



2022

Preliminary Investigation of an Area in Need of
Redevelopment (Condemnation) for
Phase 2: Gateway Redevelopment



MARCH 23, 2022

Montgomery Township, Somerset County, New Jersey

Clarke Caton Hintz | 100 BARRACK STREET | TRENTON, NJ | 08608



Preliminary Investigation of an Area in Need of Redevelopment (Condemnation) for

Phase 2: Gateway Redevelopment

Montgomery Township, Somerset County, New Jersey

Adopted pursuant to N.J.S.A. 40A:12A-1, *The New Jersey Local Redevelopment and Housing Law*, as a Condemnation Preliminary Investigation by the Planning Board on _____.

Endorsed by the Township Committee on _____ 2022.

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A signed and sealed copy of this document is available at the municipal building.



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INTRODUCTION

The Township Committee of Montgomery directed the Planning Board, pursuant to Resolution #21-6-151 (adopted on June 17, 2021), to conduct a preliminary investigation to determine whether several properties located at and around the intersection of State Highway Route 206 and County Route 518 qualified as an *area in need of redevelopment* (AINR), pursuant to the criteria established at N.J.S.A. 40A:12A-1 et seq., known as the “*Local Redevelopment and Housing Law*” (a.k.a “LRHL”, See Appendix A). The Planning Board has already recommended the designation of Block 29002, Lots 49 and 50, known as the Princeton Gamma-Tech Instruments, Inc. tract, as a redevelopment area. This preliminary investigation is focused on the properties within Phase 2 of the Gateway Redevelopment Study Area. The Phase 2 Gateway Redevelopment Study Area is composed of Block 28010 (formerly Block 28005), Lots 57, 58, 59, 60.01, 61, 62 and 64; Block 29002, Lots 47 and 48; and Block 34001, Lots 46.01, 56, 77, 78, 79 and 80. (the “Study Area”). Furthermore, the Township Committee, in accordance with the requirements of the LRHL, indicated that the Gateway Redevelopment Study Area was being considered as a “condemnation redevelopment area”, such that the use of the power of eminent domain could be used within the AINR, should it be so designated. Subsequent to the Township Committee resolution, the Planning Board directed this office to undertake such a study.

This report, which constitutes a *Preliminary Investigation* of the Gateway Redevelopment Study Area, is the statutorily-enabled vehicle by which the Planning Board may respond to the Township Committee’s request to study the area in question. It provides an examination of the existing conditions of the study area, depicted through photography, written descriptions and data analysis. The information gathered is compared to the criteria contained within the LRHL and, based on that comparison, a recommendation is made as to whether it should be formally identified as an AINR.

Statutory Authority and Process

Under New Jersey’s *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-1 et seq., (LRHL) municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a

NJ Local Redevelopment and Housing Law: *Redevelopment Process*

- Governing body directs the planning board to undertake a preliminary investigation to determine whether or not an identified area is in need of redevelopment.
- Planning board conducts an investigation and holds a public hearing on the proposed redevelopment-area designation.
- Based on the planning board’s recommendation, governing body may designate all or some of the study area as an “area in need of redevelopment”.
- The governing body prepares a redevelopment plan for the area, or directs the planning board to prepare the plan.
- The governing body adopts the redevelopment plan
- The governing body or another public agency/ authority designated as the “redevelopment entity” that oversees the implementation of the redevelopment plan.
- The redevelopment entity selects a redeveloper(s) to undertake a project(s) that implement the plan.

Phase 2: *Gateway Redevelopment Preliminary Investigation of an Area in Need of Redevelopment*

redevelopment plan, and to implement and carry out redevelopment projects. The Township of Montgomery must follow the statutorily defined process set forth in the LHRL (see summary on previous page). This process may result in the adoption of a redevelopment plan, which is new set of development regulations, along with the ability to offer enhanced fiscal tools that may act as incentives to prospective redevelopers. Ultimately, it is a means to lay the groundwork for redevelopment that benefits, both, the public and private interests.

STUDY AREA DESCRIPTION

Location and Existing Conditions: The Phase 2 Gateway Redevelopment Study Area (the *Study Area*) consists of, approximately, 64.89 acres of developed land in the south-east quadrant of the Township generally located within the vicinity of New Jersey State Highway (“N.J.S.H.”) Route 206 and County Route 518.

Block 28010, Lots 57 and 58 is approximately 2.05 acres and contains a one-story ranch-style single-family detached dwelling. A shed is located in the northwesterly corner of the tract. Overhead utility lines travel along the western and northern property line of the tract. The tract is accessed from County Route 518. The tract is owned by Mary Curtis Horowitz. The tract is located within the State Planning Area 3 (Fringe) and the Delaware and Raritan Canal Commission Zone B.

Block 28010, Lot 59 is approximately 1.55 acres and contains a one-story commercial building that was formerly used as an ACDelco National auto part store. The tract also contains an asphalt driveway, parking area and site lighting. The tract is accessed from County Route 518. The tract is owned by K.T. Corporation. The tract is located within the State Planning Area 3 (Fringe) and the Delaware and Raritan Canal Commission Zone B.

Block 28010, Lot 60.01 is approximately 0.35 acres and is a vacant parcel. The tract was formerly a portion of Lot 60 which contained a former Public Service Electric and Gas electric substation that has since been demolished. The Township of Montgomery acquired Block 28010, Lot 60 from Public Service Electric and Gas Company on May 14, 2020. The Township then completed a minor subdivision, creating Lots 60.01 and 60.02 on June 1, 2020. The Township retained Lot 60.01 and sold Lot 60.02 to Village Shoppes to effectuate the portion of the master plan loop required to be developed as part of Area B within the Planned Mixed Use optional development alternative. The Township owns this tract and it is intended to be used for the construction of a Master Plan roadway. The tract is accessed from N.J.S.H. Route 206. The tract is located within the State Planning Area 3 (Fringe) and the Delaware and Raritan Canal Commission Zone B.

Block 28010, Lots 61 and 62 is approximately 1.83 acres and contains The Tiger’s Tale Bar and Grill. The tract consists of a one-story building, paved parking, gravel parking, a shed, dumpsters, plantings, fences, bollards, signs, a flag pole and outdoor dining tables. The tract

is accessed from N.J.S.H. Route 206. Lot 61 is owned by Montgomery Township, 1290 RT 206 and Lot 62 is owned by American Realty Assoc%PRC Innkeeper. The tract is located within the State Planning Area 3 (Fringe) and the Delaware and Raritan Canal Commission Zone B.

Block 28010, Lot 64 is approximately 0.52 acres. The site was formerly used as a Texaco gasoline dispenser/ automobile service station and is currently occupied by a small building, concrete pad and pump islands. The gas pumps and underground storage tanks associated with the prior use were removed in 2004. NJDEP issued a No Further Action (NFA) letter on August 1, 2006, which indicates no further site remediation is necessary. The tract is accessed from driveways along southbound N.J.S.H. Route 206 and westbound County Route 518. The tract is owned by Montgomery 206 Realty, LLC. The tract is located within the State Planning Area 3 (Fringe) and the Delaware and Raritan Canal Commission Zone B.

Block 29002, Lot 47 is approximately 0.06 acres. The tract is improved with a billboard consisting of a brick base and pillars, three lamps mounted on the pillars and plantings on either end. The billboard contains two signs facing west and space for four signs facing east; although there are currently only two signs facing east. The tract also has a wood plank demarcation of the property line. The tract is owned by Intersection Billboards, LLC. The tract is located within the State Planning Area 2 (Suburban) and the Delaware and Raritan Canal Commission Zone B.

Block 29002, Lot 48 is approximately 0.94 acres. The tract is improved with a one-story retail building containing two tenants – Wawa and Native Ceuticals CBD Hemp and Wellness. The tract also consists of off-street parking including three ADA accessible spaces, plantings, a trash enclosure and chain-link fencing. The tract has access driveways along northbound N.J.S.H. Route 206 and westbound County Route 518. The driveway access from N.J.S.H. Route 206 is a divided access with a concrete median between the ingress and egress lanes and provides for a full access/right-out only. The tract is owned by NM Properties, LLC. The tract is located within the State Planning Area 2 (Suburban) and the Delaware and Raritan Canal Commission Zone B.

Block 34001, Lots 46.01, 56, 77, 78 and 79 is approximately 53.86 acres. The tract is predominantly unimproved with an asphalt driveway, parking area, gravel pile and soil pile on lot 78 and two asphalt driveways, a parking area, concrete blocks, two pole mounted lights and wooden planting boxes on lot 79. Lot 78 formerly contained an unknown use along the southerly property line while it was owned by Princeton Gamma-Tech Instruments, Inc. that appears to ended operations between 1979 and 1984 based on historic aerials. Lot 78 also formerly contained an office/research building towards its northerly lot line that was constructed between 1963 and 1969; the building was demolished in 2014. Lot 79 formerly contained an automobile sales use; the building was demolished between 2013 and 2015. The tract is owned by Princeton Promenade, LLC. The tract is located within the State Planning Area 2 (Suburban) and the Delaware and Raritan Canal Commission Zone B.

Block 34001, Lot 80 is approximately 3.73 acres. The tract is comprised of a two-story building containing a bank and a dental office, a drive-through window, off-street parking, concrete walks, site lighting, plantings, a flag pole, a trash enclosure, three monument signs, directional signs and a temporary sign for the farmers' market. The tract is owned by First Constitution/Lakeland Bank. The tract is located within the State Planning Area 2 (Suburban) and the Delaware and Raritan Canal Commission Zone B.

Existing Zoning: A majority of Study Area is located within the Highway Commercial (HC) zoning district. Specifically, the properties known as Block 28010 (formerly 28005), Lots 57, 58, 59, 60.01, 61, 62 and 64; Block 29002, Lots 47 and 48; and Block 34001, Lots 78, 79, and 80 are located within the HC district. Permitted principal uses in the HC district includes retail sales of goods and services, banks including drive-in facilities, offices and office buildings, restaurants, movie theaters as an integral part of a shopping center, small animal hospitals excluding outside facilities and kennels, child care centers, shopping centers, and automobile sales through franchised new car dealerships. Conditional uses in the HC district include public utility uses, car washes, hotels, motels, and service stations.

Block 34001, Lot 46.01 is located within the R-2 Single Family Residential (R-2) zoning district. Principal permitted uses within the R-2 district includes farms, detached dwelling units, public playgrounds, conservation areas, parks and public purpose uses, churches, public and private day schools or elementary and/or high school grade licensed by the State of New Jersey, Residential Clusters I, Residential Clusters II, planned residential developments, community residences for the developmentally disabled community and community shelters for victims of domestic violence, veterinary clinics for small household pets with no boarding facilities, a portion of a planned office complex only on that portion where indicated on the Zoning Map and a portion of a planned shopping complex only on that portion where indicated on the Zoning Map. Day care centers and public or private nursery schools are expressly prohibited.

Block 34001, Lots 56 and 77 are located within the REO-3 Research, Engineering and Office (REO-3) zoning district. Principal permitted uses within the REO-3 district includes farms, offices and office buildings, research laboratories, public playgrounds, conservation areas, parks and public purpose uses, subdivided development parks on tracts of land at least 25 acres in area, a portion of a planned shopping center where indicated on the Zoning Map and a portion of a planned office complex where indicated on the Zoning Map. Conditionally permitted uses includes public utility uses, residential limited care facilities for the elderly, Montgomery Village Planned Development where indicated on the Zoning Map, child care centers, airports, cellular antennas for telephone, radio, paging and/or television communication, self-service storage facilities, and automobile service centers.

The properties known as Block 28010 (formerly 28005), Lots 57, 58, 59, 60.01, 61, 62 and 64 are located within the Planned Mixed Use District (PMUD) Optional Development overlay. Specifically, the properties are located within “Area C” of the PMUD optional development overlay. Permitted principal uses in Area C of the PMUD Optional Development overlay includes retail sales of goods and services, banks, including drive-through facilities, offices and office buildings, medical offices, pharmacies, including drive-through facilities, restaurants, childcare centers, shopping centers comprised of some or all of the preceding uses, residential apartment for rent located above the permitted non-residential uses, and conservation areas, recreation, open space and public purpose uses. It should be noted that drive-through windows for restaurants shall be permitted subject to conditions. Moreover, twenty percent (20%) of any residential apartments constructed shall be deed restricted as affordable housing units.

The properties known as Block 34001, Lots 46.01, 56, 77, 78 and 79 are also located within the Planned Shopping Center (PSC) Optional Development overlay. A Planned Shopping Complex is permitted on a tract of land at least 50 acres in area. An integral part of the Planned Shopping Center is the promenade that shall consist of the following elements:

- It shall be framed with buildings containing non-residential uses that face inward with generous sidewalks;
- It shall have a central pedestrian pathway with plantings along its length;
- Vehicular circulation within the promenade shall emulate that of a public business district street one-way circulation with angled parking spaces;
- It shall terminate in an open space/plaza that is designed to serve as an engaging public space in the context of the non-residential uses;
- It shall have a minimum length of 750 feet;
- It shall contain minimum sidewalk widths adjacent to storefronts of 20 feet; and
- The minimum size of the open space/plaza shall be 25,000 square feet (measured curb to curb).

The open space/plaza shall include, but not be limited to shade tree structures, performance space, audio, bike racks and shade trees. Permitted principal uses within the PSC Optional Development overlay includes retail sales of goods and services, provided that no retail use shall have more than one drive-through service window/lane, professional offices, banks, including drive-through facilities, 34 single-family homes, movie theaters, including an integrated internal bowling alley, game room and/or a restaurant with an outdoor eating area, and child care centers. Conditional uses permitted within the PSC include public utilities, restaurant, provided that drive-through service for the restaurants are subject to conditions and hotels containing up to 150 rooms for guests.

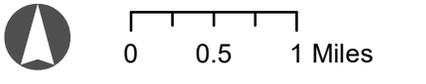
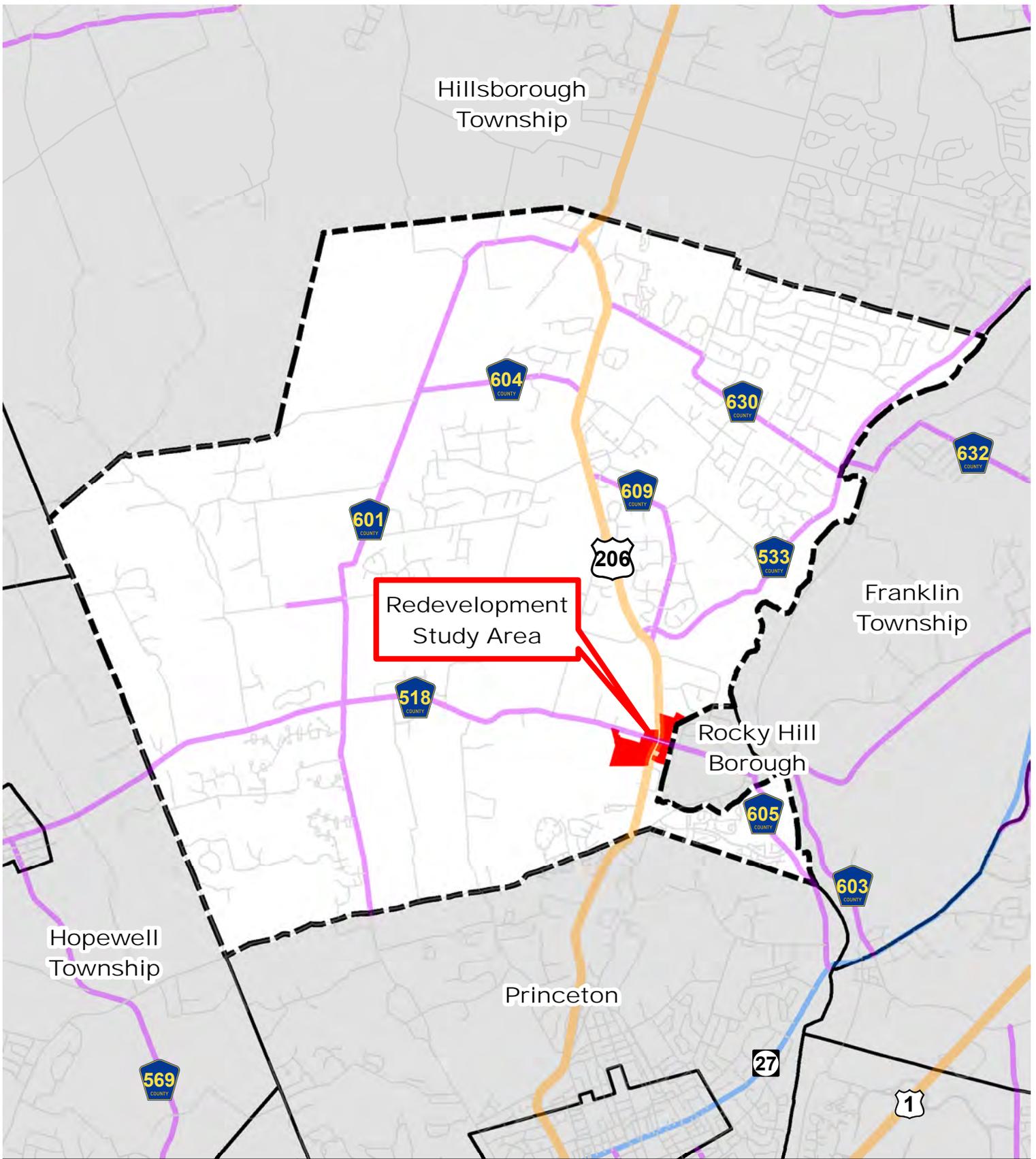
Block 34001, Lots 56, 77, 78 and 79 are also within the Township’s Airport Hazard Area. The Airport Hazard Area was adopted in order to implement the Air Safety and Hazardous Zoning Act of 1983. The following uses are permitted within the Airport Hazard Area so

long as they are permitted in the underlying zone districts or optional development alternative:

- Residential single-family detached dwelling units which are situated on a lot at least three acres in size and not located within a Clear Zone;
- Open space;
- Farming;
- Transportation;
- Airports;
- Commercial not located in a Clear Zone; and
- Industrial not located in a Clear Zone.

The Airport Hazard Area includes vertical development restrictions within the Runway Subzone and the Runway End Subzone.

Over the last decade, there have been proposals for reuse of Block 28010, Lot 64 and Block 34001, Lots 46.01, 56, 77, 78 and 79. The Zoning Board of Adjustment ultimately denied the proposed conditional use for Block 28010, Lot 64 due to circulation concerns. Despite having approvals to develop a planned shopping complex, Block 34001, Lots 46.01, 56, 77, 78 and 79 still remain undeveloped. Such inactivity is strongly indicative of the need for the public sector to take action in order to facilitate the construction of the master plan roadways and the reuse and redevelopment of sites.



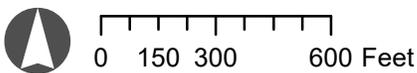
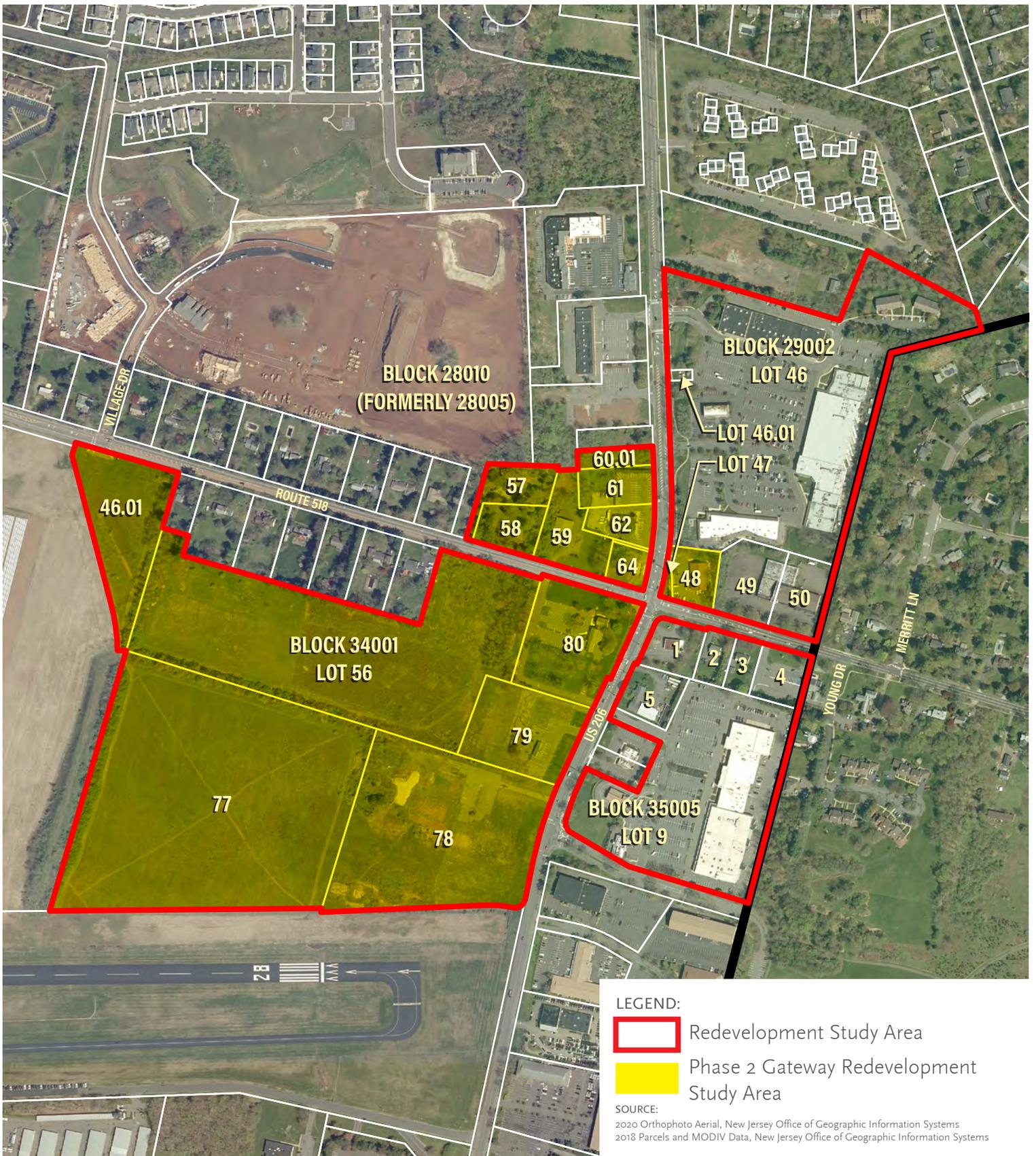
PHASE 2 GATEWAY REDEVELOPMENT AREA IN NEED OF REDEVELOPMENT STUDY

Location Map

Clarke Caton Hintz ● ● ■
 Architecture
 Planning
 Landscape Architecture

LOCATION:
 Montgomery Township, Somerset County, New Jersey

DATE:
 February 2022



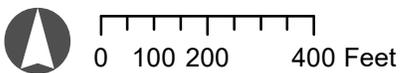
PHASE 2 GATEWAY REDEVELOPMENT AREA IN NEED OF REDEVELOPMENT STUDY

Gateway Redevelopment Area

Clarke Caton Hintz ● ● ■
 Architecture
 Planning
 Landscape Architecture

LOCATION:
 Montgomery Township, Somerset County, New Jersey

DATE:
 February 2022

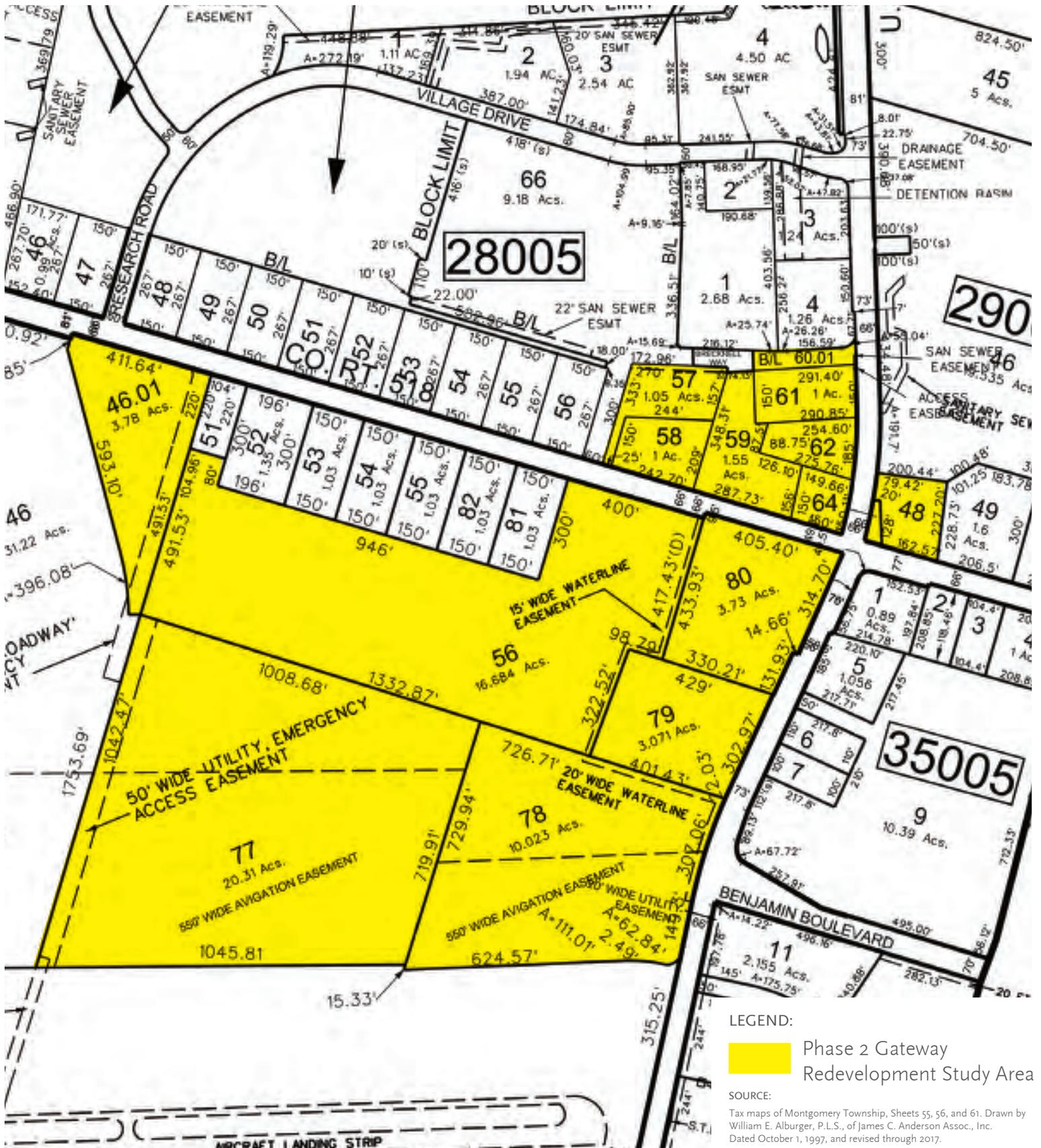


PHASE 2 GATEWAY REDEVELOPMENT AREA IN NEED OF REDEVELOPMENT STUDY

Phase 2 Gateway Redevelopment Study Area

LOCATION:
 Montgomery Township, Somerset County, New Jersey

DATE:
 February 2022



LEGEND:

Phase 2 Gateway Redevelopment Study Area

SOURCE:

Tax maps of Montgomery Township, Sheets 55, 56, and 61. Drawn by William E. Alburger, P.L.S., of James C. Anderson Assoc., Inc. Dated October 1, 1997, and revised through 2017.

 N.T.S.

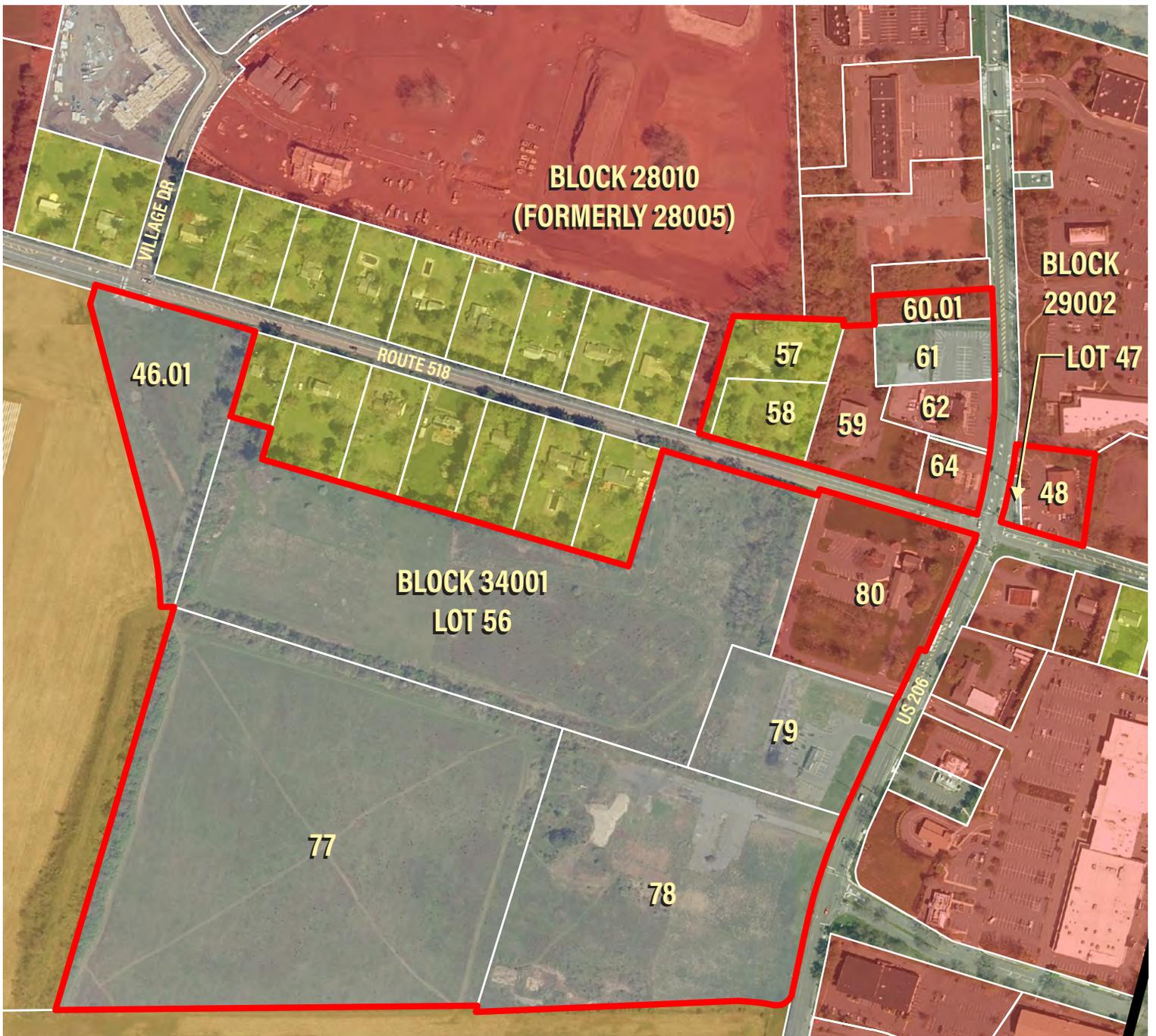
PHASE 2 GATEWAY REDEVELOPMENT AREA IN NEED OF REDEVELOPMENT STUDY

Tax Map

Clarke Caton Hintz ● ● ■
 Architecture
 Planning
 Landscape Architecture

LOCATION:
 Montgomery Township, Somerset County, New Jersey

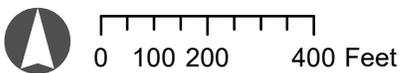
DATE:
 February 2022



LEGEND:

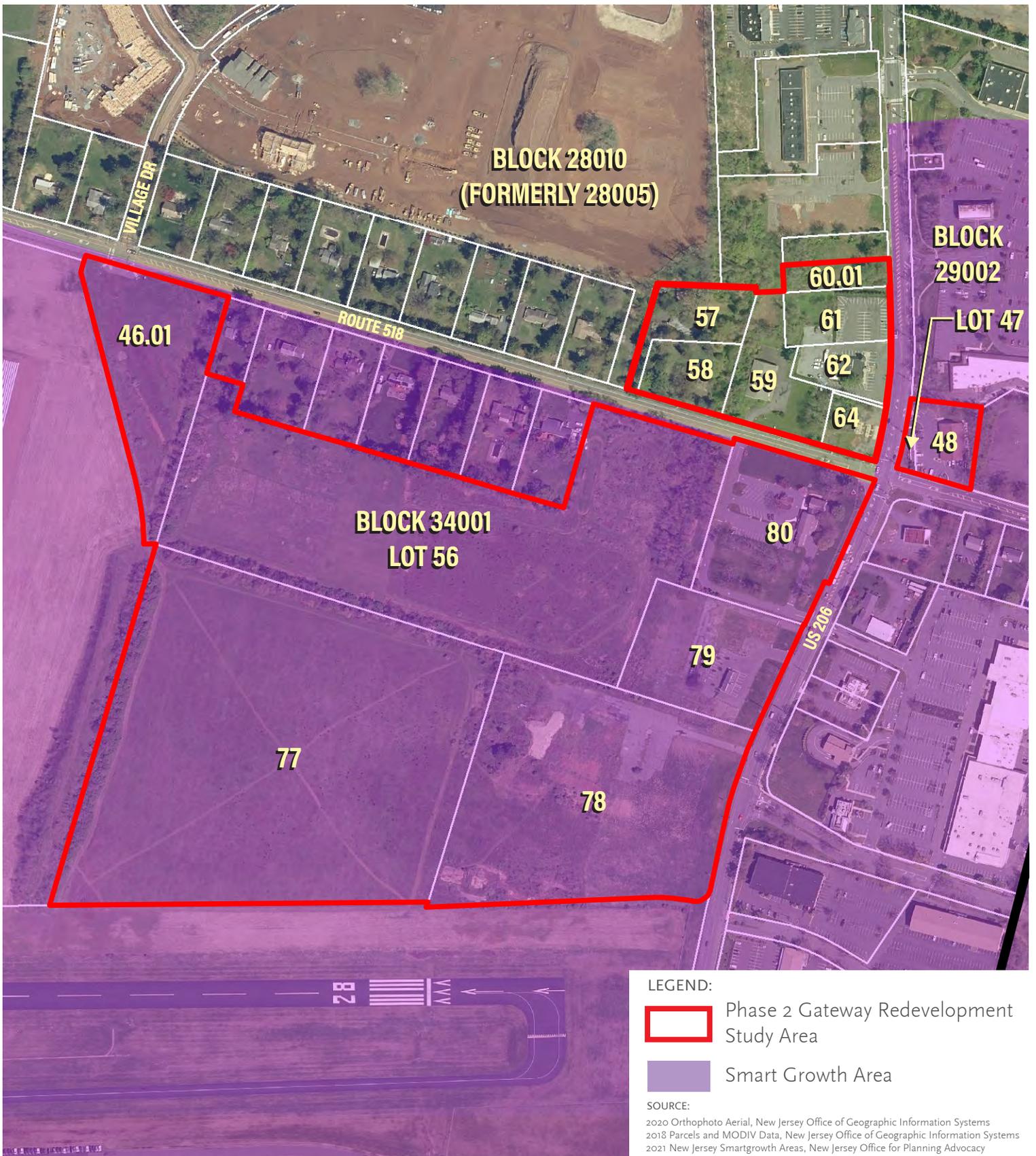
- Phase 2 Gateway Redevelopment Study Area
- Vacant
- Residential
- Agriculture/Farm
- Commercial

SOURCE:
 2020 Orthophoto Aerial, New Jersey Office of Geographic Information Systems
 2018 Parcels and MODIV Data, New Jersey Office of Geographic Information Systems



PHASE 2 GATEWAY REDEVELOPMENT AREA IN NEED OF REDEVELOPMENT STUDY

Land Uses



LEGEND:



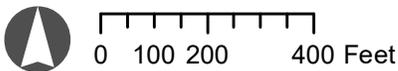
Phase 2 Gateway Redevelopment Study Area



Smart Growth Area

SOURCE:

2020 Orthophoto Aerial, New Jersey Office of Geographic Information Systems
 2018 Parcels and MODIV Data, New Jersey Office of Geographic Information Systems
 2021 New Jersey Smartgrowth Areas, New Jersey Office for Planning Advocacy



PHASE 2 GATEWAY REDEVELOPMENT AREA IN NEED OF REDEVELOPMENT STUDY

Smart Growth Areas

Clarke Caton Hintz ● ● ■
 Architecture
 Planning
 Landscape Architecture

LOCATION:
 Montgomery Township, Somerset County, New Jersey

DATE:
 March 2022

APPLICATION OF REDEVELOPMENT CRITERIA TO THE STUDY AREA

Criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 provides the basis for the determination of an area in need of redevelopment (AINR). Although there are a variety of factors that could apply to an area, an area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria. These criteria are commonly identified by the letter (a-h) corresponding to the paragraphs of Section 5 of the LRHL. They relate to the impact of a particular area on public health, safety and welfare, primarily through conditions of deterioration, obsolescence, disrepair and faulty designs. The absence of use and an area's relationship to an Urban Enterprise Zone or "smart growth" area are also addressed in the criteria.

In addition to the criteria contained at N.J.S.A. 40A:12A-5, the LRHL also permits the designation of areas, or portions of study areas that are not necessarily detrimental to the public health, safety and welfare to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area. At N.J.S.A. 40A:12A-3, the LRHL defines a "redevelopment area" or "area in need of redevelopment" to include:

"...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part."

Redevelopment Criteria "a" through "d" (N.J.S.A. 40A:12A-5)

- a. The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that be reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

Block 28010, Lots 57 and 58 (Horowitz)

Criterion “h”

Block 28010, Lots 57 and 58 meet criterion “h” since *“the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation”*. Criterion “h” can apply to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under the definition of “redevelopment area” pursuant the LRHL, N.J.S.A. 40A:12A-3. At N.J.S.A. 40A:12A-3, the LRHL defines a “redevelopment area” or “area in need of redevelopment” to include:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

Block 28010, Lots 57 and 58, containing an existing single-family detached dwelling, are necessary for the redevelopment of the *Study Area*. Block 28010 Lots 57 and 58 represents an integral component of the redevelopment as a portion of a Master Plan roadway crosses the tract and the remaining tract area will share utility and street infrastructure with the remainder of the *Study Area*. As the site and building plans are developed it is important that they be developed in concert with the remainder of the *Study Area* as part of a holistic compact residential development. Therefore, Block 28010 Lots 57 and 58 should be included to provide the groundwork for the effective redevelopment of the *Study Area*.

Redevelopment Criteria “e” through “h” (N.J.S.A. 40A:12A-5)

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) *(subject to limited redevelopment powers)*
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



Block 28010, Lot 59 (Thul Site)

Criterion “b”

Block 28010, Lot 59 meets criterion “b” since *“The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.”* The following discussion summarizes the evidence demonstrating satisfaction of Criterion “b”.

The ACDelco National Auto Parts building has been vacant since approximately 2010. Due to its abandonment, the building is showing signs of disrepair through missing portions of the roof overhangs, missing shutters, missing gutters and disconnected downspouts, and evidence of failures in the roof.



Criterion “d”

Block 28010, Lot 59 meets criterion “d” since it contains *“areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities...or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of a community.”* The following discussion summarizes the evidence demonstrating satisfaction of criterion “d”.

The lack of maintenance and subsequent dilapidation that has proceeded from the vacation of the building are also manifested within the existing paved off-street parking areas and the elements therein. The paved areas show signs of cracking and large portions of the pavement have disintegrated leaving pot holes in its place.



Block 28010, Lot 60.01 (Township Lot)

Criterion “c”

Block 28010, Lot 60.01 meets the “c” criterion since it is “*Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity...*” The following discussion provides the evidence supporting the appropriate application of Criterion “c” to the Study Area.

The Township of Montgomery acquired Block 28010, Lot 60 from Public Service Electric and Gas Company on May 14, 2020. The Township then completed a minor subdivision, creating Lots 60.01 and 60.02 on June 1, 2020. The Township retained Lot 60.01 and sold Lot 60.02 to Village Shoppes to effectuate the portion of the master plan loop required to be developed as part of Area B within the Planned Mixed Use optional development alternative. Copies of the deeds are provided in Appendix B.

In its most basic interpretation, criterion “c” is fulfilled by virtue of public ownership. However, an isolated lower court decision in South Jersey disputes such a simplistic view of the statute. In a 1998 case entitled, Winters v. Twp. of Voorhees (320 N.J. Super. 150), Judge Orlando found in favor of plaintiffs that challenged the ability of Voorhees Township to declare an area in need of redevelopment solely based on the fact that it was owned by a governmental entity below the level of the State government. Judge Orlando found that a misplaced comma in criterion “c” meant that a Planning Board must find not only that governmentally owned land was involved but that it also had to meet the condition being poorly located, remote, lacking access, topographic condition or poor soil conditions to the degree that it could not feasibly be developed by private capital. Criterion “c” is repeated below:

Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

It is instructive to compare this portion of the LHRL with the prior law, the Blighted Area Act (N.J.S.A. 40:55-21.1(c), repealed) as did Judge Orlando. This reads as follows:

Unimproved vacant land, which has remained so for a period of ten years prior to the determination hereinafter referred to, and which land by reason of its location, or remoteness from developed sections or portions of such municipality, or lack of means of access to such other parts thereof, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

In other words, the LHRL added, “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity” to the beginning of the earlier law and this criterion. Instead of reading the criterion as creating two different classes of land, Judge Orlando believed that the lack of a semi-colon after the word “entity” instead requires that the Planning Board find that governmentally owned land is not likely to be developed through private capital. The judge, however, failed to indicate in the decision how one could expect to redevelop land that is not held by a private entity through private money (or “capital” in the decision). By definition, land in public ownership is not available for development by the private sector. It is exactly the provisions in the redevelopment law - declaring an area in need of redevelopment, creating a redevelopment plan and issuing a request for proposal for redevelopment - that can lead to the leveraging of private dollars coupled with the public asset of land to further growth.

While this decision has been considered here, the judge’s reasoning seems to lead to untenable conclusions. This decision was made in the Camden County vicinage and is not binding upon other vicinages. **Based on the analysis in this document, ownership by the Township of Montgomery, alone, supports the finding that Criterion “c” is met.**

Block 28010, Lots 61 and 62 (Tiger’s Tale)

Criterion “d”

Block 28010, Lots 61 and 62 meet criterion “d” since it contains “*areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities...or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of a community.*” The following discussion summarizes the evidence demonstrating satisfaction of criterion “d”.

Faulty Design of Access and Parking

Access: The tract is accessed by two driveways along N.J.S.H. Route 206. The northerly driveway is approximately 68-feet in width and the southerly driveway is approximately 69-feet in width. Pursuant to correspondence from Bright View Engineering, based on the current New Jersey Department of Transportation (NJDOT) access code, the tract would only be allowed a single, approximately twenty-four (24) foot wide driveway or two, 12 to 15-foot-wide one-way driveways (depending on the angle of the turn). The driveways would likely be restricted to right-in and right-out movements only since the NJDOT does not allow left turns across a mainline left-turn lane (see Appendix C).

Moreover, the Montgomery Township Land Development Ordinance, Section 16-5.8d states “...*continuous open driveways having a width in excess of 16 feet at the street line shall be prohibited except that two-way driveways serving nonresidential uses and multiple-family developments shall be*

at least 24 feet wide”. At approximately 68-feet in width and 69-feet in width, the existing access driveways do not comply with the Township ordinance and therefore are considered faulty design.

Section 16-5.8d further states “all points of access to nonresidential and multi-family development shall be graded and adequate drainage facilities installed to prevent storm water runoff from entering the public road”. It appears that the site is graded in such a way that stormwater flows from the parking areas to the drainage system along N.J.S.H. Route 206.

Parking Lot Plantings: Pursuant to Section 16-5.8a.3 “each off-street parking area shall have a minimum area equivalent to one parking space per every 30 spaces landscaped with approximately ½ said area having shrubs no higher than three feet and the other half having trees with branches no lower than seven feet. Such landscaped areas shall be distributed throughout the parking area in order to break the view of parked cars in a manner not impairing visibility.” The Tiger’s Tale has approximately 77 paved off-street parking spaces without any parking lot plantings to break up the view of the parked cars.

Parking Lot Design: Section 16-58c.4 states “all off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces”. While the paved parking spaces are striped, there are no markings indicating the traffic flow of the drive aisles. The gravel parking area does not include any parking space striping or markings indicating the traffic flow in drive aisles. Moreover, there is no demarcation between the paved drive aisle around the building and the adjacent gravel parking area. The paved drive aisle is approximately 15-feet-wide which is sufficient for one-way direction of traffic; however, the tract has two-way circulation patterns. Therefore, the drive aisle adjacent to the rear of the building is insufficient and may result in vehicular conflicts.



ADA Accessible Spaces: Pursuant to Bright View Engineering, the Uniform Construction Code requires one ADA accessible parking space per every 25 parking spaces in the lot (up to 100 spaces total), with one (1) in every six (6) ADA spaces to be van accessible spaces. With 77

paved parking spaces, the tract should have four (4) ADA accessible spaces, one of which has to be van accessible (see Appendix C). Currently, the tract only has three (3) ADA spaces, one of which is van accessible; therefore, the tract is out of compliance with the ADA accessible parking space requirement.

Curbing: Pursuant to Montgomery Township’s Land Development Ordinance, Section 16-5.8c.3, “all paved parking and loading areas and access drives shall be curbed, except single-family residential drives”. The existing paved parking area is not curbed, and therefore, does not comply with the Township’s ordinance requirements.



Lighting: Pursuant to Montgomery Township’s Land Development Ordinance, Section 16-5.4b.1, “all parking areas and walkways thereto and appurtenant passageways and driveways serving nonresidential uses having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes”. At a November 2021 site visit, two pole-mounted lights and one decorative light were observed in the northerly paved parking area, one pole-mounted light was observed in the southerly parking area, and a roof-top mounted spotlight was observed for the gravel parking area. In the absence of lighting illumination plans that identify the illumination levels and extent of the existing lights, this office cannot determine if the existing lights are adequate for security and safety.

Section 16-5.4b.2(a) states “the lighting is to be provided by fixtures with a mounting height no higher than 20 feet or the height of the closest major building, whichever is less, measured from the ground level to the center line of the light source”. All three of the pole-mounted lights onsite exceed the building height; and therefore, are not in compliance with the Township ordinance.



The lack of curbing and degraded pavement, coupled with obsolescent or non-existing stormwater facilities, leads to soil erosion and ultimately the degradation of surface waters and pollutants going into the public stormwater infrastructure that can negatively impact the function of those systems. These faulty, obsolescent and unsafe conditions, and the persistent negative effects resulting therefrom, constitute substantial evidence to support the finding that Criterion “d” is met.

Block 28010, Lot 64 (Former Texaco Gas Station)

Criterion “b”

Block 28010, Lot 64 meets criterion “b” since *“The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.”* The following discussion summarizes the evidence demonstrating satisfaction of Criterion “b”.

Abandoned Building

The Texaco gas station ceased operations between 2002 and 2004, and the building has remained vacant since then. In fact, the building is boarded, portions of the gutter have collapsed, and a tree has fallen across the roof. Based on these conditions, the existing building has fallen into such a state of disrepair as to be untenable.



Township Violations

The lack of property maintenance is a persistent condition as evidenced by the number of violations issued by the Department of Health as detailed below. Copies of the violation notices are included in Appendix D.

- July 7, 2008 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within ten (10) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance. The property owner abated the violation on July 14, 2008.
- June 11, 2009 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within ten (10) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance. The property owner abated the violation on June 22, 2009.
- September 4, 2009 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within ten (10) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance. The property owner abated the violation on September 15, 2009.

- May 28, 2010 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within ten (10) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance. The property owner abated the violation on June 4, 2010.
- June 28, 2012 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within ten (10) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance. The property owner abated the violation on July 9, 2012.
- July 9, 2012 – Department of Health letter indicating a complaint has been received regarding standing water in a large pot hole in the parking lot. Standing water creates a breeding habitat for mosquitoes and is a nuisance. The Department of Health indicated the property owner must fill in the pot hole with gravel or another material so that water does not remain in the hole.
- June 20, 2013 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The violation notice cites BH:8-3(a) that “states that the owner must keep the property free of hazards. Hazards are further defined as “holes, excavations, breaks, projections, obstructions on paths, sidewalks, walks, driveways, parking lots and parking areas”. As a result of a June 7, 2013 traffic incident where a vehicle entered the parking lot in order to turn around after encountering a traffic jam due to an unrelated crash and sustained \$4,500 in damage after impacting a large pot hole on the site; the Department of Health issued a notice of Violation who attempted to contact the property owner with no result. The violation notice identified “an extremely large pothole in the parking lot area” which is causing a violation of the Board of Health code. Additionally, grass and weeds on the property were observed as extremely high and need to be cut and maintained throughout the growing season. The property owner was notified that within ten (10) days of receipt of the violation notice, the identified violations must be abated.
- July 2, 2013 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The violation notice cites BH:8-3(a) that “states that the owner must keep the property free of hazards. Hazards are further defined as “holes, excavations, breaks, projections, obstructions on paths, sidewalks, walks, driveways, parking lots and parking areas”. The violation notice identified “an extremely large pothole in the parking lot area” which is causing a violation of the Board of Health code. The property owner was notified that within ten (10) days of receipt of the violation notice, the identified violations must be abated.

- October 8, 2014 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within ten (10) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance.
- September 7, 2016 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within seven (7) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance.
- August 30, 2018 – Violation of Health Code BH:VIII “Property Maintenance of Non-Residential Buildings”. The property owner was notified that within seven (7) days of receipt of the violation notice the grass and weeds must be cut and maintained so they do not pose a public health nuisance.
- November 7, 2019 – Notice of Violation due to a rat infestation on the site. The property owner was notified that they are hereby required to have a New Jersey licensed pest control service treat the property by November 15, 2019 and provide a copy of the invoice to the Department of Health as proof of services performed.

Based on the analysis in this document, the abandonment of the building leading to disrepair and the Township’s issuance of Board of Health Notice of Violation supports the finding that Criterion “b” is met.

Criterion “d”

Block 28010, Lot 64 meets criterion “d” since it contains “*areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities...or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of a community.*” The following discussion summarizes the evidence demonstrating satisfaction of criterion “d”.

Obsolete Circulation Patterns

Pursuant to a Bright View Engineering Lot Conformance Study, Block 28010, Lot 64 was found to be a non-conforming lot pursuant to the New Jersey Department of Transportation (NJDOT) requirements. Therefore, the lot is subject to trip limitations for vehicles accessing the NJDOT right-of-way (i.e. N.J.S.H. Route 206). This is a restriction on how the site can be developed which can only be ameliorated by consolidating the lot with other adjacent properties. (see Appendix C).

In 2015, the Zoning Board of Adjustment approved a Conditional Use application for the construction of a Dunkin’ with a drive-through window that could not be perfected due to

NJDOT highway access issues. As a result, the applicant submitted an amended application in 2021, which did not conform to the 2015 approval, which was ultimately denied due to onsite circulation patterns.

Dilapidated Parking Facilities

The lack of maintenance and subsequent dilapidation that has proceeded from the vacation of the building are also manifested within the existing paved off-street parking areas and the elements therein.

The pavement exhibits myriad degradation, cracking and pot holes hastening the dilapidation of the pavement. Moreover, multiple notices of violations were issued from the Department of Health due to extremely large pot holes within the parking area.



Stormwater Management Facilities Are Obsolete

The New Jersey Department of Environmental Protection's Stormwater Management Rules, N.J.A.C. 7:8-1 et seq., were first adopted in 1978 and the Township's Stormwater Management Ordinance was first adopted in 1985. Based on a review of historic aerials, the former gas station/automobile service station was constructed between 1963 and 1969. Therefore, the development was not subject to any stormwater management regulations at the time it was constructed. During a site visit on November 10, 2021, no stormwater management infrastructure was observed on the site.

The lack of any stormwater management infrastructure contributes storm-driven inundation, which results in conditions that are detrimental to public safety within the Study Area.

These faulty, obsolescent and unsafe conditions, and the persistent negative effects resulting therefrom, constitute substantial evidence to support the finding that Criterion "d" is met.

Block 29002, Lot 47 (Billboard Site)

Criterion “d”

Block 29002, Lot 47 meets criterion “d” since it contains “*areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities...or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of a community.*” The following discussion summarizes the evidence demonstrating satisfaction of criterion “d”.

Obsolescent Non-Conforming Use

Pursuant to Section 16-2.1, the Township defines billboards as “*any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies. Billboards are prohibited in all districts.*” Moreover, Section 16-5.13e.4 indicates billboard signs are prohibited in all zoning districts. However, this particular billboard did receive Zoning Board approval prior to 1973 (see Appendix E).



Billboards manifest a negative visual impact, through their structures, messaging and illumination. Elimination or prevention of negative visual impacts is recognized in the Municipal Land Use Law as a valid purpose of zoning, which is also a basis for Montgomery’s Master Plan and Zoning. Prohibition of billboards (off-site signs) represents Montgomery’s objective to prevent negative visual impacts within the public view sheds and within its public street infrastructure. This billboard has multiple message panels with uncoordinated design/copy. The base of the billboard set is setback approximately 18-feet from the N.J.S.H. Route 206 right-of-way whereas, pursuant to Section 16-4.12i.1(a), a minimum setback of 25-feet is required for a sign that is greater than 55 square feet in area.

Pursuant to Section 16-5.13d.6(b) states “*if a sign is to be externally illuminated, then the lighting shall be provided either from below the sign by ground mounted lights or from above the sign by lights attached to the top of the sign. The lights shall be focused directly and completely on the sign face, with appropriate and necessary shielding on the top, sides, and if necessary, bottom of the fixture to prevent any sight of the light source from any street, sidewalk or neighboring property.*” It also has “lantern-style” globe lighting that is not shielded to prevent glare, at a level above the ground that puts the lights close to the eye line/view of drivers.

Billboards draw drivers’ attention away from the task of driving. Such distractions add to the spectrum of influences of which drivers must be aware, including traffic signals, turning vehicles, stacking/stopping vehicles, oncoming vehicle movements, vehicles entering/exiting adjacent driveways and other traffic movements. Beyond the potential road hazards, internal

distractions relating to cell phones and other “while-driving” activities also persist. This particular billboard is located at the CR 518/NJSH 206 intersection that is well known for heavy traffic during peak hours for an intersection of its size and configuration.

Redevelopment of this property with a conforming use, ideally as part of a larger tract, would eliminate this negative visual element within the public thoroughfare view shed and remove an additional distraction for drivers at this intersection/corridor.

Dilapidation through lack of Property Maintenance

On October 21, 2021, the Township Board of Health issued a Notice of Violation from the Townships’ Board of Health Code BH:8 “Property Maintenance and Non-Residential Buildings” in response to a complaint regarding high grass and weeds present at the site. The property owner was notified they had until November 1, 2022 to abate the violation. A copy of the violation notice is included in Appendix F. Unmaintained high grass and weeds poses a public health nuisance.

These faulty conditions, and the persistent negative effects resulting therefrom, constitute substantial evidence to support the finding that Criterion “d” is met.

Criterion “h”

Block 2902, Lot 47 meets criterion “h” since *“the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation”*. Criterion “h” can apply to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under the definition of “redevelopment area” pursuant the LRHL, N.J.S.A. 40A:12A-3. At N.J.S.A. 40A:12A-3, the LRHL defines a “redevelopment area” or “area in need of redevelopment” to include:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

Smart Growth

Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl, protects the environment and reduces energy consumption.

The New Jersey Office for Planning Advocacy has developed a smart growth area GIS data layer to help implement the goals of the New Jersey State Development and Redevelopment

Plan. The New Jersey Office for Planning Advocacy has determined that a site is considered a “smart growth area” if it meets any one of the following criteria:

- Metropolitan Planning Area (PA1);
- **Suburban Planning Area (PA2);**
- A designated center;
- An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
- A smart growth area designated by the New Jersey Meadowlands Commission; and
- A Pinelands Regional Growth Area, Pinelands Village or Pinelands Town as designated by the New Jersey Pinelands Commission.

As noted in the Study Area Description and bolded for clarity, the second section applies to this tract within the Study Area.

The designation of Block 29002, Lot 47 as an area in need of redevelopment would be consistent with Smart Growth and the policy objectives of the Suburban Planning Area in the New Jersey State Development and Redevelopment Plan.

Block 29002, Lot 48 (Wawa Site)

Criterion “h”

Block 29002, Lot 48 meets criterion “h” since *“the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation”*. Criterion “h” can apply to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under the definition of



“redevelopment area” pursuant to the LRHL, N.J.S.A. 40A:12A-3. At N.J.S.A. 40A:12A-3, the LRHL defines a “redevelopment area” or “area in need of redevelopment” to include:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

Smart Growth

Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl, protects the environment and reduces energy consumption.

The New Jersey Office for Planning Advocacy has developed a smart growth area GIS data layer to help implement the goals of the New Jersey State Development and Redevelopment Plan. The New Jersey Office for Planning Advocacy has determined that a site is considered a “smart growth area” if it meets any one of the following criteria:

- Metropolitan Planning Area (PA1);
- **Suburban Planning Area (PA2);**
- A designated center;
- An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
- A smart growth area designated by the New Jersey Meadowlands Commission; and
- A Pinelands Regional Growth Area, Pinelands Village or Pinelands Town as designated by the New Jersey Pinelands Commission.

As noted in the Study Area Description and bolded for clarity, the second section applies to this tract within the Study Area.

Necessary for the Effective Redevelopment of the Study Area

Block 29002, Lot 48 is necessary for the redevelopment of the *Study Area*. The LRHL provides that, in addition to the criteria contained at N.J.S.A. 40A:12A-5, the LRHL also permits the designation of areas, or portions of Study Areas to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area. At N.J.S.A. 40A:12A-3, the LRHL defines a “redevelopment area” or “area in need of redevelopment” to include:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

Block 29002 Lot 48 represents a much smaller portion (roughly 1.45%) of the *Study Area*. However, this lot represents an integral component of the redevelopment due to its location between Block 29002 Lot 47 (billboard) and Lots 49 and 50 (Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments Inc.) that will share utility and street infrastructure with the remainder of the *Study Area*. As the site and building plans are developed it is important that they be developed in concert with the remainder of the *Study Area* as part of a holistic development. Therefore, Block 29002 Lot 48 should be included to provide the groundwork for the effective redevelopment of the *Study Area*.

The designation of Block 29002, Lot 48 as an area in need of redevelopment would be consistent with Smart Growth and the policy objectives of the Suburban Planning Area in the New Jersey State Development and Redevelopment Plan as well as necessary to effectuate the redevelopment of the Study Area.

Block 34001, Lots 46.01, 56, 77, 78 and 79 (Montgomery Promenade Site)

Criterion “c”

Block 34001, Lots 46.01, 56, 77, 78 and 79 meet criterion “c” which states that an area may be found in need of redevelopment if the following conditions exists:

“...unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that be reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, it is not likely to be developed through the instrumentality of private capital.”

The tract is composed of approximately 53.86 acres of vacant and partially improved land. The Township first adopted the Planned Shopping Center optional development alternative in December 2003 in response to a recommendation within the “2003 Amendment No. 1” to the Land Use Plan Element, adopted July 14, 2003. The overall purpose of the “Planned Shopping Center” optional development alternative is to create a comprehensively designed, pedestrian-oriented, compact development of mixed uses, mostly retail, and including a small number of age-restricted residential units in proximity to the existing seven (7) homes on the south side of Route 518, provided that the homes are integral with the design of the overall development.

The Township adopted subsequent amendments to the Planned Shopping Center optional development alternative pursuant to:

- Ordinance No. 04-1136, dated May 20, 2004;
- Ordinance No. 06-1219, dated June 1, 2006;
- Ordinance No. 07-1248, dated June 21, 2007;
- Ordinance No. 12-1409, dated April 19, 2012;
- Ordinance No. 12-1418, dated June 7, 2012;
- Ordinance No. 17-1539, dated March 16, 2017; and
- Ordinance No. 17-1558, dated October 5, 2017.



Moreover, the Township approved development applications under the Planned Shopping Center optional development alternative on:

- Resolution No. PB-10-06, dated August 14, 2006;
- Resolution No. PB-11-06, dated January 8, 2007;
- Resolution No. PB-10-06, revised February 28, 2007;
- Resolution No. PB-08-07, dated August 13, 2007;
- Resolution No. PB-08-07, dated September 24, 2007;
- Resolution No. PB-08-07, dated December 10, 2007;
- Resolution No. PB-17-07, dated December 10, 2007;
- Resolution No. PB-21-07, dated February 25, 2008;
- Resolution No. PB-04-17, dated March 5, 2018;
- Resolution No. PB-04-17, dated December 17, 2018; and
- Resolution No. PB-05-21, dated January 24, 2022.

There have been tremendous efforts put forth by Montgomery Township over a decade, working with the property owners, to craft regulations that would provide the basis for holistic planned redevelopment of this tract. Despite the Township's adoption of the Planned Shopping Center optional development alternative and subsequent revisions as well as multiple Planning Board approvals for projects utilizing the Planned Shopping Center optional development alternative, the tract has still failed to develop through the instrumentality of private investment. Utilization of the powers afforded to Montgomery through the LRHL may provide the additional tools to finally realize activation of this important property.

Criterion "d"

Block 34001, Lots 46.01, 56, 77, 78 and 79 meets criterion "d" since it contains "*areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities...or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of a community.*" The following discussion summarizes the evidence demonstrating satisfaction of criterion "d".

Lot 78 was formerly improved with an office/research use towards the north and an unknown use along the southerly property line while it was owned by Princeton Gamma-Tech Instruments, Inc. Lot 79 was formerly improved with an automobile sales use. Based on historic aerials, it appears that the most southerly use on Lot 78 was removed between 1979 and 1984. The building associated with the northerly use on lot 78 was removed in 2014 in response to a Notice of Imminent Hazard issued by the Code Enforcement office on

June 19, 2014. The building associated with the use on lot 79 were removed between 2013 and 2015.

Dilapidation and Lack of Maintenance

Pavement: The lack of maintenance and subsequent dilapidation that has proceeded from the demolition of the buildings on Lots 78 and 79 are also manifested within the existing paved off-street parking areas and the elements therein.



Block 34001, Lot 78 dilapidated parking

The pavement exhibits myriad degradation and cracking, with vegetation colonizing where pavement is failing. The incursion of vegetation within the fissures is hastening the dilapidation of the pavement.



Block 34001, Lot 79 dilapidated parking

Evidence of Trespass: There is evidence of trespassing on Lot 78 due to the presence of “donuts” in the gravel parking area. The existing driveway is not gated or barricaded to block access to individuals from the site which poses a threat to the health, safety and welfare of the public.



Block 34001, Lot 78 driveway



Block 34001, Lot 78 evidence of trespass

Debris Piles: The Township’s Board of Health Code, Property Maintenance, Section BH8-2 defines hazard to include, but is not limited to, “refuse, broken glass, stumps, roots, obnoxious growth, filth, garbage, trash, rubbish, and debris of any description”. Section BH8-2 also defines nuisances to include but is not limited to



Block 34001, Lot 78 soil and gravel piles

“manmade holes in the earth, depressions, gullies, mounds, accumulations of debris including earth, or other conditions which in the opinion of the Health Officer are unsafe or unhealthy to persons on, about or near such conditions”. Section BH8-3.a prohibits hazards and nuisances. The purpose of the Board of Health Property Maintenance Code “is to protect the public health, safety and welfare of individuals in the Township by establishing minimum standards governing the

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maintenance and condition of premises situated in the Township ... While the Township acknowledges the inherent benefits of applying environmentally sound property management practices, a significant purpose of this chapter is the prevention of blight and vandalism....” The soil pile and the gravel/millings pile contributes to the unsafe and unhealthy conditions on Block 34001, Lot 78.

Criterion “h”

Block 34001, Lots 46.01, 56, 77, 78 and 79 meet criterion “h” since *“the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation”*. Criterion “h” can apply to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under the definition of “redevelopment area” pursuant the LRHL, N.J.S.A. 40A:12A-3. At N.J.S.A. 40A:12A-3, the LRHL defines a “redevelopment area” or “area in need of redevelopment” to include:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

Smart Growth

Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl, protects the environment and reduces energy consumption.

The New Jersey Office for Planning Advocacy has developed a smart growth area GIS data layer to help implement the goals of the New Jersey State Development and Redevelopment Plan. The New Jersey Office for Planning Advocacy has determined that a site is considered a “smart growth area” if it meets any one of the following criteria:

- Metropolitan Planning Area (PA1);
- **Suburban Planning Area (PA2);**
- A designated center;
- An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
- A smart growth area designated by the New Jersey Meadowlands Commission; and
- A Pinelands Regional Growth Area, Pinelands Village or Pinelands Town as designated by the New Jersey Pinelands Commission.

A noted in the Study Area Description and bolded for clarity, the second section applies to this tract within the Study Area.

Block 34001, Lot 80 (First Constitutional Bank/Lakeland Site)

Criterion “h”

Block 34001, Lot 80 meets criterion “h” since “the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation”. Criterion “h” can apply to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under the definition of “redevelopment area” pursuant the LRHL, N.J.S.A. 40A:12A-3. At N.J.S.A. 40A:12A-3, the LRHL defines a “redevelopment area” or “area in need of redevelopment” to include:



“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

Smart Growth

Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl, protects the environment and reduces energy consumption.

The New Jersey Office for Planning Advocacy has developed a smart growth area GIS data layer to help implement the goals of the New Jersey State Development and Redevelopment Plan. The New Jersey Office for Planning Advocacy has determined that a site is considered a “smart growth area” if it meets any one of the following criteria:

- Metropolitan Planning Area (PA1);
- **Suburban Planning Area (PA2);**
- A designated center;
- An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
- A smart growth area designated by the New Jersey Meadowlands Commission; and
- A Pinelands Regional Growth Area, Pinelands Village or Pinelands Town as designated by the New Jersey Pinelands Commission.

A noted in the Study Area Description and bolded for clarity, the second section applies to this tract within the Study Area.

Necessary for the Effective Redevelopment of the Study Area

Block 34001, Lot 80 is necessary for the redevelopment of the *Study Area*. The LRHL provides that, in addition to the criteria contained at N.J.S.A. 40A:12A-5, the LRHL also permits the designation of areas, or portions of Study Areas to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area.

Block 34001 Lot 80 represents an integral component of the redevelopment due to its location on the southwesterly corner of N.J.S.H. Route 206 and County Route 518 and being bordered by Block 34001 Lots 56 and 79. As the site and building plans are developed it is important that they be developed in concert with the remainder of the *Study Area* as part of a holistic compact residential development. Therefore, Block 34001 Lot 80 should be included to provide the groundwork for the effective redevelopment of the *Study Area*.

The designation of Block 34001, Lot 80 as an area in need of redevelopment would be consistent with Smart Growth and the policy objectives of the Suburban Planning Area in the New Jersey State Development and Redevelopment Plan as well as necessary to effectuate the redevelopment of the *Study Area*.

RECOMMENDATION

This report and appendices constitute a preliminary investigation for determining an Area in Need of Redevelopment as directed by the Township Committee of Montgomery Township. It is the conclusion of this preliminary investigation that the Study Area qualifies under the criteria set forth at N.J.S.A. 40A:12A-1 et seq., to be designated as an Area in Need of Redevelopment. Block 28010 Lots 59 and 64 satisfy criterion “b” due to persistent substandard and unsafe building conditions, Block 28010 Lot 60.01 satisfies criterion “c” due to public ownership while Block 34001, Lots 46.01, 56, 77, 78 and 79 satisfies criterion “c” due to the lack of private investment for over ten years. Block 28010 Lots 59, 61, 62 and 64, Block 29002 Lot 47, and Block 34001 Lots 78 and 79 satisfy criterion “d” due to persistent negative site conditions that exhibit faulty design, obsolescence and dilapidation. Block 28010 Lots 57 and 58, Block 29002 Lots 47 and 48 and Block 34001 Lots 46.01, 56, 77, 78, 79 and 80 satisfy criterion “h” for smart growth and are necessary for the effective redevelopment of the *Study Area*.

SUBSEQUENT PROCEDURAL STEPS

Public Hearing

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two (2) consecutive weeks. A copy of the notice should be mailed to the last owner of record of each property within the Study Area. The newspaper notice should be published in the official paper.

Planning Board Recommendation to Township Committee

Once the hearing has been completed, the Planning Board makes a recommendation to the Township Committee that the delineated area, or any part of such an area, should or should not be determined to be an Area in Need of Redevelopment. The Township Committee may then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such determination is then sent to each objector who has sent in a written protest.

Redevelopment Plan

If so designated by the township, the next action would be the creation and adoption of a redevelopment plan for the Redevelopment Area. A Redevelopment Plan is adopted by ordinance by the Township Committee before any project is initiated. Depending on the

Redevelopment Plan: *Required Elements* (N.J.S.A. 40A:12A-7.a)

- The plan's relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
- Pursuant to N.J.S.A. 40A:12A-7.c., the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law", N.J.S.A. 40:55D-1 et seq.

nature of the Redevelopment Plan, it may contain some or all of the land use controls for a particular Redevelopment Area. Furthermore, a plan may be created in such a way as to provide for detailed recommendations regarding circulation, open space, housing urban design and architecture. At a minimum, pursuant to N.J.S.A. 40A:12A-7.a, a redevelopment plan is required to address a series of required elements. A Redevelopment Plan should be, either, substantially consistent with the municipal master plan or designed to effect the master plan.

APPENDIX A

Township Resolution # 21-6-151

RESOLUTION #21-6-151 - AUTHORIZING AND DIRECTING THE MONTGOMERY PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED WITHIN THE VICINITY OF THE INTERSECTION OF STATE HIGHWAY ROUTE 206 AND COUNTY ROUTE 518 DESIGNATED AS LOTS 57, 58, 59, 60.01, 61, 62 AND 64 IN BLOCK 28005; LOTS 46, 46.01, 47, 48, 49 AND 50 IN BLOCK 29002; LOTS 46.01, 56, 77, 78, 79 AND 80 IN BLOCK 34001; AND LOTS 1, 2, 3, 4, 5 AND 9 IN BLOCK 35005 ON THE TAX MAP OF MONTGOMERY, MEETS THE CRITERIA FOR DESIGNATION AS A CONDEMNATION REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), was enacted to provide an effective mechanism to empower and assist local governments in their efforts to arrest and reverse deteriorated conditions in housing and commercial and industrial installations and in public services and facilities, and to promote the advancement of community interests through programs of redevelopment, rehabilitation and incentives for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law authorizes a municipality to determine whether certain properties or parcels of land located within the municipality constitute an area in need of redevelopment, pursuant to the enumerated criteria set forth in the Redevelopment Law; and

WHEREAS, the Redevelopment Law sets forth a specific procedure and the specific requirements for determining and establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, before an area of the municipality is determined to be a redevelopment area, the governing body of the municipality shall, by resolution, authorize the municipal planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Redevelopment Law at N.J.S.A. 40A:12A-6 also requires the governing body to specify whether the area being investigated will be considered for determination as a "non-condemnation redevelopment area," such that the municipality shall be authorized to use all those powers provided by the Legislature for use in a redevelopment area *other than* the use of eminent domain, or as a "condemnation redevelopment area," such that the municipality shall be authorized to use all of those powers provided by the Legislature for use in a redevelopment area, *including* the power of eminent domain; and

WHEREAS, the Montgomery Township Committee has determined that an investigation and inquiry should be made of certain property located at the intersection of State Highway Route 206 and County Route 518 to see if it qualifies under the Redevelopment Law as a condemnation area in need of redevelopment; and

WHEREAS, the Township Committee hereby request and direct the Montgomery Planning Board to undertake an investigation of certain property situated in the municipality, located at and contiguous to the intersection of State Highway Route 206 and County Route 518, designated as Lots 57, 58, 59, 60.01, 61, 62 and 64 in Block 28005; Lots 46, 46.01, 47, 48, 49 and 50 in Block 29002; Lots 46.01, 56, 77, 78, 79 and 80 in Block 34001; and Lots 1, 2, 3, 4, 5 and 9 in Block 35005 on the Tax Map of Montgomery (the "Study Area"), and produce a report containing its findings as to whether the Study Area meets one or more of the criteria set forth at N.J.S.A. 40A:12A-3 and 5, and make a recommendation to the Montgomery Township Committee as to whether all or a portion of the Study Area should be designated as a condemnation redevelopment area.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee, on this 17th day of June, 2021, as follows:

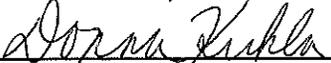
1. The preamble to this resolution is hereby incorporated as if fully restated herein.

TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY

2. The Montgomery Planning Board ("Board") is hereby directed to conduct a preliminary investigation of the Study Area defined hereinabove, consisting of Lots 57, 58, 59, 60.01, 61, 62 and 64 in Block 28005; Lots 46, 46.01, 47, 48, 49 and 50 in Block 29002; Lots 46.01, 56, 77, 78, 79 and 80 in Block 34001; and Lots 1, 2, 3, 4, 5 and 9 in Block 35005 on the Tax Map of Montgomery, in accordance with the requirements set forth in N.J.S.A. 40A:12A-6 of the Redevelopment Law, in order to determine whether the Study Area, or part(s) thereof, meet the requirements for designation as a condemnation redevelopment area, such that the municipality may be authorized to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain.
3. The Board is directed to prepare a map of the Study Area showing the boundaries of the proposed redevelopment area and locations of the various existing and/or proposed parcel(s) of property included therein, along with a statement setting forth the basis for the investigation appended to the map; to prepare a report containing the Board's findings; and to hold a duly noticed public hearing for the purpose of presenting the results of its investigation, hearing from all persons who are interested in, or would be affected by, a determination that the Study Area is a redevelopment area, and receiving into the record and considering all objections and evidence in support of such objections to a determination that the Study Area be designated as a condemnation redevelopment area.
4. After completing its public hearing on the matter, the Board shall make a recommendation to the Township Committee as to whether all, or any portion thereof, of the Study Area should be designated as a condemnation redevelopment area.
5. The Board staff and Municipal Planning/Zoning Departments, and their consultants, are hereby authorized and directed to assist the Board in conducting its investigation of the Study Area.
6. This resolution shall take effect immediately.
7. The Municipal Clerk shall cause a copy of this resolution to be transmitted forthwith to the Montgomery Planning Board.
8. The findings and recommendations of the Board, once completed, shall be submitted to the Township Committee for review and consideration in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A
TRUE COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MONTGOMERY AT A MEETING HELD

June 17, 2021


Township Clerk

APPENDIX B

Block 28010 Lot 60.01 Deeds



**SOMERSET COUNTY
DOCUMENT COVER SHEET**

STEVE PETER
SOMERSET COUNTY CLERK
PO BOX 3000
20 GROVE STREET
SOMERVILLE, NJ 08876

WWW.CO.SOMERSET.NJ.US

Steve Peter, County Clerk
Electronically Recorded Somerset County, NJ
2020 May 15 02:30:28 PM
BK: 7211 PGS: 2833-2841
Instrument # 2020020253
Fee: \$11.00 Doc Type: TWP DEED
CONS: \$470,000.00 EXEMPT: N

(Official Use Only)

DATE OF DOCUMENT: 05/14/2020	TYPE OF DOCUMENT: TOWNSHIP DEED
FIRST PARTY (<i>Grantor, Mortgagor, Seller, Assignor</i>)	SECOND PARTY (<i>Grantee, Mortgagee, Buyer, Assignee</i>)
PUBLIC SERVICE ELECTRIC AND GAS COMPANY	TOWNSHIP OF MONTGOMERY IN COUNTY OF SOMERSET
ADDITIONAL PARTIES:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

MUNICIPALITY: MONTGOMERY TOWNSHIP	MAILING ADDRESS OF GRANTEE: 2261 Van Horne Road Belle Mead, NJ 08502
BLOCK: 28005	
LOT: 60	
CONSIDERATION: \$470,000.00	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

BOOK	PAGE	INSTRUMENT #	DOCUMENT TYPE
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DO NOT REMOVE THIS PAGE
THIS DOCUMENT COVER SHEET IS PART OF THE SOMERSET COUNTY FILING RECORD
RETAIN THIS PAGE FOR FUTURE REFERENCE

RECORD AND RETURN TO:

Prepared by: Lucrezia White, Sr. Conveyancer-PSEG

Title Lines LLC
15 Meridham Rd
Gladstone NJ 07434

DEED

THIS DEED is made as of April 30th, 2020,

BETWEEN: PUBLIC SERVICE ELECTRIC AND GAS COMPANY, a corporation of the State of New Jersey with its principal office at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter "Seller" and/or "Grantor");

AND: THE TOWNSHIP OF MONTGOMERY, having a principal location at 2261 Van Horne Road, Belle Meade, New Jersey 08502 (hereinafter "Buyer" and/or "Grantee").

The Seller conveys, and Buyer agrees to accept from Seller, the property described below. This conveyance is made for the sum of FOUR HUNDRED SEVENTY THOUSAND (\$470,000.00) DOLLARS, United States currency. The Seller acknowledges receipt of this money.

The property consists of land and land only situate in the Township of Montgomery, County of Somerset and State of New Jersey having a municipal tax designation of Lot 60 in Block 28005, as more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Property").

The Seller represents that the Seller has done no act to encumber the Property except as noted herein. This conveyance is made subject to any judgment or judgments against Seller, which may be a lien or liens against the lands of Seller. Seller covenants that Seller will protect, indemnify and save harmless Buyer and its heirs, successors, assigns and future titleholders from being required to pay said judgments, or any of them, or any part thereof.

This conveyance is also subject to:

Any and all easements, rights, privileges, licenses or grants of whatever nature heretofore given by Seller or otherwise created, which now exist and which affect the Property, such as but not limited to drainage rights, streets, roadways, telephone lines, underground conduits, sewers, manholes, pipes or rights-of-way.

Site, surface or subsurface conditions affecting the Property not disclosed by any instrument recorded in the Offices of the Clerk of Somerset County.

The condition that the Buyer will not store any hazardous or toxic wastes or substances or any materials of a dangerous or flammable nature, including but not limited to petroleum or petroleum products in any form upon, in or under the Property

The terms and conditions contained in the Contract for Sale of Real Estate last signed by the parties on April 20th, 2020 which is on file at the offices of Seller.

Such state of facts as an accurate survey and a thorough inspection of the Property may disclose.

Buyer, for itself and its affiliates, successors, heirs and assigns, does hereby agree to release, Seller, its affiliates, successors and assigns, from all claims, lawsuits, damages (including personal injury, death, property and natural resource damages) and violation of any federal, state or local law, statute, rule, regulation or ordinance, including but not limited to Environmental Laws, of any kind or character, whether known or unknown, hidden or concealed (collectively "Claims"), which arises from or is related to the Property, including without limitation as a result of the presence of any Regulated Substances, Environmental Condition and/or violation or of noncompliance with any Environmental Law, regardless of whether the conduct or condition took place or existed prior to or after the Closing. Buyer hereby agrees to include this release in all future deeds regarding this Property.

An Unrestricted Use Remedial Action Outcome dated July 25, 2019.

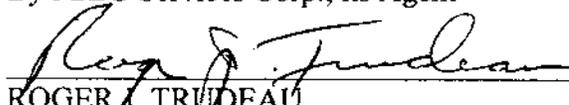
RESERVING onto Seller, its affiliates, successors and assigns, the right to construct, operate, own, reconstruct, add, alter, replace, relocate, upgrade and maintain overhead and underground electric wires, gas mains, telecommunication facilities and appurtenances presently located on the Property, if any, (the "Facilities"), together with the right to remove obstructions and to trim, cut and remove at any time and without prior notice, any and all trees now located and which may hereafter be located on the Property which, in the judgment of the duly authorized representative of Seller, its affiliates, successors and assigns, endanger said Facilities, as they presently exist or shall exist at the time of future placement; together with the absolute right, liberty and sole authority of Seller, its affiliates, successors and assigns, to assign the whole or any part of said personalty, easement, or the use thereof, independent of or together or in conjunction with Seller.

TO HAVE AND TO HOLD the Property herein conveyed unto Buyer, the heirs, successors and assigns of Buyer forever.

Signature and notarization pages follow.

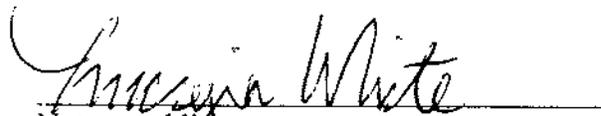
THIS DEED is signed and attested to by both parties hereto as of the date at the top of the page. Seller's corporate seal is affixed hereto.

GRANTOR:
**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY**
By PSEG Services Corp., its Agent

By: 
ROGER J. TRUDEAU
Manager – Corporate Real Estate
Transactions

STATE OF NEW JERSEY)
 : SS.
COUNTY OF MONMOUTH)

BE IT REMEMBERED, that on this 30th day of April, 2020, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared ROGER J. TRUDEAU, Manager-Corporate Real Estate Transactions of PSEG Services Corporation, Agent to PUBLIC SERVICE ELECTRIC AND GAS COMPANY, the corporation named in and which executed the foregoing instrument, and he is the person who signed said instrument as such officer for and on behalf of said corporation, having full authority to do so, and he acknowledged that said instrument was made by said corporation and sealed with its corporate seal as the voluntary act and deed of said corporation. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within Deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is \$470,000.00.


Notary public

Lucrezia White
Notary Public
New Jersey
My Commission Expires 9-1-21
No. 2349234

Additional signature and notarization page follows.

EXHIBIT A

LEGAL DESCRIPTION

Township of Montgomery, County of Somerset, State of New Jersey

BEGINNING at the point of intersection of the dividing line between lands of Daniel G. Bolmer and lands now or formerly of Rose I. Goddard with the westerly line of U.S. Highway Route 206 distant northerly 521.01 feet measured along said westerly line of U.S. Highway Route 206 from the intersection with the center line of Georgetown-Franklin Turnpike; thence

- 1) North 87° 10' West along said dividing line between lands 292 feet to a point; thence the following 2 courses and distances along remaining lands of Daniel G. Bolmer
- 2) North 04° 32' East, parallel with said westerly line of U.S. Highway 206, 150 feet to a point; thence
- 3) South 87° 10' East, parallel with the first course herein described, 292 feet to a point in the aforesaid westerly line of U.S. Highway Route 206; thence South 04° 32' West along said westerly line of U.S. Highway Route 206, 150 feet to the point and place of BEGINNING.

NOTE FOR INFORMATION ONLY: Being known and designated as Lot 60 in Block 28005 on the official Tax Map of the Township of Montgomery, County of Somerset, State of New Jersey.

Said property being more modernly described as follows:



Carroll Engineering

105 Raider Boulevard, Suite 206
Hillsborough, NJ 08844
(908) 874-7500 • Fax (908) 874-5762
www.carrollengineering.com

**METES AND BOUNDS DESCRIPTION
LANDS TO BE CONVEYED FEE SIMPLE
BY PUBLIC SERVICE ELECTRIC & GAS COMPANY
TO
THE TOWNSHIP OF MONTGOMERY
BLOCK 28005, LOT 60
TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

BEGINNING at a broken concrete monument found for a corner located at the intersection formed by the westerly line of U.S. Highway Route 206 (Variable Width Right-of-Way) with the dividing line between Block 28005, Lot 60 and Lot 61, said corner being located at the point-of-beginning for lands (as about to be described herein) as previously set forth in Deed Book 922, Page 355; furthermore said point having New Jersey State Plane Coordinate Grid System Coordinate Values (NAD '83-2011) of North: 572,294.67 feet; East: 450,486.75 feet, and running thence using ground distances and a NAD-83 2011 N.J.S.P.C.S. bearing base;

1. Along the dividing line between Block 28005, Lot 60 and Lot 61, South $86^{\circ}26'42''$ West, a distance of 292.00 feet to an iron pin found for a common corner to same, Block 28005, Lot 59 and Lot 68, said corner also being located at the easterly terminus of a 30' Wide Permanent Right-of-Way and Easement as previously set forth in Deed Book 922, Page 355; furthermore said corner having New Jersey State Plane Coordinate Grid System Coordinate Values (NAD '83-2011) of North: 572,276.57 feet; East: 450,195.34 feet, thence;
2. Along the dividing line between Block 28005, Lot 60, Lot 68 and the easterly terminus of said 30' Wide Permanent Right-of-Way and Easement, North $01^{\circ}51'18''$ West, a distance of 150.00 feet to a capped rebar to be set for a corner to same, said corner having New Jersey State Plane Coordinate Grid System Coordinate Values (NAD '83-2011) of North: 572,426.47 feet; East: 450,190.48 feet, thence;
3. Along the same, North $86^{\circ}26'42''$ East, a distance of 292.00 feet to a capped rebar to be set for a corner located at the intersection of the same with the aforementioned westerly line of U.S. Highway Route 206, said corner having New Jersey State Plane Coordinate Grid System Coordinate Values (NAD '83-2011) of North: 572,444.58 feet; East: 450,481.89 feet, thence;

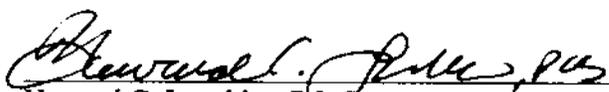
W:\W_WINDOWS\16-5484-PSEG Rocky Hill Substation\Legals\Metes & Bounds Description PSE&G Lands to be Conveyed Fee Simple to the Township of Montgomery Block 28005, Lot 60.doc

**METES & BOUNDS DESCRIPTION
 LANDS TO BE CONVEYED FEE SIMPLE
 BY PUBLIC SERVICE ELECTRIC & GAS COMPANY TO
 THE TOWNSHIP OF MONTGOMERY
 BLOCK 28005, LOT 60
 TOWNSHIP OF MONTGOMERY
 SOMERSET COUNTY, NEW JERSEY**

4. Along the westerly line of said U.S. Highway Route 206, South 01°51'18" East, a distance of 150.00 feet to the point and place of **BEGINNING**.

Containing 43,781 square feet of land or 1.005 Acres±

This description was prepared with reference to a map entitled, "Exhibit A- Map of Lands to be Conveyed Fee Simple by Public Service Electric & Gas Company to the Township of Montgomery, Block 28005, Lot 60, situated in Township of Montgomery Somerset County, New Jersey" prepared by Carroll Engineering 105 Raider Boulevard, Hillsborough, New Jersey 08844, map dated May 9, 2017 as signed by Howard C. Lopshire, New Jersey Professional Land Surveyor License Number 24GS02680300.

 Date 5/9/2017
 Howard C. Lopshire, P.L.S.
 New Jersey Professional Land Surveyor License Number: 24GS02680300

GIT/REP-3
(8-19)
(Print or Type)

**State of New Jersey
Seller's Residency Certification/Exemption**

Seller's Information

Name(s)
PUBLIC SERVICE ELECTRIC AND GAS COMPANY

Current Street Address
80 PARK PLAZA, T6B

City, Town, Post Office
NEWARK

State
NJ

ZIP Code
07102

Property Information

Block(s)
28005

Lot(s)
60

Qualifier

Street Address
[NO # AVAILABLE] ROUTE 206

City, Town, Post Office
MONTGOMERY

State
NJ

ZIP Code
08502

Seller's Percentage of Ownership 100	Total Consideration \$470,000.00	Owner's Share of Consideration \$470,000.00	Closing Date 4-30-20
--	--	---	--------------------------------

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
8. Seller did not receive non-like kind property.
9. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
10. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
11. The deed is dated prior to August 1, 2004, and was not previously recorded.
12. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
13. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
14. The property transferred is a cemetery plot.
15. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
16. The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
17. The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

4-30-20 Date

Roger J. Trudean Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

ROGER J. TRUDEAN, MANAGER, CORP. REAL ESTATE - PSE-C Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

RTF-1 (Rev. 7/14/10)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER
(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY MONMOUTH
County Municipal Code 1813

FOR RECORDER'S USE ONLY
Consideration \$ 470,000.00
RTF paid by seller \$ 0
Date 5/14/2020 By [Signature]

MUNICIPALITY OF PROPERTY LOCATION MONTGOMERY

*Use symbol "C" to indicate that fee is exclusively for county use

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Roger J. Trudeau, being duly sworn according to law upon his/her oath,
deposes and says that he/she is the Manager-Corporate Real Estate in a deed dated Apr. 30, 2020 transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 28005 Lot number 60 located at
[No street #designation available] Route 206, Montgomery, NJ
(Street Address, Town) and annexed thereto.

(2) CONSIDERATION \$ 470,000.00 (Instructions #1 and #5 on reverse side) [X] no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation
\$ 152,100.00 + .8030 % = \$ 189,414.70

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
8(b) By or to the United States of America, this State, or any instrumentality, agency or subdivision.

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) [] 62 years of age or over. * (Instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) [] legally blind or; *
DISABLED PERSON Grantor(s) [] permanently and totally disabled [] receiving disability payments [] not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
[] Owned and occupied by grantor(s) at time of sale. [] Resident of State of New Jersey.
[] One or two-family residential premises. [] Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- [] Affordable according to H.U.D. standards. [] Reserved for occupancy.
[] Meets income requirements of region. [] Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- [] Entirely new improvement. [] Not previously occupied.
[] Not previously used for any purpose. [] NEW CONSTRUCTION* printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- [] No prior mortgage assumed or to which property is subject at time of sale.
[] No contributions to capital by either grantor or grantee legal entity.
[] No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 30 day of APRIL, 2020

[Signature of Notary Public]

[Signature of Deponent] PSE&G Grantor Name
80 Park Plaza, 16b, Newark, NJ 80 Park Plaza, 16b, Newark, NJ
07102 07102

Deponent Address Grantor Address at Time of Sale
XXX-XXX- 800 PSEG Services Corp.
Last three digits in Grantor's Social Security Number Name/Company of Settlement Officer

Lucrezia White
Notary Public
New Jersey
My Commission Expires 9-1-21
No. 2349234

FOR OFFICIAL USE ONLY
Instrument Number County
Deed Number Book Page
Deed Dated Date Recorded

forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:
www.state.nj.us/treasury/taxation/tp/localtax.htm



**SOMERSET COUNTY
DOCUMENT COVER SHEET**

STEVE PETER
SOMERSET COUNTY CLERK
PO BOX 3000
20 GROVE STREET
SOMERVILLE, NJ 08876

WWW.CO.SOMERSET.NJ.US

Steve Peter, County Clerk
Electronically Recorded Somerset County, NJ
2020 Jun 12 01:30:48 PM
BK: 7218 PGS: 3704-3711
Instrument # 2020024575

Fee: \$11.00 Doc Type: TWP
DEEDTRNS

(Official Use Only)

DATE OF DOCUMENT: 06/12/2020	TYPE OF DOCUMENT: DEED MUNICIPALITY
FIRST PARTY (<i>Grantor, Mortgagor, Seller, Assignor</i>)	SECOND PARTY (<i>Grantee, Mortgagee, Buyer, Assignee</i>)
TOWNSHIP OF MONTGOMERY	TOWNSHIP OF MONTGOMERY
ADDITIONAL PARTIES:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

MUNICIPALITY: MONTGOMERY	MAILING ADDRESS OF GRANTEE: 2261 Van Horne Road Belle Mead, NJ 08502
BLOCK: 28005	
LOT: 60.01 AND 60.02	
CONSIDERATION: \$1.00	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

BOOK	PAGE	INSTRUMENT #	DOCUMENT TYPE
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DO NOT REMOVE THIS PAGE
THIS DOCUMENT COVER SHEET IS PART OF THE SOMERSET COUNTY FILING RECORD
RETAIN THIS PAGE FOR FUTURE REFERENCE

Record and Return:
 Lucille E. Davy, Esq.
 Mason, Griffin & Pierson, PC
 101 Poor Farm Road
 Princeton, NJ 08540

Prepared by:
 Lucille E. Davy

SUBDIVISION DEED

This **DEED** is made on June 12, 2020,

BETWEEN the **TOWNSHIP OF MONTGOMERY**, IN SOMERSET COUNTY, a municipal corporation of the State of New Jersey, whose address is 2261 Van Horne Road, Belle Mead, New Jersey 08502, hereinafter referred to as the Grantor,

AND

the **TOWNSHIP OF MONTGOMERY**, IN SOMERSET COUNTY, a municipal corporation of the State of New Jersey, whose address is 2261 Van Horne Road, Belle Mead, New Jersey 08502, hereinafter referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of **ONE (\$1.00) DOLLAR** and other good and valuable consideration. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) **Township of Montgomery**, Block No. 28005, Lots No. 60.01 and 60.02 (formerly known as Lot 60) on the tax map of the Township of Montgomery.

Property. The property consists of the land and all the buildings and structures on the land in the Township of Montgomery, County of Somerset, and State of New Jersey.

The legal description is in accordance with Schedules "A" and "B" attached hereto and made a part hereof, as described in the metes and bounds descriptions, prepared by Menlo Engineering Associates, Inc., Gregg A. Gaffney, Licensed Surveyor, NJPLS #GS43304, dated June 1, 2020.

BEING the same lands and premises conveyed to the Grantor herein by Deed from Public Service Electric and Gas Company, dated April 30, 2020, and recorded in the Office of the Somerset County Clerk on May 15, 2020 in Deed Book 7211, Pages 2833-2841.

The purpose of this deed is to confirm the subdivision created by the minor subdivision of Block 28005, Lot 60, in accordance with a plan prepared by Menlo Engineering Associates, Inc., dated October 31, 2017 and revised on June 1, 2020, as approved by the Montgomery Township Planning Board at its meeting on June 1, 2020, and memorialized on June 1, 2020 by Resolution of the Planning Board #03-

SCHEDULE A



T 732 846 8585
F 732 846 9439

261 Cleveland Avenue
Highland Park, NJ 08904

Legal Description
Block 28005 Lot 60
Proposed Lot 60.01
Township of Montgomery
Somerset County, New Jersey

BEGINNING at a point, said point marking the intersection of the common lot line between Lots 60 and 61 in Block 28005 with the westerly right-of-way line of U.S. Highway Route 206 (Variable R.O.W.); thence

1. South 86 degrees 22 minutes 28 seconds West, along said common lot line, a distance of 292.00 feet to a point lying in the common lot line between Lots 60 and 68 in Block 28005; thence
2. North 01 degree 55 minutes 32 seconds West, along said common lot line, a distance of 57.42 feet to a point marking a proposed subdivision line; thence

Along said proposed subdivision line for courses 3 through 6:

3. South 87 degrees 40 minutes 02 seconds East, a distance of 45.24 feet to a point of tangent curvature; thence
4. Along a curve to the left, having a radius of 500.00 feet, a central angle of 05 degrees 57 minutes 30 seconds, an arc distance of 52.00 feet and a chord bearing and distance of North 89 degrees 21 minutes 13 seconds East 51.97 feet to a point of tangency; thence
5. North 86 degrees 22 minutes 28 seconds East, a distance of 156.59 feet to a point of tangent curvature; thence
6. Along a curve to the left, having a radius of 40.00 feet, a central angle of 78 degrees 50 minutes 08 seconds, an arc distance of 55.04 feet and a chord bearing and distance of North 46 degrees 57 minute 25 seconds East 50.80 feet to a point of non-tangency lying in the westerly right-of-way line of U.S. Highway Route 206; thence
7. South 01 degree 55 minutes 52 seconds East, along said westerly right-of-way line, a distance of 82.29 feet to the point or place of BEGINNING.

The above-described parcel contains 15,176 S.F. (0.35 acres), more or less, as shown on a map entitled "Block 28005 Lot 60-Minor Subdivision Plan" prepared by Menlo Engineering Associates, Inc.; job no. 2015.063; drawing no. SD-1; dated October 31, 2017 and revised through June 9, 2020.

NF/dp
MEA #2015.063
October 31, 2017
Rev 2) June 9, 2020

A handwritten signature in black ink, appearing to read 'Gregg A. Gaffney', is written over a horizontal line.

Gregg A. Gaffney
Professional Land Surveyor
NJPLS #GS43304

O:\Documents\2015\2015.063\Eng\ 2015.063-Legal Desc-Proposed Lot 60.01

SCHEDULE B



T 732 846 8585
F 732 846 9439

261 Cleveland Avenue
Highland Park, NJ 08904

Legal Description
Block 28005 Lot 60
Proposed Lot 60.02
Township of Montgomery
Somerset County, New Jersey

BEGINNING at a point, said point marking the intersection of the northerly lot line of Lot 60 in Block 28005 with the westerly right-of-way line of U.S. Highway Route 206 (Variable R.O.W.); thence

1. South 01 degree 55 minutes 32 seconds East, continuing along said westerly right-of-way line, a distance of 67.71 feet to a point of non-tangent curvature marking a proposed subdivision line; thence

Along said proposed subdivision line for courses 2 through 6:

2. Along a curve to the right, having a radius of 40.00 feet, a central angle of 78 degrees 50 minutes 08 seconds, an arc distance of 55.04 feet and a chord bearing and distance of South 46 degrees 57 minute 25 seconds West 50.80 feet to a point of tangency; thence
3. South 86 degrees 22 minutes 28 seconds West, a distance of 156.59 feet to a point of tangent curvature; thence
4. Along a curve to the right, having a radius of 500.00 feet, a central angle of 05 degrees 57 minutes 30 seconds, an arc distance of 52.00 feet, and a chord bearing and distance of South 89 degrees 21 minutes 13 seconds West 51.97 feet to a point of tangency; thence
5. North 87 degrees 40 minutes 02 seconds West, a distance of 45.24 feet to a point lying in the common lot line between Lots 60 and 68 in Block 28005; thence
6. North 01 degree 55 minutes 32 seconds West, along said common lot line, a distance of 92.58 feet to a point; thence
7. North 86 degrees 22 minutes 28 seconds East, continuing along said common lot line, a distance of 292.00 feet to the point or place of BEGINNING.

The above-described parcel contains 28,605 S.F. (0.66 acres), more or less, as shown on a map entitled "Block 28005 Lot 60-Minor Subdivision Plan" prepared by Menlo Engineering Associates, Inc.; job no. 2015.063; drawing no. SD-1; dated October 31, 2017 and revised through June 9, 2020.

NF/dp
MEA #2015.063
October 31, 2017
Rev 2) June 9, 2020

A handwritten signature in black ink that reads 'Gregg A. Gaffney'.

Gregg A. Gaffney
Professional Land Surveyor
NJPLS #GS43304

O:\Documents\2015\2015.063\Eng\ 2015.063-Legal Desc.-Proposed Lot 60.02

GIT/REP-3
(8-19)
(Print or Type)

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s)
Township of Montgomery

Current Street Address
2261 Van Horne Road

City, Town, Post Office Belle Mead	State NJ	ZIP Code 08502
---------------------------------------	-------------	-------------------

Property Information

Block(s) 28005	Lot(s) 60.01&60.02 (formerly Lot 60)	Qualifier
-------------------	---	-----------

Street Address
US Rte. 206

City, Town, Post Office Montgomery	State NJ	ZIP Code
---------------------------------------	-------------	----------

Seller's Percentage of Ownership 100	Total Consideration \$1.00	Owner's Share of Consideration 100%	Closing Date
---	-------------------------------	--	--------------

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
8. Seller did not receive non-like kind property.
9. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
10. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
11. The deed is dated prior to August 1, 2004, and was not previously recorded.
12. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
13. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
14. The property transferred is a cemetery plot.
15. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
16. The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
17. The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

6/12/20 _____ Township Administrator
Date Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

_____ Date Signature (Seller) Indicate if Power of Attorney or Attorney in Fact

RTF-1 (Rev. 7/14/16)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY SOMERSET } SS. County Municipal Code 1813

FOR RECORDER'S USE ONLY
Consideration \$ 1.00
RTF paid by seller \$ 0
Date 6/12/2020 By

MUNICIPALITY OF PROPERTY LOCATION Montgomery Township *Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Donato Nieman, being duly sworn according to law upon his/her oath,
(Name)
deposes and says that he/she is the Township Administrator in a deed dated June, 2020 transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 28005 Lot number 60.01&60.02 (formerly Lot 60) located at
US Rte. 208, Township of Montgomery and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) [] no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:
(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ + % = \$

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(b) By or to the United States of American, this State or any instrumentality, agency or subdivision

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) [] 62 years of age or over. * (Instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) [] legally blind or, *
DISABLED PERSON Grantor(s) [] permanently and totally disabled [] receiving disability payments [] not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- [] Owned and occupied by grantor(s) at time of sale. [] Resident of State of New Jersey.
[] One or two-family residential premises. [] Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- [] Affordable according to H.U.D. standards. [] Reserved for occupancy.
[] Meets income requirements of region. [] Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- [] Entirely new improvement. [] Not previously occupied.
[] Not previously used for any purpose. [] "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- [] No prior mortgage assumed or to which property is subject at time of sale.
[] No contributions to capital by either grantor or grantee legal entity.
[] No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 12 day of June, 2020

Margaret M Crawford

Signature of Deponent Donato Nieman
Grantor Name Township of Montgomery
2261 Van Horne Road 2261 Van Horne Road
Belle Mead, New Jersey 08502 Belle Mead, New Jersey 08502

MARGARET M. CRAWFORD
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JULY 13, 2020

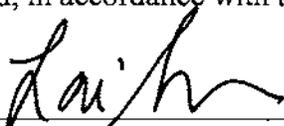
Deponent Address XXX-XXX-99
Grantor Address at Time of Sale Mason, Griffin & Pierson, PC
last three digits in Grantor's Social Security Number Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number
Deed Number Book Page
Deed Dated Date Recorded

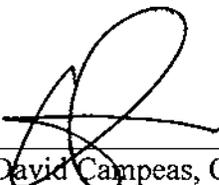
20, resulting in the creation of lots 60.01 and 60.02, as described in Schedule A and Schedule B, respectively.

As a result of this conveyance, the lands herein described in Schedule A attached hereto and made a part hereof, .35± acres of land are now known as Lot 60.01, Block 28005 on the Montgomery Township Tax Map. Also as a result of this conveyance, the lands herein described in Schedule B attached hereto and made a part hereof, consisting of .66± acres of land are now known as Lot 60.02, Block 28005, on the Montgomery Township Tax Map.

The Montgomery Township Planning Board, by its Chairman and Secretary, in accordance with N.J.S.A. 40:55D-47, do herewith join in the execution hereof for the sole and limited purposes of confirming and establishing a minor subdivision referenced above creating the parcels described in this Deed, in accordance with the law.



Lori Savron, PP/AICP, Secretary



David Campeas, Chairman

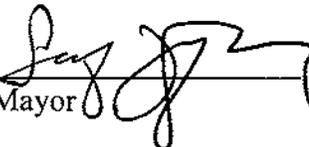
Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

**THE TOWNSHIP OF MONTGOMERY IN
SOMERSET COUNTY**, a municipal corporation
of the State of New Jersey



Donna Kukla, Clerk

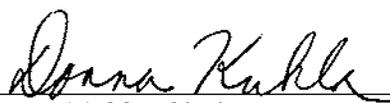


Sadaf Jaffer, Mayor

STATE OF NEW JERSEY)
)
COUNTY OF SOMERSET) ss.

BE IT REMEMBERED that on June 12, 2020, before me, the subscriber, personally appeared Donna Kukla, who, being by me duly sworn on her oath, does depose and make proof to my satisfaction that

she is the Township Clerk of THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, a party named in the foregoing Agreement; that she well knows the corporate seal of the said corporation; that the seal affixed to said Instrument is the seal of said municipal corporation; that the said seal was so affixed and the said Instrument signed and delivered by Sadaf Jaffer who was at the date thereof the Mayor of said Township, in the presence of this deponent, and said Mayor, at the same time acknowledged that she signed, sealed and delivered the same her voluntary act and deed, and as the voluntary act and deed of said municipal corporation, by virtue of authority from its Governing Body, and that deponent, at the same time, subscribed her name to said Instrument as an attesting witness to the execution thereof.

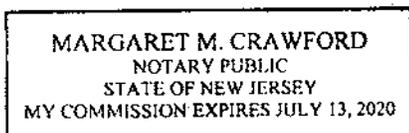


Donna Kukla, Clerk

Sworn to and subscribed before me
this 12 day of June, 2020.



Notary Public



Record and return to:
Mason, Griffin & Pierson, P.C.
101 Poor Farm Road
Princeton, NJ 08540

APPENDIX C

Bright View Engineering Traffic Analyses

From: [Joseph Fishinger](#)
To: [Emily Goldman](#)
Cc: [Lori Savron](#); [Michael F. Sullivan](#)
Subject: RE: Gateway Redevelopment parcels
Date: Thursday, February 3, 2022 10:27:57 AM
Attachments: [Access Notes - 206&518 Parcels.docx](#)

Emily,

Attached are my initial notes on the properties you listed. I hope this helps. If you want to discuss any of the parcels in detail just give me a call.

The Dunkin and Wawa lots are probably non-conforming and therefore subject to NJDOT trip limits (DOT restricts the number of trips to the state highway on non-conforming lots), but I'd need to do a formal lot conformance analysis to tell you for sure and what the limit would be. Assuming I have property lines information (i.e. tax maps) it takes me about an hour per property to pull all info I need and run through the lot conformance analysis. If you think that is something that will bolster the case for lot consolidation and redevelopment, let me know and we'll figure out how to get it done.

Thanks

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE

Director of Traffic Engineering

Bright View Engineering

651 Old Mount Pleasant Road, Suite 100

Livingston, NJ 07039

Office 973-228-0999

Direct 908-547-5045

Cell 908-421-4674

www.brightviewengineering.com

From: Emily Goldman <egoldman@cchnj.com>

Sent: Tuesday, February 1, 2022 11:09 AM

To: Joseph Fishinger <jfishinger@bvengr.com>

Cc: Lori Savron <LSavron@montgomerynj.gov>; Michael F. Sullivan <msullivan@cchnj.com>

Subject: Gateway Redevelopment parcels

Hi Joe,

Per our conversation earlier, CCH is looking for your input on the access, on site circulation and parking lot design issues for the following parcels in Phase 2 of the Gateway Redevelopment Study Area:

- Wawa: Block 29002, Lot 48
- Tiger's Tale: Block 28010 (formerly 28005), Lots 61 and 62
- Dunkin: Block 28010 (formerly 2805), Lot 64
- 1st Continental Bank: Block 34001, Lot 80

My goal is to complete a draft of the Preliminary Investigation for Phase 2 by March 18th at the latest so that it can be heard at the April 11th Planning Board meeting. If I can get the draft report complete by March 4th I could probably make the March 28th Planning Board meeting for the hearing.

Thanks,

Emily

Emily Goldman, PP, AICP

Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



Clarke Caton Hintz | 100 Barrack Street, Trenton, NJ 08608
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Thank you.

Please consider the environment before printing this email.

Wawa (Block 29002, Lot 48)

Access

Existing access will likely remain until changes to the property are contemplated. A brief review of crash history does not indicate a safety problem at the driveways.

If lot is not consolidated with adjacent parcels, the existing access will remain in the same location, although the southbound left turn (from 206 into the site) will likely be prohibited by NJDOT if any changes to the Rt 206 driveway are requested. Southbound left turns will need to be accommodated at either the signal or via the Bolmer Corner jughandle (if constructed).

If lot is consolidated with properties to the east (Gamatech Property) access on CR 518 will likely be moved further away from Rt 206 and CR 518 will likely need to be widened to provide a dedicated left turn into the site.

On Site Circulation

If lot is not consolidated, existing on site circulation can be maintained, as access points are already located as far away from the traffic signal as feasible.

Parking: Given the size of the lot, parking will likely remain as a single drive aisle with parking on either side, connecting the two lots.

Tigers Tale (Block 28010, Lots 61 & 62)

Access

The existing multiple, wide multiple curb cuts provide locations for potential vehicle conflicts and driver confusion.

Any changes to the Tigers Tale property will likely result in NJDOT requiring the curb cuts on Rt 206 to be narrowed and reduced to either a single two way driveway or a pair of one way driveways. NJDOT will likely require that access be restricted to right in, right out with left turns accommodated via the pending loop road system, such as a connection to the inner loop road next to Village Shopper.

On Site Circulation & Parking

Existing on site circulation is generally consistent with current standards, though the northern (striped) lot could benefit from an updated parking layout to reduce drive aisles to 24', and reduce on site impervious. The rear parking lot should be striped to provide defined parking areas. Large vehicle circulation is marginal with delivery trucks operating in a clockwise configuration around the site, causing trucks to go the wrong way down the one-way aisle on the south side of the building.

Dunkin: Block 28010, Lot 64

Access

Existing access to the gas station is obsolete and any redevelopment of the site will require closure of the existing driveways. Due to the sites proximity to the signal at 206 & 518, all left turn access into and out of the site will likely be prohibited if the property is developed. Future access will need to be

accommodated via connections to adjacent properties to make the property viable. The site is likely non-conforming per the NJDOT Access Code and any changes to the site will likely be subject to trip limits unless a interconnection to another property is provided.

On Site Circulation and Parking

The site is constrained due to its small size and proximity to the existing traffic signal. Parking on site, if not consolidated with adjacent parcels, will be limited. Redevelopment of the site will be limited to uses with very low parking needs. The small property size will limit the ability to accommodate large wheelbase vehicles on the site for deliveries and/or trash pickup; further reinforcing the need to consolidate the lot with adjacent parcels.

1st Continental Bank, Block 34001, Lot 80

Access

Current access is provided via full movement driveways to both US 206 and CR 518, located as far from the US 206 & CR 518 signal as feasible. The lot is likely conforming by NJDOT and access can likely remain as is with redevelopment. Somerset County and/or NJDOT could require left turn prohibitions if redevelopment is significantly more intense than the existing bank use, though redevelopment without significant intensification will likely result in the existing access remaining as is. Additional access opportunities exist with the construction of Bolmer Corner, providing the ability for the site to access the inner loop road for turning movements.

On Site Circulation and Parking

On site circulation and parking are consistent with a bank use and can remain as configured unless the site is redeveloped. The size of the lot lends itself to more intense development, providing ample space for additional parking.

Back when I was at the County, I noticed that the southwest corner of 206 & 518 has been widened into this property, although it appeared the ROW dedication was never perfected. It may be worth looking into this a little as it could change the actual size of the property and therefore its redevelopment potential.

From: [Joseph Fishinger](#)
To: [Emily Goldman](#)
Cc: [Lori Savron](#); [Michael F. Sullivan](#)
Subject: RE: 202781 - Montgomery - lot conformance
Date: Tuesday, March 8, 2022 2:12:04 PM

Emily,

The lot conformance analysis indicates that since the Dunkin site is a non-conforming lot, it is subject to trip limits for vehicles accessing the NJDOT right of way. This limits what can be developed on the site. This is a restriction on how the site can be developed which can only be ameliorated by consolidating the lot with other adjacent properties.

I'm not opposed to Rakesh being involved with parking lot and access design issues but its probably better left in my court. Let me know what you need from me.

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

Please note new address below:

Bright View Engineering
70 South Orange Ave, Suite 109
Livingston, NJ 07039
Office 973-228-0999
Direct 908-547-5045
Cell 908-421-4674
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From: Emily Goldman <egoldman@cchnj.com>
Sent: Tuesday, March 8, 2022 1:14 PM
To: Joseph Fishinger <jfishinger@bvengr.com>
Cc: Lori Savron <LSavron@montgomerynj.gov>; Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

Hi Joe,

Can you please explain what the two reports mean? I think the gist of them is that the Dunkin site is a non-conforming lot based on NJDOT standards and the Wawa site is a conforming lot. I don't really know what that means and how to translate that into a reason the Dunkin site should be considered to have obsolete design.

Also would you be the appropriate consultant or would Rakesh be better suited to discuss parking lot and access design issues, such as the width of the Tiger Tale access curb cuts, etc.?

Thanks,

Emily

Emily Goldman, PP, AICP

Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



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Thank you.

[Please consider the environment before printing this email.](#)

From: Joseph Fishinger [<mailto:jfishinger@bvengr.com>]

Sent: Wednesday, February 16, 2022 9:15 AM

To: Emily Goldman <egoldman@cchnj.com>

Cc: Lori Savron <LSavron@montgomerynj.gov>

Subject: FW: 202781 - Montgomery - lot conformance

Emily,

Here are the lot conformance calcs for the Dunkin and Wawa properties at 206 & 518 as discussed yesterday. The Wawa lot is conforming, meaning NJDOT won't restrict the number of trips the site generates. The Dunkin site is not conforming and has an 84 trip limit at its current lot size.

Any questions let me know.

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE

Director of Traffic Engineering

Bright View Engineering

651 Old Mount Pleasant Road, Suite 100

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From: Alizon Serrano <aserrano@bvengr.com>

Sent: Friday, February 4, 2022 3:56 PM

To: Joseph Fishinger <jfishinger@bvengr.com>

Cc: John Jahr <jjjahr@bvengr.com>; Hosny Abouelkheir <habou@bvengr.com>; Katrina Fenner <kfenner@bvengr.com>

Subject: 202781 - Montgomery - lot conformance

Hi Joe,

Please see attached files for the lot conformance study for Montgomery. These are also saved in the server.

D:\Bright View Engineering\bvengr - proj\202781-MontgomeryCircElement\7-Reports-Analysis\conformance-study

Let me know if I need to revise anything or if something is amiss.

Thank you,

Alizon Serrano

Engineer

Bright View Engineering

651 Old Mount Pleasant Ave, Suite 100

Livingston, NJ 07039

Office 973-228-0999

Cell 929-312-6047

www.BrightViewEngineering.com



16:47 – 5.1 Lot or Site Conformance

Block 28001 Lot 64, Montgomery TWP

US 206 & CR 518 (Mile Post 58.08): A3

Class: Urban Principal Arterial

Posted Speed Limit:

- a. SLD (May 2019) – 35 MPH
- b. Google Maps (September 2021) along US 206 – 40 MPH



Spacing Requirements: 185'

Flow Chart

1. No
2. No
3. No
4. Yes
7. No
8. Yes
9. No
10. Yes
11. No

∴ Lot is not conforming



Lot Conformance Study
US 206 & CR 518
Block 28001 Lot 64
Project No.: 202781

Calculations

$$A = 0.51 \text{ acres}$$

$$S = 185'$$

$$L = 108'$$

$$R = 185'$$

$$V = 50 + \left[\frac{(L+R)^2}{(2 \times S)^2} \right] \times A \times 100$$

$$V = 50 + \left[\frac{(108' + 185')^2}{(2 \times 185')^2} \right] \times 0.54 \text{ acres} \times 100$$

$$V = \mathbf{83.86 \text{ peak hour trips}}$$

NOTE: This is a courtesy copy of this rule. The official version can be found in the *New Jersey Administrative Code*. Should there be any discrepancies between this text and the official version, the official version will govern.

centerlines. Lots or sites that do not meet the spacing requirements are considered nonconforming lots and are subject to maximum trip limitations. Municipal or county streets that are under Department jurisdiction, but are not numbered State highways, will be considered as non-State highways for the purpose of calculating conformance.

- (b) Two or more tax map parcels that constitute a site will be considered one lot for the purpose of determining conformance.
- (b) Two or more adjacent lots can be treated as a single lot if they have a shared driveway. This condition must be recorded in the deeds for each lot. The determination of conformance shall then be made for the combination of lot frontages. If the combination is conforming, then no maximum trip limitations shall be applied. If the combination is nonconforming, then the maximum trip limitations set forth in N.J.A.C. 16:47-5.2 shall be applied based upon the combined frontage and acreage of the lots and distributed between the lots at the owners' discretion.
- (c) Conformance will not be applied to streets.
- (d) Conformance will be applied as follows:
 1. Any lot or site on a State highway segment designated AL 2 will be a nonconforming lot.
 2. Any single family residential lot on a State highway segment not designated AL 1 or AL 2 will be a conforming lot.
 3. Any lot or site on a State highway segment designated AL 6 will be a conforming lot.
- (e) The conformance of lots or sites not described in (e) above will be determined using the spacing distances in Table 1 in conjunction with Figures 5-1 through 5-10 and the lot conformance flow chart found below.

TABLE

1-- SPACING DISTANCE REQUIREMENTS

Posted Speed Limit in miles per hour	Distance in feet
20	85
25	105
30	125
35	150
40	185
45	230
50	275
55	330

NOTE: This is a courtesy copy of this rule. The official version can be found in the *New Jersey Administrative Code*. Should there be any discrepancies between this text and the official version, the official version will govern.

LOT CONFORMANCE FLOW CHART

CONFORMANCE QUESTION

1. Is the lot or site on an AL 2 State highway segment?

2. Is the lot single family residential?

3. Is the lot or site on an AL 6 State highway segment?

4. Is the lot or site a corner lot?

5. Is the lot or site located in a median of a State highway or have non-continuous frontage on one or more State highways?

6. Does the distance between the centerline of the lot or site and the centerline of the next adjacent non-single family residential lot or the centerline of the street, ramp, median u-turn, or nearest

CONFORMANCE DETERMINATION

Yes. Lot or site is nonconforming. No.
Go to Question 2.

Yes. Lot is conforming. No. Go to Question 3.

Yes. Lot or site is conforming. No.
Go to Question 4.

Yes. Go to Question 7. No. Go to Question 5.

Yes. Go to Question 6 and calculate the conformance for each State highway frontage. The most conforming frontage will govern for the entire lot. If any frontage results in a conforming lot the entire lot or site will be considered conforming. If each frontage results in a nonconforming lot, the frontage with the greatest maximum trip limitation will apply to the entire lot or sit No. Go to question 6.

Yes. Lot or site is conforming. No.
Lot or site is nonconforming.

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jughandle roadway opening, as applicable, on each side* equal or exceed the minimum spacing distance requirements established by this chapter? *Include frontages of any intervening single family residential lots or lots with full access denial in this calculation. See Figures 5-1 through 5-6.

7. Is the intersecting thoroughfare another State highway?

Yes. Use the entire frontage along both State highways as the frontage of the lot or site. Go to Question 6.

No. Go to Question 8.

8. Along the State highway frontage, does the distance between the centerline of the lot or site and the centerline of the next adjacent non-single family residential lot or the centerline of the street, ramp, or jughandle roadway opening equal or exceed the minimum spacing requirements established by this chapter? See Figure 5-3.

Yes. Go to Question 9. No. Lot or site is nonconforming.

$$L = 1/2(150.11') + 1/2(66') = 108' < S = 185'$$
$$R = 1/2(150.11') + 1/2(335') = 242.5' > S = 185'$$

9. Does the distance between the centerline of the lot or site and the centerline of the intersecting street roadway opening equal or exceed the minimum spacing distance requirements established by this

Yes. Lot or site is conforming. No.
Go to Question 10.

$$1/2(150.11') + 1/2(66') = 108' < S = 185'$$

NOTE: This is a courtesy copy of this rule. The official version can be found in the *New Jersey Administrative Code*. Should there be any discrepancies between this text and the official version, the official version will govern.

chapter? See Figure 5-3.

10. Is a driveway proposed from the lot or site to the intersecting side street? See Figure 5-3.

Yes. Go to Question 11. No. Lot or site is nonconforming.

11. Does the combination of one-half of the lot or site frontage along the intersecting street together with one-half of the lot or site frontage on the State highway equal or exceed the minimum spacing distance requirements established by this chapter? See Figure 5-3.

Yes. Lot or site is conforming. No. Lot or site is nonconforming.

$$1/2(150.11') + 1/2(150') = 150' < S = 185'$$

- (g) In calculating conformance, when a street, ramp, or jughandle is the next non-single family residential lot, measurements shall be made to the center of the street, ramp, or nearest jughandle roadway opening as applicable. The center of the roadway opening measurement shall be the midpoint between the points of tangency of the curb radii if curbing exists or the centerline of the pavement if there is no curbing. If the side street intersection includes a channelized right turn lane, the center of the roadway opening shall be measured to the midpoint of the channelized right turn lane as previously described.
- (h) In measuring the frontage of lots with partial access denial for the calculation of conformance, the access denial will be ignored and the full frontage included in the measurement.
- (i) In calculating conformance, lots with full access denial will be treated as single family residences and skipped over but the frontage will be included in measuring the distance to the centerline of the next non-single family residential lot, street, ramp, or jughandle roadway opening.



16:47 – 5.1 Lot or Site Conformance

Block 29002 Lot 47-48, Montgomery TWS

US 206 & CR 518 (Mile Post 58.08): A3

Class: Urban Principal Arterial

Posted Speed Limit:

- a. SLD (May 2019) – 35 MPH
- b. Google Maps (September 2021) along US 206 – 40 MPH



Spacing Requirements: 185'

Flow Chart

1. No
2. No
3. No
4. Yes
7. No
8. Yes
9. No
10. Yes
11. Yes

∴ Lot is conforming

NOTE: This is a courtesy copy of this rule. The official version can be found in the *New Jersey Administrative Code*. Should there be any discrepancies between this text and the official version, the official version will govern.

centerlines. Lots or sites that do not meet the spacing requirements are considered nonconforming lots and are subject to maximum trip limitations. Municipal or county streets that are under Department jurisdiction, but are not numbered State highways, will be considered as non-State highways for the purpose of calculating conformance.

- (b) Two or more tax map parcels that constitute a site will be considered one lot for the purpose of determining conformance.
- (b) Two or more adjacent lots can be treated as a single lot if they have a shared driveway. This condition must be recorded in the deeds for each lot. The determination of conformance shall then be made for the combination of lot frontages. If the combination is conforming, then no maximum trip limitations shall be applied. If the combination is nonconforming, then the maximum trip limitations set forth in N.J.A.C. 16:47-5.2 shall be applied based upon the combined frontage and acreage of the lots and distributed between the lots at the owners' discretion.
- (c) Conformance will not be applied to streets.
- (d) Conformance will be applied as follows:
 1. Any lot or site on a State highway segment designated AL 2 will be a nonconforming lot.
 2. Any single family residential lot on a State highway segment not designated AL 1 or AL 2 will be a conforming lot.
 3. Any lot or site on a State highway segment designated AL 6 will be a conforming lot.
- (e) The conformance of lots or sites not described in (e) above will be determined using the spacing distances in Table 1 in conjunction with Figures 5-1 through 5-10 and the lot conformance flow chart found below.

TABLE

1-- SPACING DISTANCE REQUIREMENTS

Posted Speed Limit in miles per hour	Distance in feet
20	85
25	105
30	125
35	150
40	185
45	230
50	275
55	330

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LOT CONFORMANCE FLOW CHART

CONFORMANCE QUESTION

1. Is the lot or site on an AL 2 State highway segment?

2. Is the lot single family residential?

3. Is the lot or site on an AL 6 State highway segment?

4. Is the lot or site a corner lot?

5. Is the lot or site located in a median of a State highway or have non-continuous frontage on one or more State highways?

6. Does the distance between the centerline of the lot or site and the centerline of the next adjacent non-single family residential lot or the centerline of the street, ramp, median u-turn, or nearest

CONFORMANCE DETERMINATION

Yes. Lot or site is nonconforming. No.
Go to Question 2.

Yes. Lot is conforming. No. Go to Question 3.

Yes. Lot or site is conforming. No.
Go to Question 4.

Yes. Go to Question 7. No. Go to Question 5.

Yes. Go to Question 6 and calculate the conformance for each State highway frontage. The most conforming frontage will govern for the entire lot. If any frontage results in a conforming lot the entire lot or site will be considered conforming. If each frontage results in a nonconforming lot, the frontage with the greatest maximum trip limitation will apply to the entire lot or sit No. Go to question 6.

Yes. Lot or site is conforming. No.
Lot or site is nonconforming.

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jughandle roadway opening, as applicable, on each side* equal or exceed the minimum spacing distance requirements established by this chapter? *Include frontages of any intervening single family residential lots or lots with full access denial in this calculation. See Figures 5-1 through 5-6.

7. Is the intersecting thoroughfare another State highway?

Yes. Use the entire frontage along both State highways as the frontage of the lot or site. Go to Question 6.

No. Go to Question 8.

8. Along the State highway frontage, does the distance between the centerline of the lot or site and the centerline of the next adjacent non-single family residential lot or the centerline of the street, ramp, or jughandle roadway opening equal or exceed the minimum spacing requirements established by this chapter? See Figure 5-3.

Yes. Go to Question 9. No. Lot or site is nonconforming.

$$L = 1/2(192') + 1/2(77') = 134.5' < S = 185'$$
$$R = 1/2(192') + 1/2(1065') = 628.5' > S = 185'$$

9. Does the distance between the centerline of the lot or site and the centerline of the intersecting street roadway opening equal or exceed the minimum spacing distance requirements established by this

Yes. Lot or site is conforming. No.
Go to Question 10.

$$1/2(192') + 1/2(77') = 134.5' < S = 185'$$

NOTE: This is a courtesy copy of this rule. The official version can be found in the *New Jersey Administrative Code*. Should there be any discrepancies between this text and the official version, the official version will govern.

chapter? See Figure 5-3.

10. Is a driveway proposed from the lot or site to the intersecting side street? See Figure 5-3.

Yes. Go to Question 11. No. Lot or site is nonconforming.

11. Does the combination of one-half of the lot or site frontage along the intersecting street together with one-half of the lot or site frontage on the State highway equal or exceed the minimum spacing distance requirements established by this chapter? See Figure 5-3.

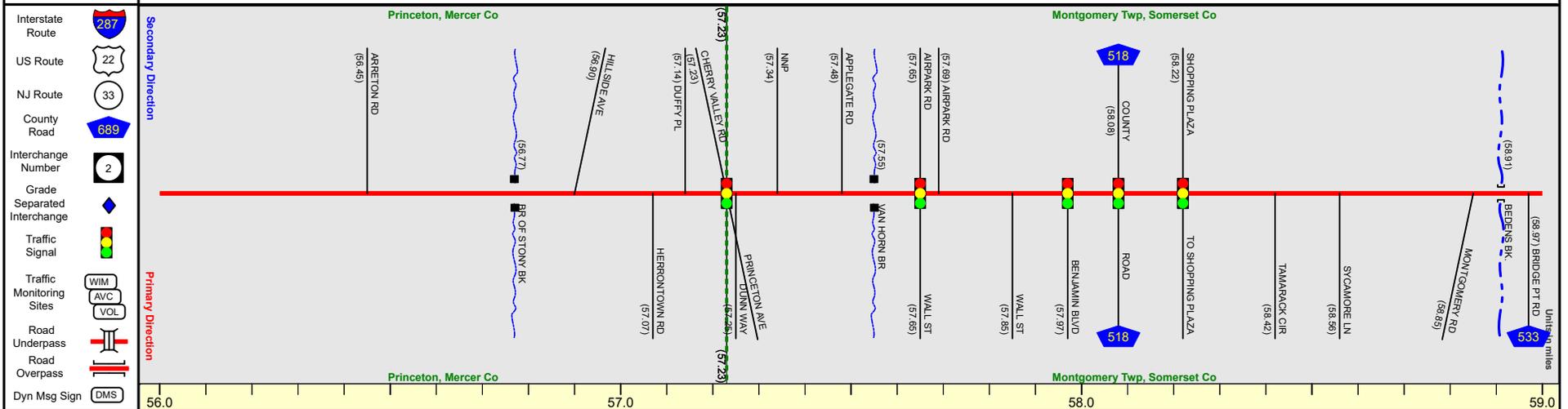
Yes. Lot or site is conforming. No. Lot or site is nonconforming.

$$1/2(192') + 1/2(220') = 206' > S = 185'$$

- (g) In calculating conformance, when a street, ramp, or jughandle is the next non-single family residential lot, measurements shall be made to the center of the street, ramp, or nearest jughandle roadway opening as applicable. The center of the roadway opening measurement shall be the midpoint between the points of tangency of the curb radii if curbing exists or the centerline of the pavement if there is no curbing. If the side street intersection includes a channelized right turn lane, the center of the roadway opening shall be measured to the midpoint of the channelized right turn lane as previously described.
- (h) In measuring the frontage of lots with partial access denial for the calculation of conformance, the access denial will be ignored and the full frontage included in the measurement.
- (i) In calculating conformance, lots with full access denial will be treated as single family residences and skipped over but the frontage will be included in measuring the distance to the centerline of the next non-single family residential lot, street, ramp, or jughandle roadway opening.



Pavement	
Shoulder	
Number of Lanes	
Speed Limit	
Street Name	



Street Name	State Road		Van Horne Memorial Highway	
Jurisdiction	N.J.D.O.T.			
Functional Class	Urban Principal Arterial			
Federal Aid - NHS Sy	NHS			
Control Section	1129		1810	
Speed Limit	35		45	
Number of Lanes	2		3	
Med. Type	None			
Med. Width				
Pavement	24		36	
Shoulder	4		10	
Traffic Volume	17,794 (2019)	17,085 (2019)	18,266 (2017)	
Traffic Sta. ID	5-5-038	13mc08	11sp11	
Structure No.	1129157		1810150	
Enlarged Views			1810152	

From: [Joseph Fishinger](#)
To: [Emily Goldman](#)
Subject: RE: 202781 - Montgomery - lot conformance
Date: Wednesday, March 9, 2022 10:38:20 AM
Attachments: [image003.png](#)

Typically 12-15 feet wide, depending on the angle of the turn.

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

Please note new address below:

Bright View Engineering
70 South Orange Ave, Suite 109
Livingston, NJ 07039
Office 973-228-0999
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From: Emily Goldman <egoldman@cchnj.com>
Sent: Wednesday, March 9, 2022 10:36 AM
To: Joseph Fishinger <jfishinger@bvengr.com>
Subject: RE: 202781 - Montgomery - lot conformance

Joe what would be the approximate width of the one-way driveways – 12 feet?

Emily Goldman, PP, AICP
Senior Associate
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Architecture | Planning | Landscape Architecture

From: Joseph Fishinger [<mailto:jfishinger@bvengr.com>]
Sent: Wednesday, March 9, 2022 10:10 AM
To: Emily Goldman <egoldman@cchnj.com>
Cc: Michael F. Sullivan <msullivan@cchnj.com>; Lori Savron <LSavron@montgomerynj.gov>
Subject: RE: 202781 - Montgomery - lot conformance

Emily,

For the Tigers Tale Lot: If they were to meet the current NJDOT access code, they'd only be allowed a single, approximately 24' wide driveway (or 2 one way driveways) and the driveway would likely be right in/ right out. NJDOT does not allow left turns across a mainline left turn lane.

For the Wawa, Lefts into the site from 206 are permitted – there are not any signs prohibiting it and the island is designed to permit lefts in. Its compliant with the state access code as constructed. The 518 access is wider than typical (usually driveways are 24-30' wide) but the extra width on 518 was probably to accommodate trucks, which is permitted. The driveway and the left turn lane on 518 are compliant – the left turn lane doesn't start until after the driveway. The layout of the left turn lane and the Wawa driveway on 518 was intentionally done the way it is to comply with the state's requirements. As far as parking for the Wawa, I don't know the specific requirement per Montgomery Code, but it comes out to about 4.4 spaces per 1,000 sf, which is in the right range for a small retail center so I don't think you can say the site is underparked.

Short version – There are some access issues with the Tiger's Tale, but access to the Wawa site is consistent with current standards.

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

Please note new address below:

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From: Emily Goldman <egoldman@cchnj.com>
Sent: Wednesday, March 9, 2022 9:10 AM
To: Joseph Fishinger <jfishinger@bvengr.com>
Cc: Michael F. Sullivan <msullivan@cchnj.com>; Lori Savron <L.Savron@montgomerynj.gov>
Subject: Re: 202781 - Montgomery - lot conformance

Thanks Joe! So Lori it appears that Tiger's Tale is one ADA space short if they only have 3 and require 4 based on the total number of spaces they have in their lot. This will be something I bring up in the AINR Study.

Sent from my iPhone

Emily Goldman, PP, AICP
Senior Associate
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On Mar 9, 2022, at 8:46 AM, Joseph Fishinger <JFishinger@bvengr.com> wrote:

Emily,

The ADA parking requirement is 1 space per every 25 parking spaces in the lot (up to 100 spaces), with 1 in every 6 spaces to be van accessible. The striped walkway next to the ADA space is for van accessibility. I counted 77 striped spaces on the aerial, so, they should have 4 ADA spaces, one of which has to be van accessible.

I'll look over the curb cuts for both the Tigers Tale and Wawa and get something to you soon.

Thanks

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

Please note new address below:

Bright View Engineering
70 South Orange Ave, Suite 109
Livingston, NJ 07039
Office 973-228-0999
Direct 908-547-5045
Cell 908-421-4674
www.brightviewengineering.com

From: Emily Goldman <egoldman@cchnj.com>
Sent: Tuesday, March 8, 2022 5:05 PM
To: Lori Savron <L.Savron@montgomerynj.gov>; Joseph Fishinger <jfishinger@bvengr.com>
Cc: Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

Before you ask Corey, I want to know what the required number of ADA spaces is for the total number of spaces in the lot. He may be ok, but that is why I posed the question to Joe.

Emily Goldman, PP, AICP
Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



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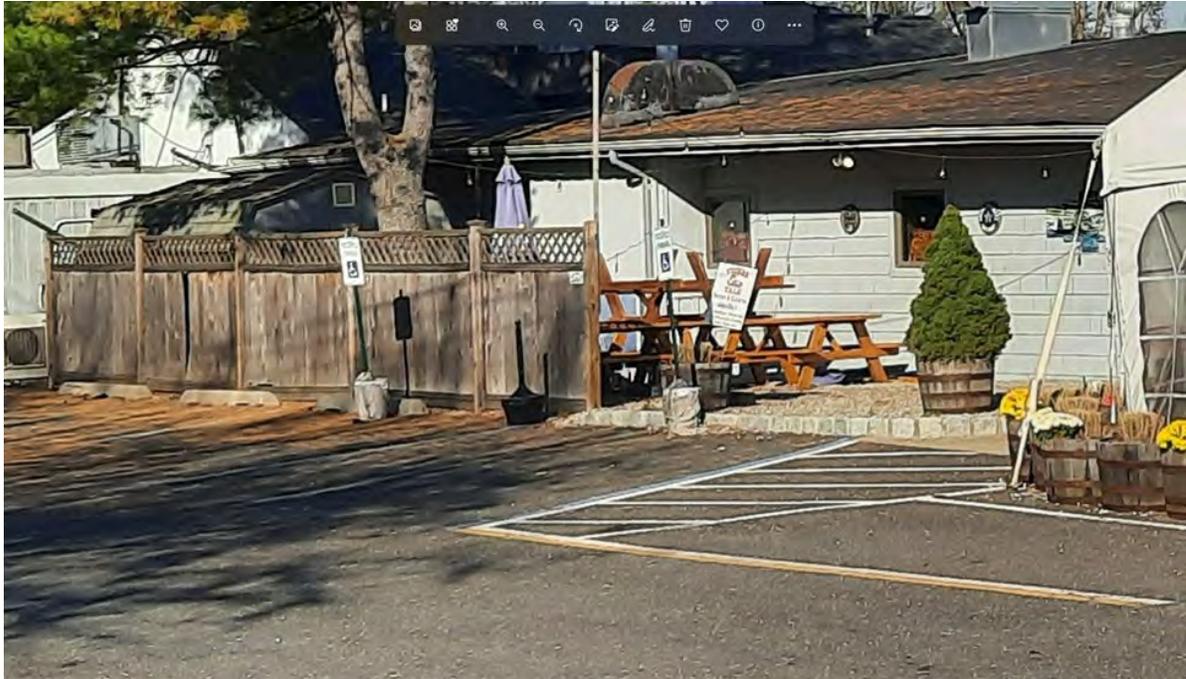


From: Lori Savron [<mailto:L.Savron@montgomerynj.gov>]
Sent: Tuesday, March 8, 2022 5:03 PM
To: Emily Goldman <egoldman@cchnj.com>; Joseph Fishinger <jfishinger@bvengr.com>
Cc: Michael F. Sullivan <msullivan@cchnj.com>
Subject: Re: 202781 - Montgomery - lot conformance

Ok, I can ask Cory Wingerter if there is a question about the spaces.

From: Emily Goldman <egoldman@cchnj.com>
Sent: Tuesday, March 8, 2022 5:01 PM
To: Lori Savron <LSavron@montgomerynj.gov>; Joseph Fishinger <jfishinger@bvengr.com>
Cc: Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

This picture from November 2021 shows signage for 2 ADA spaces along the southern building façade



Emily Goldman, PP, AICP
Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



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From: Lori Savron [<mailto:LSavron@montgomerynj.gov>]
Sent: Tuesday, March 8, 2022 4:59 PM
To: Emily Goldman <egoldman@cchnj.com>; Joseph Fishinger <jfishinger@bvengr.com>
Cc: Michael F. Sullivan <msullivan@cchnj.com>
Subject: Re: 202781 - Montgomery - lot conformance

Only one ADA space was relocated to the south corner and the other one remains at the front entrance.

From: Emily Goldman <egoldman@cchnj.com>
Sent: Tuesday, March 8, 2022 4:56 PM
To: Joseph Fishinger <jfishinger@bvengr.com>
Cc: Lori Savron <LSavron@montgomerynj.gov>; Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

Joe,

It appears that two ADA spaces were shifted to the south side of the Tiger's Tale building to accommodate the outdoor dining tent. However, I only see the striped ADA lane adjacent to one of the two spaces. Is that ok or are both spaces supposed to have access to the striped ADA lane?

Thanks,

Emily

Emily Goldman, PP, AICP
Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



From: Emily Goldman
Sent: Tuesday, March 8, 2022 4:38 PM
To: 'Joseph Fishinger' <jfishinger@bvengr.com>
Cc: Lori Savron <LSavron@montgomerynj.gov>; Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

Thanks Joe!

Can you take a look at the Tiger's Tale lot? I am reviewing it for compliance with the Land Development code, but there are certain things, such as the width of the driveway curb cuts, that I know are non-compliant. I also note that the parking lot does not have any curbing, plantings, lighting etc. Can you also take a look at the number of ADA spaces they have. I counted approximately 76 paved parking spaces and the potential for up to 25 gravel parking spaces and they only have 2 ADA spaces (one of which was blocked by a tent for outdoor dining – see attached photo). Is that sufficient given the number of parking spaces onsite? It also looks like one of the parking space stripes encroaches into the extremely wide northern access driveway appearing to be a potential vehicular conflict. Can you see if there are any other parking lot/access design issues that should be of concern for this site.

Can you take a similar look at the Wawa driveway? Are there any issues with the driveway widths – maybe the RT 518 one? I think the RT 206 driveway is a right-in/right-out only (but it might be a full access in/right-out only), but it looks like people may be able to make illegal left turns in/out if they wanted to. Can you take a look at that too? I counted 34 parking spaces onsite; 3 of which are ADA spaces. Is that adequate? It also looks like the only site lighting is building mounted lighting. Is that adequate for parking lot lighting? Let me know if there are any other parking lot/access design issues that I should address in the study.

Thanks,

Emily

From: Joseph Fishinger [<mailto:jfishinger@bvengr.com>]
Sent: Tuesday, March 8, 2022 2:12 PM
To: Emily Goldman <egoldman@cchnj.com>
Cc: Lori Savron <LSavron@montgomerynj.gov>; Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

Emily,

The lot conformance analysis indicates that since the Dunkin site is a non-conforming lot, it is subject to trip limits for vehicles accessing the NJDOT right of way. This limits what can be developed on the site. This is a restriction on how the site can be developed which can only be ameliorated by consolidating the lot with other adjacent properties.

I'm not opposed to Rakesh being involved with parking lot and access design issues but its probably better left in my court. Let me know what you need from me.

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE
Director of Traffic Engineering

Please note new address below:

Bright View Engineering
70 South Orange Ave, Suite 109
Livingston, NJ 07039
Office 973-228-0999
Direct 908-547-5045
Cell 908-421-4674
www.brightviewengineering.com

From: Emily Goldman <egoldman@cchnj.com>
Sent: Tuesday, March 8, 2022 1:14 PM
To: Joseph Fishinger <jfishinger@bvengr.com>
Cc: Lori Savron <LSavron@montgomerynj.gov>; Michael F. Sullivan <msullivan@cchnj.com>
Subject: RE: 202781 - Montgomery - lot conformance

Hi Joe,

Can you please explain what the two reports mean? I think the gist of them is that the Dunkin site is a non-conforming lot based on NJDOT standards and the Wawa site is a conforming lot. I don't really know what that means and how to translate that into a reason the Dunkin site should be considered to have obsolete design.

Also would you be the appropriate consultant or would Rakesh be better suited to discuss parking lot and access design issues, such as the width of the

Tiger Tale access curb cuts, etc.?

Thanks,

Emily

Emily Goldman, PP, AICP

Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



Clarke Caton Hintz

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Thank you.

[Please consider the environment before printing this email.](#)

From: Joseph Fishinger [<mailto:jfishinger@bvengr.com>]

Sent: Wednesday, February 16, 2022 9:15 AM

To: Emily Goldman <egoldman@cchnj.com>

Cc: Lori Savron <LSavron@montgomerynj.gov>

Subject: FW: 202781 - Montgomery - lot conformance

Emily,

Here are the lot conformance calcs for the Dunkin and Wawa properties at 206 & 518 as discussed yesterday. The Wawa lot is conforming, meaning NJDOT won't restrict the number of trips the site generates. The Dunkin site is not conforming and has an 84 trip limit at its current lot size.

Any questions let me know.

-Joe

Joseph A. Fishinger, Jr., PE, PP, PTOE

Director of Traffic Engineering

Bright View Engineering

651 Old Mount Pleasant Road, Suite 100

Livingston, NJ 07039

Office 973-228-0999

Direct 908-547-5045

Cell 908-421-4674

www.brightviewengineering.com

From: Alizon Serrano <aserrano@bvengr.com>

Sent: Friday, February 4, 2022 3:56 PM

To: Joseph Fishinger <jfishinger@bvengr.com>

Cc: John Jahr <jjjahr@bvengr.com>; Hossny Abouelkheir <habou@bvengr.com>; Katrina Fenner <kfenner@bvengr.com>

Subject: 202781 - Montgomery - lot conformance

Hi Joe,

Please see attached files for the lot conformance study for Montgomery. These are also saved in the server.
D:\Bright View Engineering\bvengr - proj\202781-MontgomeryCircElement\7-Reports-Analysis\conformance-study

Let me know if I need to revise anything or if something is amiss.

Thank you,

Alizon Serrano

Engineer

Bright View Engineering

651 Old Mount Pleasant Ave, Suite 100

Livingston, NJ 07039

Office 973-228-0999

Cell 929-312-6047

www.BrightViewEngineering.com

APPENDIX D

Block 28010, Lot 64 Township Violations



DEPARTMENT OF HEALTH, ENVIRONMENT,
AND VITAL STATISTICS

Montgomery Township Municipal Building
2261 Route 206, Belle Mead, New Jersey 08502-0001

Phone: (908) 359-8211 Fax: (908) 359-4308

E-Mail: health@twp.montgomery.nj.us

NOTICE OF VIOLATION

CERTIFIED MAIL RR #7006 0100 0001 6652 1786

July 7, 2008

Daibes Gas 20 L.L.C.
1000 Portside Drive
Edgewater, NJ 07020

Re: Public Health Violation at 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

On July 7, 2008, the Health Department received a complaint regarding high grass/weeds and debris on the above referenced property owned by you.

Upon inspection, the Health Department found there to be high grass and weeds on the property and a couple items of debris. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings".**

You are hereby notified that within 15 days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation will subject you to fines and penalties as set forth in local and state regulations.

If you have any questions, please contact this office immediately. We look forward to your prompt attention to this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist

MONTGOMERY TOWNSHIP HEALTH DEPARTMENT
COMPLAINT FORM

DATE 7/7/08 TYPE Nuisance

COMPLAINANT NAME Bill Bucci

ADDRESS _____

PHONE # _____

COMPLAINT LOCATION 1276 Rt 206

BLOCK 28005 LOT 64

OWNER OF RECORD Daibes Gas 20 LLC

ADDRESS 1000 Portside Dr. Edgewater, NJ 07020

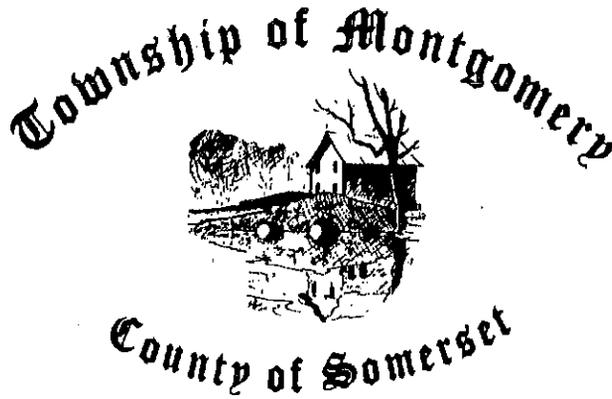
COMPLAINT: High grass/weeds.

ASSIGNED TO KS

INDICATE DATE, TIME, AND ACTIONS TAKEN: 7/7/08 Sent NOV via certified
* regular mail.

7/14/08 Grass has been cut.

Abated



DEPARTMENT OF HEALTH, ENVIRONMENT,
AND VITAL STATISTICS

Montgomery Township Municipal Building
2261 Route 206, Belle Mead, New Jersey 08502-0001

Phone: (908) 359-8211 Fax: (908) 359-4308

E-Mail: health@twp.montgomery.nj.us

NOTICE OF VIOLATION

CERTIFIED MAIL RR #7006 0100 0001 6652 2288

June 11, 2009

Daibes Gas 20 L.L.C.
1000 Portside Drive
Edgewater, NJ 07020

Re: Public Health Violation at 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

On June 10, 2009, the Health Department received a complaint regarding high grass/weeds and debris on the above referenced property owned by you.

Upon inspection, the Health Department found there to be high grass and weeds on the property and a couple items of debris. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings".**

You are hereby notified that within 10 days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation will subject you to fines and penalties as set forth in local and state regulations.

If you have any questions, please contact this office immediately. We look forward to your prompt attention to this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist

Kristen Sargent

From: Lori Savron
Sent: Thursday, June 11, 2009 8:28 AM
To: Kristen Sargent
Subject: RE: Texaco Property

Thanks!

Lori Savron, AICP, PP
Planning Director
Montgomery Township
2261 Van Horne Road
(Route 206)
Belle Mead, NJ 08502

908-359-8211 ext. 206
fax 908-281-3272
fax 908-359-2006

From: Kristen Sargent
Sent: Thursday, June 11, 2009 8:20 AM
To: Lori Savron
Subject: RE: Texaco Property

From: Lori Savron
Sent: Wednesday, June 10, 2009 3:23 PM
To: Kristen Sargent
Cc: Evan Stampoulos; Stephanie D. Carey
Subject: Texaco Property

Hi Kristen,

Evan mentioned that you were one of the past enforcers of the Texaco property. Could you please contact Daibes Corp (owner of the abandoned Texaco property at 518 and 206) to have them maintain (mow) the property? It's definitely overgrown and I'm getting complaints. Also, could you get me a copy of the letter that you send out?

Thanks!

Lori

Lori Savron, AICP, PP
Planning Director
Montgomery Township
2261 Van Horne Road
(Route 206)
Belle Mead, NJ 08502

908-359-8211 ext. 206
fax 908-281-3272
fax 908-359-2006

6/11/2009

MONTGOMERY TOWNSHIP HEALTH DEPARTMENT
COMPLAINT FORM

DATE 6/10/09 TYPE Nuisance

COMPLAINANT NAME Lori Savron Planning Dept.

ADDRESS _____

PHONE # _____

COMPLAINT LOCATION 1276 Rt 206. Abandoned Gas Station

BLOCK 28005 LOT 64

OWNER OF RECORD Daibes Gas 20 LLC

ADDRESS 1000 Portside Dr. Edgewater NJ 07020

COMPLAINT: High grass / weeds

ASSIGNED TO KS

INDICATE DATE, TIME, AND ACTIONS TAKEN: 6/11/09 Sent NOV - see attached
6/16/09 Spoke to Louis who was hired by Daibes to take
care of property. He said he will be cutting it tomorrow.
His # is (856) 558-7203.

6/22/09 Grass and weeds are cut. (KS)

Abated



DEPARTMENT OF HEALTH, ENVIRONMENT,
AND VITAL STATISTICS

Montgomery Township Municipal Building
2261 Route 206, Belle Mead, New Jersey 08502-0001

Phone: (908) 359-8211 Fax: (908) 359-4308

E-Mail: health@twp.montgomery.nj.us

NOTICE OF VIOLATION

CERTIFIED MAIL RR #7006 0100 0001 6652 1816

September 4, 2009

Daibes Gas 20 L.L.C.
1000 Portside Drive
Edgewater, NJ 07020

Re: Public Health Violation at 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

On September 4, 2009, the Health Department received a complaint regarding high grass/weeds and debris on the above referenced property owned by you.

Upon inspection, the Health Department found there to be high grass and weeds on the property and a couple items of debris. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings".**

You are hereby notified that within 10 days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation will subject you to fines and penalties as set forth in local and state regulations.

If you have any questions, please contact this office immediately. We look forward to your prompt attention to this matter.

Sincerely,

Kristen Sargent

Kristen Sargent
Registered Environmental Health Specialist

*9/15/09
Grass cut*



DEPARTMENT OF HEALTH, ENVIRONMENT,
AND VITAL STATISTICS

Montgomery Township Municipal Building
2261 Route 206, Belle Mead, New Jersey 08502-0001

Phone: (908) 359-8211 Fax: (908) 359-4308

E-Mail: health@twp.montgomery.nj.us

NOTICE OF VIOLATION

CERTIFIED MAIL RR #7007 2560 0002 4537 2071

May 28, 2010

Daibes Gas 20 L.L.C.
1000 Portside Drive
Edgewater, NJ 07020

Re: Public Health Violation at 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

On May 28, 2010, the Health Department received a complaint regarding high grass/weeds and debris on the above referenced property owned by you.

Upon inspection, the Health Department found there to be high grass and weeds on the property and a couple items of debris. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings".**

You are hereby notified that within 10 days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation will subject you to fines and penalties as set forth in local and state regulations.

If you have any questions, please contact this office immediately. We look forward to your prompt attention to this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist

MONTGOMERY TOWNSHIP HEALTH DEPARTMENT
COMPLAINT FORM

DATE 5/28/10

TYPE High Grass

COMPLAINANT NAME _____

ADDRESS _____

PHONE # _____

COMPLAINT LOCATION 1276 Rt 206

BLOCK 28005 LOT 64

OWNER OF RECORD Daibes Gas 20 LLC

ADDRESS 1000 Portside Dr. Edgewater NJ 07020

COMPLAINT: High Grass | Weeds

ASSIGNED TO _____

INDICATE DATE, TIME, AND ACTIONS TAKEN: 5/28/10 Sent NOV

6/4/10 Grass | Weeds cut.

Abated (KS)



DEPARTMENT OF HEALTH, ENVIRONMENT,
AND VITAL STATISTICS

Montgomery Township Municipal Building
2261 Route 206, Belle Mead, New Jersey 08502-0001

Phone: (908) 359-8211 Fax: (908) 359-4308

E-Mail: health@twp.montgomery.nj.us

NOTICE OF VIOLATION

June 28, 2012

Montgomery 206 Realty, LLC
1704-1714 Woodbridge Ave.
Edison, NJ 08817

Re: Public Health Violation at 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

On June 28, 2012, the Health Department received a complaint regarding high grass/weeds on the above referenced property owned by you.

Upon inspection, the Health Department found there to be high grass and weeds on the property. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings".**

You are hereby notified that within 10 days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation will subject you to fines and penalties as set forth in local and state regulations.

If you have any questions, please contact this office immediately. We look forward to your prompt attention to this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist

Stephanie D. Carey

From: Lori Savron
Sent: Thursday, June 28, 2012 11:28 AM
To: Stephanie D. Carey; Roy Mond; Gail Smith; Donato Nieman
Subject: Former Texaco Property

Stephanie and Roy: The Planning Board chairman remains concerned about the lack of property maintenance at the former Texaco station. Can you both send out letters to mow the weed?

Roy: Is it possible for you to inspect the building and see whether anything can be done to require them to demolish it?

Gail & Donato: The Chairman was also concerned about a crater sized hole in the parking lot. Do you know if there is anything the Township can do about that?

Thanks,

Lori

Lori Savron, PP, AICP
Planning Director
Montgomery Township
2261 Van Horne Road
Belle Mead, NJ 08502
908-359-8211 ext. 206

MONTGOMERY TOWNSHIP HEALTH DEPARTMENT
COMPLAINT FORM

DATE 6/28/2012

MUNICIPALITY Montgomery
TYPE _____

COMPLAINANT NAME Lori Savron, Planning
ADDRESS 1276 Rt 206

PHONE # _____

COMPLAINT LOCATION Texaco Property @ 206 & 518
BLOCK 28005 LOT 64

OWNER OF RECORD Montgomery 206 Realty LLC
ADDRESS 1704-1714 Woodbridge Ave Edison NJ 08817

COMPLAINT: 1. High Weeds 2. Crater-sized hole in parking lot - check to see if it is old septic

ASSIGNED TO KS

INDICATE DATE, TIME, AND ACTIONS TAKEN:

6/28/12 Sent Nov. Parking lot hole not related to septic. Septic in rear of building.

7/9/12 Grass and weeds being cut! Violation Abated

7/9/12 Sent letter regarding standing water in pot hole in parking lot!



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

Serving Hopewell Borough & Pennington Borough

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

July 9, 2012

Montgomery 206 Realty LLC
1704-1714 Woodbridge Ave.
Edison, NJ 08817

Re: 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

Thank you for your attention to the Health Department letter dated June 28, 2012 regarding high grass/weeds on the above referenced property.

A complaint has been received regarding standing water in a large pot hole in the parking lot of the closed gas station. Standing water creates a breeding habitat for mosquitos and is a nuisance.

You must fill in the pot hole with gravel or another material so that water does not remain in the hole.

Thank you for your cooperation in resolving this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

Serving Hopewell Borough & Pennington Borough

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

NOTICE OF VIOLATION

CERTIFIED MAIL RR# 7009 0080 0002 1974 2735

June 20, 2013

COPY

Anton Nader
55 Carter Drive
Edison, NJ 08817

Re: Violations at 1276 Route 206 Skillman, NJ; Block 28005 Lot 64

Dear Mr. Nader:

On June 12, 2013, the above referenced property was noted to be in violation of Montgomery Township Board of Health Code Chapter BH:VIII; Property Maintenance of Non-Residential Buildings.

BH:8-3 (a) states that the owner must keep the property free of hazards. Hazards are further defined as "holes, excavations, breaks, projections, obstructions on paths, sidewalks, walks, driveways, parking lots and parking areas"

Violations

1. There is currently an extremely large pot hole in the parking lot area of this property which is causing a violation of the above referenced code section.
2. The grass and weeds on the property are extremely high and need to be cut and maintained throughout the growing season.

You are hereby notified that within ten (10) days of receipt of this letter, you must abate the above violations. Failure to comply may subject you to fines and penalties as set forth in local and state regulations.

Please contact me at your earliest convenience, if you have any questions. Thank you for your cooperation in resolving this matter.

Sincerely,

Kristen Sargent

Kristen Sargent
Registered Environmental Health Specialist



**MONTGOMERY POLICE
MONTGOMERY TWP, NJ**

Health

INCIDENT # / REPORT #
13008897 / 1

OFFICER
OFC ANDREW PERRY

RANK REVIEW STATUS
OFC COMPLETED

INCIDENT #13008897 DATA

As Of 06/20/2013 17:54:37

BASIC INFORMATION

CASE TITLE LOCATION APT/UNIT #
VEHICLE DAMAGE COUNTY ROUTE 518 HWY & U S HWY NO 206 HWY

DATE/TIME REPORTED DATE/TIME OCCURRED
Thu 06/20/2013 17:38 On or about Thu 06/20/2013 17:38

INCIDENT TYPE(S)/OFFENSE(S)
(M41)POLICE INFORMATION

PERSONS

<u>ROLE</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>AGE</u>	<u>DOB</u>	<u>PHONE</u>
VEHICLE OWNER	WINER, LAURIE	FEMALE	WHITE	41	08/02/1971	(HOME)
	<u>ADDRESS: 1723 FORREST HILL AVE SKILLMAN, NJ</u>					(CELL) 9086987432

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 13008897 - 1 / OFC ANDREW PERRY (39)

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
06/20/2013 17:49:11	INCIDENT	COMPLETED

NARRATIVE

Laurie Winer responded to Police Headquarters on Tuesday June 11, 2013 and reported her vehicle sustained \$4500.00 in damages after impacting a large hole in the former Texaco parking lot off the driveway to Rt. 518. She reported on Friday June 7th, 2013 she entered the parking lot in order to turn around after encountering a traffic jam due to an unrelated crash and could not determine the depth of the hole due to it being filled with rain water.

I was advised by Lt. Guy Fillebrown to contact Winer and the Township Health Department concerning the incident Winer reported.

On Wednesday June 19th, 2013 I contacted Health Officer Stephanie Carey who reported she attempted to reach the property owner, Anton Nader, with no result. Carey further reported her office will send an Notice of Violation for nuisance/ property maintenance and has opened an investigation into the current state of the property.

On Thursday June 20, 2013 I spoke with Winer concerning this incident. Winer reported she obtained a Late State Accident Form (SR-1) and filed a claim with her auto insurance company. I advised Winer that I would document what she reported, however I would not investigate the matter since the incident was not reported at the time it occurred. I advised her that the Township Health Department has opened an investigation into the current condition of the property and has made attempts to notify the current property owner. Winer reported that she was provided the property owners name and contact information by the Township previously and requested no further assistance at this time.

REPORT OFFICERS

Reporting Officer:

OFC ANDREW PERRY

39

Reviewing Officer:

Approving Officer:



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

Serving Hopewell Borough & Pennington Borough

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

NOTICE OF VIOLATION

Hand Delivered

July 2, 2013

Anton Nader
1325 Route 206
Skillman, NJ 08558

Re: Violations at 1276 Route 206 Skillman, NJ; Block 28005 Lot 64

Dear Mr. Nader:

On June 12, 2013, the above referenced property was noted to be in violation of Montgomery Township Board of Health Code Chapter BH:VIII; Property Maintenance of Non-Residential Buildings.

BH:8-3 (a) states that the owner must keep the property free of hazards. Hazards are further defined as "holes, excavations, breaks, projections, obstructions on paths, sidewalks, walks, driveways, parking lots and parking areas"

Violations

1. There is currently an extremely large pot hole in the parking lot area of this property which is causing a violation of the above referenced code section.

You are hereby notified that within five (5) days of receipt of this letter, you must abate the above violations. Failure to comply may subject you to fines and penalties as set forth in local and state regulations.

Please contact me at your earliest convenience, if you have any questions. Thank you for your cooperation in resolving this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist





DEPARTMENT OF HEALTH, ENVIRONMENT,
AND VITAL STATISTICS

Montgomery Township Municipal Building
2261 Route 206, Belle Mead, New Jersey 08502-0001

Phone: (908) 359-8211 Fax: (908) 359-4308

E-Mail: health@twp.montgomery.nj.us

NOTICE OF VIOLATION

October 8, 2014

COPY

Montgomery 206 Realty, LLC
1704-1714 Woodbridge Ave.
Edison, NJ 08817

Re: Public Health Violation at 1276 Route 206; Block 28005 Lot 64

To Whom It May Concern:

On June 28, 2012, the Health Department received a complaint regarding high grass/weeds on the above referenced property owned by you.

Upon inspection, the Health Department found there to be high grass and weeds on the property. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings"**.

You are hereby notified that within 10 days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation will subject you to fines and penalties as set forth in local and state regulations.

If you have any questions, please contact this office immediately. We look forward to your prompt attention to this matter.

Sincerely,

Kristen Sargent
Registered Environmental Health Specialist



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

Also serving the Boroughs of Hopewell, Pennington, & Rocky Hill

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

NOTICE OF VIOLATION

September 7, 2016

Tony Nader
1714 Woodbridge Ave.
Edison, NJ 08817

Re: High Grass/Weeds Violation
1276 Route 206 (old gas station site)
Block: 28005 Lot: 64
Montgomery Township

Dear Mr. Nader:

The Health Department has received a complaint regarding very high grass/weeds at the above referenced property which tax records indicate is owned by you.

Upon inspection, the Health Department did confirm there to be high, overgrown grass and weeds on the property. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings"**.

You are hereby notified that within 7 business days of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation can subject you to fines and penalties as set forth in local and state regulations.

Thank you for your anticipated cooperation in resolving this matter. If you have any questions, please contact this office.

Sincerely,

Evan Stampoulos
Registered Environmental Health Specialist



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

Also serving the Boroughs of Hopewell, Pennington, & Rocky Hill

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

NOTICE OF VIOLATION

August 30, 2018

Montgomery 206 Realty, LLC
1704-1714 Woodbridge Ave.
Edison, NJ 08817

Re: High Grass/Weeds Violation
1276 Route 206 (old gas station site)
Block: 28005 Lot: 64
Montgomery Township

Dear Sir or Madam:

The Health Department has received a complaint regarding very high grass/weeds at the above referenced property which tax records indicate is owned by you.

Upon inspection, the Health Department did confirm there to be high, overgrown grass and weeds on the property. **This is a violation of Montgomery Township Board of Health Code BH:VIII "Property Maintenance of Non-Residential Buildings".**

You are hereby notified that within **5 business days** of receipt of this letter you must abate the above noted violation. The grass and weeds must be cut and maintained so they do not pose a public health nuisance. Failure to abate this violation can subject you to fines and penalties as set forth in local and state regulations.

Thank you for your anticipated cooperation in resolving this matter. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Stampoulos".

Evan Stampoulos
Registered Environmental Health Specialist



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

Also serving the Boroughs of Hopewell, Pennington, & Rocky Hill

2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

NOTICE OF VIOLATION

November 7, 2019

DiFrancesco, Bateman, Kunzman, Davis, Lehrer, & Flaum, PC
Attn: Mr. Jeffrey Lehrer
15 Mountain Blvd.
Warren, N.J. 07059

Re: Rat issues
1276 Route 206 (old gas station site)
Block: 28005 Lot: 64
Montgomery Township

Dear Mr. Lehrer:

It is our understanding you represent the owner of the above referenced property. (Tony Nader) This letter is to inform you that the Montgomery Township Health Department has received a complaint about a rat problem at this location. The following was observed during a site visit by our office on November 7, 2019:

The neighboring property is a restaurant. (Tiger's Tale) Their dumpsters are by the property line of this lot. Behind them in the wooded area were observed numerous rat borrows. (See 2 photos below) A live rat was also seen in the area. This is all on the vacant gas station property & needs to be addressed.



You are hereby required to have a New Jersey licensed pest control service treat the property by Friday, November 15, 2019 & provide us a copy of their invoice as proof of services performed. The restaurant will be getting all new dumpsters next week. They will also continue to work with their exterminator to treat & bait their property & also make sure their housekeeping is in order. This needs to be a group effort if this situation is going to get under control. Both parties will need to do their part. You may contact this office if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Evan Stampoulos". The signature is fluid and cursive, with the first name "Evan" and last name "Stampoulos" clearly legible.

Evan Stampoulos
Registered Environmental Health Specialist

APPENDIX E

Block 29002, Lot 47 Zoning Board Approval

From: [Cheryl Chrusz](#)
To: [Emily Goldman](#)
Subject: RE: billboard
Date: Wednesday, March 9, 2022 4:27:54 PM
Attachments: [BA-163 Merritt 29001 9 Sign Variance.pdf](#)

They did but the resolution doesn't have a year. I can't give you an exact year but based on the Case No. and the vault spreadsheet I have it was before 1973.

From: Emily Goldman [mailto:egoldman@cchnj.com]
Sent: Wednesday, March 9, 2022 4:17 PM
To: Cheryl Chrusz <CChrusz@montgomerynj.gov>
Subject: billboard

Chery,

Do you know if the billboard on block 29002, lot 47 ever received use variance approval?

Thanks,

Emily

Emily Goldman, PP, AICP
Senior Associate
T: 609.883.8383, Ext.325
D: 609.477.7325



Clarke Caton Hintz | 100 Barrack Street, Trenton, NJ 08608
[clarkecatonhintz.com](#) | [find us on facebook](#) | [email](#)
Architecture | Planning | Landscape Architecture

This transmittal and attachments may be a confidential communication and may otherwise be privileged and/or confidential. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal and/or attachments in error, please notify us immediately by reply or telephone us at 609-883-8383 and immediately delete this message and all its attachments.

Thank you.

Please consider the environment before printing this email.

WHEREAS, Douglas H. Merritt and A. Theodore Merritt have applied to the Board of Adjustment of Montgomery Township for permission to obtain a variance from Article IX, Section 901, (3) (c), Section 901, (3) (g), of the Zoning Ordinance on Lot 9 in Block 29001, of the Tax Map of Montgomery Township, also known as the corner of Route 518 and Route 206, for the purpose of obtaining a building permit for a sign which premises are in a Neighborhood Commercial Zone; and

WHEREAS, the Board after carefully considering the evidence presented by the applicants and of the adjoining property owners and general public, has made the following factual findings:

1. The lot in question is not satisfactory for building purposes.
2. The lot in question is unusual in size and location.
3. The lot now houses a dilapidated building which is to be destroyed.
4. The lot would be of little economic value if the request for a variance were denied.

WHEREAS, the Board has determined that the relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of Montgomery Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Montgomery Township on this 8th day of September, that approval of the application be granted subject to the following conditions:

1. An official sight easement shall be established at this intersection running a distance of 30 feet on County Route 518 and 100 feet on Route 206. Said easement is to be granted to Somerset County.
2. Curbing is to be extended along Route 518 subject to the approval of the Somerset County Engineer.
3. The use of the sign shall be restricted to advertising for professional, business, industry, laboratory and similar activities located in Montgomery Township or the Borough of Rocky Hill.
4. The sign shall be constructed according to the plans and landscaping sketch as attached to the application.
5. All other regulations of Sections 901 and 902 of the Zoning Ordinance of Montgomery Township shall apply.

APPENDIX F

Block 29002, Lot 47 Township Violation Notice

Location of Property: Rt. 206 by Wawa Block 29002 Lot 47

Owner : Peter Dawson "Billboard lot"

Address : _____

Tele # : (609) 799-8880 x1001

Engineer : _____

Address : _____

Tele # : _____

Contractor : _____

Address : _____

Tele # : _____

APPROVAL STATUS / PERMIT STATUS	Permit #	Approval or Issue Date	Expiration Date	Reapproval or Reissue Date	Expiration Date
<input type="checkbox"/> Site Approval Granted					
<input type="checkbox"/> Interceptor Drain Approval					
<input type="checkbox"/> Interceptor Drain Permit Issued					
<input type="checkbox"/> Design Approval Granted					
<input type="checkbox"/> Septic Permit Issued					
<input type="checkbox"/> Well Permit Issued					

CONSTRUCTION INSPECTION STATUS	Date(s)	Initial of Inspector and Comments
<input type="checkbox"/> Interceptor Drain Installation Approval		
<input type="checkbox"/> Septic System Installation Approval		

HEALTH DEPT. COMPLIANCE FORM FOR C.O.	Date of Compliance
<input type="checkbox"/> Compliance Form Issued	

SEPTIC TANK MANAGEMENT	License #	Issue Date
<input type="checkbox"/> License Issued		



TOWNSHIP of MONTGOMERY

SOMERSET COUNTY

DEPARTMENT OF HEALTH

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2261 Route 206 Belle Mead, New Jersey 08502

Phone: 908-359-8211 Fax: 908-359-4308 Email: Health@twp.montgomery.nj.us

NOTICE OF VIOLATION

October 21, 2021

Intersection Billboards LLC (Peter Dawson)
226 King George Road
Pennington, NJ 08534

Re: High Grass/Weeds
Route 206 by Wawa ("billboard lot")
Block: 29002 Lot: 47
Montgomery Township

Dear Mr. Dawson:

The Montgomery Township Health Department has received a complaint regarding high grass/weeds at the above referenced property which tax records indicate is owned by you.

This is a violation of Montgomery Township Board of Health Code BH:8 "Property Maintenance of Non-Residential Buildings". **Grass & weeds at non-residential lots must be cut & maintained throughout the grass growing months.**

You are hereby notified that you must abate the above noted violation by **Monday November 1, 2022**. Failure to abate this violation can subject you to fines and penalties as set forth in local and state regulations.

Thank you for your anticipated cooperation in resolving this matter. If you have any questions, please contact me.

Sincerely,

Evan Stampoulos
Registered Environmental Health Specialist