

**MONTGOMERY TOWNSHIP PLANNING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
JULY 18, 2016**

**MINUTES**

Vice Chairman Matthews 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 Cheskis; Vice Chairman Matthews; Mr. DeRochi; Ms. Graham; Mr. Sarle; Mr. Smith; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. Chang, Alternate #2

**ALSO PRESENT:** Francis P. Linnus, Board Attorney; Jason Cline, Board Engineer; Emily Goldman, Board Planner; Joseph Fishinger, Board Traffic Engineer; Lori Savron, Planning Director

**I. SALUTE TO THE FLAG**

**II. PUBLIC PARTICIPATION - None**

**III. CLOSED SESSION**

Vice Chairman Matthews read the resolution to go into closed session to discuss the Kosinski vs. Planning Board, 601 Corridor, LLC and Lanwin Development Corp. litigation. The Board voted unanimously to go into closed session.

The Board voted unanimously to come out of closed session.

Chairman Cheskis stepped down.

**IV. APPLICATION**

**Case PB-16-15**                      **Applicant: Country Club Meadows, LLC**  
Block 5023 Lots 2 and 3; Block 5016 Lots 1 & 3  
Preliminary Major Subdivision and Site Plan with Variances  
Expiration Date – August 16, 2016  
Affidavit of Notification and Publication Required (Previously Found to be in Order)

Ronald Shimanowitz, Esquire represented the applicant.

Joseph Fleming, who remains under oath, discussed the revised buffering plan and sidewalks. Mr. Fleming discussed Sheet C-12 dated June 30, 2016. There was a request at the last meeting to look at providing additional buffering between the Plaza and the existing residential area adjacent to it. Seventy-two mixed conifer trees have been added along the canopy of the existing trees. The Master Association has found the plan favorable. Mr. Fleming discussed the area on Pike Run Road that did not have the sidewalk link to Route 206. The Master Association and Pike Run Woods Condominium Association have granted permission to construct that portion of the sidewalk on the Association's property. Testimony was provided at a prior hearing as to why a sidewalk link on the northern side of Belle Mead-Griggstown Road and Route 206 intersection into the property is not recommended. A sidewalk along a detention basin berm is a challenge due to the emergency overflow.

Mr. Cline said he had concerns about the crosswalk along the Belle Mead-Griggstown Road and Route 206 intersection that was removed during the latest repaving project and was not replaced.

Kevin Hayes, 18 Lorien Place, was sworn in. Mr. Hayes said there was never a depressed curb in that location. Mr. Fleming said if a crosswalk is put back there it will be leading to nowhere.

The concern is that it is a long walk from the intersection into the site using the proposed sidewalk along Belle Mead-Griggstown Road and people will create a short cut. The Board talked about ways to prevent people from creating their own pathway from the corner to the CVS. It was suggested that a fence be installed to prevent access. Mr. Fleming agreed to extend the detention basin fence.

The Board and applicant discussed the remaining items in Ms. Wasilauski's July 6, 2016 memorandum. The applicant agreed to the remaining items.

Vice Chairman Matthews opened the meeting to the public for questions.

David Cheskis asked who was responsible for maintaining the trees. Mr. Fleming replied that Atlantic Realty, as the applicant, is responsible.

Bruce Fish, who remains under oath, discussed the signage. Mr. Fish referred to sheet SK-1 dated June 29, 2016. The plan quantifies the size of the signs for the center. The second page (also SK-1 dated June 29, 2016) shows the signage

that is permitted by Ordinance. Sheet SK-2 dated June 28, 2016 show the potential tenant spaces. Since they don't have any tenants lined up at this point there is no way to know if the tenants will use one space or multiple spaces. Nothing will exceed 50 square feet and there will be a maximum restriction of 90% of the horizontal of the bay so no two signs will be too close together. There will also be a maximum height. There could be a larger tenant that takes up multiple bays and they do not want the tenant advertising their name multiple times on the storefront so they propose secondary signs of no more than 35 square feet. Mr. Fish distributed a handout which was marked as Exhibit A-4. The exhibit is a table that shows examples of the signage for each of the tenants as shown on SK-1. The maximum signage would be 50 square feet, a maximum of 90% of the width of any storefront bay and maximum of 5' height and 35 for any secondary sign.

Mr. Chang asked if there would be a limitation that all signs would be the same color. Mr. Fish recommended there not be a restriction as it would limit the tenants that would come.

Mr. DeRochi was concerned with the height of the letters in the sign and recommended a maximum height of 3' with the overall sign height of 5'. There was discussion about maybe limiting it to 2'

Ms. Goldman noted that the space between the signage is not very large. There was a recommendation that it be 80% of the bay rather than 90%.

Mr. Sarle made a motion that the letters of the sign not be greater than 2' and a maximum horizontal width of 80% of the bay.

The applicant requested the Board consider sign lettering not greater than 3'. There was more discussion and Mr. Sarle amended his motion to two and a half feet. Mr. Smith seconded the motion. The motion carried unanimously.

Mayor Graham motioned to limit the secondary sign to 35 square feet, maximum 80% width and 18 inches for letter size. Mr. Wilson seconded the motion. The ends that have two corners will be allowed a primary sign on each side. The motion carried unanimously.

Mr. Fish described the two freestanding signs. Sign type A is conforming and meets all the ordinance requirements. With regard to the main pylon sign, the Board asked that the applicant provide an alternative that was not as tall. The applicant prefers the taller sign with the single line. The sign is shown in situ to give a scale of what it would look like. There are powerlines and shrubbery in the location area and the applicant wanted to get the bottom of the sign up so that that there would be no restrictions as far as visibility.

Vice Chairman Matthews said he preferred the shorter sign. Mayor Graham and Mr. Chang agreed.

Mr. Glockler asked what is permitted by ordinance versus what the applicant is requesting. Ms. Goldman replied the ordinance allows a maximum of 75 square feet and 8' high. The taller sign proposed is 260 square feet and 26' high and the shorter sign is 357.5 square feet and 18.3' high.

Mr. Fish suggested the base of the sign (Sign Type B) be reduced in height from 6 foot 4 to 5 foot 4 and in width from 19.6 to 17.6. That would give an overall height of 17.4. The applicant cannot comply with the required 8' height because all the tenant names would not fit.

Mr. Wilson motioned to cutting sign type B on drawing SK-4A to 16' 6" wide and 15' 4" high. The motion was seconded by Mr. Chang. The motion carried unanimously. Ms. Goldman noted that would bring down the area to 252.95 from 357.

Robert Gehr remains under oath. Mr. Gehr described the CVS plans revised through July 18<sup>th</sup> which were marked as Exhibit A-5. At previous meetings the Board requested the building be designed to make it more compliant with the shopping center and other buildings within the Township. The entrance element is on a chamfered corner. The location is a strategic location for circulation within the store. That element is the tallest portion of the building and it is designed to be 30' to the peak of the roof. The entrance is flanked with stone piers that will be similar stone to what is being used at the center. A brick water table runs around the building. The EIFS has been removed and they are using a fiber cement siding. The roof is mansard-style and is shingle. The proposed signage has been reduced to two 50 square foot signs. The signs would be located on the north and south side of the building so they are visible from Route 206.

Mr. Smith commented on the architecture of the south elevation building and how it looks like the back of the building or a warehouse. Mr. Chang suggested windows.

Mr. Gehr noted that it is the stockroom area so he would prefer not to install windows. He suggested a design with the fiber cement decorative band and the gable end to break it up.

Mr. DeRochi commented on the gables, the canopy over the drive up, the water table and the roof. The building still does not resemble the other retail buildings in the center and is out of proportion.

The applicant requested a five minute recess.

Mr. Shimanowitz suggested the architecture for the CVS building be deferred to final. The Board would be approving the pad site but not the architectural plans for the building. The Board agreed.

John McDonough, 101 Gibraltar Drive, was sworn in. Mr. McDonough gave the Board his qualifications and was accepted as an expert planner. Mr. McDonough reviewed the Clark Caton Hintz letter dated July 14, 2016. Photos taken by Mr. McDonough and an aerial photo downloaded from the Bing website were marked as Exhibit A-6. The site is ideally suited in terms of lot area to accommodate the use. The property is a corner lot that is 21 acres in size. The photos show the existing conditions of the site and the road visibility from Route 206 and from Belle Mead-Griggstown Road. The importance of the roadside signage is to avoid sudden stops and turns and provide for clear and safe identification of the site. The photos also show the surrounding land uses. The proposal is for a total of 6 buildings totaling approximately 102,000 square feet and an 8,000 square foot Community Operation Building. There are three access points, 556 parking spaces, new lighting, new landscaping, bike ramps, walkways and paths. The proposal complies with all the higher tiers of your zoning in the BMPUD district including use. There are approximately seven bulk variances, ten design waivers and seven sign variances needed. The legal basis for all the bulk relief is tied under the Flexible C Balancing Test where the benefits of the application as a whole outweigh the detriments. Several purposes of zoning are advanced. None of the variances will substantially cause detriment to the surround public or to the public good or create substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The applicant is requesting a variance for building height of the main retail buildings not to exceed 33' and the plans will be revised accordingly. The Operations Building will be 27'. There are three accessory structures (refuse enclosures) that will require sideline setback variances. The locations of the refuse enclosures impact the buffer requirement and a variance is needed. An evergreen band along the back of the property line together with red cedars, spruce trees and a variety of other evergreen conifers will meet the intent of the ordinance and provide a green separation between the subject site and the adjacent site. The loading space for Building F (restaurant pad site) requires a variance since no loading space is proposed. Loading would occur at non-peak times. The loading space size for Building D is slightly undersized at 10 x 36. The height of the retaining wall is over the 4' permitted. The higher wall will maximize the storage capacity in the basin.

Mr. McDonough went through the various design waivers that are being requested and found each one reasonable. The design waivers include the size of the parking stalls, the disturbance of steep slopes, street lighting, sidewalks along Route 206, hours of operation for the signage and hours of operation for the illumination for any business that will be open 24 hours, planting of replacement trees based on area of disturbance, number of street trees to be planted, off-street parking landscaping and building façade.

Ms. Goldman asked about the freestanding signs proposed for the CVS. Mr. Linnus said they would be dealt with when the applicant comes back for the architecture at final.

Vice Chairman Matthews was concerned about the street tree waiver. They are required to install 39 and they are proposing to plant 19.

Mr. Fleming explained that the trees can't be planted in the basin area. He agreed to install three or four more along Belle Mead-Griggstown Road and the balance will be planted in other areas or money posted in the tree bank.

Mr. Wilson asked if the ordinance limits hours of operation. He suggested there be a condition that retail businesses must close by midnight and restaurants by 1:00 a.m. The Board agreed.

Mr. Cline recommended that the lighting in the service area be reduced slightly in intensity to avoid any impact on neighbors. The applicant agreed.

Chairman Matthews opened the meeting to the public. There was no public comment. On a motion and second, the public hearing unanimously closed.

Ms. Goldman commented that the Board has not seen the architectural plans for Building A, B and F. Architectural plans have been submitted for Buildings C and D (1 and 2) and the Community Operations Building. The architecture for Buildings A, B and F will be reviewed at the time of final, along with Building E which is the CVS.

Mr. Linnus summarized that the motion would be for preliminary site plan, preliminary subdivision, bulk variances and design waivers. There will be the standard conditions. The architectural presentation is approval for only Buildings 1, 2 and the Community Operations Building and the retail signs. The applicant must come back for the architecture on the other buildings, including CVS as well as the CVS signage.

A motion to approve the application subject to the conditions was made by Mr. Smith and seconded by Mr. DeRochi.

The motion carried on the following roll call vote:

Ayes: DeRochi, Graham, Matthews, Sarle, Smith, Wilson and Chang

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 11:20 p.m.