

**MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD  
OCTOBER 14, 2021**

Open public meeting statement: The meeting was called to Order by the Board Chairman, Glenn Barbagallo, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public Meetings Act. Those present were: Fred Merusi, Jody Case Kennedy, Glen Plotsky, James Ledonne, Katherine Snyder, Nina Fradl, Glenn Barbagallo, William Haggerty, the board attorney, and Thomas Knutelsky, the board engineer.

Those absent were: Richard Innella (excused), George Hutnick, John Soracco (excused), and Joseph Cooper (excused).

**FLAG SALUTE**

**MINUTES**

The Minutes of the September 9, 2021 Land Use Board Meeting were reviewed. A Motion was made by Ms. Kennedy and seconded by Mrs. Snyder to approve the September 9, 2021 Land Use Board Minutes. Roll Call: Fred Merusi, yes; Ms. Kennedy, yes; Mr. Plotsky, yes; Mr. Ledonne, yes; Mrs. Snyder, yes; Ms. Fradl, abstain, and Mr. Barbagallo, yes. The Motion was carried.

**RESOLUTION**

**Community Corp. of High Point – LUB 21-01 – Block 18.54, Lot 1 – 385 Lake Shore West – Pre. & Final Site Plan (Dog Park):**

The Resolution was reviewed. A Motion was made by Mr. Plotsky and seconded by Ms. Fradl to approve the Resolution for a Preliminary and Final Site Plan as requested by the applicant for a Dog Park at the High Point Country Club. Roll Call: Mr. Plotsky, yes; Mr. Ledonne, yes; Mrs. Snyder, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

**NEW APPLICATIONS**

**Monique Bradshaw – LUB 21-02 – Block 18.56, Lot 39 – 296 Lake Shore Drive S – “C” Variance:**

Ms. Kennedy stepped down from this application.

Appearing before the board was the applicant, Monique Bradshaw, her attorney, Daniel Bankendorf, and her engineer/planner/surveyor, Kenneth Dykstra. Ms. Bradshaw and Mr. Dykstra were sworn in by the board attorney. Mr. Dykstra gave his qualifications to the board and was accepted as an expert witness.

Mr. Bankendorf indicated he was before the board this evening for three (3) separate variances, one being a Side Yard setback and 2 rear yard setbacks. He further indicated that Mrs. Bradshaw retained the services of a contractor to do this work. She was relying on things that he told her. Unfortunately, he told her that he had done everything that was required, however, refused to appear before the board to testify to this. Mrs. Bradshaw found out later on that he did not do things he was supposed to do and that is why they are before the board this evening for the variances for the decks that were already built. He further stated that if the board approves the variances this evening, it will be subject to permits and inspections by the building code enforcement officer. They have retained the services of another contractor.

Mr. Knutelsky reviewed his report dated July 1, 2021 as to completeness:

B1. The Board Secretary and Attorney to confirm that items 1-8 of the checklist are complete. The board attorney confirmed that the notice was sufficient. The Board Secretary confirmed that all items were submitted.

B2. The following items are found to be incomplete and/or lacks information for this application, or waivers have been requested.: (1) Item #69 – NJDEP Letter of Interpretation regarding Presence/Absence of wetlands. (Note: Applicant has requested a waiver of this checklist Item. From older site mapping, I note that the shoreline areas of the tract and adjacent

**NEW APPLICATIONS CONT.**

**Monique Bradshaw – LUB 21-02 – Block 18.56, Lot 39 – 296 Lake Shore Drive S – “C” Variance cont.:**

properties are delineated as open water only and no wetlands were encountered. I recommend a temporary waiver for completeness only be granted with the need for future NJDEP permitting made a condition of any favorable board action.). The applicant has asked for a full waiver on this matter as this is open water only and doesn't have a buffer. Mr. Knutelsky recommends a Temporary Waiver for Completeness only, with a need for future DEP permitting made a condition of any favorable board approval. He continued that basically an open water does not have a buffer related to wetlands and that is what we have encountered along the shoreline.

A Motion was made by Mr. Plotsky and seconded by Mrs. Snyder to deem this application complete with the temporary waiver as requested by the board engineer. All were in favor. The Motion was carried.

Appearing before the board was the applicant's engineer, Mr. Dykstra. He submitted to the board Exhibit "A-1" which is a colorized version of the variance map dated March 4, 2021. Mr. Dykstra indicated that this is a lakefront lot and part of the title of the lot goes out into the water. It is a 15,045 square foot lot, which is a conforming lot size. It is a single family home located in the High Point Country Club. Approximately 4,000 square feet of the lot is in the water. The house is approximately a 1,626 square foot footprint house. The house is a 2 story house with a walkout basement to a deck. Adjacent to the right of this property is a 4 unit building, with 2 stories in the front and 3 stories in the back. The left of the property is another single family home very similar in size and look to the applicant's home. A little further to the left is another 4 unit building. He stated that the lot is fully conforming other than the fact that when they added the deck addition, they extended towards the property lines to the right. When there is a deck connected to the house, you have to use the building setback, which is 20', and now that deck is 9.9' from the property line. If they had a disconnected deck, it could be 10' from the property line as an accessory structure. There is a staircase that goes down to a second deck and that deck is actually conforming to the setback to the property line. The upper deck, which previously existed to the house, they just added on to it to the right about 10', then there is a staircase that goes down to a second deck and that deck is 12'2' from the right or easterly property line, which is a conforming structure. He indicated that they measured the rear setback to the edge of the waterline. The reason they did that is that even though the title line goes out into the lake, is because they reviewed the as-built survey plan form 2005 and the plot plan in 2004 when this lot was approved and both of those use the waterline as the method of measuring to the setback. If they used the title lot line, they would not need any rear yard setback because they would be 36' feet away. The lower deck is 8.5' from the waterline, where 10' would be required. There is another staircase that takes you down to a paver patio which is located 5.7' from the waterline, where 10' is required. The back of this lot is quite steep, it drops off. The driveway to the left is actually a shared driveway with the neighbor, which they have an easement, then there is a retaining wall. Basically you walk out of this house and you have another 23' to get to the lake level. Therefore, this was their only reasonable way to get to the lake level. So they built the deck and the two staircases and it takes you right down to 3' or 4' of water level, which is a nice location. Mr. Dykstra pointed out that the 4 family house to the east or right, has a wood deck that is effectively right on the property line. They also have a path and improvements right down to the water line to a couple of floating docks right on the property line. He actually thinks one of the docks are on the applicant's property. Other than a pine tree that came down, they left the trees, so the canopy is still there so it is not a clear shoreline. He indicated that they could of went in the other direction with the deck, however, he does not see any harm where the deck is located, especially with the neighboring property having improvements up against the applicant's property line. He feels it is the most reasonable location providing access to the lake.

**NEW APPLICATIONS CONT.**

**Monique Bradshaw – LUB 21-02 – Block 18.56, Lot 39 – 296 Lake Shore Drive S – “C” Variance cont.:**

Mr. Dykstra indicated that you would not be able to access the lake without the steps because the property in that area is so steep. Mr. Bankendorf questioned if there are any flat spots from the house down to the lake without some infraction or some purpose to put something in there. Mr. Dykstra indicated that there is not any such area. Mr. Bankendorf indicated that it is almost essential for the property owner to use the property, itself, they need the steps.

Mr. Bankendorf further stated that if they receive approval this evening, they will comply with all the building requirements of the township through the zoning and building departments.

Mr. Knutelsky had a question with regard to the stabilization of the steep grade on the property, the pictures he received as part of the application submission was taken in the winter and there is not a lot of growth, he questioned the applicant if there is growth there now, is there stabilization material that can be added. Mr. Dykstra indicated that there are no signs of erosion and both sides of the area seem stable. However, the roof liter drain is disconnected when he saw it today. Therefore, they need to reconnect that pipe down to the lake. Ms. Fradl indicated that she is familiar with this property because she was showing it when it was for sale and at that time there was a quite a thick row of trees and now there is just a few left, therefore, the stabilization of the soil could be an issue here because what was there before is gone. Mr. Dykstra indicated that it could be revegetated if the board requires it. Mr. Knutelsky indicated that if there was vegetation that was removed, he suggests crown vetch which will grow in a sunny area. This would be a good low ground cover that you don't have to maintain and it will grow wild. He further stated along the wall segment, they can put in some low ground evergreens and maybe some river stone. All these items go into stabilization methods. He indicated that the shoreline will revegetate on its own because that is where it bottoms out. Mr. Bankendorf indicated that the applicant has no objection with these suggestions and agrees.

Mr. Knutelsky indicated that most of the items in his report were mentioned here this evening. He further stated that if the applicant agreed to replace the vegetation, that updated plans should be submitted showing the vegetation that will be planted. He also recommends on the revised map that the lot coverage on the map be modified to include structures only and not all the impervious coverage on the sight, because by definition that is all you have to do. This would make the value complying. Mr. Dykstra indicated it would be 11% if they use just the structures. Mr. Knutelsky indicated that the approval box on the map should have a line for the Land Use Board Engineer.

Mr. Knutelsky further stated that they have mentioned that there are C-1 waters that were located on the southerly side. He stated that he was talking to Mr. Dykstra before the meeting, and apparently that any water course from the top of bank, you measure out and there is a buffer and the C-1 water has a 300' buffer and you're not allowed to do anything in it or it is very restrictive as to what vegetation you can remove. Based upon the gas company and improvements that they made to the site, he is looking at an aerial of an old DEP site, they do not show the new pipe that extends out to the lake and if you measure perpendicular to that edge of pipe, there is no buffer on this site for the C-1 water. Therefore, that item in his report goes away. Mr. Dykstra agreed that no DEP permitting is required and there is no buffer that is required.

This matter was opened to the public. There was no public participation. This matter was closed to the public.

**NEW APPLICATIONS CONT.**

**Monique Bradshaw – LUB 21-02 – Block 18.56, Lot 39 – 296 Lake Shore Drive S – “C” Variance cont.:**

A Motion was made by Mr. Plotsky and seconded by Mrs. Snyder to approve the applicant’s request for a Variance subject to the engineer’s comments for map revisions and the addition of ground covering. Roll Call: Mr. Merusi, yes; Mr. Plotsky, yes Mr. Ledonne, yes; Mrs. Snyder, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

Ms. Kennedy returned to the meeting.

**OLD BUSINESS:**

No Old Business was discussed.

**NEW BUSINESS:**

Mr. Plotsky brought up an issue about land being cleared on property on Deckertown and Clove Road and the parking of two school buses on this property. A lengthy discussion was held and determined that the Ordinance allows one school bus if the property owner is a school bus driver. It was requested that the Zoning Officer be contacted to take care of this matter.

It was also discussed about several campers parked at 145 River Road. It was requested that the Zoning Officer be contacted to take care of this matter.

**VOUCHERS**

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Mr. Merusi to approve the vouchers on the bills list attached hereto and made a part hereof. Roll Call: Mr. Merusi, yes; Ms. Kennedy, yes; Mr. Plotsky, yes; Mr. Ledonne, yes; Mrs. Snyder, yes; Ms. Fradl, yes; and Mr. Barbagallo, yes. The Motion was carried.

**CORRESPONDENCE**

The correspondence was reviewed. No formal action was taken.

**PUBLIC PARTICIPATION:**

The meeting was opened to the public. There being no public participation, this meeting was closed to the public.

**AJOURN**

Having no further business, a Motion was made by Mr. Plotsky and seconded by Mr. Merusi to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ  
Land Use Administrator