

**MONTGOMERY TOWNSHIP PLANNING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REORGANIZATION AND REGULAR MEETING  
JANUARY 11, 2016**

**MINUTES**

Ms. Savron 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:** Mr. Cheskis; Ms. Davis; Mr. DeRochi; Mayor Graham; Mr. Mani; Mr. Matthews; Mr. Smith; Mr. Wilson; Mr. Chang, Alternate No. 2

**ALSO PRESENT:** Francis P. Linnus; Michael Sullivan; Jason Cline; Lori Savron

**I. SWEARING IN OF NEW MEMBERS**

Mr. Linnus swore in new members Mayor Graham, Mr. Smith, Mr. Cheskis, Mr. Chang, Mr. DeRochi and Mr. Mani.

**II. SALUTE TO THE FLAG**

**III. REORGANIZATION**

**A. Election of Officers**

**1. Call for Nominations for Chairman**

A nomination of Mr. Cheskis was made by Mr. Smith, which was seconded by Ms. Davis.

There being no further nominations, a motion to close nominations was made by Mr. Wilson, which was seconded by Mayor Graham. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call vote was taken for Mr. Cheskis as Chairman:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**2. Call for Nominations for Vice Chairman**

The nomination of Mr. Matthews was made by Mr. Wilson, which was seconded by Ms. Davis.

There being no further nominations, a motion to close nominations was made by Mayor Graham, which was seconded by Mr. DeRochi. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call vote was taken for Mr. Matthews as Vice Chairman:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**3. Call for Nominations for Secretary**

The nomination of Mr. Wilson was made by Ms. Davis, which was seconded by Chairman Cheskis.

There being no further nominations, Vice Chairman Matthews made a motion to close the nominations which was seconded by Mr. DeRochi. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call was taken for Mr. Wilson as Secretary:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**B. Appointment of Recording Secretary– Lori Savron**

The nomination of Ms. Savron as Recording Secretary was made by Vice Chairman Matthews, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**C. Meeting Schedule**

**1. PLANNING BOARD MEETINGS**

**BE IT RESOLVED** by the Planning Board of the Township of Montgomery the regular monthly meetings of the Board will be held on the following dates in 2016 at 7:30 p.m. in the Municipal Building located at 2261 Van Horne Road (Route 206), Belle Mead, New Jersey. Special work sessions scheduled periodically will be noticed as required upon scheduling. Formal action may be taken. All interested persons may attend and be heard. The following notice shall be mailed to the officially designated newspapers.

February 1	July 18	December 5, 19
March 7, 21	August 1, 15	January 9, 2017
April 4, 18	September 19	
May 2, 16	October 3, 17	
June 6, 20	November 7, 21	

A motion to adopt the Planning Board meeting schedule was made by Mr. Wilson, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**2. SITE PLAN/SUBDIVISION COMMITTEE MEETINGS**

**BE IT RESOLVED** by the Planning Board of the Township of Montgomery that the Site Plan/Subdivision Committee regular monthly meetings will be held on the following dates in 2016 at 7:30 p.m. in the Municipal Building located at 2261 Van Horne Road (Route 206), Belle Mead, New Jersey. Special work sessions scheduled periodically will be noticed as required upon scheduling. The following notice shall be mailed to the officially designated newspapers. All interested persons may attend those portions of the meeting that the applicant is being heard.

February 8	August 8
March 14	September 12
April 11	October 10
May 9	November 14
June 13	December 12
July 11	

A motion to adopt the Site Plan/Subdivision Committee meeting schedule was made by Ms. Davis, which was seconded by Mr. Mani. This was carried on the following roll call vote:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**D. Designation of the Official Newspaper**

The official newspapers for legal municipal advertising and notice shall be the Courier News. All legal notices to be published must appear in an official newspaper as stipulated by the NJ-MLUL.

A motion to designate the official newspaper was made by Ms. Davis, which was seconded by Mr. Wilson. This was carried on the following roll call vote:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**E. Appointment of Subcommittees**

**1. Site Plan/Subdivision Committee**

**Member 1:** Mr. Cheskis

**Member 2:** Mr. Matthews

**Member 3:** Mayor Graham

**Member 4:** Mr. Smith

**2. Master Plan/Land Development Ordinance Update Committee**

**Member 1:** Mr. Cheskis

**Member 2:** Mr. DeRochi

**Member 3:** Mayor Graham

**Member 4:** Mr. Smith

**3. Planning Board Liaison to Traffic Advisory Committee**

**Member 1:** Mr. DeRochi

**4. Planning Board Liaison to Economic Development Commission**

**Member 1:** Mayor Graham                              **Member 2:** Mr. Mani

**F. NJ Federation of Planning Officials - Renewal of Membership**

Combination Membership - Planning Board Membership – \$185.00

A motion to renew the NJPO membership was made by Ms. Davis, which was seconded by Mayor Graham. This was carried on the following roll call vote:  
 Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang  
 Nays: None

**G. Appointment of Professional Services under the “Local Unit Pay-to-Play Law”**

Ms. Savron read the resolution to appoint the following professional staff:

- 1. Appointment of Legal Counsel – Francis P. Linnus, Esquire**
- 2. Appointment of Board Planner – Clarke Caton Hintz**
- 3. Appointment of Traffic Engineer – McDonough and Rea Associates and Dewberry Engineers, Inc.**
- 4. Appointment of Landscape Architect – Richard Bartolone**
- 5. Appointment of Board Engineer – Remington Vernick & Vena Engineers, Inc.**

A motion to appoint the professional staff was made by Mr. Wilson, which was seconded by Ms. Davis. This was carried on the following roll call vote:  
 Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang  
 Nays: None

**IV. PUBLIC PARTICIPATION**

There was no public participation.

**V. RESOLUTIONS**

**Case PB-08-15                      Applicant: Johnson & Johnson Consumer, Inc.**  
 Block 14001 Lot 2  
 Submission Waivers and Preliminary and Final Major Site Plan

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

**Case PB-06-15                      Applicant: Country Club Meadows, LLC**  
 Block 4001 Lot 33; Block 6001 Lot 1; Block 5023 Lots 2 & 3  
 Preliminary Major Site Plan and Subdivision with Variances

Mr. Hayes requested a minor change to page 18 (f) 1.6 of the resolution.

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

**VI. CAPITAL PROJECT REVIEW**

**Applicant: Montgomery Township Board of Education**  
 Block 19001 Lot 8.34                              Block 19001 Lot 12  
 Upper Middle School                              Lower Middle School

Block 19001 Lots 14 & 15                      Block 25001 Lot 27.02  
 Orchard Hill                                      High School

Block 26001 Lot 1.06  
 Village Elementary

Mr. Linnus explained that this is a D31 Capital Project Review. Any public agency that is going to spend public funds must submit to the Planning Board for their review.

Greg Somjen, Parette Somjen Architects, summarized the projects.

The site improvements at the High School include a refurbishment of the track around Cougar Stadium, asphalt repair work to the entrance of Cougar Stadium, some of the perimeter sidewalks will be repaired and new sidewalk will be installed from the Board Office to Route 601.

The site improvements at the Upper Middle School include a track replacement, the existing underground fuel tanks will be removed and installed above ground, the bus parking area that is currently gravel will be paved, the circulation of an existing driveway will be improved to accommodate a more appropriate pick up and drop off and the tennis courts will be improved.

The site improvements at the Lower Middle School include the construction of an age appropriate playground.

The site improvements at Orchard Hill include improvements and repairs to the asphalt which include play surfaces for the children during recess and some of the walkways.

The site improvements at Village Elementary include some interior improvements which includes a slight expansion of the building for the music room and a second means of ingress and egress in the rear parking area.

A referendum will be presented in March and if successful work will likely begin in Fall 2016 and into 2017.

A motion to recommend was made by Chairman Cheskis and seconded by Ms. Davis. The motion carried on the following roll call vote:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

## VII. APPLICATION

### **Case PB-12-15                      Applicant: Belvedere Homes, LLC**

Block 6001 Lots 39 and 40

Final Major Subdivision – Phase II

Expiration Date - 2/12/16

Affidavit of Notification and Publication Not Required

Richard Schatzman, Esquire and Cyril Kucera, PE represented the applicant. Preliminary approval was granted on March 13, 2016. The application was conditioned on sewer capacity in the Pike Run Plant.

Mr. Kucera, 500 State Road, was sworn in. Mr. Kucera was accepted as an expert engineer. Mr. Kucera referenced a marked up Section II final map which was marked as Exhibit A-1. The subdivision includes 11 lots. There is an easement dedicated to Montgomery Township consisting of the conservation easement granted to D&R Canal and DEP. There are easements that are dedicated to the Homeowners Association. The descriptions will be approved by the Board Engineer and the document approved by the Township Attorney.

Mr. Schatzman discussed Mr. Cline's memo dated January 7, 2016. The clearing to preserve more large trees was done in conjunction with the Township Landscape Architect. The LOI has been extended under the Permit Extension Act. Each of the lots has a designated area for roof recharge. The areas are marked with metes and bounds on the final map.

Mr. Schatzman discussed Mr. Sullivan's memo dated December 10, 2015. The landscape plan was approved by Mr. Bartolone as part of the preliminary so waiver relief is not necessary. The applicant does not agree to install the fencing and signage since this is something that should have been discussed at preliminary. The area is delineated with concrete monuments.

There was discussion about enforcing the conservation deed restricted area. It was discussed how the enforcement of the deed restricted area would be the responsibility of the HOA. If the HOA doesn't enforce it the Township has the right to enforce them and charge the HOA.

The meeting was opened to the public. There was no public comment. A motion to close the public hearing was made by Mr. Smith and seconded by Mr. Mani. The motion carried unanimously.

Mr. Linnus summarized the application. Conditions include posting a bond for the remaining public improvements, filing of the easements and standard conditions.

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

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**Case PB-08-11                      Applicant: W. Bryce Thompson, IV**  
Block 15001 Lot 5  
Submission Waivers and Preliminary and Final Major Subdivision with Variances  
Expiration Date – 120 Days from Submission Waiver Approval  
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. The application is for subdivision approval for five single family lots and one open space lot. The open space lot will be dedicated to the Township. Mr. Schatzman listed the requested variances and waivers. The calculation of acreage for the number of trees subtracts the conservation areas and the land dedicated to the Township. More trees are being planted but the caliper size is smaller. In lieu of sidewalks along Route 601 they are going to construct a path through the open space lot.

D. Geoffrey Brown and Martin Katz, both having an address of PO Box 610, were sworn in.

Mr. Katz gave the Board his qualifications as a land surveyor and was accepted as an expert. D. Geoffrey Brown gave the Board his qualifications as a land surveyor, engineer and planner and was accepted as an expert.

Mr. Katz testified that the property is an irregularly shaped lot with frontage on both Brandywine Road and on Route 601. The site is bisected north and south by Back Brook. Approximately 40% of the site is wooded and within the wooded area is the 100-year floodplain, wetlands and wetland transition areas. The remainder of the site is farmland. The site slopes from both roads towards Back Brook in the middle of the site. The site is served by public water and gas. There are no existing structures on the site. The property is zoned R-2. The lots that front on Route 601 have enhanced zoning standards. The proposal is to subdivide into six lots. Three lots, consisting of approximately 2-acres each, will front on Brandywine Road. Two of those lots will share a driveway. On the Route 601 side there are two lots, consisting of approximately 6+ acres each that will also have a common driveway. The sixth lot is the 10.86 acre open space lot that encompasses most of the environmentally sensitive areas. A path is proposed through the open space lot. The alignment was located in the field by the Open Space Committee. A four foot post and rail fence will be installed along the rear property line of Lot 5.02 to demarcate the open space. Street trees will be installed along Brandywine and extensive landscaping will be installed to create buffers between the lots. On the Route 601 side there will be reforestation areas planted in a wetland mix that will eventually revert to woodlands. Buffer plantings will be installed along the railroad. The applicant agreed to comply with Mr. Bartolone's memo dated January 8, 2016. The ordinance requires 414 trees to be installed. The applicant has a combination of evergreen and shade trees on the plan. All existing trees will remain on the site. The area of the individual building lots minus any conservation areas was used to calculate 215 trees required. The proposal is for 110 shade trees and 228 evergreen trees (half credit) for a total of 224. All the lots will be served by an on-site septic.

Mr. Cline's memo dated January 7, 2016 was discussed. The proposed driveways are eighteen feet wide and should be adequate for emergency vehicles. A sign off from the Fire SubCode Official will be obtained. The existing fire hydrant is on the north side of the driveway so there should be plenty of room to clear the hydrant when turning into the driveway. The dwellings will comply with the height and a variance is not required. A declaration of covenants and restrictions will be filed outlining the maintenance responsibilities for the shared driveways. There is no issue with sight distance on Brandywine Road. There is a slight issue with site distance on Route 601 because of the elevation change with the railroad crossing. The requirement is 500' and they have 377'. The stopping distance is 360' so they do not feel it will be an issue. They have moved the driveway as far south as they can so they cannot get any more distance. The applicant proposes to bring in approximately 70,000 cubic yards of fill because of the high water table. They could probably reduce the amount of fill to about 50,000 cubic yards. The impervious coverage could be broken down but it might not be representative of what will ultimately be constructed. The applicant will work with Mr. Cline to address the stormwater comments. The applicant will work with the Township Committee to make sure they are satisfied that there are no environmental concerns on the lot to be dedicated. The applicant is donating the property and constructing the pathway so they request the Township apply for the permits. The LOI dated 8/29/07 is subject to the Permit Extension Act however, they have applied for a new LOI. The miscellaneous items are all conditions of approval. The landscaping plan will be revised to relocate the proposed landscaping out of the reserve areas.

Mr. Sullivan's memo dated December 14, 2015 was discussed. Lot 5.05 does not need a depth variance because Brandywine is curvilinear so the applicant measured from a midpoint of the rear line straight to the right-of-way line and it is 300.04' which meets the ordinance. The proposed path will connect to the existing Woodcrest Estates path to the south. A loop in the northern terminus of the path will be added. Flag lots are proposed instead of constructing a new road to service two lots.

Mayor Graham asked if the applicant would be willing to install signs on the lot where there is no fence to mark the beginning of the open space. The applicant agreed. After further discussion the Board felt the demarcation with monuments was satisfactory and no signs will be installed.

The Open Space Committee memo was discussed. Monuments will be installed for the conservation easements. They will work with the Township Committee on any environmental concerns. The DEP will not grant approval to pave the pathways. Due to the expense, the applicant would prefer to construct the gravel pathway and not a boardwalk. The final location will be flagged in the field in consultation with the Open Space Coordinator, Open Space Committee Chairman and Township Engineer.

Mayor Graham asked if the request was for the boardwalk along the whole path. Mr. Schatzman replied that it was just where the wet areas are. Mr. Katz said if there are swales they could install a plate underneath if the DEP permit would allow it. The applicant will work with the Board or Township Engineer to mitigate the wet areas. There is a total of about 900 to 1,000 linear feet of path. Mayor Graham thought it would be helpful for the Board to know how much boardwalk would be required. Mr. DeRochi noted that there is an expandable mesh that keeps the gravel from spreading out. The applicant will work with the Open Space Committee.

The fill is being brought in for all the lots in the subdivision. The applicant did not know the truck route for the Brandywine lots. Access will have to be worked out before the map is filed. Mr. Smith was concerned about the trucks going through the residential area.

Mr. Smith said he was concerned with the look of lots with that much fill being brought in. Mr. Katz said the existing grade to the proposed grade is about five feet to create positive drainage away from the house. There is a high water table so the basements have to be set on grade. There will be some buffer along Route 601.

Chairman Cheskis opened the meeting to the public.

Liju Thomas, 48 Brandywine Road, was sworn in. Mr. Thomas asked if there were plans to cut trees within the conservation easement proposed on the northern portion of the Brandywine lots and noted that there are dead trees within that area. The applicant said they would clean the area up. Mr. Thomas asked that they not clog the drain and create flooding. The applicant testified that most of the water will flow to the rear to Back Brook. There are swales running to the rear on both sides of the driveway.

Andy Chen, 76 Fieldcrest, was sworn in. Mr. Chen was concerned about the traffic implications with the driveway on Route 601, bus stops and left turns into the driveway from Route 601. He wondered if the County would allow acceleration and deceleration lanes. Mr. Katz said the County asked for a monetary contribution in lieu of improvements. The truck traffic for the importation of soil would have to be from both Route 601 and Brandywine because they can't cross Back Brook. Mr. Chen asked about damage to roads from the additional trucks.

Mayor Graham and Vice Chairman Matthews asked if traffic issues had been considered by the County. Mr. Katz said the County wanted the design and cost estimate for widening the road, curb, sidewalk and drainage if needed. The County did not want the applicant to make the improvements.

Mayor Graham asked if the Township could have their traffic consultant look at the application. The Board would like the traffic consultant to review the plans because of the safety issue with the driveway. The applicant agreed to have the township consultant review the plan.

Heidi Mass, 76 Fieldcrest, was sworn in. Ms. Mass was concerned with the trucks driving through the stop sign at Brandywine and Fieldcrest.

There being no further public comment, a motion to close the public hearing was made by Mr. DeRochi and seconded by Mayor Graham. The motion carried unanimously.

Mr. Wilson asked how many of the 5,000 truckloads are needed on the 601 side versus the Brandywine side. Mr. Katz said he did not know but they will try to tighten it up a little bit and reduce the amount of fill needed. There will be more on the Route 601 side.

Chairman Cheskis asked if all of the basements will be at grade level. Mr. Katz said they would be.

The Board discussed how to make it look better than what is being proposed. Mr. Katz said if they try to tighten it up it will look more like an anthill. What is being proposed is a pretty good compromise between a steeper slope and not bringing in more fill. The landscaping will soften the look.

Mayor Graham asked if there was a cross-section that will give a visual image of the height of the houses. Mr. Katz said they could provide a profile of what it would look like.

Mr. Wilson commented that the houses will not be visually consistent with the existing Brandywine neighborhood. There is not an existing house in the neighborhood that is elevated on a sloping lot.

There was discussion about the grading of the lots. Since much of the foundation will be visible, the applicant agreed to bring the vinyl siding down and provide foundation plantings to soften the look.

Mr. Schatzman said there are no submission waivers necessary. The preliminary checklists were not revised to show the submission waivers were not necessary.

The applicant will provide a profile of the dwellings, information on how much fill will be on the Brandywine side and the 601 side, any drainage issues and the areas on the pathways that may need boardwalk.

The application was continued to the March 7, 2016 Planning Board meeting. An extension to March 22, 2106 was granted.

**VIII. ORDINANCE RECOMMENDATION**

**ORDINANCE NO. 16-1507**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 16-4.10b. REGARDING PERMITTED ACCESSORY USES IN THE "PPE" PUBLIC, PARKS AND EDUCATION DISTRICT**

A motion to recommend adoption of the ordinance as written was made by Mr. Smith and seconded by Ms. Davis. This carried on the following roll call vote:

Ayes: Cheskis, Davis, DeRochi, Graham, Mani, Matthews, Smith, Wilson and Chang

Nays: None

**IX. MINUTES**

**October 19, 2015 – Regular Meeting**

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

Ayes: Matthews, Davis, DeRochi, Mani, Smith and Wilson

Nays: None

**November 2, 2015 – Regular Meeting**

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

Ayes: Matthews, Davis, DeRochi, Mani, Smith and Wilson

Nays: None

**November 16, 2015 – Regular Meeting**

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

Ayes: Matthews, DeRochi, Mani, Smith and Wilson

Nays: None

**December 7, 2015 – Regular Meeting**

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

Ayes: Matthews, Davis, DeRochi, Mani, Smith and Wilson

Nays: None

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