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## MEMORANDUM

To: Site Plan / Subdivision Committee  
From: Lauren A. Wasilauski, Open Space & Stewardship Director  
Date: April 24, 2023  
Re: PB-03-23: Harlingen Associates, LLC  
Block 6001 Lots 33, 34, 34.01, 35, 35.01, 36 (Route 206)  
Preliminary & Final Subdivision & Site Plan

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This office has reviewed the following materials and offers the comments below:

- Outbound Survey, prepared by Van Cleef Engineering Associates, dated 12/12/2020 (1 sheet)
- Final Plat, prepared by Van Cleef Engineering Associates, dated 1/17/2023 (1 sheet)
- Flood Hazard Area Delineation Map, prepared by Van Cleef Engineering Associates, last revised 8/22/2022 (1 sheet)
- Wetlands Delineation Plan, prepared by Van Cleef Engineering Associates, last revised 11/21/2019 (1 sheet)
- Preliminary & Final Site Plan & Final Construction Plans, prepared by Van Cleef Engineering Associates, last revised 3/10/2023 (36 sheets)
- Architectural Plans, prepared by Holliday Architects, Inc., last revised 2/17/2023 (22 sheets)
- Environmental Impact Statement, prepared by EcolSciences, dated 1/19/2023

### A. Application overview

1. The Applicant proposes to develop the following:
  - a. 3, two-story affordable housing apartment buildings, containing 18 residential units (total)
  - b. 36, three bedroom townhouses with driveways and two car garages
  - c. Associated sidewalks, sitting areas, tot lot, bike storage, dog park, etc.
  - d. A retention basin (or wet pond) is proposed for stormwater management
    - i. The EIS states the pond has been designed in accordance with NJDEP's new Green Infrastructure Rule amendment.
2. Approximately 13.321 acres of the total site (22.189 acres) is proposed for development with 8.868 acres proposed to be dedicated to the Township, mostly containing wetland areas and stream corridor at the rear of the property (eastern portion).

3. The properties formerly contained single family residential uses which have been demolished.
4. Access will be gained from US Route 206.
5. The properties are located within the Site Specific Inclusionary Zoning District (SSIZ-3).
6. The proposed development will be served by public water from New Jersey American Water, and sewer from the Township's Pike Brook Wastewater Treatment Plant. A pump station is proposed for the southeast part of the site.

B. Proposed Sewer Connection

1. The Applicant proposes to connect their project to the Pike Brook Wastewater Treatment Plant by constructing a force main through the easterly portion of their property, alongside Fox Brook, and continuing onto adjacent Township property (block 6009 lot 6) which is a detention basin for the existing neighborhood on Montfort Drive and a portion of which is encumbered with a conservation and drainage easement.
2. This office is of the understanding that the sewer line would provide a potential connection to residents in Harlingen Village, many of whom currently operate on old septic systems and holding tanks.
3. This office understands the value of connecting the Harlingen Village residents to sewer in order to protect health and safety, as well as water quality. However, this office would like to see an alternatives analysis prepared by the Applicant to consider other routes that don't impact critical areas (wetlands, stream corridor, flood hazard area), threatened and endangered species habitat, and existing conservation easements.
  - a. Has the Applicant considered an alignment along Route 206 and Harlingen Road? This would facilitate future maintenance by the Township particularly after heavy rain events when the proposed route may be inaccessible. This route would also prevent any unintended discharges into Fox Brook in the event of a broken pipe.
  - b. This office defers a technical review of an alternatives analysis to the Township Engineer, Director of Wastewater Operations and other professionals as needed.
4. This office is very concerned that the alignment impacts existing conservation easements on the Township's property (6009/6) and on a residential property at 29 Stone House Court (6001/32.02) where it does not appear a sewer easement was reserved.

- a. These areas were protected by conservation easements at the time of their respective considerations by previous Planning Boards and determined to be valuable resources to be protected in their natural state. Trenching through these areas to install a force main, and then continuing maintenance to keep the area clear of trees and brush to protect the integrity of the pipe will impact these areas and cause fragmentation of habitats for plant and animal communities and likely result in the proliferation of invasive species.
5. If the Board is inclined to approve the proposed sewer alignment (which ultimately requires approval by the Township Committee), this office suggests that the Applicant provide a pathway along the sewer easement since it will be a mowed area. This will provide an enhanced recreational opportunity for this new neighborhood to be able to walk to Montgomery Veterans Park via the pathway system in the neighboring Country Classics development (Twin Brook Drive, Stone House Court).
6. This office reserves the right to request additional conditions for the restoration of the Township's property (6009/6) if the sewer line is constructed as proposed including but not limited to tree planting, seed mixes used for restoration, etc.

#### C. Sidewalks and Pedestrian Circulation

1. Sidewalks are required on all public streets per Code Section 16-5.14C:  
*"Except for all local, rural collector and scenic collector roads in the MR District, sidewalks shall be provided along all existing streets upon which all residential and nonresidential developments abut, unless specifically waived in certain locations by the reviewing municipal agency based upon good cause shown by the applicant, such as, but not limited to, the existence or proposal of alternate linkages for pedestrian movement and/or where other improvements are proposed to better facilitate the movement of people between the development and adjacent lands;"*

The Applicant appears to fulfill this requirement.

2. This office defers to the Board Engineer to review the provided sidewalk specification, and defers to the Board Engineer and Board Traffic Engineer to review the crosswalk specification and placement.

#### D. Tree Planting and Landscaping

1. Tree Removal: The Applicant's EIS reports that 5.605 acres of trees will be cleared (page 20).
  - a. The Applicant should conduct representative plot sampling to provide a calculation of the number of trees to be removed.

- b. Based upon these results, the Board may wish to decline the Applicant's request to calculate the shade tree planting requirement based upon area of disturbance as discussed below.
- 2. Shade Trees: 14 trees per acre are required for residential and non-residential development per Township Code Section 16-5.6d.3. The Applicant is seeking a waiver from this requirement to calculate based on area of disturbance, rather than gross tract area.
  - a. The grading plans represent a calculation of 580,932 SF of disturbance, equal to 13.34 acres.
  - b.  $13.34 \text{ acres} \times 14 \text{ trees/acre} = 186.76 = 187 \text{ trees (rounded)}$  required by ordinance
  - c. The Applicant's Landscaping Plans indicate they meet the shade tree and street tree requirements, as well as providing buffering along Route 206.
    - i. However, according to the Landscape Schedule on sheet 28, there are 134 shade trees proposed, 54 evergreen trees and 18 ornamental trees.
    - ii. With evergreens at half-credit, this is a total of 179 trees, which does not even meet the shade tree requirement of 187 trees. The street tree and buffering requirements are separate ordinance requirements in addition to the shade tree requirement.
- 3. Street trees are required along all streets at 50' intervals (Township Code Section 16-5.6.d.15). The Applicant states they have met the requirement by providing 19 street trees (sheet 26 & 27). This office defers to the Board Landscape Architect to determine if the proposed street trees are sufficient.
  - a. If the proposed roads are to be dedicated to the Township, this office requests that the Applicant install root barriers in conjunction with any plantings near the sidewalks. The Township routinely spends a large portion of our road rehabilitation budget toward sidewalk repair, predominantly due to tree roots lifting the sidewalk.
    - i. The spacing of these root barriers can be determined in consultation with the Board Landscape Architect.
- 4. Landscape buffer screening is required by Code Section 16-5.6d.13. This office defers to the Board Landscape Architect to determine if the proposed buffer plantings are sufficient.
  - a. Buffer screening is particularly important given the project's proximity to the Harlingen Historic District.

5. Native plant species are required by Township Code Section 16-5.6.d.5. This office defers species review to the Board Landscape Architect.
6. All plant materials should include a two (2) year guarantee as required by Township Code Section 16-5.6.d.10:

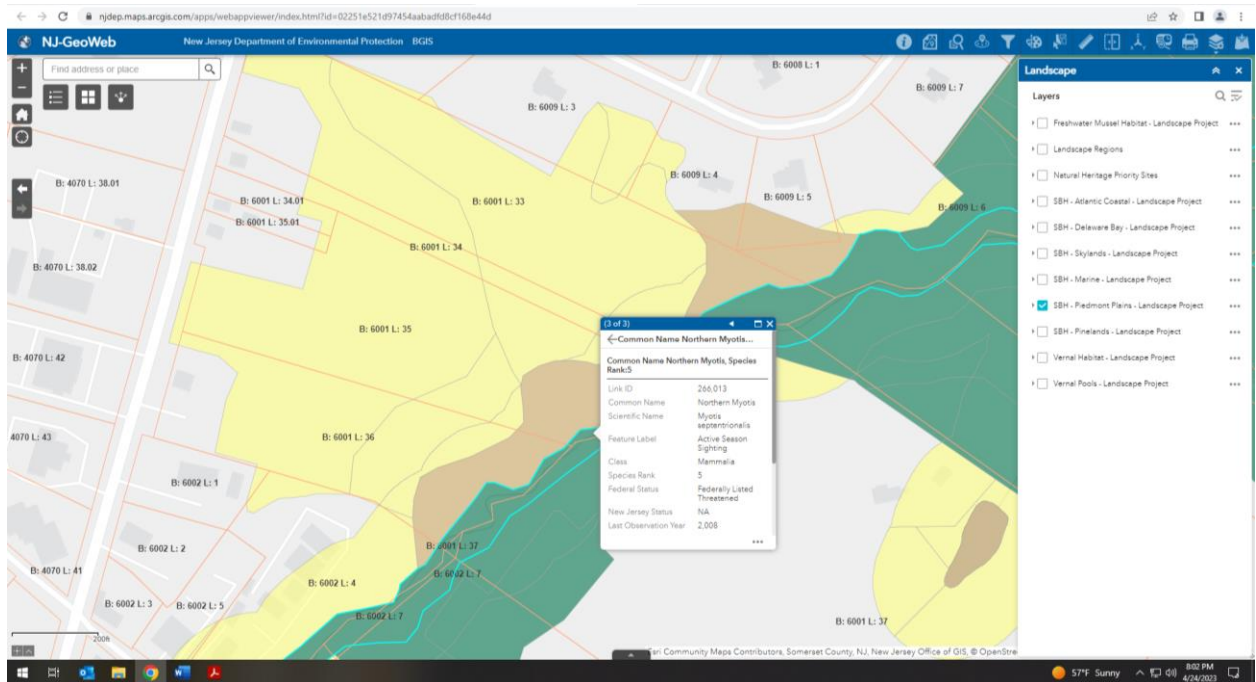
*“All plant material shall be guaranteed for at least two (2) years from the date of landscape inspection for approval and any plant material that does not survive within that time period or is in poor condition based upon the opinion of the Township Landscape Architect shall be replaced by plant material of the same size and species at the expense of the developer.”*

7. Landscaping should be added or reoriented to block southerly exposure of the sun at the seating areas and tot lot to maximize shade in these areas.

E. Conservation Easements & Deed Restrictions

1. The Applicant proposes to dedicate 8.868 acres at the rear (eastern portion) of their site to the Township.
  - a. The Township requests copies of any Preliminary Assessment reports, Phase I environmental reports or similar reports to determine if any areas of concern or contamination exist on the property. If no such reports exist, the Township may request these studies be conducted at the Applicant’s expense.
  - b. The decision to accept this property ultimately rests with the Township Committee, and this office will discuss the proposal with the Governing Body upon review of any available documents.
  - c. Should the Township choose to accept the donation of property, the Applicant must set concrete monuments and line markers to demarcate the boundaries of the property so as to prevent future encroachment.
2. Township Code Section 16-5.6e requires conservation easement or conservation easement deed restrictions on all critical areas (e.g. steep slopes, stream corridor, wetlands).
  - a. The Township will not require a conservation deed restriction on any areas that are regulated by DRCC, NJDEP or other outside agency.
3. There are several proposed lots that are impacted by the existing wetland swale:
  - a. Block 6001 Lot 33.12: yard area only
  - b. Block 6001 Lot 33.13: portion of proposed structure
  - c. Block 6001 Lot 33.14: portion of proposed structure

4. Compensation areas for impacts to the wetland transition area are depicted on the plans, but this office could not locate any compensation area(s) for the wetland swale disturbance described in item 3 above. The Applicant should provide testimony regarding NJDEP's requirements regarding this disturbance.
5. Habitat for the federally listed Northern Myotis bat and State endangered Bald Eagle is located at the rear of the property (eastern portion) and continues north and south and along the Fox Brook stream corridor (see screen grab below from NJDEP Geo Web application).

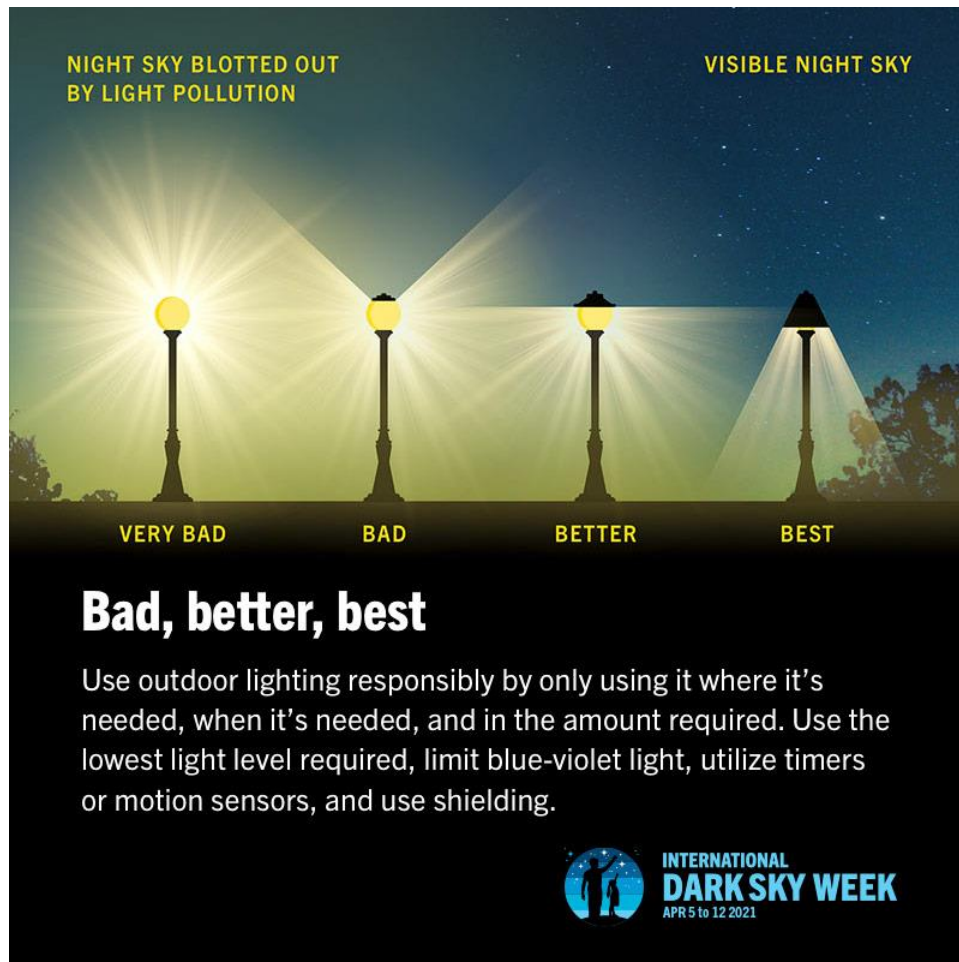


- a. The Applicant's EIS indicates that tree clearing will be limited from October 1 to March 31 to minimize disruption to the bats. This office encourages the Board to impose this limitation in its resolution, should the proposal be approved.
6. A more thorough discussion of the impacts to existing Township property (block 6009 lot 6) which is protected by an existing conservation easement is enumerated above in item B.

## F. Lighting

1. On sheet 12, a site identification sign detail is shown with a detail for an LED floodlight.
  - a. This light should not be ground mounted and pointed upward as most of the light is wasted. Instead, the light should be mounted at the top of the sign and pointed down. Shields should be added where possible to only direct lighting onto the sign and to minimize any spillover to surrounding areas.

- b. The lighting should utilize a color temperature that is no more than 3000 kelvins.
  - c. These principles should be utilized for any and all signage.
2. The lighting along the streets and around the site shown on sheet 31 as “Beacon Traditional TRA30” should be substituted for a light that downward facing, shielded and utilizes a color temperature no greater than 3000 kelvins.



3. The impacts of too much light at night (particularly “blue” or short wavelength lighting) have been documented to negatively impact human health, as well as wildlife and insects.
  - a. Princeton University’s Office of Sustainability recently released a short documentary detailing these negative impacts:  
<https://www.youtube.com/watch?v=FW0WZX75Nmo>
4. This is particularly important because there is habitat for the federally threatened Northern myotis bat and State endangered Bald Eagle along the property’s easterly border and properties along Fox Brook as discussed above.

## G. Recreation & Site Amenities

1. The Applicant proposes a dog run in the northwest property corner which this office supports. However, the proximity to the highway is a concern, assuming this is an off-leash area, and the area should be relocated farther from the highway.
2. A 10' x 20' bike storage shed is proposed which this office supports to allow residents to store their bikes securely, and out of the weather.
3. Two sitting areas are proposed – a large area at the northern portion of the site and another smaller area to the south, adjacent to the tot lot. The Applicant should provide details on what seating will be provided. Will it be a combination of benches and picnic tables?
  - a. The Applicant should provide at least one picnic table that is ADA compliant.
4. The proposed tot lot appears too small given the scale of the development, and is smaller than both proposed seating areas. As we know, many people move to Montgomery for the excellent school system. With 54 proposed residential units, most units will be the home to at least one child, but more likely two children, given the bedroom counts of most of the proposed units.
  - a. The detail on sheet 12 says that tot lot equipment will be provided for ages 2-6 and 6-12, but only one play structure is shown. Three spring riders are shown, as well as one seesaw bouncer and a tot friendly picnic table.
  - b. Due to the relative isolation of this development from any other recreation opportunities within walking distance, additional opportunities for outdoor play should be provided. This office suggests that the Applicant add swings which can be used by children and adults, and another play or climbing structure.
5. The apartment buildings contain in-unit laundry which this office supports.

## H. Architectural Comments

1. While not the purview of this office, the proposed End Units A and B contain loft space that appears to lend itself to conversion to bedroom space. This office recommends the Board consider imposing a bedroom count restriction, and/or removing the powder room.