

SEPTEMBER 20, 2021

MINUTES

Chairman Campeas called the meeting to order at 7:33 p.m. and read the opening statement - Although this meeting is the regularly scheduled meeting of the Montgomery Township Planning Board, due to the COVID-19 crisis, this meeting is being held virtually by webcast, simulcast on Comcast Cable Channel 29, and public participation is enabled by Zoom Webinar.

BOARD MEMBERS PRESENT: Chairman Campeas; Vice Chair Roberts; Mr. Battle; Mr. DeRochi; Mayor Keenan; Mr. Mani; Mr. Matthews; Mr. Schuldiner; Mr. Wilson; Mr. Glockler, Alternate #1; Mr. Khan, Alternate #2 (left 9:15 p.m.)

ALSO PRESENT: Karen Cayci, Esquire, Board Attorney; Rakesh Darji, Board Engineer; Emily Goldman, Board Planner; Joseph Fishinger, Board Traffic Engineer; Richard Bartolone, Township Landscape Architect; Lauren Wasilauski, Open Space Coordinator; Lori Savron, Planning Director; Adam Verducci, Chief Fire Company No. 1; Sgt. Andrew Perry, Montgomery Police Department; Gail Smith, Township Engineer; Captain Jim Gill, Montgomery Police Director; Art Villano, Public Works Superintendent

I. SALUTE TO THE FLAG

II. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA – None

III. APPLICATION CONTINUATION

Case PB-10-20 **Applicant: Wayne and Betsy Caivano**
Block 12001 Lots 14 and 16 – 257 Hollow Road
Submission Waivers and Minor Subdivision and Bulk Variances for a lot line adjustment
Expiration Date – 120 Days from Submission Waiver Request
Affidavit of Notification and Publication Found to Be In Order on May 2, 2021

The above application has been continued to the November 15, 2021 Planning Board meeting. No further notice will be sent.

IV. APPLICATION

Case PB-07-20

Applicant: The Haven at Princeton, LLC

Block 37003 Lot 7 – River Road

Preliminary and Final Major Subdivision and Site Plan with Variances to construct 154 total residential units, consisting of 122 townhouse dwellings and 32 affordable apartment dwellings and other associated improvements

Expiration Date – 9/30/2021

Affidavit of Notification and Publication Required and Previously Found to Be In Order

Richard Schatzman, Esquire, represented the applicant. David Schmidt, applicant's engineer, Daniel Condatore, applicant's architect, Scott Kennel, applicant's traffic engineer, Alex Dougherty, applicant's planner and Trip Brooks, applicant's project manager appeared on behalf of the applicant and remained under oath.

Mr. Brooks informed the Board that the applicant will build Salisbury Road however the Board directs. He thanked the property owners, the Board members and professionals and the public for helping to make this a better project.

Mr. Schmidt displayed the original concept plan. During the hearings there was discussion on how the cul-de-sac takes up a lot of area. Mr. Schmidt displayed the revised layout that eliminated the cul-de-sac and shifted the buildings down, which opened up the area for additional buffering. There was discussion as to why Salisbury was shown as an emergency access and not connected all the way through. The applicant will construct Salisbury however the Board directs them to construct it. Mr. Schmidt, Mr. Bartolone and Mr. Fox, the applicant's landscape architect, discussed the buffering concerns raised by the neighbors. Mr. Schmidt displayed an alternate landscape plan which was marked as Exhibit A-14. The existing trees along the common property line of the first two buildings on Garfield are being preserved. The storm sewer line will be relocated to move it away from the property line to save trees.

Additional plantings will be added in the area. The area of the retaining wall will have giant arborvitae installed. A berm is not desirable in this area because it may kill the existing trees. The tract boundary is now proposed to be well landscaped to provide instant screening between the two developments.

In response to Board questions, Mr. Schmidt testified the retaining walls vary from 4 feet to 6 feet and may be up to 8 feet. The trees around the retaining wall will cover the worst case scenario. Mr. Schmidt will meet with Mr. Bartolone, Ms. Wasilauski and a Shade Tree representative to determine the appropriate plant species after the NJDEP reviews the project. The Township and NJDEP have different species that they consider invasive.

Gail Smith, Township Engineer, was sworn in. Ms. Smith issued a memo dated August 11, 2021 and prepared a memo on behalf of the Transportation Advisory Committee (TAC) who met on September 15, 2021. As Township Engineer she recommends the road go through consistent with the Master Plan. It provides better traffic circulation, it is better for safety for emergency access and allows for proper maintenance and snow plowing. Salisbury was constructed as a public road with the intention it would continue out to River Road which is why it was accepted by the Township. If it was not intended to go through, it would not have been accepted. She recommends mitigation for traffic calming on existing Salisbury Road in the form of bike lanes, signage and traffic markings. The TAC does not support the emergency access alternative that has been proposed and supports the continuation of Salisbury Road to River Road. The bollards would increase emergency service response time. The singular access on River Road would land lock the Haven at Princeton residents if River Road was ever closed. TAC suggested an all way stop at the Road C intersection to help slow down traffic.

Chairman Campeas asked if there were other developments that are land locked with one access. Ms. Smith said there are but it is not ideal and those developments did not have a Master Plan road that was contemplated. Chairman Campeas said because of the grade difference between the existing and new Salisbury Road, it appears the road would have to be cut in about 10 to 12 feet. Ms. Smith said it is a grade up into the embankment which will be graded out. Mr. Schmidt testified there will be a 4 foot wall on the south side and no wall on the north side.

Mr. Wilson asked which roads in the existing developments are private versus public. Ms. Smith said they are all private except Blue Spring Road and Salisbury Road. Mr. Wilson asked if there is a process to make Salisbury a private road if the Board does not require it to go through. Ms. Cayci said the Township Committee would have to vacate their interests in the roadway. The Board's resolution would reflect it and if the applicant does not get Township Committee approval they would have to come back to the Board. Ms. Smith said the other developments that have one access are conventional subdivisions with larger lots and the Blue Spring Road area was developed with smaller roads and smaller lots.

Mr. Glockler commented that as a former volunteer ambulance driver he is in favor of the road going through and suggested the Board consider requesting the developer contribute to the offsite traffic calming. Mr. Schmidt testified the applicant is willing to do the striping and install signage.

Mr. Battle asked about using speed humps. Ms. Smith said they prefer not to use speed humps for road maintenance and emergency service reasons as well as the noise that causes disruption to the residents.

Mr. Verducci, Fire Chief of District 2, was sworn in. Mr. Verducci testified he was in favor of extending the road through to River Road. It provides the most flexibility in their approach to firefighting. Having a full width roadway will allow them to use the road from a tactical perspective. It allows another way into the property and to Garfield Way. Once a fire truck is parked they cannot be moved so having two roadways into a development is important. Having an operational approach from the backside of the new townhomes is a big advantage. The emergency access roadway is probably not wide enough to set the ladder truck up that has an 18' outrigger spread and the truck weighs 83,000 pounds. Typically, there is little to no winter maintenance on the emergency access roads. Chains and bollards work but take additional time. With the road all the way through, response times will be reduced by both Montgomery and Rocky Hill.

Captain Jim Gill, Montgomery Police Director, was sworn in. Captain Gill agreed with Mr. Verducci. Dual access will increase the response time. He is sympathetic to the concerns of the residents but the security and safety of the residents is a priority.

In response to Chairman Campeas, Captain Gill said they always balance life and property. The immediate response time they need is to save lives without impingement. Their response is immediate and necessary for the preservation of life. There are controls that will be implemented in the roadway to

mitigate the concern of the traffic on the roadway. If the road was constructed but barriers were installed between the two developments, it would restrict their response time.

At the last hearing, the applicant asked Mr. Thomas to send in his questions so the applicant had time to respond. Mr. Schmidt discussed the September 15th letter. Grosso Homes will be the developer and they have constructed many of the developments in the Township. The drone photographs were an exhibit to demonstrate how the project is compatible with the surrounding neighborhoods. Using the landscape plan, Mr. Schmidt showed the trees to be removed. He measured the tree buffer to be approximately 42 feet not 100 feet wide. There are 33 trees in this area that will be removed. The deer are not going to migrate to the buffer area and will channel throughout the subdivision. The tree calculations of trees to be planted and to be removed are provided in the plan set. The applicant was requested to remove the street trees along one site of Salisbury at a workshop meeting to retain the rural view shed. If the Board wants the trees along both sides of the road the applicant will agree. The trees are guaranteed for two years after construction. The zoning chart showing the required spacing is provided in the plans. The two buildings adjacent to Garfield comply with the setbacks. The photo showing the buffer of another project along Route 206 was displayed to show what the buffer along Garfield will look like. Due to the pandemic and a lot of people staying home, the 2019 traffic counts are more accurate. With regard to the offsite intersection of Route 605 and Crescent, Mr. Kennel testified that since they would be adding 1 car every 3 minutes to the intersection an analysis is not warranted and the County did not ask for any additional traffic counts than what were submitted to the Board. Mr. Schmidt further testified that it is tough to determine what roads will be closed or open in emergencies. The developer will install crosswalks, signage and bike lanes on existing Salisbury Road. A three way stop sign could be installed at Garfield and maybe at Road C. They will not install a center island. If the roadway is connected, the children will not be able to continue playing in current dead end area. The playgrounds in the Haven development will be accessible to the neighboring developments. There are also extensive bike paths planned that will be opened to the public. Once the final layout of the project is complete, the additional NJDEP permits will be applied for which will include an investigation of the stream. The NJDEP determined there was a spotting of a red headed woodpecker on the site so they required 150 foot wetland buffers. The NJDEP does not put threatened and endangered species spottings on their website. A buffer compensation plan has been submitted to NJDEP which was conceptually reviewed. The review of these issues is under the jurisdiction of the NJDEP and not the Planning Board. The project was designed January, 2020 and NJDEP will determine what stormwater structures are required. As far as the Township, the application was submitted before the Township stormwater rules were changed so they do not need to comply with the Township's new rules. The soil logs that show the seasonal high water table are in the Stormwater Report. All outside agency applications have been submitted except for NJDEP. Planning Board approval is required prior to submitted for a Treatment Works Approval. The question about directing water from the wetlands will be addressed by the NJDEP.

Mr. Darji testified he was in general agreement with the responses Mr. Schmidt provided to Mr. Thomas. According to the time of application rule, the applicant is subject to the requirements that were in place when the application was deemed complete. Mr. Darji displayed the grading plan revised in June, and discussed the grading in the area of the Salisbury Road connection. It appears that the retaining wall is to be located within a utility easement. Mr. Darji thought they would need to get approval from the HOA. Mr. Schmidt said the wall and sidewalk could be shifted. To save existing trees, the applicant should look at removing the stormwater pipe in the area of the cul-de-sac and routing it through a different system. Mr. Schmidt said they plan to relocate the pipe to save the trees.

Ms. Goldman discussed the building setbacks between Buildings B1 and A9. There is a separation distance shown of 22.5 feet where 40 feet is required. If the Board is considering the emergency access only, the likelihood of Salisbury being constructed through is slim, and the right-of-way should not be reserved. This would allow the applicant to clear up some of the pinch points in the central area.

Mr. Fishinger agreed with Mr. Kennel regarding the counts and the other study locations. Any all way stops have to meet the MUTCD requirements. They are not traffic calming; they are traffic control. Without actual counts at the intersections, the only one that might be a viable candidate is existing Salisbury where it meets the 90 degree turn. The Township would have to adopt an ordinance to enact the all way stop.

Mr. Bartolone confirmed he met onsite with the applicant's representative. The first priority on any site is to maintain as much existing vegetation as possible. He was not in favor of any berms that would impact the existing vegetation. The agreed to the suggestions of adding and improving the vegetative buffer.

The meeting was opened to the public.

Beatta Thomas, 49 Garfield Way, was sworn in. Ms. Thomas asked how many trees are being removed and how many are being planted based on the new plan. She noted that Princeton Avenue has speed bumps. She asked what the actual difference in the Fire Department and Police response time if Salisbury is opened up. She asked when the application was deemed complete.

Mr. Schmidt replied that the trees in the buffer were not going to be removed and the proposed plantings were going to be within the buffer area. The new plan has the proposed landscaping moved outward. He is not sure where the count of 150 trees to be removed came from; it has always been 33 trees. The speed bumps on Princeton Avenue are in Rocky Hill, not Montgomery. The application was deemed complete October 2, 2020.

Director Gill answered the question about the response time. He testified there are too many variables to determine the time frame it would take but a shorter distance would be a quicker time.

Marilyn Blazovsky, 14D Andover, remains under oath. Staff displayed a photo (Exhibit O-2) for Ms. Blazovsky that she took around the Trap Rock property and River Road showing the flooding after Ida. The flooding is on the southeast corner of the property where Salisbury Road, the storage buildings, the playground and the apartment building parking lot is proposed. The standing water that remains, has caused a stench in the north end of Montgomery Woods.

Beverly O'Connor, 138 Jackson Avenue, remains under oath. Ms. O'Connor commented how Blue Spring has been the only road into the developments, how she assumes the existing residents are less important in terms of their safety than the new residents with the opening of Salisbury Road and how the residents would like the emergency access option approved for safety reasons.

Birger Joehnk, President of Princeton Village, was sworn in. He agreed with Ms. O'Connor's comments. If the Board votes in favor of Salisbury being a through road, it should be given the same kind of traffic mitigation measures as Blue Spring, especially the center median. If people have to slow down around the 90 degree turn, it would help around the playground area.

Bill Flemer, 87 West Prospect, was sworn in. Mr. Flemer is a certified nursery professional and arborist. He inspected the trees that surround the building on the property. There are some fantastic large trees around the building including a 60-inch diameter White Oak. He noted that there is also an allée of specimen trees leading into the Property along the existing driveway. He asked that the plan be adjusted so that some or all of the specimens could be preserved.

Manasi Kulkarny, 17 Garfield Way, was sworn in. Mr. Kulkarny said he did not think Salisbury Road is wide enough to have a median, two bike lanes and parking. He asked if the residents of Garfield could be shown exactly what trees would be cut down. He is concerned with flooding of his basement after the development is constructed.

Mr. Schmidt said the plans show which trees will be removed. Mr. Darji said the development is designed so that the proposed runoff is being captured in a stormwater collection system and being conveyed to the various bio-retention basins. The basins will control the rate of runoff. The discharge points are toward the wetland complex at Van Horne Brook.

Nageswar Thotakura, 21 Garfield Way, was sworn in. Mr. Thotakura said when he bought the townhome he was told the property was preserved. Garfield Way owners are concerned with the zoning. He asked if the existing chain link fence behind the Garfield Way townhomes will remain.

Mr. Schmidt responded that the fence along the property line is being removed.

Fatih Yaman, 31 Garfield Way, was sworn in. Mr. Yaman said the traffic engineers have said this property would be landlocked to River Road. River Road traffic travels to Route 206 or Route 1. Something needs to be done about the time it takes for traffic crossing Route 27. He said he would like the buffer between the properties increased. The Haven property is higher than the existing property so the new buildings will tower over the existing buildings.

Jay Mazumdar, 23 Garfield Way, remains under oath. Mr. Mazumdar shared photos of the summer and winter views from his back yard into the Haven property to show that he can see into the property (Exhibit O-3). The new landscape plan was not clear how far the buffer plantings would be extended.

Jean Simard, 94 Castleton Road, remains under oath. Mr. Simard said that plans change and the residents can't see the increase in traffic at the 90 degree turn. Something needs to be done at that intersection to make it safer.

Nanjuan Qian, 45 Garfield Way, was sworn in. Mr. Qian said his property is next to the basin. He is concerned with the landscape buffer and with the potential for flooding.

Wenhua Jia, 96 Castleton Road, was sworn in. Mr. Jia agreed with the other comments. Just because the road has been on the Master Plan does not mean it can't be changed. He is concerned with the safety of the children and would like traffic mitigation measures to reduce the traffic speed and protect the children that cross to get to the playground.

Kianoush Sheykholeslami, 21 Taft Court, remains under oath. Mr. Sheykholeslami said the safety of the residents has remained unanswered. Salisbury should be opened for emergency access only. The safety of the residents in the development is very important.

Aline Johnson, 63 Castleton Road, remains under oath. Ms. Johnson asked if Haven will contribute water to the wetlands of Montgomery Woods or increase the water table. She asked where the water on Salisbury will go and if the basins will contribute to a higher flood stage.

Mr. Schmidt testified that the basins are designed to the new standards so they are diminishing the amount of water going there. The designs meet the NJDEP regulations.

Amy Sharples, 76 Manor Drive, was sworn in. Her unit backs up to the retention basin on Blue Spring Road and Salisbury Road and her front door is on Blue Spring Road. The traffic mitigation that has been installed on Blue Spring has not deterred the speeders. She asked if there were plans to improve the safety of Blue Spring Road if Salisbury goes through.

Yutaka Uchida, 30 Garfield Way, was sworn in. Mr. Uchida agreed with the others concern with Salisbury becoming a through road. The appeal of living in this neighborhood was being secluded and having the sense of security and safety.

Naeem Anwar, 9 Garfield Way, remains under oath. Mr. Anwar agreed with the other comments about Salisbury not becoming a thorough fare and the concerns about proper buffering.

Dikshant Barhate, 83 Castleton Drive, remains under oath. Mr. Barhate asked why the opening of Salisbury Road has to come at the cost of putting the lives of the existing residents at risk. The children do not play in the road but they do use Salisbury to access the playgrounds. An electronic gate could be used that will only delay emergency response by a few seconds.

Michael Thomas, 49 Garfield Way, remains under oath. Mr. Thomas asked if his questions were distributed to the Board. Mr. Thomas testified that the applicant may be exempt from the new Township stormwater regulations but may not be exempt from the new NJDEP regulations.

Polly Seitz, 34 Castleton Road, remains under oath. Ms. Seitz said she is concerned with the implications this may cause with flood insurance.

There being no further public comment, a motion to close the public comment was made by Mr. Schuldiner and seconded by Mr. Mani. The motion carried unanimously.

Chairman Campeas visited the site, looked at the grade and the trees and then at the right angle turn on existing Salisbury. He feels very strongly that the Board has to listen to the professionals, Police and the Fire Company. Consideration needs to be made about the safety of the residents both future, current as well as the rest of the residents within the Township that would be helped or hurt by the road not going through. He would like to see the road fully built and connected but with some sort of mitigation so the general public can't drive through while allowing for emergency vehicles and snow clearing. Once it is built and evaluated it could be opened in the future if needed. The applicant has done a thorough job in working with the Board and have been willing to look at different options of doing the development.

Vice Chairman Roberts said with regard to Salisbury Road, the Township Engineer has said it will be a safe intersection and she agrees. The road was planned for when there would be more traffic on the road and more connections were needed to handle the traffic. Whenever possible every road should be connected through for everyone to use. When traffic is spread out it is safer. As the Environmental

Commission representative, she has been advised by the Commission, not to approve any development that asks for a tree waiver.

Steven DeRochi said initially he was in favor of removing the whole section of Salisbury because it opened up the property to redesign that would have made the development nicer. After hearing the testimony from the professionals and emergency services he is very much in favor of the road going through. Because of the flooding that happens, multiple entry points are needed to get around town. He is in favor of requiring improvements to the rest of Salisbury and looking at the right hand intersection where the playground is. Mr. DeRochi said this is probably the nicest housing development that will be in town. The architects have done an outstanding job.

Tom Wilson said he agreed with Mr. DeRochi about the road. If the Township didn't build roads because the residents were upset about the connection, there would be a lot of dead ends. Emergency services has nothing at stake in advocating for opening the road other than public interest. He thought about the people who couldn't get home in the recent storm and got stuck in the rising water. Giving people more ways to get off the road and to a safer place is important. The Board should include language to strongly encourage the Township to study the traffic impact after the development is constructed. The Township should be encouraged to enforce no parking along Salisbury. Mr. DeRochi's comment that this would be the nicest development says a lot because he is tough on applicants. Mr. Wilson is in favor of fully free flowing Salisbury Road with the provision that something is included in the resolution that the Township monitor the traffic and introduce traffic calming measures as needed.

Arun Mani visited the site. He would like Salisbury to be fully developed and open rather than having any emergency restrictions. He supports the development because some amount of COAH housing is included and that is important for the town.

Don Matthews visited the site and looked at the area where the connection will be. He recognizes the effect it will have on the residents. Implementing the master plan road was the proper thing to do at the time. In the 70's the Board would have the developer install cul-de-sacs and barriers when the residents objected but over the years realized it wasn't the right thing to do. Minutes count when emergency services need to get to an emergency. The development has been modified to address the Board and Board professional's comments.

Al-Tereek Battle said he lived in the community for 3 years. The way Salisbury Road exists now is an unnatural road because there is little traffic and the children are comfortable walking and riding their bikes. It doesn't seem like there would be people using Salisbury as a cut through because they will use Blue Spring Road. He agreed with Mr. Wilson's comments about the street. Safety measures should be implemented. Salisbury Road should be a pass through road. Having access is important for emergency services. He is in favor of the development.

Marvin Schuldiner is the liaison to TAC and one of the things that hasn't been discussed is if the road were blocked off, during snow events that is where the snow will be piled on both sides. After hearing from everyone, it is imperative the road is built through. The town needs to make it so emergency services can respond quickly while implementing traffic calming measures on existing Salisbury Road to make it safer. Until this application came forward, he has heard no complaints about safety issues on Salisbury. He does not see a reason to deny the project.

Tony Glockler agreed the road should go through. The ambulance needs to get to an emergency quickly but also has to leave quickly. The Planning Board erred when it permitted a prior developer to place a children's playground at Salisbury Road and Blue Spring Road. A traffic study to identify safety measures should be undertaken.

Mayor Keenan concurs with the other members that the road should go through. She understands the concerns of the residents but it is a public road and for the public good it should be open. She was concerned with flooding and the stormwater but spent much time discussing it with the Board Engineer and feels much better about it.

A motion to approve the development, including opening up Salisbury Road, subject to the conditions was made by Mr. Wilson and seconded by Mr. Mani. The motion carried on the following roll call vote:
Ayes: Battle, DeRochi, Keenan, Mani, Matthews, Schuldiner, Wilson and Campeas
Nays: Roberts

V. MINUTES

August 16, 2021 – Regular Meeting

A motion to approve the minutes was made by Mr. Mani and seconded by Mayor Keenan. The motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 11:15 p.m.