

Name of Applicant RPM Development, LLC Email c/o Attorney lpontier@daypitney.com

Address 77 Park Street Phone (Daytime) c/o Attorney 973-966-8714

City Montclair State NJ Zip 07042 (Fax) _____

Applicant interest in property (owner, lessee, etc.) _____ Contract purchaser _____

Name of Owner (if not applicant) Somerset County Improvement Authority

Address 20 Grove Street

City Somerville State NJ Zip 08876 Phone _____

When property was acquired by applicant n/a - applicant is under contract to purchase property

Tax Map Page 44 Block 20001 Lot 10.05

Address of property Orchard Road and Headquarters Park Drive

Present Use of Property: Public property

Proposed Use of Property: Age-restricted affordable housing development

Development Name TBD - Montgomery Senior Affordable Housing

Is the property served with public sewer system? Yes ☒ No _____

Is the property served with public water system? Yes ☒ No _____

Is the applicant willing to dedicate land for the widening of roads in compliance with Township and/or County Master Plan? Yes ☒ No _____

Is the proposed use located on a Municipal ☒ County _____ State _____ road?

Area of property 45.06 acres or 1,962,481 sq. ft.

Frontage on an improved street Headquarters Park is the only frontage ft. Present Zoning: REO-1 and MCRZ

Number of Lots: Existing 1 Proposed 2

Number of buildings: Existing 0 Proposed 1

Proposed principal building height: 3 stories; 48 feet Proposed accessory building height n/a

Gross square footage of proposed building(s) 78,848 square feet

Floor area of all structures: Existing 0 Proposed 78,848 square feet

Percentage of coverage by buildings 15.0% by impervious coverage 25.0%

Bulk restrictions provided: Front Yard varying Side Yard 40 feet 26 feet Rear Yard 152.1 feet Height 48 feet

Parking spaces required 128 and provided 129

Has a subdivision previously been granted? _____ Yes (preliminary) _____ Date August 16, 2021 (resolution enclosed)

Has a variance previously been granted? _____ No _____ Date _____

If previous applications were applied for please indicate the case number(s) _____ Application No. PB-01-21 (Prelim. Approval)

Are there any existing or proposed covenants or deed restrictions on the property? Proposed

If yes, explain Affordable housing restrictions

Is a variance requested? Yes () No (x) No. of variances requested 0

TYPE OF APPLICATION FINAL MAJOR SUBDIVISION AND FINAL MAJOR SITE PLAN

Describe in detail section of Zoning Ordinance from which applicant seeks design waivers: _____

All required design waivers were granted as part of preliminary site plan approval. See enclosed resolution of preliminary approval.

Describe in detail section of Zoning Ordinance from which applicant seeks submission waivers: _____

Please see attached checklist waiver requests.

PLANS

Name of Engineer/Surveyor: Kevin E. Shelly, P.E. Email kshelly@shorepointengineering.com

Address: c/o Shore Point Engineering, 1985 Highway 34, Suite A7

City Wall State NJ Zip 07719 Phone 732-924-8100 Fax 732-924-8110

Name of Architect: Inglese Architecture Email e.pumo@inglese-ae.com

Address: 632 Pompton Avenue

City Cedar Grove State NJ Zip 07009 Phone 201-438-081 Fax

CERTIFICATION

I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the attached authorization. I further authorize Township Officials to inspect the site noted above.

DATED: Please see attached signed landowner consent form.

(Owner's Name Printed and Owner's Signature)

DATED: 1-18-2023 

(Applicant's Name Printed and Applicant's Signature)
Luke S. Pontier, Esq., Attorney for Applicant

SWORN TO AND SUBSCRIBED BEFORE

THIS 18 day of January.

2023

(Notary)

ROY D. MATEUS
A Notary Public of New Jersey
My Commission Expires February 21, 2023

Persons to be contacted regarding matters pertaining to this application, if other than applicant.

APPLICANT'S ATTORNEY:

Name: Please send to Attorney.

Name: Craig M. Gianetti, Esq.

Address:

Address: c/o Day Pitney LLP, 1 Jefferson Road
Parsippany, NJ 07054

Phone:

Phone: 973-966-8053

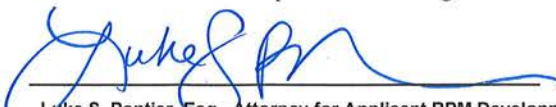
Fax:

Fax:

I, the developer/applicant, as signed below, acknowledge familiarity with the procedure set forth in the Montgomery Township Land Development Ordinance for submittals and required action and agree to be bound by it.

1-18-2023

Date


Luke S. Pontier, Esq., Attorney for Applicant RPM Development, LLC
Applicant's Name Printed and Applicant's Signature

AGREEMENT TO PAY FOR PROFESSIONAL REVIEW

THIS AGREEMENT made this _____ day of _____ January _____ 20 23 between:

Name: RPM Development, LLC

Address: 77 Park Street, Montclair, NJ 07042

Type of Application: Final Major Subdivision & Site Plan Block: 20001 Lot 10.05

Hereinafter call "Applicant"

and:

The Township of Montgomery, in the County of Somerset, a municipal corporation of the State of New Jersey, hereinafter call "Township"


WITNESSETH

That the Applicant has submitted a development application to the Township's Planning Board/Zoning Board for consideration in accordance with the New Jersey Municipal Land Use Law and the Montgomery Township Land Use Ordinances and Applicant hereby covenants and agrees as follows:

1. Applicant agrees to pay all costs related to the Township's review and administration of the proposed application with said costs including but not limited to:
 - A. Review by the Development Review Committee, which entails professional consultant costs for: Planner, Engineering, Legal and other extraordinary consultant services as may be required by the Township;
 - B. Full application professional review by the Site Plan Committee, Subdivision Committee, Planning Board, and Zoning Board, which entails professional consultant costs for: Planner, Engineering, Legal and other extraordinary consultant services as may be required by the Township;
2. Applicant understands and agrees to pay all costs as set forth above from the date of initial application submission through the Township's signature of approved plans which shall include any costs for extensions and revalidation's.
3. Applicant understands and agrees to deposit with the Township's Planning/Zoning Office an initial application filing fee which is non-refundable and an initial escrow deposit in accordance with Section 16-9.1 of the Land Development Ordinance.
4. Applicant understands and agrees that the Township will withdraw from said escrow deposit to cover costs as set forth in Section 1 above.
5. Applicant understands and agrees to pay within TEN BUSINESS DAYS of receipt of the Township's statement/billing all additional costs as may be incurred and billed to the applicant by the Township relative to the review and administration of the application even if the costs of said review and administration exceed the initial escrow deposit.
6. Applicant understands and agrees that in the event Applicant fails to pay a billed amount the Township may discontinue Planning Board/Zoning Board review and consideration on said application or if Planning Board/Zoning Board approval has been previously given Township may deny issuance of a construction permit and/or certificate of occupancy or if permit has been previously issued Township may initiate a Stop Work Order.
7. Township agrees to refund to applicant any escrow sum deposited with Township for review and administration of the application and neither spent nor needed by Township. A refund will be issued upon request by Applicant by Township following completion of the Township's review and administration of the application.
8. **APPLICANT AGREES AND UNDERSTANDS THAT IT IS INCUMBENT ON APPLICANT TO PERIODICALLY MONITOR THE STATUS OF SAID ESCROW ACCOUNT. APPLICANT AGREES AND UNDERSTANDS THAT RESPONSIBILITY TO PAY ALL ESCROW CHARGES IS THE APPLICANT'S EVEN IF APPLICANT SELLS OR CONVEYS SAID PROPERTY CITED ABOVE TO ANOTHER PARTY.**

Luke S. Pontier, Esq., Attorney for Applicant RPM Development, LLC

APPLICANT'S NAME (PRINTED)


APPLICANT'S SIGNATURE

1-18-2023

DATE

ESCROW ACCOUNTING ADMINISTRATIVE PROCEDURE

The following is a procedure to ensure proper control of payments to professionals reviewing and billing against applications for development within Montgomery Township;

A. GENERAL CONSIDERATION

1. Professionals will be primarily responsible to review applications in light of their own professional expertise.
2. The Community Development Department will be responsible for the administration and processing of professionals bills to the Township Finance Director.
3. All correspondence shall reference a case number, block and lot, and application name and address.
4. Applicants are to receive a copy of professional memoranda or reports at the same time as the Township.
5. Professional's invoices to the Township may include but not be limited to report writing, field inspections, attendance at meetings with Township representatives, attendance at municipal meetings where applications are heard, and meeting with applicants.
6. The Director of Community Development will be the responsible agent of the Township for coordinating meetings among the various professionals employed by the Township to discuss development applications.

B. SPECIFIC AREAS OF RESPONSIBILITY OUTLINED

1. The Engineer is responsible for reviewing the design of projects and reviewing public and semi-public improvements connected with development applications.
2. Planners are responsible for project designs, comments relating to the Master Plan and Ordinances.
3. The Landscape Architect is responsible for landscaping reviews of applications.
4. The Traffic Engineer is responsible for commenting on traffic and transportation aspects of applications.
5. The Planning Board or Board of Adjustment Attorney is responsible for legal representation of the Planning Board or Board of Adjustment at meetings and any legal aspects of development plan review and approval, as well as litigation concerning projects.
6. The Township Attorney is responsible for legal aspects of public improvements and any legal contractual aspects of the application process to which the Township is a party.
7. The Environmental Consultants are responsible for reviewing Environmental Impact Statements submitted with an application.
8. The Application Coordinator is responsible for general administration throughout the application review process and is also responsible for completeness items and issues within applications.
9. The Director of Finance is responsible for establishing escrow accounts, maintaining a ledger of the accounts and payment of professionals' invoices following approval by the Community Development Department.

C. BILLING

1. Since professionals are appointed by, and work directly for, the Township, bills will be sent to the Community Development Department for checking and routing. Invoices will, at a minimum, indicate individuals who performed work, the time spent, and the billing rate.
2. Bills are checked for the following:
 - A. Correct case numbers;
 - B. Correct block and lot(s) numbers
 - C. Correct application names
3. Bills are checked against ledger balances to avoid overdrafts.
4. When accounts are close to becoming over-extended, further funds will be requested of applicants.

**ESCROW ACCOUNTING ADMINISTRATIVE PROCEDURE
(CONTINUED)**

5. Failure by applicants to maintain sufficient positive escrow balances may subject applications to delays in review.
6. Professionals billing against escrow accounts must send a duplicate copy, marked or stamped, "**FOR INFORMATIONAL PURPOSES ONLY**" to the applicant at the same time the bills are sent to the Township.


D. QUESTIONS CONCERNING BILLINGS

1. Applicant inquiries regarding billing must be made in writing to the Director of Community Development specifying concerns, in detail, within two weeks of date of invoice.
2. Invoices will be scrutinized a second time for possible billing errors.
3. The Director of Community Development will determine the appropriateness of the billing, make a decision on whether or not the bill will be paid, and inform both parties concerned.

Applicant agrees and understands the "Escrow Accounting Administrative Procedure" and agrees to be bound by same.

Luke S. Pontier, Esq., Attorney for Applicant RPM Development, LLC

APPLICANT'S NAME (PRINTED)



APPLICANT'S SIGNATURE

1-18-2023

DATE

MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

Applicant's Disclosure Statement

(Corporation or Partnership)

See N.J.S.A. 40:55D-48.1 and 48.2 and Zoning Ordinance

A Corporation or Partnership applying to the Planning Board or Zoning Board of Adjustment for:

- A. Subdivision with three (3) or more lots; or
- B. Site Plan for Commercial Purpose; or
- C. Variance to construct multi-dwelling or twenty-five (25) or more family units;

must complete the following:

The names and addresses of all persons, stockholders, or individual partners owning at least ten percent (10%) interest in the corporation, partnership, or applicant are as follows:

Name	Address
Edward G. Martoglio (100%)	77 Park Street, Montclair, NJ 07042

MONTGOMERY TOWNSHIP PLANNING/ZONING BOARDS

Affidavit of Ownership

STATE OF NEW JERSEY)

ss

COUNT OF SOMERSET)

**PLEASE SEE ATTACHED LANDOWNER CONSENT FORM
SIGNED BY SOMERSET COUNTY IMPROVEMENT AUTHORITY.**

_____ of full age being duly sworn according to law on oath deposes and says
that the deponent resides at _____ in the Township of _____
in the County of _____ and State of _____ that _____
is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Township of
Montgomery, New Jersey, and known and designated as Block _____ Lot _____.

DATED _____

Owner's Name Printed and Owner's Signature

SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS _____ DAY OF _____, 20____.

(Notary Public)

AUTHORIZATION

(If anyone other than the above owner is making this application, the following authorization must be executed.)

To the Board of Adjustment/Planning Board:

_____ is hereby authorized to make the within application.

DATE: _____, 20____.

Owner's Name Printed and Owner's Signature

LANDOWNER'S CONSENT CERTIFICATION

Property:

Block 20001, Lot 10.05
Orchard Road and Headquarters Park Drive
Township of Montgomery
Somerset County, New Jersey

Applicant:

RPM Development, LLC
77 Park Street
Montclair, NJ 07042

Owner:

Somerset County Improvement Authority
PO Box 3000
Somerville, NJ 08876

Proposed Development:


Subdivision of the Property and site plan for construction of approximately (60) units of age-restricted affordable housing on a portion of the Property, including related amenities, stormwater improvements, parking, landscaping and lighting.

The undersigned hereby certifies as follows:

Somerset County Improvement Authority (the "Owner") is the only owner of the above referenced Property. The Owner hereby consents to the filing by the above Applicant of any and all applications for governmental approvals necessary for the Proposed Development described above including, but, not limited to, applications to the Planning Board and/or the Board of Adjustment of the Township of Montgomery, the Somerset County Planning Board, the Somerset-Union Soil Conservation District, the New Jersey Department of Transportation, and the New Jersey Department of Environmental Protection. The Owner hereby gives permission to the Members of the Planning Board and/or Board of Adjustment of the Township of Montgomery, and its authorized representatives, consultants and other Township Officials, to enter onto the Property for the purpose of evaluation of the application for development pending before that Board.

Somerset County Improvement Authority

Date: 6/8/2021

By: 
Name: Matthew Loper
Title: Secretary

MONTGOMERY CODE

CHECKLIST

**Details Required for Final Major Subdivision Plats
and Final Major Site Plans
[Amended 12-17-2020 by Ord. No. 20-1646]**

Note: See Subsection 16-8.5 of the Montgomery Township Land Development Ordinance for further details of submission requirements and procedures.

Applicant RPM Development, LLC **Block** 20001 **Lot** 10.05

Address Orchard Road and Headquarters Park Plaza

Item #	Provided	Not Relevant	Waiver Asked For	Item of Information Required by the Land Development Ordinance
1	X			Application Form(s) and Checklist(s) (8 copies) and electronic portable document format (PDF)
2	X			Application and Escrow Fees in accordance with subsection 16-9.1
3	X			Plats or Plans signed and sealed by NJ PLS. or NJ PE, as required, and folded into eighths with the Title Block revealed in accordance with subsection 16- 8.4b of this chapter (8 copies and PDFs)
4	X			Scale of 1" equals not more than 100 feet for major subdivision plats of 1" equals not more than 50 feet for major site or subdivision plans on one of the following 4 standards sheet sized (8 1/2" x 13", 15" x 21", 24" x 36" or 30" x 42"), each with a clear perimeter border at least 1" wide
5			X (partial)	All details stipulated in subsection 16-8.4b and 16-8.5c of this chapter
6	X			All additional details required at the time of preliminary approval
7		X		A section or staging plan, if proposed
8	X			Regarding Major Subdivision plats only, all information and data required by the Map Filing Law
9	X			Detailed architectural and engineering data as required by Ordinance including:

LAND DEVELOPMENT

Item #	Provided	Not Relevant	Waiver Asked For	Item of Information Required by the Land Development Ordinance	
10	X			An architect's design drawing of each building and sign showing front, side and rear elevations;	
11	X			Cross sections, plans, profiles and established grades of all streets, aisles, lands and driveways, including centerline geometry and horizontal alignments with bearings, radii and tangents;	
12	X			Plans and profiles of all storm and sanitary sewers and water mains; and	
13	X			All dimensions of the exterior boundaries of any subdivision shall be balanced and closed	
14	X			Final grading plans shall conform to subsection 16-5.2z	
15	X			Evidence that a duplicate copy(ies) of the application for development has/have been filed with any other agency having jurisdiction over any aspect of the proposed development	
16	X			Certification from the Township Tax Collector that all taxes and assessments are paid up-to-date and certification from the CFO or his/her designee that all prior escrow fees have been posted	
17			X	Letters directed to the Chairman of the Board and signed by a responsible official of all utility companies, etc., providing service to the tract as required by Ordinance	
18			X	Certification in writing from the applicant to the Board that the applicant has:	
			X	(a)	Installed all improvements in accordance with the requirements of the Ordinance and the preliminary approval; and/or
			X	(b)	Posted guarantees in accordance with subsection 16-9.2 of this Chapter; and
			X	(c)	In the case of major subdivisions only, posted the moneys required to revise the Township Tax Map Sheets to indicate the approved subdivision

MONTGOMERY CODE

Item #	Provided	Not Relevant	Waiver Asked For	Item of Information Required by the Land Development Ordinance	
19			X	A statement from the Township Engineer that:	
			X	(a)	All installed improvements have been inspected and as-built drawings have been submitted; and
			X	(b)	Those installed improvements that do not meet or exceed Township standards shall be factored into the required guarantees
20		X		Concerning major subdivisions only, a "Sales Map" in accordance with subsection 16-8.5b,8 of the Ordinance.	
21		X		Where proposed, the location of temporary construction trailers, temporary sales trailers or centers, models, and/or temporary signs	
22		X		If the development is subject to the requirements pertaining to the establishment of escrows for underground water storage tank systems and ancillary fire protection wells as set forth in subsections 16-5.16d,1 and 16-9.3c,4(b), a notation shall appear on the final plan that the escrow deposit for each lot must be posted prior to the issuance of the building permit for the principal structure that will be located on the subject lot	

SIGNATURE AND TITLE OF PERSON
WHO PREPARED THE
CHECKLIST [Ord. #20-1646, S11]

DATE

RPM Development, LLC
Township of Montgomery Planning Board
Block 20001, Lot 10.05
Application Addendum

RPM Development, LLC (“Applicant”) is the designated redeveloper of property located along Orchard Road and Headquarters Park Drive, designated on the Township of Montgomery Tax Map as Block 20001, Lot 10.05 (the “Property”). The Property is approximately 45.06 acres, and is located in the MCRZ Municipal Complex Redevelopment Zone. The Applicant is seeking final major subdivision and final major site plan approval, as described below. The Planning Board granted preliminary major subdivision and preliminary major site plan approval with waivers by resolution dated August 16, 2021.

The Applicant now seeks final major subdivision approval to subdivide the Property into two new lots. The newly created lot (the “New Lot”) is proposed to be approximately 4.21 acres, with the remainder lot (the “Remainder Lot”) proposed to be approximately 40.85 acres.

The Township of Montgomery currently leases the Property from the Somerset County Improvement Authority, but has an option to purchase the Property. Pursuant to a redevelopment agreement between the Township of Montgomery and the Applicant, the Township will purchase the Property from Somerset County Improvement Authority, and, if the subdivision is approved, will convey the New Lot to the Applicant and retain ownership of the Remainder Lot.

The Applicant also seeks final site plan approval to construct a senior residential affordable housing development on the New Lot consisting of one, three-story building, containing a total of 78,848 square feet with seventy-one (71) residential units, together with associated common amenity space, surface parking spaces, stormwater management facilities, and related site improvements. All of the units will be one-bedroom units, with the exception of a single two-bedroom superintendent unit. All of the one-bedroom units will be set aside for very low, low and moderate income households. The Applicant is also proposing one sign at the main access drive off of Orchard Road to identify the development and one identification sign at the edge of the New Lot along Headquarters Park Drive.

The Applicant is not requesting any variance relief in connection with this application.

Conclusion

Based on the above and from the testimony to be offered at the public hearing, the Applicant respectfully requests that the final subdivision and final site plan approval be granted.

RPM Development, LLC
Township of Montgomery Planning Board
Block 20001, Lot 10.05
Orchard Road

Checklist Waiver Requests

Details Required for Final Major Subdivisions and Site Plans

- Item 5 – The Applicant requests a partial waiver from this item, consistent with the partial waivers requested as part of the application for preliminary subdivision and site plan approval.
 - The Applicant has provided the location of natural features on the Property, but requests a waiver from providing the location of natural features within 200 feet of the Property’s boundaries.
 - The Applicant has provided the location of flood plains and stream corridors on the Property, but requests a waiver from providing the location of flood plains and stream corridors within 200 feet of the Property’s boundaries.
 - The Applicant delineated the location of ponds, marshes, wetlands and other features on the Property, but requests a waiver from providing the location of same within 200 feet of the Property’s boundaries.
- Item 17 – The Applicant requests a temporary waiver for this item, and will provide same as a condition to any final approval prior to issuance of a certificate of occupancy.
- Item 18 – The Applicant requests a temporary waiver for this item and will provide same as a condition to any final approval.
- Item 19 – The Applicant requests a temporary waiver for this item until construction is complete.