

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
JULY 21, 2014**

Chairman Conforti called the meeting to order at 7:30 p.m. and read the opening statement that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman Conforti; Vice Chairman Matthews; Ms. Davis; Mr. Sarle; Mayor Smith; Mr. Trzaska; Mr. Wilson (arrived 7:35 p.m.); Mr. Glockler, Alternate #1; Mr. Mani, Alternate #2

ALSO PRESENT: Mr. Linnus, Board Attorney; Mr. Cline, Board Engineer; Mr. Coppola, Board Planner; Ms. Savron, Secretary

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. RESOLUTIONS

Case PB-04-14 **Applicant: Belvedere Homes, LLC**
Block 6001 Lots 39 & 40
Final Major Subdivision – Phase I

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

Ayes: Davis, Glockler, Matthews, Sarle, Smith, Trzaska and Conforti
Nays: None

Case PB-05-13 **Applicant: Carrier Clinic, Inc.**
Block 2001 Lot 2
Modification of Resolution Condition 2

A motion to memorialize the resolution was made by Vice Chairman Matthews, which was seconded by Mayor Smith. This was carried on the following roll call vote:

Ayes: Matthews, Mani, Smith and Conforti
Nays: None

IV. MASTER PLAN DISCUSSION

Mr. Mani stepped down.

A. Planning Board Discussion and Recommendation on Master Plan Amendment

Mr. Linnus explained that Mr. Coppola made a presentation to the Planning Board on June 16, 2014 where he outlined the proposed Land Use Plan element. The document was discussed by the Planning Board. The Land Use element has been formalized in a report dated July 9th. The report has been on file and available for public inspection.

A motion to tentatively accept the Master Plan was made by Mayor Smith, which was seconded by Mr. Trzaska. This was carried on the following roll call vote:

Ayes: Davis, Glockler, Matthews, Sarle, Smith, Trzaska, Wilson and Conforti
Nays: None

V. MASTER PLAN PUBLIC HEARING

A. Master Plan – “Land Use Plan Amendment” dated July 9, 2014

Richard Coppola was sworn in.

Mr. Coppola discussed the history of the Master Plan. Throughout all the years the Township has consistently adhered to an overreaching goal of guiding and containing the intense nonresidential development and the relatively dense residential development to two specific areas. One is at the southern end of town and the other at northern end. The principal purpose of the document is to permit a Planned Unit Development on specified lands in the Belle Mead area to settle a number of pending and potential future litigations. An overriding purpose for the proposed settlement is that it is a good plan. It will have relatively minimal impacts to the area which has changed dramatically over the years. The plan presented in 2013 by the developer allowed the possibility for a meaningful plan of mixed uses at relatively non-intense levels.

Mr. Coppola identified the land areas; the main property (about 154 acres), the retail and commercial site (about 9 acres), the transit commercial site and the “add on” site. Since 1988 there have been five concept plans developed for the site which are included in the appendix to the report. The original 1988 plan was the result of a Court Order when the Township petitioned the Court for a judgment that it was meeting its affordable housing obligation. The Township had to plan the entire area which included Pike Run Planned Residential Development, Millers Grove, the main property, the commercial property and the transit commercial property. The plan contained 300 dwelling units, 80 beds in a continuing care facility, 800,000 square feet of retail commercial, 20,000 square feet of transit commercial area and 568,000 square feet of office and research facilities. In 2007 a plan was submitted by the developer that included 304,000 square feet of big box retail, 7 pad sites, a number of miscellaneous community uses, 50,300 square feet in the transit commercial, 35,000 square feet of retail at the “add on” site and 500 dwelling units which included 300 market rate detached dwelling units and 200 market rate multifamily units. The plan was proposed by the developer to be included in the Housing Plan Element. It wasn’t included which started the series of ongoing discussion. In 2011 another conceptual plan was submitted by the developer. That plan included 144,800 square feet of retail commercial space, 444 dwelling units including 340 single family homes, 60 townhouse units and 40 affordable townhouse units, the retail had 60,000 square feet of commercial space on 4 pad sites, the transit commercial had 15,000 square feet and the add-on site had approximately 10,000 square feet.

The June 24th settlement agreement includes a conceptual development plan. A number of key objectives were to decrease the total number of dwelling units to less than 150, all the market rate units would be single family detached units for sale, the overall density would be relatively little to ensure traffic generated from the development could be accommodated on the existing roadway network with relatively minor additional improvements, the overall land coverage of the development would be little to ensure that the environmentally fragile lands on the property would be protected and conserved, the abutting residential dwellings would be protected by significant landscape buffers, the views looking into the property when driving on Route 206 would be safeguarded with site design features, a component of affordable housing units would be included to help the Township meet its Affordable Housing obligation, the development would include retail commercial service space that will be attractive to the market, will be conveniently accessible by autos, bikes and pedestrians, the former Route 206 bypass area (that is not next to the retail space) would be preserved and restricted by a conservation deed restriction from any development except passive recreational activities, Covert Drive would be extended to Belle Mead Griggstown Road and a pedestrian bridge will be constructed over Cruiser Brook as well as sidewalks to provide connectivity to Montgomery Park. The conceptual plan includes 148 single family homes, a continuing care facility which has 96 two bedroom independent living units, 74 independent living apartments, 74 assisted living units and 74 sub-acute care units, 102,000 square feet of retail space to allow the possibility to get a small market as an anchor, 8,000 square foot community operations building, 22,000 square foot transit commercial and 31,000 square feet of first floor retail office uses and 28 apartments on the second floor (27 affordable and 1 manager unit).

Mr. Coppola discussed the proposed ordinance provisions. Area 1 includes the single family homes plus the add on piece and are considered one inclusionary development. The affordable housing units will have to be built according to a schedule relative to the construction of the market rate units. The vegetative border buffers on the Continuing Care portion of the site will be built when the single family homes are built. The developer will be obligated to construct a play lot on adjacent municipal land. The front, sides and rears of all buildings will be similarly designed and finished with the same material. Area 2 is the retail commercial area which is approximately 17.8 acres (including the old Route 206 right of way). It also includes the 8,000 square foot community operations building. The existing treed area will be augmented with additional evergreen plantings or will be replaced by a landscape berm. The front, sides and rears of buildings will be finished and designed with the same materials and similar architectural color. Area 3 is the Continuing Care and is on approximately 22 acres. It will not be allowed to be larger than 23 acres. The buildings will be three stories. Maximum coverage will be 20% and maximum impervious coverage will be 45%. All of the performance standards will be in the ordinance. Area 4 is the most undefined and unknown portion. There will be 22,000 square feet of retail commercial space in one or more one story building.

Any changes to the plan would require Township input. All of the lands will be rezoned into a single new zoning district. It is a Planned Unit Development which is defined by the Municipal Land Use. A General Development Plan has to be reviewed and approved by the Township prior to the applicant applying for site plan or subdivision approval.

Chairman Conforti opened the meeting to the public.

Robert Vanderbei, 82 Montfort Drive, was sworn in. Asked when the two lot subdivision for Belvedere would be on the agenda.

Sarah Roberts, 48 Harlingen Road, was sworn in. Ms. Roberts is concerned because the COAH housing seems excluded since it is off in the corner of the development. She would like to see it mixed in with the other housing.

Sanjay Malhotra, 49 Southfield Drive, was sworn in. Mr. Malhotra was concerned with the Continuing Care Facility that will be behind his house. The Board noted the residential will be along the rear of the Southfield Drive houses. Mr. Malhotra noted there are hardly any three story buildings in the Township and wondered why the Continuing Care buildings will be three stories. Mr. Coppola responded that Continuing Care Facilities need a vertical serve rather than a horizontal serve to get the staff to the people.

Raj Saujani, 37 Southfield Drive, was sworn in. Mr. Saujani moved to the Township two years ago for the school system. He wanted to know what the impact to the school system will be, what buffering will be installed, the size of the individual lots and the positioning of the houses on the lots. Mr. Coppola responded that the buffers will be reviewed by the Planning Board at the time of site plan and subdivision approval. The Board will make a decision as to the adequacy of the buffers and whether they need to be augmented. Mayor Smith said the Township Committee plans to hold a workshop with the Southfield Road residents this summer. Mr. Coppola explained there are 108 of the larger homes. They will be patterned after the Ordinance provisions that are currently governing the East Country Estates. The lots will be a minimum of 14,500 square feet, a maximum of 33,000 square feet and an average of 22,000 square feet. There are patio homes which are detached which will be on a minimum of 5,000 square feet, a maximum of 7,000 square feet and an average of 6,000 square feet. The patio homes provide a transition from the larger homes to the Continuing Care Facility. Mr. Coppola read the zoning setbacks required for the lots. Mayor Smith noted that the average household in Montgomery has 1.2 children so there would 200-300 children at the very most. Currently the schools are down in enrollment so there is capacity to handle the students that move into this development.

Karen DiPersia, 91 Southfield Drive, was sworn in. Ms. DiPersia said she heard a rumor that there could be access to the development through Southfield Drive. The Board confirmed there will be no access. Ms. DiPersia asked what the average price of the homes backing up to Southfield. The Board said it is too early to tell but they would be similar to what is being constructed at East Country. Ms. DiPersia asked if there would be a possibility of fencing to divide the two neighborhoods. Mr. Wilson noted that there is nothing in this plan but there will be further plans submitted for review. Ms. DiPersia asked if the retail space will be franchise or private businesses. The Board said it is too early to know but it would be up to the developer. Ms. DiPersia asked what the timetable for construction would be. Mr. Coppola replied Area 1 will be built first. Ms. DiPersia said she is concerned with resale value and asked how the development will affect taxes. Mayor Smith replied that at full build out it will generate roughly 5 million of additional tax revenue per year.

Chad Jagannathan, 105 Southfield Drive, was sworn in. Mr. Jagannathan said he always has flooding in his basement and he is concerned with the retention/detention basins. Chairman Conforti said the Board Engineer will review the plan and hopefully the basins will help mediate the existing situation. Mr. Cline described how the detention basins work. Mr. Jagannathan noted that the Township has changed the zoning from 1-acre to 2-acres and wondered why these are smaller lots. Chairman Conforti replied there is different zoning across the Township. Mr. Coppola said the smaller lots are used to compensate for the elimination of the intense industrial and office zones. Mr. Jagannathan is concerned with resale.

Lorette Pruden, 21 Harlingen Road, was sworn in. Ms. Pruden asked if the egress from Area 1 and 3 is through one road. Mr. Coppola confirmed there is one main signalized entrance and exit and there is a second entrance/exit that is right in and right out only. Ms. Pruden was concerned with evacuating a development of this size in the case of an emergency with only two access points. The Board noted that Emergency Services will provide input on the plan. Ms. Pruden agreed that the affordable housing should not be isolated. There is a social cost with having them isolated.

Robert Kress, 3 Meadow Run Drive, was sworn in. Mr. Kress discussed the history of the Master Plan and the modifications to the Land Use Plan. A variety of amendments to the Traffic Circulation Plan have been done to support the build out of the Township. Mr. Kress discussed the loop roads in the southern portion of the Township. There are only a few roads in the Township that handle the flow of traffic that travel from northeast to southwest; River Road, Route 518, Cherry Valley Road and Route 601. The ordinance for this development needs to have the infrastructure to support it. He asked if a traffic impact for this development has been done. Mr. Coppola said when you go from 568,000 square feet of office/retail down to 148 single family houses with the Continuing Care being about the same, there will be significant downzone. The goal of this Land Use development is to have a much less intense and dense use. When the Board reviews the site plan the traffic issues will have to be looked at.

Stan Sinclair, 16 Stacy Drive, was sworn. Mr. Sinclair asked if the property will be served with sewer and public water. Mayor Smith said the property will be serviced by the Pike Brook Plant. NJ American Water will provide water service. Mr. Sinclair asked about the environmental issues. Mr. Coppola replied that an Environmental Impact Statement will be submitted at the time of site plan/subdivision review.

There being no further public comment, a motion to close the public hearing was made by Mr. Wilson, which was seconded by Ms. Davis. This was carried on the following voice call vote: Ayes (8) Nays (0) Abstentions (0)

Mr. Wilson said doing nothing with this property is not a choice. The current plan is so much better than what has been proposed in the past. The housing stock is consistent with what is in the Township. The Continuing Care facility is needed in the Township.

Mayor Smith said the Township wanted a good plan that met the Townships vision. This plan settles the lawsuit and reduces the traffic. Taxes are the biggest issue and everyone wants more ratables. This is an excellent planning effort and a great plan.

Mr. Trzaska said his first Township Committee was about the litigation on this property. This plan is a great accomplishment.

Vice Chairman Matthews was on the Committee when the original plan was developed. The plan at that time was what the Township thought was the best they could get for what they were trying to do. He is happy to see this change.

Tony Glockler understands the Board is approving a land use plan and ordinance and the plan can be modified slightly. Mr. Glockler is concerned about the drain on the EMS the Continuing Care will have. Stonebridge is the largest single source of EMS calls. This facility will add to the burden. The old Route 206 bypass is currently treed and the community maintenance building encroaches into the treed area. Mr. Coppola noted that maybe it could be tweaked at the time of site plan approval.

Mr. Linnus summarized that the Board will be voting on the proposed Land Use Plan Amendment. Mr. Linnus explained the legal parameters of the vote on a Land Use Plan Amendment, the steps to adopt the ordinance, the General Development Plan steps and the site plan and subdivision process.

A motion to adopt the Land Use Plan Amendment was made by Mr. Wilson, which was seconded by Mr. Sarle. This was carried on the following roll call vote:

Ayes: Davis, Glockler, Matthews, Sarle, Smith, Trzaska, Wilson and Conforti

Nays: None

Mr. Mani returned to the dais.

VI. APPLICATIONS

Case PB-05-14 Applicant: Belvedere Homes, LLC
Block 6001 Lot 32
Final Major Subdivision and Preliminary Subdivision Resolution Modification
Expiration Date – 45 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman and Cyril Kucera represented the applicant.

Mr. Schatzman explained that this is a final subdivision to subdivide the lot into two lots for the construction of two new single family dwellings. Preliminary approval was granted in 2006 and was conditioned on sewer capacity in the Pike Brook Plant. The application also includes amendments to the preliminary resolution and a submission waiver from Checklist Item #6. The lots will have frontage when the new cul-de-sac Stonehouse Court is finalized by Country Classics, LLC. The property is under contract to be sold to Country Classics, LLC.

Cyril Kucera, 500 State Road, was sworn in. Mr. Kucera gave the Board his qualifications and was accepted as an expert. Mr. Kucera gave a brief description of the subdivision. The original preliminary submission included the extension of the cul-de-sac bulb into the property. At the request of the Planning Board the submission was revised not to extend the bulb to reduce the disturbance and impervious cover. A variance for frontage, width, height and driveway setback to side lot line was granted by the Board.

Mr. Schatzman and Mr. Kucera discussed the Coppola and Coppola memo dated July 9, 2014. The Operation and Maintenance Manual has been submitted to Mr. Cline. Mr. Cline noted that the manual is satisfactory except for a few typos. The Homeowners Association for Country Classics at Fox Brook will be amended to include these two lots. Mr. Schatzman made a representation that the lots are to be sold. The Board decided the agreement for the sale of the lots does not need to be submitted. Mr. Kucera explained that the original soil testing was done in February 2004. Additional testing was done in December 2005. The soil log test sheets no longer exist but the certification to the permeability was certified in 2005. Mr. Schatzman will prepare the deed restriction. The sales disclosure notice will be taken care of by the purchaser of the property. Mr. Kucera marked the Sales Map as Exhibit A-1 and the Final Grading Plan as Exhibit A-2. The slope on one of lots is approximately 3:1. They will try to lessen the slope and made as low as possible. The plans will be revised to dedicate the conservation easements to the Township, including the DRCC and DEP easement areas. The additional monuments will be provided in accordance with the ordinance. The spot elevation and contour line on the grading plan for 32.02 will be corrected. The curb line will be added to the plan. An easement for the bio-retention boxes, deed restriction on the coverage limitation and a revised sales map will be provided.

Mr. Schatzman and Mr. Kucera discussed Mr. Cline's memo dated July 13, 2014. No building permits will be issued until the right-of-way improvements are installed. The preliminary and final grading plans should coordinate grading and utility elevations between Country Classics and this project. The subdivision will be perfected by filing the map. The sanitary sewer laterals depicted on the site plan for the two new lots are the applicant's responsibility. The applicant will enter into a sewer capacity agreement. The sewer lines in Country Classic must be constructed and operation prior to the issuance of any building permits. The details for the sanitary channel, sanitary trench backfill, driveway apron and depressed curb will be corrected.

The Township Engineer has requested a sanitary sewer easement to go through the two lots to benefit the Country Classics development in Harlingen. The easement might provide access to the Pike Brook Plant so a pump station is not necessary. It is the applicant's position that when Country Classics purchases the property they can negotiate further with the Township Engineer as to that easement. Vice Chairman Matthews asked why the applicant wouldn't grant the easement if it would eliminate a pump station. Mr. Schatzman said they don't know for sure if it would and the land that the easement is going to serve is not in the 208 Plan. The applicant will provide documentation from the Township Engineer that the easement is not needed at this time and it will be further discussed with Country Classics.

Mr. Schatzman noted that the applicant has agreed to the monuments the Open Space Committee requested and that Board of Health had no comments. Mr. Bartolone's comments were addressed at the time of preliminary.

Mr. Schatzman said that Mr. Trapani's property was created by a subdivision called Map of Foxbrook. At the time of the subdivision approval, Donald Johnson the Board Engineer required that developer to create an access easement from South Montfort Drive to this property. Since the subject property will no longer be landlocked the applicant will give Mr. Trapani a quit claim deed releasing the easement. There is no language for the easement but it is shown on filed map.

Chairman Conforti opened the meeting to the public.

Robert Vanderbei, 83 Montfort Drive, was sworn in. Mr. Vanderbei asked if there would be basements and noted that they would be filled with water when the electricity goes out. The Board noted they cannot require whole house generators to be installed. Mr. Vanderbei asked if the easements would be permanent. Mr. Kucera replied that they would be.

Michael Trapani, 74 Montfort Drive, was sworn in. Mr. Trapani said he would work with the applicant regarding the easement. He is concerned with the safety of trying to exit from the development and wondered how many lots can get access through the one entrance into the site. Vice Chairman Matthews recalled that this issue was part of a lawsuit that the Township lost.

There being no further public comment, a motion to close the public hearing was made by Mr. Trzaska, which was seconded by Mr. Wilson. This was carried on the following voice call vote: Ayes (9) Nays (0) Abstentions (0)

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

Ayes: Glockler, Mani, Matthews, Sarle, Smith, Trzaska, Wilson and Conforti

Nays: Davis

VII. MINUTES

June 16, 2014 – Regular Meeting

A motion to approve the minutes was made by Mr. Sarle, which was seconded by Vice Chairman Matthews.

This was carried on the following roll call vote:

Ayes: Conforti, Matthews, Sarle, Smith and Mani

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.