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Memo To: Ms. Cheryl Chrusz, Planning Board Secretary
Montgomery Township Planning Board
100 Community Drive
Skillman, NJ 08558

Date: March 2, 2023
55165 01

From: Rakesh R. Darji, PE, PP, CME
Environmental Resolutions, Inc.
Planning Board Engineer

RE: RPM Development, LLC
Final Major Subdivision and Site Plan
Resolution Compliance for Preliminary Approval
Application #PB-02-23
Engineering Review
Block 20001, Lot 10.05
Orchard Road and Headquarters Park Drive
Township of Montgomery, Somerset County

Our office has reviewed the documents submitted by the applicant for a Final Major Subdivision and Site Plan application. The subject tract consists of Block 20001, Lot 10.05, comprising approximately 45.06 acres. The applicant, RPM Development, LLC, proposes to construct an affordable, age-restricted housing development on a portion of the referenced Block and Lot number. The property is located within the Municipal Complex Redevelopment Zone (MCRZ).

The applicant appeared before the Montgomery Township Planning Board on July 19, 2021 where testimony was presented and the project received Preliminary Major Subdivision and Site Plan with waivers approval. The Resolution of Approval was memorialized on August 16, 2021.

The parcel is owned by the Somerset County Improvement Authority (SCIA). The Township currently leases the property with an option to purchase the parcel. The parcel was once occupied by 2 office buildings which were demolished in 2018. The remaining improvements include a parking lot, curbing, associated direction signs, misc. site amenities (basketball hoops) along with stormwater improvements, including a drainage basin. Much of the existing stormwater facilities are inaccessible due to silt or damage to the structure.

Pursuant to a redevelopment agreement between the Township and the applicant, the Township will purchase the property from the Improvement Authority. The applicant proposes to subdivide the property into two new parcels. Should this subdivision be approved, the newly created lot (proposed to be Lot 10.07) will contain 4.21 acres and be conveyed to the applicant upon which the proposed age-restricted housing development will be constructed. The remainder (which is proposed as Lot 10.06) will contain 40.85 acres. The new Municipal Complex is currently under construction on this parcel.

The project consists of the construction of one, three-story building containing approximately 78,848 SF. This building will contain 71 residential units. Other proposed improvements include common amenity space, surface parking lots, stormwater management, utilities, landscaping, lighting, sidewalks, and other related site improvements. The units are proposed to be one-bedroom. One, two-bedroom unit is proposed for the site superintendent. The units are proposed to be set aside for very low-, low- and moderate-income households.

Access to the site is proposed from Headquarters Park Drive. Two signs will identify the project, one located along Orchard Road and one at the entrance from Headquarters Park Drive.

The parcel is encumbered by a Montgomery Township Stream Corridor buffer along with various areas of steep slope according to the Montgomery Critical Areas maps. It appears that both critical areas are located on the lot proposed for the affordable housing units.

The following information, submitted by the applicant in support of this application, has been reviewed by our office:

1. Montgomery Township Land Development Application, dated January 18, 2023.
2. Application Addendum, provided February 22, 2023.
3. Checklist, Preliminary Major Subdivision Plats and Final Major Site Plan, dated December 3, 2020, revised through December 17, 2020.
4. Checklist Waiver requests, updated requests provided February 22, 2023.
5. Preliminary Major Site Plan, prepared by Shore Point Engineering, dated February 21, 2023 consisting of the following:
 - a. Title Sheet, sheet 1 of 16.
 - b. Existing Conditions Plan, sheet 2 of 16.
 - c. Demolition Plan, sheet 3 of 16.
 - d. Minor Subdivision Plan, sheet 4 of 16.
 - e. Layout Plan, sheet 5 of 16.
 - f. Grading Plan, sheet 6 of 16.
 - g. Utility Plans, sheet 7 of 16.
 - h. Profiles, sheet 8 of 16.
 - i. Landscape Plan, sheet 9 of 16.
 - j. Lighting Plan, sheet 10 of 16.
 - k. Landscape and Lighting Details, sheet 11 of 16.
 - l. Soil Erosion and Sediment Control Plan, sheet 12 of 16.
 - m. Soil Erosion and Sediment Control Details, sheet 13 of 16.
 - n. Construction Details, sheet 14 of 16.
 - o. Construction Details, sheet 15 of 16.
 - p. Basin Cross-Section, sheet 16 of 16.
6. Topographical Survey, portion of Block 20001, Lot 10.05, prepared by DPK Consulting, dated May 26, 2021.
7. Environmental Impact Statement, prepared by Shore Point Engineering, dated December 23, 2022.
8. Stormwater Management Report, prepared by Shore Point Engineering, dated May 31, 2021, revised through December 23, 2022.
9. Stormwater Management Operations and Maintenance Manual, prepared by Shore Point Engineering, dated December 23, 2022.

General Information

Applicant: RPM Development LLC
77 Park Street
Montclair, NJ 07042

Owner: Somerset County Improvement Authority
20 Grove Street
Somerville, NJ 08876

Engineer: Kevin E. Shelly, PE
Shore Point Engineering
PO Box 257
Manasquan, NJ 08736

Architect: Inglese Architecture
632 Pompton Avenue
Cedar Grove, NJ 07009

Attorney: Craig M. Gianetti, Esq.
Day Pitney LLP
1 Jefferson Road
Parsippany, NJ 07054

Zoning

1. The zoning district of this parcel is the Municipal Center Redevelopment Zone (MCRZ). The underlying district is REO-1. One goal of this redevelopment plan is to provide for affordable housing to meet the needs of eligible families through the implementation of the Township's affordable housing policies, plans, and goals. This project meets this objective with the proposed construction of the senior affordable housing apartment building. Phase I of the project is a 70-unit, municipally sponsored, 100% affordable, age-restricted, rental development.
2. A multifamily apartment dwelling with one supervisor unit is a permitted principal use per §16-4.16.B.3.
3. Permitted accessory uses in accordance with §16-4.16.C include off-street parking, lighting, signs, landscaping, stormwater management, among others provided in the Redevelopment Plan.
4. Area, yard, and coverage requirements shall be substantially consistent with a conceptual plan developed in accordance with an affordable housing agreement with the township in terms of location, arrangement, area, setbacks, and coverages (§16-4.16.F). The dimensions provided below are scaled to the proposed subdivision lot lines.

	Proposed
Lot Area	4.21 Acres
Front Yard	~132 FT
Rear Yard	~ 52 FT
Side Yard	26 FT
Side Yard, both	66 FT
Building Height (§16-4.16.E.1)	50 FT, 3 stories

5. The off-street parking requirements shall be provided pursuant to NJ RSIS. For a 1-bedroom apartment, RSIS requires 1.8 spaces per unit. A 2-bedroom apartment will require 2 spaces per unit.
70 1-bedroom units proposed at 1.8 spaces per unit = 126 spaces
1, 2-bedroom unit proposed at 2 spaces per unit = 2 spaces
Total spaces required per RSIS = 128; total spaces proposed 129 spaces.

FINAL MAJOR SITE PLAN**Variance**

6. The proposed subdivision will create a lot for the residential units which, as a result, will have no frontage on any street. The applicant thus requests a variance from the Municipal Land Use Law (N.J.S.A. 40:55D-35, Building Lot to Abut Street and N.J.S.A. 40:55D-36) to create this new lot without frontage on a public street.

Subdivision Comments

7. Subdivision comments will be provided prior to the Planning Board meeting.

General Comments/Site Plan

8. An access easement is depicted on the subdivision plan. The width of the easement should be provided on the plan.
9. The applicant should provide the legal description of all easements to the Board's professionals for review.
10. A note should be added to the plan stating that any curbing or asphalt identified as in need of repair and/or replacement by the Township engineer will be repaired and/or replaced as directed.
11. The fire lane striping should be identified. In addition, the pavement markings should be sufficiently sized to read "Fire Lane."
12. The applicant is proposing a 4" crushed stone walking path.
 - a. Testimony should be provided regarding the suitability of stone surface with regard to accessibility.
 - b. The path should be increased to 5 FT in width or provide 5FT x 5FT turnaround every 200 FT.
 - c. In addition, it is recommended to extend the crushed stone at the proposed benches to allow for a wheelchair to "park" next to the bench.
 - d. The applicant should discuss how the stone will remain in the walking path area and not migrate.
 - e. The area of disturbance on the soil erosion plan should show the locations of the proposed amenities (benches, water fountains, etc.) and landscaping.
13. All proposed sidewalks should be dimensioned.
14. The entire length of sidewalk to the east of the rain garden should be 6 FT wide.
15. There is a proposed split rail fence at the rain garden. A gate for maintenance access should be provided and its location denoted on the plan.
16. The width of the emergency access road should be provided.
17. The width of the basin access road should be provided.
18. It is recommended that an "authorized vehicles only" sign be provided at the emergency access road.
19. The applicant should provide testimony regarding parking availability for drivers from delivery services and if there will be short-term parking spaces for these vehicles (i.e., 15 minutes parking only).
20. The applicant should discuss if transportation will be provided (facility bus/van, etc.) to transport residents to stores, movies, doctors, around the area and discuss if any parking spaces will be dedicated for these vehicles.

Grading/Drainage

21. The following catch basins – CB-1, CB-3, CB-12 and CB-13 – should be reviewed and an additional contour provided.
22. Further spot grades should be provided to demonstrate compliance with the cross and running slopes along all proposed sidewalks, walking paths, and ADA ramps.
23. Notation on the grading and drainage plan should be provided to demonstrate that the proposed construction easement will encompass the proposed off-site grading.
24. Information (grate and invert elevations) for CB-7 should be provided.
25. Cleanouts should be depicted for the underdrains both bio-retention basins.
26. The note referencing “re-set CB-17” shows one inlet to be reset, however, on the existing conditions plan there are 2 inlets at this location. The plans should clearly identify if one of the existing basins is to be removed as it appears that the re-set basin is located on top of the 2 existing ones.
27. Numerous utility line crossings are depicted on the drainage plan. Should any crossings require encasement, this should be shown on the plan.
28. The crushed stone pedestrian path crosses over the proposed access manholes for the underground system. The applicant should testify if there will be any concerns with pedestrians crossing this area and if the crushed stone will hamper access to the manholes for future maintenance.
29. Grading for the existing basin should be provided.
30. There is a 30” RCP that appears to meet with the 36” RCP before discharging into the retrofitted existing basin. How this will function should be discussed. It is unclear if a structure is in this location or perhaps the 30” RCP crosses to another connection. This same 30” line crosses the proposed sanitary sewer line.

Stormwater Management

31. The project proposes to disturb more than one half (1/2) acre of land, creates an additional 5,000 SF of regulated impervious surface, and creates an additional 5,000 SF of regulated motor vehicle surface and thus is classified as a "major development" for the purposes of stormwater management and must comply with the requirements of NJAC 7:8 and the Township of Montgomery Ordinance §16-5.2. The project must, therefore, meet the following requirements:
 - a. Address the rate and volume of runoff from the project site. This may be done in one of three ways as outlined in NJAC 7:8:
 - i. Reduce the peak rate of runoff from the project area by 50%, 25%, and 20% for the 2-year, 10-year, and 100-year storms, respectively; or
 - ii. Demonstrate that the rate of runoff for the project is not increased from the pre-developed condition at any point along the post-developed condition hydrograph; or
 - iii. Demonstrate that the peak rate of runoff is not increased and that the increase in volume and variation in timing will not have an adverse downstream impact.
- *The applicant proposes to attenuate the majority of the runoff such that the peak rates of runoff from the area of disturbance are reduced in accordance with the first method outlined above by proposing one bioretention basin and one sub-surface infiltration basin. The remaining runoff is from an existing area which does not increase the runoff volume or timing in accordance with the third method outlined above.*

- b. Reduce the Total Suspended Solids (TSS) loading in stormwater by 80% for new impervious.
 - *The proposed bioretention basin is designed to store and infiltrate the entire water quality storm, thus meeting the requirements of §16-6.5, Table 1, which state that the bioretention basins are approved as having an 80% total TSS removal rate.*
 - *The reconstructed bioretention basin has not been addressed within the stormwater report.*
 - c. Demonstrate that the amount of groundwater recharge in the post-developed condition is equal to or greater than the pre-developed.
 - *The stormwater report contains the soils report which shows permeability rates less than 1" per hour, and in some cases, 0" per hour, thus recharge is not possible.*
 - d. Incorporate low impact development techniques to the maximum extent possible.
 - *The LID checklist has been provided and summarized in the Drainage Report.*
 - e. Green Infrastructure.
 - *The applicant meets requirements for green infrastructure by proposing the bioretention basin and converting the existing basin to a bioretention basin.*
32. Update Section II of the Stormwater Report to reflect the Major Development requirements of the Township.
33. It is noted that the layout for the crushed stone pedestrian path on the proposed drainage area plan does not reflect the site plan.
34. The point of analysis should be provided on the drainage area maps.
35. OS-13:
- a. Clarify if HDPE or RCP pipe is proposed. The plans show HDPE and the stormwater report references RCP.
 - b. The detail depicts what appears to be a conical 4 FT pipe. Clarify if this is round as the underground system shows a 4 FT round pipe.
36. OS-9
- a. The top elevation for section B-B should be updated to reflect this project.
 - b. The 15" RCP pipe is shown at an elevation of 83.4 on the detail and the outlet pipe is at an elevation of 86 in the stormwater report.
 - c. The grate elevation is 87.95 on the detail and 87.93 in the stormwater report. Clarify that the grate is an 8FTx8FT structure (stormwater report) rather than a 4FTx4FT structure (detail).
37. Existing Outlet Structure/Existing Basin
- a. The existing basin is at an elevation of approximately 77. The plans show the elevation of the basin (top of the soil) is at 86.
 - b. The applicant should provide testimony regarding the existing headwall which are not proposed to be changed and have an elevation of 77.
 - c. The stormwater report "Summary for Pond EB, Existing Basin" routing table should be reviewed. Device #2 and Device #5 are both 3" vertical 3" orifice. These should be identified in the detail.
 - d. The detail should be clearer to show all devices, spillways, etc.

38. The spillways for the bio-retention basin should be shown.
39. Provide the seasonal high water table elevation on the basin cross-sections.
40. Clarify that the tube parameter test data provided is for this project, as the COUNTY/MUNICIPALITY is listed as “Edison.”
41. Inspection ports should be depicted for the underdrain system in the basin bottom.
42. The small scale bioretention basin is located next to the sidewalk. The applicant should discuss the drain time for the basin. Per Chapter 9.7, Small Scale Bioretention Systems, drain time is reduced to 24 hours. The Maintenance and Operations manual should be updated to reflect this.
41. A note should be added to the plan indicating the lot shall be deed restricted to require the perpetual maintenance of the stormwater management system in accordance with the approved Stormwater Management Maintenance Plan. The restriction shall reference the maintenance manual by title, preparer and most recent revision date. Further, the restriction shall allow that, in the event that the responsible party fails to maintain the system, the Township shall have the right (but not the obligation) to enter upon the property to perform the requisite maintenance at the responsible party's expense. This shall be made a condition of any approval granted by the Board. The deed description should be provided to the Board Professionals for review prior to recording.
42. Per the Stormwater Maintenance and Operations Manual, the Township will be responsible for and maintaining the existing basin. This should be clarified as the proposed Subdivision Plan proposes a maintenance easement for the basin.
43. Per the stormwater report, the bio-retention basin is not capable of infiltration due to the permeability rates. Perhaps the wording of “infiltration” should be changed to “filtered” through the bio-soil (similar to how it is presented in the stormwater report).
44. A cost estimate is required as a part of the O&M Manual (§16-5.2s2(b)).

Details

45. It is recommended that the trash enclosure pad be reinforced concrete.
46. It is recommended that 6” DGA be provided as a subbase for the pavement section.
47. Details of the various types of ramps proposed should be provided. It is noted that only a type “Ramp 7” is provided on the detail sheets. A grading detail should be provide for each ramp location.
48. A detail for the following should be provided:
 - a. Crushed stone walking path.
 - b. Fire lane striping, and signs if proposed.
 - c. Electric Vehicle Charging Station.
49. Further detail for the bioretention basins should be provided:
 - a. Small scale basin has only 54 plantings located within the fence on the landscaping; the basin detail (sheet 16) provides 79 plantings. In addition, verify that the correct number of plantings are proposed to meet the 1,000 trees per acre requirement for this type of basin.
 - b. Bioretention basin (existing) should have a landscaping plan provided.

PRELIMINARY MAJOR SITE PLAN RESOLUTION CONFORMANCE REVIEW**Variances**

1. **Satisfied.** A perimeter buffer of 100 feet is required from a multifamily residential use to a single-family use or zone. The proposed apartment building is 152.1' from the existing single-family homes along the western property line. The only landscaping proposed is along the foundation of the proposed apartments. A variance may be required from §16-4.16.H. We defer to the Board Landscape Architect and Board Planner for further comment as to whether the proposed landscaping meets the buffer composition requirements of the ordinance.

RSIS Waivers

2. **Satisfied. The proposed striping should be labeled on the plan.** NJAC §5:21-4.16(e)1 (RSIS) requires dedicated fire lanes a minimum of eighteen (18) feet in width where sole access to dwelling units is via a parking lot. Fire Lane striping should be proposed.
3. **Waiver granted.** NJAC §5:21-4.16(e)3 (RSIS) requires parking lots, having more than 100 spaces, to have a minimum of two means of ingress and egress or be provided with a divided-type entrance. Only one ingress is provided on the plans.

General

4. **Satisfied.** In accordance with the Redevelopment Plan, the redeveloper shall be responsible for any site remediation as may be necessary, to restore the site to residential standards pursuant to NJ DEP regulations. The applicant should provide testimony as to whether a Phase I Environmental Site Assessment has been prepared for the subject parcel and any testing performed to demonstrate that the site has met these requirements.
5. **Testimony provided.** The applicant should provide testimony regarding the critical areas located on the parcel. A review of the Township's critical areas map shows a stream, a Montgomery Township Stream Corridor, and steep slopes. It should be noted on the plans if any of these areas are on proposed Lot 10.05A.
6. **Satisfied.** A demolition plan should be provided. All items within the disturbance area should be identified as to whether they will remain or be removed.
7. **Satisfied.** The existing conditions plan should show the existing water and sanitary lines to the property.
8. **Outstanding.** A vehicular circulation plan should be provided for site. The plan shall incorporate turning templates for all vehicles expected to be on the site (i.e., Fire/rescue vehicles, Trash vehicles, etc.)
9. **Acknowledged.** We defer to the Montgomery Township Fire Marshal for further comment and final disposition regarding fire lanes and any other fire safety issues, including locations of any proposed fire hydrants. (See RSIS waiver.)
10. **Testimony provided.** The applicant should provide testimony regarding the management of refuse and recycling for the proposed community. The architectural plans indicate a Compactor Room on the ground floor and trash rooms on the 2nd and 3rd floor. The site plans indicate a single 14'x12' enclosure.

Subdivision Plan

11. **Outstanding. The digital plans received have not been signed.** The subdivision plan should be signed and sealed by a NJ Professional Land Surveyor.
12. **The applicant is now seeking a variance from NJSA 40:55D-35 and 40:55D-36 to create a new lot without frontage on a public street. Satisfied.** The subdivision plan proposes a "land-locked" parcel, Lot

10.05A. An easement will be required to permit access to the proposed project from Headquarters Park Drive. The easement shall be delineated on the plan. Easement language and metes and bounds description shall be provided for review by the Board Professionals.

13. **Satisfied.** The realization of the NJSPCS (NAD83) used must be included. The most recent realization is NJSPCS (NAD83) 2011. (Note #6 in the plan)
14. **Outstanding.** The closure report of the proposed lot must be sent for our review.
15. **Satisfied.** Curve data must include delta angle information.
16. **Satisfied.** The title information in the Title block should be reviewed. Must change "Preliminary Major Site Plan" to "Minor Subdivision Plan".
17. **Outstanding. No monumentation is depicted on the subdivision plan.** The project must comply with Section 13:40-5.1 & 46:26B-3 "Monumentation". The plan shall clearly show all monumentation required, including monuments found, monuments set and monuments to be set. The outbound corner markers shall be set pursuant to regulations promulgated by the State Board of Professional Engineers and Land Surveyors. The professional land surveyor shall ensure that the perimeter lines are accurately established on the ground.
18. **Satisfied.** The applicant should verify the proposed lot numbers with the tax assessor's office.
19. **Satisfied.** All permanent easements (proposed & existing) must be included and dimensioned in the plan. The legal access to the Proposed lot must be shown in the plan.
20. **Acknowledged.** The metes and bounds legal descriptions of the proposed lot and easements must be submitted for our review.
21. **Satisfied.** The subdivision plans note the new lot numbers to be 10.06 and 10.07. There is an existing Lot 10.06 within Block 20001. This should be clarified and the plans updated.
22. **Satisfied.** The point for beginning (POB) for the proposed apartment lot is labeled Lot 10.05A. This should be revised to reflect the correct Lot number for the proposed lot. All references to Lot 10.05A throughout the plan set and reports should be revised to reflect the correct lot number.

Layout Plan

23. **Satisfied.** It appears that much of the existing curbing in the parking lot will remain. A note should be added to the plan stating that damaged curbing will be replaced.
24. **Satisfied.** The condition of the existing parking lot should be addressed. The applicant should clarify the scope of the work proposed in the existing parking field. The proposed improvements should be clearly depicted on the plans.
25. **Outstanding.** It is recommended that bollards be placed at the curblines of the accessible parking spaces to prevent vehicles from encroaching onto the adjacent sidewalk.
26. **Satisfied.** The applicant should indicate if the existing inlets are to be removed. One of the existing inlets appears to be located such that it is misaligned with the proposed curblines.
27. **Satisfied.** It appears that a public access easement will be required for the use of the proposed cinder walking path. The easement language should be provided to the Board professionals for review.
28. **Satisfied.** All ramp locations should be identified with the type of proposed ramp.

29. **Satisfied.** The limits of the depressed curbing should be depicted on the plan.

Grading / Utility Plan

Satisfied. The General Notes on sheet 5 of 15 should be revised as follows:

- Notes 1, 2 and 17 are not applicable to this project.
 - Note 4 references freshwater wetlands. There are none shown on the plans. If the site has pockets of FWW, these should be depicted on the plans.
 - Note 5 references the site coordinates which do not correspond to those shown on the proposed subdivision plan.
30. **Satisfied.** Detailed grading plans for the proposed accessible parking spaces, including spot grades, should be provided to demonstrate compliance with ADA requirements.
31. **The accessible spaces at the basin have been relocated. Comment no longer applies.** The accessible route from the two accessible spaces at the Bioretention basin to the building should be provided on the plan. Provide additional spot grades and directional arrows.
32. **Satisfied.** Spot grades should be provided in the existing parking areas to demonstrate drainage patterns.
33. **Satisfied.** Drainage arrows should be shown on the plan to demonstrate direction of flow.
34. **Acknowledged.** The grading plan indicates that the applicant proposes offsite grading. Testimony should be provided as to permissions related to the proposed grading.
35. **Satisfied.** A Sub-surface utility investigation should be performed to locate all existing utility lines – Electric, Gas, Water, Sanitary Sewer and Storm Sewer.
36. **Partially satisfied. The applicant states that televising has been completed and a report provided. The report was not a part of the Jan/Feb 2023 submission.** Sanitary and Storm infrastructure should be cleaned and televised to determine the existing condition. Any damaged lines should be repaired and/or replaced. A note to this effect should be added to the plans.
37. **Acknowledged.** Given the location of the proposed sanitary sewer service lateral tie-in, the proposed 8” sewer line upstream of the lateral seems to be unnecessary. It appears that the design may contemplate future development north of the subject project. If this is indeed the case, the applicant should indicate the path of the future main. As it appears, should the main be extended further north, it would likely conflict with the proposed 15” storm sewer from CB-1 to CB-2.
38. **Satisfied.** The proposed 8” DIP water line runs to a new Fire Hydrant. Typically, a fire hydrant is serviced by a 6” pipe. The plan should be revised to provide location of valves and reducers as may be required to construct the proposed water system as proposed.
39. **Acknowledged.** Testimony regarding the location of the water meter(s) should be provided. If a meter pit is required, its location should be shown on the utility plan.
40. **Satisfied.** It appears that the proposed doghouse MH-9 will discharge to the existing basin. This pipe should be depicted on the plans. In addition, the pipe profile should be provided to demonstrate that the discharge will flow to the reconstructed basin.
41. **Satisfied.** Soil test pit locations should be shown on the plan.
42. **Satisfied.** The proposed basin underdrains should be shown on the plan.

43. **Acknowledged.** Numerous existing inlets depict inlet protection measures on the Soil Erosion and Control Plan. If these inlets are to remain, they should be cleaned, inspected and repaired as needed in order to ensure that the proposed improvements will function as designed.
44. **Satisfied.** A walking path is proposed. Notes state that a drinking water fountain will be available. The utility plan should show the proposed water connection.
45. **Satisfied.** The northwest corner of the underground storage system is at elevation 90. The invert of the 48" pipe is 85.19. It is not clear if there is sufficient cover for the pipe. The detail depicts minimum 12" stone on the top of the pipe and 12" minimum surface material (this material is depicted, but not called out on the basin detail (sheet 15 of 15)).
46. **Satisfied. (Note, referenced catch basins are now identified as CB-12 and reset CB-13 on the revised plans.)** A 15" line is shown between CB-9B and Reset Ex CB (these both appear to be existing lines). There is no indication of where this pipe drains.
47. **Satisfied.** The plans should reference the phone number for the One-Call within Note 3 on the Utility Plan.
48. **Satisfied. The proposed easement is shown.** CB-1 and CB-2 are located on Lot 10.05. The project parcel is proposed Lot 10.6. The applicant should discuss the responsibility of the maintenance and operations of these two inlets and the pipe. A drainage easement should be provided on the subject property to benefit the adjacent lot.
49. **Acknowledged.** The applicant shall coordinate with the Township Engineering Department to confirm availability of sewer capacity.

Profiles

50. **Satisfied.** If the storm line is extrapolated from doghouse MH-9 to the reconstructed basin, this 30" RCP will cross the proposed sanitary line. The sanitary line should be shown on the storm profile; the storm line should be depicted on the sanitary profile.
51. **Satisfied.** Water lines should be shown on all profiles.
52. **Satisfied.** The applicant should verify that there is at least 3 feet of cover for the sanitary line between SMH-3 and SMH-4.
53. **Satisfied.** The callouts for the CBs and MHs on the utility plan do not correspond to those shown on the profile (or on the construction details sheet). These should be consistent throughout the plan set and the stormwater management report.
54. **Satisfied.** Elevations provided on the Profile sheet do not correspond to those depicted on the utility plan. This should be reviewed and the plans revised accordingly. If there are any changes, these should be reflected in the stormwater management report and on the basin details.
55. **Satisfied.** The references to the structures on the OS-7 to Doghouse MH9 should be revised to correspond to the information on the utility plan. This same information should be reviewed for the sanitary line and revisions made accordingly.

Stormwater

56. **Acknowledged.** The project proposes to disturb more than one (1) acre of land, creates an additional 5,000 SF of regulated impervious surface, and creates an additional 5,000 SF of regulated motor vehicle surface and thus is classified as a "major development" for the purposes of stormwater management and must comply

with the requirements of NJAC 7:8 and the Township of Montgomery Ordinance §16-5.2. The project must, therefore, meet the following requirements:

- b. Address the rate and volume of runoff from the project site. This may be done in one of three ways as outlined in NJAC 7:8:
 - i. Reduce the peak rate of runoff from the project area by 50%, 25%, and 20% for the 2-year, 10-year, and 100-year storms, respectively; or
 - ii. Demonstrate that the rate of runoff for the project is not increased from the pre-developed condition at any point along the post-developed condition hydrograph; or
 - iii. Demonstrate that the peak rate of runoff is not increased and that the increase in volume and variation in timing will not have an adverse downstream impact.
- *The applicant proposes to attenuate the majority of the runoff such that the peak rates of runoff from the area of disturbance are reduced in accordance with the first method outlined above by proposing one bioretention basin and one sub-surface infiltration basin. The remaining runoff is from an existing area which does not increase the runoff volume or timing in accordance with the third method outlined above.*
- c. Reduce the Total Suspended Solids (TSS) loading in stormwater by 80% for new impervious.
 - *The proposed bioretention basin is designed to store and infiltrate the entire water quality storm, thus meeting the requirements of §16-6.5, Table 1, which state that the bioretention basins are approved as having an 80% total TSS removal rate.*
 - *The reconstructed bioretention basin has not been addressed within the stormwater report.*
- d. Demonstrate that the amount of groundwater recharge in the post-developed condition is equal to or greater than the pre-developed.
 - *The applicant has provided the Groundwater Recharge worksheet and demonstrates that the underground basin and the bioretention basin meet the recharge requirements.*
- e. Incorporate low impact development techniques to the maximum extent possible.
 - *The LID checklist has been provided and summarized in the Drainage Report.*
- f. Green Infrastructure.
 - *The applicant meets requirements for green infrastructure by proposing the bioretention basin and converting the existing basin to a bioretention basin.*

57. **Acknowledged.** The Times of Concentration (Tc) shown for the various drainage sheds on the Post Development drainage area map are 10 minutes; the Hydrologic Modeling indicates 6 minutes. This should be consistent. Further, per NJDEP guidance, assumed minimum Tc's should not be used. Rather, Tc calculations should be provided for each drainage shed in the existing and proposed conditions.

58. **Satisfied.** A pre-developed and post-developed analysis of the existing basin (to be retrofitted) should be provided to include the ability of the basin to collect, store and discharge the stormwater from proposed Lot 10.07.
59. **Testimony provided.** The bio-retention basin collects all of drainage Area #2 (0.9 acres), which includes most of the parking lot. It is unclear if the calculations provided in the stormwater management report address all of the parking lot. The existing inlets are noted to be clogged and inaccessible. In addition, there is existing parking area outside of the proposed subdivision. The applicant should provide testimony as to whether runoff from this parking area has been included in the stormwater report.
60. **Acknowledged.** The existing conditions plans states that many of the existing inlets are inaccessible or damaged. In addition, various pipes have a designation of “destination unknown.” It appears some of these structures will remain and will be incorporated into the proposed stormwater system. Our office recommends that these inlets and pipes be cleaned and televised to determine the condition.
61. **Partially satisfied. The deed language should be provided to the Board professionals for review.** The lot shall be deed restricted to require the perpetual maintenance of the stormwater management system in accordance with the approved Stormwater Management Maintenance Plan. The restriction shall reference the maintenance manual by title, preparer, and most recent revision date. Further, the restriction shall allow that, if the responsible party fails to maintain the system, the Township shall have the right (but not the obligation) to enter upon the property to perform the requisite maintenance at the responsible party's expense. A note indicating this should be placed on the plan. Further information on the deed records and dedications are found at §16-5.2u.
62. **Acknowledged.** The responsibility for the maintenance and operations of the existing basin (to be converted to a bio-retention basin) should be discussed.
63. **Satisfied.** The applicant should quantify the existing impervious surface and the proposed impervious surface in tabular form on the plan.
64. **Partially satisfied.** An operations and maintenance manual has been provided. The applicant should review the requirements of the Township Stormwater Ordinance and the NJ DEP BMP manual to ensure that all requirements have been submitted.
- a. Cost estimates should be provided.
 - b. The facility locations with coordinates should be added to the manual.
 - c. The provided site map should include designations of catch basin and M/H numbers, lengths of pipe, type of inlets, materials, sizes, and inverts.

Basin Details

65. **Satisfied.** No soil or ground water information is provided for the proposed basins or existing (to be retrofitted) basin. Soil testing performed in accordance with the requirements of the NJDEP Stormwater Best Management Practices Manual (BMP) should be provided for all three basins.
66. **Satisfied.** Sheet 15 of 15 of the site plans provides plan and cross sections of the proposed basins and the basin to be retrofitted. A tabular summary of Elevation vs. Contour Area vs. Volume should be provided on this sheet for future comparison with as-built conditions.
67. **Satisfied.** The cross sections should be revised to include the seasonal high-water table determined by the required testing.

68. **Partially satisfied. These should be depicted on the plan.** An emergency spillway should also be identified for each basin. The spillway location and elevation should be indicated on the plan and basin cross section.
69. **Satisfied.** A Landscaping Plan for the bioretention systems should be provided. The applicant should reference Chapter 7 of the BMP Manual for guidance. Biodiversity, visual interest, variety, ability to withstand intermittent flooding should be considered. The designer should work with our office, the Board Planner, and Board Landscape Architect prior to submitting revised plans.
70. **Satisfied.** The sub-surface infiltration system access manholes depicted on sheet 15 of 15 should be provided on the utility plan.
71. **Satisfied.** An access road to the basin (existing basin to be retrofitted) capable of supporting a vehicle should be provided. An appropriate detail should be added to the plan set.

Landscape Plan

72. **Satisfied.** A farm-to-table garden is proposed. Details should be provided, including the location of the proposed water connections. Much of this proposed amenity is not located on Lot 10.05A.
73. **Testimony provided.** The applicant should provide testimony as to whether irrigation is to be provided for the project. Relevant details should be provided.
74. **Satisfied.** A planting plan in accordance with Chapter 9.7, Small-scale Bioretention Systems of the NJ BMP manual should be provided for review by the Board Professionals.
75. **Satisfied.** It is recommended that shade trees be provided at the proposed bench location to provide shade at these “rest” stops.
76. **Partially satisfied.** The landscaping should be provided for the proposed signs.
77. **Acknowledged.** We defer to the Board Landscape Architect for further comment and final disposition of the landscape plan comments offered herein.

Lighting Plan

78. **Satisfied.** The plans do not depict any lighting at the farm-to-table garden area. In addition to the garden, this area is proposed to have seating and game/activity tables that may likely require lighting.
79. **Acknowledged.** We defer to the Board Planner and Landscape architect for further comment and final disposition of the lighting plan comments offered herein.
80. **Partially satisfied.** If lighting is to be provided for either of the site signs, this should be depicted on the plan and a detail added.
81. **Partially satisfied.** Proposed building lighting should be sufficient to provide enough illumination so no “dark” spaces are located at the entrances to the building.
82. **Satisfied.** Eleven (11) type “D” light fixtures are depicted on the lighting plan; only nine (9) are called out in the lighting table. Clarify the number of proposed type “D” fixtures.
83. **Satisfied.** There are 6 single type “B” fixtures and 2 double type “B” fixtures for a total of 10 lights. However, only 8 poles are required. The lighting table indicated there are 10 type “B” lights. Clarify the number of proposed “B” fixture and revise the plan accordingly.

Soil Erosion and Control Plan

84. **Satisfied.** One of the stockpiles is located off the proposed subdivision lot. All proposed work should be contained in this lot (Lot 10.06).

Construction Details

85. **Acknowledged.** A detail for the municipal complex sign is provided on sheet 13 of 15. This sign is not depicted on the site plan.
86. **Satisfied.** A detail should be provided for OCS-8.
87. **Satisfied.** A detail for OC-11 is provided. This appears to correspond to OS-13 on the grading/utility plan. In addition, the pipe is at 90° per the utility plan where the detail shows a straight through flow. This should be reviewed and the detail revised accordingly.
88. **Satisfied.** The detail titled “Primary Development Site Sign Location” should include the location of the Municipal Complex sign as well as the sight triangle.
89. **Satisfied.** The detail for the Pavement Section and Pavement Section/Sawcut Pavement Replacement references §62-154g.(1). This does not correspond to any section of the Township Ordinance. This detail should be revised to correspond with the Township requirements.
90. **Satisfied.** The following details should be provided for the proposed walking path:
- Detail for the path (include type of material, width of path, etc.).
 - Proposed Benches.
 - Proposed water fountain.
 - Proposed bag station for dog waste.
91. **Satisfied.** A detail for the proposed split rail fence should be provided.

Outside Agency Approvals

92. **Acknowledged.** The applicant shall secure any, and all other approvals, licenses, and permits required by any other Board, agency, or entity having jurisdiction over the subject application or over the subject property, including but not limited to the following:
- Delaware and Raritan Canal Commission
 - Somerset County Planning Board
 - Somerset County Soil Conservation District
 - New Jersey Department of Environmental Protection BSDW
 - New Jersey Department of Environmental Protection TWA
 - Any and all others necessary

Conditions of Resolution of Preliminary Approval

The following are the general conditions of the Preliminary Approval as contained in the Resolution for Application PB-01-21. If these conditions have not yet been addressed, these should be provided as a condition of Final Minor Subdivision/Major Site Plan approval.

- As a condition of Final Approval, the outstanding items listed above should be addressed.** Compliance with the comments and recommendations of the Board Engineer, Rakesh R. Darji, PE of Environmental Resolutions, Inc., as set forth in his memorandum dated July 15, 2021.
- The Planning Director should provide written concurrence that comments and recommendations have been satisfactorily addressed.** Compliance with the comments and recommendations of the Planning Director, Lori Savron, PP, AICP, as set forth in her memorandum dated June 28, 2021, revised July 16, 2021.

3. **Mr. Bartolone, ALSA, should provide written concurrence that comments and recommendations have been satisfactorily addressed.** Compliance with the comments and recommendations set forth in the memorandum of Richard Bartolone, ALSA, dated July 14, 2021, and his testimony re same.
4. **Mr. Fishinger, PE, PTOE should provide written concurrence that comments and recommendations have been satisfactorily addressed.** Compliance with the comments and recommendations set forth in the memorandum of Joseph A. Fishinger, PE, PTOE, dated July 9, 2021.
5. **The Environmental Commission should provide written concurrence that comments and recommendations have been satisfactorily addressed.** Compliance with the comments and recommendations set forth in the memorandum of the Montgomery Township Environmental Commission dated June 23, 2021.
6. **The Open Space coordinator should provide written concurrence that comments and recommendations have been satisfactorily addressed.** Compliance with the comments and recommendations set forth in the memorandum of Lauren A. Wasilauski, Open Space Coordinator, dated Jun 12, 2021.
7. **The Fire Chief should provide written concurrence that comments and recommendations have been satisfactorily addressed.** Compliance with the comments and recommendations of Assistant Fire Chief Kessler as testified and the comments and recommendations of Fire Chief Kevin Schroeck in his memorandum issued July 7, 2021.
8. **Acknowledged.** In the event that any soil removal exportation, or importation is required for this project, the Applicant shall obtain a Soil Hauling Permit from the Township Engineer. Soil removal, exportation or importation from or to the Property for the proposed project shall not exceed a cumulative total of 5,000 CY without further approval by the Board.
9. **Not plan related.** The development of the Property shall be implemented with the approved plans and the revisions described herein. In the event that the Applicant shall make or propose any changes to the project and structures on the property from those shown on the approved plans and exhibits approved for this application, as well as the required revisions described in this Resolution, whether such changes are voluntarily undertaken or required by any regulatory agency, the Applicant shall resubmit such changes to the Township Planning Department for review and determination as to whether the extent of such changes will required formal review and approval by the Board.
10. **Not plan related.** The Township reserves the right to request such additional minor and reasonable site improvement should actual field conditions vary from that depicted on the project plans, subject to the mutual agreement of the Township and the Applicant.
11. **Not plan related.** The Applicant shall submit construction cost estimates, post all required guarantees for the proposed improvements and maintain with Montgomery Township an escrow account sufficient to pay professional review and construction inspection fees for this project. Guarantee amounts and escrow fees shall be determined by the Township Engineer in accordance with the provisions of the Township ordinance and the Municipal Land Use Law. The Applicant shall submit cost estimates for review. Cost estimates and guarantees are subject to the approval of the Township Attorney and/or Township Engineer. Maintenance guarantees will be required in accordance with the Municipal Land Use Law.
12. **As permits and approvals are received, these should be forwarded to the Township. Providing this information should be a condition of final approval.** The Applicant The Applicant shall obtain all required approvals from the following agencies as well as any and all other approvals, licenses, and permits required by any other board, agency or entity having jurisdiction over the subject application or over the subject property, as applicable:

- a. Somerset County Planning Board
- b. Somerset-Union Soil Conservation District
- c. Delaware -Raritan Canal Commission
- d. New Jersey Department of Environmental Protection BSDW
- e. New Jersey Department of Environmental Protection TWA
- f. Montgomery Township Engineering Department
- g. Montgomery Township Sewer Utility
- h. Montgomery Township Committee;
- i. Montgomery Township Fire Marshall
- j. Any and all others as required

Copies of all approvals shall be provided to the Township prior to the issuance of construction permits.

13. **Outstanding.** All deeds, easements and other legal documents are subject to review and approval of the Township Attorney and Township Engineer. The applicant shall obtain approval and record all instruments associated with the project, including, but not limited to sight triangle easements, access easements, conservation deed restriction, stormwater facility deed restriction, stormwater operations and maintenance manual and drainage easements. Sanitary sewer easements may be necessary if the Montgomery Township Sewer Utility and Township Engineer determine that portions of the onsite sanitary sewers should be accepted by the Township. Stormwater facility deed restriction must include provisions to prevent modification or alteration without Township Engineer approval. Applicant shall be responsible for stormwater facility maintenance.
14. **Not plan related.** Any improvements proposed to be dedicated to the Township are subject to the Township Engineer's review and Township Committee approval.
15. **Outstanding. This document is still being developed.** The Applicant shall enter into a "Developer's Construction Sequence Agreement", subject to authorization by the Township Committee. The Agreement shall conform to applicable Township Code including but not limited to Section 16-9.2. The "Developer's Construction Sequence Agreement" is subject to review and approval by the Township Attorney and Township Engineer;
16. **Not plan related.** The applicant shall enter into a "Sewer Participation/ Capacity Agreement" with the Township Committee and pay sewer capacity charges in accordance with Section 12-7.4 of the Montgomery Township Code.
17. **Not plan related.** The Applicant is subject to the requirements of the Sewer Utility including but not limited to payment of sewer capacity charges, analysis of the collection system to demonstrate there is adequate capacity for the additional flow, obtaining sanitary sewer easements to access the offsite sewer collection system, and appropriate approvals for the easements.
18. **Outstanding. Legal descriptions should be provided for review.** The subdivision map is subject to review and comment by the Township Engineer and Township Attorney. The project plans are also subject to review by the Township staff for conformance with Township Standard Details.
19. **Not plan related.** An address map must be provided to the Township Engineer for review and approval.
20. **Not plan related.** The Applicant must provide NJDEP Tier A MS4 required forms to the Township Engineer, including Attachment D Stormwater Summary, 5G3 Authorization, annual BMP maintenance reports, inspection logs, and other relevant information needed by the Township Engineer for annual reporting.
21. **Satisfied. A stormwater operations and maintenance manual has been provided. This document will be reviewed during the Final Site Plan review.** The Stormwater Management Facility

Operations and Maintenance Manual is subject to the review and approval of the Board and Township Engineers. The Operations and Maintenance Manual will be recorded with the Somerset County Clerk's office.

22. **Outstanding. Further details, including additional spot grades, should be provided on the plans to demonstrate compliance with the proposed curb ramps.** The Applicant shall revise the plans to show detailed ADA and PROWAG compliant designs for each curb ramp subject to the review and approval of the Board and Township Engineers.
23. **Not plan related.** The Applicant will yield Title 39 jurisdiction to the Township for private roads, parking lots, and driveways, subject to acceptance of jurisdiction by the Township. The Applicant shall submit a letter requesting that the Township accept Title 39 jurisdiction and a draft ordinance for Title 39 jurisdiction subject to the review and approval of the Township Attorney and Township Engineer.
24. **Not plan related.** The Planning Board Clerk shall submit a copy of this Resolution granting the de minimis RSIS exception to the New Jersey Department of Community Affairs within thirty (30) days of the date of this Resolution.
25. **Satisfied.** The Applicant shall provide four handicapped spaces and a paver drop off and pick up area near the entrance lobby. Two parking spaces on site will be equipped for conversion to electrical vehicle charging stations in the future. Approval of the electrical vehicle charging stations shall be a condition of final approval.
26. **Not plan related.** The Applicant's stormwater operations and maintenance must require annual reporting in accordance with Township Code.
27. **Location of the signs, illumination requirements, etc. should be provided in the Final Site Plan and subject to a condition of final approval.** Two site identification signs are proposed; one at the main entrance on Orchard Road and one past the internal drive aisle. The sign at the main entrance will be coordinated with the Municipal Center sign. The signs will be illuminated in a manner to ensure that the light will not be visible from any adjacent streets or properties. The monument signs shall not conflict with the proposed signs for the Municipal Building Complex. The final design and locations of the signs must be coordinated with the Township staff, including the Township Engineer particularly because signs and sign locations are currently under review for the Municipal Complex. Signs must also not conflict with utilities including storm sewers. Easement agreements may be required, the form of which must be submitted to the Township Attorney and Township Engineer for prior approval.

Administrative

- The applicant shall pay all taxes, fees and required escrow deposit which may be due and owing.
- We reserve the opportunity to make further comments if additional information is presented.
- All future resubmissions of the plans shall clearly indicate a revision date and be accompanied by a point-by-point response letter to the comments of the Board's professional staff.

Should you or the applicant have any questions, please do not hesitate to contact this office.

RRD/mb

Cc: Craig M. Gianetti, Esq., Applicant's Attorney (cgianetti@daypitney.com)
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 Karen L. Cacyi, Esq., Board Attorney (kcayci@caycilaw.com)
 Joseph Fishinger, PE, PP, PTOE, Board Traffic Engineer (jfishinger@bvengr.com)
 Richard Bartolone, LLA, Board Landscape Architect (rbartolone@optonline.com)
 Michael Sullivan, PP, Board Planner (msullivan@cchnj.com)