

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REORGANIZATION AND REGULAR MEETING
JANUARY 6, 2020**

MINUTES

Ms. Savron 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: Ms. Bell; Mr. Campeas; Mr. DeRochi; Ms. Keenan; Mr. Mani; Mr. Matthews; Ms. Roberts; Mr. Schuldiner; Mr. Wilson, Mr. Glockler, Alternate No. 1; Mr. Battle, Alternate No. 2; Mr. Laskey, Advisor

ALSO PRESENT: Karen L. Cayci, Esquire; Emily Goldman; Rakesh Darji; Joseph Fishinger; Lori Savron

I. SWEARING IN OF NEW MEMBERS

Attorney Cayci swore in new members Mr. DeRochi, Ms. Keenan, Mr. Mani, Ms. Roberts, Mr. Schuldiner and Mr. Battle.

II. SALUTE TO THE FLAG

III. REORGANIZATION

A. Election of Officers

1. Call for Nominations for Chairman

A nomination of Mr. Campeas was made by Mr. Schuldiner and seconded by Ms. Roberts. There being no further nominations, a motion to close nominations was made by Mr. Schuldiner and seconded by Ms. Roberts. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call vote was taken for Mr. Campeas as Chairman:

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

Nays: None

2. Call for Nominations for Vice Chairman

A nomination of Ms. Roberts was made by Mr. Schuldiner and seconded by Ms. Bell. There being no further nominations, a motion to close nominations was made by Mr. Schuldiner and seconded by Ms. Bell. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call vote was taken for Ms. Roberts as Vice Chairman:

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

Nays: None

3. Call for Nominations for Secretary

A nomination of Mr. Matthews was made by Ms. Roberts and seconded by Mr. Schuldiner. There being no further nominations, a motion to close the nominations was made by Mr. Wilson and seconded by Vice Chairman Roberts. This carried on the following voice call vote: Ayes (9) Nays (0)

The following roll call was taken for Mr. Matthews as Secretary:

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

Nays: None

B. Appointment of Recording Secretary– Lori Savron

The nomination of Ms. Savron as Recording Secretary was made by Mr. Mani and seconded by Mr. Schuldiner. This was carried on the following roll call vote:

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

Nays: None

C. Meeting Schedule

1. PLANNING BOARD MEETINGS

BE IT RESOLVED by the Planning Board of the Township of Montgomery the regular monthly meetings of the Board will be held on the following dates in 2020 at 7:30 p.m. in the Municipal Building located at 2261 Van Horne Road (Route 206), Belle Mead, New Jersey. Special work sessions scheduled periodically will be noticed as required upon scheduling. Formal action may be taken. All interested persons may attend and be heard. The following notice shall be mailed to the officially designated newspapers.

February 3	July 6, 20	December 7, 21
March 2, 16	August 3, 17	January 11, 2021
April 6, 20	September 21	
May 4, 18	October 5, 19	
June 1, 15	November 2, 16	

A motion to adopt the Planning Board meeting schedule was made by Mr. Schuldiner and seconded by Mr. Mani. This was carried on the following roll call vote:

Ayes: Bell, Campeas, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner and Wilson
Nays: None

2. SITE PLAN/SUBDIVISION COMMITTEE MEETINGS

BE IT RESOLVED by the Planning Board of the Township of Montgomery that the Site Plan/Subdivision Committee regular monthly meetings will be held on the following dates in 2020 at 8:30 a.m. in the Municipal Building located at 2261 Van Horne Road (Route 206), Belle Mead, New Jersey. Special work sessions scheduled periodically will be noticed as required upon scheduling. The following notice shall be mailed to the officially designated newspapers. All interested persons may attend those portions of the meeting that the applicant is being heard.

	July 7
February 4	August 4
March 3	September 1
April 7	October 6
May 5	November 3
June 2	December 1

A motion to adopt the Site Plan/Subdivision Committee meeting schedule was made by Mr. Schuldiner and seconded by Vice Chairman Roberts. This was carried on the following roll call vote:

Ayes: Bell, Campeas, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner and Wilson
Nays: None

D. Designation of the Official Newspaper

The official newspaper for legal municipal advertising and notice shall be the Courier News. All legal notices to be published must appear in an official newspaper as stipulated by the NJ-MLUL.

A motion to designate the official newspaper was made by Vice Chairman Roberts and seconded by Ms. Keenan. This was carried on the following roll call vote:

Ayes: Bell, Campeas, DeRochi, Keenan, Mani, Matthews, Roberts, Schuldiner and Wilson
Nays: None

E. Appointment of Subcommittees

I. Master Plan/Land Development Ordinance Update Committee

- | | |
|-----------------------------------|---------------------------------|
| Member 1: Chairman Campeas | Member 2: Mr. Schuldiner |
| Member 3: Ms. Keenan | Member 4: Mr. DeRochi |

2. Site Plan/Subdivision Committee

Member 1: Mr. Schuldiner

Member 2: Mr. DeRochi

Member 3: Ms. Keenan

Member 4: Mr. Matthews

3. Planning Board Liaison to TAC

Member 1: Mr. Schuldiner

4. Planning Board Liaison to Economic Development Commission

Member 1: Mr. Mani

F. NJ Federation of Planning Officials - Renewal of Membership

Combination Membership - Planning Board Membership – \$185.00

A motion to renew the NJPO membership was made by Mr. Mani and seconded by Vice Chairman Roberts. This was carried on the following roll call vote:

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

Nays: None

IV. APPOINTMENT OF PROFESSIONAL SERVICES UNDER THE “LOCAL UNIT PAY-TO-PLAY LAW”

Chairman Campeas read the resolution to award a contract to Law Office of Karen L. Cayci, LLC as Legal Counsel, Clarke Caton Hintz as Board Planner, NV5 as Traffic Engineer, Richard Bartolone as Board Landscape Architect and Environmental Resolutions, Inc. as Board Engineer for the 2020 year.

A motion to appoint the Board professionals was made by Mr. Schuldiner and seconded by Vice Chairman Roberts. This was carried on the following roll call vote:

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

Nays: None

V. SWEARING IN OF PROFESSIONALS AND STAFF

Ms. Goldman, Mr. Fishinger, Mr. Darji and Ms. Savron were sworn in.

VI. PUBLIC PARTICIPATION - None

VII. RESOLUTION

Case PB-05-19 **Applicant: Montgomery Place, LLC**
Block 5023 Lots 2 & 3 – 2311Route 206
Amended Preliminary and Final Major Site Plan with Bulk Variances

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

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

Nays: None

VIII. APPLICATION

Case PB-03-19 **Applicant: Country Club Meadows, LLC**
Block 4020 Lot 1 – Scarborough Road and Route 206
Preliminary and Final Major Site Plan with Bulk Variances
Expiration Date – 1/31/2020
Affidavit of Notification and Publication Previously Found to Be In Order

This application is a continuance from the December 16, 2019 meeting. Ms. Keenan and Mr. Wilson certified they watched the December 16th video.

Ron Shimanowitz, Esquire represented the applicant. The applicant made revisions to the plan based on Board and public comment. The request to shift the buildings was considered but not done. Moving the buildings further away from the single family homeowners would take away land that is left for the continuing care facility.

Patti Ruskan, who remains under oath, described the revisions. The colored landscape plan presented at the last meeting was marked as Exhibit A-7, the modified colored landscape plan dated January 6, 2020 was marked as Exhibit A-8 and the grading and utility plan was marked as Exhibit A-9. The architectural images were marked as Exhibit A-10.

Ms. Ruskan referenced Exhibit A-7 and Exhibit A-8. The 6 foot high vinyl fence that was 3 feet off the southern property line has been moved so it is 15 feet off the southern lot line. The patio area that was between the two buildings has been removed and the gazebo has been relocated to the green lawn area within the parking lot. A walkway, benches and bike racks are now proposed between the two buildings. Additional plantings have been added along the southwestern side in the area of the proposed garages. Additional shade trees have been added in the parking area and additional landscaping has been added around the gazebo. The gazebo is not elevated.

Ms. Ruskan discussed the neighbors concern about drainage in the rear of their properties. The applicant will install nyloplast drainage structures adjacent to the corners of the single family homes which will be a small drain connected to the underdrain within the swale. The homeowners, at their own cost, can then connect their sump pumps directly to the drains along the property line. An easement is required.

Ms. Ruskan testified that the building is setback 75 feet from the property line at its closest point and the ordinance requires 50 feet. Moving toward the west, the next closest point is 100 feet. The closest point on the eastern side is 121 feet. The property between the new fence location and lot line will be maintained by the applicant.

Vice Chairman Roberts noted that Eastern Red Cedar trees are not wetland trees and shouldn't be planted within the swale. The best practice for reducing flooding is to separate the drainage from the roof and the sump pump from the pipes and have them lead to a rain garden or something similar. She asked if the water quality basin is sized for the additional runoff.

Ms. Ruskan testified the basin is designed for the 100-year storm event and is oversized. The drainage connections would be for 10 homes. The basin is designed for 44% impervious coverage. The proposal for this project is 18.2% of the 23.7 acres. When the project for the second phase is designed they will have to reevaluate the basin and the stormwater design.

Mr. Darji testified that the sump pump discharge fluctuates throughout the year. The direct tie in will function more or less the way the surface discharge will function. Mr. Darji will review the data, but given the size of the basin and the limited number of homes that may tie in, it could work.

Chairman Campeas asked the applicant to go over the changes asked for but not accommodated.

Mr. Shimanowitz said the only item is moving the buildings. Shifting the buildings will eat into the land available for the next phase of this development. The setback of the building from the rear lot line at its minimal distance is 75 feet. The building splays out and moves further away.

Mr. DeRochi said it looks like there is plenty of room on the site to move the building 10 feet. If it is moved 10 feet the berm could be raised a corresponding amount.

Mr. Shimanowitz said the applicant feels like they have accommodated the concern since the building is setback 25 feet further than what is required by ordinance. Shifting the building another 10 feet would not make a significant difference.

Mr. Schuldiner noted this is a three story building backing up to two story single family homes. A 6 foot fence plus a berm is not going to give the single family owners a level of privacy.

Ms. Ruskan discussed Mr. Bartolone's latest memo. The applicant will work with him to make sure they have a plan he will support for the gazebo area. The forsythia is proposed along the property line to create a demarcation of the lot line. One possibility is to break up the continuous hedge with grouping of shrubs and a flowering tree at strategic locations that would demarcate the lot line. The number of evergreens that were shown on the November 27th version of the plan will be the minimum number of evergreens that will be

provided. The shade trees along the private road have been counted towards the number of street trees and shade trees for the site. The fence will be removed from the utility easement along Scarborough Road. The landscaping at the “pinch point” could be enhanced.

Ms. Ruskan confirmed the lighting intensity and illumination levels for the parking lot, pathways, etc. will be provided.

Rob Larson, who remains under oath, described the changes to the building. Mr. Larson referenced Exhibit A-10 and described the minor changes.

Mr. Shimanowitz referenced the six additional documents that were submitted to the Board. The documents consist of three photographs of the sales office display, the addendum to the contract with disclosure language regarding the adjacent proposed development and the standard clause from the contract disclosing the additional development and a copy of the sales map. All the documents were marked as Exhibit A-11. These documents were shown to and available to all prospective purchasers. In one of the documents the homeowners waived their rights to object to this development.

Susan Brogan, Sales Manager, was sworn in. Ms. Brogan holds a real estate brokers license and has sold new construction for over 32 years. She is employed by Country Club Meadows and WCB Realty. She testified that the first thing you come to when you walk into the sales office is the sales display. Anyone who asked was told the plans were preliminary, that they were expected to change as they went through the approval process and there would be a 3-story active adult community building. The contractual addendum (Enclosure D) and the additional development clause (Enclosure E) were included in every single attorney review for every contract by way of a printed contract or addendum to the contract.

Chairman Campeas opened the meeting to the public.

Chris Conry remains under oath. Mr. Conry discussed the items that the developer did not address. At the last meeting his major concern was privacy and the applicant has not addressed any of the issues. The fence has been moved but a 6 foot fence will not do much. He discussed the other three story buildings in the Township and pointed out how they don't have balconies on the third floors, how they are a couple hundred feet away from the nearest single family home or the property slopes so there is less of an impact to the neighboring properties. Landscaping should be installed early in the construction process to allow the trees extra time to grow. The trees should be planted at a height of 8 to 10 feet instead of 6 feet. The plans for Phase II of the property have not been developed so the applicant could move the building 50 more feet away from the neighbors. The privacy fence between the building and the existing houses should be 8 feet instead of 6 feet. At the last meeting the neighbors requested the exercise path be removed from the back of the building including the proposed walkway lighting. The residents will most likely use the fitness center in the building and will walk within the single family neighborhood. They will not use the walkway behind the building. There is also a concern with the dust from construction.

Mr. Shimanowitz said the project would be constructed all at once and will take approximately 24 months from the start of construction to completion. There is no objection to installing the landscaping early in the process.

Len Zhang, 8 Windsor Road, remains under oath. The residents want some privacy. The buffer between the 3 story building and the residences is too small. There is a safety concern if there is a fire. The tall building will block the light. Moving the building 10 feet will make a difference.

Mr. Darji asked if the fence could be shifted a little higher up to the top of the berm and plantings provided on either side.

Mahesh Challuri, 2 Windsor Road, remains under oath. Two patios are still planned in the rear of the building where activities will take place. Privacy is a concern with the number of people that will live in the building and the impact of the noise. He agreed the noise issue goes both ways and the residents of the apartment building may not want to hear the noise from the single family back yards. There was also a concern about the parking lot lighting and car headlights shining into the houses.

Mr. Shimanowitz said the activities proposed on the patio will be similar to what one would do in their backyard. He confirmed that there are trees planted in the middle of the patio.

Ms. Goldman testified that there should be no spillage of the lighting onto the residential lots and the berm and landscaping should screen the headlights. However, the lights and headlights will still be visible.

Himanshu Dey, 18 Windsor, asked why the additional 0.7 acres of land isn't used to increase the distance from the houses and the apartment buildings. More distance will somewhat alleviate the neighbor concerns.

Vikas Mehta, 21 Windsor Road, remains under oath. Mr. Mehta moved from a 3-story apartment to a single family home for more country like living. He asked the Board to see what they could do to move the building further away.

Pankaj Sinha remains under oath. He asked if the building could be changed from senior housing in the future. He asked for fencing to be installed along the railroad tracks.

Mr. Shimanowitz said senior restrictions can't be changed except under a very rare circumstance. To try to modify the legal restriction on the age restriction is almost impossible without court intervention. With this project there is also a Settlement Agreement and a Court Order so it could not be converted.

June Fulton remains under oath. Ms. Fulton said if she knew how close the building was she wouldn't have purchased the house. Their lots are small and there isn't much room for them to plant additional trees. She asked the Board to consider an 8 foot fence between the homes and the apartment buildings and to move the fence closer to the emergency access lane. Other developments have planted taller trees than what the applicant is proposing. She asked if the third story balconies could be eliminated. She asked if the 42 inch lights along the walking path could be lower.

Mr. Fishinger noted if the height of the bollard lights were lowered more fixtures would be needed to light the path.

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

Mr. Wilson asked why the idea of flipping the building and the parking lot, so the parking lot was to the south and the building was to the north, wasn't further considered.

Mr. Shimanowitz explained that many designs were discussed when they met with the Site Plan/Subdivision Committee. Everything is a tradeoff and if it was switched the neighbors would be living next to a parking lot.

Mr. Wilson referenced Sheet C-9 and the two year guarantee on planting material. He wondered if the applicant would be willing to plant larger trees and extend the responsibility and guarantee on maintaining the landscaping from two years to five years.

Mr. Glockler noted that most of the neighbor concern was about the third story and wondered if in the future, the Township should require a setback that increases as the height of the building increases. Ms. Goldman explained that this ordinance was created as a result of a settlement agreement.

Mr. DeRochi asked about the placement of the fence relative to its height and whether it is on the berm or not. He asked if the fence could be a more natural color rather than white.

Mr. Shimanowitz said the applicant agrees to install an 8 foot fence in the current location. The applicant also agrees to change the color of the fence.

Chairman Campeas said he is disappointed that the applicant couldn't move the building an additional 10 feet.

Vice Chairman Roberts referenced Photo 3 provided by the applicant and discussed how it looks like the closest distance from the rear property line to the building is larger than what is proposed with the new plan. Mr. Darji said when he scaled it was about 85 or 90 feet.

Ms. Goldman listed the variances and exceptions. A variance is needed for the number of buildings, for the unit sizes, to permit the accessory garages, the lot area, the one monument sign and the fence height. The exceptions are for the light fixture height and the tree plantings. If the tree calculation was based on the 14 trees per acre (Phase I and Phase II property) they would be required to plant 332 trees. If the calculation is based on the area of disturbance (Phase I) they would be required to plant 157 trees. The applicant is proposing to plant 274 in Phase I that count toward the tree planting requirement. The exception is allowing the applicant to calculate based on the Phase I acreage and not from the number of trees they are planting.

Ms. Goldman summarized the variances. The settlement agreement and ordinance requires the 96 units to be provided in 4 buildings and the applicant is providing them in 2 buildings. The settlement agreement allows

them to deviate from the concept based on market demands. The unit size is under what the ordinance requires. The accessory detached garages were not contemplated when the ordinance was written. The lot area is over what is permitted by the ordinance which occurred when the Board previously approved the subdivision of the lot. The monument sign is proposed to match the sign along Route 206. The fence height around the garden, the trash enclosure and along the property line is proposed to be 8 feet where 4 feet is permitted.

The maximum amount of soil to be removed from the site without having to go back to the Board is 20,000 cubic yards. The route will be determined at the preconstruction meeting.

The buffer plantings between the emergency access and the neighboring property will be installed early in construction. A maintenance guarantee for the landscaping will be posted for 5 years.

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

Ayes: Bell, Campeas, Keenan, Mani, Matthews, Roberts*, Schuldiner and Wilson

Nays: DeRochi

*Vice Chairman Roberts objected to exception for the tree planting.

IX. UPDATE TO THE LOCAL HISTORIC SITES LIST DISCUSSION

Ms. Savron explained that the Landmarks Commission has requested the Planning Board consider designating two additional homes as local historic sites. The homeowners have worked with the Landmarks Commission to voluntarily designate the properties as local historic sites. The two homes for inclusion are the Beekman Van Doren house on Belle Mead-Griggstown Road and the Tunis Van Middlesworth house on Dutchtown Harlingen Road. The eligibility criteria set forth in the ordinance for both houses has been identified by the Landmarks Commission.

The Planning Board reviews the Landmarks Commission recommendation and acts to formally including them into the next update to the Master Plan. The Township Committee officially adopts an ordinance to include those properties into the zoning ordinance and add them to the zoning map.

Candy Willis, Landmarks Commission Chair, said both of the houses were designated back when the Landmarks was first established as potential historic sites. At that time, the homeowners were not interested in the designation but now they are. The Tunis Van Middlesworth house meets the criteria to be on the National Register.

A motion to update the local historic site list and to include them in the next update to the Master Plan was made by Mr. DeRochi and seconded by Mr. Schuldiner. The motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 10:35 p.m.