

**MONTGOMERY TOWNSHIP ZONING BOARD**  
**MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**  
**REGULAR MEETING**  
**JUNE 28, 2016**

**MINUTES**

Chairman DeRochi 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:** Chairman DeRochi; Vice Chairman O'Brien; Mr. Thompson; Mr. Campeas, Alternate #2; Mr. Wu, Alternate #3; Mr. Tuosto, Alternate #4

**ALSO PRESENT:** Mr. Drollas, Board Attorney; Ms. Goldman, Board Planner; Mr. Cline, Board Engineer; Mr. Palmer, Zoning Officer

**I. SALUTE TO THE FLAG**

**II. RESOLUTION**

**Resolution No. 05-2016**

**BA-03-15**

Block 11003 Lot 9

Submission Waiver and Bulk Variance

**Applicant: John and Stephen Seeley**

Mr. Seeley addressed the Board and remains under oath. Mr. Seeley had no comments on the resolution. There was discussion on the issue of the donation of his property on the other side of Hollow Road to the Township. Mr. Palmer noted that the Township would like the land dedicated because it is adjacent to other Township open space and is identified as a potential future greenway on the conservation plan in the Master Plan. Mr. Seeley will work with the Township to complete the dedication.

A motion to memorialize the resolution was made by Mr. Thompson and seconded by Vice Chairman O'Brien. The motion carried on the following:

Ayes: O'Brien, Thompson, Wu and DeRochi

Nays: None

**III. APPLICATIONS**

**Case BA-05-16**

Block 15013 Lot 25.02

Bulk Variance

Expiration Date – 120 Days from Submission Waiver Approval

Affidavit of Notification and Publication Required

**Applicant: Paul Tedeschi**

Notice was found to be in order. Michael Fedun, Esquire represented the applicant. Mr. Fedun explained that the applicant would like to install a swimming pool in the front yard of the lot. The lot fronts on Sunset Road but the house was constructed facing the Concord Lane cul-de-sac. A variance is also being requested to exceed the allowable lot coverage.

Chester DiLorenzo, 82 Walnut Hill Road, was sworn in. Mr. DiLorenzo gave the Board his qualifications and was accepted as a professional engineer. Mr. DiLorenzo oriented the Board as to the location of the lot and described the existing structures on the lot. The lot is 2.63 acres in size and has a single family dwelling and tennis court. The request is to construct an in-ground pool and removal of a 1,000 square foot patio to be replaced with a 3,000 square foot patio. The lot coverage will be increased from 15% to 18.3%. The property has a substantial slope from the south to the north. Drywalls will be installed to pick up the additional stormwater to avoid any drainage problems and to mitigate the additional coverage. Rear yard leaders and downspouts are proposed for a more direct discharge of stormwater. There is an existing shed of approximately 300 square feet to the left of the driveway that is not shown on the plan and will be added. There is no access to Concord Lane so the driveway cannot be reconfigured.

Mr. Cline noted there is also a walkway that is not shown on the plan. The stormwater calculations should be updated to include the additional impervious.

Mr. DiLorenzo and Mr. Fedun discussed the Board professional's memos. The Health Officer issued a memo dated April 27, 2016. The location and setbacks to the primary and reserve septic systems will be added to the plans. Snow fence will be installed around the systems during construction.

Clarke Caton and Hintz issued memo dated June 22, 2016. Variance relief is needed for approximately 18.5% coverage, including the shed not shown on the plans. The additional coverage is being ameliorated by having stormwater seepage pits sized to pick up the additional coverage. The water drains to Concord Lane where there are in-street catch basins. The hardship is that the existing dwelling, tennis court and driveway are at 15%. The drainage system proposed will accommodate the additional coverage and will retain more water than the actual runoff.

Mr. Cline testified that the bulk standard table shows 15% exists and there is the garage and walkway not included in the calculation so there is most likely an existing nonconformity. It is the applicant's intent to address both the existing and proposed nonconformity.

Mr. DiLorenzo testified that the applicant is willing to screen the project from Sunset Road to the satisfaction of the Township Landscape Architect. There is an existing hedgerow along Sunset Road but the applicant will provide supplemental screening as needed. The pool will only be visible from Sunset Road for a brief second due to the grade of the property along Sunset Road. Details of the proposed black aluminum fence will be added to the plan. A waiver for planting the required landscaping based on disturbed area versus lot area was requested. A construction access plan will be provided to the Board Engineer to ensure the access is safe. The zoning chart will be updated to include the accessory structure coverage and lot coverage. The pool will occupy less than 75% of the yard area.

Remington Vernick and Vena issued a memo dated June 23, 2016. There is low intensity lighting proposed for the patio area. The lights will be shielded. Buffering is recommended between the pool and the neighboring property. Stormwater management will be addressed to the satisfaction of the Board Engineer. The existing waterline to the dwelling will be located and moved if necessary. The total disturbance is approximately one third acre so Somerset Union Soil Conservation District approval is required. The note about sidewalk repair will be removed.

The Environmental Commission issued a memo dated June 20, 2016. The applicant will provide mitigation on the site for the additional coverage. Additional trees will be planted.

The Open Space Coordinator issued a memo dated June 15, 2016. The driveway will be the only truck and equipment access. It will not be expanded so there will not be any disturbance to the existing conservation deed restricted area. Snow fence will be installed along the driveway to protect the conservation easement.

Mr. Fedun said the variance requests are minimal and the applicant proposes to mitigate any impacts. Mr. DiLorenzo testified that the topography is steep and the proposed location is the only place a pool could fit. The single family residential use will be maintained.

Chairman DeRochi opened the meeting to the public. There was no public comment.

Chairman DeRochi thought the c(2) would have been a better argument. The topo is helping to develop the site. The pool will be totally shielded especially with the additional buffering. It is a nice improvement to the property.

A motion to approve the application subject to the conditions was made by Mr. Campeas and seconded by Mr. Thompson. This was carried on the following roll call vote:

Ayes: Campeas, O'Brien, Thompson, Tuosto, Wu and DeRochi

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:37 p.m.