

MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
DECEMBER 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. Smith; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. DeRochi, Alternate #2

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

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. APPLICATIONS

Case PB-11-13 **Applicant: Springpoint at Montgomery, Inc.**
Block 23001 Lot 16
Submission Waivers and Preliminary and Final Major Site Plan
Expiration Date – 95 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. Mr. Schatzman and the Board had no objection to Mr. Linnus sitting in for the Board, who represented the applicant in Franklin Township 5 or 10 years ago.

The application is for the addition of recreational facilities as well as additional skilled nursing and assisted living units. The applicant is requesting a partial submission waiver from providing information within 200' of the subject property, a submission waiver from providing an Environmental Impact Statement, a submission waiver from providing a Traffic Impact Statement and a submission waiver from providing a signed and sealed copy of the referenced survey. Stonebridge is an existing development and these items are applicable for a new project.

Ms. Coppola and Mr. Cline recommended the granting of the submission waivers for completeness.

A motion to grant the submission waivers was made by Mr. Smith, which was seconded by Mr. Conforti. This was carried on the following voice call vote: Ayes (9) Nays (0) Abstentions (0)

Kevin Webb and Vincent Myers, who were sworn in, also represented the applicant.

Mr. Webb is with Langan Engineering located at 989 Lenox Drive, Suite 124, Lawrenceville.

Mr. Schatzman noted that there was a technical waiver from Checklist Items 17, 18 and 19 on the final checklist that Ms. Coppola opined were not needed.

A motion was made by Ms. Davis, which was seconded by Mr. Wilson. This was carried on the following voice call vote: Ayes (9) Nays (0) Abstentions (0)

Mr. Webb gave the Board his qualifications and was accepted as an expert engineer. Mr. Webb referenced the existing conditions plan. The property is 40-acres and is a Continuing Care Retirement Community. Mr. Webb described the buildings on the site. There are currently 196 Independent Living Apartments, 100 units in the Healthcare Center (60 assisted living beds and 40 skilled nursing beds) and 24 independent living cottages. The site has a pumping station and three detention basins which will accommodate the proposal.

Mr. Webb described the proposed changes to the Clubhouse. There are three additions to the footprint of the clubhouse. The fitness center, the two story living room and the corridor to the dining area will be widened and

a cart parking area will be added outside the dining area. The existing undersized concrete patio will be replaced with a new larger concrete patio. The patio will be 1' - 2' above the existing grade so 1 or 2 steps will be installed from the existing sidewalk. A sloping sidewalk will also be installed to accommodate wheelchairs and carts. Step lights will be included to reflect light down on the steps. The existing bollards will be relocated to the perimeter of the patio.

The existing tennis court is not used by the residents and the community would like flexibility to program the recreation space in a different way. The tennis court will be replaced with lawn area that can be flexibly programmed (bocce courts, etc.). Three benches will be provided. There are interconnections with the existing walkways so it will continue to provide recreation opportunities. Additional trees and shrubs will be installed in the area.

The Healthcare Center units are proposed to be increased by 1 assisted living unit and 10 skilled nursing units. There will be a second floor addition within the footprint of the existing building. New stair towers are proposed at the two ends of the wing. The central area will become an activity lounge which will be expanded. Small changes to the concrete and pedestrian areas outside will be made. No new parking spaces are proposed. The existing spaces will accommodate the additional requirements. There are 384 spaces existing and 381 are required.

The project in total will have a net decrease in impervious coverage. There will be about a ½ acre of disturbance so no new stormwater management facilities will be modified.

The lighting catalogue cut that was provided shows an option for an up light which is not permitted by ordinance. The applicant agreed there will be no up lighting. All lights will be downward and shielded.

Copies of the approvals from the Somerset County Planning Board, Somerset Union Soil Conservation District and Delaware and Raritan Canal Commission will be provided.

Mr. Schatzman discussed the various memos. The applicant agreed to comply with the comments in Mr. Cline's memo. With regard to the Shade Tree Committee's memo, the applicant will defer to Mr. Bartolone. The Health Department memo will be a condition of approval.

Vincent Myers, 15 Bethany Street, New Brunswick, was sworn in. Mr. Myers gave his qualifications and was accepted as an expert architect. Mr. Myers referenced the first floor plan and the second floor plan. Mr. Myers described the architectural plans that were submitted to the Board as part of the application (Sheets A-101, A-102, A-103, A-104, A-201 and A-202). Mr. Myers is a LEED Accredited Professional and many of the materials that will be utilized will add up to the sustainable aspects of the project.

Mr. Glockler said he was concerned about the height of the wall around the patio and whether there is any protection from falls. Mr. Myers responded that there a relatively shallow depth of approximately 2' between the edge of the wall down to the grade. In front of that is a planting bed that is approximately 5' deep so one should not be able to get to the edge of the patio.

Mr. Schatzman noted that many of the changes are resident driven and they have approved the amenities in the project. The project meets all parts of the ordinance. He asked that the Board recommend to the Township Committee that the requirement for a Construction Sequence Agreement be waived.

Mr. Cline did not have an objection. His memo mentions how the project is phased during construction so that it doesn't interfere with current operations is important. Ms. Coppola had no objection either.

Chairman Some opened the meeting to the public. There being no public comment, a motion to close public hearing was made by Mr. Conforti, which was seconded by Ms. Dyer. This was carried on the following voice call vote: Ayes (9) Nays (0) Abstentions (0)

A motion to approve the application subject to the conditions in the staff reports and other standard conditions and recommend the requirement for a Construction Sequence Agreement be waived was made by Vice Chairman Matthews, which was seconded by Mr. Conforti. This was carried on the following roll call vote:
Ayes: Conforti, Davis, DeRochi, Dyer, Glockler, Matthews, Smith, Wilson and Some
Nays: None

Chairman Some announced that he will not seek reappointment to the Planning Board next year.

Case PB-08-09 **Applicant: 601 Corridor, LLC/Lanwin Development Corp.**
Block 34001 Lots 14, 15, 22 & 30
Preliminary Major Subdivision With Variances
Expiration Date – 12/31/13
Affidavit of Notification and Publication Previously Found to Be In Order

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

The application is for approval to create 5 single family residential lots, installation of 2 fire protection tanks and a detention basin lot. The property is 36.60 acres. Four lots in the subdivision will be served by a private driveway easement off of Cherry Hill Road. The other lot will have direct access to Cherry Hill Road. There are a number of variances required. The original proposal was to have a public road but at the request of the Township the applicant revised the plans to grant access through a private easement. The driveway will be constructed in accordance with the comments received from the Fire Officials. In lieu of a sidewalk along Cherry Hill Road, the applicant proposes a walking path. The cul-de-sac is long because the four lots are deep into the property. A waiver is being requested from the number of trees to be planted since the site is heavily wooded. The property is in the R-5 zoning district.

D. Geoffrey Brown, 558 Lakeview Drive, Allentown, was sworn in. Mr. Brown gave the Board his qualifications and was accepted as an expert engineer. Mr. Brown referenced a colored rendering of the site plan which was marked as Exhibit A-1. The property slopes moderately from south to north and the drainage of the site flows into a tributary to Cherry Brook which is located near the northerly boundary. The site is bordered on the west by existing approximately 1-acre lots that front on Cherry Hill Road, on the north by approximately 2-acre lots that front on Cherry Brook Drive, to the east by Township open space property and to the south by 5-acre lots that front on Birchwood Drive. The shared driveway will be paved, is 20' wide and will end in a 50' outside radius cul-de-sac with a landscaped island in the center. There will be two 20,000 gallon underground storage tanks installed around the midpoint of the driveway. They will be installed in accordance with details provided by the Township Fire Official. The drainage from the site will be collected in a series of inlets and reinforced concrete pipe and will be piped to the proposed detention basin. The basin is designed to reduce peak flows from the 100-year, 10-year and the 2-year storms to 80%, 75% and 50% of the pre-development peak flow rates. It is also designed to provide water quality and groundwater recharge in accordance with RSIS standards and State stormwater management standards. There will be a limitation of impervious cover on each of the lots to 10,000 square feet and a clearing limitation of 40,000 square feet. These limitations are exclusive of the common driveway and the water tank area. The impervious coverage is less than what is permitted by ordinance and there will be restrictions on the final plat and in the Deeds. Each lot will be served by an individual well and septic system. Utilities will be brought in underground from Cherry Hill Road along the driveway. Landscaping screening is proposed in a number of locations; along the outside of the detention basin to screen it from Cherry Brook Drive residents, along both of the individual driveways, along the eastern property line on Lot 30.01 to fill in the opening in the woods and between Lots 30.02 and 30.03 where the driveways are contiguous. Conservation deed restricted areas, 17.4 acres, are proposed around the perimeter of the tract and on parts in the middle of the tract. The area in excess of the 40,000 square feet on each individual lot will also be put in a conservation deed restricted area.

The landscaping plan from the submitted subdivision plans was projected up on the Court Room screen.

Public access will be provided through the tract to the open space lands to the east by allowing a public easement over the common driveway and by providing a stone pathway between Lots 30.03 and 30.04. The stone access way will meet the Open Space Committee's specifications. A split rail fence will be installed to demarcate the pathway.

The common driveway is proposed in an effort to reduce the amount of disturbance and the amount of impervious coverage. The change from a public road to the common driveway requires a number of variances. They include lot frontage and width for Lots 30.01 and 30.03, lot frontage for Lots 30.02, 30.04 and 30.05 and lot depth for Lots 30.02 and 30.03. Lot 30.01, which fronts on Cherry Hill Road, cannot be made conforming. Both neighboring lots to Lot 30.01 are 1-acre in size and are developed. There will not be a detriment to the zone plan since the proposed lots are larger than the surrounding existing residential lots.

A Homeowners Association will be established to maintain the common driveway and the stormwater system. Lot 30.01 would not contribute toward the driveway since it has access on Cherry Hill Road.

Mr. Schatzman discussed the Coppola and Coppola Associates memorandum. The 10,000 square foot impervious limitation reduced the size of the basin and that is what the basin is designed for. That restriction

will be in the deed for each lot to ensure the property owners are aware of the restriction. The deeds will also include the maintenance responsibility for the pervious driveways. A sales notice will also be provided. A maximum of 40,000 square of clearing is allowed on each lot. This excludes the drainage structures, the common driveway and the fire protection tanks. Conservation deed restrictions will be provided where it is known that there will not be improvements. Since the lots will be sold to individual owners, the houses and disturbed areas may shift a little so the limitation will be that no more than 40,000 square can be disturbed. Ms. Coppola noted that if there is a substantial change in the grading, the applicant will have to come back to the Board. The amount of deed restricted area on Lot 30.05 has decreased from 2.42 acres to 2.36 acres although the extent of the restricted area was increased. The applicant will recalculate the area. The amount of deed restricted area on Lot 30.06 will be indicated on the plans. All conservation deed restricted areas will be marked in the field by monuments. The amount of clearing must be substantially similar to that approved by the Planning Board unless otherwise accepted by the Township Engineer or Township Landscape Architect. The property deeds will state the maximum permitted clearing restriction of 40,000 square feet as well as the maximum permitted impervious coverage of 10,000 square feet for each lot. The plot plans for each building permit and the as-built plans shall note the amount of impervious coverage and the amount of cleared area so that a record is created for future reference.

Mr. Schatzman discussed the Fire Department memo. The roadway for Lots 30.02 to 30.06 through the circle will be 20' in width. The circle at the end of the road will meet or exceed the turning radius requirements. The roadway at the underground tank will be 40' in width. All the roads and tank will be in place prior to the framing of the homes, excluding Lot 30.01. Fire Marshal Mondi will provide plans of the previous installed underground tanks to the developer. Final placement of the intake and discharge piping for the tank will be reviewed with the Fire Department prior to final installation.

Mr. Brown noted that the Fire Department approved the 20' width without stabilized shoulders. The driveway width of 10' to the detention basin lot was not discussed with the Fire Department. The driveway is intended for maintenance of the basin not for fire access.

The Homeowners Association will maintain the common driveway serving the four lots. Lot 30.01 will be excluded from the common driveway maintenance but will be included for the basin maintenance. It is planned to have the Township maintain the pathway and split rail fence. The specifications for the fence and pathway meet the recommendations of the Open Space Committee. In lieu of the sidewalk along Cherry Hill Road, the applicant will construct the pathway to the Township specifications. There will be a public right to go from Cherry Hill Road through the driveway up the pathway to the Nicolayson tract. The Board can find that there are other means provided for pedestrian access and waive the requirement for sidewalk along Cherry Hill Road. The easement is for pedestrian access only. If someone who is driving wishes to access the open space property they would go to the parking area in the vicinity of Waldorf School or to Pine Brae Drive. The applicant will install a stop sign at the intersection of the common driveway and Cherry Hill Road if the Police Department requests one. As part of the drainage design the applicant is proposing permeable pavement for the individual driveways. That will be included as a deed restriction on each lot so that they cannot subsequently be paved with regular pavement. All improvements within the detention basin lot and easements on the tract inclusive of pathway, fence, fire protection tanks, basin improvements including landscaping and common driveway including landscaping should be constructed first. The proposed landscaping on the individual lots will be done as the lot is developed and will be installed by the person who buys the lot (to be included in the contract and sales notice). The reserve septic easement with a metes and bounds will be required at the time of final subdivision submission.

Mr. Schatzman discussed Mr. Cline's report. The portion of the existing driveway on proposed Lot 30.01 that continues past the proposed location of the dwelling will be top soiled, seeded and mulched and eventually revert to natural vegetation. Mr. Brown does not believe they will have to remove trees to access the septic. Mr. Brown looked at putting rain gardens in to help reduce the size of the detention basin but they don't hold enough water to meet the stormwater requirements.

Chairman Some suggested the applicant give the rain gardens more consideration. He was concerned about the maintenance of the detention basin. Ms. Coppola suggested maybe a report be submitted to the Township Planning Department every five years or so to show that it has been inspected. If it is not filed the Zoning Officer can give them notice to submit or be in violation of their approval. Mr. Brown noted that there is an operation and maintenance manual that was submitted with the drainage calculations that provides for inspections at certain intervals. The manual will be recorded with the Homeowners Association Documents. The Homeowners will be required to follow that maintenance schedule and supply reports to the Municipality.

Mr. Wilson asked what kind of maintenance is required for a vegetative detention basin. Mr. Cline replied that the concrete structures need to be checked for cracking or decay and the basin gets checked for ponding and packed in debris. Mr. Brown said there is a system of inlets and drainage piping along the driveway to pick the water up and carry it into the basin.

Mr. Schatzman continued with Mr. Cline's memo. There is a fairly high water table so the water tanks will be anchored in the ground. The manhole velocity recalculations will be provided to Mr. Cline. The maintenance of the pervious driveways on the residential lots is the responsibility of the individual homeowners. The maintenance responsibility will be reflected in the sales documents. A new Letter of Interpretation was issued in 2012 for the property. The existing driveway on Lot 30.01 to remain will be slightly widened and paved and will require a permit from NJDEP.

Mr. Schatzman stated that the applicant will comply with the Open Space Committee memo and Mr. Bartolone's memo. With regard to the Environmental Commission's memo the applicant has reduced the disturbance to the critical areas since they originally submitted the application in 2010. As many trees as possible will be preserved. Board of Health approval has been received which expires on October 7, 2014.

Chairman Some opened the meeting to the public.

Michael Fedun, Esquire advised the Board that he represents Mr. and Mrs. Kozinsky. Some other residents have contributed to the fund but he does not know who. Mr. Linnus advised the neighbors that those that had contributed will not be able to make a presentation. If they contribute, Mr. Fedun is their spokesman.

Mr. Fedun asked about the tributary on the most northern portion of the site. Mr. Brown responded that it is offsite on the Cherry Brook Drive lots. Mr. Brown confirmed that is where the detention basin will empty into. The pre-development flow coming off the site to that ditch was analyzed and in accordance with the State stormwater standards they are reducing those pre-development flows by putting in the detention basin. The peak flow rates are being reduced. A study as to the condition of the tributary has not been done. Mr. Brown noted that he has seen the tributary and it is somewhat eroded. A study of the swale has not been done to determine its capacity. Since the peak flows are being reduced, if it was flooding under the existing flows, it may not flood under the post flows. If it is that much under capacity it may still continue.

Mr. Fedun pointed out that in 1990 there was an outfall pipe required from the basin to Cherry Brook Drive. He asked if it should be required with this application. Mr. Schatzman responded that it wouldn't comply with the stormwater regulations adopted since then.

Mr. Fedun asked if there was any way to move the septic system on Lot 30.05 closer to the house. Mr. Brown said it could be moved over far enough to provide a 50' buffer to the neighboring property.

Mr. Fedun asked if there would be a tree survey to show trees that are older than 100 years. Mr. Brown said the requirement is to show trees greater than a certain caliper and the applicant agreed to work with the Township Landscape Architect in siting the houses to save as many trees as possible.

Abbas Bahri, 17 Cherry Brook Drive, is a contributor to Mr. Fedun. Mr. Bahri was sworn in. The Board allowed Mr. Bahri to make comments. As soon as there is a storm, the water is everywhere. His rear yard is wetlands. The trees in the area are falling. His basement which used to flood a little is now flooding a lot. He is concerned that this construction will impact his property.

Diana Bahri, 17 Cherry Brook Drive, is a contributor to Mr. Fedun. The Board allowed Ms. Bahri to ask her questions. Ms. Bahri asked what happens with the infrastructure that is installed if the development does not sell. Mr. Schatzman responded the developer would be responsible for maintaining the infrastructure for the performance bond and maintenance bond period.

Anna Jaklik, 37 Cherry Brook Drive, was sworn in. Ms. Jaklik noted that her lot is adjacent to the detention basin. She is concerned with the proximity of the discharge point to her property. The ditch is not structurally sound to hold any additional water. The ditch is partially blocked. She wondered if it would be her responsibility to maintain the ditch so the water can flow continuously.

Mr. Brown responded that the flow will be decreased from what is there now. By building the basin the flow is throttled down so that it will be less intense than it is today.

Mr. Cline referenced sheet 5 of the plan set. The outlet comes out of the east side of the basin and angles towards Ms. Jaklik's property line. The stormwater report lists the existing condition for the 100-year storm as 150 cubic feet per second, which flows into the ditch. Under the current stormwater regulations, the 100-year storm has to be reduced to 111 cubic feet per second or less. The current design with the basin lists a discharge of 110.3 cubic feet per second. According to the calculations, the basin reduces the flows that impact the ditch in that area. Mr. Cline noted that he has not been out on site and has not seen the condition of the ditch.

Mr. Brown explained that they tried to make the basin as small as possible to reduce the amount of clearing on the lot. The applicant is willing to make the basin larger if directed by the Board.

Chairman Some suggested that Mr. Cline and Mr. Brown go out to the site. If the neighbors would allow them on their properties they can assess the condition of the ditch and report back to the Board at the next meeting.

Mr. Wilson asked Mr. Cline to focus on the question of diffuse flow into the ditch versus the amount potentially worst case scenario that will come out from one spot and the effect it would have on that particular spot.

Vice Chairman Matthews asked if Mr. Brown is calculating all the water that comes off the road that goes back into the lot. Mr. Brown affirmed that it is. The land to the left that is not the applicant's is also included in the calculation.

If the objectors retain their own engineer, Mr. Fedun asked if the engineer could go on the site visit. Mr. Schatzman agreed.

Janice Barth, 137 Cherry Brook Drive, was sworn in. She lives on the north side of Cherry Brook. She thought the Planning Board would try to minimize the amount of development on Cherry Hill given the increase in traffic on the road.

Vice Chairman Matthews suggested Ms. Barth talk to Township Committee to see if they would be willing to buy the property.

The application was continued to the January 13, 2014 Planning Board meeting. Mr. Schatzman granted an extension to February 28, 2014.

IV. MINUTES

November 18, 2013 – Regular Meeting

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

Ayes: Some, Matthews, Davis, Dyer, Glockler and DeRochi

Nays: None

There being no further business, the meeting was adjourned at 10:00 p.m.