

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
DECEMBER 17, 2012**

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; Vice Chairman Matthews; Mr. Conforti; Ms. Davis; Ms. Dyer; Mayor Trzaska; E. Willson

ALSO PRESENT: Francis P. Linnus, Esq., Board Attorney; Kathy Elliott, Board Engineer; Ms. Savron, Secretary

I. PUBLIC COMMENT – 5 MINUTES PER PERSON

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

II. RESOLUTIONS

Case PB-10-12 Applicant: Carrier Clinic, Inc.
Block 1001 Lot 14.02
Preliminary and Final Major Site Plan with Variances

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

Ayes: Conforti, Davis, Dyer, Matthews, E. Willson and Some

Nays: None

III. ADMINISTRATIVE BUSINESS

A. ORDINANCE RECOMMENDATION

ORDINANCE NO. 12-1427

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 16-4.11 REGARDING THE "CC-1 & "CC-2" COMMUNITY COMMERCIAL DISTRICTS AND SECTION 16-4.12 REGARDING THE "HC" HIGHWAY COMMERCIAL DISTRICT APPLICATIONS

Vice Chairman Matthews recused himself from this discussion.

A motion to recommend the ordinance was made by Mayor Trzaska, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Trzaska, E. Willson and Some

Nays: None

B. SUBMISSION WAIVERS

Case PB-09-12 Applicant: JER/Herring Orchard, LLC
Block 28001 Lot 5.01
Submission Waivers Associated with a Preliminary and Final Major Site Plan and Subdivision

Richard Schatzman, Esquire represented the applicant. The applicant is requesting a submission waiver from providing an Environmental Impact Statement. When the applicant was before the Board of Adjustment for the solar array, Amy Greene prepared an Environmental Impact Statement that talked about a lot of the environmental issues that are associated with this lot. The environmental issues have been identified on the plans. There is no impact to those areas except for a small grading area and there will be a two (2) to one (1) compensation. All of the undeveloped areas will be covered in a deed restricted conservation area or conservation easement. There is a regulation in the Administrative Code that says the Board can't use an Environmental Impact Statement to alter the density of sites that are part of the municipal substantive certification.

Mr. Schatzman read Ms. Elliott's report dated December 14, 2012 and Ms. Coppola's report dated December 14, 2012 into the record. Both Ms. Elliott and Ms. Coppola recommended the waiver.

The meeting was opened to the public. There was no public comment and the public hearing was unanimously closed.

A motion to approve the submission waiver was made by Mayor Trzaska, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Matthews, Trzaska, E. Willson and Some

Nays: None

Case PB-11-12

Applicant: King Interests, LLC

Block 28005 Lot 65

Submission Waivers Associated with a Preliminary and Final Major Site Plan and Variance Application

Richard Schatzman, Esquire represented the applicant. Mr. Schatzman referred to Ms. Coppola's December 11, 2012 memo, the checklists submitted with the application and the Development Review Committee's completeness letter. The applicant is withdrawing their request for most of the submission waivers.

The applicant is requesting the following submission waivers on the preliminary checklist: partial waiver from showing the location of natural features within 200' of the property (#23), partial waiver from showing the location of flood plain, etc. within 200' of the property (#24), partial waiver from showing the location of wetlands, transition area, hydric soils and land subject to flooding within 200' and from providing a copy of the request for an LOI or a copy of the LOI (#25), partial waiver from showing the location of the stream within 200' of the property (#26), partial waiver from showing the location of all existing structures and their uses within 200 feet of the subject property (#34); partial waiver from showing the location of all existing utility structures and lines within 200' of the property (#35), an Environmental Impact Statement (#62), and a Traffic Impact Statement (#63).

The applicant is requesting the following submission waivers on the final checklist: cross sections of Route 206 are not needed but the applicant will provide whatever Ms. Elliott needs to make recommendations to the Board (#11) and copies of will-serve letters from all utility companies (#17).

Checklist Items #36, #70 and #71 on the preliminary checklist are not relevant to this application. All other items will be provided.

The applicant agrees to the condition that if any of the waived information is needed during review, the applicant will supply it.

Chairman Some opened the meeting to the public. There was no public comment.

A motion to approve the submission waivers as agreed to by the applicant as reviewed and suggested by Ms. Elliott, Ms. Coppola and Mr. Rea was made Mr. Conforti, which was seconded by Mayor Trzaska. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Matthews, Trzaska, E. Willson and Some

Nays: None

IV. MINUTES

November 19, 2012 – Regular Meeting

A motion to approve the minutes was made by Ms. Dyer, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Some, Matthews, Conforti, Dyer, Trzaska and T. Wilson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:15 p.m.