

MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
APRIL 1, 2013

Chairman Some 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 Some; Vice Chairman Matthews; Mr. Conforti; Ms. Davis; Ms. Dyer; Mr. Sarle; Mr. Smith; Mayor Trzaska; Mr. Glockler, Alternate #1; Mr. DeRochi, Alternate #2 (arrived at 7:37 p.m.); Mr. Madrid and Mr. Mani, Advisors

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

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. APPLICATIONS

Case PB-11-12 **Applicant: King Interests, LLC**
Block 28005 Lot 65
Preliminary and Final Major Site Plan with Variances
Expiration Date – 5/31/13
Affidavit of Notification and Publication Requested

Notice was found to be in order. Richard Schatzman, Esquire represented the applicant. The application is for amended site plan approval to erect a drive thru bank in the front yard of Village Shopper III together with parking, landscaping, reconstruction of an existing detention basin and lighting. The property is located on Route 206. Walter Bronson with ACT Engineers (1 Washington Boulevard), Dan DiSario with Langan Engineering (989 Lenox Drive), Gerald Lenaz with Lenaz Associates (349 Nassau Street) and William F. King, III (219 Nassau Street) were sworn in.

Mr. Bronson gave his qualifications and was accepted. Mr. Bronson gave an overview of the project. He referenced a Google image of the site entitled Aerial Plan dated 3-28-13 which was marked as Exhibit A-1. The site is approximately 4.73 acres. The project is in the HC zone. The site is accessed by an existing signalized driveway. Mr. Bronson referenced the site layout and utility plan. The proposed bank is approximately 2600 square feet and will be located in the southeast corner of the property. A drive thru lane will go around the bank to a teller window and an ATM window. There will also be an ATM in the lobby. The existing spaces along the front area of the site will be replaced with 14 parking spaces along south side of the lot. There is a banked parking area proposed in the southwest corner of the site. The existing site is approved for 149 parking spaces including 9 banked spaces. The proposal is for 162 parking spaces and 40 banked for a total of 202 spaces. The property has 425' of frontage along Route 206 and the depth of the lot is 435'. The front yard setback to the bank is 15.25'. There is an existing 27' strip of land owned by Township between the property line and the right-of-way line of Route 206. This strip was dedicated in 1988 and reduces the available setback from the highway. The parking setback is reduced to 0.59' on the new parking stalls and a variance is needed. There is a 1.2' setback to the driveway going around bank. The 18.2% FAR conforms to the ordinance. The lot coverage without the banked parking is 56.2% where 55% is allowed. If the banked parking is constructed the impervious cover would increase to 62%. If the right-of-way dedication was included in the calculations, the lot coverage would be 53.5% and 58.8% if banked parking is constructed. The building height remains at 30' and conforms. The site slopes southwest to northeast. The existing detention basin will be reworked. There will be an encroachment on previously disturbed areas within the stream corridor. All the impervious from around the bank pad will get collected in a system and discharge into a forebay which provides the water quality treatment. The clean water which comes off the roof goes directly into the detention basin. If the banked parking is built it will slope from west to east, sheet flow across the parking lot and into a bioretention swale. The bioretention swale provides the water quality treatment and goes ultimately into the detention basin. They will meet all the ordinance and DEP stormwater regulation requirements for a major storm event. The bioretention basin and sand filter will also meet the groundwater recharge requirements. Utilities will be installed underground. Mr. Bronson referenced the landscape plan. There are three (3) or four (4) trees around building but mostly it is low shrubbery and ground cover in the islands and around the front of the bank. There is a heavier screening between the drive through lane and Route 206 to help with headlight glare onto the highway. Additional shrubbery is proposed in front of the 10' tall retaining wall to help soften the look. The shrubbery along Route 206 will be 18-24" when first planted. Mr. Bronson referenced the lighting plan. All of the proposed parking lot lighting is either relocated fixtures that are already there or new

fixtures of the same type. There will be lights under the eave of the bank to meet the special requirements for ATM machines. The two ATM areas are considerably brighter than what the ordinance typically allows otherwise the lighting plan complies with the ordinance. Mr. Bronson discussed the Construction Detail sheet. The first thing to be done on the project is to construct the new parking along south property line. As soon as those stalls can be opened up the modifications to the basin will begin and then the bank and drive through will be constructed. The banked parking will be a separate phase. The Somerset Union Soil Conservation District (SUSCD) has issued their approval. Approval is needed from Somerset County Planning Board (SCPB) and Delaware Raritan Canal Commission (DRCC). There are no impacts to wetlands and DEP approval is not needed.

Mr. Schatzman discussed the right-of-way dedication along Route 206 that was done in the late 1980's.

Mr. Schatzman and Mr. Bronson discussed Mr. Cline's memo dated March 28, 2013. The applicant will enter into a Construction Sequence Agreement. The HVAC equipment will be screened. The eleven (11) spaces in Phase II were done in porous pavement to provide water quality treatment to dump directly into the basin. The water quality treatment for the new impervious proposed is handled in the forebay and then water quality for the banked parking is provided in the bioretention swale. The submission to the DRCC has to show that they meet the nonstructural point system which this project does not. Since it does not a Low Impact Development (LID) worksheet was submitted to DRCC and some of the banked parking may have to be porous pavement to increase water quality treatment. A maintenance manual was prepared for the porous pavement. Soil borings and perc tests for the two water quality features are required by DRCC. A geotechnical investigation will be performed in the area of banked parking which was previously the septic system. If soil needs to be removed or imported, the applicant will come back to Board. Wheel stops will not be provided for the parking spaces along the retaining wall since there is a 2' grass strip between the parking spaces and wall. The details of fence on Sheet 12 will be addressed at conformance. The applicant has no objection to a concrete footing for the fence. The Board's professionals suggested providing a sidewalk that will run from the banked parking and then a cross walk to the front of the stores. Mr. Bronson is concerned with the island and light pole. The island is in that location because it is the best location for the pole to evenly provide lighting. There is a 3' drop in the area from the adjoining property to the parking stalls and it would be difficult to install the sidewalk. Mr. Bronson suggested striping a pedestrian walkway that would come down along the edge of the driveway entrance, cross the driveway and then run up along the side of building to the front of stores. The Master Plan Road is included in the Developers Agreement for the prior approval that was filed in the County Clerk's office. The applicant has not obtained title of Village Shopper II. There is about an 11' grade change from the back of Village Shopper I and II to the banked parking and Master Plan Road area which equates to about 10%. It will take some engineering to design the road that will go up the hill. The dropping of the parking lot in grade will help to enable the transition up the hill. The applicant's proposed plan will not prohibit future development of the Master Plan Road. The DRCC has maintenance easement underneath the nine banked parking spaces that were previously proposed. Those nine spaces will be porous paving. When the larger banked parking area is constructed the easement will move from the spaces to the swale which will become the water quality feature. The applicant will inform the DRCC about the Master Plan Road to see if it will influence their approval. The Township Engineer will calculate the sewer fees.

Mr. Schatzman and Mr. Bronson discussed the Coppola and Coppola Associates March 27, 2013 memo. The applicant will use the same detail on the retaining wall between drive thru and basin. The retaining wall will be brought up above grade about 18" and then a railing on top. It will be the same detail as approved for Phase II and is entitled "Basin Retaining Wall/Railing Detail" and is not dated. It is shown on the Phase II preliminary and final plans. The lighting will be turned off 30 minutes after the bank closes. Twenty percent (20%) of lighting will remain on for security. All sign lighting will be turned off on the bank. The building mounted light will be removed off the south corner of the building.

Mr. Schatzman and Mr. Bronson discussed Mr. Bartolone's memo dated February 28, 2013. The applicant will try to reinstall the seven trees to be disturbed on site somewhere in consultation with Mr. Bartolone. If they can't reinstall the trees, money will be deposited in the tree bank. The applicant will screen the utility boxes, transformer and the air conditioning unit. The applicant will work with Mr. Bartolone to screen along the east side of the driveway to keep headlights out of Route 206.

Mr. Rea said that the issue of the pedestrian linkage between the banked parking and the sidewalk in front of the stores has been adequately addressed and Mr. Bronson's alternate proposal is acceptable. The employees of the new restaurants and the rental cars will be parked in the banked spaces.

Mr. DiSario, Langan Engineering, gave his qualifications and was accepted. The total square footage is 37,311 square feet. There will be 202 parking spaces including the banked spaces. The total parking supply including the banked spaces equates to 5.41 spaces per 1000 square feet. The ordinance has two different requirements;

one for restaurant and one for retail. The ordinance requires 5 spaces for 1000 of retail and 1 space for every 3 seats for the restaurant space for a requirement of 213 spaces. The 11 space shortage is de minimis as it relates to anticipated parking demands of the center. Different uses have peaking characteristics in terms of their parking demands so there is a synergy between uses. The parking analysis was prepared with the worst case scenario in mind. Most weeks out of the year the spaces won't be used. The Institute of Transportation Engineers (ITE) issues a Parking Generation publication which includes parking demands for various land uses. For a shopping center, the ITE December average parking demand is 4.67 vehicles per 1,000 square feet and the applicant is providing 5.41 spaces per 1,000. The proposed parking is adequate for demands that will occur on site. ITE does recognize the more restaurant space there is in a shopping center the parking demand characteristics change. ITE recommends looking at a shared parking analysis if there is 10%-20% restaurant occupancy. The Urban Land Institute (ULI) shared parking analysis for December is about 200 vehicles as worst case demand. The other dates of the year would range from 160 to 175 based on the shared parking analysis (based on a national average). New Jersey sites typically generate less parking demand than the national average demands. The applicant would like to evaluate actual parking demands as occupancy occurs and then make a determination of when and if banked parking is needed. This will be done in consultation with the Township Traffic Consultant and Township Engineer. Mr. DiSario suggested the evaluation be done at 80% occupancy of the overall center and Mr. Rea suggested when the next restaurant goes in.

Ms. Davis asked when it will be evaluated again after the 80% occupancy evaluation. Mr. DiSario responded that it would be evaluated again at full occupancy.

Mr. Smith asked if the Enterprise cars will be parked in the back. The Enterprise lease allows 10 cars and 5 employees.

Mr. Rea said he agrees with Mr. DiSario's testimony regarding the shared parking analysis. If banked parking was built there would be enough parking for what is being proposed. The only concern is the amount of restaurant space. Some of the seating within the sushi restaurant and the existing Italian restaurant will be decreased to a level that will allow them to put more seats in the two new restaurants. He did not think the banked parking is necessary for the Thai restaurant but may be needed when another restaurant comes in. The second story of Phase II has to remain office space.

Mr. King testified that they will not lease to a fitness center or health club.

Mr. DiSario said that the sushi restaurant, the Italian restaurant, Subway, the Thai restaurant and a future unnamed restaurant will occupy 10,521 square feet and will have 236 seats. The balance of the square footage will be the bank, traditional retail and office.

Mr. Glockler asked about the outdoor seating. Mr. Schatzman explained that the outdoor seating is a general amenity. There are about 20 seats but they are not for any particular restaurant. The restaurants will not serve to the outdoor seating. Mr. Glockler asked if the outdoor seating will impact parking. Mr. DiSario said it wouldn't because there is no difference between eating in your parked car or at the outdoor table.

Chairman Some said the parking will be evaluated when the lease for the next restaurant is signed. He is concerned with the rental car parking. Mr. King said they have been told that they have to be parked in the rear. There are times that some of the cars have to be made ready for customer pick up and will be put in front.

Mr. Glockler asked if there will be some sort of signage provided to notify people the parking is there. Mr. King replied that the banked parking will be primarily for employees.

Gerald Lenaz gave his qualifications and was accepted. Mr. Lenaz referenced the overall site plan and discussed the variances. The variances can be segmented into two categories. They are hardship or flexible variances. The hardship variances include the parking area along the southern line which will be 0.58' to 5' where 15' is required and the construction of the small part of the bank drive through area that is from the edge of the current basin up the green area in the front of the parking area. It is about 7,000 square feet in area. The two variances are triggered by the physical conditions of the site that are unique to this property. There is a stream area on the north side of the property which pinches the site inward. From Route 518 up to this property, this is the only property that has a stream corridor. In the recent approval for the expansion, the applicant dedicated a 60' easement to DRCC along northern property line which impacts the application. The placement of the building in relation to the setback measurement from the added right of way dedication could also be classified as a hardship variance. This is the only site that has a 93' right of way along Route 206 going south to Route 518. The building to curb line will be 53'. It is physically impractical to locate the bank elsewhere on the property because of existing layout of site. Locating bank in southeast corner completes the overall design of property. The benefits of locating the bank at this location and having its main entrance into

the main parking field allows dual use of the entryway to service the parking field as well as the drive through and the parking spaces in front of the bank. It also allows pedestrian access from the main entrance into the bank building to the other uses in the center. The addition of the bank will eliminate the number of trips in area.

Mr. Lenaz discussed the flexible C2 variances. The lot coverage being requested is 62% if the banked parking constructed. Without the banked spaces the variances would be 56.2% where 55% is allowed. If the 27' dedication was included it would reduce the coverage to 53% if the banked parking is not constructed and 58.8% if it was constructed. The bank drive through driveway is located in front yard with a setback of 27.5' from the 66' right of way or 39' to the actual curb line. Placing the front entrance towards the parking field and having the drive through loop around the back of the building is a better design than having the drive through integrated as part of circulation through the site. A loading area is not needed and therefore not provided. Solid waste is shredded daily and picked up by private hauler. Normal trash is dumped in the dumpster on site by the cleaning crew. A variance and a design waiver are required for the signage. There are 3 wall mounted signs that are on the side of the building that face the parking lot, the main driveway entrance and Route 206. There is a design waiver for the signs that are at the entrance and exit of the drive through. The ordinance permits 1 wall sign 50 square feet in size. The applicant is requesting 3 the total of which would exceed the maximum by 8 square feet. Each of the signs is smaller than the 50 square feet. They are integral to the architecture of the building as opposed to being attached to wall. The directional signs at the ends of the drive through lanes are larger than the 2 square feet to disseminate information. The relief advances the purposes of zoning. They promote a desirable visual environment, promote sufficient space in commercial areas and encourage more efficient use of land. They advance a few of the Master Plan objectives. Commercial development is being concentrated in the highway commercial node, strip development is being discouraged and is part of a trip sharing and parking sharing use. There will be no substantial detriments created. The building will not be visually obtrusive on the Route 206 landscape. It is a one story building and is architecturally pleasing. The applicant will contribute to required restoration to be used in stream corridor project off site. The FAR at 18.2% which conforms to the ordinance. The proposed banked spaces won't impede the Master Plan road construction. The number of attached signs is aesthetically pleasing. The building will not be obtrusive and will pose no hazard to the travelling public. Approving the variances has three public benefits to the community. The variances can be approved without detriment to the public good or impairment to zone plan.

Bill King testified that there will be an ATM in the vestibule and in the drive through. They will be open and accessible at all times. He agreed to contribute per the Open Space Committee memo. The sidewalk will be constructed when he obtains Village Shopper II. In accordance with the Environmental Commission memo he will replant trees on site but if they can't be planted on site he will contribute to the tree bank subject to Mr. Bartolone. High efficiency air conditioning equipment will be used. The bank will coordinate a "No Idling" effort. The bank does not anticipate a queue time of more than 7 minutes. The bank proposes to do a special information session during Earth week and will put out signs about idling. The roof is too small for solar panels. The use of a rain garden and rain barrels is impractical.

Chairman Some opened the meeting to the public for questions or comments. There being no public comment, the public hearing was unanimously closed.

Chairman Some noted that the applicant and his team have met with Site Plan Committee numerous times and there was extensive review of the application. What is before the Board now is a large change from what was originally proposed and the applicant has accommodated all the various issues.

Mayor Trzaska commented that there is not a lot of commercial property along Route 206. The vision the Township has to make the most out of land that is available for commercial uses is very important. He supports the application.

Mr. Glockler noted that the plan is as good as the applicant could make it given what he wants to do on the site. However, it seems the requirement for the variances hint at fact that this may be too much development for this property. He is concerned about the intensity of the development given the property size and shape.

Chairman Some had the same concerns in the beginning of the process but through the hard work between the applicant and the township this is a good final proposal that does the best it can with this property.

Mr. Schatzman said he would agree with Mr. Glockler if the FAR were exceeded but it isn't.

Mr. Linnus summarized that the application is for preliminary and final site plan approval with variances and design waivers. Conditions of approval will include: entering into a Developers Agreement, DRCC approval which may require pervious pavement, soil testing to the satisfaction of the Planning Board Engineer, stormwater maintenance subject to final approval, geo technical investigation, back to the Board for soil removal if needed, no wheel stops, minor revisions for rail fence design, striped pedestrian crosswalk, master

plan road and sidewalks subject to June 15, 2011 agreement, sewer capacity subject to the Township Engineer, landscaping subject to Mr. Bartolone, employees will park in the rear of the site, when the zoning permit for the fifth restaurant is submitted parking survey will be submitted and then again at complete occupancy, compliance with the offset plan by the Open Space Committee and will contribute \$575.00, compliance with the Environmental Commission report as agreed to on the record, revised architectural and site plans to be submitted per page 8 item 5 in the Coppola report, raised wall and fencing along driveway exit, lighting in accordance with item 3 on page 7 in the Coppola memo, the site plans and architectural plans will be revised so they are consistent and screening of transformer and HVAC equipment/utility boxes.

A motion to approve the application subject to the conditions was made by Mr. Conforti, which was seconded by Mayor Trzaska. This was carried on the following roll call vote:

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

Nays: None

IV. MINUTES

March 18, 2013 – Regular Meeting

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

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

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.