

**MONTGOMERY TOWNSHIP PLANNING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
AUGUST 3, 2015**

**MINUTES**

Chairman Conforti 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 Conforti; Vice Chairman Matthews; Ms. Davis; Mayor Madrid; Mr. Wilson; Mr. Glockler, Alternate #1

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

**I. SALUTE TO THE FLAG**

**II. PUBLIC COMMENT**

There was no public comment.

**III. APPLICATION**

**Case PB-05-15                      Applicant: K. Hovnanian at Montgomery, LLC**  
Block 28001 Lot 5.01  
Submission Waivers and Amended Preliminary and Final Major Site Plan with Variances  
Expiration Date – 120 Days from Submission Waiver Approval  
Affidavit of Notification and Publication Required

Richard Schatzman, Esquire, Carl Erler, Esquire and Michael Ford, PE, represented the applicant. Notice was in order.

Carl Erler, 1832 Cable Drive, and Michael Ford, 32 Brower Lane, were sworn in.

A submission waiver from providing an Environmental Impact Statement (EIS) was requested. When the application was originally approved a waiver from submitting the EIS was granted since this is an inclusionary project. The development is now under construction. Given the limited nature of the current application the applicant opines the Board can make an informed decision without the EIS.

Mr. Cline had no objection to granting the waiver.

A motion to approve the submission waiver from providing and EIS was made Mr. Glockler and seconded by Mr. Wilson. The motion carried unanimously.

Mr. Erler is legal counsel with K-Hovnanian Companies. K-Hovnanian would like three modest amendments to the existing site plan. Mr. Erler referenced a plan entitled "Parking Stall Location Plan for Lot 5.01 in Block 28001" which was marked as Exhibit A-1. They are short about 17 spaces under the RSIS standards and propose an additional 20 guest parking spaces as shown on the site plan. The additional spaces are in the vicinity of the two cluster box mail units.

Mr. Erler testified that there are two model options they would like to add. One is a variation of the existing Swathmore model to add an option for an expanded Swathmore. It bumps out the rear of the townhome about 4' which adds approximately 104 square feet of living area on each of the living levels. The expansion is to the rear only. The model would be available on some of the lots along the perimeter of the community since they back onto open space and wooded areas. The Bryn Mawr unit has been a heavy seller because of the additional square footage so they would like to offer it on some of the interior lots as an alternative to the Swathmore model. The Swathmore and Bryn Mawr have essentially the same footprint; however, the Swathmore has a 2-car garage which cuts down on the living area.

Mr. Erler showed the Board the elevations and explained the difference between the Swathmore and Bryn Mawr models. The expanded Swathmore model options will be for the end units only. All the units are 3-bedroom. There is no on-street parking other than the 3-parallel parking spaces at the end of Autumn Lane.

Mr. Ford testified that the unit count has not changed so the required number of parking spaces is 348. The previously approved plan had 452 parking spaces with more garage and driveway parking and less on-street parking. The applicant is seeking to add an additional 20 guest parking spaces for a total of 59 spaces. The reduction in garage/driveway parking would only be a maximum of 16 spaces if all the units were opted out. The parking spaces are 18' long and are situated so that the end of the space aligns with the back of 4' sidewalk so that the car will not protrude into the sidewalk area. This allows pedestrians to walk around the cars without having to go into the road. A variance is required because the spaces are closer than the required 10' from the building. The pedestrian access is important and outweighs any detriment. Landscaping can be provided between the parking area and building which will be worked out with the Township Landscape Architect.

Mr. Erler testified that the buyers under contract for a unit next to the proposed spaces have been alerted to this application and were shown a copy of the parking plan. He will provide a copy of the notification for the Planning Board file.

Mr. Ford said there is also a variance needed for the parking setback of the COAH apartment buildings which are currently under construction. There is a 10' requirement from the parking area to the building. Parking is on the east side of the units. The covered porch over the entryways was to be 10' from the parking but due to a surveying miscommunication, the porches will be 9.2' from the parking.

Mr. Schatzman discussed the July 28, 2015 Clarke Caton and Hintz memo. The approved parking figure will be confirmed on the plans to the satisfaction of the Board professionals. The path within the conservation easement is a natural path with signage and not a physical improvement. The path outside the conservation easement is to be a hard surface. The phasing legend on Sheet 28 will be revised. The waterline easement will be added to the plans. The townhouse elevations are compliant with the prior approval.

Mr. Ford testified that a waiver is required for the parallel parking at the end of Autumn Lane. Autumn Lane is a dead end with a gate at the end because it serves as the access to the detention basin.

Mr. Wilson noted it will be difficult to park in the spaces closest to the gate if the other spaces are filled. Mr. Ford responded that the spaces are 22' long.

Mr. Ford testified that the maximum allowed impervious coverage on the site is 35%. The stormwater management system has been designed to accommodate that and more. The coverage was approved at 32% and the proposed is 33%. Calculations have been provided to Mr. Cline. Applications to Delaware and Raritan Canal Commission and Somerset Union Soil Conservation District have submitted.

Mr. Schatzman discussed the Board of Health memo and the Environmental Commission memo. The area along Orchard Road is encumbered by a conservation easement so a sidewalk cannot be installed. A park bench will be installed at the entrance of the pathway next to the pumping station. The plantings for the project have already been approved and are not going to be changed.

At the request of Mr. Cline, Mr. Ford testified that there will be a 0.09 acre increase in impervious for the townhouses and 0.10 acres for the additional parking.

Chairman Conforti opened the meeting to the public. There being no public comment, a motion to close the public hearing was made by Ms. Davis and seconded by Mr. Wilson. The motion carried unanimously.

Chairman Conforti noted that his concerns have been addressed.

Mr. Linnus said the variances are C2 variances where the benefits must outweigh any detriment. The approval would be for amended preliminary and final major site plan with variances and waiver. The waiver is for the parallel parking and the variances are for the parking areas being closer than required by the ordinance. The conditions would be the standard conditions which would include all outside agency approvals, have to comply with all prior resolutions except where changed herein, proof they submitted to the prospective owners the changes to the parking, compliance with the planner's report, the installation of the park bench and they will work with the Board Landscape Architect regarding the installation of the landscaping around the parking areas.

A motion to approve the application with the conditions was made by Mr. Wilson and seconded by Ms. Davis. The motion carried on the following roll call vote:

Ayes: Davis, Glockler, Madrid, Matthews, Wilson and Conforti

Nays: None

#### **IV. MINUTES**

##### **June 15, 2015 – Regular Meeting**

A motion to approve the minutes was made by Mr. Wilson seconded by Mayor Madrid. The motion carried on the following roll call vote:

Ayes: Conforti, Glockler, Matthews, Madrid and Wilson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:20 p.m.