

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
SEPTEMBER 15, 2014**

Chairman Conforti called the meeting to order at 7:32 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. Wilson (arrived 7:50 p.m.); Mr. Glockler, Alternate #1 (arrived 7:48 p.m.); Mr. Mani, Alternate #2; Mr. Cheskis, Advisor

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

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. ORDINANCE RECOMMENDATION

Ordinance No. 14-1476

AN ORDINANCE AMENDING CHAPTER XVI LAND DEVELOPMENT OF THE TOWNSHIP OF MONTGOMERY (1984) TO ELIMINATE APPEALS FROM THE APPROVAL OF CERTAIN VARIANCES BY THE ZONING BOARD OF ADJUSTMENT TO THE TOWNSHIP COMMITTEE.

Attorney Linnus explained the ordinance.

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

Ayes: Davis, DeRochi, Mani, Matthews, Sarle, Smith and Conforti

Nays: None

IV. APPLICATIONS

Case PB-03-11
Block 33001 Lot 29
Export Soil

Applicant: Mother of God Orthodox Church

John Cassar, the Rector of the Parish and Mr. Andrade the excavation subcontractor represented the applicant. Mr. Andrade was sworn in. Mr. Cassar explained that there is excess soil. The soil has been tested and is clear of contaminants. A permit has been submitted to Franklin Township for the receipt of the soil. The route will be Route 206 to Route 27 to Veronica Avenue to Churchill Avenue.

Ms. Savron testified that the application has been reviewed and approved by the Township Engineering Department. The application is to move 1,000 cubic yards which is more than what is permitted by ordinance without Board approval.

Mr. Andrade estimates there will be about 50 loads.

Ms. Coppola asked if this was the stockpiling proposed for the parking lot area. Mr. Andrade testified it was related to underground pipe work. Ms. Savron said that the Engineering Department has approved what is being proposed and it is within the limits of disturbance and grading that was approved.

The meeting was opened to the public. There being no public comment, a motion to close the public hearing was made by Ms. Davis, which was seconded by Mr. Sarle. This was carried on the following voice call vote:
Ayes (7) Nays (0) Abstentions (0)

A motion to approve the application subject to the conditions in the soil hauling ordinance and application was made by Mayor Smith, which was seconded by Mr. DeRochi. This was carried on the following roll call vote:
Ayes: Davis, DeRochi, Mani, Matthews, Sarle, Smith and Conforti
Nays: None

Case PB-09-12KH **Applicant: K. Hovnanian Companies**
Block 28001 Lot 5.03
Issuance of Building Permit for Model Prior to Installation of Improvements
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. The applicant entered into a Construction Sequence Agreement with the Township. The applicant is requesting a waiver from 16-6.8c, the Model Home Ordinance to allow the issuance of a building permit for the model building. The Construction Sequence has provisions on staging and when permits can be issued for the model. A lot of the improvements have been installed but not all of them are. An amendment to the Construction Sequence Agreement has been approved by the Township Committee.

One of the concerns with issuing permits prior to improvements being installed is access by emergency services. A 20' wide stone driveway and a fire truck turn around with a 54' radius have been installed per comments from Mr. Mondy. All the improvements should be installed by October 31, 2014. No Certificate of Occupancy's will be issued until the improvements are installed.

The meeting was opened to the public. There being no public comment, a motion to close the public hearing was made by Mr. Sarle, which was seconded by Ms. Davis. This was carried on the following voice call vote:
Ayes (7) Nays (0) Abstentions (0)

A motion to approve the application subject to the conditions was made by Vice Chairman Matthews, which was seconded by Ms. Davis. This was carried on the following roll call vote:
Ayes: Davis, DeRochi, Mani, Matthews, Sarle, Smith and Conforti
Nays: None

Case PB-11-13 **Applicant: Springpoint at Montgomery, Inc.**
Block 23001 Lot 16
Preliminary and Final Major Site Plan and Submission Waivers
Affidavit of Notification and Publication Required

Mr. Sarle and Mr. Mani were not present at the December meeting when the application was originally heard. Mr. Sarle certified he has listened to the tapes of the December meeting.

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

Mr. Linnus noted that the applicant received approval in December, 2013. There were issues that were not discussed in the original hearing regarding sanitary sewerage and the applicant agreed to reopen the hearing for limited purpose to discuss these issues.

Mr. Schatzman explained that the sanitary sewer to Stonebridge comes through Rocky Hill into the Stage 2 Plant. The failure of the pump station to submit the accurate count of the flows was brought to the applicant's attention after the hearing concluded. The applicant has been working with Mr. Tanner, Rocky Hill Borough Engineer, and he is satisfied with what the applicant has done and he is recommending to Rocky Hill that they accept the increased flows of 1,242 gallons a day for the improvements at Stonebridge.

Heather Hill-Falkoff, 37 Main Boulevard, was sworn in. Ms. Falkoff is the Director of Services for Springpoint. Ms. Falkoff testified that the landline at the pump station has been replaced with a product called a crystal ball which links to a website, provides the flows and sends out signals if any high flow alarms trigger.

Mr. Schatzman said a condition should be added to the resolution that if the crystal ball system doesn't work properly, the applicant will get the company to make it work.

Mr. Cline testified that at this time no one at the Township can access and interpret the data coming from the pump station. The person from the Township that is on the list to receive the data has only received alarm notices.

Mr. Schatzman said the applicant will go to the Township Committee to discuss the sewer fee payment. Ms. Falkoff will work with the Township Engineer to get the data to the Township.

The meeting was opened to the public. There being no public comment, a motion to close the public hearing was made by Mr. Wilson, which was seconded by Mr. Sarle. This was carried on the following voice call vote:
Ayes (8) Nays (0) Abstentions (0)

A motion to approve the application subject to the conditions was made by Ms. Davis, which was seconded by Mr. Wilson. This was carried on the following roll call vote:
Ayes: Davis, DeRochi, Glockler, Matthews, Sarle, Smith, Wilson and Conforti
Nays: None

A motion to memorialize the resolution was made by Mr. Wilson, which was seconded by Mr. Sarle. This was carried on the following roll call vote:
Ayes: Davis, DeRochi, Glockler, Matthews, Sarle, Smith, Wilson and Conforti
Nays: None

V. CLOSED SESSION

Chairman Conforti read the resolution to go into closed session so the Board could discuss pending litigation (Kosinski vs. Planning Board, 601 Corridor, LLC and Lanwin Development Corp.) and the employment and/or appointment of a Planning consultant.

The Board unanimously voted to go into closed session.

The Board unanimously voted to come out of closed session.

VI. MINUTES

August 18, 2014 – Regular Meeting

A motion to approve the minutes was made by Vice Chairman Matthews, which was seconded by Mr. DeRochi. This was carried on the following roll call vote:
Ayes: Matthews, DeRochi, Sarle, Smith and Mani
Nays: None

August 18, 2014 – Closed Session

A motion to approve the minutes was made by Mayor Smith, which was seconded by Mr. DeRochi. This was carried on the following roll call vote:
Ayes: Matthews, DeRochi, Sarle, Smith and Mani
Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:10 p.m.