the exception area on new Lot 1.01. A variance is needed to permit the existing residential driveway on proposed Lot 1.01 to remain within the required 10 foot setback and within the 10 foot wide landscape buffer area. A variance is needed to permit Barn #1 to be located closer to the property line than the required setback equal to the barn height. A variance is needed to permit existing Barns #1, #3, #4 and #5 which are located less than 100 feet from the property lines to house livestock.

The proposal will provide adequate light, air and open space. It will provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space according to their respective environmental requirements in order to meet the needs of all NJ citizens. The subdivision is required in order to effectuate the preservation of the farming use within the agricultural easement, which is consistent with the Master Plan. There is no change in the use of the property and no increase in stormwater runoff or traffic. The existing residential use and farming activities have less impact than what the current zone permits. All but one of the requested bulk variances are for pre-existing conditions.

Mr. Schmidt discussed Ms. Wasilauski's memo dated March 12, 2019. The applicant worked with Ms. Wasilauski and agreed to install the monuments marking the viewshed easement along Route 206 instead of in the field so there would be no impact to any farming.

Mr. Schmidt noted the Board of Health had no comments.

Mr. Schmidt said the applicant agrees with the comments in the Clarke Caton Hintz memorandum dated March 15, 2019.

Mr. Sullivan testified overall the purpose of the subdivision is to create a larger contiguous area of farm and make it consistent with a planned preservation easement that reflects the existing agricultural use of the property. The areas reserved for residential use reflects the existing residential uses. The scenic easement along Route 206 will enhance the Township's ability to protect the viewshed. This is one of the most remarkable views along Route 206 in terms of an agricultural rural area. It is consistent with the farmland preservation and rural character objectives and principles in the Master Plan. There is an immense public benefit to this application. The bulk variances are small existing conditions that are there by the movement of the right-of-way line or property line to achieve the preservation.

Vice Chairman Smith noted that this is an iconic piece of property and the proposal is to redraw a few property lines to maximize the preservation area. It is a huge benefit to the Township.

Chairman DeRochi opened the meeting to the public.

Don Matthews, 28 Rutland Road, said his family moved to the farm in the 1950's. He gave the Board a history of the preservation process.

Chairman DeRochi said he is astounded by the Matthews' family generosity. This is another example of Mr. Matthews' lifelong service to the Town.

The following roll call was taken to approve the use variance:

Ayes: DeRochi, Fedun, Smith, Wu and Lopez-Lopez

Nays: None

A motion to approve the minor subdivision and bulk variances was made by Vice Chairman Smith and seconded by Mr. Fedun. The motion carried on the following roll call vote:

Ayes: DeRochi, Fedun, Smith, Wu and Lopez-Lopez

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:11 p.m.