

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
DECEMBER 1, 2014**

Chairman Conforti called the meeting to order at 7:34 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 Conforti; Vice Chairman Matthews; Ms. Davis; Mr. DeRochi; Mr. Sarle; Mayor Smith; Mr. Trzaska; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. Mani, Alternate #2; David Cheskis, Advisor (arrived 8:30 p.m.)

ALSO PRESENT: Mr. Linnus, Board Attorney; Mr. Cline, Board Engineer; Ms. Coppola, Board Planner; Mr. Bartolone, Board Landscape Architect; Mr. Rea, Board Traffic Consultant; Ms. Savron, Secretary

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. APPLICATIONS

Case PB-08-14 Applicant: Country Club Meadows, LLC; Pike Run, LLC; Pike Run II, LLC

Block 4001 Lots 33 and 33.01; Block 6002 Lot 1; Block 5023 Lot 2; Block 5002 Lots 4, 5 and 6;
Block 5003 Lot 1; Block 4071 Lot 1 and Former Route 206 Bypass Right of Way
General Development Plan; Submission Waivers; Soil Movement
Expiration Date – 2/26/2015
Affidavit of Notification and Publication Required

Mr. Linnus explained to the Board what a General Development Plan entails.

Ronald Shimanowitz, Esquire and Joe Fleming, PE represented the applicant. The subject property comprises approximately 190 acres on both the east and west sides of Route 206. The property has been divided into four development areas. The recently adopted zoning ordinance for this property requires General Development Plan (GDP) approval. The applicant is before the Board for GDP approval and extended vesting.

Joseph Fleming, PE was sworn in. Mr. Fleming was accepted as an expert in engineering and planning. The plans Mr. Fleming will reference have been submitted to the Board as part of the application package.

Mr. Fleming summarized the application and referenced the concept plan. Area 1 consists of the residential area which is approximately 125 acres with 148 market rate single family detached dwellings. There is a mix of lot sizes. The layout is compliant with the Residential Site Improvement Standards. The right-of-way will be 50' with sidewalks on both sides. There are adequate areas for buffering along the railway, along the south, between the two communities and along Route 206. Belle Mead Plaza, also within Area 1, is 5.5 acres that is located on the corner of Route 206 and Bellemead-Griggstown Road. It is a mixed use consisting of 31,000 square feet of ground floor retail/office space and 28 apartments on the second floor. 27 apartments will be affordable and 1 will be for a manager. The required parking for both the residential and commercial will be provided; it is not anticipated that there will be an overlap in parking.

Area 2 consists of the Pike Run Plaza on the east side of Route 206. It is about 21.5 acres in size and will provide 102,000 square feet of retail. Up to 15% could be dedicated to restaurants. The Community Operations center is an 8,000 square foot pole building with a 2,000 square foot mezzanine. The building will provide essential community support for the tenants of Pike Run. It will allow the vacation of space within the community recreation building which will be turned back to the residents for more recreational needs.

Area 3 is the Continuing Care Facility (CCF). The CCF will be broken up into multiple buildings with multiple type uses. There will be 96 2-bedroom apartments, 74 independent living units, 74 assisted living units and 74 sub-acute care units.

Area 4 is the transit commercial site which will contain a one story 22,000 square foot neighborhood commercial space with the provision of up to 150 parking spaces for transit related needs.

Mr. Fleming discussed circulation, open space and stormwater management. Provisions have been made for both vehicular and pedestrian circulation throughout the site. There is approximately 65 acres dedicated to permanent open space. Within the open space there will be walking trails, two pedestrian bridges and 2 playground facilities. All of the sewage will be conveyed without pumping stations. The stormwater management for the project falls under the jurisdiction of NJDEP, NJDOT, DRCC, Somerset County, and the Township. It is anticipated there will be 7 impoundments that will accommodate and deal with the runoff.

Mr. Fleming discussed the Coppola and Coppola Associates memorandum dated November 30, 2014. The deviations in the acreage of Area 1 were adjusted for the realignment of the CSX railroad bridge. The State has yet to fine tune what the numbers are. The additional acreage in Area 2 is due to the former Route 206 Bypass right-of-way and Area 4 accounts for the bisected lands of Route 206.

The 31,000 square feet of retail/office space in Belle Mead Plaza is ground floor gross square footage. The residential component will all be on the second floor and will be around 30,000 square feet. It is anticipated that an additional 10% of the floor area (3,000 square feet) will be necessary for the vertical connection from the ground to the units for both stair towers, for fire egress, an elevator core and meter rooms which will increase the footprint of the building to 34,000. All the bulk standards will be met.

The Operations Building mezzanine will not contain any bathrooms. The mezzanine is intended for storage only.

The name of the park by Covert Drive will be revised in the GDP booklet. The streets within the community are public and will comply with RSIS which is a 50' right of way with a 30' cartway that will allow for parking and sidewalks on both sides. The circulation designed for the continuing care will likely be private. The GDP booklet will be corrected. At the time of site plan there could be opportunities to discuss moving sidewalk in certain areas.

Ms. Coppola asked how the residents of Pike Run will get to the retail areas. The sidewalk from Route 206 to Pike Run Road on the north side of Bellemead-Griggstown Road is no longer on the plan. Mr. Fleming noted there is a proposed crossing of Bellemead-Griggstown Road between the two commercial areas and pathway connections between the eastern portion of Pike Run and the retail area. Mr. Wilson would like to see a sidewalk on the north side of Bellemead-Griggstown added back to the plan to allow the Pike Run resident's access to Belle Mead Plaza. He is concerned that market conditions could prevent Pike Run Plaza from being developed right away. Mr. Fleming agreed to look into a sidewalk from Pike Run Road to the future driveway of Pike Run Plaza on the north side of Bellemead-Griggstown Road. The sidewalk could be phased and go to Covert Drive as part of Belle Mead Plaza and then continue to the driveway as part of Pike Run Plaza.

Mr. Shimanowitz explained there is a provision in the Consent Order that the control on the affordability will be for a 30 year period. The Housing Report prepared by Art Benard has supplemental language which addresses what happens if the 30 year expires while someone is in the unit. The report can be modified to eliminate the language. Ms. Coppola explained that the supplemental language goes beyond the GDP. There is no language with regard to how many units are low or moderate. The supplemental language will be appropriate when the units are being developed but it should be worked out with the Township Attorney at that time. Mr. Shimanowitz agreed to eliminate the supplemental language and add the breakdown of the units.

Mr. Fleming testified that within 6 months of the completion of the commercial center, the operations building will be constructed. Mrs. Coppola suggested there be a condition that it be completed prior to the issuance of a C/O for the commercial building. Mr. Fleming agreed.

Mr. Fleming testified that the Existing Constraints Plan will be revised to show the correct setbacks and will conform to the ordinance.

Ms. Coppola asked the applicant to address the use of estimated acreages when the ordinance requires the finalized acreages be submitted at the time of the GDP. Mr. Shimanowitz thought the Board could grant relief since it is similar to a submission item. He requested the Board waive the item and require it at the time of site plan approval. Mr. Linnus said there could be a condition in the resolution that the acreage has not been finally approved but it must be set forth at the time the applicant proceeds with preliminary approval.

Mr. Fleming discussed the Remington Vernick and Vena memo dated December 1, 2014. There will be a total of 7 impoundments. Some are marked as stormwater ponds. The applicant has to get into detailed stormwater design to see what they will be. Mr. Fleming said that at the time of submittal for Phase I, they will have comprehensive understanding of how all of the systems work.

Mr. Cline testified that he did not have enough information at this time to accept the stormwater management plan. He preferred it be prepared at the time of preliminary approval.

Ms. Coppola noted there were other staff memos. Some of them contain recommendations that are not consistent with the Settlement Agreement or with the GDP.

Mr. Shimanowitz discussed the Health Department, Environmental Commission and Open Space Committee memos. It is too early at this time to decide if the COAH units will be smoke free. At the time of preliminary the applicant will address the viewshed. The wetlands, transition areas and critical areas will be deed restricted. There was discussion about the width of the footbridge per the Consent Order. The recommendation of additional recreational amenities at the Continuing Care Site will be considered at the time of preliminary. The Environmental Commission comments contain items that should be deferred to preliminary.

Mr. Cline asked if the site would be bike friendly with bike racks, etc. at the retail spaces or for the affordable housing. Mr. Fleming responded that bike racks would be incorporated at the time of site plan.

Mr. Shimanowitz requested a ten year vesting from the first final which is parallel with the Consent Order.

Chairman Conforti opened the meeting to the public. There was no public comment. A motion to close the public hearing was made by Vice Chairman Matthews which was seconded by Ms. Davis. This was carried on the following roll call vote: Ayes (9) Nays (0) Abstentions (0)

There was discussion about the square footage of the retail/COAH building. Mr. DeRochi suggested the first floor be 31,000 square feet of usable space with an overall allowable square footage of 61,000. The top floor does not have to match the bottom floor. This will allow flexibility on the footprint of the building.

Mr. Linnus summarized the application.

The motion would be to approve the General Development Plan subject to the agreements the applicant has placed on the record with respect to Ms. Coppola's and Mr. Cline's memos. A Stormwater Management Plan is not being approved. The acreage issue will be deferred to preliminary approval. The Board has accepted a total of 61,000 square feet for the structure and there will be flexibility for the footprint.

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

Ayes: Davis, DeRochi, Matthews, Sarle, Smith, Trzaska, Wilson and Conforti

Nays: None

Mr. Shimanowitz and Mr. Fleming discussed Mr. Shimanowitz's November 21, 2014 letter requesting submission waivers for certain checklist items. Mr. Fleming said the first three waivers in the letter are related to the cross-sections necessary for determination of flood zones. Within Country Club Meadows there are a number of manmade farm ditches that have become overgrown and are surrounded by hedgerows. As part of the development there will be internal stormwater management provisions for the management of runoff created. The amount of runoff through these ditches will be reduced. The applicant is requesting permission to rely on aerial topography rather than surveying each of the farm ditches. The cross sections in areas where there is more direct stream flow have already been surveyed.

Mr. Cline said he has no objection to waiving items 1, 2 and 3.

Mr. Fleming discussed the waiver from identifying the treed areas to be removed. They have provided representative areas to the Township Landscape Architect, Mr. Bartolone, and he finds this acceptable.

The operation of buildings, number of shifts, employees per shift and hours of operation will be provided to the best of the applicant's knowledge at the time of preliminary.

The lot matrix will be completed at the time of final. The waiver is not required for preliminary submission.

The individual lot test pits/soil logs for each residential lot will be submitted as a condition of final. Mr. Fleming indicated that there are numerous test logs throughout the area. Mr. Cline agreed with a partial waiver to allow the information they already have to be submitted at the time of preliminary major site plan application and the complete comprehensive soil logs for each lot submitted as a condition of final.

Mr. Linnus advised the Board that even if they grant the waivers they can still request the information at the time of the hearing.

The motion is to approve the submission waivers as outlined in Mr. Shimanowitz's November 21, 2014 letter with the exception of a partial waiver of No. 7.

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

Ayes: Davis, DeRochi, Matthews, Sarle, Smith, Trzaska, Wilson and Conforti

Nays: None

The soil hauling request was postponed to a future meeting.

Case PB-06-10 **Applicant: Constructural Dynamics, Inc.**
Block 1001 Lot 45
Submission Waiver and Minor Site Plan
Expiration Date: 12/29/2014
Affidavit of Notification and Publication Required

Vice Chairman Matthews stepped down.

Richard Schatzman, Esquire represented the applicant. Mr. Schatzman explained that the application is for minor site plan but to be on the safe side notice was given in case during the hearing it was determined it was a major application.

Craig Stires, PE, 43 West High Street, was sworn in. Mr. Stires was accepted as an expert in engineering. Mr. Stires gave an overview of the site. An aerial view of the entire facility was marked as Exhibit A-1. Since 2009 the applicant has sold 735 acres of property to Somerset County for the Sourland Mountain Preserve. The application includes; the rail extension, removal of Basin #5, the installation of a conveyor, and the installation of a process water basin which is part of an Administrative Consent Order with NJDEP. The conveyor will convey product from the process area to the existing truck scale. The process basin will control the discharge of sediments from the property. Basin #5 is not functioning so it will be eliminated and the area will be landscaped. The water from the basins will be stored and reused for the washing of material. As part of the installation of the process basin, 317 trees will be removed in the area of the basin. The removal of the trees may have a stormwater component to it but it will be minimal compared to the water that will be used for the recirculation and the processing of the washing of the stone. A lot of the trees on site have been destroyed by the weather and because of the Forestry Management Plan. The applicant is proposing to install 353 trees. The conveyor is above ground until it gets to a certain point where it then goes underground. A 120" diameter pipe will be installed and the conveyor will go into the pipe. If the application is approved structural details of the manhole will be submitted. As part of the basin they are collecting what comes off the process area and they are also pumping water from the quarry itself. To get the water out of the basin there will be a pump that would pump back into where the stone is washed. The basin is serpentine which will allow for the settling of the sediments in the process water. The pump will pump it back into the process area. The stone washing process is currently supplied by well water which is connected to the existing water tower. If the pump malfunctions the stone washing will switch to the well water supply.

Mr. Cline noted that if for any reason the pump does not return the water to the top of the hill the outflow structure would discharge the water to the drainage ditch along the haul road. Mr. Stires said right now there is discharge and even after the basin is constructed there will be discharge from the process basin but it will be clean water as opposed to what it is now. There are currently two discharge points. The discharge point to Roaring Brook will be eliminated and combined so that the discharge and monitoring point will be at the discharge point of the process basin. The DEP will monitor the discharge.

Grading and stormwater management details have been provided to Mr. Cline. The outlet structure has its first orifice at the 356 elevation which is the standing water elevation. The bottom of the basin is 340 so there will be 16' of water inside the basin. The water will fluctuate continuously depending on the usage and will not be stagnant so there will not be a mosquito problem. The basin is really process water basin and not a stormwater

basin although it does have a stormwater component. There is approximately 9.5 acres of drainage area between the basin and the upland. The outlet structure will handle the additional stormwater component in the area. Any stormwater entering the basin will not affect the process water. The basin will be rock and will probably be blasted. The side slopes will be near vertical to try to maximize the volume of water for processing.

Mr. Stires explained the lighting. As part of the conveyor system it is not expected to have lighting on the conveyor itself. There will be some type of LED rope light that would go along the railing of the catwalk that would be used in emergency situations (the conveyor is 2' with a 3' catwalk). Should work need to be done on the conveyor itself, it is expected they would have flashlights or other type of lighting. The lighting will not spill over onto neighboring properties. Ms. Coppola had asked for a perspective view so Mr. Stires took a photograph from near Johnson and Johnson (J&J) (Exhibit A-3) and from Carrier Clinic (Exhibit A-2). These were the two areas that you could potentially see anything relating to the quarry. The picture from Carrier Clinic was from the parking lot just off of East Mountain Road. The water tower and the 82' building are visible. The picture from J&J was taken on Grandview Road just east of the J&J entrance. The picture shows the top of the water tower and 82' building. The conveyor will be underground in the area next to the water tower. A picture showing the path of the conveyor taken in 2012 was marked as Exhibit A-4. The conveyor is going in the cleared area where the utility poles are. Exhibit A-5 is a series of 6 photos. Picture 1 shows the cleared conveyor area. Picture 2 shows the conveyor superimposed in the conveyor area. The existing utility poles are approximately 40' high and the conveyor is approximately 19' high. Picture 3 shows the existing scale. Picture 4 shows the junction of the conveyor and the new scale system which is approximately 55'. The conveyor would continue on to the railroad ballast area that would load the railroad cars. Picture 5 shows the scale from a south to north viewpoint. Photo 6 shows the junction of the conveyor and new scale system from a south to north viewpoint. The conveyor could run 24/7. The conveyor will be approximately 40' lower than the water tank.

Mr. Stires noted that the electric will be relocated from the process area. The conveyor will be raised on columns every 40' down the hill to minimize the disturbance of the slope. Most of the disturbance will be track equipment to dig the holes for the columns. Anything disturbed will be stabilized and reseeded. The proposed area of disturbance for the process basin will be approximately 5.7 acres. The disturbance area for the conveyor will be minimal. For Basin 5 there would be approximately 2.3 acres of disturbance to remove the basin and landscape the area. The maximum height of the stone and sand piles will be controlled by the conveyor and the height of the stackers which will be approximately 30'.

Mr. Stires noted that they have received approval from the Somerset County Planning Board. The Somerset Soil Conservation District (SUSCD) approval is an annual permit that needs to be applied for every August. SUSCD continuously monitors the site. A new Letter of Interpretation was received in January. There is a file for Basin 5 with NJDEP Bureau of Dam Safety which is pending the results of the project. There is a review letter from the Delaware and Raritan Canal Commission. They have been meeting with the DRCC to address the comments in the letter. Mr. Stires believes they will be permitted to plant trees within the DRCC easement. Ms. Coppola noted that if DRCC doesn't permit the plantings, the applicant would have to come back to the Board. Mr. Schatzman agreed.

The adequacy of the 120" CMP to support the proposed traffic loads will be demonstrated. Additional dimensions on the trench details will be provided if necessary. The basin labels will be added back onto the plan. Whether the process basin is a dam or not will be taken up with the NJDEP. Mr. Schatzman submitted a case to Mr. Linnus that says the local municipalities have no jurisdiction under the Dam Safety Act. The applicant will have to go to DEP and they will make the determination.

The applicant agreed to all the comments in Richard Bartolone's memo. The applicant will work with Mr. Bartolone regarding the trees but they have changed the species as suggested in the Shade Tree Committee memo. They will work with Mr. Bartolone regarding the tree loss/replacement.

Mr. Schatzman agreed to an extension to January 31, 2015. The application was continued to the December 8, 2014 meeting. No further notice is required.

CLOSED SESSION

Chairman Conforti read the resolution to go into closed session to discuss the employment and/or appointment of a Planning consultant for the year 2015. The Board voted unanimously to go into closed session.

The Board voted unanimously to reopen the meeting.

IV. MINUTES

October 20, 2014 – Regular Meeting

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

Ayes: Conforti, Davis, DeRochi, Sarle, Smith, Wilson and Glockler

Nays: None

October 20, 2014 – Closed Session

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

Ayes: Conforti, Davis, DeRochi, Sarle, Smith, Wilson and Glockler

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 11:10 p.m.