

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
MAY 21, 2018**

MINUTES

Vice Chairman Wilson called the meeting to order at 7:31 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; Mayor Conforti; Mr. DeRochi; Mr. Matthews; Mr. Sarle; Mr. Glockler, Alternate #1; Mr. Conry, Alternate #2

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

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. RESOLUTION

Case PB-07-17 Applicant: Fiveighteen Associates, LLC
Block 28004 Lot 44.03
Minor Site Plan and Variance

A motion to memorialize the resolution was made by Mr. Sarle and seconded by Mr. Glockler. The motion carried on the following roll call vote:

Ayes: Conforti, DeRochi, Matthews, Sarle, Wilson, Glockler and Conry

Nays: None

IV. APPLICATION

Case PB-03-18 Applicant: PIRHL Acquisition, LLC
Block 28004 Lot 7
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

Frank Petrino, Esquire represented the applicant. Notice was in order.

Mr. Petrino described the application. The subject property is approximately 4.1 acres in size and is in Sub-Area A-1 of the Planned Mixed Use Development zoning district. The property is located at the intersection of Research Road and Hartwick Drive. The property is owned by Sharbell and PIRHL is the contract purchaser. The proposal is for the construction of a 4-story multifamily apartment building containing 86 one, two and three bedroom affordable units. The site is identified in the Township Settlement Agreement with Fair Share Housing Center. The 86 units have 132 off-street parking spaces which includes 5 handicapped spaces. There is a multi-age children's play area, a dog walk, stormwater management facilities that discharge into a regional system, street, open space and site lighting, landscaping and signage. They are also seeking approval to remove 20,000 cubic yards of soil from the site. A waiver is being requested from the UHAC requirements that 50% of all affordable units in each bedroom distribution be affordable to low income households. A variance is required for the minimum front yard setback from Hartwick Drive in certain areas where 30 feet is required and 24 feet is proposed. A variance is also requested to permit two freestanding signs where one is permitted. One sign is proposed at the corner of Research Road and Hartwick Drive and the other at the entrance of the parking lot. There are inconsistencies between the illustrative architectural plans included in the 2017 Periodic Reexamination Report and the architectural plans submitted with the application.

The applicant's representatives Lara Schwager, Jay Kruse, Jason Tronco, Nicholas Verderese and Jackie Kemp were sworn in.

Lara Schwager, Vice President of Development with PIRHL, gave the Board a background of who PIRHL is. The company develops, builds and manages their projects.

Jay Kruse, ESE Consultants Inc., gave the Board his qualifications and was accepted as an expert in civil engineering. Mr. Kruse referenced Exhibit A-1 which is an aerial map of the overall project area. The exhibit shows the property general and its relationship to the previous applications for the Planned Mixed Use Development as well as existing developments around the property. The proposed building is shown in yellow. He described the surrounding zones and uses. There is a significant grade drop of approximately 27 feet from the southwestern corner toward the middle of Hartwick Drive to the north. Any steep slopes were the function of the stockpiling on the property which is currently being removed. The property was the subject of a previous application for a commercial office facility. Mr. Kruse described Exhibit A-2 which is the site plan presented with the application. The building is a 4-story apartment building consisting of 86 units. Each unit will be either 1-story or 2-story. Of those units 17 will be 1-bedroom, 47 will be 2-bedroom and 22 will be 3-bedroom. The building footprint is approximately 25,600 square feet with an overall gross area of approximately 108,800 square feet. Due to the irregularity of the lot, a variance is being requested for an additional 3 feet extension into the front yard setback for the balconies. There is one divided access proposed off of Hartwick Drive. The entrance provides access for emergency vehicles, fire trucks and garbage vehicles. Mr. Kruse referenced Exhibit A-4 which is a vehicle exhibit showing the turning movements for a fire truck of approximately 48 feet through the site. Hartwick Drive and Research Road also provide access for fire vehicles to get to the building façade. A 20 foot by 20 foot trash enclosure is proposed at the southwestern portion of the property. The trash for the internal 2-story units is disbursed and collected in the trash enclosure area. The trash for the 1-story units is collected in an internal trash compactor room. The trash is compacted and wheeled to the front curbside. Mr. Kruse referenced Exhibit A-2 to discuss the proposed signage. Two signs are proposed to guide visitors to the site. The access way provides circulation throughout the site and to the 132 parking spaces. The spaces are 9 feet wide by 18 feet deep. RSIS requires 170 parking spaces for the property, but the RSIS standards are for market rate units. Since these units are affordable housing units the parking anticipated is a lot less based on prior experience with the developer and other communities that they manage. There are existing utilities within Hartwick Drive and Research Road and connections are proposed into those utilities. They do not anticipate any sewer main extensions, however, the site currently has easements to allow service to adjacent parcels. The sewer easements allow extension through the property from the existing commercial uses to the west and for the existing single family homes to the south. The easement to the south will remain. The easements for the commercial property to the west will be reconfigured. Sewer main connections through the property to the adjacent properties to the west are provided. The Township Engineer's letter requested the structures be reduced that are proposed to be in the easement along the southern border which they will accommodate with plan revisions subject to the review and approval of the Township Engineer. There is an existing stormwater management Basin C-1 that was designed to accommodate surface runoff from this property. Minor modifications to the outlet structure are needed. Mr. Kruse referenced Exhibit A-3, the grading plan, to discuss the grade change from the southwestern corner towards Hartwick Drive. To accommodate the grade difference retaining walls are proposed along the western portion and along the southern portion of the property. The walls will be approximately 4 feet or less and will be staggered to provide the additional height. Typical site lighting is proposed throughout the property. The fixtures are proposed to be colonial with LED bulbs mounted roughly 15 feet in height within the development itself. Lighting exterior to the development will be provided along Research Road and Hartwick Drive. The 1,600 square foot play area is located in the southern portion of the property and will have a multi-age play structure. In the northwestern portion there is a dog run/walk area for the residents.

Ms. Goldman testified that the sign permitted by ordinance is the sign located on the corner of Research and Hartwick. The sign at the entrance driveway is the additional sign. When the ordinance was developed the balconies were going to encroach into the side yard setback so the footnote allows the 3' encroachment into the side yard setback. During review the building was flipped so they now encroach into the front yard setback.

Mr. Kruse acknowledged that they can accommodate all the comments in Mr. Cline's review memo. The street lighting is subject to the review and approval of the Township Engineer.

Mr. Glockler asked if there will be a patio on the ground floor where there is no balcony and if it would encroach into the setback. He asked if all the ground floor units have access to the rear parking lot. Mr. Kruse said all units on the ground floor have access to the parking area.

Mr. Conry asked what the plan is for overflow parking if the need arises. Mr. Kruse testified overflow parking would be on Hartwick Drive as permitted by Ordinance. Ms. Schwager said parking is permitted on one side of Hartwick, however, they do not anticipate that they will need any on-street parking.

Ms. Schwager testified about the demographic makeup of the residents. Seniors or young adults just out of college generally rent the 1-bedroom units. The 2 bedroom and 3 bedroom units are generally single parent households though sometimes there are two parent households. At this facility 43 units are allotted two cars. The reality of workforce housing is that the residents rarely have two cars. At 1.5 spaces per unit the facility is well parked including for visitors. PIRHL will agree to grant Title 39 if the Township wishes. There is an on-site manager at the site 40 hours per week.

Ms. Schwager referenced Page 6 of the CCH memo. This project is a low income housing tax credit project. The applicant will provide an executed Affordable Housing Developers Agreement as a condition of approval. There will be 12 very low income units of which 50% of those have to be family units. Of the 12 units there will be five 1 bedroom units, 4 two bedroom units and 3 three bedroom units. One additional family unit is being proposed over what is required. In addition, they are required to provide at least 50% of the units that are at or below median income and they meet that requirement with 43 units. The units are not age restricted. The applicant needs a technical waiver from income distribution since it is included in the Township Ordinance. An executed Deed Restriction identifying a 45 year length of control for the affordable units is required. This will be included in the Affordable Housing Developers Agreement. The building meets all accessibility and adaptability requirements. PIRHL will be the administrative agent of the property so they are responsible for all the marketing documents. The Deed Restriction carries with the land.

Jason Tronco, Melillo and Bauer Associates, gave his qualifications and was accepted as an expert landscape architect. Mr. Tronco referenced Exhibit A-5 which is a rendered site plan of the landscape plan showing the proposed landscaping. The frontage of the site along Research Road and Hartwick Drive are developed with 2½ inch caliper deciduous street trees. Adjacent to the building along the street frontage are ornamental trees and grasses as well as ground cover. A pedestrian walking path is proposed along the frontage. Additional benches will be provided in this area. The site entry signage is landscaped with seasonal annuals and ornamental ground covers. Mr. Tronco referenced Exhibit A-6 showing the detail of the project identification signs. The sign at the corner of Hartwick and Research is a one sided sign oriented to the intersection. The sign at the entrance driveway is two sided. The signage will have channel/halo lit lettering (Exhibit A-7). The total sign area per panel is 27 square feet and the base is 22 square feet. The total height of the sign is 6 feet 3 inches and the width is 8 feet 3 inches. Mr. Tronco discussed Mr. Bartolone's memo dated April 16, 2018. The applicant agrees with all the comments. Mr. Tronco discussed the Open Space Coordinator's letter dated April 13, 2018. The applicant agrees with all the comments.

Mr. Kruse referenced Exhibit A-2 and testified that the sign is off the intersection of Hartwick and Research and will not interfere with the sight triangle.

Mr. DeRochi asked Mr. Tronco to describe what is being done to buffer the existing residential houses. Mr. Tronco testified there is existing vegetation to remain just offsite on both those properties. Along the property line evergreen trees that are 8 to 10 feet tall will be planted. With those plantings are shade trees, shrub planting and on the retaining wall of the play area are additional shrubs in between the terraces of the wall. Mr. Bartolone had suggested the quantity of plant material be increased along the property line which the applicant agrees to do. To the northwest side there are evergreen plantings with shrub planting and shrubs cascading over the retaining walls and there are ornamentals in the dog walk area.

Nicholas Verderese, Dynamic Traffic, was accepted as an expert traffic witness. Mr. Verderese prepared or supervised the preparation of the Traffic Impact Statement dated January 18, 2018 revised March 5, 2018, the Traffic Impact Statement dated May 2, 2018, a supplemental Traffic Report dated May 7, 2018 and an undated Parking Demand Summary. A traffic impact study was prepared that was associated with the 86 unit as well as Sharbell's planned unit development. They studied the existing conditions and added in traffic anticipated from the development to occur in the area. The analysis was prepared with and without the Madison Marquette project. The study shows that this project can be comfortably handled on the adjacent roadways. Mr. Verderese referenced Exhibit A-1 to describe the loop roads proposed as part of the adjacent projects. This project will generate approximately 30 trips an hour during morning and evening commuter peak hours. After all the connections are made there will be a number of ways in and out so those 30 trips will disperse quickly out to the adjacent roadways. An analysis of the driveway along Hartwick was looked at and it operates at an excellent level of service. There are approximately 40 to 50 peak hour trips currently on Hartwick. The site plan meets the 24 foot aisle width and the 9 x 18 foot parking spaces. Larger vehicles can adequately circulate through the site. Dynamic Traffic has a significant amount of data for parking at this type of affordable housing facility which has been provided. The undated Parking Demand Summary was marked as Exhibit A-12. The data shows there is a peak demand of approximately 1.35 parking spaces per unit and the applicant is proposing 1.53 parking spaces per unit. The overflow parking will be along Hartwick Drive. Hartwick Drive is a 28 foot wide

roadway with parking along their side of the roadway. They don't anticipate a need for offsite parking. Although these are through units, because of the grade, it is anticipated that access to the units will be through the rear entrances.

Chairman Wilson noted that it is a lot closer and more convenient to park on Hartwick and access the units from the front. Ms. Schwager responded that it is not as easy as it looks because of the grade.

Mr. Fishinger questioned Mr. Verderese. Mr. Verderese testified the trip generation was based on market unit rates. The parking numbers have been confirmed over the last couple months. The counts are done as close to midnight as possible since that is when the demand is at the highest.

Jackie Kemp, Wells Roberts and Todd, gave the Board her qualifications and was accepted as an expert architect. Ms. Kemp referenced the rendering from the corner of Research and Hartwick which shows the overall view of the elevations of the building (Exhibit A-8). With the grade change the balconies and the encroachment into the setback along Hartwick Drive adds some interest to the elevation and adds amenity space that will help activate the streetscape. It does not have any negative impact on the street experience. Ms. Kemp referenced Exhibit A-9 which is the elevation of the other side of the building. The view is from the top of the bank looking down at the parking lot and parking lot side of the building. The main entrance to the building is in the corner which includes the elevator lobby and the access to the tenant amenities off of the lobby. Ms. Kemp referenced Exhibit A-10 showing the first floor elevations. Of the 22 three bedroom units, 18 of them are two story units with an accessible entry to the parking lot and a front stoop. At the center of the building is the main entry lobby, the community room, the onsite management office, the onsite social services office, the maintenance office and a trash compactor room. At every floor there is a trash room that feeds the trash to the compactor. For the flat apartments on all of the floors the trash will come to the compactor room. Only the 18 two story units that don't access their units through the corridors will use the dumpster in the rear. Ms. Kemp referenced Exhibit A-10 which is the second floor plan. The 18 units that have the ground floor entries are not connected to the corridor because the access to the second floor is from within the unit. The core area of the building has the elevator, the trash room, a fitness room and one story 1 and 2 bedroom units. Ms. Kemp referenced Exhibit A-11 the third floor plan. The third and fourth floors are almost identical. The corridors extend all the way out to the ends of the building and transition to most of the units being one story 1 and 2 bedroom units. There are core 3 bedroom units that are flats with two of the four being fully accessible units. All the mechanical equipment will be mounted on the roof and is screened by a mansard style parapet wall. The small squares on the roof plan represent the condenser units for the individual mechanical units in each of the apartments. The larger rectangles are a stair tower, the elevator overrun and the ventilation for the trash room. Exhibit A-11 was referenced. The units marked with the accessibility symbol represent the unit types that are fully accessible units but all the flat units have to be adaptable. The building is smoke free.

Ms. Goldman testified that there have been a number of meetings reviewing the architectural plans. While the ordinance does indicate the architecture is to be substantially similar to an illustrative plan that was included in the 2017 Reexamination Report the staff and Site Plan Committee members feel that the proposed architectural design proposed is an improvement to what was included in the Reexamination Report. A variance is needed but it is a technical variance.

Mr. DeRochi concurred that what is proposed is a significant improvement. He noted that the little gable on the corner that is not over the balconies is still shown. The applicant agreed to remove it.

Mr. Fishinger asked if there was a restriction on what could be stored on the balconies. Ms. Schwager testified that the restricted items are included in the leases and include bike racks, laundry, barbeque grills, etc. Satellite dishes are not allowed to be attached to the balcony or the building but by law they can't be prohibited. The list of restrictions will be included in the Affordable Housing Developers Agreement and a copy of the lease will be provided.

Ms. Schwager discussed the Environmental Commission memo. The decision as to whether they will be able to install solar panels is made later in the project depending on funding.

The Board took a five minute recess.

PIRHL has provided responses to the Board Professionals memos that indicate that information requested would be provided as a condition of approval.

Vice Chairman Wilson opened the meeting to the public.

Dhiren Patel, 122 Hartwick Drive, stated that Hillside already has 24 affordable units. This proposal is for 86 more. Tapestry and Hillside have approximately 200 market rate units. The ratio of affordable houses to market rate houses is skewed. He thought the houses should be spread throughout the Township.

Vice Chairman Wilson explained that affordable housing is constructed in proximity to employment opportunities and public transportation. The Township is developed and mapped out by the Master Plan to have commercial development nodes in two places; this area and Pike Run.

Ms. Goldman noted that Mr. Patel did not include the 147 market rate houses in the new Sharbell development in his number of market rate houses in the area. There are 451 total units between Tapestry, Hillside and the Sharbell multifamily development. The 110 affordable units in this area are about 24% which is consistent with what COAH's set asides are.

Mr. Patel asked if there are other areas in the Township that have a similar situation. Ms. Goldman replied that it is similar in the development on Orchard Road and that Pike Run is a 20% set aside.

Mr. Matthews said over 40 years ago the Township decided there would be two nodes of commercial development.

Mayor Conforti said the State mandates that the houses be constructed but it may be another ten years before the commercial opportunities follow suit. The State cares that the houses are built but there is no mechanism to force the construction of the commercial opportunity.

Srinivas Nakka, 105 Hartwick Drive, is the Hillside HOA Board President. Mr. Nakka testified that they were not told about the project when he purchased his house. The project will add more traffic and exasperate the current conditions. The ratio is not proportional and not comparable to other areas.

Cheryl Gesregan, 922 Route 518, lives on the corner of Research Road and Route 518. She noted that some of her neighbors were not notified about this meeting. She was concerned with the placement of the sign at the corner of Research Road and Route 518. Vice Chairman Wilson explained that the sign is proposed at the corner of Hartwick and Research, not Research and Route 518. Ms. Gesregan asked what the timetable for the construction of the loop roads compared to constructing the building. Using Exhibit A-1, Ms. Goldman showed the portion of the loop roads to be constructed by Sharbell and explained that the ordinance requires the roads to be completed as part of the first phase. The PIRHL development is not responsible for constructing any portion of the loop road.

Mr. Petrino said the other owners along Route 518 probably live 200 feet beyond the subject application property line which would be why they did not receive notice.

Richard Shih, 908 Route 518, was concerned about the car lights from the entrance drive and parking lot shining into his property. Ms. Schwager testified that due to the grade change, Mr. Shih's house is higher than the parking lot so the lights will be lower than the house. Mr. Shih is concerned with privacy. He said in the winter there is no buffer. Ms. Schwager said the building was flipped on the lot to make it further from the houses. Mayor Conforti said there would be additional planting along the property line that will help with the buffer. Mr. Shih asked that the retaining wall and vinyl fence be increased in height. The traffic is a concern. He said with affordable units in Hillside, on Orchard Road and this proposed location, the Hillside/Tapestry development is locked in the middle. Mr. Shih referenced Exhibit A-2. The playground and trash dumpster has been located next to his property. Ms. Schwager testified that the dumpster is approximately 2 stories below Mr. Shih's house. It is masonry enclosed and is buffered all around it. Only 18 units will use the dumpster. The rest of the community is served by a trash compactor that is in the building. Mr. Shih asked the Board to consider the bigger picture of the area.

Amod Antarkar, 81 Hartwick Drive, said he shares the concerns of the residents who have already spoken. He is also concerned that this was originally an active adult community that had Phase II converted to a standard residential community. The home prices are not in accordance with standard market rate developments in the area. He is concerned with the depreciation in price of their homes due to the additional affordable housing units. The residents need to do a little more due diligence around what the impact of having the additional affordable housing units will be on the future home prices and asked that the hearing be postponed.

Chairman Wilson said that while he appreciates that all residents are facing the same issues, the Planning Board cannot consider home prices in making decisions. The Township ordinances determine what the acceptable usages are within these parcels. If an applicant comes in with a conforming application the Board really can't deny it.

Mr. Antarkar said the property owner in this case is the one who built their development. At the time they bought their homes they understood the zoning restrictions.

Ms. Savron said the property was included in the 2008 Affordable Housing Master Plan. The Master Plan recognized that the office zoning would likely be changed to affordable housing.

Judith Dexter, 12 Bedford Drive, asked about sewer. Mr. Cline replied that the Sharbell did an extensive study of the capability of the two pumping stations as part of their townhouse and multifamily building application. Upgrades will be done to both stations to add the flow. Ms. Dexter asked if anything can be done about the odor at the Tapestry pumping station.

Francine Pfeffer, 5 Mystic Drive, is concerned with the additional traffic and the lights that will shine into her house. The affordable housing as proposed is segregated and sticks out. It should be integrated into the Sharbell townhouse community.

Ratnakar Chemudu, 53 Hartwick Drive, was concerned with the impact to the traffic. He moved to Montgomery a few years ago to enjoy the lavish greens and spacious houses. Development is being concentrated in this area. When he purchased the house the facts were hidden and Sharbell should have disclosed these developments to him. With the additional homes proposed the roads in the area will be packed. When he travels across Route 206 into Rocky Hill it takes one or two lights to get through the intersection.

Chairman Wilson explained that the proposed loop road network will help to disperse some of the traffic throughout the area and will help to alleviate congestion at the intersection.

Mr. Fishinger said that the Township has studied the Route 206 and Route 518 intersection for the last 20 years. There are improvements planned for a number of the roads and intersections in the area. The 206/518 intersection was assigned to the Madison Marquette project. As part of that project the signal will be replaced, the left turns onto Route 206 will be removed from the signal and re-routed to the loop roads which will redirect some of the traffic from the intersection. This will allow a re-balance of time to get more cars going straight through the intersection.

Someone from the audience asked if there was a legal reason that led Sharbell to put that many units in the area. Mayor Conforti said there were calculations that had to be met.

Rajeev Aneja, 6 Mystic Drive, referenced Exhibit A-1. He is concerned about the security of his children, the loss of privacy, the car headlights that will shine into his house and the dust from the construction.

There was discussion on how the Somerset Union Soil District could require street cleaning.

Ms. Schwager said the residents of the proposed building will not be going past the entrance into the parking lot. The entrance is 400 feet away from Mr. Aneja's property so they will not be contributing to the lights shining in his house.

Mr. Patel said there will be 450 more houses in the area; 89 in Hillside, 101 in Tapestry; 126 townhomes and 86 affordable. Has there been consideration that there could be 400 to 500 cars on Hartwick Drive.

Mr. Fishinger said that applicants developing in the area were required to conduct traffic counts at all the intersections in the area. All the housing that has been built is included in those numbers. They then went back and added all the traffic that will be generated by the proposed developments in the area.

Mr. Patel asked why the Board can't approve fewer units. Vice Chairman Wilson said there are an ordinance and a settlement agreement that requires a certain number of units.

Purush Mallela, 63 Hartwick, said the main reason he moved here was for the school district. He wondered how the school district will be funded in the future. The crime rate is increasing in the area.

Mr. Linnus informed Mr. Mallela that the Planning Board does not have jurisdiction over the school district.

Vice Chairman Wilson explained that the role of the Planning Board in this case is to make sure the application is consistent with the ordinances and the zoning rules. He told Mr. Mallela that his comment that affordable housing equates to crime is a little offensive and is not a comment that the Board agrees with.

Sanjeev Mehta, 16 Mystic Drive, asked how the existing community will be protected from the residents of the affordable building using the Hillside soccer fields. Vice Chairman says the HOA can post signs that it is private property and if someone trespasses they can call the police.

Venkata Gourabethuni, 11 Newport Street, said whenever it rains it ponds at the Hartwick intersection. He hopes when the building is completed the ponding issue will be fixed. Ms. Schwager said the whole intersection is being redesigned so there will be proper drainage.

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

Vice Chairman Wilson stated that the Planning Board is not a permission body. The Board is a quasi-judicial body that has a set of rules they have to conform to. If an applicant submits a conforming application to the Township ordinances the Board's job is to apply the applications and the ordinances together.

Mr. DeRochi said that low income housing does not have a good reputation because it has to be built on a very strict budget. This project is one of the best projects that he has seen for low income housing.

Mr. Matthews said one of the comments from the public was concern about the type of people that will move here and the school system. He found the comment offensive. This will provide an opportunity for people that would otherwise not be able to afford to move to Montgomery to get a good education for their children.

Mr. Campeas said that the applicant provided testimony that these units include people coming out of school that are starting their first jobs that can't afford to purchase a house. It includes seniors and retirees that are on a fixed income. People need to be realistic about what moderate and lower income housing means.

Mr. Linnus summarized that the motion would be to approve preliminary and final major site plan to construct a 4-story multifamily apartment building containing 86 affordable housing units, 132 off-street parking spaces including 5 handicapped spaces, a multi-age children's play area, a dog walk, stormwater management facilities, open space and site lighting and landscaping improvements. Variances/waivers include affordability controls that are in the Township Ordinance, minimum front yard setback, two free standing signs, inconsistencies between the illustrative architectural plans included in the Periodic Examination Report of the Master Plan and the architectural plans submitted by the applicant and a de minimis exception from the RSIS parking standards reducing the number of onsite parking spaces from 171 to 132. The applicant is also requesting approval to remove 20,000 cubic yards of soil but they will have to comply with the soil removal ordinance. The approval is subject to compliance with the staff reports and all the conditions that are normally imposed.

A motion to approve the application was made by Mr. Campeas and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Campeas, Conforti, DeRochi, Matthews, Sarle, Wilson, Glockler and Conry

Nays: None

The Board took a five minute recess.

V. REDEVELOPMENT DESIGNATION HEARING

Preliminary Investigation of an Area in Need of Redevelopment (Non-Condemnation): Kepner-Tregoe Study Area – May 3, 2018

Ms. Goldman testified that on April 5th the Township Committee adopted resolution 18-4-88 directing the Planning Board to conduct a preliminary investigation to determine whether the Kepner Tregoe Study Area qualifies as an Area in Need of Redevelopment. The Kepner Tregoe study area is defined as Block 28004 Lot 7 and Block 28005 Lot 66 and is considered a non-condemnation redevelopment area. The Study area is approximately 30 acres of improved and unimproved land and is located on Research Road and Hartwick Drive.

Block 28004 Lot 7 is approximately 4.1 acres and is unimproved except for some soil stockpiles and existing vegetation. It was previously approved for a 30,000 square foot office use. The only improvement on the site is an existing sanitary sewer line that traverses the narrow northern portion of the property as well as additional utility easements. Block 28005 Lot 66 is 25.72 acres and contains the former Kepner Tregoe office building which is approximately 21,000 square feet and associated site improvements. The office building was developed in 1966 along with off street parking, loading, paths, lighting and subsurface septic disposal fields. It has been vacant since 2012 and the building and site elements have fallen into disrepair due to lack of maintenance.

The base zoning for Block 28004 Lot 7 is ARH which permits mixed use age restricted housing developments on tracts of land at least 100 acres in size. At approximately 4 acres the site could not be developed per the ARH zoning. The base zoning for Block 28005 Lot 66 is REO-3 which includes offices and research laboratories.

The Circulation Plan Element of the Master Plan identifies two planned public thoroughfares within the Study Area; the intermediate loop road and the inner loop road. The implementation of these streets is reliant on the comprehensive redevelopment of the Study Area through an optional overlay zone. In September/October 2017 the Township adopted the Planned Mixed Use Development Optional Development Overlay (PMUD) zone that encompasses both parcels. The PMUD provides an optional set of development regulations that permit a comprehensive planned unit development consisting of multifamily residential townhouses, apartments (including affordable units), retail and office.

An area qualifies as an area in need of redevelopment if it meets at least one of the eight statutory criteria. The criteria relate to the impact of a particular area on public health, safety and welfare through conditions of deterioration, obsolescence, disrepair and faulty design. The Local Redevelopment Housing Law (LRHL) permits the designations of areas or portions of the study area that are not necessarily detrimental to the public, health, safety and welfare to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area.

The Kepner Tregoe site (Block 28005 Lot 66) satisfies the criteria for designation as an Area in Need of Redevelopment. The building is unsafe and dilapidated as a result of the discontinuance of the use of the buildings previously used for commercial, manufacturing or industrial purposes and the same being allowed to fall into so great a state of disrepair as to be untenable. The condition creates an attractive nuisance as it is relatively isolated within a larger site and evidence of vandalism suggests illicit activities. There is a leaking roof which allows moisture making the building susceptible to progressive damage in the systems and structures. Moisture provides a medium for the development of molds and mildew that are hazardous to human health. Molds and mildew were identified in the Phase I Environmental Site Assessment Report for the site. There are non-functioning systems and utilities in the building. The HVAC and electrical systems have been disconnected leaving the building uninhabitable. There are unstable and deconstructed elements within the building. Asbestos containing elements in the form of floor tiles, drywall and plaster were detected during investigations of the building. The asbestos abatement required massive demolition and deconstruction of the interior of the building. Neglect of the site is manifested in the overgrowth of vegetation, fragmentation of asphalt pavement and broken fencing. The site is unsecured and creates conditions that are unsafe for persons accessing the site.

Block 28005 Lot 66 also shows conditions of obsolescence site development. Since it was developed in the 1960's prior to the current land development ordinance it does not meet the Township's zoning codes or development standards relating to public health and safety such as curbing, stormwater management and drainage.

Block 28004 Lot 7 meets the criterion as the site is not fully utilized due to the current condition of diverse interests in the property. The property has been vacant and undeveloped since agricultural use was abandoned on the property in the 1960's. Despite approval for an office complex the only development on the site was the installation of a sanitary sewer line that crosses the northern leg of the property. There are sanitary sewer easements and stormwater easements on the property. The effects of all the easements create rights to three different entities: Montgomery Township, Tapestry/Hillside Homeowners Association and the owner of the adjacent office development. The diversity of interest on this lot creates a complex condition that requires resolution in order to develop the property. This lot is necessary for the redevelopment of the Study Area as envisioned in the Planned Mixed Use Development district and it is a component of the Township's Third Round Housing Element and Fair Share Plan that depends on integration of the development on Block 28005

Lot 66 in as much as the construction of the market rate units on Block 28005 Lot 66 are required to be phased in conjunction with the development of the affordable units on Block 28004 Lot 7.

Vice Chairman Wilson opened the meeting to the public. There being no public comment a motion to close the public hearing was made by Mayor Conforti and seconded by Mr. Conry. The motion carried unanimously.

Ms. Savron confirmed that notice has been sent and the Board has jurisdiction.

Mr. Linnus explained the Board will make a determination as to whether, based on the presentation and the Kepner Tregoe Study Area report dated May 3, 2018, the Board concludes that both lots qualify under the Statute to be designated as an Area in Need of Redevelopment. If so, the Board would be making a recommendation to the Township Committee and adopting a resolution.

A motion to proceed and adopt the resolution was made by Mayor Conforti and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Campeas, Conforti, DeRochi, Matthews, Sarle, Wilson, Glockler and Conry

Nays: None

VI. MINUTES

May 7, 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, Campeas, DeRochi, Matthews, Sarle, Glockler and Conry

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.