

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
SEPTEMBER 16, 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. Glockler, Alternate #1; Mr. DeRochi, Alternate #2; Mr. Mani, Advisor

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

Case PB-08-12 **Applicant: Richard M. Grosso, Jr. and Mary Grosso**
Block 1001 Lot 35.01 (New Lots 35.03 and 35.04)
Extension to September 28, 2013 to File Subdivision Deeds

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

Ayes: Conforti, DeRochi, Dyer, Sarle, Trzaska and Some

Nays: None

Case PB-05-13 **Applicant: Carrier Clinic**
Block 2001 Lot 2
Preliminary and Final Major Site Plan

Richard Schatzman, Esquire represented the applicant.

Mr. Cline requested that the word "average" be taken out of paragraph F19 on page 4.

Mr. Schatzman asked that Condition 7b on Page 3 also allow for an extension of the old permit by its terms. Mr. Schatzman read a memo from Mr. Kachroo with the DEP into the record that notes that although the permit has expired pursuant to Section B2a page 1 of 3 of the permit, the permit conditions remain in effect and enforceable until and unless the permit is modified, renewed and revoked by the Department. Mr. Schatzman would like additional wording because of this position.

Mr. Cline said he was not aware the permit had expired. He requested early on in the approval process that the applicant's engineer certify there is enough capacity for this project. During the hearing there was testimony that Carrier was in the process of revising the permit. Mr. Cline is not concerned that the permit has expired because it is still in effect.

Mr. Schatzman agreed to provide a certification from the applicant's engineer.

Mr. Schatzman asked that Condition 7a regarding the groundwater contamination be amended allow the applicant to proceed if they provide information that they are working diligently to address the issue. Carrier has a contract with T & M to work on the issue.

John Haussman was sworn in. Mr. Haussman testified that he checked through Carrier records. There were underground storage tanks that were removed and two wells installed. The wells were checked and everything was fine but the case was never closed. The wells, which are outside the construction area, are still there so T & M was hired to take samples. It is unknown how long it will take DEP to close the case. Mr. Haussman agreed to submit the file information they have on the case.

The condition will read “Applicant has supplied information to the Planning Board Engineer and is proceeding diligently in closing the groundwater contamination and the Planning Board Engineer agrees with the progress”.

Mr. Schatzman noted that the timing for T & M to have the work complete is 16-18 weeks from a notice to proceed.

The case must be closed prior to the issuance of a Certificate of Occupancy (C/O) or Temporary Certificate of Occupancy (TC/O). If the case is not closed by the time Carrier applies for a C/O they will come back to the Board. The applicant is proceeding at its own risk.

A motion to memorialize the resolution as amended was made by Ms. Dyer, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, DeRochi, Dyer and Some

Nays: None

IV. MODIFICATION TO RESOLUTION CONDITION

Case PB-11-12 **Applicant: King Interests, LLC**
Block 28005 Lot 65
Modification to Resolution Condition No. 1.d.

Richard Schatzman, Esquire represented the applicant. Notice was found to be in order.

Condition No.1.d requires the applicant to provide a geotechnical investigation report of the banked parking area for the review and approval of the Planning Board Engineer. Mr. Cline opines that this condition is to be met prior to the construction plans being signed by the appropriate Township Officials. The banked parking will not be constructed until sometime in the future. The applicant would like to provide the geotechnical report when it is determined that the banked parking is needed.

William King III, 219 Nassau Street, was sworn in. Mr. King referenced a Melick Tully Associates letter in which they recommend that the report be deferred.

Mr. Cline has no objection to the geotechnical report being deferred, especially in light of the Melick Tully letter.

Chairman Some opened the meeting to the public. There being no public comment, the Board voted unanimously to close the public hearing.

A motion to modify the condition was approved by Mr. Wilson, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Glockler, Matthews, Sarle, Wilson and Some

Nays: None

V. APPLICATIONS

Case PB-07-13 **Applicant: David G. Wolk**
Block 34001 Lot 37.03 & 40.03
Submission Waiver and Minor Subdivision With Variance
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Sam Davis, Esquire represented the applicant. Notice was found to be in order.

Michael Ford and David Wolk were sworn in.

Mr. Davis discussed the submission waiver from the requirement to delineate any wetlands and transition areas. The lots are fully developed and there are no proposed changes to the existing structures on the lot.

Ms. Coppola explained that this was discussed at the Site Plan/Subdivision Committee meeting and the concern of the professional’s was that there has been development on Lot 40.03 over time that has included some structures that appear to be located in what the Township GIS information shows as potential wetlands and stream corridor. One way to protect those areas in the future is to have those areas delineated and protected with a conservation deed restriction area. Mr. Ford has provided some further information which identified

three small areas of wetlands. The Township GIS Department provided additional information showing steep slopes adjacent to the stream corridor which by ordinance definition become part of the stream corridor area. The applicant does not have to go to DEP since there is no development proposed, it is recommended that the information be placed on the minor subdivision map and some sort of protection placed on the undisturbed area of the critical areas.

Mr. Ford referenced an August 28, 2013 from P & W Land Consultants entitled Wetland Evaluation. Mr. Ford also referenced the electronic copy of the minor subdivision plan that was submitted as part of the application. There is an existing pond that is partially on the applicant's property and partially on the neighbor's property. The applicant could receive a permit to fill in the isolated wetland areas so would not want to encumber them in deed restricted areas. A waiver is needed from obtaining a Letter of Interpretation from the NJDEP.

Mr. Davis said the applicant will agree to a condition that the information contained in the August 28, 2013 letter be reflected on the subdivision map.

The Critical Areas of Lot 40.03 Block 34001 map dated September 16, 2013 prepared by the Montgomery Township GIS Department was marked as Exhibit A-1. The site specific critical area information will be added to the subdivision map.

Chairman Some opened the meeting to the public for comment on the submission waivers. There was no public comment.

A motion to approve the submission waiver from obtaining a Letter of Interpretation was made by Mr. Wilson, which was seconded by Mr. Conforti. This was carried on the following roll call vote:
Ayes: Conforti, Davis, DeRochi, Dyer, Glockler, Matthews, Sarle, Wilson, and Some
Nays: None

Mr. Ford explained the proposed subdivision. The total of the two lots is 8 acres. One lot is 6 acres and 1 lot is 2 acres. The lot line will be shifted so the two lots are more equally sized. The shifting of the lot line will eliminate several variances. The remaining variance is for the setback of the gazebo on Lot 40.03. The gazebo is 23.5' where 50' is required.

Ms. Coppola testified that variances were previously granted for the dwelling on Lot 37.03 so new variances are not required.

Mr. Davis said the encroachment is a private issue between the landowners. Mr. Wolk is currently talking to his neighbor.

Ms. Coppola noted that in the past the Board has required a cross easement agreement to be worked out, but agreed it is a private landowner issue. The parking area appears to also extend into the right-of-way.

Mr. Wolk testified that he did not know where his lot lines were. Mr. Linnus asked why he doesn't remove it. Mr. Wolk responded that he has an agreement with the neighbor and the paperwork is being drawn up. The Board felt it was an issue between the neighbors and not a Board issue.

Mr. Ford said a waiver is being requested from planting 14 shade trees per acre since there is no development at this time. He referenced Mr. Bartolone's memorandum dated July 22, 2013 with no objection to the waiver. It is the applicant's preference not to encumber the critical areas with a conservation area. Granting the variances and waiver would not be detrimental to the Master Plan or public good because they are existing conditions. The variance for the gazebo is created when the lot size is increased; it currently conforms.

The Open Space Committee memorandum was discussed.

Mr. Linnus summarized that the application is for a minor subdivision, variances and waivers. Proofs for the variances were offered by Mr. Ford.

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

Ayes: Conforti, Davis, DeRochi, Dyer, Glockler, Matthews, Sarle, Wilson and Some
Nays: None

VI. STAFF REPORT

Parking Lot Expansion at Belle Mead Post Office

The Post Office will remove two spaces and will construct new spaces between the building and Route 206. The sign will be relocated. They are transferring 7 mail trucks and 7 employee vehicles from the Skillman Post Office to Belle Mead. The Post Office is not required to appear before the Planning Board. Mr. Rea reviewed the proposal from a traffic safety standpoint. He is okay with it. Mr. Bartolone reviewed the proposal and he proposed a low hedge and shade trees between the parking lot and Route 206. The new parking will accommodate customers.

The Board agreed with Mr. Bartolone's suggestion and hopes the Post Office will consider the request.

The Board made a motion to authorize Ms. Savron to communicate with the US Post Office and tell them about the Planning Board's concerns and proposed conditions.

VII. MINUTES

July 15, 2013 – Regular Meeting

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

Ayes: Some, Conforti, Dyer, Sarle and DeRochi

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:45 p.m.