

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
OCTOBER 10, 2022**

MINUTES

Vice Chair Roberts called the meeting to order at 7:03 p.m. and read the opening statement – Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Vice Chair Roberts; Mr. Battle; Mr. Blodgett; Mayor Keenan; Mr. Matthews; Mr. Schuldiner; Dr. Hamilton, Alternate #2

ALSO PRESENT: Karen Cayci, Esquire, Board Attorney; Rakesh Darji, Board Engineer; Michael Sullivan, Board Planner; Cheryl Chrusz, Planning Coordinator

I. SALUTE TO THE FLAG

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

III. RESOLUTIONS

Case PB-02-22 Applicant: Princeton Promenade, LLC
Block 34001 Lots 46.01, 56, 57, 77, 78 & 79 – Route 206
Amended Preliminary and Final Major Site Plan – Phase I; Final Site Plan – Phase 2; Bulk Variances

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

Ayes: Blodgett, Hamilton, Keenan, Matthews and Schuldiner

Nays: None

IV. APPLICATION

Case PB-03-22 Applicant: Princeton Aero Corporation
Block 34001 Lot 57 – Route 206
Modification to Prior Resolution Conditions associated with an Amended Preliminary and Final Major Site Plan with Phasing for an addition to a hangar, a new hangar, associated tie down areas
Expiration Date – 10/31/22
Affidavit of Notification and Publication Required

Notice was found to be in order. Steve Nierenberg, Esquire and David Schmidt, PE represented the applicant.

Mr. Schmidt, DS Engineering, was sworn in. Mr. Schmidt gave his qualifications and was accepted as an expert in civil engineering. The subject property is 92.8 acres and is within the REO-3 zone. The application is for a minor change to the construction plans. All the plans that were displayed have been submitted to the Board. The plan titled “Master Site Plan” dated April 6, 2022 revised July 8, 2022 was referenced. The application is to amend the site plan to remove the requirement to install an 8” dry line to the rear of the hangars. Fire Company No. 2 has determined that the line is not needed. The prior approval required a dry line to be installed from the fire hydrant in the center of the property to the rear hangars. The hangars were approved in 1998 and have not been built due to this requirement. The development on the site is in keeping with the Settlement Agreement between the airport and the Township. The other modification is to allow the filing of the stormwater maintenance manual as a condition of Phase II rather than prior to finalizing Phase I. The applicant has to comply with the new stormwater regulations and it does not make sense to file a manual for basins that need to be redesigned to provide better water quality and treatment for the impervious coverage. The sidewalk will still be constructed during Phase I.

Mr. Schmidt testified the existing hangar (4) on the west side of the property is being expanded by 2,087 square feet to store two planes (4A). To the rear and south of that hangar is another 12,960 square foot hangar (4B) that can house 8 planes. Thirteen additional tie downs are proposed. Modifications to the existing bio retention basins will be done to meet the current standards to handle the increase in impervious coverage. The basins, which were designed in 1998, handle the quantity of runoff but now

they will also clean the water and handle the recharge. Six hundred and twenty feet of concrete sidewalk will be installed along Route 206. The sidewalk was originally to be 4 feet wide but it will now be 5 feet wide. This is not an expansion to the airport or the use, they are just finalizing the project. The air traffic is not being increased.

Mr. Schmidt discussed Ms. Wasilauski's memo dated July 26, 2022. The applicant agrees with all her comments. She emphasized the sidewalk should be installed now which the applicant has agreed to do. The applicant agreed that they can't get a building permit for Hangars 4A and 4B until the sidewalk is installed.

Mr. Schmidt discussed the Environmental Resolutions, Inc. memo dated July 29, 2022. The applicant agrees with all the comments. Most are technical regarding the stormwater. An application for a new Footprint of Disturbance has been submitted to the NJDEP since the prior approval has lapsed.

Mr. Schmidt discussed the Clarke Caton Hintz memo dated July 28, 2022. The applicant agrees with the comments with the exception of Comment 4.1 on page 4 regarding whether an amended plan has to comply with the EV charging station requirements. Mr. Schmidt opined that the airport does not meet the 150 parking space requirement to trigger the EV charging station requirement since there are 87 parking spaces outside and 100 spaces inside. When a client comes to use their plane, the plane is backed out of the hangar and their car is parked inside. There is electric in the hangars that can be used to charge the car. The Airport owner or the Avis car rental may install the stations in the future as the need increases.

Mr. Sullivan and Mr. Darji agree with Mr. Schmidt's argument.

Mr. Schmidt noted that the Health Department had no comments on the application.

Mr. Schmidt testified an application has been submitted to the Delaware Raritan Canal Commission (DRCC), the Somerset County Planning Board (SCPB) and the Somerset Union Soil Conservation District (SUSCD). The DRCC and SUSCD had minor comments that will be addressed. No comments have been received by the SCPB.

Mayor Keenan questioned Mr. Schmidt about Mr. Veducchi's letter and Ms. Wasilauski's memo. Mr. Schmidt said the hangars are not allowed to be used for large gatherings anymore. The issue of the building not having a Certificate of Occupancy (C/O) needs to be discussed with the Construction Official. The prior Board Planner insisted the C/O could not be issued without a new Airport Layout Plan (ALP) which was not a condition of the Settlement Agreement. Mr. Schmidt prepared a new ALP which was submitted to the FAA. The ALP shows what can be done at the Airport and the Airport is maxed out.

Mr. Schuldiner questioned Mr. Schmidt about his testimony that the hangars and tie downs would not increase the air traffic and how the flight pattern is enforced with the pilots. Mr. Schmidt said everything is based on the Settlement Agreement. There is not an increase in what was already approved. Mr. Nierenberg agreed to exceed the FAA take off requirements. Pilots are supposed to go to 800 feet before making turns, which is an enhancement of what is required, to help reduce the noise. Mr. Schmidt referenced the Air Traffic Circulation exhibit which is part of the Settlement Agreement and the Ordinance. This plan is displayed in the Airport office. If the noise is louder than it is supposed to be, you would call the Airport, who logs the complaint. The Airport owner then has to inform the pilot that they weren't complying.

In response to Board questions, Mr. Nierenberg said there is no limit on the number of flights that go in and out. They are required by law to stay open and they do not have control of who uses the airport. Most of the hangar spaces are spoken for because the planes that are currently parked outside want an inside hangar. There are currently 3 flight schools, including the helicopter school, operating at the airport. The flight schools at neighboring airports also practice at the airport.

Mayor Keenan noted a lot of people are attributing the increase in noise on the schools. She would like to review the Settlement Agreement to see if it stipulates the number of schools that are permitted.

There was discussion about the operation of the schools based at the airport.

Mr. Darji and Mr. Sullivan were sworn in.

Mayor Keenan asked about the requirement to install landscaping along Route 206. Mr. Schmidt testified the condition was removed. Mr. Darji noted the plan needs to be revised to remove the landscaping note as well as other notes that are no longer applicable. The NJDEP does not have a time limit to issue a Footprint of Disturbance but it averages 6 months to receive the determination.

Mr. Matthews asked about the detention basins. Referencing the site plan, Mr. Schmidt showed where the basins are. New hangars 4A and 4B will get treated with the new bio-retention facility.

Mr. Matthews asked how many additional planes will be accommodated. Mr. Schmidt testified that Hangar 4A will house two and Hangar 4B will house eight and there are thirteen new tie down spots.

Mr. Darji noted there is a tie down that is on the edge of the bio-retention basin. Mr. Schmidt said if the tie down can't be constructed it will be removed from the plan.

The meeting was opened to the public.

Emmitt Lescrowart, 280 Cherry Valley Road, was sworn in. Mr. Lescrowart asked that the application be denied without some agreement with regard to a flight plan change. Planes fly over the Princeton Ridge every day all day long. The flights start at 7:30 a.m. and go to 7:00 or 8:00 p.m. The FAA recommends flight schools fly over industrial, commercial or extremely rural areas and avoid churches and schools. Mr. Lescrowart has contacted the Airport and did not get a good response. The planes used to fly over Copper Vail Court and now they fly over Cherry Hill Road and turn west. It is not a FAA requirement that they fly the current route, it is a request of the Airport management. The constant noise is coming from the various schools that use the airport. He has contacted the FAA with noise complaints.

Christine Witt, 19 Montgomery Avenue, was sworn in. Since 2017 the volume of helicopters circling over her house has increased. They fly over from 7:30 a.m. to 10:00 p.m. She has called the Airport who advised her she needs to call the FAA. The FAA found insufficient evidence to proceed with additional action and the complaint was closed. She opposes any more tie downs.

Wendy Raynor, 34 Maidenhead Road, was sworn in. The impact of the flight and helicopter schools is insufferable. Her quality of life is impacted. She asked the Board to delay their approval until there is further information and understanding of the impact the increased traffic will have on the residents.

Patricia Sanson, 90 Crescent Avenue, was sworn in. She has reached out to the FAA and to the Airport to file complaints. She is concerned with the safety from the increased traffic since she once had an airplane door fall on her front steps. The Board should not approve the application until they comply with addressing the issues at hand.

Hilary Persky, 100 Cuyler Road, was sworn in. Ms. Persky lives in a higher density area of Princeton. In the last year, a plane would fly over every 10 – 15 minutes. It starts at 8:00 a.m. and sometimes goes to 11:00 p.m. There is a lot of traffic on the weekends when people want to take lessons. She asked the Airport Manager or Owner if the Airport would restrict flights to half a day on Sunday and was told no. Like the others who have spoken, she would like to be able to sit outside and have a conversation on a weekend. She has written to the FAA and received a non-response. She commented that maybe the residents need to appeal to their legislators.

Eunice Wong, 262 Moore Street, was sworn in. Ms. Wong also lives in a very dense neighborhood. She is a professional audio book narrator and in the last year the increase in airport traffic has been significant. She now has to work at night while raising two children. She asked the Board not to approve the expansion due to the noise issues. The testimony has been that there is no limit to the number of flights in one day. More students in the flight schools is more money for the airport. Ms. Wong read some statistics on the impact of air traffic noise on health.

Ramen Rezvani, 23 Toth Lane, was sworn in. Mr. Rezvani noted that post pandemic the airplane and helicopter traffic has increased. He has also put complaints in and nothing happens. Although the Fire Company letter says the hangars can't be used as gathering spaces, they are being used for events. There is overflow parking from the car dealers on Route 1 on the site.

Andrew Davis, 16 Portland Drive, was sworn in. Mr. Davis testified he did not know there was a Settlement Agreement from 1996. There is a lot of development in the area. Before the Board approves an expansion, the Board should get a legal assessment as to what the Settlement Agreement allows for. There has been a lot of change since the Settlement Agreement was signed. The helicopter noise is incessant. Mr. Davis asked if someone could look at the 1996 Agreement to see if it is being complied with. The applicant should not come to the Board for exceptions when there are open violations on the property. There are a lot of loud car events at the Airport on the weekends.

Lisa Wright, 321 Prospect Street, was sworn in. Ms. Wright said she has a neurological disorder that is triggered by noise. She is very much opposed to anything that would increase noise levels. Her husband also does podcasts at home and is opposed to an increase in noise levels.

Ken Berger, 5 Montgomery Avenue, was sworn in. Mr. Berger agreed with the other public comments. He is now working from home and counts up to 200 flights per day over his house. He disagreed with Mr. Schmidt's representations about operations and procedures at the Airport. Mr. Berger has called countless times and the Airport responds they have no control over it. He discussed items in the Settlement Agreement, including the Airport Advisory Committee, which doesn't exist anymore. There is no limit to the number of flights that can go in and out of the Airport. There is a presumed right of flight in airspace over people's homes only to the extent that it doesn't disrupt or make impossible the legitimate enjoyment of those properties by the homeowners.

Mayor Keenan said the Township will look into the Airport Advisory Committee. There was discussion as to whether the Settlement Agreement was still in effect and what the governing documents for the Airport are.

Robert Uhrík, 104 Knoll Way, was sworn in. As the Mayor of Rocky Hill he receives numerous complaints. The Airport is limited in what they control and the FAA allows it to be a public use airport. The Airport needs to implement some voluntary controls such as hours of operation and traffic pattern. Rocky Hill is on the Runway 10 side. The Agreement with the Airport addressed Runway 28 but not Runway 10 departure. The problem with that departure is the pilots turn northerly over the Borough before reaching the correct altitude. There could be an agreement to have the pilots stay straight until they get over the quarry. The airport should be more of a community partner and discuss options to reduce the noise impact.

Mayor Keenan noted that she, Mr. Uhrík and the Mayor of Princeton have reached out to the airport requesting the airport's business plan and there has not been a response.

Mr. Blodgett asked if the Planning Board is bound by the Settlement Agreement when reviewing the application. Ms. Cayci advised that the Board might be but there could be time constraints in the Agreement. Mr. Blodgett wanted to review the Agreement.

Mr. Blodgett said it was hard to reconcile how this is not an expansion to the airport.

Mr. Schmidt responded that the airport is bound by the coverage and FAR permitted in the zoning ordinance. There is not a restriction on the number of tie-downs as long as the airport is under the allowable lot coverage.

Mr. Sullivan said the ordinance references a DS Engineering plan that was developed pursuant to the Settlement Agreement. What is proposed does not deviate from the standards in the ordinance. There has been site plan approvals since the original settlement and there is a presumption that the prior approvals were in accordance with the settlement and the ordinance. The Airport Layout Plan is one of the punch list items that is needed before a C/O. The current ALP is not the one referenced in the ordinance. A new ALP per FAA standards has not been prepared to reflect the existing conditions. The Township has accepted the Master Site Plan. The ordinance allows 10% coverage and the prior site plan approved 9.97%. They have increased the hangar area by 219 square feet so they are now at 9.99%. Everything else has been approved. They comply with the FAR and lot coverage and do not impact the stormwater management.

Mr. Darji said when Mr. Schmidt said the current application is not an expansion he meant from what was previously approved not from the current condition.

There was discussion about the Airport Advisory Committee that was put into place as part of the Settlement Agreement and phased out in 2016.

Mr. Schuldiner asked what weight the Board could give to any of the elements of airplane noise either on its own or as it pertains to the Settlement Agreement.

Ms. Cayci said the ordinance that has been referred to approves the airport use as a conditional use. One of those conditions is that the applicant should advise what measures have been taken to reduce impacts, although the FAA largely pre-empts this area. If the Board has concerns, Ms. Cayci suggested the application be carried to allow time to review the Settlement Agreement.

Barbara Preston, reporter for Montgomery News and resident of Rocky Hill, was sworn in. Ms. Preston said she moved to Rocky Hill because it was a quiet town. The noise from leaf blowers, chain saws and helicopters goes from 7:00 a.m. to 9:00 p.m. She said it doesn't matter how much hangar space there is. She asked if anyone keeps track of the number of airplanes and helicopters that land at the airport to see how much the traffic has increased over the years.

A motion to close the public comment was made by Mr. Blodgett and seconded by Mr. Battle. The motion carried unanimously.

The Board discussed whether the application should be carried.

A motion to carry the application to the November 14, 2022 Planning Board meeting was made by Mayor Keenan which was seconded by Mr. Schuldiner. The motion carried unanimously.

No further notice will be sent. An extension to December 31, 2022 was granted.

VI. MINUTES

August 22, 2022 – Regular Meeting

A motion to approve the minutes was made by Mayor Keenan which was seconded by Mr. Schuldiner. The motion carried on the following roll call vote:

Ayes: Blodgett, Hamilton, Keenan, Matthews and Schuldiner

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:17 p.m.