

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
AUGUST 17, 2015**

MINUTES

Vice Chairman Matthews 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: Vice Chairman Matthews; Ms. Davis; Mr. DeRochi; Mayor Madrid; Mr. Mani; Mr. Sarle; Mr. Smith; Mr. Wilson

ALSO PRESENT: Mr. Linnus, Board Attorney; Mr. Cline, Board Engineer; Mr. Sullivan, Board Planner; Ms. Savron, Secretary

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT

There was no public comment.

III. RESOLUTIONS

Case PB-02-15 Applicant: Empire Holdings, LRP, LLC
Block 35001 Lot 13
Submission Waivers and Preliminary and Final Major Site Plan with Variances

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

Ayes: DeRochi, Madrid, Mani, Matthews, Sarle, Smith and Wilson

Nays: None

IV. APPLICATION

Case PB-06-15 Applicant: Country Club Meadows, LLC
Block 4001 Lot 33
Block 6001 Lot 1
Block 5023 Lots 2 & 3
Preliminary Major Site Plan and Subdivision with Variance
Expiration Date – 10/17/15
Affidavit of Notification and Publication Required

Ronald Shimanowitz, Esquire, Joe Fleming, PE, David Delle Donne, AIA, Joe Staigar, PE and Art Bernard, PP, represented the applicant. Notice was in order.

Mr. Shimanowitz summarized the General Development Plan.

Michael Sullivan, Board Planner, was sworn in.

Joseph Fleming, 204 Rick Road, was sworn in. Mr. Fleming gave the Board his qualifications and was accepted as an expert in site planning as an engineer. Mr. Fleming gave an overview of the General Development Plan (GDP). The plan was approved December 2014 and was based upon the settlement agreement with the Township. The total project is 190-acres separated into four land areas within the Belle Mead Node on both sides of Route 206. Mr. Fleming referenced the exhibit that was the basis for the General Development Plan which was marked as Exhibit A-1. Area 1 is 125 acres and includes 148 market rate single family homes. Belle Mead Plaza mixed use is 5.5 acres and includes 31,000 square feet of retail/office on the ground floor with 28 apartments, 27 affordable, on the second floor. Area 2 is Pike Run Plaza and is approximately 21.8 acres including the lands vacated by the NJDOT. Area 2 includes 102,000 square feet of commercial retail space with connectivity to Pike Run through Del Marvia Drive. It also includes an 8,000 square foot community operation center. Area 3 is the Continuing Care zone of roughly 20-23 acres. There will be 96 two bedroom senior apartments, 74 independent units, 74 assisted living units and 74 sub-acute care units. Area 4 is 14.8 acres and is the transit commercial site. It will have 22,000 square feet of retail.

Mr. Fleming referenced the Color Landscape Plan which was marked as Exhibit A-2. Infrastructure assumptions have been made for the Continuing Care facility impervious cover and wastewater management provisions have been made but it is not part of the application at this time. Country Club Meadows is consistent with the GDP. There will be 108 single family homes on lots that range from 19,112 square feet to 32,649 square feet. There are 40 patio homes on lots that range from 6,342 square feet to 6,998 square feet. The bulk zoning standards have been met with the exception of the gateway signage at the access points on Route 206. The roadway circulation meets the RSIS standards with a 30' wide cartway and sidewalks on both sides. However, in some instances sidewalks could not be installed because of wetlands

and wetland buffers. Sidewalks will be designed to meet current ADA guidelines. The two access locations on Route 206 have DOT major access approval. Country Club Meadows has four impoundments for stormwater management. The basins will have water in them at all times and they will all have aerators to help with the water quality attributes. The ponds fit in with DEP's description of a best management practice tool. Belle Mead Plaza has one large impoundment that will be shared with the impoundment that will compliment Pike Run Plaza. They will be operating at the same level and will work in concert with each other. The stormwater management plan demonstrates regulatory compliance for peak flow attenuation. Mr. Fleming described the flows for the 2 year, 10 year, 25 year and 100 year storms. The management plan also demonstrates regulatory compliance for water quality. The water is held to achieve 90% removal of total suspended solids. Groundwater recharge and low impact development requirements are met.

Country Club Meadows is served by gravity sewers. They will flow and connect to the sewer system infrastructure built for Pike Run. Wastewater flow values are in compliance with the wastewater management plan. Water will be provided by NJ American Water. The hydrant locations will be established by the Fire Marshal. Telephone, electric and gas will be distributed underground by the respective utility components. The applicant has sought a balance of lighting between a minimalist dark sky illumination strategy and a conventional suburban public safety oriented approach. The lighting on Roads A and B have been lowered to 100 watts. The fixtures are Hadco Deluxe Acorn fixtures. The fixtures are 13' in height. A waiver is requested for the lower lighting levels. Lighting is provided at regular intervals along Road A to Road D, along Road D and along Road B from Road D to Route 206. Every intersection has a light fixture. The landscape plan provides a distribution of deciduous trees, ornamental trees, evergreens and ground cover. The tree totals are 497 street trees, 463 open space trees, 283 buffer zone trees and 404 foundation trees. Mr. Fleming referenced a snapshot of the overall landscape plan on the southern portion of Country Club Meadows which was marked as Exhibit A-3. There will be a 30' wide buffer along the southerly property line along with a 3 rail split rail fence to be installed on the property line. Beyond the 30 foot easement there will be a 10 foot conservation easement on the new Country Club Meadows lots. The planting mix is deciduous trees and evergreens. Landscaping within the properties along Southfield Drive will be supplemented as agreed between Country Club Meadows and those property owners. Mr. Fleming reference Exhibit A-2. Sidewalks, pathways, a neighborhood park and open space areas are provided within the development. A pedestrian bridge is required for the pathway that loops back to Belle Mead-Griggstown and Route 206 and is part of the application to NJDEP. The grades throughout Country Club Meadows are relatively moderate to flat. Berms have been incorporated for screening along the railroad and to shape the view along Route 206. The applicant will give thought to buffering within the area north of Road A.

Mr. Fleming discussed Belle Mead Plaza and referenced Exhibit A-2. Belle Mead Plaza yields a mixed use of retail/office. There are 27 non-age restricted affordable units and one market rate unit on the second floor. The retail/office space will be 31,800 with a portion of that dedicated to the vertical circulation to the residential community above. The building has a gross floor area of 66,402 square feet. The total lot coverage is 63%. Variances are needed for these items as well as for some parking setbacks. Access from Route 206 will be right in and right out. There will be two points of access from Covert Drive. Covert Drive will be extended by the applicant through the Township property to the termination point just beyond the salt dome. The Fire Company has concerns about conflicts with vehicular movements coming in and out of Covert Drive during responses to emergency events. In response, there will be emergency signalization to facilitate safe ingress and egress. Deliveries and trash management will be accommodated with smaller step vans. There is sufficient room for counter-clockwise movement around the back of the building. The number of trash enclosures have been reduced and positioned to the rear of the site. There are 229 parking spaces provided. Lighting will be with LED fixtures mounted at 20 feet. The 20 foot mounting height allows fewer fixtures and safer spreads through the parking lot. There are 79 trees proposed for the parcel including 41 deciduous shade trees, 9 ornamental shade trees and 29 evergreen trees. A recreation park will be constructed just east of Covert Drive as well as a pedestrian path that crosses Crusier Brook with a pedestrian bridge. Belle Mead Plaza will be served by sanitary sewers and NJ American Water. The telephone, electric and gas will be underground. There are three freestanding signs proposed that require variances.

Mr. Fleming referenced the overall preliminary plat which was marked as Exhibit A-4. The map displays the overall lots, defines the roadways, utility easements and conservation easements. The remaining lands for the continuing care component are defined. The Belle Mead Plaza lot is being modified slightly to add to the Covert Drive right-of-way.

Mr. Fleming testified about the design waivers. The sidewalks along the right-of-way will be concrete. It is expected that the homeowners with sidewalk along their frontage will take care of the sidewalk. The pathways on the public open space that the Homeowners Association will own and maintain will be cinder or mulch. There are a few areas where street trees will be spaced more than 50' when necessary to meet site conditions. The applicant will work with the Board Landscape Architect. The street lighting waiver was discussed earlier. The pillar height of the freestanding sign at Country Club Meadows is being exceeded. The design waiver for the parking lot lighting at Belle Mead Plaza is no longer needed. The retaining walls at Belle Mead Plaza are greater than 4' to accommodate the changes in grade. The tree replacement for both sites is based on disturbed area. The areas that are wooded are not included in the calculation. The illumination of the signs has been modified and a waiver is no longer necessary. A minimum exception from the RSIS is being requested requiring sidewalk on both sides of the street. Road A near Route 206 has environmental constraints and Road B has a tight crossing which is restricted.

Mr. Delle Donne, 90 East Halsey Road, was sworn in. Mr. Delle Donne gave the Board his qualifications and was accepted as an expert in architecture. Mr. Delle Donne's work for this project was for the commercial Belle Mead Plaza. Mr. Delle Donne referenced the first floor plan Sheet A-2. It indicates the first floor building area of approximately

31,800 square feet. It has approximately 12 retail units ranging from 1500 square feet up to 3500 square feet. A common area is located at the center of the "L". The common area has an elevator and staircase which serves as access to the apartment level above. There is a sidewalk/walkway at the front (north and west facades) where the entrance doors would be store fronted to the retail spaces. The entrances have a covering. The residential units on the second floor overhang the first floor. The rear facades (south and east) face parking as well as sidewalk in the rear. The façade on the first floor is continuous for the length of the retail on both sides. They each have single access doors that will primarily be used for the loading of deliveries. The center of it contains a trash room, elevator and different storage units that would serve for common area as well as the apartments above. There is approximately 29,000 square feet of retail space and about 2,800 square feet of common area. Mr. Delle Donne referenced the second floor plan Sheet A3. There are 1, 2 and 3-bedroom units. The 1 bedroom units are approximately 800 square feet, the 2 bedroom units are approximately 1,050 square feet and the 3 bedroom are approximately 1,275 square feet. The depth of the building on the first floor is 70 feet and 78 feet on the second floor. There is a center corridor, a staircase on either end, a common corridor for trash room, common lobby, storage, elevator and staircase. There are 27 units plus the managers unit. Mr. Delle Donne referenced a colored perspective rendering looking at the northwest façade which was marked as Exhibit A-5. There is a potential for patio area and outside dining. Each of the corners and the rooflines are highlighted by towers. Materials include a stone veneer, a hard stucco surface of two different colors, siding material and a mix of metal and asphalt shingles. A second colored perspective rendering of the commercial area was referenced and marked as Exhibit A-6. The roofline meets the height requirement. The towers are slightly taller but conform to the ordinance. The building mounted signage is not internally lit. They are a plaquered sign with gooseneck or side lighting on the towers. Mr. Delle Donne referenced Sheet A-2. A variance is required to allow the bump outs in the rear façade of the building. The architecture of the rear will match the architecture of the front. There are ways to break it up with material but the applicant would prefer the way it is proposed.

Mr. DeRochi questioned Mr. Delle Donne. The roofs will be pitched in both the front and back with flat areas within that area for the mechanicals. The mechanicals will be screened by the pitched roof along the rear façade. They do not anticipate any condensing units on the outside, just a vent location. If needed, they will be in the flat roof area. The roofs will be two different colors.

Ms. Davis questioned Mr. Delle Donne. The entrance to the lobby will have some sort of key access.

Mr. Wilson questioned Mr. Delle Donne. The parking spaces in the rear of the building are intended for the residential use. The façade is continuous along the back elevation. The intention is for the mechanical units to be screened. Mr. Fleming discussed the screening when traveling north on Route 206.

Mr. Sullivan questioned Mr. Delle Donne. The applicant will look to see if more windows could be added to the tower. The columns are spaced to allow more store front visibility.

Joseph Staigar, 245 Main Street, was sworn in. Mr. Staigar gave the Board his qualifications and was accepted as an expert in traffic engineering. Mr. Staigar summarized his traffic studies. An original study was prepared for Country Club Meadows and that study encompassed both the single family lots and the continuing care. A NJDOT access permit and a street intersection permit have been obtained for Country Club Meadows. The Belle Mead Plaza report encompasses the single family and continuing care. Traffic counts were taken during the 7-9 am and 4-6 pm peak periods on the weekdays as well as Saturday 12-3 pm peak hours. Count data from 2010 and 2011 were also used. The number of trips was then increased to accommodate for projects that have been approved but not yet built. They also made a 4 year projection and added the annual growth rates published by NJDOT. During the morning peak hours Belle Mead Plaza would generate 93 trips in and out during the morning peak hour, 300 trips in and out during the evening peak hours and 415 trips in and out during Saturday peak hours. The shopping center generates the majority of those trips. About 55% of the weekday pm peak traffic generated by a center of this size is pass by volume already driving by the center. Both the Pike Run and Belle Mead-Griggstown intersections currently run at a Level Service E or better. There is no degradation of service when the traffic is superimposed. The intersection of Belle Mead-Griggstown Road, Grayson Drive and Willow operates at a Level of Service A and B. The right turn in and right turn out driveway for both driveways operate at a Level of Service B. This commercial site is not designed to handle tractor trailer deliveries since a site this size usually does not have that type of delivery. A wheel base 50 tractor trailer can be accommodated but they would not be coming into the site when it is open. Fire trucks and ambulances can access the site. There will be a counterclockwise direction for the deliveries, garbage and recycling pick up. There is good site visibility for the ingress and egress into and out of the site. The proposed signage will provide proper identification of the site. The signs identify the driveway in advance of the site.

Mr. Staigar reviewed the Remington Vernick traffic engineer's letter dated August 13, 2015. Many of the comments have been addressed. The additional information regarding the use of left turn lanes on Belle Mead- Griggstown Road will be provided. The application is being prepared for the NJDOT permits required for Belle Mead Plaza. Improvements will be made to the Pike Run Road intersection. There are no significant improvements to be made to the Belle Mead-Griggstown Road intersection. DOT may require the applicant to make sure the pedestrian access is up to the most current ADA regulations. The applicant will comply with whatever DOT requires at both intersections. The plans will be revised to indicate the anticipated route of all delivery vehicles and that emergency response vehicles can safely maneuver through the continuing care facility site and all retail sites. The rear driveway for Belle Mead Plaza will be revised to indicate a more traditional T-intersection and will be coordinated with the traffic engineer's office. Contingent on DOT approval the plans will be revised to indicate concrete sidewalk along the frontage of Belle Mead

Plaza adjacent to Route 206 and Belle Mead-Griggstown Road. The mid-block crosswalk will be coordinated with the County and Township Engineer.

Mr. Smith asked about the County comments regarding Covert Drive. Mr. Staigar said he believes the County would prefer access to the retail site from Covert Drive and not through a separate ingress and egress onto Belle Mead-Griggstown Road. The applicant has no issue in relocating the ingress/egress from Covert onto Belle Mead-Griggstown Road.

Mr. Wilson questioned Mr. Staigar about how the numbers show that the situation improves when more traffic is added. Mr. Staigar said he will have to review the analysis again. It is anticipated there will be a dedicated left turn lane on Route 206 for movements onto Pike Run Road. Mr. Staigar will look at the timing of the lights further north of the site to see what causes the bottleneck between the light at Route 601/206 and the light at Mountain View Road/206. A preliminary plan has been developed that will be submitted to the County showing notification of the fire department being next door as well as the crosswalk. The applicant is looking at installing signage and beacons to flash when there is an emergency call. They are also looking at solar powered beacons for the pedestrian crossing.

Mr. Staigar clarified that the traffic report gives the peak hourly rates. There are 113 trips during the morning peak hour for the residential and 150 trips in the afternoon.

Vice Chairman Matthews opened the meeting to the public to ask questions of the applicant's witnesses.

Rob Simon, Esquire on behalf of Montgomery Volunteer Fire Company No. 1, 35 Belle Mead-Griggstown Road, addressed the Board. The Fire Company has many concerns with this project but one of the most important concerns is the ingress and egress on Covert Drive.

There was discussion about Covert Drive. The applicant, Fire Company, Township and the County will meet to discuss Covert Drive prior to the next meeting.

Woojin Ho, 30 Muirhead Court, was sworn in. Mr. Ho said he hoped the Board will consider the potential impact of traffic when all the phases are built out. He is concerned with the possible backup of traffic on Belle Mead-Griggstown Road, especially on the weekends, and wondered if there were plans to install landscaping within the Pike Run development to buffer the existing houses.

Art Bernard, 77 North Union Street, was sworn in. Mr. Bernard gave the Board his qualifications and was accepted as a professional planner. The site is within the BMPUD zone. The settlement and ordinance provide for single family homes and a commercial area that will include affordable housing rentals. The uses proposed are all permitted by the ordinance but there is bulk relief required. Variances are needed for the size of the retail office space where the ordinance permits 31,000 square feet and the proposal is for 31,801 square feet. The gross floor area is limited to 61,000 square feet and the area provided is 66,402 square feet. The footprint and gross floor area were approximated during the settlement discussions. When laying out the building the applicant found that 61,000 square feet would provide very small livable spaces for the tenants when the common areas are factored in. A 1-bedroom apartment will be approximately 840 square feet, a 2-bedroom will be approximately 1,050 square feet and a 3-bedroom apartment will be approximately 1,250 square feet. Variances are also needed for the impervious coverage. The ordinance permits 60% and the proposal is 63%. The landscape coverage that is required to be 40% the applicant is providing 37%. There are variances needed for parking setbacks and for trash enclosure setbacks. The parking setback to the adjacent property to the south is 15' and the applicant is providing 8'. The parking setback to Covert Drive is 25' and the applicant is providing 8.83'. The parking setback to the northern property line along Belle Mead-Griggstown Road is 25' and the applicant is providing 20'. The trash enclosure setback to the rear of the property is 15' and the applicant is providing 2'. The setback for the wet basin is 25' and the applicant is providing 24'. One loading space is required and none are proposed. The facilities will be served by box trucks for deliveries. All sides of the building are required to have a similar finish and the first floor in the rear of the building does not have the visual breaks that are required by ordinance. There are a number of sign variances needed. For Country Club Meadows the northern entrance is permitted one community identification sign and the applicant is providing two. A variance may be needed for the size of the signs where 30' is permitted. The applicant calculated the size to include the entire area of the wall and fence and is therefore 640 square feet on the northern entrance and 183 square feet on the southern entrance. The sign itself that is set into the fence may comply with the 30' requirement. Belle Mead Plaza is permitted one freestanding sign and the applicant is proposing three. The height of the freestanding sign is limited to 8'. The freestanding sign at the corner of Belle Mead-Griggstown Road and Route 206 is 13' high. That sign is to be setback 20' from the road and is proposed to be setback 10'.

Mr. Bernard testified about the history and the zoning of the property. All the variances are reasonable variances that can be granted based on the C2 criteria. C2 variances can be granted when the proposal advances purposes of the Municipal Land Use Law and the benefits of the proposal substantially outweigh any detriments. Boards should consider the benefits of the entire proposal when it considers the benefits, not just the benefits of granting a specific C variance. The proposal specifically advances the land use plan for this property. The Master Plan proposes to address the Township's housing obligation as part of a mixed use development. The Land Use Plan has endorsed commercial development and higher density residential development in the Belle Mead Node for years. The proposal is consistent with the 2008 Master Plan goal of recognizing the physical characteristics of the Township. The joint efforts between the Township

and developer have resulted in a plan that is consistent with the Master Plan goal of conserving natural resources. The proposal contributes to the Township's affordable housing obligation. The proposal results in the extension of Covert Drive and the construction of an active and passive recreation area along a pedestrian path that will be expanded across Crusier Brook to Montgomery Park. A benefit of the variance for the gross floor area is that it provides more livable space for to the low and moderate income households. The proposal advances specific purposes of the Municipal Land Use Law including encouraging the appropriate use of land, promotes the establishment of appropriate population densities, provides sufficient space in appropriate locations for residential and commercial uses, promotes the conservation of open space and prevention of urban sprawl and encourages planned unit developments. This site is clearly appropriate for the proposed use because it has access on a State Highway and it is adjacent to higher density housing and municipal services. The commercial space and affordable housing is an excellent transitional use between the municipal services and the higher density housing. The entire development is part of a planned unit development that targets growth to an area that can accommodate it. The layout has been designed to create open space within and on the perimeter of the property and the proposal includes the extension of the pathway that leads to Montgomery Park. The proposed signage will promote the free flow of traffic in the community. The ability to recognize where to turn will make for safer traffic movements in the area.

Mr. Bernard discussed the negative criteria. The public benefits from the proposal results in the connection to the park and in affordable housing. When the settlement agreement and land use plan were being drafted the footprint was estimated at 31,000 square feet. The building needed to be larger to provide necessary common areas and to provide larger living areas for the tenant. The impact on the public good is positive because the larger size makes for a more livable residential environment. There is a 3% deviation from the permitted coverage. The applicant has devised a stormwater runoff plan that meets all of the standards and has provided an excellent landscaping package for the site. Landscaping coverage has a 3% deficit which is fairly de minimis and will not be noticeable from the street. The applicant's landscaping plan will result in an attractive looking site. The northern most parking setback along Belle Mead-Griggstown Road is 20' to the road which is fairly common. The applicant is landscaping the 20' to soften the appearance of the parking area and address the issue of headlight glare. The applicant is also proposing landscaping to help screen the parking and trash enclosure area. In addition, there is an existing tree line that helps screen and buffer the area from the salt dome area. The setback from Covert Drive will have a heavy row of evergreens that will screen the area from Covert Drive and the Fire Department parking lot. The dumpsters will be screened with vinyl fencing and by the existing and proposed landscaping. The wet basin relief is 1' which is de minimis. This type of facility does not need a traditional loading space. The deliveries are made with box trucks. Providing the offsets in the back of the building will reduce the usable retail space. The rear of the building faces the existing wooded area adjacent to the salt dome and the edge of the fire department parking lot. The back of the building will be landscaped with shrubs and heavy evergreen planting. The locations and size of the proposed signs will allow drivers to process the information and make safe turning movements into the commercial space. The 13' sign is needed to be able to list all the tenants in the center. The sign will be attractively designed and similar to the height of the signs along the Route 206 corridor. Mr. Bernard showed a photo of the freestanding sign for Village Shoppes which was marked as Exhibit A-7. Mr. Bernard estimated the Village Shoppes sign to be 15'-16' high.

Ms. Davis wondered why the tenants had to be listed all on one sign and why they couldn't be spread out amongst the three signs so all the signs would comply.

Mr. Bernard referenced the Pike Run entry sign photo which was marked as Exhibit A-8. The signs for Country Club Meadows will be similar. The sign itself will be a maximum of 18 square feet which would conform to the ordinance. The variance was requested because they included the fence and wall area in the calculation.

Mr. Bernard testified the impact on the zone plan is positive because the proposal implements the long standing goal of promoting mixed use development in the Belle Mead Node. The benefits of the proposal substantially outweigh the detriments associated with granting the relief.

Mr. DeRochi asked if the freestanding sign could be reduced in height if it was made wider. Mr. Bernard responded that the applicant could look into it. Vice Chairman Matthews suggested they bring an alternate.

The application was continued to the September 21, 2015 Planning Board meeting. No further notice is required.

V. MINUTES

August 3, 2015 – Regular Meeting

The adoption of the minutes was carried to the next meeting.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.