

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
MAY 7, 2018**

MINUTES

Vice Chairman Wilson 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: Vice Chairman Wilson; Mr. Campeas; Mr. DeRochi (arrived 7:35 p.m.); Mr. Trzaska; Mr. Mani; Mr. Matthews; Mr. Sarle; Mr. Glockler, Alternate #1; Mr. Conry, Alternate #2

ALSO PRESENT: Francis P. Linnus, Board Attorney; Michael Sullivan, Board Planner, Jason Cline, Board Engineer; Joseph Fishinger, Board Traffic Consultant; Ms. Chrusz, Board Secretary

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. CAPITAL REVIEW

Applicant: Montgomery Township Board of Education

Block 19001 Lot 8.34

Module Building For Bus Drivers

Dave Klein, Director of Facilities, presented the application. The Board of Education is proposing to install a modular building to house the bus drivers at the Upper Middle School. He referenced an aerial plan. The existing bus driver trailer will be removed. The 3,800 square foot old Board of Education Office building will be demolished and replaced with a 1,440 square foot modular building. The existing utilities will be used. The building will be ADA compliant. The project will take place before the end of June.

A motion to recommend the project take place was made by Mr. Sarle and seconded by Mr. Trzaska. The motion carried on the following roll call vote:

Ayes: Campeas, DeRochi, Mani, Matthews, Sarle, Trzaska, Wilson, Glockler and Conry

Nays: None

IV. APPLICATIONS

Case PB-01-18

Applicant: Sharbell Building Co., LLC

Block 28005 Lot 66

Preliminary and Final Major Subdivision and Site Plan with Bulk Variances

Expiration Date – 6/28/18

Affidavit of Notification and Publication Required

Dave Roskos, Esquire represented the applicant. Notice was in order.

Bill Feinberg, 1010 Haddonfield Berlin Road, the applicant's architect was sworn in. Mark Cannuli, 236 Garden Place, Senior Vice President of Development for Sharbell, was sworn in. Tom Troy, 1329 Park Street, President of Sharbell, was sworn in. Nicholas Verderese, 1904 Main Street, with Dynamic Traffic was sworn in. Jeffrey Spalt, 1904 Main Street, with Dynamic Engineering, was sworn in.

Michael Sullivan was sworn in.

Mr. Troy gave an overview of the application. Mr. Troy referenced Exhibit A-1, Page 1 which is a PowerPoint presentation of 43 images. He oriented the Board to the site location. The project name is Montgomery Crossing. The site is 26 acres. The proposal is to construct 107 townhome units with garages in the rear and alley loading. There is also one 40-unit market rate 3 story condo building with one story of parking underneath. A central green open space anchors the site and creates access through the site. There are two secondary more passive open spaces. The site slopes from the south as it goes north so two detention facilities will be located on the low side. Another piece of the project is the inclusion of affordable housing on the lot that was originally approved for a 30,000 square foot office. A separate application submitted by PIRHL for 86

affordable units will be before the Board in the near future. If PIRHL does not build the units Sharbell's obligation is to deliver 64 or 65 affordable units.

Mr. Troy described the road network. He referenced Page 2 of Exhibit A-1. Alleys run behind the units for access to the rear garage which allows the units to be pulled closer to the street in the front. The project will be phased into three phases with the multi-family building identified as Phase IA. The units shown in yellow on the exhibit are Phase I, the units shown in purple are Phase II and the units shown in red are Phase III. The multi-family building is shown in blue. Both detention basins will be wet basins that outfalls through the existing system in Hillside and ultimately goes out into Bedens Brook. The project will be connected to the existing Township sewer system to the Hillside Pump Station and ultimately to NPDC. Public water will network through the property. They will tie into the new system and will not be using the old water main. All the rest of the utilities will be extensions of what already exists. There are two tot lots contemplated in the development with active and passive play areas.

Mr. Spalt gave the Board his qualifications and was accepted as an expert engineer. He referenced Page 4 of Exhibit A-1. Runoff from the site currently goes to an existing bio-retention basin C-2 located on the Hillside property. The ridgeline of the tract is along the southerly boundary. Slopes have been located on the site and are shown on the Steep Slope Analysis Exhibit (Page 10 of Exhibit A-1). He does not think any of the slopes mapped on the plan are naturally occurring slopes. The site will be re-graded to accommodate the development. Test pits have been performed in various locations. Groundwater was not encountered in the testing but the soils are not permeable. They are classified as Type B and C soils but they act like Type D soils. They had to prove they had Type D since it contradicted the mapping provided by the Soil Conservation Service which has been accepted by the Delaware and Raritan Canal Commission. Since the soils don't accept stormwater they are proposing wet ponds as an aesthetic feature while satisfying the stormwater runoff rate reduction and water quality. The two pond features operate as a single pond with an equalization pipe that ties between the two so the storage volume rises and lowers concurrently. There is an outlet control structure in the larger pond that discharges out through an easement area into a stabilized discharge at the Basin C2 on the Hillside parcel. Basin C2 will continue to function as designed. Although the runoff rates to that basin are being reduced by the requirements set forth by NJDEP, the DRCC and the Township Ordinance the volume is being increased. The grading has been designed to try to mimic existing site grading conditions. Approximately 5,000 cubic yards of import may be needed. Most of the soil movement will occur within the site itself. The roadways have been designed to meet the RSIS standards. The intermediate loop roadway and Road A and Road B (extending from Route 518 and connecting to the intermediate loop road) will be dedicated to the Township. The remaining roadways will be private and owned and maintained by the Homeowners Association (HOA) (Page 5 of Exhibit A-1). The turning radii and width of some of the lanes were increased to provide access for garbage and firetrucks (Page 6 and Page 8 of Exhibit A-1). Hartwick Road has been designed as a residential access medium density under RSIS. The intermediate loop road has been designed the same way but wider (34' cartway) to meet the width of Research Road. All the lanes at the rear of the site were designed in accordance with RSIS as per the alley specification. Road B is designed the same as Hartwick. The Road that connects to Route 518 is a continuation of the roadway width of 30' cartway from Village Shopper through to the site. All the roadways will have parking on one side. A variance is being requested for parking on one side where the ordinance calls for parking on both sides. The overall tract requires 337.7 parking spaces and 476 spaces are provided. A 10' x 20' masonry trash enclosure is proposed at the rear of the condo building. There is a 12' x 16' pervious paver pad in the landscape area northwest of the condo building for recycling. There will be private waste hauling based on operational needs. Water will be provided by New Jersey American Water and an 8" water main loop is proposed through the site. The sewer will be an 8" main throughout the site and will connect through Hillside pump station and ultimately to the NPDC plant. The pump station will require upgrades that will be undertaken as part of this project. Lighting is consistent with the lighting used in Hillside. There will be 52 single pole mounted street lights and 12 in the condo area parking lot. The applicant will work with the Engineer to refine the location of the lights. A variance or exception is needed for the lighting based on light distribution. Some of the lights will be maintained by the HOA and some will be maintained by the Township. The applicant will work with the Township Engineer regarding the type of lights that will be maintained by the Township. The lights are directed downward. The proposal is to provide 198 shade trees, 115 evergreen trees, 79 ornamental trees, over 250 shrubs and 600+/- groundcover species. Somerset County Planning Board, Somerset Union Soil Conservation District and DRCC have issued comments that the applicant is in the process of addressing. The NJDOT application is being handled by Village Shopper. A New Jersey American Water application has been submitted and is under review. A Letter of Interpretation - Absence has been received. An application for a Treatment Works Approval has to be submitted as well as a Safe Drinking Water permit from NJDEP for water service.

The Board questioned Mr. Spalt. The ponds will always have water in them and they will have aerators to maintain the water quality. The minimum depth of water is anticipated to be 4'. There will be fencing around the basins. The basins are designed in accordance with DAM safety. Proposed Homeowners Association documents including stormwater maintenance will be submitted for review.

Mr. Verderese gave the Board his qualifications and was accepted as an expert. The circulation pattern within the subdivision is safe. The access points to and from the site are safe. The four connection points that come through the property are Research Road, Research Road at the traffic light on Route 518, the Inner Loop Road that connects Route 206 to Route 518 and the Village Shopper traffic signal that connects through to Research Road (Page 1 of Exhibit A-1). The Traffic Impact Study submitted to the Board is last revised March 5, 2018. Existing traffic counts were taken on Route 518 at Research Road. The Village Shopper will testify to any impacts along Route 206. The existing T-intersection at Route 518 will ultimately be a four leg intersection that will connect through the Madison Marquette project to Route 206. The proposed loop roads to be constructed around the 518/206 intersection will divert traffic from the intersection. There will be a number of ways to travel through the area. The analysis of intersections shows that everything works at good levels of service. Pedestrian upgrades will be done at the Route 518 and Research Road intersection. A memo prepared for the Township Traffic Engineer dated May 7, 2018 was marked as Exhibit A-2.

Mr. Fishinger and the Board questioned Mr. Verderese. The applicant's traffic study included the traffic associated with the PIRHL affordable housing application. If Village Shopper and Madison Marquette do not get constructed, the traffic from this project will work. If Village Shopper comes in and the connection to Route 206 is made the traffic will work. Once Madison Marquette comes in with their associated improvements everything will still work. The inner loop road will be a right in right out on both sides. The applicant is only building the connection to Route 518. Traffic calming such as a speed table, has been designed to help calm traffic along the intermediate loop road.

Mr. Cannuli gave the Board his qualifications and was accepted as a professional planner and a Sharbell Officer. Mr. Cannuli referenced Page 11 of Exhibit A-1 and discussed the overall pedestrian/bicycle circulation and park system. The development has a very prominent central park surrounded by a grouping of townhomes. The central park was designed as a more formal space. The areas in the middle of the townhomes are known as East Alley Park and West Alley Park. They were designed to be more informal and natural. They have a series of pathways that connect through the project. There is a larger play area park in the northern section of the development. There are parks on the edge that create a buffer between this project and Village Shopper. Mr. Cannuli referenced Page 12, the Central Park Detail. There are a series of terraced greens that are elevated by a series of brick walls with seating around the outside. The spaces incorporate rain gardens at the bottom of each space. Mr. Cannuli referenced Pages 13 and 14 which showed a blowup of the alley parks. Some walkway lighting is proposed in the parks. Page 15 shows the detail of the park between the townhomes and Village Shopper. Page 16 shows the details of the play area park. The park has been expanded to address comments from the Open Space Committee and the Board Engineer. The Open Space Committee would like more shade trees in the area. They may plant larger specimen trees in this area. They will work with the Recreation Director to get input on the proposed play structures. The play equipment will be owned and maintained by the HOA.

Mr. Cannuli listed the requested variances:

1. Section 16-6.5k9c – the open space minimum requirement. 30% of the overall tract is to be open space and the applicant is proposing 29.5%. This is in part to some of the dedications of land to Village Shopper.
2. Section 16-6.5k9h(2) – the buffer requirement. A landscape buffer of 20' is required between the A2 area and the adjacent R-1 zone. The applicant is proposing 18' to accommodate a little wider alley space and incorporate comments received from the Fire Department.
3. Section 16-6.5k9c – for building height. The building height for townhomes is set at 40'. The applicant is requesting a variance for 9-10 lots (Page 17 of Exhibit A-1). The variances range from 0.47' to 3.3'. The units are in a location where the property severely slopes.
4. Section 16-6.5k6a – where parking is required on both sides of the main thoroughfare. Parking is proposed on one side of Research Road, Road B and Hartwick Drive.
5. Section 16-6.5k7b – where open space areas require a double row of trees on main thoroughfares and a single row of trees on alley or lanes. There is an overall landscape plan (Page 11 of Exhibit A-1) that proposes a single row in central park. The applicant will continue to work with Mr. Sullivan and Mr. Bartolone to come up with a design that meets the intent of the ordinance.

6. Section 16-6.5f1f – to permit habitable space over the garage on 21 lots (Page 18 of Exhibit A-1). The slope in the area is substantial enough where the rear garage is at the basement level and the space over the garage is at the main living area level. That area is proposed to be a bonus room or home office.
7. Section 16-6.5k9d1d – for the townhouse off-street parking setback. The ordinance requires a 3' separation between the driveway and the property line. In some cases there is a shared driveway. The end unit townhomes will have a 2' separation rather than 3'.
8. Section 16-6.5k9jl – to allow more freestanding signs when one is permitted. The proposal is for two signs at the multi-family building at both the entrance driveways.
9. Section 16-5.3b – for fence height. The maximum permitted height is 4' and the proposal is for 5' white vinyl privacy fence around the townhome lots to give more privacy for the smaller lots.
10. Section 16-6.5k.9 – the townhome facades on corner lots, certain townhome design features and certain design features on the multi-family buildings.
11. Section 16-6.5k9if – for the open space lighting fixture designs.
12. Section 16-6.5k9i7 – for the fixture type. It is hard to have a decorative style with full cut-off.
13. Section 16-6.5k9i10 – illumination levels in both parking lots and open space areas. The applicant's engineer believes they can meet the standards in the parking lot for the multi-family building but they will need a variance in the open space that connects through the parks.
14. An exception is need from Section 16-5.6d3 where a minimum of 14 trees per acre are required. The proposal is for 365 less trees however they will either comply with quantity or through working with the Board Landscape Architect, Engineer and Planner to come up with a value that is equivalent by upsizing some of the species. If they can't come to an agreement the applicant will post money in the tree bank.

Mr. Cannuli discussed the positive and negative criteria. With regard to the variance for height there are areas that drop 10' to 12' in front of the lot through the dwelling out to the alley which creates a practical and undue hardship in certain locations where the topography is more severe. The other variances advance the purposes of the Municipal Land Use Law. The benefits of the deviations far outweigh any detriment.

Mr. Cannuli discussed the professional's review memos received after Sharbell's response letter dated April 23, 2018.

The detailed open space plans (Sheets 11 through 16 of the engineering plans) show locations in the alleyways where group mailboxes will be located. The applicant is meeting with the Post Office to make sure the locations are adequate. The multi-family building will have a mailroom. Mr. Fishinger's concern is that the mailboxes don't end up on one of the major thoroughfares where cars are blocking traffic to get their mail.

Mr. Cannuli discussed the Clarke Caton Hintz memo dated May 3, 2018. There is a request for early starts for a maximum of 10 lots/3 buildings in Phase I which will be memorialized in the Developers Agreement and negotiated with the Township Committee. The Master Plan roads will be constructed in Phase I. Cross easements will be provided as a condition of approval. Low wattage is being used for the pathways. The applicant will work with the Township Landscape Architect and the Planner regarding additional landscaping around the building. They will comply with either the quantity or value of the landscaping. If they can't comply a contribution to the tree bank will be made. Conservation deed restricted areas will be granted as a condition of approval. There will be a deed restriction on the number of bedrooms in the units to what is permitted by the zoning ordinance. The interior townhome units can have a maximum of 3 bedrooms, the townhome end units can have a maximum of 4 bedrooms and the condo units can have a maximum of 2 bedrooms. A note will be placed on the plans, there will be a sales disclosure notice, appropriate deed restrictions and included in the HOA documents. There are 55 interior units (3-bedroom) and 52 end units (4-bedroom).

Mr. Linnus asked for discussion on the issue of studies and the living area over the garage that could be converted to bedrooms which was brought up in both the Clarke Caton Hintz and Remington and Vernick review memos.

Mr. Cline said a number of the units have rooms and bathrooms in the basements that could easily be converted to bedrooms. Increasing the bedroom count will impact the sewer usage and parking demand.

Tom Troy gave the Board his educational background in Building Construction and Architecture. The intent of the architecture is to do something different to appeal to a broad range of potential owners. A home office is becoming more of a demand. Some townhomes are on "downhill lots" which allows the opportunity for a daylight basement. The interior Unit A (Pages 26, 27 and 28 of Exhibit A-1) is an uphill unit. The basement in the unit has a bathroom, an optional rec room that will be unfinished unless the buyer takes the option, and

unfinished storage space. The basement area is very valuable finished space for a homeowner who wants a home office. The square footage of the unit including the basement is approximately 2,400-2,600 square feet.

Mr. Troy agreed to remove the showers/tubs from the bathrooms in the basement. The bathrooms will be made smaller so that a shower/tub can't be added later. The study will not have a door.

The C-unit is an end unit (Page 30 of Exhibit A-1). The square footage of these units can be up to 2,800 square feet. There is an option for a bath, a study, an exercise room and rec room in the basement. The basement bathroom will not have a shower/tub and there will be no doors on any of the rooms in the basement.

Mr. Glockler was concerned about emergency service access into the units. Mr. Troy agreed to look at the dimensions for access.

The meeting was opened to the public.

Mr. Parmar, 4 McGovern Lane, asked about the school district and the student to teacher ratio. Chairman Wilson informed Mr. Parmar that the Planning Board cannot consider the impact on the school district when reviewing applications. Mr. Parmar is concerned with when the construction starts, its proximity to the soccer field in the Hillside development and the impact to children playing. Mr. Troy responded that the construction will be managed from and soil stockpiled on the lot reserved for the Assisted Living facility not on the property owned by Hillside. Mr. Parmar said he had safety concerns about the turning movements from Research Road onto Route 518. Even though there is a traffic light, people pulling out don't slow down. Mr. Fishinger will convey the concerns to Somerset County.

Kanwarjeek Chadha, 3 Comstock Lane, is concerned with the volume of traffic turning on Route 518 and Route 206. Many of the children's activities are in an area where the residents have to make a left from Research Road onto Route 518 and then a left from Route 518 onto Route 206. The additional 100 new units will add more traffic. Chairman Wilson said the proposed development provides more points to access out to Route 206. Mr. Verderese said with the new development the residents will not have to go out to Route 518. They can take Research Road into the back of the Village Shopper to the traffic light and not have to use the 518/206 intersection.

Brandon Wood, 964 Route 518, asked if there would be any fencing or berm to buffer the existing houses. Mr. Cannuli said they plan to construct a 4' high white vinyl fence and they will be preserving a substantial amount of trees and evergreens. They are also proposing a series of additional plantings between the alley and the property line. Mr. Troy agreed to install a 6' continuous line of fencing along the rear of the property in a location to be determined. Mr. Troy suggested he meet with Mr. Wood and Mr. Bartolone out on the site. Mr. Linnus advised a variance will be needed to increase the fence height. The fence will run along the existing 9 residential lots on the north side of Route 518 between Research Road and Road A (the inner loop road). Mr. Troy agreed to meet with Mrs. Horowitz. The other neighbors along Route 518 will also be invited to the meeting.

Sanjeev Mehta, 16 Mystic Drive, asked if there will be a buffer. Mr. Troy responded that there will be no disturbance to the trees on the Hillside property. The only disturbance on the Hillside property is for the outfall from one basin to the other. There is nothing proposed on the other lot yet but there is an approval for an Assisted Living Facility. Mr. Mehta talked about the dust from the construction and soil movement.

Mr. Chadha asked why some of the Hillside homes are not permitted to have 4 bedrooms. Mr. Troy explained that Hillside was approved as a result of State legislation that allowed undeveloped active adult communities to develop without the age restriction. Sharbell was not allowed to put in any more bedrooms in the houses than were shown on the plans for the Tapestry project. In the Tapestry project only 10% or 15% of the houses had 4 bedrooms.

Dr. VanBeveren, 952 Route 518, said he is concerned with the noise and disturbance to his patients. He is hoping to meet with the applicant to get some sort of buffer. Mr. Cannuli will send a certified letter inviting the homeowners along Route 518 to the meeting.

Venkata Thiru, 12 Comstock Lane, said he is concerned with the traffic near Route 518 going south on Route 206. He asked if the proposed road will be completed in the first phase of the townhouses. Mr. Troy said the road will be completed from the end where Research Road currently stops to their property line common with Village Shopper as part of Phase 1. The balance of the road will be completed when Village Shopper comes in.

The road on the south side of Route 518 across from Research Road will be constructed as part of the Madison Marquette application.

Jason Lantvet, 946 Route 518, said he is concerned with light pollution and would prefer minimal street lights. Mr. Troy said they are not putting street lights in the alleys. The only lighting would be what is on the garage. Mr. Lantvet provided his information so he could be part of the meeting with the applicant.

Bill King, 247 Nassau Street, said he hopes that Mrs. Horowitz's property will be treated like the other residential property owners with the same type of buffer. Mr. Troy agreed. Mr. King said he is concerned with the traffic improvements getting built. They may not occur for a long period of time. There should be some mechanism to coordinate the improvements between this project and Village Shopper. If something happens and this project is constructed but Village Shopper isn't that it may be a long time before those connections occur. Chairman Wilson noted that these concerns are more appropriate for the Township Committee. Mr. King said good planning requires that the traffic is mitigated by the improvements that occur. Chairman Wilson responded that to the extent that the Planning Board can control it they have imposed those requirements on the developers. The Board cannot commit Township resources to construct the roads. Mr. King said he provided studies for the traffic, stormwater runoff and the sewer affluent for the Horowitz property so it could be considered in the Stormwater Management Plan for the development. Mr. Cannuli said the basins they are proposing do have some additional capacity. Whatever that capacity is that is available could be utilized by the adjacent property if they can convey stormwater through the system and get it to the basin. He is willing to work with the adjacent properties.

Prashanth Kumar, 5 Comstock Lane, asked about the pump station. Mr. Troy said this project will not negatively impact Hillside's sewer service. Sharbell will do some minor expansion to the wet well and chambers and some of the pumps in the pump station. Mr. Kumar said he is concerned with the traffic both now and in the future.

Dr. VanBeveren said the drainage on his property goes from east to west. Mr. Trzaska said there was testimony that behind the houses along Route 518 there is a bit of a ridgeline that changes the direction of the flow.

Mr. Feinberg gave the Board his qualifications and was accepted as an expert architect. Mr. Feinberg testified about the multi-family building. The building is a 3-story residential building over a 1-story parking garage. There are 42 parking spaces underneath the building. The parking lot is benched into the grade. Mr. Feinberg referenced Pages 39 and 40 of Exhibit A-1. The spaces in the garage will be assigned. All public areas of the building are ADA compliant. Emergency vehicles will not be able to enter the garage but two accesses to the garage have been provided as requested by the Fire Company. Lighting in the garage will average about 5 footcandles. The areas that require more lighting, like entrances at the lobbies and or doors that exit out into the garage will average 8-10 footcandles. There will be security cameras in the garage and in the lobbies and access to the building will be with a key fob. There were comments from the Fire Department regarding the ability to have ladders reach the windowsill of the third residential floor. The ceiling heights in the units will be 8'4" which allows a 34'1/4" from grade at its lowest point to windowsill. The parapet heights are about 5'8". There are two units that will air condition and heat the corridor areas, etc. that are about 4' high and will sit on top of the roof so they will not be visible. The residential units are split units and about 3' high. Mr. Feinberg referenced Pages 37 and 38 of Exhibit A-1 and described the elevations. There are 33 2-bedroom units and 7 1-bedrooms with a den. The dens will not have a door or a closet.

The Board discussed the Open Space Coordinator's report. The sidewalk will be continued out to Route 518 along the inner loop road. They will work with Mr. Bartolone to replace the number of trees per the ordinance. As many trees as possible will be preserved. The landscape buffer will be placed in a conservation easement and will be dedicated to the Homeowners Association.

Mr. Cannuli said they agree with all the comments in Mr. Bartolone's memo and agree to meet with him.

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

Mr. Linnus summarized the motion. The motion is for preliminary and final major site plan and subdivision with bulk variances and exceptions. It would be subject to the conditions that have been enumerated on the record including the agreements with the applicant. The Board grants a variance for the 6' fence; the bedroom issue has been discussed and all other standard conditions of approval. The Board also approves up to 6,000 cubic yards of soil to be imported or exported.

A motion to approve the application subject to the conditions was made by Mr. Trzaska and seconded by Mr. Campeas. The motion carried on the following:

Ayes: Campeas, Conry, DeRochi, Glockler, Mani, Matthews, Sarle, Trzaska and Wilson

Nays: None

V. MINUTES

April 16, 2018 – Regular Meeting

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

Ayes: Wilson, DeRochi, Trzaska, Mani, Matthews, Sarle, Glockler and Conry

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

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