

**MONTGOMERY TOWNSHIP PLANNING BOARD**  
**MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**  
**REGULAR MEETING**  
**MAY 20, 2013**

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; Mr. Sarle; Mr. Smith; Mayor Trzaska; Mr. DeRochi, Alternate #2; Mr. Madrid and Mr. Mani, Advisors

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

**I. SALUTE TO THE FLAG**

**II. PUBLIC COMMENT**

There was no public comment.

**III. RESOLUTION INTERPRETATION**

**Case PB-10-13**

**Applicant: Cherry Valley Homeowner's Association and ClubCorp**

Block 30003 Lot 1.03

Modification of Resolution S-4-87V Condition

Chairman Some, Mr. Conforti, Mr. Smith and Mr. Sarle stepped down.

Anne Studholme, Esquire represented the applicant.

Mr. Linnus explained that this is an application for an interpretation. Back in 1987 when Cherry Valley obtained approvals there was an item in Statement #26 Finding of Fact which stated that that HOA will own the golf course which it will lease to a nonprofit operator. A standard condition at that time, which is contained in Condition #1, is that the Factual Findings in the resolution were a condition. From a legal perspective the Planning Board does not control the ownership interests in the property the Board controls the use and development of the property. All other terms and conditions of the original resolution would remain in full force and effect.

Vice Chairman Matthews said at the time of the approval there was a desire for it to be owned by the Club and not private ownership. There was concern about the possible traffic generated from tournaments. Ms. Studholme said there is an explicit condition in the resolution that prohibits public tournaments.

Vice Chairman Matthews opened the meeting to the public. There being no public comment, a motion to close the public hearing was made by Mayor Trzaska, which was seconded by Ms. Dyer which passed unanimously.

A motion to accept the interpretation Mr. Linnus gave to the Board was made by Mayor Trzaska, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Davis, DeRochi, Dyer, Matthews and Trzaska

Nays: None

Chairman Some, Mr. Conforti, Mr. Smith and Mr. Sarle returned to the dais.

**IV. RESOLUTIONS**

**Case PB-14-12**

**Applicant: SAVE – A Friend to Homeless Animals**

Block 25001 Lot 27.01

Amended Preliminary and Final Major Site Plan

Richard Schatzman, Esquire represented the applicant. Mr. Schatzman discussed the conflict between what Mr. Bartolone requests and what the Shade Tree Committee requests. He suggested that the Shade Tree Commission and Environmental Commission consult with Mr. Bartolone so there is only one memo regarding landscaping. The Mayor will communicate to the various Commissions.

A motion to memorialize the resolution was made by Mayor Trzaska, which was seconded by Mr. Conforti.

This was carried on the following roll call vote:

Ayes: Conforti, Dyer, Matthews, Sarle, Smith, Trzaska and Some

Nays: None

**Case PB-11-12**                      **Applicant: King Interests, LLC**  
Block 28005 Lot 65  
Preliminary and Final Major Site Plan

Richard Schatzman, Esquire represented the applicant. Mr. Schatzman said there is a question about the provision that requires the applicant to come back to the Planning Board for minor site plan approval if the banked parking is needed as it interfaces with the Master Plan Road. The applicant hopes to have the restaurants and the events that trigger the survey for banked parking long before the Master Plan Road is fully designed which the Township Engineer has estimated will be at least the end of 2014. The applicant will not be able to apply for minor site plan approval until the Master Plan Road is designed.

Ms. Coppola said her concern is the interface of the two because if the Master Plan Road does get built it will most likely bisect somewhere through banked parking. That will cause a redesign of what was submitted. There are two alternatives. One would be if the Master Plan Road will change the configuration, stormwater, etc. that is shown on the plan an amended approval would be required. The Township has no guarantee the applicant will have any obligation to provide for the cross through, through the property for the Master Plan Road because there is no easement or anything shown.

Mr. Schatzman said there is a Developers Agreement that requires the applicant to grant an easement or fee dedication of the Master Plan Road. The Developers Agreement has been recorded in the Somerset County Clerk's office. Under the Statute the Township can reserve it for a year and pay the applicant an option price per year. The applicant agreed to give it to the Township. He suggested if the Master Plan Road is designed and the banked parking is required, the applicant will work with the Township Engineer. If the Township Engineer has any concerns she can send it to the Board for review for amended site plan.

Mr. Cline said he can work with the applicant under conformance review to make sure the plans have enough information that would allow the banked parking to be constructed if necessary.

Mr. Linnus said in Finding of Fact 11 on page 4 will read "In the event it is determined by the Township Engineer at a later date that...." This will also carry through on page 12 in Condition #4.

A motion to memorialize the resolution with those changes 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, Sarle, Smith, Trzaska and Some

Nays: None

## **V. EXTENSION REQUEST**

**Case PB-08-12**                      **Applicant: Richard Grosso, Jr. and Nancy Grosso**  
Block 1001 Lot 35.01  
60 Day Extension to File Minor Subdivision Deeds

Richard Schatzman, Esquire represented the applicant. The deeds and various easements have been reviewed and approved. The applicant is waiting for DRCC and County approval. The deeds will have to be filed by July 28, 2013.

The professionals had no comments.

Chairman Some opened the meeting to the public. There being no public comment, the public hearing was unanimously closed.

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

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Smith, Trzaska and Some

Nays: None

Mr. Cline and Ms. Coppola left the meeting.

## **VI. APPLICATIONS**

**Case PB-08-13**                      **Applicant: Montgomery Township Board of Education**  
Block 19001 Lot 8.34  
Capital Review – New Fueling Facility  
Montgomery Middle School – Upper Campus

Tom Venanzi, 1014 Route 601, was sworn in. Mr. Venanzi is the Board of Education Business Administrator. William B. Edwards, 69 West End Avenue, was sworn in. Mr. Edwards is a licensed engineer and President of Edwards Engineering Group, Inc.

Mr. Venanzi said the purpose of the project is to address an aging underground storage tank. As the end of the useful life of the tank nears they are looking to replace it with aboveground tanks which are easier to manage and less restrictive when dealing with the Department of Environmental Protection.

Mr. Edwards explained the project. The sheds, gravel areas and a few small pine trees will be removed for the fueling facility. The facility will have concrete around it with a center island. There will be two tanks; a 6,000 gallon (diesel) and a 4,000 gallon (gasoline). The facility will handle the busing and the vehicular fleet for the entire school district. The location is ideal from a maneuverability standpoint. A 30' noncombustible area has been provided around the tanks. The island will be ringed by 6" steel bollards concrete filled 4' on center. The tanks are dual walled and have an alarm and monitoring system. A freestanding LED light fixture is proposed that will be on dusk to dawn. It is a single fixture about 20' high and illuminates the area around the pumps. The facility is about 122' from the property line. The homes are about another 100' beyond that. There is dense brush and evergreen.

Mr. Linnus explained that this is a D31A hearing. Before any public agency expends public funds they are required to be referred to the Planning Board. The Planning Board reviews the application and makes recommendations.

Ms. Savron discussed her memorandum.

Mr. Venanzi said the temporary gravel parking lot that was to be removed in accordance with the 2004 review is used for overflow parking for major events. He would have to see how much usage the lot gets to see if there is an issue with it turning it back to grass.

Chairman Some opened the meeting to the public. There being no public comment, the public hearing was unanimously closed.

Ms. Davis asked if the proposed light would be higher than the existing trees. Mr. Edwards said it would be about another 5' higher. He agreed that the light would not be ½ footcandle beyond the lawn area.

The Board recommended the project with the lighting being no greater than ½ footcandle beyond the lawn area. The gravel parking lot can remain.

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

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Smith, Trzaska and Some

Nays: None

**Case PB-09-13**                      **Applicant: Montgomery Township Board of Education**  
Block 25001 Lot 27.02  
Capital Review – Tennis Court Renovations  
Montgomery High School

Mr. Venanzi and Mr. Edwards remained under oath.

Mr. Venanzi explained the tennis courts were installed when the new high school was constructed. There have been some issues with the courts cracking and with dips on the surface. They have been temporarily fixed but now they need to be renovated and replaced.

Mr. Edwards testified that they are improving the drainage with the installation of a french drain system which will be piped into the perimeter storm drainage system. Some sidewalks will be improved. A landscape wall is being installed along a fence line that backs up onto the running track.

Chairman Some opened the meeting to the public. There being no public comment, the public hearing was unanimously closed.

Chairman Some asked about the trees that are dying that were installed around the solar panel array. Mr. Venanzi responded that the contractor has been notified and it is their responsibility to maintain and replace the trees. The replacement will probably occur in the Fall.

A motion to accept with no recommendation was made by Mr. Smith, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Smith, Trzaska and Some

Nays: None

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