

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
NOVEMBER 21, 2016**

MINUTES

Chairman Cheskis 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 Cheskis; Vice Chairman Matthews; Ms. Davis; Ms. Graham; Mr. Mani; Mr. Wilson

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

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPLICATION

Case PB-02-16 Applicant: Rollins-Western Real Estate Holdings, LLC
Block 35002 Lot 9
Submission Waivers and Preliminary and Final Major Site Plan with Bulk Variances
Expiration Date – 120 Days From Submission Waiver Approval
Affidavit of Notification and Publication Required

Elizabeth Durkin, Esquire represented the applicant. Notice was found to be in order. David Schmidt, Julie Anne Cecere and John McDonough also represented the applicant.

Mr. Linnus explained that Board Member Davis had previously retained Mr. Schmidt on an application. Her application has been completed and she no longer has a business relationship with Mr. Schmidt. Ms. Davis felt comfortable receiving the application. Ms. Durkin did not have an objection to Ms. Davis hearing the application.

Ms. Durkin explained the application. The company has been operating at this site for the last twelve years. The application is to demolish the existing structure and rebuild a new structure.

David Schmidt, 77 Cairns Place, John McDonough, 101 Gibraltar Drive and Julie Anne Cecere, 21 Taylor Drive were sworn in.

Mr. Schmidt gave the Board his qualifications and was accepted as an expert engineer. Mr. Schmidt referenced the existing features plan dated August 16, 2016 last revised October 28, 2016 which shows the site. The subject property is on the northbound side of Route 206 just north of Dunn Way. The total lot area is 0.3162 acres and is in the HC zone. The current use of the property is Western Pest offices in a 1.5 story 2,000 square foot building. There are 12 parking spaces, Belgian block curb, lighting, signage, walkways and landscaping. There is a 1 story frame garage that will remain. The applicant would like to remove the existing building and construct a new 2,347 square feet building in the same location as the current building. Work on site will be the construction of the new building, restripe the parking lot, replace the old lighting with new lights, add additional landscaping and make the entrance ADA compliant. The existing building does not meet current ADA standards. The current wiring in the building is inadequate and does not meet building codes. Some portions of the existing building have mold infestation. Removing and replacing the building would be more cost effective to bring into compliance with current building codes than to renovate the old building.

Mr. Schmidt referenced the site plan dated August 16, 2016 last revised October 28, 2016. Submission waivers are requested from providing an Environmental Impact Statement and Traffic Impact Statement. Since the site operation will remain unchanged there is no need for these items. The traffic intensity is minimal with 5 employees at the site.

The following roll call vote was taken for the approval of the submission waivers:

Ayes: Cheskis, Davis, Graham, Mani, Matthews and Wilson

Nays: None

Mr. Schmidt listed the requested variances. They include: (1) minimum lot area where 1-acre is required and the existing lot is 0.3162 (2) minimum lot frontage where 150' is required and the existing is 72.50' (3) minimum lot width where 150' is required and the existing is 72.50' (4) minimum side yard setback where 25' is required and 16.6' is proposed to the south and 19.9 proposed to the north (5) maximum lot coverage where 55% is allowed and 59.32% is proposed (6) accessory building minimum side yard setback where 20' is required and the existing is 9.9' (7) accessory building minimum rear yard setback where 20' is required and the existing is 15' (8) minimum off street parking where 12 spaces are required and 11 are proposed. A parking space was eliminated to make a space ADA compliant. (9)

buffer screening width where 15' is required and 6' is proposed on the northerly property line (10) the parking space setback is required to be 15' from the rear and side property lines where 5' is proposed to the rear, 10' to the south side and 6' to the north side (11) cross access to adjacent properties not proposed (12) one loading space is required and none are proposed (13) minimum of 45% of the lot is to be landscaped and the proposal is 40.6% (14) outdoor trash locations are to be enclosed and the proposal is to have three 90-gallon trash bins located in the rear of the garage. The existing dumpster that is currently in a parking space will be removed.

Mr. Schmidt testified that the majority of the customers call and do not visit the site. The facility is used for the employees to get their trucks and supplies and then go out to the sites they service. The new building will be used the same way. There will not be any additional employees or retail use. The building entrance sidewalk will be increased from 4' to 8' to comply with ADA requirements. The hours of operation will be Monday through Friday from 7:30 a.m. to 5:30 p.m. The two existing lights will be replaced with new light stanchions and there is a light on the existing garage. The plans will be revised to change the lights to LED that will be less intense than what currently exists. Four trees are required to be planted and they have been located throughout the site. Three trees will be installed along the Route 206 frontage. Landscaping will be installed along the southern property line to soften the look of the building, parking and mechanical equipment and in the area of the proposed trash can location. No existing vegetation will be removed except the foundation plantings. There is an existing freestanding 26 square foot sign located in the front of the building that is internally lit that will remain but the wording on the sign will be updated. An 8.4 square foot unlit wall mounted sign is proposed over the front door. About 75% of the pesticides that are stored in the garage are pesticides that can be bought at a hardware store. Other stored pesticides need a pesticide license. They are stored in dry areas and are not flammable. The list of pesticides has been provided to the Planning Board, Board of Health and the Fire Marshal. The largest truck to access the site will be a UPS truck. The lot coverage has been increased by 100 square feet. A stormwater analysis has been provided to document how the increase in stormwater will be addressed with a 4' wide by 4' deep by 6' long infiltration trench. The anticipated sewer flows are 235 gallons and the site currently has 200 gallons. A sewer agreement will be needed for the additional 35 gallons. The Somerset County Planning Board issued an approval on September 30, 2016. The Delaware and Raritan Canal Commission issued an exemption letter dated September 26, 2016. The Somerset-Union Soil Conservation District issued a letter of exemption on August 30, 2016. The New Jersey Department of Environmental Protection Letter of Interpretation was approved on November 1, 2016.

The applicant will comply with all comments contained in Mr. Cline's memorandum dated November 17, 2016, Mr. Bartolone's memorandum dated November 17, 2016, Ms. Wasilauski's memorandum dated November 10, 2016 and the Board of Health memorandum dated November 8, 2016. The applicant will comply with all comments in Clarke Caton and Hintz's memorandum dated November 16, 2016 except for comment 6.2 which requests the cross access. Mr. Schmidt confirmed the applicant will install the sidewalk along Route 206. The applicant will work with Mr. Bartolone to screen the rear of the garage. The footcandle information for the new lights will be added to the plan.

Mayor Graham suggested a condition in the resolution that the site comply with the all regulations concerning the storage of the pesticides.

Ms. Cecere gave the Board her qualifications and was accepted as an expert architect. Ms. Cecere referenced the plan entitled Floor Plans and Elevations Sheet A1 dated August 16, 2015 revised November 17, 2016 which was marked as Exhibit A-1 and the plan entitled Perspectives Sheet A2 dated August 16, 2015 revised November 17, 2016 which was marked as Exhibit A-2. Given the issues with the existing building, it would be very difficult if not impossible to renovate. The new building has been designed to look like a place of business rather than a single family home. The exterior will be timber bark colored hardie board siding. The brick on the front was originally proposed to be a little higher but was lowered to about 30" above grade based on the Board Planner's recommendation. The windows were also lowered to floor level to make it look more like a store front. The brick was wrapped around the driveway side. White corner boards were added on each side of all of the corners. A pediment was added over the rear door. The brick will not be continued on the rear or left side. The left side will have landscaping that will hide it and the rear faces the parking lot and garage. The building mounted sign will have black letters on a white background. The lettering will be approximately 10" tall and the spacing will be about 10' to 10'2" wide. Gooseneck lights will be added over the signage at the main entrance. The new structure will have a full basement for the mechanical equipment and HVAC. The plans will be revised to show the basement. There is no fencing proposed around the outside compressor. Frieze board has been added.

The Board will discuss whether a variance is needed to allow the brick to only be on two sides of the building instead of all four.

John McDonough gave the Board his qualifications and was accepted as an expert planner. Mr. McDonough referenced the site plan. The three categories for the variance requests are existing conditions that are not changing, existing conditions that are being improved and existing conditions that are being worsened. The existing conditions not changing are the dimensional relief related to the property itself. There are constraints in terms of expanding the property so the variances related to dimensional relief can be granted under C1 relief. The existing conditions that are being improved the C2 standards would apply. The benefits of the application as whole substantially outweigh the detriments. The benefits in all cases are improvements. Dimensionally the side yard setbacks are slightly increased. The landscaping on the lot is being increased and the aesthetics of the building are being improved. The purposes of zoning that are advanced are the promotion of the public welfare with new commercial building stock, providing for a variety of commercial uses in appropriate locations, the efficient use of land and the promotion of a desirable visual environment. The purposes of the Master Plan that are advanced are economic development and business retention. The physical improvements to the

overall site will improve the image and identity of the community. The guidelines for nonresidential development in the Master Plan is on point with what the applicant is proposing. The site will function safely and efficiently. The provided parking supply will meet the demand. There will be no substantial impact on the surrounding properties. The aesthetics will be improved on all sides and the surrounding uses are all commercial. This is a very small property within the context of the overall zone. There will be no impact on the zone plan or zoning ordinance. The relief relating to existing condition that is being worsened is the increase in coverage of 100 square feet which is de minimis in nature. The impervious coverage deviation is mitigated by the proposed infiltration trench. Even though the ground area for landscaping is decreased, the amount of landscaping is being increased.

Ms. Goldman asked if the five employees take their company trucks home or leave them on site. Mr. Schmidt testified there is only one company truck on site.

Chairman Cheskis asked what condition the garage is in and what accommodations need to be made during the reconstruction phase. Mr. Schmidt testified the garage is in good condition. The employees have moved to a temporary site while the approval and construction take place. All the construction equipment will be accommodated on the site.

Mr. Cline and Ms. Goldman discussed soil removal. It was not clear that a basement was being dug and the excess soil to be moved will be more than what is permitted by ordinance. It was estimated there would be approximately 500 cubic yards. The applicant will work with the Township Engineer regarding the route and testing.

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

Mr. Linnus summarized the approval would be subject to compliance with the professional comments subject to the Board's normal conditions. The design feature variance referenced in the Planner's memo has been eliminated and the exceptions are no longer required. The Board agreed the applicant would need a variance from providing the brick only on the two sides.

A motion to approve the application was made by Mayor Graham and seconded by Ms. Davis. The motion carried on the following roll call vote:

Ayes: Cheskis, Davis, Graham, Mani, Matthews and Wilson

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.