

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
NOVEMBER 19, 2018**

MINUTES

Chairman Cheskis called the meeting to order at 7:30 p.m. and read the opening statement that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman Cheskis; Vice Chairman Wilson; Mr. Campeas; Mayor Madrid; Mr. Mani; Mr. Matthews; Mr. Sarle; Mr. Trzaska; Mr. Conry, Alternate #2

ALSO PRESENT: Francis P. Linnus, Board Attorney; Mr. Cline, Board Engineer; Ms. Goldman, Board Planner; Mr. Fishinger, Board Traffic Engineer; Ms. Chrusz, Board Secretary

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. RESOLUTIONS

Case PB-08-11 Applicant: W. Bryce Thompson, IV
Block 15001 Lot 5 – Brandywine Road
Preliminary and Final Major Subdivision with Variances

Richard Schatzman, Esquire represented the applicant.

Mr. Schatzman discussed changes to the resolution. Paragraph 20 on Page 6 the fourth sentence will read “The applicant is not proposing to curb the road and will have roadside swales”. After the hearing, Township Staff asked if the applicant would connect the pathway on the open space lot to the sidewalk on Orr Court. The applicant agrees but would like to eliminate sidewalk on the north side of Orr Court. The last sentence of Condition 22 on Page 10 will have the following language added – “but will not add a sidewalk on the north side of Orr Court”. Paragraph 20 on Page 6 will be revised to remove “both sides” and replaced with “the south side”. Paragraph 27 on Page 11 will have “if required” inserted after “waiver”. The citation in Paragraph 33 on Page 11 will be revised to 16-5.4a.1.

A motion to memorialize the resolution with the changes was made by Mr. Trzaska and seconded by Mr. Mani. The motion carried on the following roll call vote:

Ayes: Campeas, Madrid, Mani, Matthews, Sarle, Trzaska and Wilson
Nays: None

Case PB-05-18 Applicant: Tuladhar Educational Services, Inc.
Block 28006 Lot 67 – Route 518 and Vreeland Drive
Amended Preliminary and Final Major Site Plan and Conditional Use

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

Ayes: Campeas, Cheskis, Mani, Matthews, Sarle, Wilson and Conry
Nays: None

Case PB-01-16 Applicant: Country Club Meadows, LLC
Block 4001/5023/6001 Lots 33/2 & 3/1 – Route 206
Soil Import/Export

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

Ayes: Campeas, Madrid, Mani, Matthews, Sarle and Trzaska
Nays: None

IV. SOIL HAULING

Case PB-06-17 Applicant: E1004A, LLC
Block 34001 Lot 60.01 – Route 206

Mr. Wilson said the issue is whether the Board would grant a variance or eliminate the lot to create more of a buffer.

At the Board's request Mr. Thompson displayed a rendering of the prior approved plan dated January 29, 2018 which was marked as Exhibit A-2.

Mr. Conry asked if the landscape buffering proposed between the retail and the residential is the same as what was previously approved. Mr. Thompson testified that it is similar. Although the landscape buffer area is slightly reduced, there are more shrubs and evergreen trees in the proposed plan to provide a year round buffer.

There was discussion about the road in front of Building E and whether people will use it to traverse the center and the concern about people crossing with shopping carts.

Mr. Thompson described the lighting. The parking lot will be lit with 20 foot high decorative fixtures with a bulb height at 18'. Wall mounted lights are proposed around the building at a 15 foot height. House side shields will be provided anywhere a light is near a property line. The lights will be LED which will provide uniform lighting. The ordinance permits the maximum illumination of all areas to be 1 footcandle and the proposal is for an average of 1.51 footcandle. There will be some light spillage along Route 206 at the main intersections which is needed for safety.

Mr. Thompson described the landscaping. There are 444 shade trees, 96 ornamental trees and 865 evergreen trees to be planted throughout the entire site. Relief is needed from the requirement to plant 14 trees per acre which would require 750 trees. The applicant is proposing more than that but the trees used in buffers don't count towards that number. They have worked with Mr. Bartolone to increase the caliper and height of the tree at the time of planting to help offset the deficit. A total of 4,530 evergreen and deciduous shrubs are to be planted throughout the entire site. An evergreen line of bushes are proposed along Bolmer Corner and Route 206 corridor. Trees are not proposed along Route 206 due to the overhead wires. Plantings will be provided to visually screen the service window and signage associated with the drive through so that all the conditions of the conditional use requirements are met. The applicant will work with Mr. Bartolone. The ordinance requires a landscape island for every 30 spaces. The applicant is requesting a design exception for the northeast area due to the nature of the tenant who will have cart corrals. Landscape islands in a grocery use setting end up being a place that people put the shopping carts. If the landscape islands are required they would lose 9 parking spaces. It was agreed the applicant will provide the landscape islands and provide the 9 parking spaces elsewhere on the site. There are shrubs and trees located within certain portions of sight triangles. The applicant is proposing to trim the shrubs and limb trees so that there is a viewshed between 2 feet and 7 feet which requires an exception from the ordinance. The trees to be planted within the sight triangles are to be species with a smaller caliper that is acceptable to Mr. Bartolone.

Mr. Cline said the landscaping needs to be adequate enough to screen the headlights in the drive through from shining onto Route 206.

Mr. Thompson testified that there is a de minimis increase in impervious. The basins and stormwater system will function the same. There are no changes to any of the basins.

Mr. Fishinger asked if the parking in the rear of the building is for customer pickup only. Mr. Thompson responded that it is a mix of customer pickup and employee parking. Signage will be provided to demarcate the spaces. Employees who can't park in the back of the building will park in the furthest stalls in the front of the building. The parking space signs will comply with the directional sign requirement of a maximum sign area of 2 square feet. There are no utility easements in the buffer areas behind Building E. The utilities in that area now run under the pavement.

The Remington Vernick memo dated November 1, 2018 was discussed. The applicant will provide the information Mr. Cline requested and agrees to the suggested conditions of approval. A very detailed phasing plan will be provided. Bolmer Corner and Nevius Boulevard will be constructed as part of Phase IA. A detail of the skating rink will be provided including means of fastening the rink to the ground, maintenance and draining the ice surface. The bollards along the outer edge of the circle in Nevius Boulevard will have lighting shields on the side that faces toward traffic.

The Clarke Caton Hintz memo dated October 30, 2018 was discussed. The Courtyard package will be revised to show the proposed mounding and a different colored paver instead of medal. Details of the bike racks and outdoor tables will be provided. Any of the outstanding conditions will be carried forward. A variance is

required for the pedestrian area illumination levels. The minimum footcandle permitted is 0.2 and the maximum is 5.0 and a max to min of 20:1. The applicant is proposing a maximum illumination of 18.4 for the walkways and a max to min of 46:1. The lighting detail will be revised to show the entire assembly to determine compliance. The sign package will be updated and identify all the approved sign variances. Variances are needed for the number of supermarket signs. The trash enclosure material will be reviewed by the Board Planner at the time of building permit.

There are no issues with the Board of Health memo. The Open Space Coordinator's memo dated October 23, 2018 was discussed. A bike path cannot be constructed behind the theater building because of the utilities and the grading along the property line. The applicant is proposing to stripe the roadway with "share the road" striping. The street tree designation will be provided. The existing grading channelizes the stormwater along the property to the east of Building D. The proposal is to try to send as much of the stormwater back toward the building and keep it on site. There is a retaining wall with yard inlets on the west side of the wall which will redirect most of the water into the basin and reduce the flow the neighboring property sees.

The Board took a five minute recess.

Mr. Dorin gave the Board his qualifications as a licensed architect. A short animation was played which was marked as Exhibit A-3. The tenant names on the signs are for illustration purposes only. Mr. Dorin displayed the elevations of Building E (pages 11, 12, 13 of the plans submitted on November 16th). The building will be approximately 59,000 square feet and will have two tenants, one being a large grocer. The total building length is around 344 feet with the grocer having 274 feet and 70 feet for the other tenant. The architecture of Building E is similar to the rest of the shopping center. Signage variances for Building E are required. Sign A-1 is 128.44 square feet where 300 square feet is permitted and has a height of 5 feet 8 inches where 4 feet is permitted. Three A-1 signs are requested where two are permitted. Sign A-2 is 84.03 square feet where 300 square feet is permitted and has a height of 9 feet 2 inches where 4 feet is permitted. Sign A-3 is 79.30 square feet where 50 feet is permitted and has a height of 5 feet 9 inches where 4 feet is permitted. The variances are needed for identification and safety reasons.

Ms. Goldman testified Sign A-3 is considered an "all other tenant user" sign which does not have a sign height requirement but there is a maximum height for mounting requirement at 22 feet. Mr. Dorin testified the mounting height is at 22 feet therefore a height variance is not required.

Mr. Schatzman said a variance is needed from Section 16-6.5.h.11(a)(3) of the ordinance. Ms. Goldman said the ordinance permits a maximum building length of 250 feet if there is access to rear parking and the applicant proposes 344 feet. The length is needed because of the nature of the tenant. Mr. Dorin confirmed there is no customer entrance in the rear of the building.

Mr. Schatzman said that Building E has a long blank façade which the ordinance prohibits. Mr. Dorin referenced the exhibit and testified the plans have been revised to break up the building by adding different materials and colors. Ms. Goldman noted there are a number of other buildings in the center that still need to be revised. As a condition of approval, Mr. Dorin will work with the Planner's office to break up the façade.

Mr. Schatzman discussed the pitch roof requirement. The plans will be revised to indicate roof pitches and provide additional dimensions. The plans will be revised to show the heights and location for all roof top mechanical units in addition to the height of the roof deck and the top of wall to confirm they are properly screened. Mr. Dorin testified the roofs will be maintained with the minimum pitches of 6 to 12 or a maximum of 12 to 12. This will be reviewed at the time of building permit once the tenants are confirmed.

Mr. Dorin testified regarding the additional sign variances needed on Buildings H, J, L, M and N. The November 16th submission changes the square footage of the signs to all be within the 50 square feet permitted.

Paul Going gave the Board his qualifications as a licensed traffic engineer. Mr. Going referenced Exhibit A-1 and discussed Mr. Fishinger's October 30, 2018 memo. The project includes two master plan roads – Bolmer Corner and Nevius Boulevard. By eliminating the left turn movements on Route 206 at the 206/518 intersection with the construction of the two master plan roads the need for the interconnection from the roundabout to Bolmer Corner Road is not an important connection.

Chairman Cheskis asked if there was anything that would discourage use as a through road. Mr. Going testified that the circle is a traffic calming device which promotes low speeds. There is a reverse curve that connects the circle to the aisle in front of the building and along the roadway there is a proposed speed table. By extending

the traffic calming from the circle up to the building the space is created to be shared by vehicles and pedestrians not as a through road.

Mr. Fishinger testified that his initial concern was that the proposal was pushing traffic right in front of the building with people crossing with shopping carts. He would have liked to see the whole interaction pushed further away from the roundabout to allow more time for people to see what is going on and react. The latest site plans now show pavement markings that say "Ped Crossing". He would like to see further refinement to the pavement markings in the area approaching and in front of the grocery store.

Mr. Going testified the delivery vehicle for the proposed grocery store will be a WB-67. The WB-67 will enter the loading area by coming up Road A (the residential road), turn right and use the aisle that is in the rear of the building to back into the loading area. Both Bolmer Corner and Nevius Boulevard are designed for WB-67's. Mr. Fishinger noted the testimony for the prior applications was that none of the buildings would have WB-67 deliveries.

Mr. Going testified there shouldn't be a problem with traffic backing up into the circle because the circle will be travelling at a low speed. It is the intent to accommodate NJ Transit bus B-45. The "tent area" shown in the parking area is for a seasonal outdoor market that will complement the supermarket.

Mr. Schatzman discussed the September 28, 2018 Shade Tree Committee memo and the Environmental Commission memo dated November 15, 2018. The applicant will comply with Mr. Bartolone's species of trees. The applicant will work with the Planner on sign color and with sprucing up the rear of the buildings. They cannot provide green roofs. Additional landscaping will be provided at the time of building permit review. They will comply with the street tree ordinance and will post money to the tree bank if they don't comply with the required amount of landscaping. Lighting will be shielded. The sidewalks will not be pervious pavement due to maintenance issues. No COAH housing is proposed and the required fees will be paid. No idling signs will be provided. The basins are not bioretention and there will be no solar panels on the roof. More furniture will be added throughout the site.

The meeting was opened to the public.

Nicholas Dankanyin, 967 Route 518, addressed the Board. His lot is adjacent to the back of Building E. He is concerned with the noise from truck deliveries.

There was discussion about restricting the hours of deliveries for the grocery store. The applicant agreed to provide more buffering but delivery hours can't be restricted. The applicant offered to extend an 8 foot wall along the loading dock to hide the trucks and buffer the noise.

Ms. Goldman testified that a variance would be needed for the wall. The wall is considered part of the building and would be closer to the existing residential property than the 100 foot requirement. The wall would be subject to the approval of the Fire Marshal to make sure it does not impede the ability to access the building.

Mr. Dankanyin expressed concern about trucks staging in the driveway waiting to unload. Mr. Fishinger suggested the area could be marked as a fire lane by either signage or striping so the police could enforce it.

Mr. Dankanyin asked if additional landscaping could be planted along the detention basin to provide additional buffering. The applicant agreed to add evergreen plantings as long as it doesn't impact the basin or the slope of the basin.

Mr. Dankanyin asked if the dumpster behind Building E could be relocated away from his property line. Mr. Thompson testified that if it was relocated it would impact the ability of the trucks to gain access. Trash pickup hours would be restricted to 7:00 a.m. to 7:00 p.m.

Richard Shih, 908 Route 518, asked if the commercial and residential uses use the same route to go in and out of the center, for clarification on how trucks will enter the site from either Route 206 or Route 518, the speed limit on Route 518 and if a traffic light could be installed on Vreeland Drive to create gaps in Route 518 traffic. Mr. Shih was informed that Nevius Boulevard and Route 518 is a full movement intersection, there is a dedicated left turn lane on eastbound Route 518 and any vehicle could make a left turn. The speed limit on Route 518 is controlled by the County.

Barbara Preston, Montgomery News and Rocky Hill resident, asked for clarification on the previous square footage versus the current square footage. Mr. Thompson said the previous overall square footage was 318,000 square feet and the current proposal is for 281,829 square feet.

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

The Board discussed the proposed loading dock wall and approved the variance for the setback to the residential property. Nine parking spaces will be relocated to allow for landscaped islands. The conditional use standards will be complied with. The hours for the trash pickup at the dumpster behind Building E will be from 7:00 a.m. to 7:00 p.m. The loading dock wall requires approval of the Fire Official.

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

Ayes: Campeas, Cheskis, Madrid, Mani, Mathews, Sarle, Trzaska, Wilson and Conry

Nays: None

VI. MINUTES

October 15, 2018 – Regular Meeting

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

Ayes: Cheskis, Campeas, Conry, Madrid, Mani, Matthews, Sarle and Trzaska

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 11:10 p.m.