

**MONTGOMERY TOWNSHIP PLANNING BOARD**  
**MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**  
**REGULAR MEETING**  
**DECEMBER 16, 2019**

**MINUTES**

Chairman Campeas called the meeting to order at 7:32 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 (arrived 7:40 p.m.); Ms. Bell; Mr. DeRochi; Mayor Jaffer (arrived 7:50 p.m.); Mr. Mani; Mr. Matthews; Mr. Schuldiner; Mr. Glockler, Alternate #1; Mr. Conry, Alternate #2; Mr. Laskey, Advisor

**ALSO PRESENT:** Kristen Seibold, Esquire, Board Attorney; Anthony Lopez, Board Engineer; Emily Goldman, Board Planner; Joseph Fishinger, Board Traffic Engineer; Cheryl Chrusz, Secretary

**I. SALUTE TO THE FLAG**

**II. PUBLIC PARTICIPATION - None**

**III. RESOLUTIONS**

**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

Michael Fedun, Esquire represented the applicant. The project will now be constructed in one phase. The resolution has been amended to remove the reference to the phasing of the project.

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

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

Nays: None

**Case PB-08-19**                                  **Applicant: Trademark Signs, LLC**  
Block 5023 Lot 2 – 2311 Route 206  
Submission Waivers and Amended Preliminary and Final Major Site Plan with Bulk Variances

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

Ayes: Bell, DeRochi, Mani, Matthews, Glockler and Campeas

Nays: None

**Case PB-09-19**                                  **Applicant: HMH Carrier Clinic, Inc.**  
Block 2001 Lot 2 – 252 Route 601  
Amended Final Major Site Plan with Bulk Variances

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

Ayes: Bell, DeRochi, Mani, Matthews and Conry

Nays: None

**Case PB-11-19**                                  **Applicant: Grove at Montgomery, LLC**  
Block 6001 Lot 1 – 21 Belle Mead-Griggstown Road  
Amended Preliminary and Final Major Site Plan with Bulk Variances

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

Ayes: Bell, DeRochi, Mani, Matthews and Conry

Nays: None

#### IV. 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 – 1/31/20  
Affidavit of Notification and Publication Required

Mr. Conry stepped down.

Ronald Shimanowitz, Esquire represented the applicant. The property is approximately 23.703 acres and is in the BMPUD zone. The property has frontage along Scarborough Road and Route 206 North. This site, known as Area 3, was part of the GDP approval that was granted by the Board in 2014 which created four development areas. The development proposal is Phase I of the project. Phase II is a future application for a CCRC on the remainder of the property which may likely include a subdivision. The application is for ninety-six 2-bedroom age restricted rental apartment units in two 3-story buildings and two detached 1-story garage buildings.

Patricia Ruskan, Art Bernard and Robert Larsen were sworn in.

Ms. Ruskan, 67B Mountain Boulevard Ext., gave the Board her qualifications and was accepted as an expert engineering witness. Ms. Ruskan referenced a BMPUD Color Landscape Plan dated December 12, 2017 which is an overall plan of the development showing Area 1, Area 2 and Area 3 and was marked as Exhibit A-1. Phase I of this project is approximately 11.2 acres and is proposed on the southern portion of the 23.7 acre site. The site is currently vacant with the exception of the temporary sales center and the construction yard. There are no wetlands, streams or water bodies on the tract. The site drains from west to east towards Scarborough Road. As part of the approval for Area 1 and Area 2, the stormwater management was designed for the entire development. Area 3 was designed to have 44% impervious coverage on the 23 acre site. Retention Pond 4, on the southeast side of Scarborough Road, was constructed and designed to take the runoff from Area 3, collect it and discharge it into the stormwater facility.

Ms. Ruskan referenced a colored rendering of Sheet C-9 which was marked as Exhibit A-2. The proposal is for two 3-story buildings totaling 81,000 gross square feet each. There are a total of ninety-six 2-bedroom units. A variance is requested for the number of buildings and the size of the units. The GDP requires four buildings and the applicant is proposing two. The ordinance requires each apartment to be approximately 1,600 square feet and the applicant is proposing 1,293 square feet to 1,406 square feet. The two detached garage buildings will contain 7 spaces each and are approximately 18.3 feet high. A variance is needed for the garages since they are not a principal building. The exterior amenities include a community garden, putting green, walking paths and sidewalks with 6 fitness stations along the southern walking path, outdoor patio spaces with seating areas and fire pits and a central green area. There will be 211 parking spaces whereas RSIS requires 192 spaces. The 197 surface spaces to the north and west of the buildings are 9' x 18'. Access to the development is through a 24 foot private driveway from Scarborough Road. To provide screening, the western patio will have a 5 foot high freestanding masonry wall. The ordinance permits a maximum height of 4 feet for walls and fences so a variance is requested. A variance is also being requested for the 6 foot high vinyl fence proposed along the southern property line between Area 3 and the existing patio homes. At the request of Mr. Bartolone, the applicant will look at the fence location and landscaping relative to the swale proposed at the southern property line and will work with Mr. Bartolone to ensure the swale is unencumbered. A variance is needed for the 8 foot high critter mesh fence that is proposed around the community garden. A 26 foot wide fire lane is proposed on the southern side of the building. The fire lane is reinforced earth with bollards. The southern side will have wooden bollards while the north side of the walkway adjacent to the fire lane will have illuminated bollards and will provide lighting for the walking path and will demarcate the fire lane. The refuse area is on northwestern side of the western parking area. The trash enclosure is 8 feet high and will have a vinyl type enclosure. The refuse and recyclables are collected inside the building and the maintenance personnel will bring it out to the enclosure area. Two bike racks are proposed adjacent to the garage area near the refuse area. To identify the development there will be one freestanding monument sign on the south side of the access driveway that is a smaller version of the sign located along Route 206. The sign panel is 25 square feet in area. The panel is mounted on an ornamental fence on top of a stone face wall with finials on top of cast stone pillars at each end. The overall height of the wall and the fence is 8 feet but the finials are 10 foot 5½ inches tall which requires a variance. The sign panel will be lit with a 15 watt LED ground mounted up-light. The site lighting will be 50 watt LED, 20 foot high post top style lighting fixtures with a cap to direct the light downward. The walkway bollards will be 24 watt LED fixtures 42-inches tall with a dome on the top to direct the light downward. There are several 14 watt LED wall pack fixtures on the two garage buildings mounted at 9 feet. The recessed canopy lighting that was proposed in an earlier design has been removed. An extensive landscape plan is proposed.

The plan shows the previously approved landscaping of Area 1 that has not been installed yet as well as the landscaping proposed for Area 3. The applicant will work with Mr. Bartolone on species replacements. Additional buffer planting is proposed along the southern boundary, western boundary and the northern boundary of Route 206. All the buffer plantings are evergreen material at a minimum planting height of 6 feet. The buffer plantings are not included in the total number of trees for the overall tree count. There is a mix of deciduous trees, shade trees, shrubs, grasses, perennials and ground cover throughout the development. The applicant agrees to work with Mr. Bartolone and prepare a plan for the central green area. A variance is needed for the lot area of 23.703 acres since the ordinance permits at least 20 acres but not more than 23 acres. Phase II has not been designed but will be a continuing care facility. Ms. Ruskan referenced the overall grading plan Sheet C-6 which was marked as Exhibit A-3. The majority of the Phase I portion of the site will be disturbed. Berms have been placed along the southern boundary and western boundary. There are no retaining walls proposed and the site has been graded to drain to the storm source system. Phase I will have 18.2% impervious coverage. There will be a total 17,600 cubic yards of cut that would be exported. The applicant will work with the Township Engineer's office to obtain the soil hauling permit. Ms. Ruskan referenced Utility Plan Sheet C-8 which was marked as Exhibit A-4. The facility will be connected to the existing sanitary sewer in Scarborough Road. Water will be provided by New Jersey American Water Company, electric and gas will be provided by PSE & G and cable by Comcast. All utilities will be underground and the final design will be based upon coordination with the utility companies.

Vice Chairman Roberts noted that there was a lot going on between the building and the nearby homes. She wondered if it would all fit in the narrowest section. Ms. Ruskan referenced Exhibit A-2 and showed the 50 foot setback line required by Ordinance. She testified that the western building at its closest point is approximately 75 feet and the eastern building at its closest point is 121 feet so a lot can happen in that area. At the western building, the berm is only a couple feet high and as you move to the east the berm increases to 5 or 6 feet high and the berm on the western side is 8 to 10 feet high.

Ms. Ruskan testified about the existing drain patterns at the patio homes and how they compare to what is being done in the area between the homes and the berm. There is a swale that originates at the property line and veers off a little bit as it gets closer to Scarborough. The swale captures the sheetflow runoff from the rear of the patio homes towards the swale. The berm will also drain toward the swale.

Ms. Ruskan testified that the applicant will work with Ms. Goldman to provide the overall site light intensity. Ms. Goldman said if it is found that it doesn't comply with the ordinance, the applicant would have to come back to the Board. Ms. Ruskan said the lighting of the sign will be from dusk to dawn.

Mr. Larsen, 95 Mattawan Road, gave the Board his qualifications and was accepted as an expert in architecture. Mr. Larsen testified that the units will range from just under 1,300 square feet to just over 1,400 square feet. Each unit will have 2 bedrooms, 2 bathrooms, laundry facilities and ample closet space. Mr. Larsen referenced the Indoor Amenities plan consisting of 6 sheets which was marked as Exhibit A-5. The second floor and third floor are very similar. The main entrance to the building is at the center and all units are accessed through the central corridor. The second and third floor has additional amenity space, common unit storage and a chute for garbage and recycling. Mr. Larsen referenced the building entrance elevation and the typical end elevation plan which was marked as Exhibit A-6. The goal with the architecture was to make it look like there are four buildings. There is a center area that does not have a pitched roof or the same material or color so that it breaks the buildings into what appear to be two. The buildings will be real brick and high-end vinyl siding. The center area will be primarily PVC composite material so it will be low maintenance. Each of the dwelling units will have heating and cooling in a packaged unit so that the unit is within the dwelling unit itself and does not require an outdoor condenser. The common area condensers will be placed on the roof and will be screened. Each garage unit will be approximately 11½ feet wide, 24 feet long and a little over 18 feet tall. The garage doors will have windows so that the management team can see inside to make sure there are appropriate items stored. Each unit will also have man doors with the keys held by the maintenance crew. The garage units are for both cars and general storage with restrictions on what can be stored. Mr. Larsen referenced the plan set submitted to the Board and showed that at least one of the elevators will be large enough for a gurney. The total height of the building from mean grade to the top of the roof is 44 feet 7 inches and the middle part is about 34 feet.

Mr. DeRochi suggested the end elevations have a smaller scale. Mr. Larsen thought another vertical form could be added to break it up some more.

Mr. Bernard, 77 North Union Street, gave the Board his qualifications and was accepted as an expert planning witness. The settlement agreement included a number of requirements that are referenced on a concept plan and were carried forward into the ordinance. The agreement has language that says the marketplace will ultimately

determine the final design of the area and that it may differ from the concept plan. Variance relief is needed from the number of buildings. The applicant finds that the tenant's value improved access to their units and the amenities and the larger buildings allow for two elevators in each building, an accessible fitness area and a library clubroom. It also allows for solid waste chutes on each floor. Variance relief is needed from the unit size. If the amenity space is added in, the units will be around 1,600 square feet. The units are large enough to promote spacious living and storage areas. Variance relief is needed for the garages. Garages are not spelled out as permitted accessory uses but the settlement agreement provides the applicant the ability to respond to market demand. There will be a certain number of people that will value an enclosed area for their vehicles. Variance relief is needed for the lot area. The lot size is 23.703 acres. In order to comply, a subdivision would be required to reattach the 0.703 acres to the homes that have been created to the south. A variance is needed to permit the free standing sign and for the height of the sign. The public would benefit from a sign at the corner that marks the location of the age-restricted community. The applicant could work with the Board to reduce the size of the finials if requested by the Board. Variances are needed for the various fence heights. The heights proposed are necessary to provide extra screening and privacy.

The variances should be granted based on the C-2 criteria where the proposal advances various purposes of the Municipal Land Use Law. This project promotes purpose A, E, G and L. The project encourages the appropriate use of land, promotes the appropriate population densities, provides sufficient space in appropriate locations for a variety of residential uses and encourages senior citizen housing. The benefit of having two buildings rather than four is that it helps reduce impervious coverage and increase open space. It allows for better access to the units and amenities. The lot area variance should be granted based on the C-1 criteria. There is no detriment to the public good or the zone plan. The benefits of the proposal substantially outweigh any detriments associated with the relief.

Ms. Goldman gave the history of the settlement agreement of the affordable housing litigation and discussed the requested variances and design waivers. The applicant is proposing the conservation deed restricted area along the rail line in this phase only. The garages have to be constructed concurrently with, not before, the main buildings. They will require an exception from the tree planting requirement. An exception is also needed for the height of the parking lot lights since the cap is a few inches over the 20 feet.

Chairman Campeas asked about the timing of the landscaping adjacent to the existing residential lots. Mr. Lopez said it would have to be done after the earthwork is completed.

Anthony Lopez was sworn in. Mr. Lopez discussed the Environmental Resolutions, Inc. review memo. His office has been communicating with the applicant's engineer and the remaining outstanding items are minor in nature.

Mr. Fishinger testified the trip projections they submitted show the project is still roughly within the original projections for what the traffic light on Route 206 and the roads were designed for. Even without the garages, they will meet the RSIS parking requirements.

Mr. Shimanowitz and Ms. Ruskan discussed the memo issued by the Police Department dated August 29, 2019. An "emergency access only" and "no parking" signs will be posted on Scarborough Road at the point where the fire lane is proposed.

Mr. Glockler asked about the security plans for the building. Mr. Shimanowitz said it will always be locked with a security access mechanism. Emergency services will have access through a box with codes.

Mr. Larsen and Ms. Ruskan discussed the Environmental Commission's memo. The applicant will use energy efficient materials and appliances but they will not seek LEED certification. The applicant is not proposing pervious pavement or rain gardens. The overall development was designed for overall stormwater management. The basins are all ponds. They will make changes to the plant species. There are benches proposed throughout the development. There are "no idling" signs that have been incorporated into the design. There are no trees currently on the site and no habitat for bats so no bat houses are proposed.

Ms. Ruskan discussed Mr. Bartolone's memo dated December 12, 2019. The applicant will work with Mr. Bartolone to make changes to the proposed species to be planted, to relocate the southern property line fence so that it is not located within the swale and modifications to the Central Green Area.

Ms. Ruskan discussed the Open Space Coordinator's memo dated December 3, 2019. The gazebo in the center of the two buildings will be covered so it will provide shade.

Chairman Campeas opened the meeting to the public.

Chris Conry, 12 Windsor Road, was sworn in. Mr. Conry said his major concern is privacy. He asked if the development could be moved closer to Route 206 by moving the buildings 50 feet to the north. Shifting the buildings will allow more room for a buffer. He suggested the fence along the southern property line be moved further into the site running parallel to the fire lane. He is concerned that the rear of the existing lots will become an entertainment center or social gathering center for the rental units. He suggested the patio and gazebo areas be moved to another location on the property. Moving the buildings will open up the opportunity to plant more trees and landscaping between the homes and the rental units. The trees should be a minimum of 10 or 12 feet at the time of planting rather than 6 feet.

Vikas Mehta, 21 Windsor Road, said he recently moved to the Township. Montgomery is known for open green space. What is being proposed is what is seen in Jersey City or Seacaucus. He asked the Board to require a plan that fits more into Montgomery Township. He asked if the apartments could ever be converted to non-age restricted units. He asked if the basin is for the entire community or is it exclusively for the apartments and who would be responsible for the maintenance.

Mr. Shimanowitz said the Court Order requires them to be age restricted and they are rental units.

Kevin Hayes, 1 Laurian Place, was sworn in. Mr. Hayes testified that Detention Basin 4 is designed specifically for the runoff from Scarborough Road and this particular site. The maintenance of that pond is strictly upon Country Club Meadows or Meadows at Montgomery. It has nothing to do with the Homeowners Association.

Pankaj Sinha, 32 Windsor Road, was sworn in. Mr. Sinha said the proposed fence stops at lot number 13 and wondered why it wasn't continued. He asked if there were any plans to fence and secure the area along the railroad track.

Ms. Ruskan said the fence is stopping there because of the proximity to the backyard and the garage area. There is a large berm that provides screening to the garage areas at a higher elevation than the finished floor of the garages. The fence is for screening and is not a security measure. There are no plans to put a fence along the railroad tracks.

Mahesh Challuri, 2 Windsor Road, was sworn in. Mr. Challuri's primary concern is privacy. The three story building with balconies and the trails will impact the privacy of their backyards. The Board has to consider the neighboring properties privacy concerns. He asked when the trail lights would be on.

Ms. Ruskan said the bollards will be on dusk to dawn. The bollard will be 42 inches high and will be screened by the berm, the evergreen landscaping and the fence.

Haresh Mirchandani, 24 Windsor Road, was sworn in. He is concerned that even with the buffer the parking lot lighting will be intrusive. He requested that the parking garages be moved within the area encircled by the buildings.

Vinod Kumar, 6 Windsor Road, was sworn in. Mr. Kumar is concerned with the three story building and the impact on privacy and the noise from the patio areas. He wondered if there would be any restrictions on its use. He asked if there would be any water runoff from the property.

Mr. Shimanowitz said there would not be any restriction on when it could be used. Ms. Ruskan said there would be a swale to capture any runoff. Within the swale there is a pipe that will be connected to the storm sewer system and will ultimately go to the detention basin across the street.

Wei Xie, 10 Windsor Road, was sworn in. Mr. Xie testified the sump pumps are connected to a pipe that runs out to their rear property line. If the fence is installed it will block the pipe.

Ms. Ruskan testified the fence is a solid vinyl fence that will be approximately 4 to 6 inches above the ground. There was discussion about moving the fence to allow the drainage swale to function.

Himanshu Dey, 18 Windsor Road, was sworn in. Mr. Dey testified that he is the closest to the gazebo and privacy is the biggest concern. He asked if the property could be moved 50 to 60 feet away for a bit more room and privacy.

Urvi Mehta, 21 Windsor Road, was sworn in. Ms. Mehta asked the Board to consider moving the building further away from the existing single family homes and reducing the number of units to provide more open area and privacy.

June Fulton, 12 Windsor Road, was sworn in. The lot sizes of the Windsor Road homes are very small with small houses. The three story building 75 feet from the property line will not allow any privacy. She wondered if the walking path between the existing homes and the apartment building is necessary and if it could be eliminated. The fence should be moved to the emergency lane. In front of the gazebo there is a 20 foot light that will shine into their backyards which is also a privacy issue. She wondered if it could be relocated. The building should be moved further away to provide more privacy.

Manog Bhagwat, 153 Scarborough Road, was sworn in. He asked about the detention basin maintenance.

Mr. Shimanowitz replied that the landlord is responsible for the maintenance. It is not part of the Homeowners Association for the single family lots.

Mr. Conry asked for clarification about the timing of the lighting. Lights from the front of the property shoot through the gazebo area and will most likely impact three or four houses. He asked why lighting is needed on the pathway all night. He asked how the rain water is handled off the buildings and if the residential homeowners could have their sump pump pipes tap into the swale. He would like to see a higher fence moved closer towards the emergency road.

Ms. Ruskan testified all the lights are proposed to be on from dusk to dawn. The patios will not be lit and there are no lights proposed in the gazebo. The light intensity at the property line is zero footcandles. All of the buildings will have roof drains and connect to a subsurface storm sewer system. The swale has a French drain below grade so it will allow any subsurface water to get into the swale.

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

Mr. Shimanowitz addressed some of the concerns that were raised. The main thrust of the comments was privacy and the relationship of the proposed development to the patio homes. Each owner of the homes along Windsor was given a site map that showed the development with their contract. Copies of the information provided to the buyers will be entered into evidence.

Chairman Campeas suggested a time restriction on the use of the patios and gazebos. Mr. Shimanowitz said they would comply with the sound ordinance. He asked if they could put the additional 0.7 acres they are requesting the variance for between the proposed building and the patio homes to provide a little more buffer.

Mr. DeRochi agreed and said it would provide about a 10 foot to 15 foot offset.

Mr. Conry agreed they were given information about the future plans. The document said there would be a three story building but it didn't specify how close it is to the property line.

Ms. Roberts said she would like to see additional information about the evergreen plantings in the buffer, their predicted maximum height that they would grow and approximately how much they will grow each year.

The application was continued to the January 6, 2020 Planning Board meeting to allow the applicant time to address some of the issues raised, specifically if the property could be shifted 10 or 15 feet. No further notice is required.

## V. MINUTES

### November 18, 2019 – Regular Meeting

A motion to approve the minutes was made by Mr. Mani and seconded by Ms. Bell. The motion carried on the following:

Ayes: Bell, DeRochi, Jaffer, Mani, Matthews, Roberts and Conry

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.