



## MEMORANDUM

### Clarke Caton Hintz

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**To:** Montgomery Township Zoning Board of Adjustment

**From:** Michael F. Sullivan, ASLA, AICP  
James Clavelli, PP, AICP

**Re:** **Renard Management, Inc.**  
**Use Variance, FAR Variance, Major Site Plan Review #2**  
1026 County Road 518  
Block 29002, Lots 49 and 50  
HC Highway Commercial District

**Date:** November 22, 2023, Revised to March 28, 2024

### 1.0 Project and Site Description

**1.1. Plan Changes In New Submission:** Recognizing the length of this report, a list is included identifying the major changes to the resubmitted plan:

- The height of the primary building is now conforming.
- The smaller of the two buildings is now two stories in height rather than one.
- While the floor area ratio is still nonconforming, it has been reduced from 1.02 to 0.83 (a maximum of 0.20 is permitted).
- Two additional mature trees are proposed to remain.
- The architectural design of the buildings has changed. The changes result in fewer variances than previously required.
- One curb cut is proposed, rather than two. There is no longer an internal driveway which goes through the main building.

**1.2. Project Description:** The applicant is seeking a use variance and preliminary and final major site plan approval to develop a self-storage facility within two separate buildings in the Highway Commercial (HC) District. A variance is required for floor area ratio (the applicant no longer requires a height variance). The primary building is an 84,904 sf self-storage building that is two stories in height. The secondary building is a smaller self-storage building with a “drive up” element that includes 15

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outward facing storage units with roll up door access. The smaller building is 22,846 sf and two stories in height. A parking lot with 16 spaces is proposed between the buildings. One driveway and associated curb cut is proposed. A two-way driveway from CR-518 runs between the buildings and around the rear of the primary building to the east contains an “internal loading” area at the rear where vehicles can unload within the building. Additional site improvements include a masonry trash enclosure, curbing, signs, utility and stormwater infrastructure, plantings, building-mounted lighting and a concrete walkway along the western, northern and southern sides of the primary building, and a smaller concrete walk leading to the smaller building from the public sidewalk.

The proposal is significantly different the previous submission. The larger building has been reduced from three stories to two stories, and the height reduced such that it is now conforming. The smaller storage facility has a larger footprint and is now two stories in height and has been redesigned with a front facing entrance matching that of the larger building. The overall floor area of the project has been reduced from 133,166 sf. to 107,750 sf. (a reduction of ±19%), leading to a corresponding reduction in floor area ratio (FAR) from 1.02 to .83 (which is still quadruple what is permitted). The number of curb cuts accessing the site has been reduced from two to one. Where previously the driveway cut through the larger building, it ends in the rear of the large building which now has an internal loading area.

The architectural design of the buildings is significantly different than in the previous submission. Analysis of the architecture can be found in Section 10 of this report.

**Section 13 of this report includes analysis of the requested variances and a discussion as to whether the application requests deviations substantial enough to constitute a de facto rezoning. A list of required variances and design exceptions is included in the summary in Section 21. The relief no longer required is indicated in the list with a ~~strike through~~.**

- 1.3. **Site Description:** The site consists of a 2.99 acre (130,158 sf.) lot with an irregular pentagon shape. The site has frontage along County Road 518, which contains an existing sidewalk. The concrete foundation of a demolished “L” shaped office building with a 23,795 sf. footprint is located on site in the northeastern quadrant. A parking lot is located on site containing 100 spaces, mostly to the west of the building foundation, with some along the front of the building and a small number



in the rear of the building in the site's northeastern corner. Street trees sized between 30 – 36 diameter at breast height (DBH) are located along the site frontage, along with grass and overgrowth. Other existing site improvements include utility infrastructure, plantings along the western and northern site boundaries, a concrete walkway, bollards and a chain-link fence. The site contains steep slopes in excess of 15%, some of which are proposed to be disturbed.

- 1.4. **Lot Consolidation:** As a condition of any approval, the applicant should consolidate Lots 49 and 50. This report will analyze the site as if it is one lot, rather than two.



- 1.5. **Neighborhood Context:** The site is located within the Highway Commercial (HC) District on County Road 518 on the east side of N.J. Route 206. The site shares its eastern boundary with the municipal boundary of Montgomery Township and the Borough of Rocky Hill. Neighboring uses include a Shell Station, veterinary clinic, single-family detached dwelling and Princeton North Shopping Center to the south





across County Route 518, Wawa to the west, a Montgomery Shopping Center to the north, a single-family detached dwelling to the east and a Bank of America to the southeast. There is a sharp grade change between the site and Montgomery Shopping Center. The home to the east and the Bank of America are located in the Borough of Rocky Hill. The N.J. Route 206 Corridor is primarily commercial, with residential uses to the east and west along County Route 518. The Sharbell/Montgomery Crossing townhouse neighborhood, and other recently developed multifamily buildings are located  $\pm 1,500 - 3,000$  ft. to the west.



Existing Concrete Pad (Top) and Parking Lot (Bottom)

## 2.0 Zoning

- 2.1. **Prohibited Use:** *A use variance is required.* The site is located in the Highway Commercial (HC) zone, which, pursuant to §16-4.12a, does not permit self-storage facilities as a principal use. *A use variance pursuant to N.J.S.A. 40:55D-70.d(1) is required.*



- 2.2. **Second Principal Building: *The plan complies.*** The plan indicates two buildings to be used for storage, the principal storage building and a smaller storage building with a “Drive-Up” element. This building constitutes a second principal building, which is permitted in the HC zone pursuant to §16-4.12.e.9.
- 2.3. **Proposed Accessory Uses: *The plan complies.*** The applicant is proposing a trash enclosure, freestanding sign, façade sign, parking lot and drive way, all of which is permitted. The plan complies.
- 2.4. **Highway Commercial District Bulk Standards: *Variance relief is required.*** Table 1, included on the following page, indicates the plan’s conformance with bulk standards in the Highway Commercial District. Variances are required for maximum building height, maximum floor area ratio and maximum lot coverage.

Table 1: Area & Yard Requirements in the HC Zone ~ §16-4.12d					
	Required	Existing	Proposed Storage Bld.	Proposed Drive-Up Storage Bld.	Variance?
Principal Building(s)					
Max. Building Height	30 ft./2.5 st.	n/a	29.3 ft./2 st.	26 ft./2 st.	No
Min. Lot Size	1 acre	2.99 acres	2.99 acres		No
Min. Lot Frontage	150 ft.	432.67 ft.	432.67 ft.		No
Min. Lot Width	150 ft.	427.20 ft.	427.20 ft.		No
Min. Lot Depth	150 ft.	300.10 ft.	300.10 ft.		No
Min. Front Yard	50 ft.	110.1 ft.	50 ft.	50 ft.	No
Min. Side Yard (each)	25 ft.	162.3 ft./40.1 ft.	25.9 ft.	25.2 ft.	No
Min. Rear Yard	50 ft.	49.9 ft.	78.7 ft.	53.9	No
Max. Floor Area Ratio	0.20	0.4	0.83		Yes (V)
Max. Lot Coverage	55%	65.3%	58.3%		Yes (V)
V = Variance Required					

- 2.5. **Maximum Floor Area Ratio: *Variance relief is required.*** §16-4.12.d permits a maximum floor area ratio of 0.20, or 20%. A floor area ratio of 0.83, or 83%, is proposed on the plan. **A floor area ratio variance pursuant to N.J.S.A. 40:55D-70.d(4) is required.**
- 2.6. **Maximum Lot Coverage: *Variance relief is required.*** §16-4.12.d permits a maximum lot coverage of 55%. 58.3% lot coverage is proposed. **Variance relief is required.**



### 3.0 General Requirements for the HC District

- 3.1. **Driveways.** *Additional testimony is required.* Pursuant to §16-4.12f.1, where feasible driveways providing vehicular access between adjacent properties shall be permitted and required, with appropriate cross easements, and the on-site circulation systems and parking areas shall be designed to accommodate such interconnections between adjacent lots. The site is adjacent to Wawa to the West and Montgomery Shopping Center to the north, both of which are within the HC zone. No such vehicular access between adjacent properties is proposed. **The applicant should testify to the feasibility of this requirement.**
- 3.2. **Outdoor Storage:** *The plan complies.* Pursuant to §16-4.12f.2, no merchandise, products, equipment or similar material and objects shall be displayed or stored outside. The site plan does not indicate any outdoor storage.
- 3.3. **Planting Requirement:** *The plan appears to comply.* Pursuant to §16-4.12f.3, 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 45% of the area of any lot or tract shall be so landscaped, and the landscaped area may include approved detention and/or retention basin. The planting plan provided indicates proposed plantings along the building frontage, eastern property line, portions of the northern central section of the plan and a portion of the southwestern portion of the site. Portions of the site where no development is proposed contain significant vegetation or grass. The northwest corner of the site, which contains trees slated for removal, contains grass, which will remain. The plan appears to comply.
- 3.4. **Parking Areas in Side and Rear Yards:** *The plan complies.* Per §16-4.12f.4, structures such as parking areas, loading areas, driveways or other structures in side and rear yards that share a common property line with a residential zoning district are not permitted. The proposed driveways and parking spaces are not located within side or rear yards, nor are they adjacent to a residential zoning districts. The plan complies.
- 3.5. **Parking and Loading Areas, Driveway and other Structure Distance:** *The plan complies.* Per §16-4.12f.5, within the HC zone, no parking area, loading area, driveway, or other structure (except for approved access ways, signs and fencing)



shall be permitted within the first 25 feet adjacent to any street line nor within the first 15 feet adjacent to any other property line. The plan complies.

- 3.6. **Lawn Area Within Buffer.** *The plan appears to comply.* Per §16-4.12f.5 (the same regulation indicated in the preceding comment), the required distance between structures and the street line and adjacent property lines shall be planted and maintained with lawn or ground cover and trees and shrubbery as approved by the Board. As indicated in 4.3, the plan appears to comply, though this should be confirmed via testimony.

#### 4.0 Requirements for Multiple Buildings on One Lot in the HC Zone

- 4.1. **HC Zone Standards for Multiple Buildings:** Pursuant to §16-4.12.e.9(b), multiple detached buildings are provided on a lot in accordance with the following standards (note that this office interprets and deviations from these standards as “c” variances, rather than a “-d(1)” use variance).

4.1.1. **Building Separation:** *The plan complies.* Pursuant to §16-4.12.e.9(b)(2), all buildings shall be separated by a minimum of 50 feet where the separation distance is used to any extent for parking and/or vehicular circulation. The buildings are separated by 70 feet, and the area of separation is utilized for parking spaces, a driveway and a loading area for the drive up self-storage building.

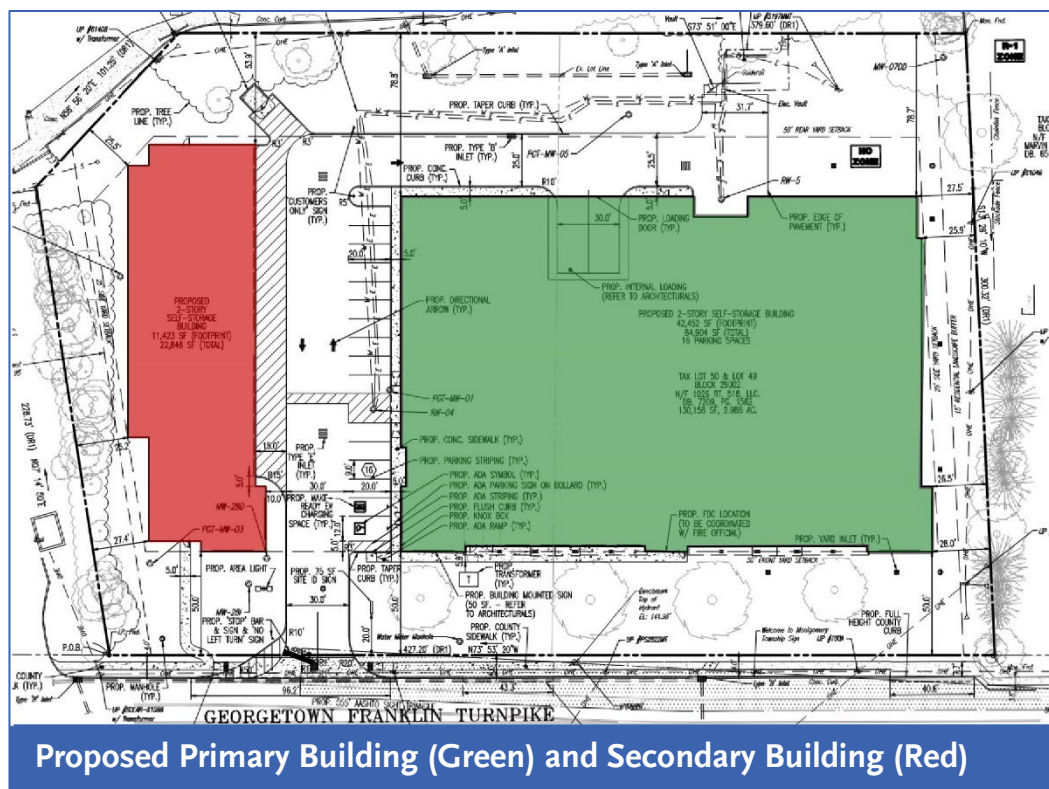
4.1.2. **Multiple Driveways Prohibited:** *The plan complies.* Pursuant to §16-4.12.e.9(b)(5), access from the public street(s) to the buildings shall not be provided by individual driveways to each building, but by common drive(s) so as to reduce the number of access points along the street(s). While previously two curb cuts and driveways were proposed, this has been reduced to one driveway and curb cut. The plan complies.

4.1.3. **Parking Distribution:** *The plan complies.* Pursuant to §16-4.12.e.9(b)(6), parking shall be evenly distributed, with pedestrian connections between buildings and to all public areas within a development, and large parking lots shall be avoided. The parking is evenly distributed in a band between the two buildings. A concrete walk connects the sidewalk on CR-538 to the smaller building, and a painted pedestrian crosswalk connects the smaller and larger buildings. A concrete walk is also located around three sides of the larger building. **While this**



is technically compliant, it is recommended that direct pedestrian access also be provided to the main building from the sidewalk on CR-538.

**4.1.4. Maintenance of Landscaping: *Condition of approval.*** Pursuant to §16-4.12.e.9(b)(7), a single controlling entity, such as a commercial owners association or a single owner of the entire development, shall be provided for the maintenance of the landscaping, multiple-tenant signs, detention basins, lighting and other common elements or shared structures and facilities. **As a condition of any approval, the applicant/owner should commit to the maintenance of the landscaping on the entire site.**







## 5.0 Off-Street Parking, Circulation and Trash Removal

- 5.1. **Minimum Parking Requirement:** *Testimony was provided.* Minimum parking requirements in the HC zone are determined by use pursuant to §16-4.12g. Self-storage facilities are not permitted in the zone, and as such there is no parking requirement indicated in the Ordinance. 16 parking spaces are proposed. **Testimony regarding parking was supplied during the January 23, 2024 public hearing. It does appear that the proposed parking is sufficient for the use.**
- 5.2. **Off-Street Loading:** *The plan complies.* Per §16-4.12h.1, any building or group of buildings within the HC zone is required to have one (1) loading space at the side, rear or within the proposed building. The proposed drive up building has one loading space, which meets the requirement. The main building has an interior loading space in the rear. The plan complies.
- 5.3. **Loading Space Size:** *The plan complies.* Per §16-4.12h.2, the required size of a loading space is 15 feet in width and 40 feet in length. The loading space that runs the length of the proposed drive up self-storage building is 15 feet wide and ±200 feet in length. The internal loading space in the main building is 40 feet deep and 38.5 feet wide. The plan complies.
- 5.4. **EV Parking Requirement:** *The plan complies.* Pursuant to Pursuant to C.40:55D-66.20.3(3).b(2)(a), applications involving a parking lot with 50 or fewer off-street spaces not covered in the previous subsection (self-storage facilities are not covered in the previous subsection) require the preparation as “make-ready” parking spaces at least one of the required off-street parking spaces. EVSE spaces are permitted in lieu of “make-ready” spaces. The applicant is proposing one make-ready space. The plan complies.
- 5.5. **Pedestrian Circulation:** Pedestrian circulation is proposed within the site. A 5-foot wide sidewalk is proposed along the front (south), side (west) and a portion of the rear (north) of the larger main building. A painted crosswalk is proposed between the two buildings, and a concrete walk connects the smaller building to the sidewalk on CR-538.
- 5.6. **Sidewalks:** The plan complies. §16-5.14C.1(d) requires “sidewalks shall be provided along all existing streets upon which all residential and nonresidential development abuts, unless specifically waived in certain locations by the reviewing municipal agency based



*upon good cause shown by the applicant ....”* A sidewalk does currently exist along the frontage of the property on CR 518. The plan complies. **Any portion of the sidewalk that is damaged during construction should be repaired.**

- 5.7. **Curbing: A design exception is required.** Pursuant to §16-5.8.3, all paved parking and loading areas and access drives shall be curbed. The majority of the site contains curbing, however, the northeastern portion of the site that contains paving is not curbed. **A design exception is required.**
- 5.8. **Parking Lot Wayfinding:** Pursuant to §16-5.8.4, all off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces. The parking area contains arrows indicating the appropriate driving direction and signage indicating barrier free spaces. The driveway exits contain stop signs. **The plan appears to comply, though this office defers to the Board’s traffic expert as to whether the wayfinding is sufficient.**
- 5.9. **Trash and Garbage Pickup:** The plan complies. Pursuant to §16-4.12h.2, there shall be at least one trash and garbage pick-up location within convenient access to the building being served, including provisions for the separation and collection of recyclable materials in accordance with the recycling requirements of Somerset County. A trash enclosure is proposed in the northwestern corner of the site near to the proposed drive up building and in close proximity to the main building. The plan complies. Additionally, per testimony provided by the applicant on January 23, 2024, the trash enclosure is not for use by customers. Only employees of the business may utilize the trash enclosure.
  - 5.9.1. **Trash Enclosure Requirement: The plan complies.** Pursuant to §16-4.12h.2(c), trash and garbage located outside of a building requires a steel-like, enclosed trash and garbage contained located in a manner obscured from view by a fence, wall, planting or combination of all three. The trash enclosure is composed of a steel gate on the front side and a masonry wall on the sides and rear that is ten feet in height.
  - 5.9.2. The masonry wall is proposed to be finished with “Brick-Denton, TX or Equal Red Sunset Blend 150”. **The applicant should provide samples of this material so it can be determined whether it fits with the finishes of the proposed buildings.**



## 6.o Natural Features

- 6.1. **Preservation of Natural Features:** *Additional testimony is required.* Per §16-5.6a, natural features such as trees, hilltops and views, natural terrain, open waters, riparian areas, critical areas and natural drainage ridge lines shall be preserved to the maximum extent reasonably possible in designing any development containing such features. The development of the site will result in the removal of trees and grading of the existing terrain. **The applicant should testify as to the extent of disturbance and as to whether a less disruptive alternative means of development is possible. It is strongly recommended that plans be revised to eliminate the removal of the mature trees along the property frontage. This office notes that where previously five, then four of these trees were proposed for removal, only three are now proposed for removal.**
- 6.2. **Topsoil Removal:** Per §16-5.6b, no top soil shall be removed from areas intended for lawn and open space. Top soil moved during construction shall be redistributed on the lot so as to provide at least four inches of cover to all areas, which cover shall be stabilized by approved seeding and/or planting. **The applicant should testify as whether soil will be removed from the site. This office defers to the Board Engineer as to whether the soil erosion and sediment control plan is sufficient.**



Mature Trees Along the Property Frontage





- 6.3. **Off-Site Soil removal:** Per §16-5.6b, no soil shall be removed from or be imported to any site in excess of 20 cubic yards per year without the prior approval of the Planning Board. For this purpose, a plan shall be submitted showing how the soil is to be distributed and stabilized including grading contours. If the soil is to be imported, a plan shall be submitted describing methodology and frequency of testing the soil to ensure its safe quality. Finally, the plan shall describe the size and number of vehicles that are proposed for hauling the removed or imported soil together with the hauling route. **The applicant should testify as to whether soil will be removed from the site. This office defers to the Board Engineer as to whether the soil erosion and sediment control plan is sufficient.**



Adjacent Shopping Center and Significant Grade Change



## 7.0 Steep Slopes

7.1. **Steep Slopes: Variance relief may be required.** The applicant is proposing to disturb steep slopes. An analysis provided by the applicant indicates that steep slopes between 15% and 19.99% are found on the property. 607 sf. of the 6,838 sf. of steep slopes found on the property will be disturbed by the proposed development. §16-6.4e.1 states that steep slopes shall not be disturbed *except as follows in specific situations where it is determined by the Board that soil erosion, land disturbance and other environmental concerns have been adequately addressed by the developer. An isolated area or a narrow band of steep slopes may be disturbed on a lot for good cause shown by the developer, when approved by the Board.* . **Variance relief may be required. Testimony should be provided as to what purpose the disturbance of steep slopes serves to the overall project.**

7.1.1. **Performance Standards for Granting Steep Slope Variance:** §16-6.4e.3(a)-(g) contains guidelines that should be considered by the Board in considering a variance for disturbance of steep slopes. These are included below for the Board's benefit. **The applicant should testify to these guidelines:**

- 7.1.1.1. *The developer shall demonstrate that the disturbance of the critical steep slope area is necessary for the proposed development of the subject tract, indicating that such development can be in accordance with Sections 16-4 and 16-6 of this chapter.*
- 7.1.1.2. *The developer shall demonstrate that the proposed development has utilized the noncritical areas of the tract as reasonably practicable and has attempted to minimize the disturbance of the critical steep slope areas by limiting development to either isolated area(s) of steep slopes and/or those slopes with less of a steep grade prior to the disturbance of more environmentally sensitive critical areas.*
- 7.1.1.3. *Appropriate revegetation and landscaping of the disturbed steep slope areas shall be provided to adequately stabilize the slopes and enhance the attractiveness of the site, if necessary, and shall be in accordance with accepted soil conservation and stormwater management techniques as promulgated by the Soil Conservation District and the Township Engineer.*





- 7.I.I.4. *The provisions of Subsection 16-5.2 shall be adequately addressed to the satisfaction of the Board and specifically the provisions of Subsection 16-5.2s of this chapter.*
- 7.I.I.5. *The proposed disturbance of the steep slope area should minimize the impairment of the visual quality of the site. Moreover, the higher elevations along ridge and mountain tops which present visual amenities should be protected, where possible.*
- 7.I.I.6. *The environmental impacts shall be satisfactorily controlled by the development proposal in a manner acceptable to the Township Engineer so that soil erosion, excess stormwater, runoff, degradation of water quality, concentration of stormwater and water flow, and flooding do not occur.*
- 7.I.I.7. *The developer also shall demonstrate that:*
  - *Unless an EIS is otherwise required, endangered or threatened plants and wildlife shall not be harmed;*
  - *The geologic disturbance, including blasting, cutting or excavating, resulting from the development of any critical steep slope area shall be satisfactorily mitigated; and*
  - *The cost of providing and maintaining public facilities and services to those areas where critical steep slopes may be disturbed shall not be substantially increased as a result of such disturbance.*

## 8.o Lighting

- 8.i. **Proposed Lighting:** The plan indicates a total of 11 proposed lights, 10 of which are wall mounted and one is pole mounted. Three different models of lights are proposed. Two lights are proposed on the eastern side of the drive up self-storage building, one on the northern side, and seven are proposed around the main storage building, with three in the rear, two on the west side and two along the front of the building. The light pole is proposed to the west of the driveway entrance along CR-538.



- 8.2. **Lighting of Parking and Walking Areas: *Additional information is required.*** Pursuant to §16-5.4b.1, all parking areas and walkways shall be adequately illuminated for security and safety. The Ordinance does not specify standards as to what constitutes safe and secure. It is recommended that the applicant testify as to the adequacy of the proposed lighting as related to security and safety onsite. A comparison to relevant industry standards such as Illuminating Engineering Society (IES) may be beneficial to the Board.
- 8.3. **Lighting Height of Building Mounted Lights: *The plan complies.*** Pursuant to §16-5.4b.2(a), lighting fixtures are not to exceed 20-feet or the height of the closest major building, whichever is less. The proposed lights are indicated at 20 feet (main building) and ten feet (smaller building) in height. This complies.
- 8.4. **Lighting Height of Pole Mounted Light: *The plan complies.*** Pursuant to §16-5.4b.2(a), lighting fixtures are not to exceed 20-feet or the height of the closest major building, whichever is less. The proposed pole mounted light is 20 feet. The plan complies.
- 8.5. **Required Lighting Specifications: *Additional Information is Required.*** Pursuant to §16-5.4b.2(b), lighting fixtures are to include non-glare lights with recessed lenses focused downward and with cut-off shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead skyglow. Sheet 17 of the plan includes a manufacturer's cut sheet of "Mirada Wall Sconce (XWM)" fixtures. These lights are downward focused and contain recessed lighting. **This applies to the wall mounted lights, however, no cut-sheet for the pole-mounted light (A-FT-BB) is provided. This information should be provided.**
- 8.6. **Site Lighting at Ground Level: *A design exception is required.*** Pursuant to §16-5.4b.2(c), light intensity at ground level shall average a minimum of 0.3 footcandles, though not more than 1.0 footcandle. The statistical area summary provided on Sheet 11 indicates an average of 1.73 (which is .15 footcandles less than previously proposed, but still requires a design exception) footcandles for the pavement area. **A design exception is required.**
- 8.7. **Site Lighting at Ground Level - Intersections: *A design exception is required.*** Pursuant to §16-5.4b.2(c), light intensity at intersections shall average a minimum of 0.5 footcandles, though not more than 1.0 footcandle. The statistical area summary provided on Sheet 11 indicates an average of 1.73 footcandles for the pavement area.



A design exception is required. Additionally, it is recommended that the statistical area summary include an additional category for the intersections.

- 8.8. **Circuit Timers:** *The plan complies.* Pursuant to §16-5.4b.2(d), excepting any lighting determined by the Planning Board to be necessary and/or advisable for security purposes, all other lighting is to be controlled by circuit timers so that the lights are automatically turned off after business hours. The revised plans include a note which indicates compliance with this requirement (sheet 11, bottom right corner). The plan complies.

## 9.0 Landscape Design & Plantings

This office defers to the Board Landscape Architect regarding the planting design. This review only relates to quantifiable standards.

- 9.1. **Trees:** *The plan complies.* Per §16-5.6d.3, a minimum of 14 trees per acre of gross tract shall be planted throughout the tract in the case of nonresidential or multifamily development. At 2.99 acres, the plan requires 42 trees. 97 (the 15 street trees are removed from the total) trees are proposed. The plan complies.
- 9.2. **Street Trees:** *The plan complies.* §16-5.6d.15 requires street trees at 50 foot intervals. With 433 feet of total frontage, the applicant is required to have 9 street trees ( $433 / 50 = 8.7$  trees). The applicant is proposing 15 trees along the property frontage. The plan complies.

## 10.0 Architecture

- 10.1. **Building Design Character:** The proposed building contains a typical highway-oriented aesthetic, similar to a strip commercial mall. Elements have been incorporated into the design in an attempt to complement the existing architectural character, however, the use of blue metal awnings is visually discordant and draws unnecessary attention to the building. While the appearance is an improvement on the original industrial design, it is the view of this office that the more brick-heavy design previously recommended by this office and incorporated into the second revision provided by the applicant, is the more attractive option. Alternatively, the applicant may utilize the nearby “Village Shoppes at Montgomery” as a model for new development that is reminiscent of traditional architecture in the area.



Image Source:  
Pugliese Properties

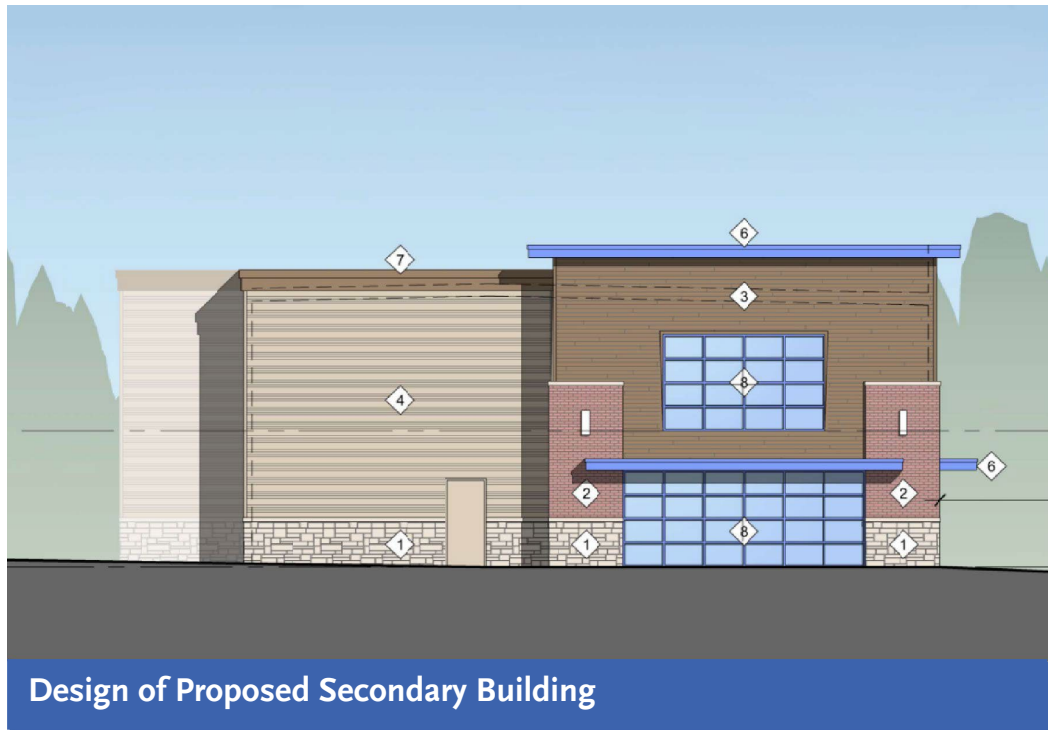
Nearby Village Shoppes at Montgomery

The building has been reduced in scale, though proposed floor area is still quadruple what is permitted, and as such will remain out of scale with the existing built environment. It is recommended that the blue elements on the building be changed to copper, or another color based on materials that are found in more traditional architecture in the area.

- 10.2. **Solar Access:** Per §16-5.5e, all lots and/or buildings on lots shall be oriented for solar energy access where possible and desirable. The buildings have large, flat roofs and are oriented towards the south. Though no solar panels or other solar energy devices are proposed, the plan does comply with the orientation requirement.
- 10.3. **Architectural and Building Standards in the HC District:** §16-4.12e contains requirements for all buildings and sites within the HC district.
- 10.4. **Description of Proposed Self-Storage Facility:** As indicated in the following image, the overall building design contains a simple, utilitarian design with dark colors and metallic siding. The storage-unit garage doors, roof, and awnings are blue.



Design of Proposed Primary Building

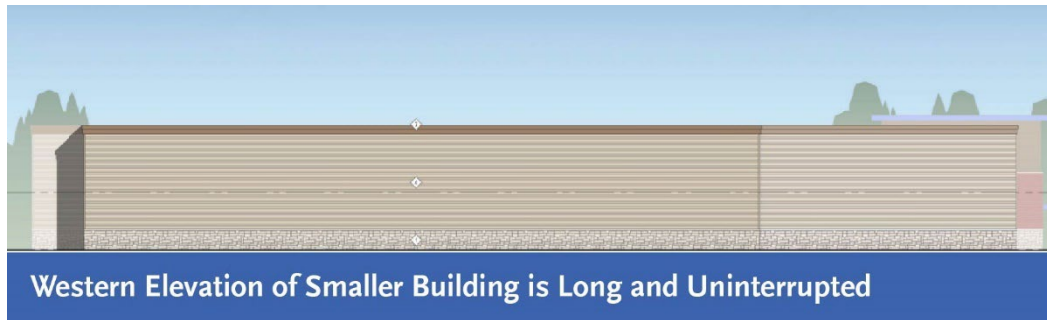


- 10.5. **Building Exteriors:** The plan complies. §16-4.12e.1(a) requires that building exteriors in the HC District including any accessory buildings, shall be architecturally compatible and shall be constructed of complementary materials. As indicated in the preceding images, both storage buildings feature a similar design and color palette. The plan complies.
- 10.6. **Pedestrian Scale:** *The plan complies.* §16-4.12e.1(b) requires that architectural details, style, color, proportion and massing shall create a pedestrian scale development. The building has been designed with an effort to create a pedestrian scale. The facades are articulated, and include element such as awnings, windows, doorways, columns, pediments, and stone veneer to create visual interest. The attempt appears to be to create the appearance of a building or building(s) that look like something other than a storage facility, which was the request of this office in our previous letter. The plan appears to comply.





- 10.7. **Building Entrances:** The plan complies. §16-4.12e.4(a) requires that all entrances to a building shall be articulated utilizing architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, or overhangs. Such elements shall be architecturally compatible with the overall building. As indicated in the previous images, pilasters are utilized on the lower portion of the entrances. The entrances are articulated and contain awnings and glazing to differentiate from the other building facades. The plan complies.
- 10.8. **Visual Breaks:** *Variance relief is required.* §16-4.12e.5(a) requires that building exteriors shall have vertical and/or horizontal offsets to create visual breaks along each facade. Long, monotonous, uninterrupted walls are not permitted. The outer walls of both buildings, with the exception of the western façade (non-street facing) of the smaller building contain visual breaks. **As the requirement is for exteriors generally, and that no wall is permitted to be uninterrupted, variance relief appears to be required for the western facade of the smaller building.**



- 10.9. **Wall Offsets:** *The plan appears to comply.* §16-4.12e.5(b) requires that to the extent appropriate to the architectural design, building wall offsets, including projections such as balconies and canopies, recesses, and changes in floor levels shall be used to add architectural interest and variety and to mitigate the visual appearance of a simple, long wall. This regulation is worded very differently from that indicated above, and only applies “where appropriate”. As such, seven of the eight facades comply with this requirement and contain offsets and projections, and since the regulation is not worded to apply to all facades, the application appears compliant. Furthermore, the planting design and existing vegetation will provide considerable screening to the western elevation from the road, which will mitigate the impact of a monotonous wall.



- 10.10. Façade Consistency:** The plan complies. §16-4.12e.5(d) requires that the architectural treatment of the front facade(s) shall be continued in its major features around all visibly exposed sides of a building. The design on each side of the building is consistent, featuring a similar color palette and architectural features. Furthermore, the entrance of both buildings are similar to one another. The plan complies.
- 10.11. Building Side Consistency:** The plan complies. §16-4.12e.5(e) requires that all sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details. The color palate for each side of the building is identical and consistent. The plan complies.
- 10.12. Natural materials:** *Additional testimony is required.* §16-4.12e.5(f) states that materials such as wood and masonry are recommended. High quality man-made materials also are permitted. Stucco may be used only as an accent in limited areas. The proposed materials consist of cliffstone (base veneer), sandstone siding), vintage wood (cornice), alexander buff brick, and glazing. **While a list of materials has been provided, the applicant should testify as to the composition and choice of materials used to construct the building.**
- 10.13. Façade Features:** The plan complies. §16-4.12e.5(g) requires that dormers, gables, windows and other similar design features shall be provided across a building facade. Windows, awnings, pediments, columns, and glazing are proposed on the building facade. The plan complies.
- 10.14. Roofline Compatibility:** The plan complies. §16-4.12e.6(a) requires that the design of all buildings within a development shall include rooflines that are architecturally compatible or in context with existing buildings in the vicinity of the subject building. Within this context, rooflines that mix flat and pitched components are encouraged. The proposed roofs are both flat. Nearby roofs include Wawa, which is pitched, and Montgomery Shopping Center to the north ,which is a large structure with flat roofs on either building. Smaller buildings to the south, including a residence, bank and veterinary practice have pitched roofs, beyond which is the Princeton North Shopping Center with a flat roof. The plan complies, as the proposed buildings contribute to the mix of flat and pitched roofs.
- 10.15. Flat Roof:** *Variance relief is required.* §16-4.12e.6(c) requires that flat roofs shall provide that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical wall in order to create the appearance of a 1 1/2 to 2



1/2 story facade. There are some portions of the southern facing façade, which faces the street, that have an articulated cornice. The south facing wall does not present like a 1.5 or 2.5 story façade, but like a two story façade. **A variance is required.**

**10.16. Window Proportion:** The plan complies. §16-4.12e.7(a) requires that windows be appropriately proportioned to the building. Where windows are provided, the proportion of the windows is appropriate to the building. The plan complies.

**10.17. Outdoor Furniture Consistency:** *Additional information is required.* Per §16-4.12e.8(a), all lighting, benches, trash receptacles and signage shall be designed to be compatible with the architecture of the building(s). **Additional information regarding the trash enclosure's consistency with the rest of the site development should be provided. The only other feature for which this requirement is relevant is lighting. The wall mounted lighting is utilitarian, which was consistent with the previous design but not so in this iteration. Furthermore, no detail is provided for the pole mounted light. Additional information is required. It is recommended that the lighting and trash enclosure be composed of materials and designed in a matter complementary to the proposed buildings.**

**10.18. Consistency of Pavement Material:** *Additional information is required.* Per §16-4.12e.8(c), the materials used for all internal sidewalks and pathways connecting buildings, parking areas and public areas to sidewalks along the street(s) and to the Township's pathway network shall be chosen to enhance the architecture of the building(s) and the attractiveness of the site development. **The applicant should testify as to how the proposed pavement material for sidewalks and pathways is consistent with the overall building design.**

## **11.0 Signs**

**11.1. Proposed Signs:** One freestanding sign is proposed at the southern entrance to the site from County Road 518. One building mounted signs is proposed on the larger storage building on the southerly, street facing side. Additional signs include directional signs, signs relating to parking and signs relating to EVSE spaces.

**11.2. Attached Building Sign Height:** The plan complies. Pursuant to §16-5.13d.4, no attached sign shall be higher than 20 feet, measured to the top of the sign from the grade beneath the sign, except that no sign shall exceed any lesser height specifically



set forth elsewhere in the subsection. The building mounted sign indicated is 17 feet and eight inches in height, which complies.

- 11.3. **Freestanding Sign Area.** The plan complies. Pursuant to §16-4.12i(a), freestanding signs shall not exceed 75 square feet in area or 5% of the front façade of the principal building. The proposed sign is 75 sf. The building façade is ±9,800 sf., 5% of which is ±490 sf. The plan complies.
- 11.4. **Freestanding Sign Height.** The plan complies. Pursuant to §16-4.12i(a), freestanding signs shall not exceed eight (8) feet in height. The sign detail on sheet 16 of the plan indicates that the sign height is eight feet. The plan complies.
- 11.5. **Freestanding Sign Setback.** The plan complies. Pursuant to §16-4.12i(a), freestanding signs greater than 55 sf. shall be setback at least 20 feet from any street right-of-way. The proposed freestanding sign is 20 feet from the right of way on the southern side of the property. The plan complies.

## 12.0 Miscellaneous

- 12.1. **Existing Monitoring Well:** A groundwater monitoring well was observed near the northern property boundary during the site visit. This well appears to be associated with environmental remediation activities regarding facilities referenced in online records maintained by NJDEP<sup>1</sup>. The applicant indicates in correspondence that “The use of the property and layout is restricted by on-site monitoring wells that are under federal jurisdiction.” **The plans should depict any easements or other restrictions related to contamination or ongoing monitoring or remediation. This matter was discussed at length during the hearing on January 23, 2024, where the applicant testified that “site design is intended to accommodate the remediation.”**
- 12.2. **Development Fee for Affordable Housing: *Condition of Approval*.** The applicant is required to comply with the nonresidential development fee ordinance consistent with §15-24.

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<sup>1</sup> Site Remediation Program Interest (PI) Numbers 004107 and 022416. This information was found utilizing the NJDEP DataMiner tool, accessed on November 13, 2023.



### 13.0 VARIANCE ANALYSIS

**13.1. Significant Departure from the Underlying Zoning:** As indicated throughout this report, the applicant is requesting two separate “-d” variances (a “-d” variance is related to its codification in the NJ Municipal Land Use Law (NJ MLUL) at 40:55D-70.d). These include a use variance and floor area ratio variance. The deviation in regard to floor area ratio and is significant, with the proposal greater than 400% of what is permitted. **Coupling this deviation with the use variance, the Board should consider whether this proposal represents a de facto rezoning.**

**13.2. Relevant Court Cases:** The following court decisions, as cited in *New Jersey Zoning and Land Use Administration*<sup>2</sup>, may prove useful in assisting the Board in deciding as to whether the granting of the requested variances may constitute a de-facto rezoning. Ultimately, this office defers to the Board Attorney with respect to the legal implications of the proposal in light of relevant case law.

**13.2.1. Feiler v. Fort Lee Bd. Of Adj.**<sup>3</sup>: “...the Appellate Division reversed the grant of a variance by the Fort Lee Board of Adjustment and its affirmance by the Law Division. The variance had the effect of rezoning a 15.69 acre tract which was largely zoned R-4A Residential and partly C-1 for a mixed commercial and high rise residential development adjacent to the George Washington Bridge approach lane. The board granted the variance on the ground, inter alia, that the zoning of the area was inappropriate and that the R-4A one- and two-family residential district was incompatible with the area surroundings. Both reasons were found to be inappropriate, the court stating, at 256, that, ‘the Board of Adjustment blatantly arrogated to itself the power to reject existing zoning and to substitute its idea of an appropriate zone plan. No board of adjustment has that power.’ The court went on to say that, ‘Application of the variance power to convert an entire low density two-family zone into a high density residential tower district exceeded the board’s statutory authority whether or not the existing zoning was inappropriate.’”

**13.2.2. Hughes v. Monmouth University.**<sup>4</sup>: “[The Law Division] holding that there was no rezoning where the size of the area affected by the variance was small in

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<sup>2</sup> *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books. Considered the definitive resource regarding land use law in New Jersey.

<sup>3</sup> *Feiler vs. Fort Lee Bd. of Adj.*, 240 N.J. Super. 250 (1990) 573 A.2d 175, as analyzed in *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books, pp. 427-5 (accessed via the web at gannlaw.com).

<sup>4</sup> *Hughes vs. Monmouth University*, 394 N.J. Super. 207, 233-235 (Law Div. 2006), as analyzed in *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books, pp. 428-2 (accessed via the web at gannlaw.com).





*comparison to the zone in which it was located. Moreover, the proposed improvements for the area were similar to those in the rest of the zone and did not substantially alter the character of the district."*

**13.2.3. North Brunswick Twp. V North Brunswick Bd. Of Adj.**<sup>5</sup>: "[The Law Division] holding that there was no rezoning where the size of the area affected by the variance was small in comparison to the zone in which it was located. Moreover, the proposed improvements for the area were similar to those in the rest of the zone and did not substantially alter the character of the district."

**13.2.4. North Brunswick Twp. V. North Brunswick Bd. Of Adj.:** holding "the court considered the functional substantiality criterion in setting aside the grant of a variance. Although the lot there was small relative to the size of the zone, the court found that, because of the drastic increase in density sought and the required parking necessitated by the use, the grant of the variance amounted to an arrogation of governing body authority, particularly in light of the fact that the Master Plan and subsequent revisions to the zone plan had specifically rejected significantly less dense but similar uses for the zone one year before the variance application. The court recognized that the arrogation of power determination was in many ways similar to a determination that an application had substantially failed to satisfy the negative criteria..."

**13.3. Comments Regarding the Use:** The proposed self-storage facility is not a permitted use within the HC zone.

The applicant should describe the intended customer and the type of storage that is expected and permitted. This should include testimony relating to (commentary in **bold text** indicates testimony provided at the January 23, 2024 hearing in relation to these concerns):

- Residential storage. **The applicant testified that this is for personal storage, and not business or commercial storage.**
- Vehicle storage. **The applicant testified that there shall be no storage of large vehicles such as RVs or tractor trailers.**

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<sup>5</sup> North Brunswick Twp. Vs. North Brunswick Bd. Of Adj. 378 N.J. Super. 489 (App Div.), certify. Den. 185 N.J. 266 (2005), as analyzed in *New Jersey Zoning and Land Use Administration*. Newark, NJ: Gann Law Books, pp. 427-3 (accessed via the web at gannlaw.com).



- Commercial storage. **The applicant testified that this is for personal storage, and not business or commercial storage.**
- Use of storage facility for product storage. **The applicant testified that this is for personal storage, and not business or commercial storage.**
- Storage of hazardous materials. **The applicant testified that the lease agreement will not allow for the storage of hazardous materials.**

The applicant provided the following description of the site's operation:

- *Hours of operation: 6:00 AM to 10:00 PM, seven days per week.*
- *Office hours: Monday – Friday, 9:30 AM – 6:00 PM, 8:30 AM to 5:00 PM on Saturday, and 11:00 AM – 4:00 PM on Sunday.*
- *Number of Employees: Two employees will be present on site during office operation hours. One part time employee may be added as demand requires.*

**In addition to the information provided, the applicant should speak to the expected number of customers on site at any given time.**

**13.3.1.** The applicant should describe the circulation of the site, including:

- The types of vehicles delivering and removing storage. **The applicant testified that the site is designed to accommodate vehicles no larger than a box truck.**
- Parking and demand for parking
- Number of vehicles expected per day and per week. This should include separate testimony regarding passenger vehicles and delivery vehicles.
- Pedestrian circulation

**13.3.2.** The applicant should speak to any potential concerns. This office cannot identify all potential negative impacts, however, the following aspects may be explored in order to provide the Board with sufficient information upon which to base a decision:

- ***Traffic and Parking.*** How will traffic impact the adjacent neighborhood/district?



- **Odors.** What types of waste will be generated and how will waste be handled?
- **Security.** Typically, such uses contain fencing and other security measures. No fencing is proposed on site. The applicant should testify as to the security measures proposed for the facility and the adequacy of same. **The applicant testified that there will be security cameras around both buildings.**
- **Noise.** The potential for noise and the activities involved and the impacts on the adjacent properties.

#### 14.0 Consideration of the Use Variance

**14.1. Consideration of the Use Variance:** The “d(1)” designation is related to its codification in the NJ Municipal Land Use Law (NJ MLUL) at 40:55D-70.d(1). The applicant bears the burden of proof in the justification of the variances.

**14.2. Consideration of the Positive Criteria:** To satisfy the criteria of a use variance, known as d(1) variance relief, the applicant may demonstrate there are sufficient “special reasons” for the grant of a (d)1 variance under two broad circumstances:

- When the refusal to allow the project would impose on the applicant an undue hardship, and/or;
- When the requested relief advances a purpose of zoning as articulated in NJSA 40:55D-2 because the property is particularly well-suited to such a use.

**14.3. Consideration of the Negative Criteria:** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan (master plan). These factors are referred to as the negative criteria.

In *Medici v. BPR Co.*, the Court explained the substantial detriment phrase as follows:



*“the first prong of the negative criteria [requires] that the variance can be granted “without substantial detriment to the public good.” In this respect the statutory focus is on the variance’s effect on the surrounding properties. The board of adjustment must evaluate the impact of the proposed use variance upon the adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good.”*

In *Medici v. BPR Co.*, articulated two aspects of a Board’s required findings in determining whether a proposal satisfies the criterion “without substantial impairment to the intent and purpose of the zoning ordinance and zone plan”, requiring that:

*“in addition to proof of special reason, an enhanced quality of proof and clear and specific findings by the board of adjustment that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance. The applicants’ proofs and the boards’ findings [in this regard] must reconcile the proposed use variance with the zoning ordinance’s omission of the use from those permitted in the zoning district.” (Emphasis added)*

Relevant policy language from the Master Plan is included in section 18 that may be helpful in consideration of the use variance. However, it should not be taken as encompassing all relevant land use policies. Thorough analysis of the variances generally is located in section 2.

## 15.0 Consideration of the Floor Area Ratio Variance

- 15.1. **Consideration of the Floor Area Ratio (FAR) Variance (NJSA 40:55D-7od(4):** FAR is a tool to limit the intensity of use, by controlling mass and scale of buildings. When considering a variance for excessive FAR, the applicant is required to satisfy a lower threshold of special reasons than for a use variance, however, must ensure that the degree of the proposed deviation will still satisfy the negative criteria.
- 15.2. **The Positive Criteria:** Under the Coventry standard, the applicant need not show that the site is particularly suited for more intensive development, but rather, that the site will accommodate the problems associated with the larger floor area than permitted by the ordinance.
- 15.3. **Negative Criteria:** As always, the granting of the variance must be able to be accomplished without resulting in substantial detriment to the public good, and



without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. The Court clearly explained in *Price*, how an applicant might establish the negative criteria for a variance, reinforcing that “only minimally greater” than permitted or “a minimal increase” could satisfy the negative criteria, but that variances that amounted to a tripling of the standard were not appropriate.

## 16.o Consideration of the “-C” Variances

This application requires variances cognizable pursuant to the NJ Municipal Land Use Law (MLUL) at N.J.S. 40:55D-70.c. Due to the location within the MLUL, such variances are known colloquially as “c” variances. Subsection “c” variances are often those related to the spatial/dimensional requirements, or “bulk” controls within a zoning ordinance.

While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria; this report identifies the relevant variance criteria for the purposes of establishing a framework for the Board’s consideration of the applicant’s proofs. In order for the Board to grant a subsection c variance, an applicant must satisfy both the positive criteria and the negative criteria.

- 16.i. **Consideration of the Positive Criteria.** For a subsection c variance, there are two alternatives in terms of meeting the positive criteria, *undue hardship* and *promotion of zoning purposes*:

**Undue Hardship:** The MLUL, at NJS 40:55D-70.c(1), sets forth the criteria for a finding by the Board of undue hardship, which can be met by a showing that the strict application of a zoning regulation “would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon”, a developer due to the “...exceptional narrowness, shallowness or shape of a specific piece of property... exceptional topographic conditions or physical features uniquely affecting a specific piece of property...or an extraordinary and exceptional situation uniquely affect-ing a specific piece of property or the structures lawfully existing thereon”. A variance satisfying this criteria is known as a “c(1)” variance due to its subsection within the MLUL.





**Promotion of the Purposes of Zoning:** The MLUL, at NJS 40:55D-70.c(2), sets forth the criteria for a finding by the Board of that an application promotes the purposes of zoning, which may be met by a showing that the granting of a variance from the zoning ordinance would advance the purposes of the NJ MLUL (found at NJS 40:55D-2 Purposes of the Act) and that the benefits realized by the variance would substantially outweigh any detriment resulting from the granting of the relief.

- 16.2. Consideration of the Negative Criteria.** Should an applicant pass the first hurdle and demonstrate to the Board that the positive criteria has been met (either pursuant to the c(1) or c(2) framework) then the Board must find that the negative criteria have been met. This means that the applicant must demonstrate, and the Board must find, that the requested variance may be granted *“without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.”*

**Substantial Detriment to Public Good:** Consideration of this prong of the negative criteria should include evaluation of impacts to adjacent properties/land uses, natural resources, traffic and personal safety, and other anticipated negative impacts to public or private property.

**Substantial Impairment to Zoning:** Consideration of this prong of the negative criteria should include the evaluation of impacts that would frustrate the underpinnings or implementation of the municipal land use plan and zoning ordinance.

## 17.0 Discussion of the Design Exceptions

The proposal includes design exceptions. The Municipal Land Use Law at N.J.S.A. 40:55D-51.b discusses the criteria for the granting of exceptions. While the burden of proof is lower than that of variances, the statute does provide a framework for decisions:

*The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this*



*article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.*

## 18.o Township of Montgomery Master Plan

**18.1. Master Plan Goals.** The Township Master Plan includes several goals, of which, the following are relevant to the Board's consideration of this application. The following goals can be found on pages 6-8 of the 2017 Master Plan Reexamination Report:

*1. The Development Plan of Montgomery Township should maintain the continuity of the Township's planning process and build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.*

A use variance, as well as height and FAR variances, would indicate a deviation from the development plan. However, the goal indicates that decisions of the municipality should be consistent with present local and regional needs. **The applicant should speak to the need and demand for the proposed use.**

*3a. The Development Plan should recognize the physical characteristics of the Township and acknowledge the inherent capabilities and limitations of the land to host different types of community development at appropriate densities and intensities.*

*a. Conservation of existing natural resources should be an integral part of the planning process, with special attention to the constraints of environmentally critical and sensitive areas including, but not limited to, wetlands, wetlands transition area, aquatic buffer zones, stream corridors, 100-year flood plains and land with topographic slopes of fifteen percent (15%) and greater. **The proposal includes the disturbance of slopes of fifteen percent (15%) and greater.***

*4. The Development Plan should strive to prevent the homogenous spread of suburban development throughout the municipality. Specific areas of the Township should be designated for specific types of residential and non-residential development. The rural and country atmosphere which prevails throughout most of the municipality should be maintained.*



The HC zone, where this site is located, permits commercial uses. It does not permit self-storage facilities.

*5. Recognizing the housing obligations of the municipality, but attempting to prevent sprawl and maintain a development mix balanced between residential and non-residential construction, the Development Plan should guide and contain the principal commercial and higher density residential development within the municipality to specific areas of concentrated land uses. One of these areas, referred to as the Rocky Hill node, currently exists along Route 206 near its intersection with Route 518. A second area, originally proposed in the 1974 "Housing Report", is situated within the Belle Mead area of the Township at the northern terminus of Route 206 north of Cruser Brook and Belle Mead Griggstown Road, and is referred to as the Belle Mead node.*

The master plan and Land Development Ordinance permit dense residential development in certain "nodes" within the Township. These "nodes" have been developed, one of which is within relative proximity of the proposed facility and contains townhomes and apartments.

**18.2. Master Plan Objectives.** The Township Master Plan includes the status of goals from the 2008 Master Plan Reexamination report. One of which is included below as it is relevant to this application. This goal is found on page 10 of the 2017 Reexamination Report:

*5. The "CC" Community Commercial and "HC" Highway Commercial zoning district ordinance provisions should be critiqued and amended as necessary to assure that they will foster the most optimum development pattern along Route 206. Addressed. Ordinance #12-1427 was adopted on December 20, 2012.*

This is included to indicate that the HC zone was critiqued and amended per a previous master plan recommendation, though this occurred 11 years ago.

## 19.0 Materials Reviewed



- 19.1. *Township of Montgomery Planning & Zoning Board Application* and related documents, dated July 5, 2023.
- 19.2. *Preliminary and Final Major Site Plan with Use and Bulk Variances*, 21 sheets, prepared by Joshua M. Sewald, PE and Daniel A. Tarabokija, PE, Dynamic Engineering, dated June 8, 2023, revised to March 4, 2024.
- 19.3. *Architectural Drawings*, 6 sheets, prepared by Louis W. Vandeloecht, ARCO Murray, dated March 12, 2024.

## 20.0 Owner / Applicant / Professionals

- 20.1. **Applicant:** Renard Management, Inc, 23 Mandy Lane, Mahopac, NY 10541.
- 20.2. **Owner:** Yonkers 300, LLC., 1590 Troy Avenue, Brooklyn, NY 11234. Telephone.
- 20.3. **Architect:** Louis W. Vandeloecht, ARCO Murray, 4849 Greenville Avenue, Suite 1460, Dallas, TX 08530, Telephone: 314.822.5191 Email: lvandloecht@arcomurray.com.
- 20.4. **Attorney:** Chris Murphy, Esq., 24 Commerce Street, Newark, NJ 07102. Telephone: 973.705.7421.
- 20.5. **Engineer:** Josh Sewald, PE, Dynamic Engineering, 1904 Main Street, Lake Como, NJ 07719. Telephone: 732.974.0198. Email: jsewald@dynamic.com.

## 21.0 Summary



21.1. The applicant is seeking a “-d(1)” use variance, “-d(4)” floor area ratio variance, and major site plan approval to develop a self-storage facility in the HC zone. Two principal buildings are proposed. Additional relief is required as indicated below.

a. Variances

- §16-4.12a – Use variance for self-storage facility.
- §16-4.12.d – “-d(4)” Maximum permitted FAR variance.
- ~~§16-4.12c.1 – “-d(6)” Height variance for principal building.~~
- §16-4.12.d – Maximum lot coverage.
- ~~§16-4.12.e.9(b)(5) – Multiple driveways on one lot.~~
- ~~§16-4.12.e.9(b)(6) – Pedestrian facilities for parking lots on lots with multiple buildings.~~
- §16-6.4e.1 – Disturbance of steep slopes.
- ~~§16-4.12e.1(b) – Pedestrian scale development in the HC zone.~~
- §16-4.12e.5(a) – Visual breaks in the arch. design in the HC zone.
- ~~§16-4.12e.5(b) – Wall offsets in the arch. design in the HC zone.~~
- §16-4.12e.6(c) – Flat roof design in the HC zone.

b. Design Exceptions

- §16-5.8.3 – Curbing
- §16-5.4b.2(c) – Site lighting at ground level.
- §16-5.4b.2(c) – Site lighting at ground level – intersections.