

**MONTGOMERY TOWNSHIP PLANNING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
JUNE 19, 2017**

**MINUTES**

Chairman Cheskis 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 Cheskis; Vice Chairman Matthews; Mr. Conforti; Mr. DeRochi; Mr. Mani; Mr. Sarle; Mr. Glockler, Alternate #1; Mr. Chang, Alternate #2

**ALSO PRESENT:** Francis P. Linnus, Board Attorney; Lori Savron, Planning Director

**I. SALUTE TO THE FLAG**

**II. SWEARING IN OF BOARD MEMBER**

Mr. Glockler was sworn in as Alternate #1.

**III. PUBLIC PARTICIPATION - None**

**IV. RESOLUTIONS**

**Case PB-14-15**                      **Applicant: Steven and Margaret Davis**  
Block 15001 Lot 49  
Extension to File Subdivision Deeds

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

Ayes: Cheskis, Conforti, DeRochi, Mani, Matthews, Sarle and Chang

Nays: None

**Case PB-15-15**                      **Applicant: Gurdon and Heather Hornor**  
Block 7013 Lot 22  
Extension to File Subdivision Deeds

A motion to memorialize the resolution was made by Vice Chairman Matthews and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Cheskis, Conforti, DeRochi, Mani, Matthews, Sarle and Chang

Nays: None

**V. APPLICATION**

**Case PB-01-14**                      **Applicant: Princeton Aero Corporation**  
Block 34001 Lot 57  
Amended Preliminary and Final Site Plan  
Expiration Date – 6/29/17  
Affidavit of Notification and Publication Required

Notice was found to be in order. Steven Nierenberg, Esquire, David Schmidt, PE and Ken Nierenberg, Airport Manager and Co-owner, represented the applicant.

David Schmidt, 77 Cairns Place, was sworn in. Mr. Schmidt gave the Board his qualifications and was accepted as an expert engineer.

Kenneth Nierenberg, 41 Washington Avenue, was sworn in.

Mr. Schmidt referenced Ms. Savron's review letter dated June 16, 2017 and Roy Mondy's memorandum dated June 2, 2016. He also referenced the plans that were submitted to the Board. The applicant is before the Board to modify some of the conditions in the prior approval. Previous approval was granted to subdivide a 7.2 acre

parcel of land for the construction of the Princeton Airport Medical Building. Once that approval was granted, the Airport was required to modify their site plan approval. The Princeton Medical Building approval has been vacated and the 7.2 acres parcel will now have a Baker Auto Dealership recently approved by the Zoning Board.

Mr. Schmidt discussed the conditions of the Airport's 2004 approval they can no longer meet. The two major issues which have taken time to resolve included the Airport Layout Plan (ALP) and the extension of a waterline. Hangar 4 has been constructed in the rear of the property and Mr. Nierenberg would like to get a final Certificate of Occupancy (C/O). The NJDOT has issued a letter stating that the site plans before the Board matches the ALP. Mr. Nierenberg has met with the representatives of the Fire Company and Fire Marshal Mondy and an agreement was reached that a dry waterline would be installed from the existing hydrant on the property to the rear buildings as part of Phase II.

Mr. Schmidt read Ms. Savron's review memo. Princeton Airport received Site Plan approval from the Planning Board in 2005 to make improvements at the airport including, but not limited to 1) a second story office over the existing office space (which has been constructed) 2) two new hangars at the westerly end of the airport (one has been constructed and one has not) 3) eighteen (18) new tie-down areas (5 have been constructed) 4) two new taxiways (both of which have been constructed) 5) reconfiguration of the parking by the office (reconfiguration of parking completed) 6) related site improvements 7) elimination of five (5) tie-down spaces for the construction of twenty-six (26) rental car parking spaces (completed) 8) sidewalk along Route 206 – or monetary contribution - (not completed) 9) landscaping along Route 206 frontage (not completed). After the project was underway, the applicant realized there were some issues he couldn't complete so he stopped work. The applicant has determined what aspects of the original approval that they can no longer meet, and has come back to the Board.

Mr. Schmidt discussed his letter dated June 6, 2017 which includes a detailed summary of the conditions of approval that remain outstanding and which must be satisfied prior to the issuance of a Certificate of Occupancy for Phase 1 or a building permit for Phase 2, whichever occurs first. The Planning Board approval required the sidewalk to be constructed as part of Phase 2. At the time, the Applicant requested that money be posted in lieu of installing the sidewalk. Given the amount of time that has gone by and the status of other projects surrounding this one, Ms. Savron has recommended the sidewalk be installed now. The Airport agrees to install the sidewalk. Ms. Savron has no objection to the modification to the conditions the applicant has said are difficult to meet. Condition d required the Applicant to install black vinyl fencing. The Applicant is requesting relief since an aluminum fence has been installed. Condition j required new concrete wheel stops to be installed in the main parking area by office to replace the existing telephone poles. The applicant prefers to keep the existing telephone poles. Condition k required landscaping to be installed along Route 206. Since the approval, the applicant has granted a 40' wide easement to PSE & G along Route 206 which does not permit landscaping. Condition n required the applicant to file a 50' landscape and sidewalk easement along Route 206. The applicant is requesting the landscape requirement be removed. Condition oo required shoe box lighting of the main parking area by the office. The existing lighting is sufficient to light the parking lot and is pointing downward. A photo of the building mounted light taken at dusk in 2015 was marked as Exhibit A-1. Condition yy required the extension of the water main and fire hydrant in order to construct hangars 4A and 4B. The applicant is requesting a modification to construct a dry line in lieu of a wet line.

The applicant is requesting approval of the changes that had been made between the approved site plan and the as-built plan. Building 4 in the western portion of the site was extended further to the south. The width of the northern taxiway has increased from the approved 25 feet to the 28 feet. The width of the southern taxiway has increased from the approved 18 feet to 25 feet. The distance between Building 4 and proposed Building 4B has increased from 34 feet to 45 feet. Building #4 was constructed at 9,632 square feet and was approved to be 9,450 square feet. With Building #4 increased, Building 4B has been decreased so there is no net change and the allowable FAR is maintained. Mr. Schmidt will provide calculations to the Board Engineer for review to show that the drainage is not impacted with these improvements.

Ms. Savron raised an issue with regard to signage and neighboring properties. The self-storage facility approached the Township a few years ago to request permission to put a sign on the Township owned property along Route 206 since they do not have Route 206 frontage. The Township Committee had suggested they work with the airport to share a sign. Ms. Savron requested the Planning Board discuss the signage as part of this application.

Mr. Linnus advised the Board that they did not have jurisdiction to approve a sign on the Airport property for the storage facility since that would constitute a billboard which is not permitted by ordinance. The Planning Board cannot approve the usage of the sign by anyone other than the owner or tenants of the property.

Mr. Schmidt testified that this application does not involve a free standing sign. The existing airport sign is

located on the property to be subdivided from the airport and transferred to Baker. Signage for both properties will be discussed at the Zoning Board.

Chairman Cheskis asked about the existing fencing. Mr. Schmidt testified it complies with the rest of the requirements with regard to height and location it just is not black vinyl.

Mr. Schmidt discussed Mr. Mondì's memo dated June 2, 2016. A dry waterline must be installed prior to any new building being constructed. Hangar 4 still does not have a Certificate of Occupancy (C/O). The applicant will work with Mr. Mondì to resolve the C/O issue.

Mr. Chang asked why landscaping could not be planted along the frontage between the easement and the fence. Mr. Nierenberg testified that any landscaping in that area would have a height requirement and could not be any higher than the fence. There are two sets of PSE & G lines that run along the frontage as well as a waterline. Any landscaping installed in that area would be dug up if the utility companies needed to do work in the area. The proposal is to keep it lawn.

Mr. DeRochi suggested a condition that the building mounted lights be shielded from sky glow. Mr. Schmidt agreed to provide cut sheets to demonstrate the light is focused downward. Shields will be provided to the satisfaction of the Township Engineer if they are not. Mr. DeRochi noted he was in favor of the fence the way it is.

The meeting was opened to the public.

Bob Morgan, 845 Route 518, was sworn in. Mr. Morgan lives at the Drake Farm. Mr. Morgan said the helicopters fly really low over the house. Mr. Morgan was informed that he would have to file a complaint with the FAA.

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

Mr. Glockler noted that telephone poles for wheel stops are not normally permitted. Mr. Nierenberg replied that the telephone poles are easier to move for snow removal during big snow storms.

Mr. Linnus summarized that the application is for amended preliminary and final site plan approval for relief from certain conditions of the prior approval. Conditions of this approval include compliance with the reports of Ms. Savron and Mr. Mondì, installation of a sidewalk rather than the monetary contribution, information is to be supplied to the Planning Board Engineer regarding drainage calculations and the potential shielding of the lighting along with the standard conditions.

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

Ayes: Cheskis, Conforti, DeRochi, Mani, Matthews, Sarle, Glockler and Chang

Nays: None

## **VI. MINUTES**

### **January 9, 2017 – Reorganization and Regular Meeting**

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

Ayes: Cheskis, DeRochi, Mani, Matthews, Sarle and Chang

Nays: None

### **March 6, 2017 – Regular Meeting**

A motion to approve the minutes was made by Mr. Conforti and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Cheskis, Conforti, DeRochi, Mani, Matthews, Sarle and Chang

Nays: None

## **VII. NEW BUSINESS**

- Discussion of Dunbar Case

Mr. Linnus discussed the Dunbar Homes vs. the Zoning Board of Adjustment of the Township of Franklin. The case involved the “time of application” rule. Before the legislature adopted a “time of application” rule, the Judges imposed a time of decision rule. Before the legislation, if the Township Committee adopted a zoning ordinance prohibiting the use of a property during the course of the application, the application would be shifted to the Board of Adjustment. The legislature adopted the “time of application” rule which states that at the time a developer files an application that is the zoning that stays with the application. The Court had to interpret what “time of application” means; whether it was when the developer files the application or files everything else required by the Ordinance. The Court ruled that an application that is close to complete has to be filed but the application does not have to be deemed complete. The case is currently under appeal.

Mr. Glockler asked Mr. Linnus to provide an update on the current COAH status. Mr. Linnus said he has not been directly involved in Montgomery’s status. Ms. Savron said that COAH no longer exists and that decisions are being made back at the Court level. Some decisions have been made in other jurisdictions but not yet in ours. The Court is getting close to reviewing Montgomery’s plan.

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.