



MEMORANDUM

Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

To: Montgomery Township Planning Board

From: Michael Sullivan, ASLA, AICP
James Clavelli, PP, AICP

Re: **RPM Development, LLC**
Amended Preliminary and Final Major Site Plan and Subdivision
Orchard Road and Community Drive
Block 20001, Lot 10.05
Municipal Center Redevelopment Zone (MCRZ)

Date: February 27, 2023

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1.0 Project & Site Description

1.1 Project Description: The application is for amended preliminary and final major site plan and subdivision approval for a 100% age-restricted affordable housing development in the Municipal Center Redevelopment Zone. The plan received preliminary approval on July 19, 2021 pursuant to *Montgomery Township Planning Board Resolution PB-01-21*.

The proposed subdivision consists of a new lot called Lot 10.07. It is a 4.21-acre portion of the existing Lot 10.05 upon which the proposed residential development will be located.

The proposed development consists of 71 residential apartment dwelling units in a three-story building. 70 of the units are affordable. The one unit that is not affordable is reserved for the building supervisor. Other proposed elements include signs, sidewalks, parking spaces, curbing, lighting, plantings, fencing, a paver patio, walking path, emergency access road composed of grass pavers, a basin access road and stormwater utilities. Portions of the proposal are located outside of the proposed Lot 10.07 on existing Lot 10.05.

Potential Second Phase of Development: Sheet 5 of the applicant's plan, in a sub note beneath the parking table, indicates that *additional existing spaces are available and will be counted towards a potential future second phase of development*. The second phase of development is not detailed on the plan.

John Hatch, FAIA
George Hibbs, AIA
Brian Slauch, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



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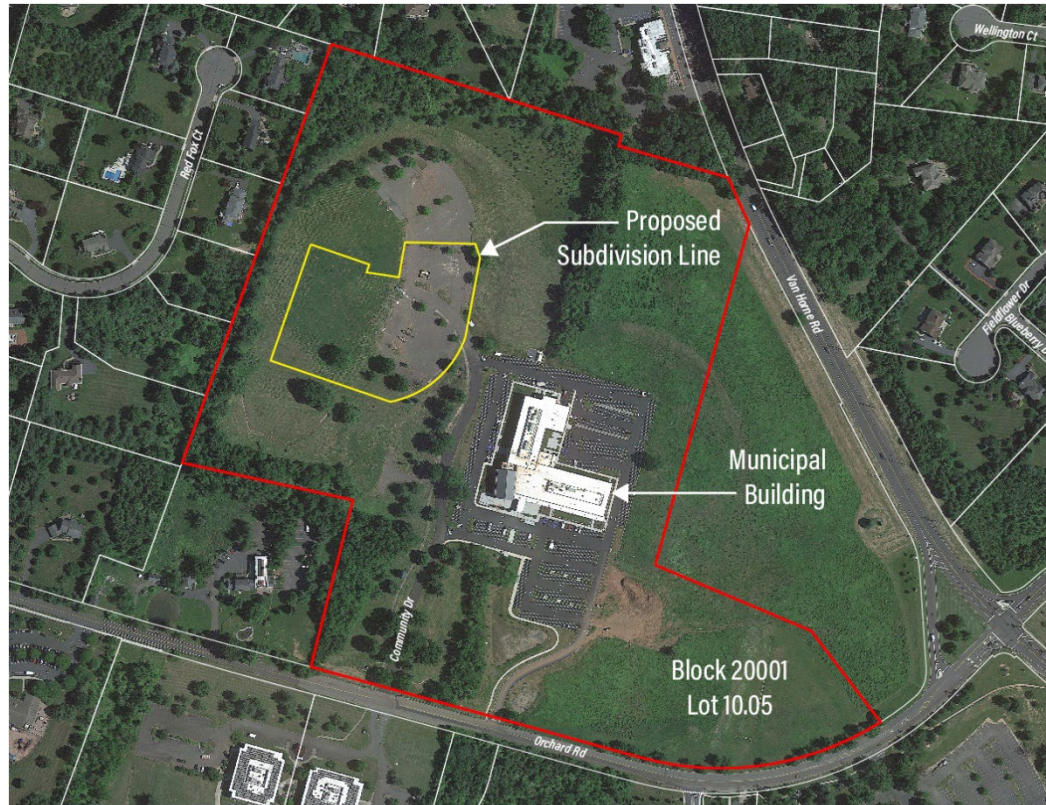
Amended Preliminary Approval Required: Amended preliminary approval is required for this application because a variance from N.J.S.A. §40:55D-35 is required to permit construction on a lot (proposed lot 10.07) that does not have frontage on a public street.

- 1.2 **Variance Relating to Public Street Access:** Pursuant to N.J.S.A. §40:55D-35, permits for the erection of any building or structure shall not be granted if a lot does not front on a public or private street. The proposed Lot 10.07 does not abut a street. This variance is from the Statute, rather than from the local Land Development Ordinance. The Planning Board has the power to grant this variance pursuant to N.J.S.A. §40:55D-76a(2).
- 1.3 **Changes from Original Preliminary Site Plan Approval:** There are some changes from the plan approved in July of 2021 to the current plan. The most significant change is the proposal of a grass paver emergency access road, which connects to a basin access road. A portion of the emergency access road is proposed to be located on Lot 10.05, as is the majority of the basin access road. The proposed crushed gravel trail has been redirected such that it connects to the paver patio and no longer extends further north into Lot 10.05. Existing curbing that was damaged is proposed to be replaced and new curb ramps are proposed. The proposed changes do not result in any changes to impervious or building coverage. The number of proposed and types of lighting has increased.
- 1.4 **Montgomery Township Affordable Housing Plan:** This project is part of the Township's Housing Element and Fair Share Plan for meeting its Third Round affordable housing requirement. The project is found on page 66 of the plan which was adopted on December 7, 2020.
- 1.5 **Existing Site Conditions:** The total size of the existing Lot 10.05 is 45.052 acres and the area to be subdivided is 4.21 acres. The site of the proposed development consists of grass and an existing paved parking area that was part of the previous commercial use and which is being repurposed and renovated for the proposed residential use.
- 1.6 **Required Relief:** The only relief required at this time relates to the variance for lack of street frontage for lot 10.07. A design exception was granted for nonconforming lighting. Whether additional relief is required for the change in lighting will be determined by the applicant's testimony.



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Aerial of Proposed Development



Location of Proposed Development



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- 1.7 Site Context:** The site is located next to the Montgomery Township municipal building. Access to the site is proposed via a driveway connecting to Community Drive that leads to Orchard Road. The site is within Lot 10.05 and so the only adjacent use is the municipal building. Nearby uses include single-family dwellings to the north and west and offices and townhomes to the south. U.S. Route 206 located a short distance to the east.

2.0 Use & Bulk Standards

- 2.1 Permitted Principal Use.** The use is permitted. Pursuant to §16-4.16.B, municipally-sponsored, multifamily apartment dwellings that include a supervisor unit are permitted. The plan complies.
- 2.2 Permitted Accessory Uses.** The uses are permitted. Pursuant to §16-4.16.C, accessory uses such as off-street parking, patios, balconies, fences, walls, signs, lighting and other uses are permitted. The plan contains only those permitted accessory uses.
- 2.3 Height.** Pursuant to §16-4.16E.1, the maximum permitted height for multifamily residential buildings is three (3) stories and 50-feet. The proposed building is three (3) stories and approximately 42-feet in height. The plan complies.
- 2.4 Consistency with Conceptual Plan.** Pursuant to §16-4.16F.2, municipally-sponsored affordable housing in the redevelopment zone shall be substantially consistent with conceptual plans developed in accordance with an affordable housing agreement with the Township. As the plan received preliminary approval from the Board and was reviewed by the Township Planning Director during that time, and since the plan contains minor changes from the plan that was previously approved, the plan appears to comply. The ordinance contains no additional area and yard requirements in addition to those related to height and consistency with the conceptual plan.

3.0 Mandatory Components for the MCRZ District

Pursuant to §16-4.16a, development in the MCRZ zone must contain the following three elements.

- 3.1 Compliance with the permitted principal uses:** The plan complies.



- 3.2 **Compliance with the Affordable Housing Requirements:** The proposal consists of 71-units. 70 of the units are affordable, with the only non-affordable unit being reserved for the supervisor of the building. The plan complies.
- 3.3 **All Development Shall Be Served by Public Water and Public Sanitary Sewer:** The plan complies.

4.0 Affordable Housing Requirement

The number of affordable units proposed by the applicant has not changed since receiving preliminary site plan approval. The 70 proposed affordable units meets the requirement §16-4.16D.

5.0 Off-Street Parking and Loading

- 5.1 **Off-street Parking Requirement:** Pursuant to §16-4.16G.1, off-street parking shall be provided pursuant to the NJ RSIS. The type of development proposed would fall under “midrise” or “garden” style apartments, both of which contain the same parking standards under RSIS. The requirement is 1.8 spaces per one-bedroom unit and 2 spaces per two-bedroom unit. The applicant is proposing 129 spaces. The following table indicates the required number of spaces per RSIS, which is 128. The plan complies.



Portion of Existing Parking Area to be Repurposed for Proposed Development



The plan indicates that future spaces may be proposed in a second phase of development, however, these are not accounted for in the current proposal.

Table 1: Parking Requirements for Mid-Rise and Garden Apartments			
Unit Type	Number of Units	Parking Required Per Unit	Spaces Required
One-bedroom	70	1.8	126
Two-bedroom	1	2	2
Total Spaces Required			128

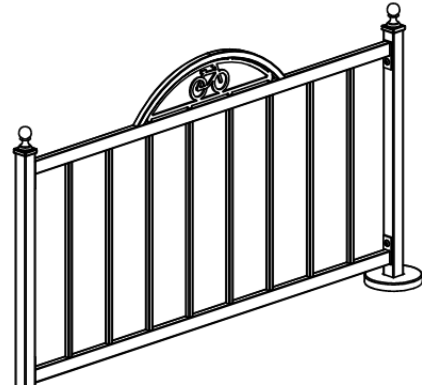
- 5.2 **Electric Vehicle Parking Requirement:** Pursuant to §16-4.16G.3, public electric vehicle charging infrastructure shall be provided for multifamily residential uses in accordance with the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-7.a.(8). As this application was submitted prior to the new Electric Vehicle being in effect, the proposed two (2) EV spaces appear to meet the requirement of §16-4.16G.3.

6.0 Buffers, Fences and Walls

- 6.1 **Perimeter Buffer:** Pursuant to §16-4.16H.1, a minimum perimeter buffer from a multifamily residential use to a single-family use or zone shall be 100 feet. Due to the proposed subdivision being completely within the Lot of the municipal building which is within the MCRZ, the proposed development does not abut any residential uses or zones. This requirement does not appear to apply. Presumably this would also apply to the perimeter buffer composition requirement.
- 6.2 **Post and Rail Fence:** A 30-inch post-and-rail fence is proposed in the vicinity of the proposed patio. The fence is only indicated on the landscape plan, not the layout plan. As such, the run of the fence is unable to be determined. **The applicant should testify as to the run/length of the proposed fence.**



- 6.3 **Fence Material Should Complement the Proposed Building:** Pursuant to §16-4.16H.2, proposed fencing should complement the proposed building. The proposed fencing is indicated in the image to the right. The fencing does appear to complement the proposed architecture. It is described as “rustic style”.



- 6.4 **Split Rail Fence:** The layout plan indicates a split-rail type fence around the proposed basin in the front yard. The detail provided indicates a wooden, rustic style fence that is four-feet in height.

7.0 Signs

- 7.1 **Proposed Signs:** The applicant is proposing two (2) freestanding signs. One is an off-site sign identified as the “primary sign”, the other is an onsite site identified as the “secondary sign”.
- 7.2 **Primary Freestanding Sign:** The proposed primary sign contains a brick base with the sign-face mounted on top of the base.
- 7.3 **Primary Freestanding Sign Location:** Pursuant to §16-4.16I.2, the primary sign is to be located at the vehicular entrance to the redevelopment area (Community Drive) at the intersection with Orchard Road. The sign location is not indicated on the plan, though presumably it is located where permitted by the plan. **The applicant should testify as to the proposed location of the sign.**
- 7.4 **Primary Freestanding Sign Height:** Pursuant to §16-4.16I.2(a), the maximum height of the sign shall be six-feet. The proposed sign is six-feet in height. The plan complies.
- 7.5 **Primary Freestanding Sign Area:** Pursuant to §16-4.16I.2(a), the maximum area of the sign face shall be 30 square feet. The proposed sign face area is 27 square feet. The plan complies.
- 7.6 **Primary Freestanding Sign Height Shall Be Lower than Municipal Building Sign:** Pursuant to §16-4.16I.2(b), the proposed sign shall be smaller in height and area



than the municipal services complex sign, and a detail should be provided to that effect. The applicant provides a detail indicating the municipal services complex sign is 6-feet and 7-inches in height and contains an area of greater than 30-feet. The plan complies.

- 7.7 **Secondary Freestanding Sign:** The proposed secondary sign contains a brick base with the sign-face mounted on top of the base. It is essentially a smaller version of the primary sign.
- 7.8 **Secondary Freestanding Sign Location:** The secondary sign is proposed 10-feet to the north of the proposed driveway leading into the development, near to the sites eastern boundary.
- 7.9 **Secondary Freestanding Sign Height:** Pursuant to §16-4.161.3, the maximum height of the sign shall be six-feet. The proposed sign is five-feet in height. The plan complies.
- 7.10 **Secondary Freestanding Sign Area:** Pursuant to §16-4.161.3, the maximum area of the sign face shall be 15 square feet. The proposed sign face area is 15 square feet. The plan complies.
- 7.11 **Secondary Freestanding Sign Setback:** Pursuant to §16-4.161.3, the secondary sign shall be setback 10-feet from any driveway. The sign is setback exactly 10-feet from the driveway. The plan complies.
- 7.12 **Signs Arched to Building:** Pursuant to §16-4.161.4, residential buildings are permitted up to two (2) attached identification signs with a maximum area of six (6) square feet each. The plans, architectural or engineering, do not indicate any building mounted signs. **The applicant should testify as to whether any building mounted signs are proposed.**

8.0 Lighting

- 8.1 **Modification to Lighting Plan:** Pursuant to the resolution of preliminary approval, the applicant received a design exception for nonconforming average illumination of the site. The requirement is for one-footcandle of average illumination where 1.7-footcandles was permitted with a design exception. The proposed lighting plan indicates more lighting than was previously proposed, but the average footcandle level remains the same. **The applicant should testify as to the change in lighting.**



The Board may require additional lighting calculation summary figures as the design exception was granted with the understanding that the proposed lighting would not impact neighboring properties. This may change with the addition of more lighting than was previously approved.

9.0 Plantings

The following includes a review of basic dimensional and quantitative regulations; however, the technical review of plantings is deferred to the Board Landscape Architect.

- 9.1 **Trees:** §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 4.21 acres, this section requires a total of 59 ($4.21 \times 14 = 58.94$) trees to be planted on the site. The applicant is proposing 77 trees. The plan complies.

10.0 Pedestrian Circulation and Accessible Design

- 10.1 **Pedestrian Circulation:** The proposed development contains internal sidewalks and walking paths for future residents. Due to the site's proximity to the Municipal Services Complex, which contains, among other amenities, a library and municipal services, this office recommends greater pedestrian connectivity, such as a walk or path, between the proposed development and Municipal Services Complex. This element should also be of a width and design that is usable and safe for those with mobility issues.



Site in Close Proximity to Municipal Services



- 10.2 **Sidewalks:** *This does not appear to apply.* §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” The site does not abut an existing street and thus this does not appear to apply.

11.0 Consideration of the Access Variance

- 11.1 **Appeal for Lots Not Abutting a Public Street:** Pursuant to N.J.S.A. §40:55D-36, *Where the enforcement of... (40:55D-35) would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street, the Board of Adjustment (or in this case, the Planning Board) may upon application or appeal, vary the application of (same) and direct the issuance of a permit subject to conditions that will:*

- *Provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety, and;*
- *Will protect any future street layout shown on the official map or on a general circulation plan*





- 11.2 Analysis of Access Variance:** It is apparent in reviewing the existing site conditions within which this proposal will be developed, that it will utilize the existing Community Drive, which is not a public street, yet provides robust vehicular access. Furthermore, Community Drive is owned and maintained by the Township of Montgomery, as it also provides access to the Municipal Complex for employees and visitors. Finally, this proposal does not conflict with the Township Circulation Plan Element of the Master Plan or any planned public roadways.

In order to find that the relief required may be granted, the Board should consider the following questions:

- Does Community Drive provide adequate access for emergency services?
- Is there any negative impact to future street layouts shown on the official map or on a general circulation plan?

12.0 Materials Reviewed

- *Montgomery Planning Board Application*, dated January 18, 2023, with attachments.
- Certified list of adjoining properties, dated January 18, 2023.
- *Final Major Site Plan & Subdivision – Montgomery Senior Affordable Housing*, 16 sheets, prepared by Kevin E. Shelly, PE, Shore Point Engineering, dated December 23, 2022.
- *Montgomery Senior Affordable Housing Architectural Drawings*, 7 sheets, prepared by Inglese Arch. + Eng., dated May 31, 2021, revised to January 10, 2023.
- *Traffic Report*, prepared by Jay S. Troutman, Jr., PE, McDonough & Rea Associates, Inc., dated June 4, 2021.
- *Montgomery Township Planning Board Resolution #PB-01-21*, adopted July 19, 2021.



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13.0 Applicant / Owner / Professionals

- **Applicant:** RPM Development, LLC, c/o L. Pontier, Esq., 77 Park Street, Montclair, NJ 07042. Telephone: 973.966.8714. Email: lpontier@daypitney.com.
- **Owner:** Somerset County Improvement Authority, 20 Grove Street, Somerville, NJ 08876.
- **Attorney:** L. Pontier, Esq., Day Pitney. Telephone: 973.966.8714. Email: lpontier@daypitney.com.
- **Engineer:** Kevin E. Shelly, P.E., Shore Point Engineering, 1985 Highway 34, Suite A7, Wall, NJ 07719. Telephone: 732.924.8100. Facsimile: 732.924.8110. Email
- **Architect:** Inglese Architecture, 632 Pompton Avenue, Cedar Grove, NJ 07009. Telephone: 201.438.0081. Email: e.pumo@inglese-ae.com.

14.0 Summary

The applicant is seeking amended preliminary and final major site plan and subdivision approval for a 100% age-restricted affordable housing development in the MCRZ. It was determined that the applicant also requires a variance relating to access is required that was not identified during the preliminary approval phase.

Please contact this office with any questions you may have.

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