

**TOWNSHIP  
OF  
MONTGOMERY**

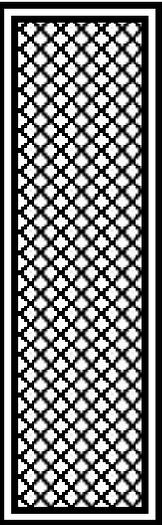
**SOMERSET COUNTY  
NEW JERSEY**

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**LAND USE PLAN AMENDMENT  
SPECIFIC TO LANDS OWNED BY  
"COUNTRY CLUB MEADOWS"  
IN THE BELLE MEAD PORTION  
OF MONGTOMERY TOWNSHIP**

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**July 9, 2014**

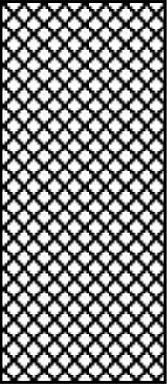


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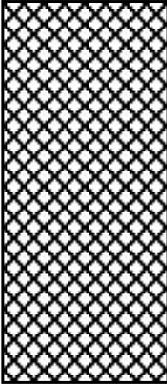
# **TOWNSHIP OF MONTGOMERY**

**SOMERSET COUNTY  
NEW JERSEY**

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SPECIFIC TO LANDS OWNED BY  
"COUNTRY CLUB MEADOWS"  
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MONGTOMERY TOWNSHIP**



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**THE ORIGINAL OF THIS REPORT WAS SIGNED AND SEALED  
IN ACCORDANCE WITH N.J.S.A. 45:14A-12**

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**Richard T. Coppola, P.P. # 1378**

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**Cindy D. Coppola, P.P. # 4478**

**PREPARED BY COPPOLA & COPPOLA ASSOCIATES  
Pennington ~ New Jersey**

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 July 9, 2014**

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**LAND USE PLAN AMENDMENT  
SPECIFIC TO LANDS OWNED BY "COUNTRY CLUB MEADOWS"  
IN THE BELLE MEAD PORTION OF MONTGOMERY TOWNSHIP**

**July 9, 2014**

**INTRODUCTION**

The current Master Plan of Montgomery Township is dated November 1971 and was adopted by the Planning Board on April 13, 1972; it was the first comprehensive master plan for the Township. During the past approximately forty-two (42) years since that time, the Master Plan has been reexamined, changed, modified, refined and expanded.

Importantly, however, over the many years since Montgomery Township adopted its first comprehensive Master Plan, the Master Plan has consistently adhered to an overarching goal of guiding and containing the relatively intense non-residential development and the relatively dense residential development within the municipality to specific areas of concentrated land uses, one at the southern end of Route 206 in the vicinity of the State Route 206/County Route 518 intersection, referred to as the "Rocky Hill Node", and the other at the northern end of Route 206, north of Crusier Brook and Belle Mead-Griggstown Road, referred to as the "Belle Mead Node".

Montgomery Township continues its desire to maintain the continuity of its planning process, building upon and refining the past planning decisions of the municipality, starting with the November 1971 Master Plan.

It is the principal purpose of this document to amend the Township's "Land Use Plan" to permit a "Planned Unit Development" on specified lands within the "Belle Mead Node" area to settle a number of pending and potential future litigations with the plaintiff, which include Country Club Meadows, LLC, Pike Run, LLC, Pike Run II, LLC and Pike Run Meadows/Cloverleaf Plaza and which collectively will be referred to as "County Club Meadows" in this document.

As defined in the Municipal Land Use Law at N.J.S.A. 40:55D-6, a "Planned Unit Development" means "an area with a specified minimum contiguous or noncontiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more contiguous clusters or noncontiguous clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance."

## **EXISTING MONTGOMERY TOWNSHIP MASTER PLAN DOCUMENTS**

Today, the existing Master Plan of the Township of Montgomery consists of numerous documents, including eight (8) of the principal Master Plan Elements as permitted and noted at N.J.S.A. 40:55D-28 of the Municipal Land Use Law, as well as a series of required Periodic Examination reports as required by N.J.S.A. 40:55D-89 of the statute.

The eight (8) principal Master Plan Elements comprising Montgomery Township's Master Plan include the following:

1. A Statement of Objectives, Principles, Assumptions, Policies and Standards;
2. A Land Use Plan Element;
3. A Housing Plan Element;
4. A Circulation Plan Element;
5. A Recreation Plan Element;
6. A Conservation Plan Element;
7. An Historic Preservation Plan Element; and
8. A Farmland Preservation Plan Element.

Regarding the Land Use Plan Element, which is the subject of this report, the following are the ten (10) most relevant documents which have been adopted over an approximately forty-two (42) year time period; included are brief comments regarding the major recommendations which were included in each document:

- **MASTER PLAN AND SUMMARY OF PROPOSALS**, which is dated November 1971 and which was adopted by the Planning Board on April 13, 1972.

**Comments:**

As previously noted, this document was the first comprehensive master plan of the Township. It recommended the establishment of two (2) concentrated nodes of development within the Township, referred to as the "Rocky Hill Node" and the "Belle Mead Node", including the "APT/TH" Apartment/Townhouse zoning district in the "Rocky Hill Node".

- **LAND USE PLAN ELEMENT**, which was adopted by the Planning Board on April 15, 1985.

**Comments:**

This document refined the concept of channeling the relatively intense nonresidential development and the relatively dense residential development within the municipality to the two (2) concentrated nodes of development by eliminating the "RC" Regional Commercial zoning district in the "Belle Mead Node" which had been recommended because of a once planned I-95/Route 206 interchange at that location.

In the place of the "RC" zoning district, the 1985 Land Use Plan recommended an "REO" Research/Office zoning district on the west side of Route 206 and a "Planned Residential Development" (PRD) on the east side of Route 206, including areas for retail development. Additionally, the land area east of the PRD, north of Belle-Mead Griggstown Road and west of Willow Road was zoned for "Residential Clusters".

The end result was that each of the two (2) concentrated nodes of development were planned to contain a diversity of residences, with retail stores and employment opportunities within proximity to the population concentrations, and with the integration of the various uses via pedestrian access, comprehensively planned traffic circulation, common open spaces, possible future public transit opportunities, and the efficient allocation of public water and sewerage facilities.

While adopted by Montgomery Township in 1985, many years prior to the term "smart growth" being a catch phrase of land use planning in New Jersey, the multi-use integrated development planning objective of the Township that has been in place for approximately twenty-nine (29) years encourages "smart growth" principles.

- **MASTER PLAN PERIODIC REEXAMINATION REPORT**, which is dated July 1988 and which was adopted by the Planning Board on August 8, 1988, and which also adopted by reference the **MASTER PLAN PERIODIC REEXAMINATION REPORT: LAND USE PLAN ELEMENT**, dated August 1986, as well as sixteen (16) subsequent memorandum reports and work items.

**Comments:**

This document was the result of over two (2) years of study and public input and recommended many changes to the Master Plan and implementing ordinance provisions, including, but not limited to: 1) reducing the amount of acreage in the "REO" Research/Office and the "MFG" Manufacturing zoning districts, with a change in the name of the "MFG" district to the "LM" Limited Manufacturing district; 2) increasing the minimum lot size from three (3) to five (5) acres for single-family homes in the "MR" zoning district; 3) adopting ordinance provision for historic preservation of structures and sites within the Township; 4) creating the "SB" Small Business zoning district along Reading Boulevard; 5) modifying the ordinance provisions regulating the "Airport Safety Zone"; and 6) expanding the definition of "Critical Areas" to include freshwater wetlands in addition to 100-year flood plains and lands with a topographic slope fifteen percent (15%) and greater.

- **LAND USE PLAN AND HOUSING PLAN ELEMENTS**, which is dated November 1989 and which was adopted by the Planning Board on November 20, 1989.

**Comments:**

The most significant recommendations of this document were: 1) refinements to the "Residential Cluster" options on specified lands in the Township along the Route 206 corridor and within the southwestern corner of the Township, and the creation of a second type of "Residential Cluster" south of the airport; 2) the separation of the "REO" Research/Office zoning district into three (3) sub-districts, each with different intensities of permitted development; and 3) the introduction of a mixed-use planned development concept for lands south of Route 518, west of Route 206 and north of the airport.

- **LAND USE PLAN PERIODIC REEXAMINATION AND UPDATE REPORT**, which was adopted by the Planning Board on May 13, 1996.

**Comments:**

This document recommended a number of significant changes to the Township's Land Use Plan and implementing ordinance provisions including, but not limited to: 1) the creation of the "PPE" Public, Park & Education zoning district with related changes to other zoning districts; 2) the elimination of certain lands zoned for "Residential Cluster" development and further changes to the ordinance controls; and 3) the requirement that lots for single-family home construction have at least one (1) acre of contiguous non-environmentally critical land.

- **MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT**, which is dated April 1998 and which was adopted by the Planning Board on May 11, 1998.

**Comments:**

This document also recommended a number of changes to the Township's Land Use Plan and implementing ordinance provisions, but the only significant changes that were implemented via ordinance provisions were the creation of new "CC-1 & "CC-2" Community Commercial zoning districts and updates to the provisions governing development within the "NC" Neighborhood Commercial and the "HC" Highway Commercial zoning districts.

- **MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT**, which is dated May 2000 and which was adopted by the Planning Board on June 12, 2000.

**Comments:**

This document recommended the creation of a new "ARH" Age-Restricted Housing zoning district on approximately 138.10 acres of land south of Bedens Brook, west of Route 206 and north of Route 518.

- **MASTER PLAN AND DEVELOPMENT REGULATIONS PERIODIC REEXAMINATION REPORT**, which is dated November 2001 and which was adopted by the Planning Board on December 10, 2001.

**Comments:**

This document recommended that certain lands previously included within the "R-2" and "R-3" zoning districts be rezoned into a new "R-5" zoning district requiring a minimum lot size of five (5) acres for the construction of a single-family detached dwelling, and that the zoning provisions governing development of the lands within the "MR" zoning district be changed to require a minimum lot size of ten (10) acres for the construction of a single-family detached dwelling.

- **LAND USE PLAN ELEMENT 2003 AMENDMENT**, which is dated June 30, 2003 and which was adopted by the Planning Board on July 14, 2003.

**Comments:**

The most significant recommendations of this document were the creation of a "Planned Shopping Complex" and a "Planned Office Complex" on certain lands south of Route 518, west of Route 206 and north of the airport.

- **FAIR SHARE PLAN AMENDMENT**, which is dated November 11, 2010 and which was adopted by the Planning Board on November 22, 2010.

**Comments:**

This document contains the recommended sites and development mechanisms for Montgomery Township to satisfy its third round affordable housing obligations in accordance with COAH's then prevailing "Third Round Substantive Rules".

**BRIEF SUMMARY OF DISPUTES BETWEEN PLAINTIFF & TOWNSHIP**

Until a new and radically different concept plan was proposed by the plaintiff during 2013, which has been modified and refined by the Township and plaintiff since then and is the subject of the proposed "Planned Unit Development" reviewed and recommended in this document, the disputes between the plaintiff and the Township have been numerous over the years and, at times, contentious.

While a number of issues have arisen, they all have directly or indirectly been related to: 1) the current Research, Engineering & Office "REO-1" zoning of the largest vacant property owned by the plaintiff; 2) the cost for and capacity allocation of the sewage treatment facilities serving the subject lands; and 3) the sites and plans for affordable housing construction within the Township.

Since the new development plan was proposed to Montgomery Township by the plaintiff during 2013, there has been a concerted and cooperative effort between the parties to settle the issues of contention in a manner that is in the best interests of the Township and the plaintiff and, importantly, will end the current litigations and will prevent future litigations.

**HISTORY OF DEVELOPMENT PROPOSALS FOR THE SUBJECT LAND AREAS**

**Identification Of Subject Land Areas**

As indicated on the "**Land Area Location Map**", which appears on the following page of this document, there are four (4) separate land areas which comprise the proposed 179.80± acre "Planned Unit Development" (PUD), including the following:

<b>Land Area</b>	<b>Acreage</b>	<b>Block/Lot(s)</b>
<u>Main Property</u> (along the west side of Route 206 between Pike Run Road & Belle Mead-Griggstown Road)	154.00± Ac	Block 4001/Lots 33 & 33.01
<u>Retail Commercial Site</u> (along the east side of Route 206 north of Belle Mead-Griggstown Road)	9.78± Ac	Block 5023/Lot 2, & part of the former Rt. 206 by-pass right-of-way
<u>Transit Commercial Site</u> (along the west side of Township Line Road near Belle Mead Co-Op)	10.46± Ac	Block 5002/Lots 4, 5 & 6, Block 5003/Lot 1, & Block 4071/Lot 1
<u>Add-On Site</u> (at the intersection of Route 206 with Belle Mead-Griggstown Road)	5.56± Ac	Block 6001/Lot 1



Since 1988, twenty-six (26) years ago, five (5) concept plans were prepared for the development of the subject land areas. The maps for each of these plans are located in **Appendix I** to this document. The intensity/density of these development proposals are important to keep in mind when considering the proposed PUD plan which is discussed later. Although not included, another plan was informally discussed circa 2006-2007 for approximately 900 dwelling units.

The five (5) concept plans included in the appendix are as follows:

- Original 1988 Concept Plan by Belle Mead Development Corporation;
- 2007 Concept Plan to Township by Country Club Meadows;
- 2010 Concept Plan to COAH by Country Club Meadows;
- 2010 Concept Plan to NJDOT by Country Club Meadows; and
- 2011 Concept Plan to COAH Mediation by Country Club Meadows.

**Original 1988 Concept Plan Proposed By Belle Mead Development Corporation**

This concept plan was prepared as a result of a court order after Montgomery Township voluntarily petitioned the Superior Court on January 2, 1985 for a judgment that it was meeting its affordable housing obligation, and after Belle Mead Development Corporation followed with a lawsuit contending that the Township was not meeting its obligation.

The proposed development on each of the four (4) land areas was as follows:

<b>ORIGINAL 1988 CONCEPT PLAN BY BELLE MEAD DEVELOPMENT CORPORATION</b>	
<b>154± Acre Main Property</b>	<b>Continuing Care Residential Community</b> 300 dwelling units + 80 beds <b>Offices &amp; Research Facilities</b> 568,000 total square feet
<b>9.708± Acre Retail Commercial Site</b>	<b>Retail Commercial Space</b> 80,000 total square feet
<b>10.46± Acre Transit Commercial Site</b>	<b>Commercial Space</b> 20,000 square feet + 242 parking spaces
<b>5.56± Acre Add-On Site</b>	<b>[Not Included]</b>

**2007 Concept Plan To Township By Country Club Meadows**

This concept plan was prepared by Country Club Meadows with the request that Montgomery Township include the proposed development as part of its affordable housing "Fair Share Plan" to be submitted to COAH by December 31, 2008.

<b>2007 CONCEPT PLAN TO TOWNSHIP BY COUNTRY CLUB MEADOWS</b>	
<b>154± Acre Main Property</b>	<b>Big Box Retail (2) &amp; Pad Sites (7)</b> 304,000 total square feet <b>Dwelling Units</b> 623 total dwelling units, including 66 single-family detached units, 437 market rate multi-family units & 120 affordable multi-family units
<b>9.708± Acre Retail Commercial Site</b>	<b>Miscellaneous "Community Uses"</b>
<b>10.46± Acre Transit Commercial Site</b>	<b>Commercial Space</b> 53,300 square feet + 453 parking spaces
<b>5.56± Acre Add-On Site</b>	<b>Commercial Pad Sites (3)</b> 35,000 total square feet

**2010 Concept Plan To COAH By Country Club Meadows**

This concept plan was forwarded to COAH by Country Club Meadows to show how they were willing to provide affordable housing units.

<b>2010 CONCEPT PLAN TO COAH BY COUNTRY CLUB MEADOWS</b>	
<b>154± Acre Main Property</b>	<b>Supermarket (1) &amp; Pad Sites (7)</b> 130,000 total square feet <b>Dwelling Units</b> 500 total dwelling units, including 300 market rate single-family detached units, 100 market rate multi-family units & 100 affordable multi-family units
<b>9.708± Acre Retail Commercial Site</b>	<b>Commercial Pad Sites (4)</b> 60,000 total square feet
<b>10.46± Acre Transit Commercial Site</b>	<b>Commercial Space + Parking</b> 10,000 square feet + 800 parking spaces
<b>5.56± Acre Add-On Site</b>	<b>Pad Site (1), With Drive-Thru</b> 10,000 total square feet

**2010 Concept Plan To NJDOT By Country Club Meadows**

This concept plan was provided to the New Jersey Department of Transportation (NJDOT) by Country Club Meadows when seeking concurrence from the NJDOT that the road network, with certain improvements, could accommodate the traffic to be generated by the concept plan.

<b>2010 CONCEPT PLAN TO NJDOT BY COUNTRY CLUB MEADOWS</b>	
<b>154± Acre Main Property</b>	<b>Retail Commercial, Offices &amp; Restaurant</b> 150,000 total square feet <b>Dwelling Units</b> 500 total dwelling units, including 300 market rate single-family detached units & 200 market rate multi-family units
<b>9.708± Acre Retail Commercial Site</b>	<b>Commercial Pad Sites (4)</b> 60,000 total square feet
<b>10.46± Acre Transit Commercial Site</b>	[Not Included]
<b>5.56± Acre Add-On Site</b>	<b>Pad Site (1), With Drive-Thru</b> 10,000 total square feet

**2011 Concept Plan To COAH Mediation By Country Club Meadows**

This concept plan was presented to the COAH mediator when COAH was evaluating Country Club Meadow's filed objection to Montgomery Township's affordable housing "Fair Share Plan".

<b>2011 CONCEPT PLAN TO COAH MEDIATION BY COUNTRY CLUB MEADOWS</b>	
<b>154± Acre Main Property</b>	<b>Retail Commercial Space</b> 144,800 total square feet <b>Dwelling Units</b> 440 total dwelling units, including 340 market rate single-family detached units, 60 market rate townhouse units & 40 affordable townhouse units
<b>9.708± Acre Retail Commercial Site</b>	<b>Commercial Pad Sites (4)</b> 59,300 total square feet
<b>10.46± Acre Transit Commercial Site</b>	<b>Commercial Space + Parking</b> 15,000 square feet + 355 parking spaces
<b>5.56± Acre Add-On Site</b>	<b>Pad Site (1), With Drive-Thru</b> 9,900 total square feet

Up until the settlement concept plan noted below evolved during 2013 and 2014, the 2011 concept plan, with a total of 440 dwelling units, had the least number of dwelling units and included 340 single-family detached units.

## **THE JUNE 24, 2014 SETTLEMENT AGREEMENT**

On June 24, 2014 the Township Committee and Country Club Meadows signed a settlement agreement. The agreement resolved a number of contentious legal issues that have been costly and which would have been more costly in the future. The agreement also includes the payment to the Township of moneys spent by the Township for the expansion and upgrades to the sewage treatment plant providing sewer service capacity to the subject land areas.

From a land use planning perspective, a key component of the settlement agreement is an agreed upon "Conceptual Development Plan" for the subject land areas. As previously discussed in this report, the beginnings of the dialogue regarding the "Conceptual Development Plan" began during 2013 and have continued over the time since then.

While the originally proposed 2013 plan was the catalyst that prompted further discussion which eventually led to the settlement agreement, the Township prompted the plaintiff to make many changes and refinements to the plan **in order to assure that the following key objectives of the development will be accomplished:**

- The total number of residential dwelling units will be less than 150;
- All the market rate residential units will be single-family detached units for sale;
- The overall intensity of development will be relatively little, partly to insure that the traffic generated from the development can be accommodated on the existing roadway network with relatively minor additional improvements;
- The overall land coverage of the development will be relatively little, partly to insure that environmentally fragile land areas will be protected and conserved;
- Abutting residential units within the "Montgomery Chase West" development and the "Pike Run Villas" portion of the overall Pike Run PRD will be protected by significant landscaped buffers;
- The views looking into the main property from the CSX railroad bridge and elsewhere along Route 206 will be safeguarded with site design features including significant building setbacks, the sizes and orientation of buildings, and significant landscaped buffers;

- The development will include a component of affordable housing units to help the Township meet its mandated affordable housing obligations;
- The development will include retail/service commercial spaces that will be attractive to the market and will be conveniently accessible via automobiles, bicycles and pedestrians;
- The former Route 206 by-pass right-of-way not annexed to the "Retail Commercial Site" will be preserved and restricted by a conservation deed restriction from any development except for passive recreational activities.;
- Covert Drive will be extended from the municipal complex to Belle Mead-Griggstown Road; and
- A pedestrian bridge will be constructed over Crusier Brook and additional sidewalks as necessary in order to provide connectivity between the development in the "Belle Mead Node" and "Montgomery Park" to the east.

The finalized "Conceptual Development Plan", dated June 11, 2014, appears on the following page of this "Land Use Plan" amendment report and includes the following land uses on each of the four (4) land areas that comprise the overall development:

<b>JUNE 11, 2014 SETTLEMENT "CONCEPTUAL DEVELOPMENT PLAN" BY COUNTRY CLUB MEADOWS &amp; TOWNSHIP</b>	
<b>154± Acre Main Property</b>	<b>Dwelling Units</b> 148 market rate single-family detached dwellings for sale <b>Continuing Care Facility (CCF)</b> 96 2-bedroom apartments, 74 independent living units, 74 assisted living units & 74 sub-acute care units
<b>9.708± Acre Retail Commercial Site</b>	<b>Retail Sales/Services Commercial Space</b> 102,000 total square feet <b>Community Operations Building</b> 8,000 square feet
<b>10.46± Acre Transit Commercial Site</b>	<b>Commercial Space + Parking</b> 22,000 square feet + 150 parking spaces with area for additional transit parking
<b>5.56± Acre Add-On Site</b>	<b>Multi-Use Commercial/Apartment Bldg</b> 31,000 2-story total square feet building with retail/office uses on 1 <sup>st</sup> floor and 28 apartments on the 2 <sup>nd</sup> floor, including 27 affordable units and 1 unit for a manager



**JUNE 11, 2014 SETTLEMENT CONCEPT PLAN  
BY COUNTRY CLUB MEADOWS & TOWNSHIP**

<p><b>154± Acre Main Property</b></p>	<p><b>Dwelling Units</b> 148 market rate single-family detached dwellings for sale Continuing Care Facility (CCF) 96 2-bedroom apartments, 74 independent living units, 74 assisted living units &amp; 74 sub-acute care units</p>
<p><b>9.708± Acre Retail Commercial Site</b></p>	<p><b>Retail Sales/Services Commercial Space</b> 102,000 total square feet <b>Community Operations Building</b> 8,000 square feet</p>
<p><b>10.46± Acre Transit Commercial Site</b></p>	<p><b>Commercial Space + Parking</b> 22,000 square feet + 150 parking spaces with area for additional transit parking</p>
<p><b>5.56± Acre Add-On Site</b></p>	<p><b>Multi-Use Commercial/Apartment Bldg</b> 31,000 2-story total square feet building with retail/office uses on 1<sup>st</sup> floor and 28 apartments on the 2<sup>nd</sup> floor, including 27 affordable units and 1 unit for a manager</p>

## ZONING GUIDANCE LANGUAGE INCLUDED IN SETTLEMENT AGREEMENT

The following language was prepared to provide guidance for formulating zoning ordinance requirements to permit the build-out of lands in the Belle Mead node portion of Montgomery Township as shown on the "Conceptual Development Plan" dated June 11, 2014 (the "Concept Plan"). The zoning ordinance provisions will have separate but interrelated requirements for four (4) sub-development areas in the plan.

It is noted and acknowledged that the acreages of the four (4) sub-development areas will be finally determined via surveys at the time a "General Development Plan" is prepared and submitted for Planning Board approval.

### Area 1

#### Country Club Meadows & Belle Mead Plaza Mixed Use Inclusionary Development

This portion of the overall development plan is to be located on two (2) separate tracts of land, including "**Country Club Meadows**", comprised of Block 4001/Lots 33 & 33.01 (portion) on the west side of Route 206, and "**Belle Mead Plaza**" comprised of Block 6001/Lot 1 at the southeast corner of the Route 206/Belle Mead-Griggstown Road intersection. These two (2) separate tracts of land will be considered to comprise a single "inclusionary" development with residential, commercial and affordable housing components to be planned, approved and constructed as a single entity.

#### **Country Club Meadows Portion**

This portion of the inclusionary development will contain the following land uses, land conservation areas, and perimeter buffering:

- A. 108 detached single-family dwelling units with the following area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures, which are the requirements used to develop "East Country Estates" which is the prototype for the development of the 108 units:

<b>Detached Single-Family Dwelling Units</b>					
Lot area: Minimum = 14,500 sq. ft.; Maximum = 33,000 sq. ft.; & Average = Minimum 22,000 sq. ft.					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	100 ft.	Distance to side line	10 ft.	Principal building coverage	15%
Lot width	100 ft.	Distance to rear line	15 ft.	Accessory structures coverage	3%
Lot depth	125 ft.	Distance to other building	10 ft.	Floor/area ratio (FAR)	0.20*
Side yard (each)	20 ft.			Lot coverage	25%
Front yard	40 ft.			*Except that approved lots less than 18,250 square feet in area shall be permitted a maximum floor area of 0.25.	
Rear yard	30 ft.				

- B. 40 "patio home" single-family detached dwelling units with the following area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures:

<b>Patio Home Detached Single-Family Dwelling Units</b>					
Lot area: Minimum = 5,000 sq. ft.; Maximum = 7,000 sq. ft.; & Average = Minimum 6,000 sq. ft.					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	50 ft.	Distance to side line	5 ft.	Principal building coverage	40%
Lot width	50 ft.	Distance to rear line	10 ft.	Accessory structures coverage	NA
Lot depth	100 ft.	Distance to other building	5 ft.	Floor/area ratio (FAR)	0.55
Side yard (each)	7.5 ft.			Lot coverage	55%
Front yard	20 ft.				
Rear yard	25 ft.				

- C. In addition to the total 148 detached single-family dwelling units, approval of the site plan for the **Country Club Meadows** portion of the inclusionary development shall include the following:

1. All freshwater wetlands and transitional buffer areas, after any buffering averaging approved by the NJDEP, and all other treed areas shown on the Concept Plan shall be placed into a conservation deed restriction.
2. All perimeter buffer areas shown on the Concept Plan bordering Route 206, including the area bordering the CSX railroad bridge, the buffer areas along the railroad and the buffer area bordering the "Montgomery Chase West" residential development to the south, as well as the buffer area within the **Continuing Care Facility (CCF)** (which is another sub-development area in the Concept Plan) that borders the patio home dwelling units shall be constructed by the developer of the inclusionary development, shall have any existing vegetation augmented with additional landscaping as may be required by the Township Planning Board at the time of site plan review and shall be placed into a conservation deed restriction.
3. As shown on the Concept Plan, the buffer areas between the CSX railroad bridge and the CCF development, between the patio homes and the CCF development, and between the railroad and the single-family detached dwelling unit lots shall have the buffer plantings installed atop and/or along earthen berms as approved by the Township.
4. No building shall be located within 250 feet of the Route 206 right-of-way.

5. A pedestrian path at the southern end of "**Country Club Meadows**" will be constructed by the developer connecting to a pedestrian crossing of Route 206 to the proposed commercial development on the other side.
6. Given the cultivated field condition of the tract and the absence of any abutting existing single-family detached dwellings except along the southerly border of the tract, and notwithstanding any other ordinance provision to the contrary, the maximum height of the detached single-family dwelling units and the patio home detached single-family dwelling units shall be 35 feet measured to the highest point of the building from the mean finished grade elevation of the four corners of the subject dwelling, except that the building height of any dwelling unit on any lot within 100 feet of the southern tract boundary line with the adjacent "Montgomery Chase West" residential development shall be measured in accordance with the definition of "building height" in Section 16-2.1.

### **Belle Mead Plaza Portion**

This portion of the inclusionary development will contain the following land uses and other improvements to be constructed by the developer:

1. One (1) approximately 31,000 square foot 2-story multi-use building, with approximately 244 parking spaces. Retail and/or office uses shall be located on the first floor and a total of 28 apartment units shall be located on the second floor, including 27 qualified affordable non age-restricted apartment units for rent and 1 additional market rate apartment unit for an on-site residential manager.
2. The affordable apartment units will be constructed according to a schedule tied to the construction of the market rate detached single-family and detached patio home dwelling units in the "**Country Club Meadows**" portion of the inclusionary development.
3. The applicant will construct a play lot on adjacent municipal land designated by the Township as the location for the play lot, with separate sections and apparatus for children 2-5 years of age and 5-12 years of age, with benches in-between.
4. The applicant will construct a six (6) foot wide pedestrian bridge over Cruser Brook and sidewalks as necessary to provide sidewalk connectivity between development in the Belle Mead node and "Montgomery Park" to east.
5. The developer will dedicate a right-of-way and shall construct a connecting roadway between Belle Mead-Griggstown Road and Covert Drive.
6. The front, sides and rear of the building shall be similarly designed and finished with the same materials and similar architecture.

7. While there is no existing zoning district in Montgomery Township that would permit the proposed "**Belle Mead Plaza**" multi-use building with the specifically proposed apartment units above retail/office space, the following requirements of the existing "HC" Highway Commercial district for individual uses appear to be appropriate, provided that 5% additional lot coverage is added to accommodate the combined retail/office and residential use of the building and additional floor/area ratio (FAR) is added to accommodate the apartment units:

<b>Belle Mead Plaza Multi-Use Building</b>					
Lot area: Minimum = 1 acre					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	150 ft.	Distance to side line	15 ft.	Nonresidential FAR	0.20
Lot width	150 ft.	Distance to rear line	15 ft.	Total floor/area ratio (FAR)	0.30
Lot depth	150 ft.	Distance to other building	20 ft.	Lot coverage	60%
Side yard (each)	25 ft.				
Front yard	50 ft.				
Rear yard	50 ft.				

**Area 2**  
**Pike Run Plaza**

This portion of the overall development plan is located along northbound Route 206, north of the intersection of Route 206 and Belle Mead-Griggstown Road. This location always has been in the plan of the Pike Run Planned Residential Development (Pike Run PRD) but now, given the vacation of the former Route 206 Bypass right-of-way, has been expanded in area from approximately 9.78 acres to approximately 17.8 acres in area. This expanded area will allow room for the construction of a modern shopping center to serve the population within the Belle Mead node, with vehicular access to Route 206, Belle Mead-Griggstown Road and to the Pike Run PRD, as well as continuing to provide important stormwater management facilities.

The development will contain the following land uses, buffers and other improvements to be constructed by the developer:

1. A total of 102,000 square feet of retail sales and services commercial space in no less than two (2) 1-story commercial buildings, with approximately 515 parking spaces.
2. An 8,000 square foot "Community Operations Building" with a mezzanine area, to be constructed to replace the existing operations space in the Pike Run Village club house, and the existing operations space in the club house will be renovated by the developer and will be turned over to the Pike Run Village Master Association under reasonable terms agreed upon between the developer and the association.

3. The existing treed area between the southernmost 51,000 square foot retail commercial building and the existing homes in the Pike Run Villas portion of the overall Pike Run PRD will, at the direction of the Township Planning Board, either be augmented with additional evergreen plantings by the developer or, alternatively, will be replaced with a landscaped berm by the developer.
4. Excepting for the portion of the former Route 206 Bypass right-of-way annexed to be part of the "**Pike Run Plaza**" portion of the overall development as shown on the concept plan, the remainder of the right-of-way extending to Township Line Road to the north shall be preserved and restricted by a conservation deed restriction from any development except for passive recreational activities as may be approved by Montgomery Township and the Pike Run Master Association.
5. The front, sides and rear of the building shall be finished and designed with the same materials and similar architecture.
6. In accordance with the original approvals for the overall Pike Run PRD, the location of the proposed "**Pike Run Plaza**" has always been envisioned to be governed by the following requirements of the "HC" Highway Commercial zoning district for shopping centers, which appear to be appropriate, provided that the rear and side yard setbacks are reduced from 100 feet to 50 feet in recognition of the significant stormwater management facilities on the site:

<b>Pike Run Plaza Shopping Center</b>					
Lot area: Minimum = 8 acre					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	500 ft.	Distance to side line	25 ft.	Floor/area ratio (FAR)	0.20
Lot width	500 ft.	Distance to rear line	25 ft.	Lot coverage	55%
Lot depth	400 ft.	Distance to other building	20 ft.		
Front yard	100 ft.				
Side yard (each)	50 ft.				
Rear yard	50 ft.				

**Area 3**  
**Continuing Care Facility (CCF)**

This portion of the overall development plan is located north of the "patio home" single family detached dwelling units and south of the CSX railroad bridge. As show on the Concept Plan, the land area for the CCF is approximately 22 acres.

The four (4) illustrated buildings in the southern portion of the CCF will, in aggregate, contain a total of 96 "Senior Residential Villas" apartments. Each building will be 3-stories in height and will contain 24 apartments. Each apartment will have two (2) bedrooms and will be approximately 1,600 square feet in area.

The three (3) L-shaped buildings in the northern portion of the CCF are each 3-stories in height and are shown on the Concept Plan to include the following:

- One building with 74 "Independent Senior Living" units.
- One building with 74 "Assisted Living" units.
- One building with 74 "Sub-Acute Care" beds.

In addition to the buildings, the Concept Plan includes "Garden Plots" and a "Senior Outdoor Recreation Area".

While the CCF as shown on the Concept Plan is both plausible and desirable, it is recognized that the marketplace ultimately will determine the final design. Therefore, the specific zoning provisions will be finally detailed when a final plan is agreed upon between the developer and Montgomery Township. Nevertheless, it is agreed at this time that the following standards shall apply in any case:

1. The area of the CCF site shall be at least 20 acres and no more than 23 acres.
2. The maximum building coverage shall be 20% of the site.
3. The maximum impervious coverage of the CCF site shall be 45% and the minimum open space areas, including the landscaped berms, garden plots and outdoor recreation area, shall be 55%.
4. Any freshwater wetlands and transitional buffer areas, after any buffering averaging approved by the NJDEP, shall be placed into a conservation deed restriction.
5. Although to be constructed as part of the **Country Club Meadows & Belle Mead Plaza Mixed Use Inclusionary Development**, it is noted that the buffer area shown on the Concept Plan bordering the CSX railroad bridge to the north and the buffer area bordering the patio home dwelling units in the **Country Club Meadows** portion of the inclusionary development to the south shall be placed into a conservation deed restriction.

6. As shown on the Concept Plan, the buffer area bordering the CSX railroad bridge and the buffer area bordering the patio homes shall have the buffer plantings installed atop and/or along earthen berms as approved by the Township.
7. No building shall be located within 250 feet of the Route 206 right-of-way or within 50 feet of any other site boundary.
8. Any final plan for the CCF shall be comprised of a number of relatively small buildings located and angled on the site to provide a view of open spaces from the Route 206 CSX railroad bridge and, in addition to the planted berm along the railroad bridge and a minimum 250 setback of any building from Route 206, shall include an "open space" area such as the garden plots beyond the berm as shown on the Concept Plan.
9. Recognizing that the CCF may be sequentially constructed over time, the final plan shall include a staging plan assuring continuing and effective emergency vehicular access throughout the development process, and areas of the CCF will be permitted to be subdivided for financial purposes when the entirety of the CCF is approved by the Township.

**Area 4**  
**Transit Commercial**

This portion of the overall development plan is located to the north of Route 206 along Township Line Road and across the railroad tracks from an old railroad station.

The development yield of this site is limited to an aggregate 22,000 square feet of retail commercial space in one or more 1-story buildings to be developed in accordance with the ordinance provisions governing development in the "CC-1" Community Commercial zoning district.

However, in the future the development of this site could be expanded with lands owned by the NJ Department of Transportation and the New York Central Line LLC into a modest NJ Transit Park & Ride Facility.

## **PROPOSED IMPLEMENTING ZONING ORDINANCE PROVISIONS**

Based upon the June 11, 2014 "Conceptual Development Plan" and the zoning guidance language included in the June 24, 2014 settlement agreement, the zoning ordinance provisions and "Zoning Map" which are attached to this "Land Use Plan" amendment in **Appendix II** are proposed to govern the development of what is to be called the "Belle Mead Planned Unit Development" ("Belle Mead PUD").

As permitted by the Municipal Land Use Law (MLUL) via its definition of a "Planned Unit Development", which is quoted on page 1 of this report, all the land comprising the subject "Belle Mead PUD" will be zoned into and labeled as a single zoning district.

Additionally, given the fact that there are four (4) sub-development areas of the PUD as discussed in the zoning guidance language on pages 14 through 20 of this report, it is prudent for the Township Planning Board to formally approve the June 11, 2014 "Conceptual Development Plan" as a prerequisite to the approval of any site plan application for one of the sub-development areas.

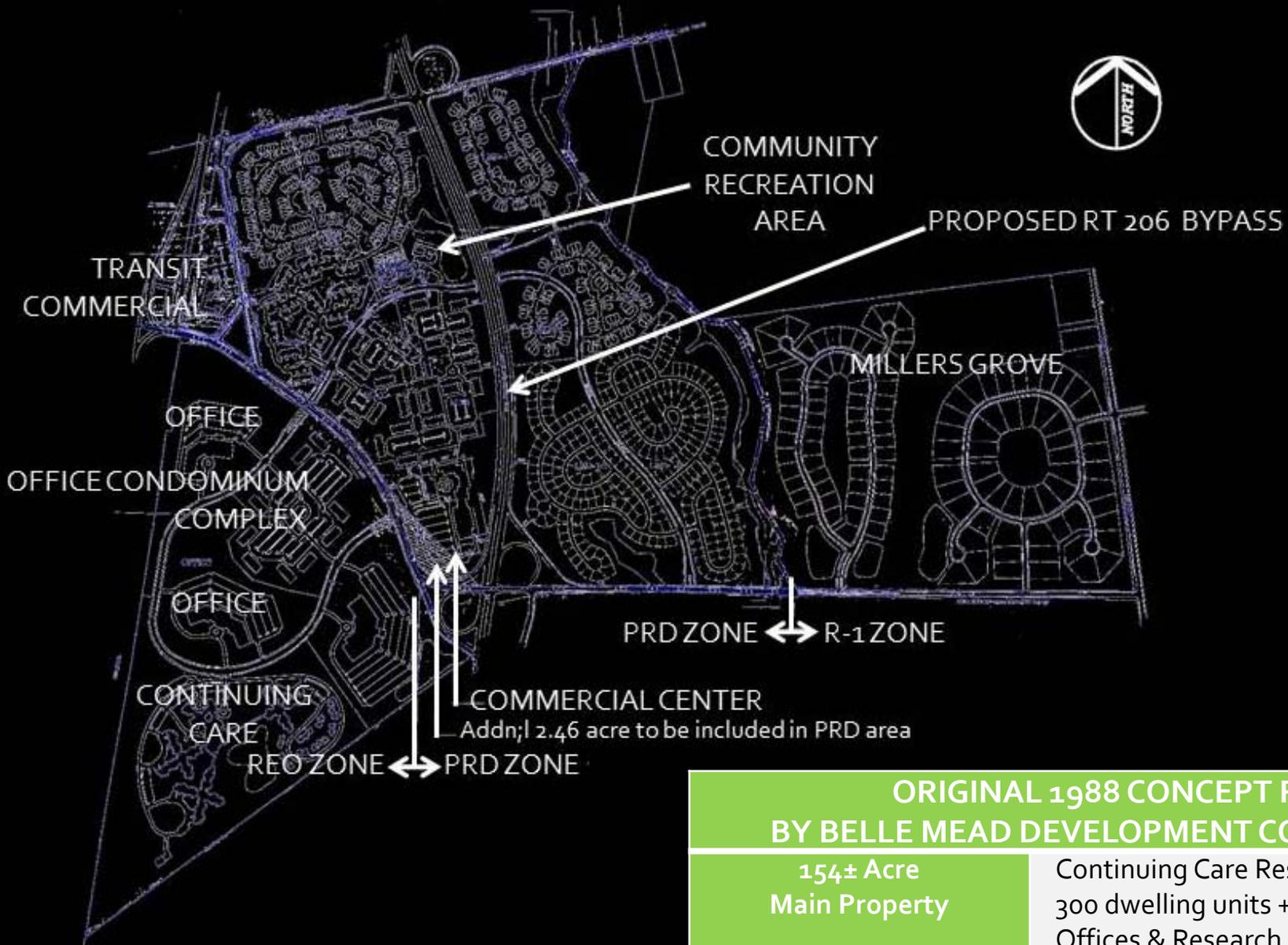
At N.J.S.A. 40:55D-45.1, the MLUL provides a mechanism for the approval of a "General Development Plan" (GDP), which is defined as a "comprehensive plan for the development of a planned development." It should be noted and understood that most, if not all, of the information required for the approval of a GDP by the Planning Board for the "Belle Mead PUD" already has been prepared by Country Club Meadows as part of the settlement proceedings, and it is not the purpose or intent of the GDP approval to require an excessive amount of new material to be prepared. Instead, the applicant will more simply have to package the existing material for submission to the Board.

However, the approval of a GDP by the Planning Board for the "Belle Mead PUD" is important because it keeps the approval of the entire PUD under one umbrella and under the authority of the Planning Board and, therefore, will prevent the fragmentation of the four (4) sub-development areas into separate land areas detached from the June 11, 2014 "Conceptual Development Plan".

## **APPENDIX I**

### **FIVE (5) PREVIOUSLY PREPARED CONCEPT PLANS**

- Original 1988 Concept Plan by Belle Mead Development Corporation**
- 2007 Concept Plan to Township by Country Club Meadows**
- 2010 Concept Plan to COAH by Country Club Meadows**
- 2010 Concept Plan to NJDOT by Country Club Meadows**
- 2011 Concept Plan to COAH Mediation by Country Club Meadows**



**ORIGINAL 1988 CONCEPT PLAN  
BY BELLE MEAD DEVELOPMENT CORPORATION**

154± Acre Main Property	Continuing Care Residential Community 300 dwelling units + 80 beds Offices & Research Facilities 568,000 total square feet
9.708± Acre Retail Commercial Site	Retail Commercial Space 80,000 total square feet
10.46± Acre Transit Commercial Site	Commercial Space 20,000 square feet + 242 parking spaces
5.56± Acre Add-On Site	[Not Included]





## 2010 CONCEPT PLAN TO COAH BY COUNTRY CLUB MEADOWS

<p>154± Acre Main Property</p>	<p>Supermarket (1) &amp; Pad Sites (7) 130,000 total square feet Dwelling Units 500 total dwelling units, including 300 market rate single-family units, 100 market rate multi-family units &amp; 100 affordable multi-family units</p>
<p>9.708± Acre Retail Commercial Site</p>	<p>Commercial Pad Sites (4) 60,000 total square feet</p>
<p>10.46± Acre Transit Commercial Site</p>	<p>Commercial Space + Parking 10,000 square feet + 800 parking spaces</p>
<p>5.56± Acre Add-On Site</p>	<p>Pad Site (1), With Drive-Thru 10,000 total square feet</p>



## 2010 CONCEPT PLAN TO NJDOT BY COUNTRY CLUB MEADOWS

**154± Acre  
Main Property**

Retail Commercial, Offices & Restaurant  
150,000 total square feet  
Dwelling Units  
500 total dwelling units, including 300  
market rate single-family units & 200  
market rate multi-family units

**9.708± Acre  
Retail Commercial Site**

Commercial Pad Sites (4)  
60,000 total square feet

**10.46± Acre  
Transit Commercial Site**

[Not Included]

**5.56± Acre  
Add-On Site**

Pad Site (1), With Drive-Thru  
10,000 total square feet



## 2011 CONCEPT PLAN TO COAH MEDIATION BY COUNTRY CLUB MEADOWS

154± Acre Main Property	Retail Commercial Space 144,800 total square feet Dwelling Units 440 total dwelling units, including 340 market rate single-family units, 60 market rate townhouse units & 40 affordable townhouse units
9.708± Acre Retail Commercial Site	Commercial Pad Sites (4) 59,300 total square feet
10.46± Acre Transit Commercial Site	Commercial Space + Parking 15,000 square feet + 355 parking spaces
5.56± Acre Add-On Site	Pad Site (1), With Drive-Thru 9,900 total square feet

## **APPENDIX II**

### **DRAFT IMPLEMENTING ORDINANCE PROVISIONS FOR THE "BELLE MEAD PLANNING UNIT DEVELOPMENT" (BMPUD)**

**TOWNSHIP OF MONTGOMERY  
SOMERSET COUNTY, NEW JERSEY**

**ORDINANCE NO. \_\_\_\_\_**

**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 SECTION 16-3.1 REGARDING "ZONING DISTRICTS",  
SUBSECTION 16-3.3a. REGARDING "ZONING MAP",  
A NEW SUBSECTION 16-4.15, ENTITLED  
"BELLE MEAD PLANNED UNIT DEVELOPMENT",  
AND A NEW SUBSECTION 16-8.7, ENTITLED  
"REQUIRED SUBMISSION OF A GENERAL DEVELOPMENT PLAN FOR THE  
BELLE MEAD PLANNED UNIT DEVELOPMENT"**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE**

**TOWNSHIP OF MONTGOMERY**, in the County of Somerset and the State of New Jersey,  
that Chapter XVI, "Land Development", of the Code of the Township of Montgomery (1984) is  
hereby amended and supplemented as follows:

**SECTION 1.** Change Section 16-3.1, "Zoning Districts", of the Code of the Township  
of Montgomery (1984) to read in its entirety as follows:

**"16-3.1 Zoning Districts.**

For the purpose of this chapter, the Township of Montgomery is hereby divided into  
twenty-two (22) zoning districts as follows:

PPE	---	Public, Parks & Education
MR	---	Mountain Residential
R-5	---	Single-Family Residential
R-2	---	Single-Family Residential
R-1	---	Single-Family Residential
R	---	Single-Family Residential
ARH	---	Age-Restricted Housing
VN	---	Village Neighborhood

APT/TH	---	Apartment/Townhouse Residential
NC	---	Neighborhood Commercial
CC-1	---	Community Commercial
CC-2	---	Community Commercial
HC	---	Highway Commercial
SB	---	Small Business
REO-1	---	Research, Engineering & Office
REO-2	---	Research, Engineering & Office
REO-3	---	Research, Engineering & Office
LM	---	Limited Manufacturing
MR/SI	---	Mountain Residential/Special Industrial
SSIZ-1	---	Site Specific Inclusionary Zone 1
SSIZ-2	---	Site Specific Inclusionary Zone 2
BMPUD	---	Belle Mead Planned Unit Development"

**SECTION 2.** Amend Subsection 16-3.3a., "Zoning Map", of the Code of the Township of Montgomery (1984) to read in its entirety as follows:

- "a. ***Zoning Map.*** The boundaries of the zoning districts specified in Subsection 16-3.1 hereinabove and the land areas designated for the optional development alternatives specified in Subsection 16-3.2, also hereinabove, are shown and established on the "Zoning Map" of the Township of Montgomery, dated (to be provided), which accompanies and is part of this chapter."

*Note To Reader: The Draft June 2014 "Zoning Map" is attached herewith."*

**SECTION 3.** Add a new Section 16-4.15., entitled "Belle Mead Planned Unit Development", under Section 16-4, "District Regulations", of the Code of the Township of Montgomery (1984) to read in its entirety as follows:

## **"16-4.15 Belle Mead Planned Unit Development.**

### **a. *Overall Purpose & Structure of Ordinance Provisions.***

The following are the zoning ordinance requirements to permit the build-out of lands in the Belle Mead node portion of Montgomery Township as shown on the "Country Club Meadows Conceptual Development Plan", dated June 11, 2014 (the "Concept Plan"). The zoning ordinance provisions have separate but interrelated requirements for four (4) sub-development areas in the plan, including the following:

- Area 1: Country Club Meadows & Belle Mead Plaza Mixed Use Inclusionary Development;
- Area 2: Pike Run Plaza;
- Area 3: Continuing Care Facility (CCF); and
- Area 4: Transit Commercial.

- b. The applicant shall be required to submit and obtain approval from the Planning Board of a "General Development Plan" (GDP) as provided at N.J.S.A 30:55D-45.1 of the Municipal Land Use Law and in accordance with the specific requirements in Section 16-8.7 of this ordinance, entitled "Required Submission Of A General Development For The Belle Mead Planned Development." Once GDP approval is obtained, site plans may be submitted for preliminary and final Board approval for any of the four (4) sub-development areas in accordance with the zoning provisions noted hereinbelow.
- c. It is noted and emphasized that the acreages of the four (4) sub-development areas are only preliminary estimates at this time, and will be finally determined via surveys at the time the GDP is prepared and submitted for Planning Board review and approval.

### **16-4.15-1 *Area 1: Country Club Meadows & Belle Mead Plaza Mixed Use "Inclusionary" Development.***

#### **a. *Introduction.***

This sub-development area of the overall PUD is located on two (2) separate tracts of land, including "**Country Club Meadows**", comprised of Block 4001/Lots 33 & 33.01 (portion) on the west side of Route 206, and "**Belle Mead Plaza**", comprised of Block 6001/Lot 1 at the southeast corner of the Route 206/Belle Mead-Griggstown Road intersection. These two (2) separate tracts of land are considered to comprise a single "inclusionary" development to be planned, approved and constructed as a single entity.

#### **b. *Country Club Meadows Portion.***

This portion of the "inclusionary" development will contain detached single-family dwellings, land conservation areas and perimeter buffering.

1. *Principal Permitted Uses on the Land and in Buildings.*

- (a) 108 detached single-family dwelling units with the following area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures, which are the requirements used to develop "East Country Estates" which is the prototype for the development of the 108 units:

<b>Detached Single-Family Dwelling Units</b>					
Lot area: Minimum = 14,500 sq. ft.; Maximum = 33,000 sq. ft.; & Average = Minimum 22,000 sq. ft.					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	100 ft.	Distance to side line	10 ft.	Principal building coverage	15%
Lot width	100 ft.	Distance to rear line	15 ft.	Accessory structures coverage	3%
Lot depth	125 ft.	Distance to other building	10 ft.	Floor/area ratio (FAR)	0.20*
Side yard (each)	20 ft.			Lot coverage	25%
Front yard	40 ft.			*Except that approved lots less than 18,250 square feet in area shall be permitted a maximum floor area of 0.25.	
Rear yard	30 ft.				

- (b) 40 "patio home" detached single-family dwelling units with the following area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures:

<b>Patio Home Detached Single-Family Dwelling Units</b>					
Lot area: Minimum = 5,000 sq. ft.; Maximum = 7,000 sq. ft.; & Average = Minimum 6,000 sq. ft.					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	50 ft.	Distance to side line	5 ft.	Principal building coverage	40%
Lot width	50 ft.	Distance to rear line	10 ft.	Accessory structures coverage	NA
Lot depth	100 ft.	Distance to other building	5 ft.	Floor/area ratio (FAR)	0.55
Side yard (each)	7.5 ft.			Lot coverage	55%
Front yard	20 ft.				
Rear yard	25 ft.				

- (c) Conservation areas and public purpose uses.

2. *Accessory Uses Permitted.*

- (a) Private residential swimming pools (see subsection 16-5.15).
- (b) One (1) private residential tool shed not to exceed one hundred fifty (150) square feet in area and fifteen (15) feet in height.

- (c) Recreational facilities customarily associated with detached single-family dwelling units.
  - (d) Off-street parking and private garages (see subsection 16-2.1, subsection 16-4.15-1 b.4. hereinbelow and subsection 16-5.8).
  - (e) Fences and walls (see subsection 16-5.3).
  - (f) Signs (see subsection 16-4.15-1 b.5. hereinbelow and subsection 16-5.13).
  - (g) Home occupations (see subsection 16-6.7 for requirements and review procedures).
  - (h) Underground sprinkler systems, provided the spray therefrom is not projected outside of the lot line or street lines.
  - (i) Small wind, solar or photovoltaic energy systems for the production of electric energy to serve the principal permitted use on the lot, provided the applicable requirements in subsection 16-6.10 are met.
3. *Maximum Building Height.* No principal building shall exceed thirty-five (35) feet in height and two and one-half (2½) stories and no accessory building shall exceed fifteen (15) feet in height and one and one-half (1½) stories, except as further allowed in subsection 16-6.2 of this chapter, entitled "General Exceptions and Modifications for Height Limits."
4. *Minimum Off-Street Parking.* Each detached single-family dwelling shall provide off-street parking spaces according to the following minimum provisions. No parking area or driveway shall be located within five (5) feet of any property line.
- (a) Detached single family dwelling units shall provide one and one-half (1.5) spaces per two-bedroom unit; two (2) spaces per three-bedroom unit; two and one-half (2.5) spaces per four-bedroom unit; and three (3) spaces per five (5) or more bedroom unit. Where the bedroom count per unit is not specified, two and one-half (2.5) spaces per dwelling unit shall be provided.
  - (b) Each garage car space shall be counted as one (1) off-street parking space.
  - (c) A one-car garage and driveway combination shall count as two (2) off-street parking spaces, provided the driveway leading to the garage is at least eighteen (18) feet in length, measured between the garage door and the curb or between the garage door and a sidewalk, whichever distance is less.

- (d) A two-car garage and driveway combination shall count as three and one-half (3.5) off-street parking spaces, provided the driveway leading to the garage is at least twenty (20) feet wide and at least eighteen (18) feet in length, measured between the garage door(s) and the curb or between the garage door(s) and a sidewalk, whichever distance is less.
- (e) See subsection 16-5.8 for additional standards.

5. *Permitted Signs.*

- (a) Each principal permitted detached single-family dwelling may have one (1) attached sign not exceeding two (2) square feet in area.
- (b) The "**Country Club Meadows**" portion of the mixed use "inclusionary" development shall be permitted one (1) ground mounted freestanding sign at each entrance into the development along Route 206, provided that the sign shall not exceed thirty (30) square feet in area and eight (8) feet in height and is set back at least ten (10) feet from any street right-of-way line and twenty-five (25) feet from any other property line.
- (c) Each freestanding sign may be lighted, provided the lighting is exterior to the sign and is located at the top of the sign focused downward onto the sign.
- (d) Additional signage within the interior of the development may be approved by the Planning Board for directional purposes or other good cause shown by the applicant as part of the site plan approval.
- (e) See subsection 16-5.13 of this chapter for permitted temporary signs, additional standards and the design requirements for signs.

6. *Additional Zoning & Development Requirements.* Approval of the site plan for the "**Country Club Meadows**" portion of the "inclusionary" development shall include the following additional requirements:

- (a) All freshwater wetlands and transitional buffer areas, after any buffering averaging approved by the NJDEP, and all other treed areas shown on the Concept Plan shall be placed into a conservation deed restriction.
- (b) All perimeter buffer areas shown on the Concept Plan bordering Route 206, including: 1) the buffer area bordering the CSX railroad bridge; 2) the buffer areas along the railroad; 3) the buffer area bordering the "Montgomery Chase West" residential development to the south; and 4) the buffer area within the **Continuing Care Facility** (CCF) (which is another sub-development area in the Concept Plan) that borders the patio home dwelling units, shall be reviewed by the Township Planning Board

and constructed by the developer of the "inclusionary" development as part of its approval, with any existing vegetation augmented with additional landscaping as may be required by the Board at the time of site plan review, and with all the buffer areas placed into a conservation deed restriction.

- (c) As shown on the Concept Plan, the buffer areas between the CSX railroad bridge and the CCF development, between the patio homes and the CCF development, and between the railroad and the detached single-family dwelling unit lots shall have the buffer plantings installed atop and/or along earthen berms as approved by the Township.
- (d) No building shall be located within 250 feet of the Route 206 right-of-way.
- (e) A pedestrian path at the southern end of "**Country Club Meadows**" shall be constructed by the developer connecting to a pedestrian crossing of Route 206 to the proposed commercial development on the other side.
- (f) Given the cultivated field condition of the tract and the absence of any abutting existing detached single-family dwellings except along the southerly border of the tract, and notwithstanding any other ordinance provision to the contrary, the maximum thirty-five (35) height of the detached single-family dwelling units shall be measured to the highest point of the building from the mean finished grade elevation of the four (4) corners of the subject dwelling, except that the building height of any dwelling unit on any lot within 100 feet of the southern tract boundary line with the adjacent "Montgomery Chase West" residential development shall be measured in accordance with the definition of "building height" in Section 16-2.1.

c. ***Belle Mead Plaza Portion.***

This portion of the inclusionary development shall contain the following land uses and other improvements to be constructed by the developer:

1. *Principal Permitted Uses on the Land and in Buildings.*

- (a) One (1) approximately 61,000 square foot 2-story multi-use building with approximately 244 parking spaces. Retail sales of goods and services, offices, banks and/or child care centers shall be located on the first floor of approximately 31,000 square feet, and a total of 28 apartment units shall be located on the second floor, including 27 COAH qualified affordable non age-restricted apartment units for rent and 1 additional market rate apartment unit for an on-site residential manager.
- (b) Conservation areas and public purpose uses.

- (c) While there is no existing zoning district in Montgomery Township that would permit the proposed "**Belle Mead Plaza**" multi-use building with the specifically required apartment units above retail/office space, the following modified requirements of the existing "HC" Highway Commercial district for individual uses shall govern the development, which includes 5% additional lot coverage to accommodate the combined retail/office and residential use of the building and an increased floor/area ratio (FAR) to accommodate the apartment units:

<b>Belle Mead Plaza Multi-Use Building</b>					
Lot area: Minimum = 1 acre					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	150 ft.	Distance to side line	15 ft.	Nonresidential FAR	0.20
Lot width	150 ft.	Distance to rear line	15 ft.	Total floor/area ratio (FAR)	0.30
Lot depth	150 ft.	Distance to other building	20 ft.	Lot coverage	60%
Side yard (each)	25 ft.				
Front yard	50 ft.				
Rear yard	50 ft.				

2. *Accessory Uses Permitted.*

- (a) Off-street parking (see subsection 16-4.15-1 c.4. hereinbelow and subsection 16-5.8 for the design requirements for off-street parking, loading areas and driveways).
- (b) Off-street loading (see subsection 16-4.15-1 c.5. hereinbelow).
- (c) Fences and walls (see subsection 16-5.3 of this chapter for the design requirements for fences, walls, sight triangles and guiderails).
- (d) Signs (see subsection 16-4.15-1 c.6. hereinbelow and subsection 16-5.13 for the design requirements for signs).
- (e) Lighting (see subsection 16-5.4 of this chapter for the design requirements for lighting).
- (f) Temporary construction trailers and one (1) temporary sign not exceeding thirty-two (32) square feet in area, either attached to the trailer or free-standing, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a certificate of occupancy or one (1) year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least thirty (30) feet from all perimeter

property lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one (1) operating telephone within the trailer.

- (g) Child care centers licensed by the Department of Human Services pursuant to P.L. 1983, c. 492 (C.30:5B-1, et seq.).
  - (h) Small wind, solar or photovoltaic energy systems for the production of electric energy to serve the principal permitted use on the lot, provided the applicable requirements in subsection 16-6.10 are met.
3. *Maximum Building Height.* No principal building shall exceed thirty-five (35) feet and two and one-half (2½) stories in height except as allowed in subsection 16-6.2b. of this chapter, entitled "General Exceptions and Modifications for Height Limits."
4. *Minimum Off-Street Parking.* Each individual use shall provide parking spaces according to the following minimum provisions. The total number of required parking spaces shall be obtained by computing individually the parking requirements for each different activity and adding the resulting numbers together:
- (a) Retail sales of goods and services, offices and banks shall provide parking at the ratio of one (1) parking space per two hundred (200) square feet of gross floor area or part thereof. Additionally, drive-in banks shall provide room for at least six (6) automobiles per drive-in window for queuing purposes.
  - (b) Child care centers shall provide parking at the ratio of one (1) parking space per employee plus one (1) additional parking space for every eight (8) children. Additionally, adequate area shall be provided for the loading and unloading of children, which shall take place on site and not in the public right-of-way.
  - (c) Each 1-bedroom apartment shall provide 1.8 parking spaces, each 2-bedroom apartment shall provide 2.0 parking spaces, and each 3-bedroom apartment shall provide 2.1 parking spaces.
  - (d) See subsection 16-5.8 of this chapter for the design standards regarding off-street parking, loading areas and driveways.

5. *Off-Street Loading.*

- (a) Unless an alternate method of loading and unloading specifically is approved by the Planning Board, the principal building shall provide an off-street loading space at the side or rear of the building or within the building. In any case, there shall be no loading or unloading from the street.
- (b) There shall be at least one (1) trash and garbage pick-up location within convenient access to the building, including provisions for the separation and collection of recyclable materials in accordance with the recycling requirements of Somerset County and in accordance with the following:
  - (1) The trash and garbage pick-up location shall be provided either within the building being served or in a pick-up location outside the building;
  - (2) If located within the building, the doorway may serve both the loading and trash/garbage functions, and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions; and
  - (3) If located outside the building, the trash and garbage pick-up location shall include a steel-like, totally enclosed trash and garbage container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of all three (3).

6. *Permitted Signs.*

- (a) The principal building may have one (1) freestanding sign and, additionally, each principal tenant in the building may have one (1) attached sign, provided and in accordance with the following:
  - (1) Any freestanding sign shall not exceed seventy-five (75) square feet in area, shall not exceed eight (8) feet in height, and shall be set back at least twenty (20) feet from any street right-of-way line and twenty-five (25) feet from any other property line.

- (2) Each principal tenant on the first floor of the building with direct access from the outside shall be permitted a sign attached flat against the building. The size of each such attached sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of building façade fronting on a street and occupied by the tenant, but in no case shall the size of the sign exceed fifty (50) square feet in area.
  - (3) One (1) additional attached sign is permitted for a principal tenant within the building which faces two (2) streets, provided that the sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of building facade fronting on said street, but in no case shall the size of the sign exceed twenty (20) square feet in area.
  - (4) All signs shall adhere to a common architectural theme regarding lettering style, lighting and color.
- (b) See subsection 16-5.13 of this chapter for permitted temporary signs, additional standards and the design requirements for signs.

7. *Additional Zoning & Development Requirements.*

- (a) The affordable apartment units shall be constructed according to the following schedule tied to the construction of the market rate detached single-family and patio home detached dwelling units in the "**Country Club Meadows**" portion of the "inclusionary" development:

<b>Maximum Percentage Of Detached Dwellings Receiving Certificates of Occupancy</b>	<b>Minimum Percentage Of Affordable Apartment Units Receiving Certificates of Occupancy</b>
Up to 25%	0% (none required)
25% + 1 unit	10%
50%	50%
75	75
90%	100%

- (b) The applicant shall construct a play lot on adjacent municipal land designated by the Township as the location for the play lot, with separate sections and apparatus for children 2-5 years of age and 5-12 years of age, with benches in-between.
- (c) The applicant shall construct a 6 foot wide pedestrian bridge over Crusier Brook and sidewalks as necessary to provide sidewalk connectivity between development in the Belle Mead node and "Montgomery Park" to east.

- (d) The developer shall dedicate a right-of-way and shall construct a connecting roadway between Belle Mead-Griggstown Road and Covert Drive.
- (e) The front, sides and rear of the building shall be similarly designed and finished with the same materials and similar architecture. The building exterior shall have vertical and/or horizontal offsets to create visual breaks along each facade. Long, monotonous, uninterrupted walls are not permitted.
- (f) No merchandise, products, equipment or similar material and objects shall be displayed or stored outside.
- (g) All portions of a lot not covered by buildings or structures (e.g., parking lots, parking spaces, loading areas, access aisles, driveways, sidewalks, walkways, curbs, trash enclosures, etc.) shall be suitably landscaped with grass, shrubs, and trees and shall be maintained in good condition. In any case, no less than forty (40%) percent of the area of the lot shall be so landscaped, and the landscaped area may include approved detention and/or retention basins.
- (h) No parking area, loading area, driveway or other structure (except for approved access ways, signs and fencing) shall be permitted within the first twenty-five (25) feet adjacent to any street line nor within the first fifteen (15) feet adjacent to any other property line, and such areas shall be planted and maintained in lawn area or ground cover and shall be landscaped with trees and shrubbery as approved by the Planning Board.

**16-4.15-2 Area 2: Pike Run Plaza.**

a. ***Introduction.***

This sub-development area of the overall PUD is located along northbound Route 206, north of the intersection of Route 206 and Belle Mead-Griggstown Road. This location always has been in the plan of the Pike Run Planned Residential Development (Pike Run PRD) but now, given the vacation of the former Route 206 Bypass right-of-way, has been expanded in area from approximately 9.78 acres to upwards of 17.8 acres in area to be verified via a survey at the time the GDP application is prepared and submitted. This expanded area will allow room for the construction of a modern shopping center to serve the population within the Belle Mead node, with vehicular access both to Route 206, Belle Mead-Griggstown Road and to the Pike Run PRD, as well as continuing to provide for important stormwater management facilities.

b. ***Pike Run Plaza Shopping Center.***

The development will contain the following land uses, buffers and other improvements to be constructed by the developer:

1. *Principal Permitted Uses on the Land and in Buildings.*

- (a) A total of 102,000 square feet of retail sales of goods and services, offices, banks, restaurants and/or child care centers in no less than two (2) 1-story commercial buildings, with approximately 515 parking spaces.
- (b) An 8,000 square foot "Community Operations Building" with a mezzanine area, to be constructed to replace the existing operations space in the Pike Run Village club house, and the existing operations space in the club house will be renovated by the developer and will be turned over to the Pike Run Village Master Association under reasonable terms agreed upon between the developer and the association.
- (c) Conservation areas and public purpose uses.
- (d) In accordance with the original approvals for the overall Pike Run PRD, the location of the proposed "**Pike Run Plaza**" has always been envisioned to be governed by the ordinance requirements of the "HC" Highway Commercial zoning district for shopping centers, which remain appropriate at this time, except that the following provisions have reduced the rear and side yard setbacks from 100 feet to 50 feet in recognition of the significant stormwater management facilities on the site:

<b>Pike Run Plaza Shopping Center</b>					
Lot area: Minimum = 8 acre					
Principal Building Minimums		Accessory Structure Minimums		Intensity Maximums	
Lot frontage	500 ft.	Distance to side line	25 ft.	Floor/area ratio (FAR)	0.20
Lot width	500 ft.	Distance to rear line	25 ft.	Lot coverage	55%
Lot depth	400 ft.	Distance to other building	20 ft.		
Front yard	100 ft.				
Side yard (each)	50 ft.				
Rear yard	50 ft.				

2. *Accessory Uses Permitted.*

- (a) Off-street parking (see subsection 16-4.15-2 b.4. hereinbelow and subsection 16-5.8 for the design requirements for off-street parking, loading areas and driveways).

- (b) Off-street loading (see subsection 16-4.15-2 b.5. hereinbelow).
  - (c) Fences and walls (see subsection 16-5.3 of this chapter for the design requirements for fences, walls, sight triangles and guiderails).
  - (d) Signs (see subsection 16-4.15-2 b.6. hereinbelow and subsection 16-5.13 for the design requirements for signs).
  - (e) Lighting (see subsection 16-5.4 of this chapter for the design requirements for lighting).
  - (f) Temporary construction trailers and one (1) temporary sign not exceeding thirty-two (32) square feet in area, either attached to the trailer or free-standing, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a certificate of occupancy or one (1) year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least thirty (30) feet from all perimeter property lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one (1) operating telephone within the trailer.
  - (g) Child care centers licensed by the Department of Human Services pursuant to P.L. 1983, c. 492 (C.30:5B-1, et seq.).
  - (h) Small wind, solar or photovoltaic energy systems for the production of electric energy to serve the principal permitted use on the lot, provided the applicable requirements in subsection 16-6.10 are met.
3. *Maximum Building Height.* No principal building shall exceed thirty (30) feet and one and one-half (1½) stories in height except that the "Community Operations Building" shall not exceed twenty-five (25) feet in height and two (2) stories and except further as allowed in subsection 16-6.2b. of this chapter, entitled "General Exceptions and Modifications for Height Limits."
4. *Minimum Off-Street Parking.* Each individual use shall provide parking spaces according to the following minimum provisions. The total number of required parking spaces shall be obtained by computing individually the parking requirements for each different activity and adding the resulting numbers together:

- (a) Retail sales of goods and services, offices and banks shall provide parking at the ratio of one (1) parking space per two hundred (200) square feet of gross floor area or part thereof. Additionally, drive-in banks shall provide room for at least six (6) automobiles per drive-in window for queuing purposes.
- (b) Restaurants shall provide one (1) parking space for every three (3) seats, but in all cases a sufficient number of spaces shall be provided to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles.
- (c) Child care centers shall provide parking at the ratio of one (1) parking space per employee plus one (1) additional parking space for every eight (8) children. Additionally, adequate area shall be provided for the loading and unloading of children, which shall take place on site and not in the public right-of-way.
- (d) See subsection 16-5.8 of this chapter for the design standards regarding off-street parking, loading areas and driveways.

5. *Off-Street Loading.*

- (a) Unless an alternate method of loading and unloading specifically is approved by the Planning Board, each principal building shall provide off-street loading space(s) at the side or rear of the building or within the building. And loading dock space shall be at least fifteen (15) feet wide by forty (40) feet in length, with adequate ingress and egress from a public street and with adequate space for maneuvering. In any case, there shall be no loading or unloading from the street.
- (b) There shall be at least one (1) trash and garbage pick-up location within convenient access to the building, including provisions for the separation and collection of recyclable materials in accordance with the recycling requirements of Somerset County and in accordance with the following:
  - (1) The trash and garbage pick-up location shall be provided either within the building being served or in a pick-up location outside the building;
  - (2) If located within the building, the doorway may serve both the loading and trash/garbage functions, and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions; and

- (3) If located outside the building, the trash and garbage pick-up location shall include a steel-like, totally enclosed trash and garbage container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of all three (3).

6. *Permitted Signs.*

- (a) The shopping center may have one (1) freestanding sign at the driveway entrance along Route 206 and at the driveway entrance along Belle Mead-Griggstown Road and, additionally, each principal tenant in the building may have one (1) attached sign, provided and in accordance with the following:
  - (1) Any freestanding sign shall not exceed seventy-five (75) square feet in area, shall not exceed eight (8) feet in height, and shall be set back at least twenty (20) feet from any street right-of-way line and twenty-five (25) feet from any other property line.
  - (2) Each principal tenant on the first floor of the building with direct access from the outside shall be permitted a sign attached flat against the building. The size of each such attached sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of building façade fronting on a street and occupied by the tenant, but in no case shall the size of the sign exceed fifty (50) square feet in area.
  - (3) One (1) additional attached sign is permitted for a principal tenant within the building which faces two (2) streets, provided that the sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of building facade fronting on said street, but in no case shall the size of the sign exceed twenty (20) square feet in area.
  - (4) All signs shall adhere to a common architectural theme regarding lettering style, lighting and color.
- (b) See subsection 16-5.13 of this chapter for permitted temporary signs, additional standards and the design requirements for signs.

7. *Additional Zoning & Development Requirements.*

- (a) The existing treed area between the southernmost 51,000 square foot retail commercial building and the existing homes in the Pike Run Villas portion of the overall Pike Run PRD shall, at the direction of the Township Planning Board, either be augmented with additional evergreen plantings by the developer or, alternatively, shall be replaced with a landscaped berm by the developer.
- (b) Excepting for the portion of the former Route 206 Bypass right-of-way annexed to be part of the "**Pike Run Plaza**" portion of the overall development as shown on the concept plan, the remainder of the right-of-way extending to Township Line Road to the north shall be preserved and restricted by a conservation deed restriction from any development except for passive recreational activities as may be approved by Montgomery Township and the Pike Run Master Association.
- (c) The front, sides and rear of the buildings shall be similarly designed and finished with the same materials and similar architecture. The building exterior shall have vertical and/or horizontal offsets to create visual breaks along each facade. Long, monotonous, uninterrupted walls are not permitted.
- (d) No merchandise, products, equipment or similar material and objects shall be displayed or stored outside.
- (e) All portions of a lot not covered by buildings or structures (e.g., parking lots, parking spaces, loading areas, access aisles, driveways, sidewalks, walkways, curbs, trash enclosures, etc.) shall be suitably landscaped with grass, shrubs, and trees and shall be maintained in good condition. In any case, no less than forty-five (45%) percent of the area of the lot shall be so landscaped, and the landscaped area may include approved detention and/or retention basins.
- (f) No parking area, loading area, driveway or other structure (except for approved access ways, signs and fencing) shall be permitted within the first twenty-five (25) feet adjacent to any street line nor within the first fifteen (15) feet adjacent to any other property line, and such areas shall be planted and maintained in lawn area or ground cover and shall be landscaped with trees and shrubbery as approved by the Planning Board.

### **16-4.15-3 Area 3: Continuing Care Facility.**

#### **a. Introduction.**

This portion of the overall development plan is located north of the "patio home" detached single family dwelling units and south of the CSX railroad bridge. As show on the Concept Plan, the land area for the CCF is approximately 22 acres.

#### **b. Continuing Care Facility (CCF) As Illustrated On The Concept Plan.**

1. The four (4) illustrated buildings in the southern portion of the CCF will, in aggregate, contain a total of 96 "Senior Residential Villas" apartments. Each building will be 3-stories in height and will contain 24 apartments. Each apartment will have 2 bedrooms and will be approximately 1,600 square feet in area.
2. The three (3) L-shaped buildings in the northern portion of the CCF are each 3-story in height and are shown on the Concept Plan to include the following:
  - (a) One building with 74 "Independent Senior Living" units.
  - (b) One building with 74 "Assisted Living" units.
  - (c) One building with 74 "Sub-Acute Care" beds.
3. In addition to the buildings, the Concept Plan includes "Garden Plots" and a "Senior Outdoor Recreation Area".

#### **c. The Zoning Provisions.**

While the CCF as shown on the Concept Plan is both plausible and desirable, it is recognized that the marketplace ultimately will determine the final design. Therefore, the zoning provisions governing the development of the CCF will be further detailed when a final plan is agreed upon between the developer and Montgomery Township. Nevertheless, the following standards shall apply in any case:

1. The area of the CCF site shall be at least 20 acres and no more than 23 acres.
2. The maximum building coverage shall be 20% of the site.
3. The maximum impervious coverage of the CCF site shall be 45% and the minimum open space areas, including the landscaped berms, garden plots and outdoor recreation area, shall be 55%.
4. Any freshwater wetlands and transitional buffer areas, after any buffering averaging approved by the NJDEP, shall be placed into a conservation deed restriction.

5. Although to be constructed as part of the **Country Club Meadows & Belle Mead Plaza Mixed Use Inclusionary Development**, it is noted that the buffer area shown on the Concept Plan bordering the CSX railroad bridge to the north and the buffer area bordering the patio home dwelling units in the **Country Club Meadows** portion of the inclusionary development to the south shall be placed into a conservation deed restriction.
6. As shown on the Concept Plan, the buffer area bordering the CSX railroad bridge and the buffer area bordering the patio homes shall have the buffer plantings installed atop and/or along earthen berms as approved by the Township.
7. No building shall be located within 250 feet of the Route 206 right-of-way or within 50 feet of any other site boundary.
8. Any final plan for the CCF shall be comprised of a number of relatively small buildings located and angled on the site to provide a view of open spaces from the Route 206 CSX railroad bridge and, in addition to the planted berm along the railroad bridge and a minimum 250 setback of any building from Route 206, shall include an "open space" area such as the garden plots beyond the berm as shown on the Concept Plan.
9. Recognizing that the CCF may be sequentially constructed over time, the final plan shall include a staging plan assuring continuing and effective emergency vehicular access throughout the development process, and areas of the CCF will be permitted to be subdivided for financial purposes when the entirety of the CCF is approved by the Township.

#### **16-4.15-4 Area 4: Transit Commercial.**

a. ***Introduction.***

This portion of the overall development plan is located to the north of Route 206 along the west side of Township Line Road and across the railroad tracks from an old railroad station near the Belle Mead Co-Op.

b. ***Transit Commercial Development As Illustrated On The Concept Plan.***

As illustrated on the Concept Plan, the development yield of this area is limited to an aggregate 22,000 square feet of retail commercial space in one or more 1-story buildings. However, in the future, the development of this site could be expanded with lands owned by the NJ Department of Transportation and the New York Central Line LLC into a modest NJ Transit Park & Ride Facility.

c. ***The Zoning Provisions***

Any development of the **Transit Commercial** area of the Belle Mead Planned Unit Development shall be governed by the zoning provisions of the Township's "CC-1" Community Commercial zoning district."

**SECTION 4.** Add a new Section 16-8.7., entitled "Required Submission Of A General Development Plan For The Belle Mead Planned Unit Development", under Section 16-8, "Development Application Review Procedures", of the Code of the Township of Montgomery (1984) to read in its entirety as follows:

**"16-8.7 Required Submission Of A General Development Plan For The Belle Mead Planned Unit Development (BMPUD).**

a. *The Need For A General Development Plan (GDP).*

1. In accordance with a June 24, 2014 settlement agreement between Montgomery Township and the plaintiff "Country Club Meadows", and based upon a June 11, 2014 "Conceptual Development Plan", the zoning ordinance provisions in Section 16-4.15 of this ordinance have been created to govern the development of the "Belle Mead Planned Unit Development" ("BMPUD").
2. As permitted by the Municipal Land Use Law (MLUL) via its definition of a "Planned Unit Development", all the land comprising the "Belle Mead PUD" are zoned into and labeled as a single zoning district.
3. Additionally, given the fact that there are four (4) sub-development areas, it is prudent for the Township Planning Board to formally approve the June 11, 2014 "Conceptual Development Plan" of the BMPUD as a prerequisite to the approval of any site plan application for one of the sub-development areas.
4. At N.J.S.A. 40:55D-45.1, the MLUL provides a mechanism for the approval of a "General Development Plan" (GDP), which is defined as a "comprehensive plan for the development of a planned development." It should be noted and understood that most, if not all, of the information required for the approval of a GDP by the Planning Board for the "Belle Mead PUD" already has been prepared by Country Club Meadows as part of the settlement proceedings, and it is not the purpose or intent of the GDP approval to require an excessive amount of new material to be prepared. Instead, the applicant will more simply have to package the existing material for submission to the Board.
5. However, the approval of a GDP by the Planning Board for the "Belle Mead PUD" is important because it keeps the approval of the entire PUD under one umbrella and under the authority of the Planning Board and, therefore, will prevent the fragmentation of the four (4) sub-development areas into separate land areas detached from the June 11, 2014 "Conceptual Development Plan".

b. ***The Required Contents Of The General Development Plan (GDP).***

The GDP for the "Belle Mead PUD" shall include the following:

1. A general **Land Use Plan** based upon the June 11, 2014 "Conceptual Development Plan" at a scale of 1" = 150' indicating the four (4) BMPUD sub-development areas and the general locations of the land uses to be included in the PUD.
  - (a) The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth.
  - (b) In addition, the proposed types of nonresidential uses to be included in the PUD shall be set forth, and the land area to be occupied by each proposed use shall be indicated.
  - (c) The density and intensity of use for the entire PUD and its four (4) sub-development areas shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;
2. A general **Circulation Plan** based upon the June 11, 2014 "Conceptual Development Plan" showing the general location and types of transportation facilities for vehicles, pedestrians and bicyclists within the PUD and any proposed improvements to the existing circulation system outside the PUD;
3. A general **Open Space Plan** based upon the June 11, 2014 "Conceptual Development Plan" showing the proposed land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon;
4. A general **Stormwater Management Plan** based upon the June 11, 2014 "Conceptual Development Plan" setting forth the proposed method and feasibility of controlling and managing storm water within the PUD;
5. A general **Housing Plan** based upon the June 11, 2014 "Conceptual Development Plan" indicating the number of affordable housing units being provided and their conformance with COAH's "Substantive Rules";
6. A general **Proposed Timing Schedule** including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the PUD prior to the completion of the development in its entirety; and
7. A **Municipal Development Agreement** which shall be the executed June 24, 2014 settlement agreement between Montgomery Township and the plaintiff "Country Club Meadows".

c. ***Submission Of General Development Plan (GDP).***

1. The developer of the "Belle Mead Planned Unit Development" (BMPUD) shall submit a GDP to the Planning Board prior to the granting of preliminary site plan and/or subdivision approval of any portion of the PUD.
2. The Planning Board shall grant or deny GDP approval within 95 days after submission of a complete application to the Township, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute GDP approval of the PUD.
3. The term of the effect of the GDP approval shall be determined by the Planning Board, but shall not in any case exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the PUD.
4. In making its determination regarding the duration of the effect of approval of the GDP, the Planning Board shall consider: the number of dwelling units or amount of nonresidential floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the PUD and the likelihood of its fulfillment; the developer's capability of completing the proposed PUD; and the contents of the GDP and any conditions which the Planning Board attaches to the approval thereof.

d. ***Modification Of Timing Schedule.***

1. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board.
2. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development.

e. ***Variation Approval.***

The developer shall be required to gain the prior approval of the Planning Board if, after approval of the GDP, the developer wishes to make any variation in the location of land uses within the PUD or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the PUD.

f. ***Revision Of General Development Plan.***

1. Except as provided hereunder, once a GDP has been approved by the Planning Board, it may be amended or revised only upon application by the developer and as approved by the Planning Board.

2. However, without violating the terms of the approval, a developer may, in undertaking any section of the PUD, reduce the number of residential units or amounts of nonresidential floor space by no more than 15% or reduce the residential density or nonresidential floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of the required affordable housing units without prior Township Planning Board approval.

**SECTION 5.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to this subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 6.** This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Somerset County Planning Board, all in accordance with the law.

