

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
JUNE 18, 2019**

MINUTES

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

BOARD MEMBERS PRESENT: Chairman DeRochi; Vice Chairman Smith; Mr. Fedun; Mr. Kabis; Mr. Wu; Mr. Lopez-Lopez, Alternate #1; Mr. Blodgett, Alternate #2; Mr. Patel, Alternate #3; Mr. Sudol, Alternate #4

ALSO PRESENT: Jacki D'Arminio, Esquire, Board Attorney; Emily Goldman, Board Planner; Jason Cline, Board Engineer; Joseph Palmer, Zoning Officer

I. SALUTE TO THE FLAG

II. RESOLUTIONS

Case BA-08-18 Applicant: New York SMSA, LP d/b/a Verizon Wireless
Block 8001 Lots 1 and 1Q – 694 River Road
Submission Waivers and Preliminary and Final Major Site Plan with Bulk Variances

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

Ayes: DeRochi, Fedun, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

Case BA-02-19 Applicant: Steven Back and Wendy Golden
Block 32001 Lot 3 – 388 Mountain View Road
Submission Waivers and Use and Bulk Variances

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

Ayes: DeRochi, Fedun, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

Case BA-07-17 Applicant: Craig and Elizabeth Kennedy
Block 31004 Lot 1 – 136 Rolling Hill Road
Extension Request

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

Ayes: Fedun, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

III. APPLICATION CONTINUATION

Case BA-05-19 Applicant: Alexander & Natasha Wolfson Trustees
Block 31003 Lot 22 – 71 Colfax Road
Bulk Variances
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Chairman DeRochi announced that the application was continued to the June 25, 2019 Zoning Board meeting with no further notice.

IV. APPLICATION

Case BA-01-19 Applicant: Brandon Real Estate Development Company, LLC
Block 34001 Lots 57.01 and 57.02 – Route 206 and Airpark Road
Preliminary and Final Major Site Plan with Use and Bulk Variances
Expiration Date – 8/9/19
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire, David Schmidt, project engineer, John McDonough, project planner, Roberto Martinez, project architect and Harvey Yesowitz, traffic engineer, represented the applicant.

Mr. Schmidt, Mr. McDonough, Mr. Martinez and Mr. Yesowitz were sworn in.

David Schmidt gave the Board his qualifications and was accepted as an expert witness. Mr. Schmidt referenced a colored site plan map dated February 14, 2019 which was marked as Exhibit A-1 and described the subject lot and

surrounding area. The applicant received use variance approval (Case BA-07-16) on September 16, 2016. The resolution was memorialized February 21, 2017. Lot 57.01 was purchased from the Township and merged with Lot 57.02 for a total lot area of 8.317 acres. The property is within the REO-3 zone. The area that is the subject of this application was originally planned to be a 12,000 square foot helicopter building with a large paved area. The helicopter operations were moved further into the Airport property. Site Plan approval was granted in 2004 for the Princeton Medical Building.

Mr. Schmidt discussed the requested variances and design waivers. A variance is needed for the location of the parking lot areas. The northern parking lot is located 10 feet from the side property line and 4 feet from the public road easement line along Airpark Road where 50 feet is required. Some of the required parking for the Princeton Airport is located in an easement on the western portion of Lot 57.02 so that the airport continues to meet its parking requirement. A design waiver is requested to minimize the amount of trees to plant. The applicant is requesting the number of trees be calculated based on area of disturbance instead of total tract area. The applicant proposes to plant 63 where 117 are required. The proximity to the Princeton Airport limits the areas where shade trees can be planted. A design waiver is requested from the amount street trees to plant as none are proposed along Route 206. A variance is requested from the requirement that a 50 foot area adjacent to any lot line be planted and maintained lawn or landscaped with evergreens. There are none proposed along Route 206 or along Airpark Road. There is a 40 foot PSE & G easement along the Route 206 frontage that prohibits landscaping. The building front yard setback from Airpark Road will be 25 feet from the cartway and 5 feet from the 60 foot wide road easement line where 125 feet is required. The side yard setback will be 35 feet where 60 feet is required. The proposed lot coverage is 52.5% where 32.5% is allowed. The permitted signage area is 40 square feet. The proposed monument sign for Chrysler, Dodge, Jeep and Ram is 66.3 square feet. The maximum permitted monument sign height is 8 feet and the proposal is 12 feet. The Chrysler, Dodge, Jeep and Ram wall mounted sign square footage is proposed to be 136.48 square feet. The total Chrysler, Dodge, Jeep and Ram signage is proposed to be 202.78 square feet. The existing Airport sign to be relocated is 12 feet high and 96 square feet where it is permitted to be 8 feet high and 40 square feet. Vehicles will be stored outside where outside storage is prohibited. The trash enclosure receptacle is located 10 feet from the side lot line where 75 feet is required. The required distance to another building is 50 feet and the trash enclosure is proposed to be 33 feet. The temporary restroom trailer will be 38 feet from the sprung structure. Only one freestanding sign is permitted and the applicant proposes two new freestanding signs and relocating the existing Airport sign. A temporary use variance is requested to permit the applicant to sell cars using a temporary Sprung structure for two years.

Mr. Schmidt referenced a colored architectural rendering of the proposed building that was marked as Exhibit A-2. The exhibit has been revised to remove two of the three "Baker" building mounted signs and to remove the truck displayed on rocks which was marked as Exhibit A-3. The first floor of the building is 26,683 square feet and the second floor is 2,129 square feet for a total of 28,812 square feet. The proposed FAR is 0.08 which complies with the ordinance. The proposed lot coverage is 52.5%. A large portion of the lot coverage is due to existing Airpark Road and the southern access road. The building height is 35 feet, will not have a basement and will meet the vertical development restrictions of the Airport. If the application is approved, it will be submitted to the FAA for approval of the building and landscaping. The hours of operation are Monday through Thursday from 9:00 a.m. to 8:00 p.m., Friday 9:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 5:00 p.m. and closed on Sundays. It is anticipated there will be 25 to 30 employees. The lot will be serviced by PSE &G, NJ American Water, public sewer in the Stage II Treatment Plant and Century Link.

Mr. Schmidt referenced Exhibit A-1. There are 184 parking spaces located in the main area of the property including 15 customer parking spaces. Employee parking is located around the building and car service parking will be provided throughout the site. Additional ADA parking will be added. There are a total of 298 parking spaces on the site, including the 114 inventory spaces in the western lot that does not allow for public access. The spaces shown on the west side of the building will be eliminated per the request from the Fire Company. There was discussion regarding the proposed ADA parking spaces near the dumpster and their accessibility to the building.

Mr. Schmidt discussed the site circulation. There is stacking for 3 Alfa Romeo cars at the service drop off. If a client accesses the site from the lighted intersection they will have to utilize the westerly entrance and circulate around the building.

Mr. Schmidt discussed the stormwater management. Stormwater management will be controlled by the existing detention basin on the property which was designed to control the increase in stormwater runoff and provide minimal water quality treatment for this site and the Airport. Two interior basins are proposed within the existing basin. The existing basin provides quality control and very little water quality control so the two new bio detention basins will improve what currently exists. The existing basin will function normally while the new basins are under construction. Once both new basins are under construction and seeded the outlet structure will be removed and replaced. The revised bio detention basin will reduce the stormwater runoff for the 2, 10 and 100 year storm events by 50%, 75% and 85% respectively and will provide full water quality treatment and ground water recharge in accordance with the new State regulations. The revised basins provide 80% TSS removal for the new development.

It is anticipated that the project will use 750 gallons per day for wastewater management. The property is in the Stage II Treatment Plant which can accommodate the anticipated flow. The applicant will enter into a Sewer Capacity Agreement. The Board Engineer raised a concern that the flow may be a little lower than what it may actually be. Mr. Schmidt will work with Mr. Cline on recalculating the flow.

Mr. Schmidt referenced the Landscape and Lighting Plan dated February 14, 2019 revised March 26, 2019 that was submitted as part of the application. The ordinance requires 117 trees to be planted. A design waiver is requested to calculate the total number of required trees to be based on area of disturbance rather than total acreage. The applicant is

proposing to plant 63 trees. The applicant is unable to plant the required number of trees on-site because the property has height restrictions due to the proximity to the Princeton Airport. There are also a number of easements on the property that do not permit planting. There is a total of 3.65 acres the preclude planting which includes the basin of 1.40 acres, a 0.29 easement along Route 206, Airpark Road is 1.62 acres and 0.34 acres of various easements on Lot 57.01. When using the remaining 4.667 acres the required number of trees would be 65.

Ms. Goldman said she counted 81 trees on the plan. Mr. Bartolone's memo notes that the schedule does not match the number of trees shown on the plan.

Mr. Schatzman said the applicant will look into the discrepancy and will work with Mr. Bartolone and Ms. Wasilauski. They will plant as many trees as possible on the lot and will either plant trees on public property or contribute to the tree bank. The applicant cannot plant any significant sized trees on the northerly property line.

Mr. Schmidt testified that if they can't plant 117 on the site, plus the street trees, they will contribute towards the tree bank.

Chairman DeRochi would like to see Airpark Road have a nice row of trees from one end to the other. He noted that it looks like there is a different type of tree in front of the parking. He would like to see shrubs installed along Route 206 high enough to adequately screen the hoods of the cars. Mr. Schmidt said they would provide 4' high vegetation.

Mr. Schmidt testified they will install a 4 foot wide sidewalk along the Route 206 frontage. The proposed lighting will be LED and will conform to the Township regulations.

Mr. Schmidt continued his testimony regarding signage. The Baker monument sign requires a variance for the size and for the height. The sign is proposed to be 66.30 square feet where 40 feet is permitted and is proposed to be 12 feet high where 8 feet is permitted. The wall mounted signage is proposed to be the same as what was approved at the existing dealership for a total of 136.48 square feet for Baker, Chrysler, Jeep, Dodge and Ram. The Baker sign is a 26.50 square foot black sign. The Chrysler sign is a 28.25 square foot black sign. The Jeep sign is a 28.73 square foot green sign. The Dodge sign is a 15 square foot red sign. The Ram sign is a 38 square foot black sign. The total signage including both the monument sign and wall mounted signs is 202.78 square feet. The Alfa Romeo monument sign is proposed to be 15 feet high and 40 square feet. A variance is needed for the height.

Ms. Goldman noted that the size of the sign is 40.3125 square feet and would require a variance.

Mr. McDonough gave the Board his qualifications and was accepted as an expert planning witness. Mr. McDonough discussed the justifications for the additional signage. The multiplicity of wall signs is inherent to the nature of the use. This is a single dealership with multiple brands. There are 7 signs proposed for the façade of the building that faces Route 206. The signs are the name of the dealership, the 4 brands that are presently across the street, the Alfa Romeo and Alfa Romeo logo. The planning justification is brand recognition. It is important for the business to identify the multiplicity of brands that are there. The sign package is not overly obtrusive and it fits nicely within the architectural backdrop. The two "Service" signs that are also part of the façade are recessed from the building and are more informational than advertising. The signs will promote brand familiarity meeting customer expectations and identifying the dealership. The building is recessed from Route 206 so the signs will not be close to the road. The existing dealership across the street has the same basic sign package. That building will be repurposed and the business will move to this new building.

Mr. McDonough discussed the road signs. The Chrysler, Dodge, Jeep and Ram sign is 12 feet high where 8 feet is permitted. The sign has a 3 foot 8 inch base that could be landscaped. At the request of the Board the applicant will look at shortening the sign.

The other sign is a linear sign to advertise the Alfa Romeo. The Alfa Romeo is a different type of brand that needs some sort of distinction. The Alfa Romeo sign is 15 feet high including the logo. The site is excessively long and is 4 times more than what the zoning would allow in terms of the depth. One of the signs along the frontage is a sign for the Airport. In terms of roadside recognition, there are two distinct brands on the site.

Mr. Lopez-Lopez asked Mr. McDonough to speak to the distinction between the height of the roadside signs and the testimony regarding the landscaping having to be bushes rather than a tree. Mr. Schmidt responded that the trees can grow to 60 feet in height. Mr. McDonough said they could install street trees that would grow to 15 feet.

Mr. Fishinger asked if the directional signage on the site would include brand logos. Mr. Schmidt said none of the directional signage will have branding or logos on them.

Mr. McDonough referenced the plan showing the totem sign for Alfa Romeo. The sign is 15 feet high and approximately 3 feet wide. Chairman DeRochi asked why it had to be 15 feet high. The proportions might be nicer at 8 feet high. Mr. McDonough said they are looking for different treatment to try to make it stand out more. This sign warrants special treatment because of the brand. It is not an obtrusive sign. It is a painted aluminum body with a greyish type background. Mr. Fishinger said the higher the sign the harder it is to read with letters that small. The applicant agreed to look at a smaller sized sign. The Board questioned why there isn't one sign for all the brands.

Ms. Goldman noted that the directional signs must not be larger than 2 square feet to comply with the ordinance.

Mr. Lopez-Lopez asked if there will be signage on the signs on the cars that are parked along the Route 206 frontage. Mr. McDonough replied that there can't be. The only thing allowed by law on an inventory car is anything with an American flag or the price sticker.

Mr. McDonough testified that both monument signs are internally illuminated. The applicant will look to see if they can combine all brands on one sign.

Brandon Baker, 1045 State Road, was sworn in. Mr. Baker is the principal owner of the dealership. Mr. Baker testified the addition of Alfa Romeo is driving the need for the new building. Alfa Romeo wants a separate brand sign and a separate showroom. Mr. Baker agreed to reduce the sign height to 12 feet. The signs on the existing site will be removed once the dealership moves to the new building. At this time there is no use for the existing building.

Mr. Cline noted that the grading at the existing building was lower which is why that sign was approved at 12 feet.

Chairman DeRochi suggested the Board allow two signs at 8 feet high or one 12 foot high sign with everything on it.

The Board asked the applicant to provide a new elevation showing the location of the monument signs in relation to the building signage as well as the proposed vegetation.

Vice Chairman Smith talked about how the side of the building will be very visible from Route 206. He felt there should be one sign with all the brands on it.

Chairman DeRochi said the applicant should conform to the sign ordinance for the building mounted signage. The signs on the existing building are way bigger than they needed to be for legibility. A signage package can be designed to conform to the square footage permitted by ordinance.

Ms. Goldman testified that as presented, the wall mounted signs total 194.52 square feet. Based on the linear footage of the building they would be permitted 75 square feet.

Vice Chairman Smith suggested allowing the proposed amount of building mounted signage if the building façade is lowered. Mr. Schatzman noted that the building is 30 feet high which is lower than the ordinance permits. Mr. McDonough said the planning rationale is brand familiarity and customer expectations.

Mr. Cline noted that the "Service" and "Express Lane" signage proposed over the two bays on the north end of the building are not shown on the rendering.

The Board took a five minute recess.

Roberto Martinez gave the Board his qualifications and was accepted as an expert architect. Mr. Martinez testified that the building is 28,740 square feet and will house multiple brands. The front façade of the building will be aluminum composite materials (samples were shown to the Board). Mr. Martinez described the options for the materials for the construction of the two sides and rear of the building. Each side of the building has its own entrance to make it easily identifiable. Jeep has a canopy and the center of the building has the arch. The showroom is divided into three sections. A higher quality material will be substituted on the south façade. The mechanical equipment will be on the roof and shielded. The building will comply with ADA standards. There are wash bays provided that will have an oil/water separator. The final architectural plans will have all the details requested in Ms. Goldman's and Mr. Cline's memos.

Ms. Goldman noted that the application includes final site plan approval so the applicant should provide the final architectural drawings at this time. The rendering is completely different than the architectural plan that was submitted with the application.

Chairman DeRochi said he was concerned about the sight line coming down Route 206 because it is a long sight line. The rooftop equipment will have to be fully shielded.

Mr. Schmidt continued his testimony. There are no critical slopes on the property. The property slopes in a westerly direction to the existing detention basin. The detention basin discharges to an unnamed tributary to the Van Horne Brook. The existing site is presently mowed lawn. There is an isolated pocket of wetlands with no wetland buffers on the far westerly portion of the site that will be placed in a conservation easement. The soils are New Brunswick Shale.

Mr. Schmidt referenced the plan entitled "Site Fire Truck Turning Movements" dated June 3, 2019. The fire truck can maneuver without obstructions. The parking areas around the Sprung structure will not be striped and will be labeled no parking on the plan. A temporary curb cut will be installed in the area of the Sprung structure until the structure is removed. The applicant will address all the comments in the letter issued by the Fire Company. The plan will be amended to make the entrances wider so the truck won't drive up on the curb.

Mr. Cline pointed out that a few of the inventory spaces are impacted by the truck movements entering and exiting the lot.

Mr. Schmidt testified that everything has to be constructed before the Sprung structure can be put up including landscaping and lighting except the landscaping around the building.

Mr. Schmidt referenced the plan entitled "WB-50 Truck Turning Movements" dated June 3, 2019. Mr. Cline did not think having the truck circulate the site while it is a construction site is a good idea. He suggested having the cars delivered to the existing dealership across the street. Mr. Schatzman said the car carriers park along Route 206 to deliver cars at the existing dealership. The car carriers will not deliver to the western lot.

Mr. Fishinger asked about circulation on the site while the carrier is off-loading the cars. Mr. Schmidt described how the circulation would work. An updated template will be provided once the revisions to the site plan are complete.

Mr. Schmidt testified a temporary Sprung structure for sales is proposed as the building is being constructed. The structure will be in operation while the main building is under construction. The Sprung structure is 3,160 square feet. Half the building will be used for Alfa Romeo sales and half will house the remaining brands.

The project is proposed to have three phases. The first phase will include all site improvements except top course paving for the main lot. The westerly parking lot will be completely finished with top course paving and all landscaping and lighting will be installed except in the vicinity of the building. Everything will be stabilized and the detention basins have to be working. Phase II is the construction of the temporary Sprung structure and the building construction. Phase III is the removal of the Sprung structure and top course of paving. The phasing plan will be revised to remove the car parking striping except for 20 to 30 spaces and two ADA complaint spaces. The staging of the project will be set forth in a Construction Sequence Agreement.

Mr. Schmidt referenced a picture of the Sprung structure. The plans will be revised to address the comments in the professional's memo prior to the next hearing.

Mr. Fishinger asked how the overnight drop off of vehicles for service would work. Mr. Schmidt said he will address it.

Mr. Schmidt testified that the structure around the trash enclosure will probably be masonry. The detail will be added to the plans. Ms. Goldman recommended it match the façade of the building.

Mr. McDonough provided testimony regarding the variances. The applicant is requesting a D1 use variance. The application is for an amended use variance to allow the temporary Sprung structure with a sunset provision of two years. This will enhance business at a use that the Board has already found to be appropriate for this location. It is an added amenity that will occur during the construction process. It will enable the dealership to operate on this side of the street and starts to build the association of this side of the street as the dealership with these brands. The use will occur at a space that will be substantially underutilized during construction. The location of the temporary use will be behind the construction area and as the mass of the building rises up from the site it further screens the structure. It will provide for customer convenience. The revised plans will show that the site will continue to function safely and efficiently with the two structures. The area surrounding the site is entirely commercial so there will be no impact on the surrounding area. The proposal promotes the spirit of the ordinance and gives some economic viability. There is some economic inutility to the site which is zoned for office use.

Vice Chairman Smith asked if the applicant had a plan showing where they can build in accordance with the FAA regulations. Mr. Schmidt will provide a plan.

Mr. McDonough further testified that there are six C variances. Two relate to the location of the principal building, two relate to the location of the accessory structure, one is for lot coverage and one is for outdoor storage. The first variance is the principal building setback to Airpark Road which is required to be 125 feet and the proposal is 25 feet to the cartway and 5 feet to the easement line. The element of hardship is the lawfully existing roadway that runs through the subject property. The temporary Sprung structure will be 77 feet from the cartway and 58 feet from the easement line. This relief is necessary to effectuate what has been found to be a beneficial use. It is not an overbearing structure in the context of the site and the surrounding landscape. The relief is not related to the building per se but to the condition of the property, the structures that are on it and the merging of the lot lines which significantly limits the building envelope on the site. Relief is needed for the setback from the Airport. The requirement is 50 feet and relates to a small piece of the building that extends out to 35.8 feet. The 35.8 foot setback is wide enough to accommodate a landscape strip and circulation around the building. The distance of the refuse corral to the side line requires a variance. It will be screened with a masonry structure on three sides and has been positioned in a logical location where it is outside the main flow and public view. It can be mitigated with landscaping along the edge of the property. The refuse corral offset to the building is at 33 feet where 50 feet is required. There is adequate separation to accommodate all size vehicles through the space.

Chairman DeRochi asked why the trash enclosure couldn't be shifted to the west so the variance is eliminated. Mr. Schmidt testified if it was moved it would make it more difficult for the garbage truck to gain access.

Mr. McDonough discussed the relief for lot coverage. The increase to 52.5% where 32.5% is permitted is mitigated through stormwater runoff controls. This is a site that has a hardship associated with it due to the significant roadway that runs through it. The property is a long linear shape. Mr. McDonough showed the Board Planning Exhibits, a packet of six sheets, which was marked as Exhibit A-4.

Mr. Kabis asked if the sidewalk along Route 206 would be constructed on the Airport property as well as on the subject property. Mr. Schatzman replied they will install the sidewalk on property they own. Mr. Kabis asked if there will be a sidewalk on Airpark Road. Mr. Schatzman said there will not be. Mr. Kabis asked how employees will access the inventory parking lot from the main site. Mr. Schmidt testified they will use golf carts. Mr. Kabis asked how the inventory parking lot will be secured. Mr. Schmidt testified they will install surveillance cameras. If there is evidence that gates are needed in the future they will be installed at that time. Mr. Kabis asked if there will be fire protection in the temporary building. Mr. Schmidt said he does not believe so but will check with the Sprung structure company.

Mr. Lopez-Lopez asked for the square footage of the previously approved building. Mr. Schmidt testified it was 24,000 square feet and the lot coverage was over what was permitted.

The application was continued to the July 23, 2019 Zoning Board meeting. No further notice will be provided. Mr. Schatzman agreed to an extension to September 30, 2019.

V. MINUTES

April 16, 2019 – Regular Meeting

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

Ayes: DeRochi, Fedun, Kabis, Lopez-Lopez, Blodgett and Sudol

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:20 p.m.