

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REORGANIZATION AND REGULAR MEETING
JANUARY 7, 2013**

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: Mr. Conforti; Ms. Davis; Ms. Dyer (arrived 7:35 p.m.); Mr. Matthews; Mr. Sarle; Mr. Some; Mr. Smith; Mayor Trzaska (left at 7:45 p.m.); Mr. Wilson (arrived 7:35 p.m.); Mr. Glockler, Alternate No. 1; Mr. DeRochi, Alternate No. 2; Mr. Madrid and Mr. Mani, Advisors

ALSO PRESENT: Francis P. Linnus, Esq., Board Attorney; Mr. Cline, Board Engineer; Ms. Coppola, Board Planner; Mr. Bartolone, Board Landscape Architect; Ms. Savron, Secretary

I. SWEARING IN OF NEW MEMBERS

Mr. Linnus swore in new members Glockler, Smith, Conforti and Sarle.

II. REORGANIZATION

A. Election of Officers

1. Call for Nominations for Chairman

A nomination of Mr. Some was made by Mayor Trzaska which was seconded by Ms. Davis.

There being no further nominations, a motion to close nominations was made by Mr. Conforti, which was seconded by Mayor Trzaska. This carried on the following voice call vote: Ayes (9) Nays (0)

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

Ayes: Conforti, Davis, DeRochi, Glockler, Matthews, Sarle, Some, Smith and Trzaska

Nays: None

2. Call for Nominations for Vice Chairman

The nomination of Mr. Matthews was made by Mayor Trzaska, which was seconded by Mr. Smith.

There being no further nominations, a motion to close nominations was made by Mr. Conforti, which was seconded by Mayor Trzaska. This carried on the following voice call vote: Ayes (9) Nays (0)

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

Ayes: Conforti, Davis, DeRochi, Glockler, Matthews, Sarle, Some, Smith and Trzaska

Nays: None

3. Call for Nominations for Secretary

The nomination of Mr. Conforti was made by Mr. Smith, which was seconded by Mayor Trzaska.

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

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

Ayes: Conforti, Davis, DeRochi, Glockler, Matthews, Sarle, Some, Smith and Trzaska

Nays: None

C. Appointment of Recording Secretary

The nomination of Ms. Savron as Recording Secretary was made by Vice Chairman Matthews, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska

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 2013 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 4	July 1, 15	December 2, 16
March 4, 18	August 5, 19	January 6, 2014
April 1, 15	September 16	
May 6, 20	October 7, 21	
June 3, 17	November 4, 18	

A motion to adopt the Planning Board meeting schedule was made by Mayor Trzaska, which was seconded by Mr. Sarle. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska
Nays: None

Mr. Linnus swore in Mr. Cline, Ms. Coppola and Mr. Bartolone for the entire year.

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 2013 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. 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.

February 11	August 12
March 11	September 9
April 8	October 14
May 13	November 12
June 10	December 9
July 8	January 13, 2014

A motion to adopt the Site Plan/Subdivision Committee meeting schedule was made by Ms. Davis, which was seconded by Mayor Trzaska. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska
Nays: None

D. Designation of the Official Newspaper

The official newspapers 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 Mr. Sarle, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska
Nays: None

E. Appointment of Subcommittees

1. Site Plan/Subdivision Committee

- | | |
|----------------------------------|-------------------------------|
| Member 1: Mr. Some, Chair | Member 2: Mr. Conforti |
| Member 3: Mayor Trzaska | Member 4: Ms. Dyer |

2. Master Plan/Land Development Ordinance Update Committee

- | | |
|-------------------------------|--------------------------------|
| Member 1: Mr. Some | Member 2: Mayor Trzaska |
| Member 3: Mr. Matthews | Member 4: Mr. Smith |

3. Planning Board Liaison to Traffic Advisory Committee

Member 1: Mayor Trzaska

4. Planning Board Liaison to Economic Development Commission

Member 1: Mr. Conforti

Member 2: Ms. Davis

F. NJ Federation of Planning Officials - Renewal of Membership

Combination Membership - Planning Board Membership – \$180.00

A motion to renew the NJPO membership was made by Vice Chairman Matthews, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska

Nays: None

G. Appointment of Professional Services under the “Local Unit Pay-to-Play Law”

Chairman Some read the resolution to appoint the following professional staff:

1. **Appointment of Legal Counsel – Francis P. Linnus**
2. **Appointment of Board Planner – Coppola and Coppola Associates**
3. **Appointment of Traffic Engineer – McDonough and Rea Associates**
4. **Appointment of Landscape Architect – Richard Bartolone**
5. **Appointment of Board Engineer – Remington Vernick & Vena Engineers, Inc.**

A motion to appoint the professional staff was made by Mayor Trzaska, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska

Nays: None

III. PUBLIC PARTICIPATION

There was no public participation.

IV. ADMINISTRATIVE BUSINESS

A. RESOLUTIONS

Case PB-09-12 Applicant: JER/Herring Orchard, LLC
Block 28001 Lot 5.01
Submission Waivers

A motion to memorialize the resolution was made by Vice Chairman Matthews, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Matthews, Trzaska and Some

Nays: None

Case PB-11-12 Applicant: King Interests, LLC
Block 28005 Lot 65
Submission Waivers

A motion to memorialize the resolution was made by Mayor Trzaska, which was seconded by Mr. Conforti. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Matthews, Trzaska and Some

Nays: None

V. APPLICATION

Case PB-13-12 Applicant: New Jersey American Water
Block 28001 Lot 6
Submission Waivers and Preliminary and Final Major Site Plan with Conditional Use and Bulk Variances
Expiration Date – 120 Days from Submission Waiver Approval
Affidavit of Notification and Publication Required

Christopher Tarr, Esquire represented the applicant. Notice was found to be in order. Mr. Tarr, Mr. Petrella and Ms. Goldman have been retained by Bristol Meyer Squibb. This project is to take water from a tank in Princeton Township, run it down Cherry Valley Road out to Bristol Meyers Squibb research site in Hopewell Township and replace their well water with public water. The application is for an underground facility to re-chlorinate the water to add more chlorine. New Jersey American Water has authorized them to come before the Board.

Mr. Ralph Petrella and Ms. Emily Goldman were sworn in.

Mr. Petrella gave his credentials and was accepted as an expert in civil engineering. Ms. Goldman gave her credential and was accepted as an expert in planning.

Mr. Tarr described the submission waivers.

Mr. Petrella referenced sheet CE-2 and described where the development and the woods are located on the site. The plan show what the drip line is as it currently exists. The applicant does not propose to install any landscaping. The Board's professionals had pointed out in their reviews that the Water Company had been before the Board in 1996 for the building. The landscaping approved as part of that application either died or was not installed. Mr. Tarr agreed to install that landscaping as part of this application. The Board accepted the prior approved landscape plan for this project.

Mr. Tarr discussed the question as to why there is a 60' extra width for Route 206 in front of the property. It appears that the Township Engineer at the time requested it. The width as shown is not consistent with the current Master Plan. Ms. Coppola said that without a title search there is no way to know if there are any specific restrictions associated with 60' distance. The proposed chamber is not within the 60' but the driveway to the chamber will be within the reservation area. The Planning Department tried to research where the 60' reservation came from and it appears that it came about with the Township Engineer but it is not definitive. They do meet the half width requirement in the Master Plan for Route 206 so there is no need for additional dedication of right-of-way. Ms. Coppola recommended that the requirement be waived for completeness and if during testimony the Board has concerns the applicant can provide additional information. The Board asked the applicant to provide the title search.

Mr. Tarr testified that everything on the property is in the stream corridor except the little piece in the bottom corner which is close to the residential neighbor. The applicant would like to keep the chamber as far away from the residential property as possible. Ms. Coppola noted that the applicant is now showing the stream corridor so the submission requirement has been met.

Mr. Tarr said that in 1996 the Water Company promised to file a conservation easement but it was never filed. American Water has agreed to file the easement at this time. There are no other easements on the property other than linear utility easements along Route 206. Ms. Coppola recommended waiving the requirement to show the locations of the other easements for the purpose of completeness. The title search can be submitted to the Board professionals for review to see if there are any issues. If there are issues the applicant will come back to the Board.

Ms. Coppola said the DRC recommended approval of the other submission waivers the applicant requested as shown on the checklist submitted with the application.

A motion to approve the waiver request as submitted was made by Mr. Conforti, which was seconded by Mr. Glockler. This was carried on the following roll call vote:

Ayes: Conforti, Davis, DeRochi, Dyer, Matthews, Sarle, Some, Smith and Trzaska

Nays: None

Mr. Tarr testified that in 1996 the applicant was required to place a stop sign at the end of the driveway. The frequency of visits is minimal. The condition of the prior resolution requiring the stop sign is no longer required.

Mr. Petrella testified that this pipe serves the southern portion of Montgomery, portions of Princeton Township, Hopewell Township and Hopewell Borough. The vault is proposed to be 30' from the property line rather than the required 125'. Mr. Petrella explained how the chlorination occurs. The location of the vault is a function of the time for how long it takes the computer to read what the levels are as opposed to what it will be. It is located in the best space for the distance for the timing in order to add the chlorine. This serves the general welfare by properly chlorinating the public water supply. The vault will not be any taller than 12" out of the ground. The chamber is pre-cast concrete. The limit of disturbance is approximately 6,000 square feet. It is not anticipated that there will be topsoil stripping so any unusable materials will be removed from site. There is enough room on site for the construction vehicles. The exterior work should take 3-4 weeks.

Mr. Tarr discussed the variance needed for the stream corridor. The stream corridor is on almost the entire site and the width of the corridor cannot be reduced as required by ordinance so a variance is needed. Ms. Coppola suggested that the conservation easement area be expanded to include the wooded area. Mr. Tarr said that New Jersey American Water did not want to increase the conservation easement. It is uncertain whether additional pumps may be necessary in the future and if the easement area is expanded they would be precluded from expansion.

Chairman Some said he is concerned with expansion and suggested that the applicant comply with Ms. Coppola's recommendation. It will be a condition of approval.

Mr. Tarr discussed Mr. Cline's memo. Signage is proposed on the structure itself as required by OSHA. It will not be visible unless standing over top of it. Permits will be obtained from NJDOT. After 911 utility companies hardened their sites and a fence was installed around the building that was not part of the original approval. The fence will be part of this approval. Mr. Bartolone will work with the applicant to screen the fence with the trees to be planted. The chamber will be padlocked for security.

Ms. Goldman said the variance for the front yard setback can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan since the injection chamber will only be a maximum of 12" in height and is not a large structure. It will not adversely affect the safe comfortable enjoyment of the property rights of the surrounding area.

Chairman Some opened the meeting to the public. There being no public comment, the meeting was closed.

Ms. Davis asked if there was any negative impact to the neighbor to the south. Ms. Goldman said they will be impacted during construction.

Mr. Smith said he was concerned with traffic safety during construction. He wondered if the Board could impose time limits on construction to minimize the effect on Route 206 traffic. The Board asked the applicant to take into consideration the traffic on the highway and try their best to work around peak traffic hours.

A motion to approve the application was made by Mr. Conforti, which was seconded by Ms. Davis. This was carried on the following roll call vote:

Ayes: Conforti, Davis, Dyer, Glockler, Matthews, Sarle, Some and Smith

Nays: None

VI. MINUTES

December 17, 2012 – Regular Meeting

A motion to approve the minutes was made by Mr. Conforti, which was seconded by Ms. Dyer. This was carried on the following roll call vote:

Ayes: Some, Matthews, Conforti, Davis and Dyer

Nays: None

Mr. Wilson signed the new member affidavit.

There being no further business to come before the Board, the meeting was adjourned at 8:30 p.m.