

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REORGANIZATION AND REGULAR MEETING
JANUARY 15, 2013**

MINUTES

Chairman Walker called the meeting to order at 7:37 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. Drift; Mr. Gamache; Mr. Gale; Mr. Thompson; Mr. Walker; Mr. Wilson; Mr. Woitach; Mr. Cheskis, Alternate #1; Mr. Francolini, Alternate #2; Mr. Post, Alternate #3

ALSO PRESENT: Mr. Drill, Board Attorney, Ms. Coppola, Board Planner, Mr. Cline, Board Engineer, Mr. Palmer, Zoning Officer; Christine Madrid, Township Committee Liaison

I. REORGANIZATION

A. Appointment of Temporary Chairman

Mr. Palmer was nominated as Temporary Chairman by Mr. Walker, which was seconded by Mr. Woitach. This carried on the following roll call vote. The nomination carried unanimously.

B. Election of Officers

1. Call for Nominations for Chairman

Mr. Walker was nominated as Chairman by Mr. Gamache, which was seconded by Mr. Wilson. There were no further nominations. Mr. Wilson motioned to close nominations, which was seconded by Mr. Gamache. This carried on the following voice call vote: Ayes (7) Nays (0)

The following roll call vote was taken for Jerry Walker as Chairman:

Ayes: Drift, Gamache, Gale, Thompson, Wilson and Woitach

Nays: None

Abstentions: Walker

2. Call for Nominations for Vice Chairman

Mr. Gamache was nominated as Vice Chairman by Mr. Wilson, which was seconded by Mr. Cheskis. There were no further nominations. Chairman Walker motioned to close nominations, which was seconded by Mr. Drift. This carried on the following voice call vote: Ayes (7) Nays (0)

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

Ayes: Drift, Gale, Thompson, Wilson, Woitach and Walker

Nays: None

Abstentions: Gamache

3. Call for Nominations for Chair Pro Temp

Mr. Woitach was nominated as Chair Pro Temp by Chairman Walker, which was seconded by Mr. Wilson. There were no further nominations. Chairman Walker motioned to close nominations, which was seconded by Mr. Thompson. This carried on the following voice call vote: Ayes (7) Nays (0)

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

Ayes: Drift, Gamache, Gale, Thompson, Wilson and Walker

Nays: None

Abstentions: Woitach

C. Appointment of Recording Secretary – Joseph Palmer

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

Ayes: Drift, Gamache, Gale, Thompson, Wilson, Woitach and Walker

Nays: None

D. 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 2013 at 7:30 p.m. in the Municipal Building located at 2261 Van Horne Road (Route 206) Belle Mead, New Jersey, but provided further that the Zoning Board will ordinarily meet on one date per month with the other scheduled meeting date to be utilized only as may be necessary for special circumstances. Special work sessions scheduled periodically will be noticed as required upon scheduling. The following notice shall be sent to the officially designated newspapers.

February 19	July 16, 23	January 21, 2014
March 19, 26	August 20, 27	
April 16, 23	September 17, 24	
May 21, 28	October 15, 22	
June 18, 25	November 19, 26	
	December 17	

Vice Chairman Gamache made a motion to adopt the meeting schedule, which was seconded by Chairman Walker. This carried on the following roll call vote:

Ayes: Drift, Gamache, Gale, Thompson, Wilson, Voitach and Walker

Nays: None

E. 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 Chairman Walker, which was seconded by Mr. Voitach. This carried on the following roll call vote:

Ayes: Drift, Gamache, Gale, Thompson, Wilson, Voitach and Walker

Nays: None

F. Appointment of Subcommittee

1. Site Plan/Subdivision Committee (meets the 2nd Monday of each month)

Member 1: Mr. Cheskis

G. NJ Federation of Planning Officials - Renewal of Membership

Combination Membership - Zoning Board Membership - \$180.00

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

Ayes: Drift, Gamache, Gale, Thompson, Wilson, Voitach and Walker

Nays: None

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

Chairman Walker read a resolution to appoint the following professionals.

- 1. Appointment of Legal Counsel – Stickel, Koenig, Sullivan and Drill**
- 2. Appointment of Board Planner – Coppola and Coppola Associates**
- 3. Appointment of Traffic Engineer – McDonough and Rea Associates**
- 4. Appointment of Landscape Architect – Richard Bartolone**
- 5. Appointment of Board Engineer – Remington, Vernick & Vena Engineers, Inc.**

A motion to adopt the resolution was made by Vice Chairman Gamache, which was seconded by Mr. Thompson. This carried on the following roll call vote:

Ayes: Drift, Gamache, Gale, Thompson, Wilson, Voitach and Walker

Nays: None

I. Adoption of Procedures, Rules and Regulations Dated 1/1/2013 and the Resolution Memorializing said Adoption

A motion was made by Mr. Drift, which was seconded by Chairman Walker. This was carried on the following roll call vote:

Ayes: Drift, Gamache, Gale, Thompson, Wilson, Voitach and Walker

Nays: None

II. RESOLUTIONS

Resolution No. 2012-5
Case BA-12-01/BA-03-08
Block 20001 Lot 6
Modifications to Conditions

Applicant: The Nassau Racquet and Tennis Club, Inc.

Michael Fedun, Esquire represented the applicant.

A motion to memorialize the resolution was made by Mr. Wilson, which was seconded by Mr. Drift. This carried on the following roll call vote:

Ayes: Drift, Gamache, Wilson, Woitach, Walker and Thompson

Nays: None

III. APPLICATION CONTINUATIONS

Case BA-13-09 **Applicant: Omnipoint Communications, Inc.**
Block 20001 Lot 6
Preliminary and Final Major Site Plan with Use Variance
Expiration Date – 3/31/2013
Affidavit of Notification and Publication Required and Previously Submitted

Mr. Wilson recused himself.

Mr. Drill suggested the Board make a motion to carry the application to March 26, 2012 with no further notice on the condition the applicant grants an extension to June 30, 2013. Chairman Walker moved the suggestion, which was seconded by Mr. Drift. This was carried on the following roll call vote:

Ayes: Cheskis, Drift, Gamache, Gale, Thompson, Woitach and Walker

Nays: None

Copies of the transcripts are to be emailed to all the Board members.

IV. BOARD DISCUSSION

The Board informally discussed the current grandfathering clause.

Ms. Coppola said there are lots with single family dwellings that do not fall within the grandfathering section of the ordinance. If a property owner would like to make an improvement on a lot that no longer conforms to the ordinance they have to seek relief from all the bulk standards that the lot was developed under. Currently, the ordinance grandfathers existing single family homes on lots in different zoning districts but it relates to whether the lot existed as of a certain date. It is difficult for the Zoning Officer to determine whether the lot existed on the certain date and it is burdensome for the individual property owner to come before the Board for the additional variances.

Ms. Coppola referenced her memo dated January 15, 2013, the current ordinance and an ordinance with proposed changes. The major recommended changes deal with footnotes 3, 4, 5 and 6. The dates that are referenced in the footnotes are recommended to be deleted. There is clarification that the grandfathering pertains to existing detached single family dwellings located on existing lots. At this time, the recommended changes do not deal with vacant undersized lots. Footnote 6 was expanded to include lots between one (1) and two (2) acres within the R-5 and MR districts.

Mr. Wilson asked for examples of when the grandfathering would no longer be permitted.

Ms. Coppola responded that if a house is demolished it would not be grandfathered. When a house is taken down, the lot is considered vacant for the purposes of zoning and is subject to the vacant lot provisions of the ordinance. This is to prevent tear downs for development that are inconsistent with the prevailing character of the area. If these lots come before the Zoning Board, the Board could see if there are other ordinances that may now affect the lot that were not in effect when the house was constructed.

Mr. Palmer said if a house is torn down and they are building on the existing foundation that is one thing but when everything is torn out it is considered new construction and a variance would be required.

Mr. Drift said that some of the houses that have been in foreclosure have been so neglected that they couldn't be fixed and have to be torn down. To apply for variances is very costly.

Ms. Coppola agreed that there is an expense to obtain variances but the Township Committee changed the zoning and the expectation when zoning is changed is that for properties that no longer conform under the law they are allowed to continue as they are but the hope is that things ultimately become conforming to the ordinance.

Mr. Wilson opined that if the Township is looking to streamline things it might make more sense to look at imposing specific conditions that would cause a property owner to come before the Board as opposed to everything coming to the Board. It is a timely and expensive process to come before the Board.

Ms. Coppola's memo will be part of the Zoning Board's annual report to the Planning Board and Township Committee. The Board comments will be discussed with the Master Plan Committee.

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.