

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
NOVEMBER 14, 2022**

MINUTES

Chairman Campeas called the meeting to order at 7:02 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: Chairman Campeas; Vice Chair Roberts; Mr. Mani; Mr. Matthews; Mr. Schuldiner; Mr. Glockler, Alternate #1; 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

Keith Wheelock, Mountain View Road, read a letter regarding an application Golden-Back Farm submitted to the Somerset County Agricultural Board into the record. Mr. Wheelock stated that the neighbors received a notice of the application but no one has been able to get a copy of the application to review. Mr. Wheelock questioned what areas of an application the Township has the authority to review under Right to Farm provisions.

III. APPLICATION

Case PB-03-22

Applicant: Princeton Aero Corporation

Block 34001 Lot 57 – Route 206

Amended Preliminary and Final Major Site Plan with Phasing for a modification to conditions of a prior application granting approval to construct an addition to a hangar, a new hangar and associated tie down areas.

Expiration Date – 12/31/22

Affidavit of Notification and Publication Required and Previously Found to be in Order

Steve Nierenberg, Esquire, David Schmidt, PE and Ken Nierenberg represented the applicant. Mr. Nierenberg clarified that the request is just to address the removal of the condition requiring a dry waterline.

Mr. Schmidt, Mr. Sullivan, Mr. Darji, Mr. Adam Verducci and Mr. Kenneth Nierenberg were sworn in.

Mr. Schmidt testified the modification to the approval is to eliminate the requirement for the installation of a dry waterline. The request to construct the sidewalk and to file the rain garden easement as part of Phase II have been withdrawn and will be completed as part of Phase I. The square footage approved in 2017 (Case PB-01-14) is not being increased. The first submission showed 59,030 square feet but as the plans were revised for conformance the square footage changed. The approved plans show a square footage of 59,212 square feet. The increase of 182 square foot is still conforming. The current request is the same as in 2017. The hangars and hangar sizes have not been changed since the last approval.

Mr. Sullivan confirmed the 2017 resolution acknowledges that only Building 4 was constructed and it was 182 square feet larger than what was approved. There was no mention of the other hangars.

Ken Nierenberg, Princeton Airport owner, was sworn in. Mr. Nierenberg gave a history of his family's involvement in aviation. They purchased Princeton Airport in 1985. At that time the airport was 50 acres and had 20 to 30 airplanes. In 1996 or 1999 the airport received federal monies to expand. The expansion kept the character of the airport and was mostly safety improvements. It is still considered a GA airport. In taking the federal monies it obligated the airport to federal obligations. The federal money granted in 1999 kept the airport open for 20 years. Later in 1999 land was purchased and the airport was expanded to 100 acres. The airport is federally obligated in perpetuity. The airport can't close and can't be sold for anything other than an airport. The airport is a reliever airport and is considered a critical airport in its size. It is not to grow any bigger and its role is to take the smaller planes from the larger airports. After years of litigation there was a settlement with the Township and a

Master Plan was developed to show what could be built. What was approved in 2017 is the maximum that can be built. The airport is built to be one of the safest airports in this region.

Chairman Campeas noted at the last meeting there was discussion about the neighboring township Mayor's reaching out to discuss the noise issues and not getting a response. Mr. Nierenberg said he gets phone calls from angry residents but he has not been contacted by the Mayors. The Mayors reached out to the FAA directly.

Mr. Matthews explained that the Township had the money and had federal approval to buy the airport but the Township didn't think they would be able to operate it. A Committee was formed to be a representative between the public and the airport but has since disbanded. He suggested that the Committee be formed again.

Mr. Nierenberg said the Committee stopped meeting because it wasn't getting noise complaints. Mr. Nierenberg said he didn't mind having an open discussion.

Chairman Campeas noted there was a lot of discussion at the last meeting about the noise. He explained noise is not an issue for the Planning Board and the Board's role is to review the request to modify the dry line condition.

Mr. Glockler asked if the schools at the airport are operated by Mr. Nierenberg, if he is paid for their use of the airport and if anything in the application facilitates an increase in the schools. Mr. Nierenberg responded that the hangars in the back are for itinerant based aircraft and not for the schools. The average pilot flies once or twice a week and the hangars in the rear are to garage their airplanes. There is a helicopter flight school, which is a tenant of the airport, located in the center of the airport. There are two fixed wing schools one which is owned by Mr. Nierenberg. There are other flight schools based elsewhere that use the airport. With the Federal grant money Mr. Nierenberg can't restrict them from using the airport and he gets no money for their use. The airport is a public airport paid for with public funds and can't be restricted.

Dr. Hamilton asked about the differences of what was approved and what was constructed that is noted in the 2017 resolution. He asked what changed so they were not in compliance. Mr. Schmidt explained that an updated as-built survey was prepared and it was found that some of the as-built conditions didn't meet the design on the site plan. Since they were before the Board for other changes, they included those changes as well. Dr. Hamilton said he is concerned with a history of noncompliance.

Chairman Campeas asked what other issues have not been completed since the last approval. Mr. Nierenberg said the sidewalk has not been installed and the rain garden easement has not been filed. All other conditions have been met.

Vice Chairman Roberts asked if Mr. Nierenberg would agree to start up the Airport Advisory Committee again. Mr. Nierenberg agreed to start up the same form of the original Committee. Ms. Cayci noted there is an Ordinance governing the Airport Advisory Committee which falls under the jurisdiction of the Township Committee. The Planning Board could recommend to the Township Committee that the Airport Advisory Committee be reinstated and that Mr. Nierenberg is amenable.

Mr. Nierenberg testified that he has received the final building inspections on the hangar but has not received the Certificate of Occupancy. He will work with the Construction Official regarding the fines.

There was discussion on the sidewalk that is to be installed along the property frontage. The intent in 2017 was to build it at the same time as Montgomery Promenade or Baker's new car dealership and neither project has started. The sidewalk will be constructed at 5 feet rather than 4 feet.

Fire Chief Adam Verducci clarified he was speaking on behalf of the Fire Company and not Mr. Mondy, the Fire Marshal. The Fire Company is okay with eliminating the 2,000 foot 8 inch dry line. In general, he does not feel it is necessary subject to the proposed construction not changing from S-2 storage use, there is no bulk storage of dry or liquid flammables, there should be no gatherings held and that each unit have a 10 pound ABC dry chemical extinguisher at the minimum size required by the Fire Code. A dry line is not practical and is very hard to maintain. Due to the airport size and that there are only two or three fire hydrants on the property, tanker trucks would be brought in. Half of the Township does not have fire hydrants and most of that area are residential neighborhoods. The fire company is used to and has become proficient in operating in areas without fire hydrants. The performance of the dry line is not that great as it can only pump at the capability of the line at Route 206. The preferred way to fight a fire at the airport would be with tanker trucks.

Ms. Cayci noted that if the applicant wanted to have gatherings, he would need to get a permit from the Construction Official. The Board is not authorizing any gatherings.

The meeting was opened to the public to discuss the dry line issue only. Noise and the operation of the airport is not the Planning Board's purview.

Janice Barth, 137 Cherry Brook Drive, was sworn in. Ms. Barth said a person from the Township needs to be on the Airport Advisory Committee if it is reinstated. It was frustrating when a person would go to the Committee because nothing was ever done. She thanked Dr. Hamilton for his questions. The Board should think carefully before they grant concessions to what was already approved.

Chairman Campeas urged Ms. Barth to talk to the Township Committee about the Airport Advisory Committee.

Patricia Sanson, 90 Crescent Avenue, was sworn in. Ms. Sanson asked what happens in an emergency when there is a Whole Foods and possibly a movie theater constructed next door which would bring more people to the area.

Wendy Rayner, 34 Maidenhead Road, was sworn in. Ms. Rayner asked about the process after the meeting and when the public will be able to come back to the Board. Chairman Campeas said the application is just to amend a previously approved application. Once the application is decided it will not come back to the Board unless the airport wanted to amend it again. Ms. Rayner asked the Board to consider the airport's accountability and their compliance since the Settlement Agreement was signed.

Ken Berger, 5 Montgomery Avenue, was sworn in. Mr. Berger asked if this is the final element of an approval that has its foundation in the 1996 Agreement. Chairman Campeas explained this is an amendment to the approval that was granted by the Planning Board in 2017 for the additional hangar space. Mr. Berger noted the hearing was continued at the last meeting to allow the Board the opportunity to review the Agreement. The Agreement is not being lived up to by either the Township or the Airport.

Ms. Cayci responded that at the last hearing the applicant referred to the Settlement Agreement. There were many people not familiar with it due to its age. The document has been provided to the Board. Whether the document is still in effect will have to be determined by the Municipal Attorney and the Township Committee. That agreement called for an ordinance to be created, which it was, and the approvals are in accordance with that ordinance. The Planning Board is not a party to the Agreement so it is not their Agreement to enforce. In 2004 and in 2017, prior Planning Board's gave the applicant the approval for the hangars. The applicant has come back to the Board because they do not want to construct the dry line.

Mr. Berger said it makes it appropriate to determine what is governing the conduct of the business in a community that is upset over the disruption of the lifestyle of the people that are in a flight path.

Chairman Campeas said the Planning Board is obligated to hear an application when it comes before the Board.

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

Mr. Schuldiner said he is sympathetic to the people who are complaining about the noise but the Board is making a very narrow decision as to require a dry waterline. Chief Verducci has testified that it is not needed. He would like the Planning Board to recommend to the Township Committee that the Airport Advisory Committee be re-established. The public needs an outlet to have a neutral body review the complaints.

Vice Chairperson Roberts agreed that the Board should recommend the Advisory Committee be re-established.

Mr. Glockler said the problem is how big the airport has become compared to 30 years ago. That problem was faced by prior Planning Boards. The issue before the Board now is the requirement for a dry line. The dry line is not going to make the airport bigger or busier than it would be without the dry line.

A motion to approve the modification to the preliminary and final major site plan approval to eliminate the requirement for a dry line, recommend to the Township Committee that it re-evaluate the zoning of the airport, and that it re-establish the Airport Advisory Committee and include a Township Committee member was made by Vice Chair Roberts and seconded by Mr. Mani. The motion carried on the following roll call vote:

Ayes: Mani, Matthews, Roberts, Schuldiner, Glockler, Hamilton and Campeas

Nays: None

VI. MINUTES

October 10, 2022 – Regular Meeting

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

Ayes: Roberts, Hamilton, Matthews and Schuldiner

Nays: None

VII. OLD/NEW BUSINESS

Mr. Glockler asked about Mr. Wheelock's comments that were made in the beginning of the meeting.

Mr. Schuldiner said this issue came up at the Township Committee meeting and it was the consensus that the Township has no jurisdiction on the application since it is being reviewed by the County Agriculture Board. Mr. Sullivan said if the improvements trigger site plan review they are not exempt from coming to the Board for site plan approval.

Ms. Chrusz advised that the Township has asked for a copy of the application. The Township has in the past attended the County meetings and provided comments. Once the application is received and reviewed the Township will decide how to proceed.

There being no further business to come before the Board, the meeting was adjourned at 8:58 p.m.