

MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
OCTOBER 21, 2019

MINUTES

Chairman Campeas 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 Campeas; Vice Chairman Roberts; Ms. Bell; Mr. DeRochi; Mayor Jaffer; Mr. Mani; Mr. Matthews; Mr. Schuldiner; Mr. Wilson (left 9:15 p.m.); Mr. Glockler, Alternate #1; Mr. Conry, Alternate #2; Mr. Laskey, Advisor

ALSO PRESENT: Francis P. Linnus, Esquire, Board Attorney; Rakesh Darji, Board Engineer (left 9:15 p.m.); Michael Sullivan, Board Planner; Joseph Fishinger, Board Traffic Engineer (left 8:20 p.m.); Lori Savron, Planning Director

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. APPLICATION

Case PB-05-19 **Applicant: Montgomery Place, LLC**
Block 5023 Lots 2 & 3 – 2311 Route 206
Amended Preliminary and Final Major Site Plan with Bulk Variances
Expiration Date – 11-30-19
Affidavit of Notification and Publication Required

Ronald Shimanowitz, Esquire represented the applicant. Mr. Shimanowitz informed the Board there was an issue with one of the neighbor letters but the applicant is comfortable with having given proper notice. Mr. Linnus informed the Board that notice is an applicant's risk so if the applicant is satisfied, the Board has jurisdiction.

Mr. Shimanowitz described the application for amended preliminary and final major site plan approval with variance relief. The application is for Building #3 to be a 10,000 square foot daycare center with an attached playground area. A variance is needed for the playground fence height of 6 feet where the ordinance permits 4 feet.

Mr. Linnus swore in the applicants witnesses: Joseph Fleming, 678 Mountain Boulevard, the applicant's engineer and planner, Kaushiki Sarkar, Edison, the tenant/daycare operator, Lawrence Appel, 220 South Orange Avenue, the applicant's architect and Justin Taylor, 1904 Main Street, the applicant's traffic engineer.

Ms. Sarkar testified that her company has entered into a commercial lease with the applicant for a daycare center. They currently have a center in Edison, NJ and are in construction in Chesterfield, NJ. There will be 15 employees and the hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday through Friday. For both the morning and evening pick up the parents will park their car, walk into the facility, sign the child in or out and then drop them off or pick them up at their classroom. Special events where the parents stay will occur 3 times per year and will require more than 15 parking spaces. They do not recommend benches in the playground for either the children or the teachers and they are not providing a canopy in the playground. On hot days they will use the indoor gym area. There are chairs in the lobby for the parents. They will not install benches on the sidewalk for the safety and security of the parents and the children. The interior of the facility requires approval from New Jersey Division of Children and Families. The facility will not prepare food onsite and will operate through the vendors that are approved by the Township. The ages of the children are 6 weeks to 13 years. They run enrichment sessions for school age children and offer summer camps. There may be school bus drop off if the Board of Education will provide transportation. A responsible staff member will wait outside and check the children in.

Mayor Jaffer said it would be nice to have benches and a shade structure in the playground. Most kindergartens and preschools have them.

Ms. Sarkar said she doesn't recommend the benches because the teachers should be attentive and interacting with the children while they are playing. The children will be on the playground for a half hour in the morning and a half hour in the afternoon. A shade structure, such as an awning, could be provided if required by the Board.

Joe Fleming referenced a colored rendering of drawing C-6A (should be C-5A) which was marked as Exhibit A-1 and described the site changes. The speed table in the location of the building has been removed. The ordinance permits 4 foot high fences. The playground area will be enclosed with a 6 foot high solid PVC fence with the upper 12 inches being lattice. The fence will help to contain children play and will provide security from people walking along the perimeter. There is no adverse effect on the ordinance. There is no impact to pedestrian or vehicle movements. The fence will be matte and not shiny. The fence setback is 10 feet on the east side of the roadway and the 15 feet from the service drive.

Larry Appel gave the Board his qualifications and was accepted as an expert in architecture. Mr. Appel referenced the architectural plans submitted to the Board, specifically Sheet PB-3.0 last revised 8-22-19. The building is single story with a pitched roof. The building is a single use but has been designed to be harmonious with the other retail buildings in the center. Building material include stucco, decorative architectural block and stone veneer with brick accent. All the finishes are designed to coordinate with the adjacent retail Building #1. The building will either meet or exceed the Energy Code. Solar panels will not be placed on the building. Signage will be backlit and will conform. As a condition of approval the sign fabrication drawings and details will be submitted to the Zoning Officer for approval prior to installation.

Mr. Glockler asked why they will not consider solar panels. Mr. Appel replied that it would require an analysis for understanding the building orientation and having proper efficiency for it. In addition most of the energy programs require significant rebates or other incentives to make them fully viable.

Justin Taylor gave the Board his qualifications and was accepted as an expert in traffic engineering. Mr. Taylor summarized Dynamic's letter traffic report dated July 16, 2019 revised September 10, 2019. The report looks at the change in traffic from a retail/restaurant use with a daycare use by using the Institute of Traffic Engineers (ITE) publication trip generation to come up with the projected traffic for both the uses. During evening peak hour and on Saturday they are the same. The difference is seen in the morning because the retail/restaurant is less active while a daycare is more active. There will be approximately 50 cars more coming to the center which is half of what is considered significant by NJDOT or ITE. This change of use will not have a detrimental impact to the surrounding roadway network. The driveways and onsite circulation will continue to function well. Ten spaces in front of the building will be signed for 15 minute parking only. Sidewalk has been provided along the island to give the pedestrians a path to travel from the parking spaces to the front of the building.

Mr. Fishinger asked if there is a place where the school bus could que and drop off on the site. Mr. Taylor testified a small bus could utilize one of the parking spaces and a larger bus, given the amount of time it takes for the children to get on and off, could pull up in front of the facility. Mr. Fishinger noted the technical information he had requested was provided and he finds it acceptable.

Mr. Sullivan asked about the trash enclosures. Mr. Shimanowitz said they would be the same as the others in the center and a detail will be provided.

Mr. Darji confirmed the applicant addressed all the comments in his review letter.

No idling signs will be installed in the 15 minute parking stalls. The applicant will come back to the Board if there are any site changes dictated by the Department of Children and Family Services.

Chairman Campeas opened the meeting to the public. There being no public comment, a motion to close the public hearing was made by Mr. Schuldiner and seconded by Mr. Glockler. The motion carried unanimously.

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

Ayes: Bell, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

Case PB-07-19 **Applicant: Bloomberg, L.P.**
Block 34001 Lots 38.01, 38.001 and 38.03 – 100 Business Park Drive
Minor Site Plan with Bulk Variances
Expiration Date – 1-31-20
Affidavit of Notification and Publication Required

Notice was in order. Michael Fedun, Esquire represented the applicant.

Mr. Fedun summarized the application. The property is approximately 87 acres and is within the REO-2 and REO-3 zone. Bloomberg is seeking to improve the onsite lighting for the safety and security of its employees, vendors and guests at the site. A variance is needed for the 25 foot high lighting fixtures where the ordinance permits 20 feet. A design waiver is requested to allow the light illumination to average more than 1 footcandle throughout the site.

Richard Loeffler, 15 Robin Ridge Road, licensed landscape architect and Susannah Gilbard, Yellowstone Boulevard, the applicants lighting designer were sworn in.

Richard Loeffler gave the Board his qualifications and was accepted as an expert. Mr. Loeffler referenced an annotated version of Drawing EP-103 dated 10/4/19 which was marked as Exhibit A-1. The plan shows the project phasing as well as the existing lighting. Lighting measurements that were taken show there are spots in the middle of Building 100's parking lot and along Business Park Drive that are zero footcandles. There are very low light levels in the parking lot behind Building 101 and in the remote parking lot. The proposal is to install 25 foot tall fixtures along Business Park Drive, along the entry drive into the Building 101 parking lot and down to the south end of Business Park Drive. The parking lots will have 20 foot tall fixtures. The additional fixtures will fill in the areas where there is low or no lighting. The plan shows foliage masses around the site and individual trees within the parking lot. Mr. Loeffler referenced an exhibit entitled Bloomberg, LP Site Images, consisting of 26 pages, which was marked as Exhibit A-2. Each time Bloomberg came before the Board, plantings were added to buffer the site. Twenty-five individual photos were taken to show the buffer from neighboring vantage points. The lighting plan will have no change in effect on neighboring properties. There will be no light spillage outside the site. The lighting in the north end of the 100 parking lot, in the far edges of the 101 parking lot and the 104 parking lot go off at 10:00 p.m. Lights stay on near the entrance of the buildings and along Business Park Drive. The fixtures will project the light down onto the pavement. The project will be completed in 4 phases. There are 14 new 25 foot light poles and 16 new 20 foot poles.

Susannah Gilbard gave the Board her qualifications and was accepted as an expert in lighting design. The goal of the project is to increase the security of the site. When measuring the existing conditions there were places that were 8 footcandles and places that were 0 footcandles. The flood lights that had been added over the years will be removed. All of the lighting is 100% dark sky compliant. The fixtures are round and more attractive than shoebox fixtures.

Mr. Loeffler confirmed the project will be complete in 2022.

Mr. Sullivan said the questions he had were about uniformity and making sure the totally dark areas aren't being counted.

Ms. Gilbard said when they are looking at the average and uniformity they are looking at the parking areas, paved areas and pathways. The uniformity will be approximately 15 to 1.

Mr. Sullivan noted that the cut sheets for the lights specified are different than the lights on the plan. There are fixtures in the parking bays that have no protection. Stanchions should be finished. Mr. Loeffler said the plan will be modified to provide the information.

Mr. Darji said the applicant provided testimony to address his concerns. Mr. Loeffler will revise the plans to indicate which fixtures will stay on. A detail will be added to describe the restoration. At the beginning of each stage the flood lights will be removed.

Mr. Sullivan asked if step down transformers can be installed so there is something between off and on. Ms. Gilbard testified she has not seen it offered from the manufacturer.

Mr. Wilson asked why there is a 3 year phasing plan if safety and security is the issue. Mr. Loeffler testified it is a matter of budgeting for the project.

Chairman Campeas opened the meeting to the public.

Debra Ginsburg, Pine Brae Drive, asked for clarification on where the lighting project was in relation to her property.

There being no further public comment, a motion to close the public hearing was made by Mr. Glockler and seconded by Vice Chairman Roberts. The motion carried unanimously.

Bloomberg agrees to replace any dead or diseased landscaping to keep the buffer in place.

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

Ayes: Bell, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner, Wilson and Campeas

Nays: None

Case PB-09-19

Applicant: HMH Carrier Clinic, Inc.

Block 2001 Lot 2 – 252 Route 601

Submission Waiver and Amended Final Major Site Plan and Bulk Variances

Expiration Date – 120 Days From Submission Waiver Approval

Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. The application is for amended site plan approval for the installation of a fence. A variance for the fence setback which is less than the required 60' from East Mountain Road is required.

There is a request for a submission waiver from showing information within 200 feet of the property. Mr. Sullivan recommended approval of the submission waiver.

Donald Parker, Carrier Clinic CEO, and John Hausmann, Carrier Clinic Project Manager, were sworn in.

Mr. Parker summarized the application. There is a need to provide additional security and safety for their patients and the area residents. Carrier is surrounded on two sides by very busy roads. Occasionally there are patients who attempt to leave the campus and go to those roads. A fence will allow Carrier to keep patients away from the roads and will allow Carrier to secure the patients on the property. The fence will allow Carrier to use their security force in a more effective way. The fence will be installed in two phases for budgetary reasons. The fence does not completely lock off the property as two gates are left open for the extensive number of visitors that come to the campus. The gates will be secured by the Security Officers upon notification of an elopement. Phase I is along the front of the property and Phase II is along the rear and sides of the property. There will be a 10 foot chain link fence with slats along the sides and rear of the property and an 8 foot metal fence along the front of the property. Mr. Parker referenced an aerial view with the site plan imposed dated 9/11/19 which was marked as Exhibit A-1.

Using Exhibit A-1, Mr. Hausmann described the location of the front fence and gates. There is also a 10 foot high interior fence to enclose the courtyard area. Mr. Hausmann distributed Exhibit A-2 which is an aerial of the property showing the phasing of the fence installation. The fence highlighted in green will be Phase I and the fence highlighted in red will be Phase II.

Exhibit A-2 was prepared to address Mr. Sullivan's recommendation that the applicant provide an overall security measure fence diagram for the entire site.

Mr. Sullivan said they are proposing a 10 foot fence well within the required buffer which is problematic from a spatial and visual standpoint. The problem is accentuated by the jogging in the alignment. A straighter alignment, without the jags, could be better. The applicant agreed to provide mitigation with shrub material.

The application will be amended to include both Phase I and Phase II. The applicant will provide revised plans and come back to the Board with new notice.

The resident at 475 East Mountain Road asked what has changed that has caused the need for the enhanced security. Mr. Parker testified that the State of New Jersey places children with Carrier through the Division of Children and Family Services. They have up to 80 children (13 to 17 years old) at any given time and they

could be placed there for up to a year. Most of the children coming to Carrier have a background of trauma and that background trauma manifests itself in a variety of behaviors, including running away.

IV. MINUTES

October 7, 2019 – Regular Meeting

A motion to approve the minutes with one correction was made by Vice Chairman Roberts and seconded by Chairman Campeas. The motion carried on the following:

Ayes: Bell, DeRochi, Jaffer, Mani, Matthews, Roberts, Schuldiner, Campeas and Glockler

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.