

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
SEPTEMBER 18, 2017**

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; Mr. Conforti; Ms. Davis; Mr. DeRochi; Mr. Mani; Mr. Sarle; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. Chang, Alternate #2

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

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. APPLICATION

Case PB-03-17 **Applicant: Keith Tietjen**
Block 31001 Lots 11.06 and 11.07
Modification of Resolution Condition
Expiration Date – 9/23/17
Affidavit of Notification and Publication Required

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

Mr. Schatzman explained the application is for relief from a condition imposed at the time of the original subdivision in a resolution dated May 18, 1998 and memorialized on September 28, 1998. The lots were developed under the lot averaging provisions of the ordinance but the applicant is proposing development in accordance with R-5 provisions. The condition to be modified is the voluntary agreement to have the lot coverage less than the 15% maximum that the R-5 zone allows. The restriction was put in place due to the fact that the original subdivider did not want to have DRCC review the application. Lot 11.07 has an existing single family dwelling and Lot 11.06 is vacant. Mr. Tietjen will do stormwater management under the new regulations adopted after 2004 and they have applied for DRCC approval. Mr. Tietjen would like to combine Lots 11.06 and 11.07 into one lot and then go to the Board of Adjustment for a use variance to construct a house for the pool and for his in-laws on the combined lot.

Keith Tietjen, 20 Sunnyside Lane, was sworn in. Mr. Tietjen testified the driveway was paved when he purchased the property from the previous owner. He has made no adjustments to the driveway or added any additional coverage.

Michael Ford, 32 Brower Lane, was sworn in. Mr. Ford was accepted as an expert engineer. The detention basin on Lot 11 was designed and built to take care of the Sunnyside Lane subdivision. In order to avoid having to go to the DRCC for approval the total impervious coverage for the entire project was kept under 1-acre. There was a specific restriction of 6,394 square feet of impervious coverage for each one of the single family lots so the total for Lots 11.06 and 11.07 is in excess of 12,000 square feet of impervious coverage. The applicant is requesting that restriction be lifted to allow what is permitted under the R-5 zoning and they will comply with all the current stormwater requirements. The combined lots will be in excess of 11 acres. As a condition of any approval Mr. Tietjen will receive DRCC approval. In the original approval there was a restriction that the stone driveways could not be paved. Sometime between when the original house was constructed on Lot 11.07 and when Mr. Tietjen took title, the driveway was paved and the lot currently has 8,300 square feet of impervious coverage. The 8,300 square feet is under the 13,000 square feet of impervious the basin was designed for. Mr. Tietjen agrees to satisfy the DRCC with any additional impervious coverage added to the lot. The original basin was designed to handle up to 1.5 acres of impervious coverage. If the proposed project is approved, the total impervious coverage on the combined lots will be under 3%.

Mr. Cline discussed his September 13, 2017 memo. When the application goes to the Zoning Board they will be major development and subject to the stormwater rules put in place in 2004. If they don't get Zoning Board

approval they still need DRCC approval for what exists on the lot now. The existing basin is probably adequate for quantity but probably not for recharge or water quality.

Mr. Ford testified that as part of the pending Zoning Board and DRCC applications they are not taking any credit for the existing basin for any of the new impervious coverage that is being proposed. They are satisfying the water quality, the recharge and the quantity reductions.

Mr. Schatzman discussed the Environmental Commission memo and the Open Space Committee memo. The use of the proposed building will be discussed at the Zoning Board meeting. The proposed building cannot be sold separately. It could be rented. A use variance will be needed. The vacant parcel is farmland assessed.

Mr. Cline testified that under this application there is no construction. The Environmental Commission recommendation about clearly delineating the critical areas and being vegetated with native wetland plants would be addressed by the Board of Adjustment.

Chairman Cheskis opened the meeting to the public.

Charles Metcalf, 63 Bedens Brook Road, was sworn in. Mr. Metcalf asked if there are any plans for the wetland area in the rear of Lot 11.06. Mr. Ford testified that area is in a conservation easement and if anything was to be done there would be planting of more trees.

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

A motion to approve the application was made by Mr. DeRochi and seconded by Mr. Sarle. The motion carried on the following:

Ayes: Cheskis, Conforti, Davis, DeRochi, Mani, Matthews, Sarle, Wilson and Glockler

Nays: None

IV. MASTER PLAN AND DEVELOPMENT REGULATIONS AND LAND USE ELEMENT PLAN PUBLIC HEARING

Ms. Savron presented the Master Plan. The Master Plan is required to be reexamined every ten years. There are five major parts to the Reexamination which include major problems and objectives, extent to which they have been reduced or increased, extent of changes in the assumption policies and objectives, specific changes recommended and recommendations concerning the incorporation of redevelopment plans. The last Reexam was done in 2008. There has been ongoing master planning work and it is all incorporated comprehensively into the Reexamination and Land Use Plan Element. In 2008 the report found that those Land Use objectives remained unchanged from the 2001 Reexamination Report. No significant problems were identified in 2008. Some minor updates were recommended and those have taken place or are underway. Some of the changes of policies or objectives that have happened are at the local, County or State level. The biggest one is the Fair Share Amendment. During this time the Township has continued efforts to produce affordable housing. Construction of the units is ongoing and reflects the Township's continued commitment to meeting the obligation. The Reexamination recommends four changes to the Master Plan. The Fair Share Plan needs to be updated. Vacant, underdeveloped and underutilized commercial lands needs to be examined for possible development alternatives that are consistent with the recommendations in the affordable summary plan. The 2003 Land Use Plan Element needs to be reexamined regarding some specific benchmarks that were put in regarding the Planned Shopping Complex ordinance. The Recreation and Open Space Element plan needs to be updated. The plan recommends four changes to the zoning ordinance. The PPE zone needs to be reviewed. The 1860 House has been vacant and the Township Committee has identified a user that is currently renovating and using the property. The proposal is to include the use as a conditional use. The ordinances will need to be modified to effectuate the development proposals that are in the housing plan. The Planned Shopping Complex Ordinance will need to be amended. Proposals for modification to the Light Manufacturing and Neighborhood Commercial zones need to be evaluated.

In the back of the Reexamination Report is a Land Use Plan Element with two main parts. The first is the modifications to the 2003 Plan for the Planned Shopping Complex. A general planning recommendation has been added that while they are recommended benchmarks and other planning land use recommendations and design guidelines that are found within the 2003 element are used to provide guidance to the Governing Body in creating new zoning. It is anticipated that minor deviations are likely to occur that reflect the realities of addressing the current market and development trends of the current day. The changes can't be anticipated at

the grosser level of detail found in a master plan but should remain consistent with the core goals, objectives and principles of the master plan. A general planning modification is proposed to increase the permitted size of the three larger buildings to 75,000 square feet (previously 50,000). The aggregate size of all three will remain at 150,000 square feet. There is a specific recommendation in the 2003 plan that noted that the FAR for the project would be 0.15. This plan recommends a FAR of 0.175.

The Reexamination Report recommends that the Master Plan look at the vacant commercial lands for possible development in connection with the housing plan element and the development regulations be put in place so that those developments could be built. The Master Plan Committee (MPC) has discussed the creation of a new optional development alternative called the "Planned Mixed Use Development". One of the specific goals of the affordable housing plan has been to produce affordable housing located near jobs, public transit and services. The MPC looked at the area within a ½ mile of the NJ Transit bus route in the southern end of the Township that ends at Orchard Road. The study area is the west side of Route 206 and north side of Route 518 and includes the assisted living lot in Sharbell, Kepner Tregoe, the Horowitz lots, Thuls Auto Parts, Texaco, Tiger's Tale, the abandoned PSE& G property and Village Shopper I, II and III. Subareas were created within the overlay to recognize there are multiple owners within the project area and that there will be different uses in different subareas. The intermediate loop road that will connect Route 206 at the lighted intersection at Village Shopper with the lighted intersection at Research Road will be constructed as well as an inner loop road which will connect Route 206 at the PSE & G property to Route 518 just past the Horowitz lots. The overlay meets the objectives of the nodal planning system that has been part of the Township's master plan for many decades. The area is underdeveloped, vacant and obsolete. The development will address the flow of traffic, will provide affordable housing and will be pedestrian and bike friendly.

Ms. Savron referenced the Concept Plan for the area. Area A-1 will be an affordable housing building. Area A-2 will consist of roughly 100 to 107 townhouses with garages in the rear and a multi-family market rate building. Area B includes Village Shopper I, II and III. The existing buildings in Village Shopper I and II will be removed and a new longer building will be constructed for retail on the first floor and residential on the second and third floor. The parking in the rear will be dedicated to the residents. There will be three pad sites, one with a drive through. The development will include various outdoor gathering and dining areas. Area C includes Tigers Tale, Texaco, Thuls and the Horowitz lots. Area C has multiple property owners that the Township is working with and will have similar zoning.

Vice Chairman Matthews asked if the Township's traffic consultant has been part of the review. Ms. Savron confirmed that Mr. Fishinger has reviewed the overlay. The current zoning would produce much more traffic than what is proposed.

Mr. Glockler asked if the loop road through Kepner Tregoe property goes out to Orchard Road. Ms. Savron testified there is a different loop road on the Master Plan that goes from Orchard Road to Route 518. That loop road would require a significant sized bridge. The timing of when that might be constructed is unknown.

Mr. Wilson asked if there has been any effort to communicate to the Board of Education. Ms. Savron said there has been communication. The Township receives the enrollment certificates from them twice a year and the Township is monitoring the number of public school children for each of the developments. The trend that the rentals produce very few school children remains consistent.

Chairman Cheskis opened the meeting to the public.

Cory Wingerter, 1290 Route 206, was sworn in. Mr. Wingerter is the owner of the Tiger's Tale. The three property owners within the inner loop road have been working together. Dunkin Donuts has not been a good neighbor. He is concerned with the stormwater since his property is downhill, but looks forward to seeing the final plan.

Michael Pisauro, 31 Titus Mill Road, was sworn in. Mr. Pisauro is the Policy Director for the Stony Brook Millstone Watershed Association. He would like to sit down with Montgomery representatives to discuss enhancing the stormwater protections. He would like to see green infrastructure and enhanced stormwater management to improve water quality as the ordinances and plans move forward.

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

A motion to approve and adopt the recommendations set forth in the report entitled “Periodic Reexamination of Master Plan and Development Regulations dated August 10, 2017” which includes the master plan amendments, the land use plan amendments and the development regulation amendments in the plan was made by Mr. DeRochi and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Cheskis, Conforti, Davis, DeRochi, Mani, Matthews, Sarle, Wilson and Glockler

Nays: None

V. REDEVELOPMENT PLAN

Presentation of the Redevelopment Plan for Block 34001 Lots 60, 61 & 62 also known as 980, 966 and 958 Route 206 (State Road)

Emily Goldman gave a history of the process to date. On July 5, 2017 the Township Committee adopted a resolution directing the Planning Board to prepare an area in need of redevelopment investigation study. On July 12th the Planning Board directed Clarke Caton Hintz to prepare the study. On August 7th the study was presented to the Board and the Board adopted a resolution endorsing the area in need of redevelopment study and recommended the designation of the redevelopment area based on a continued pattern of dilapidation and obsolescence of the property. On August 17th the Township Committee designated the area as a redevelopment area and directed the Planning Board to prepare a redevelopment plan for the site. On August 21st the Board directed Clarke Caton Hintz to prepare the plan which serves as both a Master Plan document and an ordinance. The plan includes development regulations on how the property will be developed.

Ms. Goldman presented the draft report “Montgomery Five Redevelopment Plan” dated September 18, 2017. The property is approximately 1.63 acres and is located in the southwest quadrant of the Township. The property is currently zoned SSIZ-2 for COAH qualified housing. The property has been through seven different Planning Board and Zoning Board approvals since the 1980’s but has failed to develop. The goal of the redevelopment plan is to clean up the site with a new economically viable use consistent with the auto dealership uses along Route 206 and to provide for affordable housing. Some of the key items included in the plan are the principal permitted uses, the accessory uses, the bulk requirements and various performance and design standards. The plan also identifies that the redeveloper shall be responsible for providing the Township with an in lieu payment or other mechanism so the Township receives credit for four units of affordable housing. The entirety of the redevelopment area shall be redeveloped as a single planned project. The project must comply with the permitted principal uses, must provide for affordable housing, must have driveway access to the loop road and must eliminate and restore some of the existing encroachments onto the neighboring properties. All the lots within the redevelopment area must be consolidated with no future subdivision permitted except for any required road dedications. The redevelopment plan is consistent with the Master Plan Reexamination Report and will be consistent with the amended housing element and fair share plan once it is adopted. It is also consistent with Somerset County Master Plan and Housing Element and their comprehensive economic development strategy and with the State Development and Redevelopment Plan.

If the Planning Board endorses the plan the Township Committee will introduce the plan on September 21, 2017 and hold the public hearing on October 5, 2017.

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

A motion to recommend the plan be forwarded to the Township Committee was made by Mr. Wilson and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Cheskis, Conforti, Davis, DeRochi, Mani, Matthews, Sarle, Wilson and Glockler

Nays: None

VI. MINUTES

August 21, 2017 – Regular Meeting

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

Ayes: Cheskis, Conforti, DeRochi, Matthews, Mani, Sarle, Wilson and Glockler

Nays: None

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