

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
JUNE 17, 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. Dyer; Mr. Sarle; Mr. Smith; Mayor Trzaska; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. DeRochi, Alternate #2; Mr. Mani, Advisor

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

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. APPLICATION CONTINUATION

Case PB-05-13 **Applicant: Carrier Clinic**
Block 2001 Lot 2
Preliminary and Final Major Site Plan
Expiration Date – 120 Days from Completeness
Affidavit of Notification and Publication Required

The above application was continued to the July 15, 2013 Planning Board meeting. No further notice will be provided.

IV. RESOLUTION

Case PB-08-12 **Applicant: Richard M. Grosso, Jr. and Mary Grosso**
Block 1001 Lot 35.01
Extension to File Subdivision Deeds

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, DeRochi, Dyer, Matthews, Smith, Trzaska and Some
Nays: None
Abstentions: Sarle

Case PB-10-13 **Applicant: Cherry Valley Homeowners Association and ClubCorp**
Formerly Block 30001 Lots 10, 10.03, 10.04, 1-13, 18-20 and 36 and Block 31001 Lots 22, 25, 27, 28, 32 and 40.01
Interpretation of Resolution S-4-87V Finding of Fact and Condition

A motion to memorialize the resolution was made by Mr. DeRochi, which was seconded by Mayor Trzaska. This was carried on the following roll call vote:
Ayes: DeRochi, Dyer, Matthews and Trzaska
Nays: None

Case PB-03-13 **Applicant: Montgomery Five, LLC**
Block 34001 Lot 60, 61 & 62
Preliminary and Final Major Site Plan

A motion to memorialize the resolution was made by Mr. Smith, which was seconded by Mayor Trzaska. This was carried on the following roll call vote:
Ayes: Conforti, Dyer, Glockler, Matthews, Sarle, Smith, Trzaska and Some
Nays: None

Case PB-02-13 **Applicant: East Country Development**
Block 16002 Lot 9
Amended Preliminary and Final Major Subdivision with Bulk Variance

A motion to memorialize the resolution was made by Ms. Dyer, which was seconded by Mr. Sarle. This was carried on the following roll call vote:

Ayes: Conforti, Dyer, Matthews, Sarle and Trzaska

Nays: None

V. APPLICATIONS

Case PB-04-13 **Applicant: Country Classics at Montgomery, LLC**
Block 6001 Lot 5
Final Major Subdivision
Expiration Date – 7-30-13
Affidavit of Notification and Publication Not Required

Kenneth Meiser, Esquire and Robert Heibell, PE represented the applicant.

Robert Heibell, Van Cleef Engineering, was sworn in. Mr. Heibell was accepted as an expert. The application is for a subdivision of 22 total lots; 20 single family dwellings and 2 stormwater detention lots. The subdivision is located off Montfort Drive. Preliminary approval was granted in March 2003. Final approval has been delayed until sewer capacity became available in the treatment plant. On April 11, 2013, the applicant has received NJDEP Sanitary Sewer Treatment Works approval. At the time of preliminary approval the Township was going to take over the ownership of the two detention basin lots. The applicant now agrees to have a Homeowners Association own and maintain the basins with appropriate easements granted to the Township. The metes and bounds description for the various easements have been submitted to the Board Engineer. The applicant has received approvals from NJDEP for the stream encroachment work, a Letter of Interpretation, Somerset Union Soil Conservation District, Delaware and Raritan Canal Commission and the Somerset County Planning Board. The applicant will construct a pedestrian footbridge across Pike Brook along with a path to the bridge. At the time of preliminary approval the applicant agreed to place iron pins at the points where a conservation easement crosses a property line. Subsequently the Township has adopted an ordinance that now requires monuments to be installed. The applicant proposes to install the pins as required at the time of preliminary. All the proposed landscaping for the project was shown at the time of preliminary and Mr. Bartolone issued a letter of approval on January 18, 2013.

Mr. Heibell discussed Mr. Cline's May 30, 2013 memo. All dwellings will meet the Township height requirement. There was some confusion with item E16 regarding the striping since the road names have changed. The applicant will comply with all of the Engineering comments in the report.

Mr. Heibell agreed to extend the waterline into the new streets from Montfort Drive. Hydrants will be located by the Fire Marshal during construction.

Mr. Heibell discussed Ms. Coppola's memo dated May 20, 2013. Ms. Coppola discussed the conditions that were carried from preliminary. A revised grading plan was to be submitted to reflect the new alignment of Fox Brook Court so the Board could determine whether any restrictions against future improvements on the Lot 5.13 and 5.14 would be needed. They have very limited rear yard area available behind the dwelling. Ms. Coppola recommended that notice be placed in the deeds of the two lots stating that there may be insufficient room on the lot after the construction of the dwelling for any conforming accessory structures or additions. The applicant agreed to put it in the deed. The preliminary approval required that the dwellings on those two lots be placed at the front setback line so that there is some rear yard area. The applicant agreed and there is a note on the plan. Lots 5.11 and 5.12 have some steep slopes in the rear yard area where the applicant's engineer has minimized the grading but there is a 4' retaining wall in the rear of Lot 5.12. Ms. Coppola asked if it was possible to eliminate the wall so it wouldn't become the responsibility of the homeowner to maintain. She suggested a walkout basement. The applicant agreed to attempt to eliminate the wall but at this time it is unknown if there will be a model with a walkout basement. If there is not, it will not be possible to eliminate. The preliminary approval required all roof leaders be attached to grass swales. NJDEP required all roof leaders be discharged to grade. Mr. Cline noted that there have been a number of conditions of the preliminary approval that have been impacted by subsequent DEP permitting. A copy of the DEP permit will be provided. Ms. Coppola noted that the DRCC also has easements on many of the lots and they have a substantial amount of signage and demarcation of those easement areas. In some places they coincide with the Township easement and in other places it does not so the iron pins should be sufficient. Mr. Heibell said the applicant will comply with all the other comments in the memo.

Mr. Bartolone referenced the Environmental Commission memo dated April 5, 2013. The Environmental Commission would like to see "no mow" zones and trees in the detention basin. They would like to see park benches beside the detention basin. This would be subject to Mr. Bartolone.

Mr. Cline and Mr. Heibell discussed the letter dated April 17, 2003 from the applicant to former Mayor Wilson which discussed certain contributions the applicant agreed to make for sidewalks and off tract improvements. The applicant had agreed to post \$750.00 per lot or \$150,000 for road improvements or a traffic light at Montfort Drive and Route 206, \$15,000 toward off-site improvements if the median was not built over the initial 300' of Montfort Drive and \$23,600 for constructing sidewalks on only one side of the street. The applicant agrees to increase the amount to be posted for sidewalk improvements by 40% to account for the increase in cost of construction, which would be \$33,000 for the sidewalk. The total to be posted by the applicant is \$198,000.

Mr. Glockler commented on children playing in the street when there are houses that don't have sidewalks in front of them.

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

Mr. Glockler was concerned with the one entrance into the development from Route 206 and access for emergency vehicles if the entrance is blocked. Mr. Heibell responded that there was a lot of discussion about the Montfort and Route 206 intersection at the time of preliminary which is why the applicant agreed to post money for the improvements. Ms. Coppola noted that there was also discussion about the cul-de-sac connecting to the development to the southeast of the sewer plant but it was determined it would not be feasible to cross the stream. A minor subdivision has also been approved at the end of the cul-de-sac which precludes extending the road any further.

Mr. Wilson asked what can and cannot happen in the conservation easements. Ms. Coppola responded that there is standard language for the Township conservation easements which is fairly restrictive. It does not allow for the clearing of vegetation or the installation of structures. The site is heavily wooded and the trees will be required to remain in the easement area. Mr. Linnus said the easements will show up in the title search so the homeowners will be on notice.

Mr. Heibell testified that there will be a deed description and map, as well as a sales map, so at no point can a potential homeowner claim that they don't have knowledge of the easement.

Mr. Linnus summarized the application. The application is for final subdivision approval. The preliminary was granted in 2003 with extensions and then the approval was covered under the Permit Extension Act. Conditions include compliance with the Open Space report regarding the footbridge, iron pins will be installed on the conservation easements, compliance with the Fire Marshal report, compliance with Jason Cline's report, height requirements will be met, compliance with Cindy Coppola's report, the Environmental Commission report will be monitored by Mr. Bartolone, posting of the money for contributions and the standard conditions.

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

Ayes: Conforti, Dyer, Glockler, Matthews, Sarle, Smith, Trzaska, Wilson and Some

Nays: None

VI. ORDINANCE RECOMMENDATIONS

Ordinance No. 13-1438

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 16-4.2 d. FOR THE MINIMUM AREA AND YARD REQUIREMENTS FOR USES WITHIN THE "MR", "R-5", "R-2", "R-1" AND "R" DISTRICTS

A motion to recommend the ordinance was made by Mayor Trzaska, which was seconded by Mr. Wilson. This was carried on the following roll call vote:

Ayes: Conforti, Dyer, Glockler, Matthews, Sarle, Smith, Trzaska, Wilson and Some

Nays: None

Ordinance No. 13-1440

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AMENDING SUBSECTION 16-6.4 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), REGARDING DEVELOPMENT IN STREAM CORRIDORS

A motion to recommend the ordinance was made by Mayor Trzaska, which was seconded by Mr. Conforti.

This was carried on the following roll call vote:

Ayes: Conforti, Dyer, Glockler, Matthews, Sarle, Smith, Trzaska, Wilson and Some

Nays: None

VII. MINUTES

May 6, 2013 – 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, Dyer, Sarle, Smith, Trzaska, Glockler and DeRochi

Nays: None

May 20, 2013 – Regular Meeting

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

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

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:20 p.m.