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May 18, 2023  
55082 01

To: Cheryl Chrusz, Board Secretary  
Montgomery Township Zoning Board  
100 Community Drive  
Skillman, NJ 08558

From: Rakesh R. Darji, PE, PP, CME  
Zoning Board Engineer

Re: The Bedens Brook Club  
240 Rolling Hill Road  
Montgomery Township  
Somerset County, New Jersey  
Block 31001, Lot 38&39  
**Minor Site Plan w/ d(1) Use Variance**  
Application #BA-02-23

Our office has reviewed the plans submitted by the applicant for Minor Site Plan approval with a d(1) Use Variance. The Applicant is proposing to install lights for an existing tennis court on the grounds of the Bedens Brook Club. Prior approvals from the Township Zoning Board of Adjustment include BA-01-10, BA 05-03 and BA-07-07. The property currently operates as a golf and tennis club with amenities including paddle ball courts and a pool. Other site improvements include landscaping, storm and sanitary facilities, sidewalks, parking and lighting. The site is accessed from Rolling Hill Road via a full-movement driveway. The parcel contains 175.8 acres and is located within the R5 – Single Family Residential zoning district.

This project proposes to add 4 single light, 4 double light and one (1) quad light poles (22 FT in height) to courts 4 and 5 to improve the lighting at this location and increase the use of the tennis facilities. No changes are proposed to courts 1, 2 and 3.p

The following information has been submitted by the applicant in support of this application. This office has reviewed submitted documents for compliance with the submission requirements of the Montgomery Township Land Use Ordinance for completeness.

1. Montgomery Township Application, dated April 10, 2023.
2. Minor Site Plan and Use Variance Plan for Bedens Brook Club, prepared by Van Cleef Engineering Associates, Inc., dated January 23, 2023, revised to March 17, 2023, consisting of the following:
  - a. Sheet 1, Cover Sheet
  - b. Sheet 2, Overall Site Plan, Tennis Court Lighting
  - c. Sheet 3, Lighting Details, Tennis Court

#### **General Information**

Owner/ Applicant: The Bedens Brook Club  
240 Rolling Hill Road  
Skillman, NJ 08558

Engineer: Michael K. Ford, PE  
Van Cleef Engineering Associates, Inc.  
32 Brower Lane  
PO Box 5877  
Hillsborough, NJ 08844  
mford@vancleefengineering.com

Attorney: Michael P. O’Grodnick, Esq.  
56 East Main Street, Suite 301  
Somerville, NJ 088876

### **Zoning**

#### **R-5 – Single Family Residential §16-4.2d – Area and Yard Requirements**

	Required	Existing	Proposed	
Min Lot Area	5 Acres	175.769 acres	N/C	C
Min Lot Frontage	300 FT	545.25 FT	N/C	C
Min Lot Width	300 FT	498.81 FT	N/C	C
Min Lot Depth	600 FT	814.55 FT	N/C	C
Min Setbacks				
~ Front Yard	100 FT	603.25 FT	N/C	C
~ Rear Yard	100 FT	746.57 FT	N/C	C
~ Side Yard	100 FT	507.73 FT	N/C	C
Max Building Coverage	8%	0.2 %	N/C	C
Max Impervious Coverage	15%	3.62%	N/C	C
Max Building Height	35 FT	25 FT	N/C	C
Accessory Buildings				
Min Setbacks				
~ Front Yard	50 FT	505.76 FT	N/C	C
~ Rear Yard	50 Ft	384.29 FT	N/C	C
~ Side Yard	50 FT	20.50 FT	N/C	C
Max Coverage of Accessory Building	2%	0.25%	N/C	C

N/C: No change; C: Conforms

### **Submission Waivers**

1. The applicant is seeking submission waiver from the following items required by §16-8.4 of the Zoning Ordinance.
  - a. An Environmental Impact Statement.

### **Variances**

2. The applicant is seeking a d(1) use variance for an existing non-conforming use. A golf course is not a permitted use within this district.

It is noted that the Bedens Brook Club presently exists on site and has received prior variances from the Township. Variances for a Maintenance Area (2010), a Cabana (2007) and a Clubhouse (2003) were previously granted by the Township.

The Applicant has the burden of proof to present “positive” and “negative” criteria to justify the variance and should be prepared to provide testimony as such. The applicant must provide to the satisfaction of the Board that there are exceptional conditions of the property preventing the applicant from complying with

the Zoning Ordinance. Testimony should also demonstrate that the site is particularly suited to the proposed use and that the proposal will advance the purposes of the Municipal Land Use Law and the Township's Master Plan and Zoning ordinances. Additionally, the applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances. Testimony should be provided.

### **Waivers**

3. The applicant is seeking relief from §16-5.6d3 where landscaping and buffering is discussed. Relief will be required from this section of the ordinance which requires a minimum of 14 trees per acre of gross tract to be planted. This would require the applicant to provide 2,464 trees. The applicant is proposing no trees be provided as this site is developed with mature landscaping and trees. A design waiver will be required.

### **General Comments**

4. The applicant should provide discussion regarding any change of hours of operation for the tennis facility due to the addition of the proposed lighting.
5. The applicant should provide testimony regarding the timing of the lights and if the fixtures will be dimmed or off during overnight hours.
6. The applicant should provide testimony regarding connecting to the existing electric. A connection point is not depicted and no trenching is shown.
7. The applicant should provide testimony regarding the existing landscaping and if any vegetation or trees will be removed as a result of the installation of the light poles.
8. The tennis court lighting plan identifies installation of lights at courts 4 and 5. The isolux curve and charts indicate these are courts 1 and 2. Identification should be consistent.
9. The scale on the tennis court lighting plan is in English units; the plan itself is in metrics. The units should be consistent.
10. It is noted that that property's northern boundary is with the Bedens Brook. Environmental restraints include a 100-year Flood Plain and a Montgomery Township Stream Corridor. The proposed improvements are not located within these areas.

### **Permits & Approvals**

The applicant shall secure any and all other approvals, licenses, and permits required by any other board, agency or entity having jurisdiction over the subject application or over the subject property, if required:

- a. Any and all others as required.

Should you or the applicant have any questions, please do not hesitate to contact this office.

RRD/mbs

Cc: Michael Sullivan, Board Planner  
Joseph Samec, Zoning Officer  
Bedens Brook Club, Applicant  
Michael Ford, Applicant's Engineer  
Michael P. O'Grodnick, Esq., Applicant's Attorney