

**MONTGOMERY TOWNSHIP PLANNING BOARD**  
**MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**  
**REGULAR MEETING**  
**MARCH 19, 2012**  
**7:30 pm**

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

**BOARD MEMBERS PRESENT:** Chairman Some; Mr. Conforti; Ms. Davis; Ms. Dyer; Mayor Trzaska; Mr. E. Willson; Mr. T. Wilson; Mr. Glockler, Alternate No. 1

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

**I. PUBLIC COMMENT – 5 MINUTES PER PERSON**

Chairman Some read the public comment statement. There was no public comment.

**II. APPLICATION**

**Case PB-07-11**

**Applicant: Sharbell Plainsboro, LLC**

Block 28003 Lot 216

Amended Preliminary and Final Major Subdivision, Preliminary and Final Site Plan and  
Variances Relating to a Conversion Plan

Expiration Date – 4/9/12

Affidavit of Notification and Publication Required

Mr. Cline and Mr. Coppola were sworn in. Michelle Lamar, Esquire represented the applicant.

Ms. Lamar said the subject property is 66.31 acres and located in the ARH district. Sharbell obtained subdivision approval to create Lot 216 and preliminary subdivision approval to subdivide Lot 216 into 112 lots for single family detached age restricted dwelling units. The present application was filed in May 2011. On July 18, 2011 the Board held a hearing to determine whether the 112 age restricted lots were eligible for conversion to non-age restricted housing pursuant to the Conversion Law. The application was denied. On February 12, 2012 the Superior Court of New Jersey ruled the application met all the eligibility requirements and the application was remanded back to the Planning Board. There are 7 site improvement and infrastructure requirements that the applicant for a converted development must demonstrate. They are 1) the residential site improvement standards set forth in the NJ Administrative Code are met, 2) that recreation improvements and other amenities have been revised as needed to meet the needs of the converted development, 3) the water supply system is adequate, 4) the sanitary sewer system is adequate, 5) should additional water or sewer capacity be needed and the developer cannot obtain additional capacity the number of dwelling units will be reduced accordingly, 6) if additional parking is needed and the developer cannot provide parking the number of dwelling units will be reduced accordingly and 7) if additional parking is needed and will increase the amount of impervious cover by more than 1% the stormwater calculations and improvements will be revised accordingly. If Sharbell can meet all 7 requirements and further demonstrates that the conversion can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance the application for the conversion shall be approved. Ms. Lamar quoted from the Heritage at Town Lake versus the Planning Board of Sayreville case. Sharbell is seeking approval to convert 112 single family detached age restricted dwelling units and lots to 89 3 and 4 bedroom single family detached dwelling units and 23 affordable housing units, rental or for sale, in a 3-story multi-family building. The multi-family building will be served by a parking area containing 47 spaces. The converted development, Hillside, will be constructed in two sections. Sharbell is also seeking approval to make all changes to the approved plans needed to construct the affordable units as attached housing on a separate lot and modify the approved floor plans of the single family dwelling units but not increasing the size or the square footage of the units. An applicant is permitted to make reasonable revisions. A preliminarily approved loop road will be eliminated (Salem Lane). This together with the reduction in the number of single family dwelling units will result in an increase in open space and a decrease in impervious coverage. Section I will include 2 play areas separated by a seating area. As recommended by the Board Engineer in the March 15, 2012 report, Sharbell has agreed to bifurcate the application and will seek approval of the conversion application and preliminary subdivision and site plan. The applicant will return to the Board for final subdivision and site plan approval.

Thomas Troy, Senior Vice President of Sharbell Building Company, Mark Cannuli, Director of Development for Sharbell Building Company, Richard Wizeman, Director of Development at Van Note Harvey, William Feinberg, Feinberg and Associates and Brian Stankus, Orth Rodgers and Associates will testify on behalf of the applicant. They were all sworn in.

Ms. Lamar referenced a CD that contains 25 slides. A printout of the slides was marked as Exhibit A-1 and dated March 19th.

Mr. Troy went through the slides. He described a plan that showed the location of the property, the plan that was preliminarily approved for the 112 detached dwellings, and a plan that shows the conversion application which deletes the loop Road and 23 of the single family lots. The conversion application does not change any of the lot configuration or engineering designs of the roadways or infrastructure in any of the remaining detached lots. A single building is proposed for the COAH units which will be served with its own parking and driveway. Comments from the Board professionals included such things as the requirement that the COAH building be included in the phasing such that the COAH units can be delivered consistent with the market rate units. In response to that the section lines have been revised so it becomes part of Section I. Both sections feed off of existing Hartwick Drive. Some of the infrastructure that would serve a portion of the property is installed already. A landscape plan was shown with the proposal for 2 tot lots. Based on comments from the Board professionals there may be a need for additional recreational amenities. The applicant is looking at the ability to create a multi-purpose field approximately 10,000 square feet or a multi-purpose court. Sharbell will work with the professionals as the project moves forward. They are not sure whether the COAH units will be rentals or for sale. If it were for sale there will be a condo association and there would be certain easements and relationships with the association for the single family homes. If they are rental units, an operator could be brought in or someone who would do it as an operational basis. Sharbell will either retain ownership and manage it themselves or sell it to an entity that would be the owner and operator of it as a rental facility.

Mr. Coppola noted that if the COAH building is sold to a not for profit, the building will have to be on a separate lot in order to get funding. Mr. Troy said he is not anticipating a for profit operation for COAH.

A question was raised from the prior submission. Mr. Troy discussed the location of the COAH building. It was noted that in the original context the building was down at the lower end which imposed some grading constraints. The building was flipped and the grading is much easier. The COAH building is now proposed to be on its own lot.

Mr. Troy discussed the type of housing that will be offered. They will continue to offer 3 or 4 of the same homes that are being sold in Tapestry. They will offer age targeted housing with the master bedroom on the first floor. Two models will be added that will have all the bedrooms on the second floor. The bedroom count will not exceed 336. There will be 22 4-bedroom homes and 67 3-bedroom. The houses will be compatible architecturally with the prior units. The detailing and scale will be similar. The mailbox for the COAH building could be put inside depending on the preference of the Post Office.

Chairman Some asked if Hillside will be able to use the clubhouse. Mr. Troy said the Tapestry Association will own and operate the clubhouse and the preference from the current residents is that they are not inclined to open it up at this time.

Mr. Conforti said he was concerned about the long term sustainability of the clubhouse. The Association is now half the size that was originally contemplated. He wondered how it would have the revenue to sustain itself. Mr. Troy said that was one of the reasons why he suggested Tapestry may be interested in opening it up to membership of the Hillside residents. Tapestry has 101 units; 39 units have been sold to date with 32 of them occupied at this time.

Mr. Glockler asked if there was access to a roadway from the parking lot of the COAH building. Mr. Troy said there was access from the cul-de-sac. There is an access easement on the other side of the parking lot that Sharbell owns but it is not contemplated to ever have a roadway. There have been discussions with the Master Plan Committee that if and when the loop road occurs there would be the ability to tie into it in the future. Emergency vehicles going to the COAH building will access through Hartwick.

Mr. Cannuli said the subject property is in the ARH district which permits a maximum density of 1.8 dwelling units per acre. The development still employs the same layout of the roads utilizing a cluster development which preserves approximately 70% of the site as open space and land dedicated to stormwater management facilities. The size of the individual lots, the amount of open space, stormwater collection and detention control systems, landscape buffers, utility locations and balance of the roadway system will remain basically unchanged. In the case of open space the amount will be increased. The development meets the eligibility criteria of the Conversion Act, provides sufficient water and infrastructure and complies with RSIS standards for parking. The recreation amenities have been revised to meet the needs of the converted development. The conversion plan can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. With regard to the negative criteria and the public good the focus of the substantial detriment test is on the impact of the conversion on nearby properties and the surrounding neighborhood. The term public good relates to an analysis of the physical impacts of the proposed development on surrounding uses and is not based on generalized notions of what

promotes or is detrimental to public good. The conversion will permit 89 single family detached homes similar in style and size to what was originally approved and constructed in Tapestry as well as additional models that will complement the existing architecture in the surrounding communities. This property is suitable for this type of residential development and would not cause a substantial detriment to the character of the neighborhood. The proposal will provide an opportunity for middle income families and the production of additional workforce housing. There will not be substantial detriment to the zoning ordinance or zone plan. The Township rezoned the property to lessen the amount of traffic generated by new developments. Residential development at the scale that has been approved and is proposed in the conversion plan would be substantially less than what could be generated by the prior nonresidential REO zoning. The proposed conversion does not increase the number of units nor does it increase the number of bedrooms. It decreases the total square feet of residential building area by approximately 60,000 square feet with the elimination of 23 single family units. The conversion is consistent with the Master Plan goals to develop the property with less intense residential development patterns that will generate substantially less traffic. The Hillside density is proposed to be at 1.67 dwelling units per acre. The conversion plan conforms to the design standards of the ARH zoning district and does not require any bulk variances as the minor changes to the floor plans are permitted under the Conversion Law. As a condition of any approval, Sharbell will come back to the Board to review all the floor plans as part of final approval.

Mr. Cannuli discussed the recreational improvements. Sharbell is required to show that the plan will be revised such that the recreational amenities that were originally proposed will be revised such that they will meet the needs of the converted development. Pursuant to the request of the Board professionals Sharbell was asked to look at the potential population that would be generated by the proposal to determine if the proposed recreation was sufficient to meet the needs of the converted development. The plan includes a network of pathways along the Bedens Brook and connects to the existing sidewalk system in the development as well a pocket park with a seating area and two separate play structures for ages 2-5 and 5-12. Using a demographic multiplier from Rutgers Center for Urban Policy Research and the study entitled "Who Lives in New Jersey" published in November 2006 the project will generate roughly 329 people including the potential for approximately 87 school aged children. The National Recreation and Park Association recommends a minimum of ¼ acre of play area or open space within a quarter mile for 1,000 people. Given the size of Sharbell's proposal, it is recommended that a park 1/3 of that size or 3500 square feet be incorporated in the plan to satisfy the needs of the development. The park at its current location and size is roughly 2800 square feet and the proposed trail system adds additional recreational area to adequately meet the needs of the converted development. Sharbell also proposes to increase the area of open space dedicated to play area by approximately 10,000 square feet to incorporate a flat multi-purpose field or a small multi-purpose sport court like a half-court basketball court. In addition to the amenities proposed in the plan, there are several public parks and recreational facilities located near the project site including Montgomery Park and the ball fields in Belle Mead. The Sourland Mountain Preserve and the Delaware and Raritan Canal State Park are within a short distance of the development. There are also several public and private golf courses in the area. The recreational amenities that Sharbell is proposing would meet the needs of the converted development. The conversion application causes no substantial detriment to the zone plan or the Master Plan.

Mr. Wizeman discussed the infrastructure and how it was designed for the original development and how it will still function for the converted development. The conversion requirements ask the developer to look at the Residential Site Improvement Standard (RSIS) and utilizing the factors in the standard determine if there is adequate parking after the conversion. Utilizing the factors the development needs 235 total parking spaces for the dwelling units and COAH apartments. There are currently 357 available parking spaces which takes into account driveways, garages and the parking lot for the COAH housing. On street parking was also looked at and there are about 118 additional on street parking spaces. There is more than adequate parking to meet the RSIS standard. Utilizing the standards in the RSIS and comparing the original design and the converted design they determined there is a slight reduction in the amount of water required for the project. An analysis was performed for the sanitary sewer supply and it was determined that with the conversion there will be an increase in the amount of sanitary sewer capacity required. The equipment on site is all adequate and the development will need 6,750 additional gallons at the Skillman Village Sewer Treatment Plant. Mr. Wizeman spoke with Mr. Cosgrove who indicated that now that the Skillman Village development will not take place, there should be more than adequate sewer capacity to make up the need. With the elimination of one of the streets on site and 23 of the residential home sites and the inclusion of the COAH building and parking lot, there is a reduction of about 1.5 acres of impervious surface. The stormwater management that was originally designed will be more than adequate to serve the development after the conversion. Mr. Wizeman referenced slide #10 which shows the side of the road that has already been designated for one side parking. With the pavement width of 28' the RSIS permits parallel parking on one side of road. The other side of the road will have "No Parking" signs. The road system will accommodate buses. The original plan had the COAH building located closest to the property line. Because of the grade drop there were substantial cuts from the property line to the back of the building. The Board professionals suggested the building be placed on the other side of the parking lot. Sharbell found that this works much better. More grading and more information will be provided for that

particular layout. This converted development application meets the requirements of the infrastructure and procedural requirements of Section 46.6.

Chairman Some asked if the on-street parking was approved as part of the original plan. Mr. Wizeman said it was and there is on street parking in the Tapestry section at the same ratio with the same road widths.

Ms. Lamar said that on May 19, 2011 the applicant had submitted to the Board its plans and its planners reports that they are testifying from and she would like to have the admitted as exhibits. Mr. Linnus said any reports that were referred to in Mr. Coppola's memo and Mr. Cline's memo that they relied on and that has been submitted is fine. The May 19<sup>th</sup> letter was marked as Exhibit A-2.

Mr. Feinberg discussed the remaining exhibits which showed 6 homes, 4 of which are the existing models that have been offered at Tapestry. Four of the models will be 3-bedroom and two of the models will be 4-bedroom. The Bridgeford unit is one of the existing models that are offered. There is 3-bedrooms, a 2-car garage and is approximately 2700 square feet. The master bedroom is located on the first floor. The Sovereign unit is also one of the existing models. The master bedroom is on the first floor and there is a second bedroom on the first floor. This is a 4-bedroom 2-car garage model. It is approximately 3350 square feet. The units will have basements and some of that is a function of grading. The Victorian unit is also an existing unit. The model is a garage under because of the topography. There is a master bedroom on the first floor and is a 3-bedroom 2-car garage model. It is approximately 2800 square feet. The B-1 unit is an existing model in Tapestry. The garage is located underneath. It has a master bedroom on the first floor, is a 3-bedroom, 2-car garage and is approximately 2400 square feet. There are two units that are new models with the master bedroom on the second floor. The proposed A model is approximately 2100 square feet. The development will have the same exterior materials and is the same building height of 30' to stay in keeping with the elevation, style and look of the existing development. There are 3 bedrooms on the second floor. The B model is approximately 2400 square feet. The master bedroom is on the second floor and is the second of the 4-bedroom models. It is in keeping with the building height requirements and the same materials are being used. The single family homes will have basements which will be dependent on grade and soils conditions. They will conform with the current look-alike ordinance. Any new plans would have to come back before the Board for review. The single family homes will be 30' in height.

Mr. Feinberg discussed the COAH building. The building has a main entrance that leads into a lobby on the main façade off of the parking lot. The building consists of 23 units of which there are 4 1-bedrooms, 14 2-bedrooms and 5 3-bedrooms. The units are approximately 800 square feet for the 1 bedroom units, 1,000 square feet for the 2-bedroom units and 1,200 square feet for the 3-bedroom units. The materials are in keeping with the look that is prevalent throughout the community. The building will be stucco and have traditional windows. The roof is shingles matching the existing home product that is being offered. Metal roof features have been added to be consistent with the product that has been offered in the single family together with a synthetic stucco brick material in lieu of the stone. The building will be 47' high at the highest point to the top of the roof. The building will be serviced by an elevator. All the units will be ADA compliant. It is a 3-story building. Accommodations can be made on the first floor for mail or for a kiosk on the outside of the building and it will be dependent on what the Post Office requires. The units can be either rental or for sale.

Mr. Coppola discussed his memorandum dated February 22, 2012. He concurred that the site plan layout changes are minimal and limited to accommodating the affordable housing units, the parking area and the modified recreation plan which is in keeping the allowance of the conversion law. With regard to the recreation, he thought the recreation would be amended to include both the field and possibly a half-court basketball hard surface. He asked that it be kept open to give the Board a chance to look at it in more detail at the time of final. Mr. Coppola said more information is needed on the dumpster enclosure and can be a condition of final. Compliance with the look-alike ordinance can be deferred until final. Mr. Troy agreed and said that between now and then they could work with the Board professionals.

Mayor Trzaska asked about the proposed height of the COAH building. Mr. Coppola said that the increase in height is a specific allowance of the conversion law. The Board could have the right to question what the architecture will look like. It is typical in conversion applications to have an apartment building that will go up 10 or 15 feet higher than the singles. Mayor Trzaska wondered why the building could not be constructed to the 35' requirements. Mr. Troy responded that part of the desire for the COAH units is there are certain economies that can be realized by building at 3-stories. The building is still subject to further aesthetic refinement. The applicant will review it with the professionals and when they come back for final more detail will be given. Mayor Trzaska said that it talks about maybe reasonably revised; the Planning Board may find that the proposed height; that is not something that is mandated by the conversion law. Mr. Coppola agreed and said that he thinks it is a cooperative effort and Mr. Troy has agreed to work with the town.

Mr. Linnus said the issue is whether the height variation is reasonable. There is no doubt that it varies from what is required in the zone. The question is whether the increase in height creates a substantial detriment to the public good.

Mr. Troy said there is a fair amount of grade drop in this area of the site. In terms of scale, this area of the site is one place that a higher building could be architecturally justified. The applicant will look at a number of architectural techniques that would make the roofline shallower. The height issue could be addressed and softened. They will not be able to get it down to 35' but they could be responsive to the concerns.

Mr. Glockler asked if the elevator would be large enough to permit rolling a cot in it. Mr. Feinberg said they are required under NJ Uniform Construction Code to have it large enough to accommodate a gurney. Mr. Glockler said on some of the single family models particularly the garage under models it looks like there are a substantial amount of steps to get from the roadway into the building. This poses a problem on the respondents to 911 calls. Mr. Feinberg said he could look at the width of the stairs.

Ms. Lamar said that for the purposes of the resolution the height of the COAH building needs to be set.

Mr. Cline recommended that parking along the street in front of the lot and pocket park be switched from the north side to the south side to prevent pedestrians from having to cross the street to get to the park. Mr. Troy said it could be permitted along the front with the exception of a clear zone so that the "T" can function. The cul-de-sac in the approved plan set was an obstructed fully open cul-de-sac and the proposed cul-de-sac has an island in the center. Mr. Cannuli said that is the proposal and it would have mountable curb but they could go back to what was originally proposed. The adequacy of the turning movements around the bulb will be subject to the review of the Fire Official. Mr. Cline asked if the applicant would put a school bus shelter on the cul-de-sac near the COAH building. Mr. Troy agreed. The circulation plan will be resolved and an exhibit will be provided at the time of final. Mr. Cline asked if the applicant will install fencing around the stormwater improvements to keep children out. Mr. Troy said the applicant would agree but has a concern that there may be places where it would need to be open for access for both emergency and maintenance reasons. The applicant will work with Mr. Bartolone.

Mr. Troy said he believes they can get the height of the COAH building down to 43' and maybe under 40' depending on how the structure lays out relative to the dimensions of the building. He suggests the resolution states no higher than 43'. Mr. Troy will provide a cross section to show how the topography works.

Chairman Some asked where the connector road from Hillside to the Village Shopper is. Mr. Troy said it is shown on the plan to go through the easement that Sharbell owns. It is not designed to be a public road. Mr. Coppola said there was discussion many years ago with Mr. Grosso about having a gate and a pedestrian access or allowing cars to go to the shopping center but not go from the shopping center to the development. A lot of it is contingent on the Master Plan roadway. The issue will be discussed at the time of final.

There was discussion of Richard Bartolone's memo dated June 6, 2011. Mr. Cannuli said there was one clarification regarding the bio-retention island which was located inside Salem Lane. They agree to comply with all the comments in the memo with the exception that they did not want to jeopardize any existing NJDEP permits. They will work with the professionals and will make whatever adjustments they can without having to revise their permits.

Mr. Coppola said the professionals are satisfied with the conversion and preliminary application subject to conditions. The application will need to come back to the Board for final. Mr. Coppola suggested that given the fact that there are two parallel applications it would be helpful to have an extension of time for the final. Mr. Linnus said the conversion expires on April 9, 2012. The Board could take action on conversion and preliminary but an extension on the final is required. Ms. Lamar agreed to an extension through June 9, 2012.

Chairman Some opened the meeting to the public.

Sarah Roberts, 48 Harlingen Road, was sworn in. Ms. Roberts appeared as a representative of the Shade Tree Committee. Mr. Troy said he reviewed the memo and had no objection to the comments.

There being no further public comment, the public hearing was unanimously closed.

Ms. Davis asked what the proposed pricing for the non-age restricted housing and how it compares to the current pricing at Tapestry. Mr. Troy said the price structure will not be drastically different from Tapestry. The product will be similar size and in some cases identical. Tapestry is running from the very high 4's to the high 5's. It is expected that these units will be within that price point. Ms. Davis asked what the most common price in Tapestry is. Mr. Troy said the base price point in Tapestry is somewhere in the 530 to 540 range.

Mr. Linnus summarized that the age conversion law was enacted by the legislature and the purposes of the law were listed properly by the applicant's attorney. The Board had an issue with eligibility and the Superior Court indicated that this applicant and this application has been deemed eligible. The applicant has attempted to

prove compliance with the remainder of the statute. The Board's legal framework is does the application present a substantial detriment to the public good. If it doesn't it has to be approved. Public good is whether there is a detriment or impact to the character of the neighborhood and the surrounding area. The conversion law is clear in that if there are "D" variances they are considered as "C" variances. What is approved as part of the preliminary is basically their plan. The Board would be taking action on the conversion and preliminary if the Board chooses to do so.

Mayor Trzaska commented that personally he does not support the conversion act and thinks it is bad policy. The Courts have said that this project is eligible and the Board has to move forward.

Chairman Some agreed. The applicant has made their case and has met the qualifications with regard to the standards. The Board's professionals are okay with everything.

Mr. Wilson asked Mr. Linnus about preliminary approval versus final approval, what the Board is constraining themselves to and the flexibility in final approval. Mr. Linnus replied that there is very little flexibility. A set of plans have been submitted and if they are approved preliminarily the plans are approved subject to whatever conditions are being imposed. Preliminary gives the applicant certain rights and the rights of the applicant are that the Board cannot require them to substantially vary their preliminary approval at final. The number of units, the bedrooms, the size, the location of the infrastructure, the stormwater management facilities will all be locked in if preliminary is granted. If there are major changes they would have to go back to preliminary.

Mr. Wilson asked about the sewer capacity. Since the height of the COAH building is a concern he wondered why the building could not be made wider, deeper and take what was on floor three and put it on the ends of the building. Mr. Troy said one of the issues is the economy of providing the COAH units. The other issue is that site has some constraints such as wetlands. He is not sure that the building can't be made to look acceptable. There are concerns about the efficiency when a building has COAH units in it; there really are economies. Mr. Wilson asked if the infrastructure and road improvements would be done at the same time. Mr. Troy said they would be done at the same time within the section. One of the reasons why it is laid out in the section format is that they have to incorporate the COAH building into the first section. Part of the infrastructure is already in. There is a basin that will serve Section I and II that has to go in and there is a second pump station that has to go in. There will only be a single access point into the entire community. If this is a concern, at the time of final they can put in a temporary emergency access path if the professionals and Fire Department recommend it. Mr. Wilson asked whether the buses and emergency vehicles could access the site if there was on street parking. Mr. Troy said an exhibit will be provided at the time of final to show that it would work. Mr. Wilson said the applicant should provide better recreation. Despite the list of how close a lot of things are, given the location of this property it is not the kind of community that most parents will tell their children ride their bikes to the other locations. Mr. Linnus said the recreation is within the Board's discretion. The adaptability or the conversion of recreation from age restricted to non-age restriction is specifically mentioned in the statute that it has to be reasonable and related to what is being proposed. Mr. Troy said there has not been discussion about a pool and clubhouse for this section.

Chairman Some said that the recreational aspect will be discussed with the Board professionals. Mr. Troy said they will review and explore supplementing what is being proposed as part of the final. Mr. Linnus said it would also be a condition of preliminary.

Mr. Wilson asked if the system of trails will be connected to the Tapestry pathways. Mr. Troy responded that it does run through Tapestry and extends along the Bedens Brook. The pathway system is not only for the Tapestry and Hillside, it is also part of the Township's pathway system.

Mr. Willson said the recreation that is located elsewhere in the Township is not part of the project so it doesn't apply. What is being installed by the developer is what applies, which is 10,000 square feet of a field. That is less than a ¼ acre. How much smaller can it be made? He suggested that it be large enough to play football. When this plan is compared to the original plan he does not see how this plan does not adversely affect or act toward the detriment of the community. There were 112 houses now there are 87 houses and an apartment house. He does not see how the apartment house does not add to a detriment to the community. He believes the applicant should install 23 houses and make them affordable.

Mr. Troy replied that he does not share Mr. Willson's opinion about the affordable housing. He has done affordable housing in a number of places over the years. There are initial cost issues but there are on-going cost issues that are associated with affordable housing. The person in the affordable unit is obligated to maintain it and typically maintenance of single family housing is a burden so there is a long term cost that goes along with it as well. As far as the recreation goes, Sharbell will not commit that a clubhouse or swimming pool will be constructed but he will explore the opportunities to provide as large a playing field area as possible. If the bio swale in that area is not needed it opens up a number of other alternatives.

Chairman Some asked Mr. Bartolone and Mr. Cline to work with the applicant to see if there is a possibility to put something across the street from the recreation area or in another area of the site.

Mr. Linnus said the first vote the Board will act on is whether the conversion will be approved under the statute.

Mayor Trzaska asked about preliminary site plan approval and if the Board grants preliminary will it tie the Board in what they can do from a recreational point of view at the time of final. Mr. Wilson said that if recreation is one of the things that if the Board is not satisfied that the recreational amenities are adequate that is reason enough to not proceed with the conversion. Mr. Linnus confirmed that Mr. Wilson is correct. One of the requirements of the statute is that the recreation improvements and other amenities to be constructed on the site have been revised as needed to meet the needs of the converted development. Mr. Wilson asked if it is a Board members opinion that the tot lots, despite the pledges to work together to find something better, aren't adequate is a justifiable position. Chairman Some asked if it has to come to the Board again for a final approval. Mr. Linnus said it does not, it speaks to conversion. The time limit under the Court decision is April 9<sup>th</sup>. Mr. Wilson asked if the Board decides that because of the recreation issue that the Board would chose not to grant conversion and April 9<sup>th</sup> comes and goes what occurs. Mr. Linnus said he would think the applicant would appeal the decision to Court and the Judge will make a determination as to whether the Board was reasonable in its denial or whether it was reasonable in requiring certain recreational amenities that were not offered by the applicant. Mr. Conforti said there are two weeks before the next meeting to get the recreation issue settled.

Ms. Lamar said that in terms of the reasonableness of the recreation it was the Board professionals that asked the applicant to look at national standards and that is specifically what Mr. Cannuli's testimony was. Mr. Cannuli at national standards and provided them to the Board. It may not be everything the Board wants but they are looking at the concept of reasonableness. If Sharbell is meeting the national standards they are reasonable and Sharbell is willing to work with the Board.

Mr. Coppola said the national standards are not for site specific development, they are for broad areas. The information was helpful and very productive to hear but the Board has brought up concerns about children being able to cross traffic and other points. It should be kept on the path of trying to resolve it. The applicant has already indicated they will look at it further.

Chairman Some asked Mr. Troy if he would be willing to come back to the Board on April 2<sup>nd</sup> with a more detailed proposal. Mr. Troy said he would if he had to. Mr. Troy asked if there is an ordinance that mandates minimum recreation requirements for single family communities. Short of another clubhouse and another pool and short of revising DEP permits they will do whatever is reasonable in that area. There is approximately 35,000 square feet of area.

Mr. Willson said that equates to 90 square feet per family. Mr. Troy said there is an adequate area there to give a very reasonably sized open play area. It will not be regulation size fields but it can be an area for other active open recreation together with tot lots. There are plenty of places the two tot lots can be moved so everything isn't centralized.

In response to Mayor Trzaska, Mr. Troy showed the Board what basins were constructed using an exhibit. The applicant's engineer will go back and look at the permits that were granted. The island may be able to be eliminated.

Mr. Linnus summarized Judge Hurley's decision in the Sayreville case where he talks about recreation. The Judge addressed the issue of recreation and said the final issue to be addressed in that case was the adequacy of recreational amenities. Heritage proposed to replace the bocce courts with an area of passive recreation. During the public hearing, Board members brought up for consideration that children will now be present and possibly a tot lot should be constructed to accommodate that change. The conversion statute authorizes the Court, upon finding that the conversion should have been approved, may impose reasonable conditions that are deemed necessary. The Court in that case finds that the concerns raised by the Board for a different form of amenity is appropriate given the addition of some children.

Ms. Lamar said that the Judge can also make that determination which is very unusual.

Mr. Troy said he did not understand why this matter could not be addressed like any other matter is being addressed but he would come back.

Chairman Some said the Board is looking to see some more extensive concrete plans for recreation. Sharbell will work with the Board's professionals and come back on April 2<sup>nd</sup> with a different proposal.

Mr. Wilson said the demographics need to be looked at. There is a possibility of older kids. He would be in favor of getting the play lots away from places where older kids may need a place to hang out and encouraged the applicant to think about amenities the Township doesn't have recreationally that may fit in the context of the development.

Ms. Lamar asked for some parameters in that when the applicant comes back on the 2<sup>nd</sup> the only issue to be addressed is recreation. Chairman Some and Mayor Trzaska thought that was reasonable. Ms. Lamar asked that the application be carried without further notice.

Mr. Coppola suggested that any meeting with the applicant that occurs should include all three of the Board's professionals. Chairman Some suggested the applicant and Board professionals walk the site. Mr. Conforti would also like to walk the site.

Mr. Cline said that testimony was given about the adequacy of capacity. He asked that something in writing be submitted. It could be submitted as a condition of the preliminary.

Mr. Linnus announced that the public hearing was continued to April 2, 2012. There will be no further notice.

The Board took a five minute recess.

**Case PB-03-12**

**Applicant: Honda of Princeton**

Block 35002 Lot 4

Amended Preliminary and Final Major Site Plan with Variances

Expiration Date – 6/29/12

Affidavit of Notification and Publication Required

Notice was found to be in order. Michael Fedun, Esquire represented the applicant.

Mr. Fedun gave a background on the project. Preliminary and final site plan was approved by the Board in October 2008. The property is 6-acres and the expansion was from 13,000+ square feet to 31,000 square feet. The building has had a history of applications before the Board's. As part of the 2008 approval Honda had to mitigate the impact to the stream corridor and Honda agreed with two neighboring property owners to mitigate some of their property so the intent of the ordinance was satisfied. During the hearing, Mr. Burt the owner, had testified concerning the franchise requirements regarding the size, layout, appearance and the signage of the building. The application now before the Board is a modification to that approval. The applicant came to the Board with architectural plans that showed the signs that were intended to be incorporated with the project. When the architectural plans were presented to the Board, the Board approved the appearance of the signs and how they looked. When Honda applied for the building permit, the way of measuring the letters on the sign was not done the way the Township typically interprets the ordinance. The Township ordinance permits attached signs at ½ square foot per foot of linear building. The building is 222 linear feet so they are permitted 111 square feet of sign but the signage is at 188.7 square feet. One sign they thought would be measured as less than 50 square feet is 80 square feet and another sign is 56 square feet. In each case 50 square feet is the largest permitted sign. The Honda building is much further back than all the other buildings so the sign does not seem as large from the street.

Robert Cerutti, 180 Nassau Street, was sworn in. Mr. Cerutti gave his qualifications and was accepted as an expert architect. Mr. Cerutti prepared the architectural plans for the original application. Mr. Cerutti showed the Board the drawing that was presented in 2008 and the plan before the Board now. The plans are identical. The difference is how the area of the sign is measured. The applicant measured the actual area of the objects that were going up on the wall which have no backboard sign. The township ordinance includes a sort of imaginary space behind the sign.

Mr. Coppola said that the ordinance hasn't changed with regard to measuring signs. The architectural plans that were before the Board then and now are the same. However, the representation was that the size was a different size. The Board saw the size of the signs in scale on the architectural rendering and they have not changed.

Mr. Cerutti said the building is about 100' further back from the street than any of the adjacent buildings. He showed photographs. A calculation that shows that a sign at 75' back and is moved back 100' from that it a 30" inch high letter appears to be 13" high. If this is applied to the 188 square feet the signage appears to be 80 square feet. The principal wall of the building is at a 45° angle going away from the street and two of the signs are on that wall. From end to end the sign is 22' but when they are turned on an angle they are 16' so that is what is perceived at the street.

Chairman Some asked where the applicant stands with regard to the remediation project in the rear along the stream corridor.



Jody Arena, 152 Garrett Road, was sworn in. Mr. Arena is the construction manager of the project. The stream mitigation work is complete but he did not believe that the Township has signed off on it yet. Ms. Savron will check with the Engineering Department to see if it has been signed off yet.

A motion to approve the sign variance was made by Ms. Dyer, which was seconded by Mayor Trzaska. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Glockler, Trzaska Willson, Wilson and Some

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.