MONTGOMERY TOWNSHIP ZONING BOARD MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY REGULAR MEETING MARCH 18, 2014

MINUTES

Chairman Gale called the meeting to order at 7:34 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 Gale; Vice Chairman Cheskis; Mr. DeRochi; Mr. Fenton; Mr. Post; Ms. Covello, Alternate #1

ALSO PRESENT: Mr. Drollas, Jr., Board Attorney; Mr. Cline, Board Engineer (left at 8:05 p.m.); Mr. Palmer, Zoning Officer

I. SALUTE TO THE FLAG

II. APPOINTMENT OF SUBCOMMITTEE MEMBER

Mr. Fenton was appointed to the Site Plan/Subdivision Committee.

III. APPLICATIONS

Case BA-01-14 Applicant: Robert and Debra Foxx

Block 30003 Lot 15 Submission Waivers and Bulk Variance Expiration Date – 120 Days from Submission Waiver Approval Affidavit of Notification and Publication Required

Notice was found to be in order.

Robert Foxx was sworn in. The application is for a variance for lot coverage and building coverage. Due to the setback of the house and the side entry garage, the driveway accounts for over 1/3 of the current lot coverage. When the house and the front walkway are included it leaves only 26 square feet for patios. The original homeowner installed a walkway from the driveway to the patio and a patio/deck in the rear. The lot currently has a total lot coverage of 28%. The coverage will ultimately be reduced by 168 square feet which will reduce the coverage to 27%. There are two swales on either side of the house for rainwater that leads to a grate located on the open space. In the two years since they have owned the house there has never been a water issue. Landscaping will be added to the rear of the lot. The patio is being moved further from the parking lot located on the neighboring property. There will be 675 square feet of existing coverage removed and 513 square feet constructed. The deck will be 168 square feet and the patio will be 345 square feet. The rear deck will have spaces between the boards. The slate at the end of the driveway is being removed because it is not really used.

Mr. Cline discussed the submission waiver from providing stormwater management calculations. Mr. Cline and the applicant met at the Township and then walked the site. Mr. Cline confirmed there are swales on both sides of the property. The expanded deck is roofed and will tie into the onsite subsurface drainage system. The additional drainage from the deck will go into the drain and will not contribute to runoff.

Mr. Cline and Mr. Palmer were sworn in.

In response to questions asked by Mr. Cline, Mr. Foxx testified that if it were not for the unique shape of the lot he probably would not need the variance. The shape of the lot forces the house to be setback 70', where 40' is required. The house has a side entry garage which makes the driveway very long and wide which is unusual in the neighborhood.

Mr. Cline noted that there is positive drainage to the rear of the property over a relatively extended period. He recommended the submission waiver be granted subject to the condition that any roof leaders that are added to the house be tied into the existing subsurface drain lines. If the additional flow causes any backing up, the leader line in the ground will have to be upsized.

Mr. DeRochi made a motion to approve the submission waiver, which was seconded by Ms. Covello. This carried on the following roll call vote:

Ayes: Cheskis, Covello, DeRochi, Fenton, Post and Gale

Nays: None

Mr. Palmer read his review letter dated March 10, 2014 into the record. The existing building coverage is 14.55% and will be increased to 15.47% where 15% is permitted. The total driveway coverage is 1,511 square feet which accounts for almost 33% of the allowable lot coverage. The proposed development should have no substantial detriment to the public good because the proposed deck and patio will be less in total area. The proposed larger deck will meet the principal building setback requirements. Total paver/slate coverage will be reduced by 162 square feet. A landscaping plan has been submitted to provide screening and privacy. Any approval should be conditioned on the prohibition on enclosing the deck so that the FAR requirements are not increased, obtaining approval from the Homeowners Association and posting of \$400.00 for review by the Township Landscape Architect.

Chairman Everett opened the meeting to the public. There being no public comment, a motion to close the public hearing was made by Mr. DeRochi, which was seconded by Mr. Post. This was carried on the following voice call vote: Ayes (6) Nays (0)

Vice Chairman Cheskis and Mr. DeRochi noted they were in favor of the application.

A motion to approve the application subject to the conditions was made by Mr. Fenton, which was seconded by Mr. Post. This was carried on the following roll call vote:

Ayes: Cheskis, Covello, DeRochi, Fenton, Post and Gale

Nays: None

Mr. Foxx asked if he could submit for the building permit for review prior to the resolution being adopted. The Board agreed. Mr. Drollas noted that there is a forty-five (45) day appeal period after the resolution is adopted and the applicant would be proceeding at their own risk.

Case BA-02-14 Applicant: Serghei Sarafudinov

Block 18022 Lot 31 Submission Waivers and Bulk Variance Expiration Date – 120 Days from Submission Waiver Approval Affidavit of Notification and Publication Required

Notice was in order. Mr. Sarafudinov was sworn in.

Mr. Sarafudinov testified that he currently has a 4' fence on the property line. The fence is wood and is in disrepair. He would like to replace it with a 6' fence in the same location. The ordinance requires that a 6' fence be setback 15' off the property line. The rear of the property backs up to a detention basin which has a lot of deer and they tend to jump the 4' fence. The 6' fence will help deter them from jumping. The neighboring properties on each side of his lot slope toward the basin so they are higher than his property. Making the fence 2' higher will not impact the neighbors. The proposed fence will be PVC. He has been told that the deer will not jump over a fence that they can't see behind. The fence is barely visible from the street. The fence can't be moved in 15' because of the existing shed and pool equipment and the underground irrigation system that goes around the property line.

Mr. Sarafudinov showed the Board pictures that he took of the existing fence and the neighboring properties on both sides and to the rear. He has spoken to his neighbors who indicated to him that they have no problem with the fence as proposed.

Mr. Palmer read his review memo dated March 10, 2014 into the record. There are two submission waivers. Both are technical in nature. One is from providing the address and telephone number on the plan and the other is from providing the zoning districts applicable to the tract. Mr. Palmer recommended both waivers be approved. The recommended conditions of any approval are installation of the fence as shown on the exhibit and that it is beige, brown or tan in color and it be maintained in good condition by power washing as needed.

The Board questioned Mr. Sarafudinov. He testified that if the fence was moved in 15' he may have to take down a tree. The pool equipment and shed are approximately 10'-13' from the rear property line. The elevation difference between his home and the neighbor's home is up to 4'. The neighbor on the left has a fence around their pool.

Mr. DeRochi said it is important that the fence be a darker color, tan or weathered grey and not white. The meeting was opened to the public. There being no public comment a motion to close the public hearing was made by Vice Chairman Cheskis which was seconded by Mr. DeRochi. This carried on the following voice call vote:

Ayes (6) Nays (0) Abstentions (0)

A motion to approve the submission waivers was made by Mr. DeRochi, which was seconded by Vice Chairman Cheskis. This was carried on the following roll call vote:

Ayes: Cheskis, Covello, DeRochi, Fenton, Post and Gale

Nays: None

A motion to approve the application with the conditions was made by Vice Chairman Cheskis, which was seconded by Mr. Post. This was carried on the following roll call vote:

Ayes: Cheskis, Covello, DeRochi, Fenton, Post and Gale

Nays: None

IV. MINUTES

February 18, 2014 – Regular Meeting

A motion to approve the minutes was made by Vice Chairman Cheskis, which was seconded by Mr. Post. This was carried on the following roll call vote:

Ayes: Cheskis, Fenton and Gale

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:24 p.m.