

1. Planning Board Agenda And Related Documents

Documents:

[PLANNING BOARD AGENDA MAY 2022.PDF](#)

1.1. 7:00 PM New Business - Applications

Documents:

[8-1\) T MOBILE_186 OLD YORK ROAD - PLANNING REVIEW.PDF](#)

[8-1\) T-MOBILE - COLLIERS ENG. MEMO.PDF](#)

[8-2\) C AND E - COLLIERS ENG. MEMO.PDF](#)

[8-2\) C AND E SITE PLAN - PLANNING REVIEW.PDF](#)

X. ITEMS FOR DISCUSSION

None

XI. ORAL REPORTS

1. FOSPC- Mike Mills
2. ENVIRONMENTAL COMMISSION - Marnie Stetson
3. HISTORIC PRESERVATION COMMITTEE - John Seramba
4. AGRICULTURAL ADVISORY COMMITTEE - Kit Crisafuli
5. PB SECRETARY
6. PB CHAIR

XII. PRESENTATION OF VOUCHERS

XIII. OPEN TO THE PUBLIC

XIV. CORRESPONDENCE

XV. ADJOURN

TO: Township of East Amwell Planning Board

CC: Jolanta Maziarz, Board Attorney
Bill Burr, Board Engineer

FROM: Elena Gable, PP, AICP, CFM

RE: T-Mobile Northeast LLC
186 Old York Road
Block 18 Lot 18
Minor Site Plan/D(1) Use Variance

DATE: May 9, 2022

As requested, we have reviewed the following application materials:

- Application for Development, dated March 22, 2022
- Township of East Amwell Consent to Entry, dated March 22, 2022
- Legal Memorandum prepared by Frank Ferraro, Esq., dated March 22, 2022
- Crown Castle Letter of Authorization, executed by Jenifer Bachi, Site Acquisition Specialist, dated February 22, 2022
- Impervious Coverage Calculation Form, not completed, no date
- Escrow Agreement, dated March 22, 2022
- Affidavit of Ownership with attachments, dated March 22, 2022
- Certification that Municipal Taxes are Current, dated March 22, 2022
- 200-foot Certified List, dated August 17, 2021
- Land Development Application Submission Checklist, no date
- Email correspondence between Frank Ferraro, attorney for the applicant, and Krista Parsons, Borough Clerk/Zoning Officer/Planning Board Secretary, dated June 25, 2021 and July 2, 2021
- East Amwell Township Zoning Permit with attachments, dated July 25, 2021
- Findings of Fact, Conclusions and Resolution Granting Special Reasons and Bulk Setback Variance, Together with Preliminary and Final Minor Site Plan Approval AJ-98-07, dated March 9, 1999
- Findings of Fact, Conclusions and Resolution Granting Minor Site Plan Approval to Attach a Wireless Telecommunications Powermount and Antennae on Existing Silos and to Construct a Fenced Equipment Compound AJ-01-02, dated August 14, 2001
- Findings of Fact, Conclusions and Resolution Denying Minor Site Plan Approval to Construct a Wireless Telecommunications Facility AJ-02-09, dated July 25, 2003
- Resolution of Memorialization East Amwell Township Zoning Board of Adjustment AJ-05-04 (missing pages), dated June 14, 2005

- Antenna Site FCC RF Compliance Assessment and Report for Municipal Submission prepared for T-Mobile Northeast LLC Site NJ01034A 180 Old York Road Ringoes, NJ, prepared by Pinnacle Telecom Group, dated March 3, 2022
- Structural Analysis Report, prepared by Black & Veatch Corp., dated December 1, 2021
- 9-sheet set of engineering plans entitled, "T Mobile Site Number: NJ01034A, BU# 878968 Kanach Famrs/Hunterdon City, 180 Old York Road, Ringoes, NJ 08551, Existing 100'-0" Monopole," prepared by T Mobile, Crown Castle and French & Parrello Associates, dated March 25, 2021 revised through March 9, 2022
- Approved Zoning Permit, dated September 18, 2014
- Approved Zoning Permit, dated September 12, 2017
- Photographs of the property, no date.

Property and Project Description

The subject property, located at 186 Old York Road, is an approximately 74-acre tract located south of Old York Road and to the west of Manners Road. The property is currently developed with a single-family dwelling, agricultural buildings, and a series of existing antennae on the existing silos, as well as an approximately 100-foot-tall monopole. All improvements to the property are located centrally on the property near the shared lot line with adjacent Block 18 Lot 3.

The property received several previous approvals for wireless telecommunication facilities, with the earliest dating to 1998. In 1998, the property received approval from the Zoning Board of Adjustment to construct a series of antennae on an existing silo and received d(1) use variance approval to have three principal uses on the lot (farm, residential and wireless telecommunications facility).

In 2001, the property received approval from the Zoning Board of Adjustment to construct a power mount, antennae, and additional antennae on two existing silos, as well as a fenced in concrete pad which would house the cabinets. The applicant also received bulk variance relief to construct a pole with a height of 107.5 feet that supports the antennae platform and hold 6 panel antennae which did not meet the setback requirements required by the ordinance.

In 2002, the property was denied relief to construct an additional monopole. In 2005, the property received approval to construct 12 flush mounted antennae on the existing silo. Since 2005, there have been several zoning permits that were issued for the site.

Surrounding the property are adjacent farmland and woodlands, some of which are preserved farms. According to the State Agricultural Development Committee's Preserved Farms GIS dataset, the subject

property is a preserved farm; However, the farm buildings and wireless telecommunications equipment is located within a non-severable exception area¹.

The applicant is proposing to remove six existing antennae located on the monopole at a mounting height of 100 feet and replace them with 9 antennae. The applicant is also proposing to remove and replace the existing cabinets located within the fenced-in compound and install a new hybrid cable.

Zoning

The property is located in the Amwell Valley Agricultural District where wireless telecommunication antennae on existing structures is a conditional use. However, since the property previously received d(1) use variance to permit 3 principal uses on the subject property and variance relief to permit the construction of the monopole, the Board retains jurisdiction of the site.

The following table shows the conditional use standards associated with Wireless Telecommunication Facilities within the AVA District:

Amwell Valley Agricultural District - Wireless Telecommunication Facilities				
	Required	Existing	Proposed	Variance
Minimum Lot Area	10 acres	+/- 74 acres	+/- 74 acres	-
Minimum setback of tower and equipment compound from any property line	200 feet	73 feet	73 feet	ENC
Maximum tower height*	120 feet	100 feet	100 feet	-
Minimum setback to residences not located on the property	1,000 feet	unk.	unk.	-
Minimum setback to municipal facilities	1,000 feet	unk.	unk.	-
Minimum setback to any historic district or historic site	2,500 feet	<2,500 feet of the Reaville Historic District		ENC
* The maximum tower height shown above is for multiple vendors; the maximum height for a single vendor is 100 feet				

ENC: Existing Nonconforming Condition

Variations Required

A review of the application indicates the following existing nonconforming conditions:

- Minimum setback of tower and equipment from any property line- Where the minimum setback of the tower and equipment from any property is required to be 200 feet, where 73 feet is existing and proposed.

¹ As defined by the SADC, a non-severable exception area is an area of the farm which is excepted from the easement restrictions but remains tied to the farm and cannot be subdivided, transferred or conveyed separately by the farm.

- Minimum setback to any historic district or historic site- Where the minimum setback to any historic district or site is 2,500 feet, where the existing tower and equipment is located less than 2,500 feet from the Reaville Historic District. This is an existing condition that is not proposed to change.

Planning Comments

1. The applicant shall provide testimony confirming that variance relief was granted by the Zoning Board of Adjustment for the existing nonconforming conditions pertaining to minimum setback distances.
2. The applicant shall provide testimony pertaining to all changes proposed to the property.
3. It's our understanding that the applicant is proposing to remove 6 existing antennae located on the existing monopole and install 9 antennae at the same height of 100 feet. The applicant is also proposing to remove three cabinets previously used by Sprint and install two existing cabinets within the fenced-in compound that will be used by T Mobile. The applicant shall provide testimony pertaining to the need for these changes.
 - a. The applicant shall further provide testimony pertaining to the total height of the monopole with the antennae after installation.
4. The applicant shall confirm that no additional changes are proposed to the fenced-in compound, including whether or not it will be expanded.
5. Is any additional noise or other nuisance factors anticipated to occur after site improvements are completed?
6. The submitted site plan (sheet C-1.2 of the engineering plans) shows an area labeled as "Abandoned Equipment." Will the applicant be removing this as part of this application?
7. The applicant shall provide testimony pertaining to the existing antennae located on the silos and associated equipment on the property.
 - a. Based upon the site plan (sheet C-1.2 of the engineering plans), AT&T also has equipment and antennae on one of the existing silos. The applicant shall confirm.
8. The applicant's Structural Analysis shows two providers located on the existing monopole. However, the photographs submitted by the applicant show one provider on the monopole. The applicant shall provide testimony pertaining to this discrepancy.
9. Is a generator proposed for the site? If so, what type of fuel will be used?

10. The applicant shall provide testimony pertaining to whether the proposed changes to the existing tower and compound will have a visual impact on the surrounding area.
 - a. Are the existing antennae and/or pole a specific color that may have been required by a previous approval?
11. The applicant's bulk chart appears to contain incorrect information, specifically pertaining to the size of the lot. The applicant shall provide testimony addressing this inconsistency and revise the plans as needed.
 - a. The chart submitted by the applicant notes the existing lot area of 373,962 square feet, which is approximately 8.6 acres. However, it seems as though the property is approximately 74 acres.
12. The applicant shall provide testimony pertaining to the frequency of vehicles at the site.

Aerial Map (2020)



The red circle in the map indicates the approximate location of cell tower.

May 10, 2022

East Amwell Planning Board
1070 Route 202/31
Ringoes, NJ 08551

T-Mobile Northeast, LLC – Minor Site Plan w/ Waivers
Block 18, Lot 18 – 186 Old York Road
East Amwell Township, Hunterdon County, New Jersey
Colliers Engineering & Design Project No. EAP-0022

Dear Board Members,

This office is in receipt of documents in support of a Minor Site Plan application for the above-referenced property. The submission contained the following:

- Application Form w/ submission checklist and other related documents including previous Board resolutions;
- Engineering Site Plans (consisting of 9 sheets) as prepared by Peter J. Tardy, P.E. Of French & Parrello Associates, dated March 25, 2021, last revised March 9, 2022;
- Report entitled “Antenna Site FCC RF Compliance Assessment and Report for Municipal Submission prepared for T-Mobile Northeast LLC Site NJ01034A 180 Old York Road Ringoes, NJ” as prepared by Pinnacle Telecom Group, dated March 3, 2022;
- Report entitled “Structural Analysis Report” as prepared by Black & Veatch Corp., dated December 1, 2021.

Upon review of the above-referenced submission versus the Township Land Management Ordinance, this office has the following comments for the Board’s consideration:

Property and Project Description:

Please see Board Planner, Elena Gable’s memorandum for a full property and project description.

The Applicant is proposing to remove six (6) existing antennae located on the current monopole at a mounting height of 100 feet and replace them with nine (9) new antennae. The Applicant is also proposing to remove and replace the existing cabinets located within the fenced-in compound and install a new hybrid cable.

Upon review of the above-referenced submission, this office has the following comments for the Board’s consideration:

ZONING REVIEW:

1. I defer to Board Planner, Elena Gable, for additional comments related to zoning, including any required variances or design waivers, and conformance with the intent and provisions of the Land Management Ordinance (LMO).
2. Several prior Board resolutions (from 1995, 2001, 2002 and 2005) were included with the application submission. The Applicant should provide an overview of the prior approvals and whether there are any prior conditions that need to be addressed as part of this application.

TECHNICAL REVIEW:

1. As referenced above, the Applicant has submitted a Structural Analysis Report with the application. The Applicant should provide an overview of this report and confirm that the existing monopole is in good condition and structurally capable of supporting the new antennae/equipment.
2. The Applicant should clarify whether there are any other co-locators existing on the current monopole. If so, the plans should be revised accordingly.
3. Are there any site improvements proposed beyond replacing the antenna and equipment?
4. Will the existing fenced-in equipment compound be expanded in any way?
5. What is the elevation of the existing antennae versus the proposed antennae? Will any other changes be made to the existing monopole other than increasing the number of antennae?
6. According to Section 92-37D of the LMO, an agreement from the operator of the wireless telecommunications tower with the Township of East Amwell shall contain the following provisions:
 - a. An annual report from a licensed professional engineer will be provided certifying the structural integrity of the tower, together with all antennas mounted thereon, and that they meet applicable minimum safety requirements. Such report shall also be provided whenever antenna arrays are modified and shall include a detailed listing of all antennas and equipment so certified. Vendors and the facility owner shall be required to notify East Amwell Township when the use of such antennas and equipment is discontinued, such notification to be provided to East Amwell Township within 30 days following such discontinuance.
 - b. Wireless telecommunications towers that are not in use for wireless telecommunications purposes for a period of 180 consecutive days shall be removed by the facility owner at its cost within 90 days following the end of such 180-day period. Upon removal, the site

- shall be cleaned, restored, and revegetated to blend with the existing surrounding vegetation at time of abandonment. The facility owner shall post a bond to cover the costs of tower removal and site restoration. The size of the bond shall take into consideration cost escalations.
- c. Authorization for the construction of a new wireless telecommunications tower shall be conditioned on agreement by the tower owner that other cellular service providers will be permitted to co-locate on the proposed tower within the limits of structural and radio-frequency engineering requirements and at rates that reflect the fair market price for such service. As part of the application for tower approval, the applicant shall document the extent to which additional equipment could be mounted on the tower and the types of equipment that could be accommodated.

The Applicant should confirm that they would be willing to comply with these requirements.

7. Testimony should be provided on the contents and results of the RF Compliance Assessment and Report that was submitted with the application. Are there any RF related issues that the Board should be concerned with? What impacts (positive and negative) will this proposal have on the surrounding community?
8. Section 92-80 of the LMO requires that "Antennas installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact and blend with the rural landscape. Depending on the placement of this equipment, color should be selected to be consistent with the color scheme of the building or structure on which they are mounted, in order to blend with their surroundings. When this is not possible, color selection shall be designed to minimize the visual impact of the antenna arrays." Testimony should be provided to confirm how this application complies with this requirement.
9. Telecommunication facilities of this type are typically unmanned and monitored from off-site. What form does this monitoring take? Will there be on-site cameras?
10. Is there any new lighting proposed as part of this application?

If you should have any questions regarding this correspondence, please feel free to contact this office at your earliest convenience.

Sincerely,

Colliers Engineering & Design



William H. Burr, IV, P.E.
Senior Project Manager

WHB

Cc: Jolanta Maziarz, Esq., Board Attorney
Elena Gable, P.P., Board Planner
T-Mobile Northeast, LLC, Applicant
Peter Tardy, P.E., Applicant's Engineer
Frank Ferraro, Esq., Applicant's Attorney

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May 10, 2022

East Amwell Planning Board
1070 Route 202/31
RIngoes, NJ 08551

C&E Route 31, LLC – Preliminary & Final Site Plan w/ Variances
Block 42, Lot 12.01 – Route 31 & County Route 518
East Amwell Township, Hunterdon County, New Jersey
Colliers Engineering & Design Project No. EAP-0021

Dear Board Members,

This office is in receipt of documents in support of a Preliminary & Final Site Plan w/ Variances application for the above-referenced property. The submission contained the following:

- Application Form w/ submission checklist and other related documents;
- Engineering Site Plans (consisting of 8 sheets) as prepared by George H. Folk, P.E., P.P. of David A. Sties Associates, LLC, dated July 14, 2020, last revised November 30, 2021;
- Architectural Plans entitled “Stores & Apartments by: Doug Stryker” (consisting of 2 sheets) as prepared by Richard Scheuermann, Jr. of R.S. Design, dated February 2020;
- Engineer’s Report as prepared by George H. Folk, P.E., P.P. of David A. Stires Associates, LLC, dated July 2020;
- Copy of Septic System Design for Doug Stryker, dated September 13, 2018;
- Freshwater Wetlands Evaluation Letter, dated July 14, 2020, as prepared by George H. Folk, P.E., P.P. of David A. Stires Associates, LLC.

Upon review of the above-referenced submission versus the Township Land Management Ordinance, this office has the following comments for the Board’s consideration:

Property and Project Description:

The subject property formally known as Block 42, Lot 12.01 consists of 1.052 acres (45,804 S.F.) and is located within the Sourland Mountain Zone District. The property is a vacant corner lot with frontage on both Route 31 South and County Route 518.

In 2018, the Applicant received D(1) Use Variance and Floor Area Ratio Variance approvals by way of Resolution No. #2018-AJ-18-05 to permit construction of a two-story, 60’x40’ building with retail/commercial/office space on the first floor and two (2) residential apartments on the second floor.

The Applicant is now seeking preliminary and final site plan and bulk variance approvals to construct the aforementioned building along with related site improvements including new driveways and parking lot, stormwater management, septic system, landscaping, lighting and signage.

Upon review of the above-referenced submission, this office has the following comments for the Board's consideration:

ZONING REVIEW:

1. I defer to Board Planner, Elena Gable, for additional comments related to zoning, including any required variances or design waivers, and conformance with the intent and provisions of the Land Management Ordinance, along with comments on signage, landscaping, etc.
2. The proposed use was approved by Resolution #2018-AJ-18-05, adopted on August 8, 2018, which included a Floor Area Ratio Variance for 10.5%. I note however that the current site plans reflect a FAR of 10.7%. Testimony should be provided to address this discrepancy.
3. Testimony should be provided to support the proposed variance requests which include (according to the Applicant): lot area, lot width, lot depth, front yard setback, side yard setback, rear yard setback, lot coverage, loading space and parking spaces.

POLICY:

1. The 2018 approval (Resolution #2018-AJ-18-05) included a number of conditions that are relevant to this site plan application. Testimony should be provided to confirm that the following conditions have or will be complied with as part of this application (numbers below correspond with actual conditions):
 - #4 - Proposed Commercial Uses shall be limited to retail, office, financial institution, personal service and fast food restaurants (e.g. pizzeria or deli).
 - #5 - No convenience stores or drive-thru's shall be permitted.
 - #6 - Applicant shall obtain preliminary and final major site plan approval with any bulk variances and/or design waivers that may be required.
 - #7 - The site plan application shall include two commercial uses on the ground floor.
 - #8 - One of the rental apartments shall be an affordable housing unit meeting the requirements of the former COAH regulations and current UHAC regulations.
 - #9 - Access to/from State Highway Route 31 shall be right-in and right-out only.

- #11 – Applicant shall provide landscape buffering, to mitigate any adverse impacts on nearby residential properties.
- #12 – Applicant shall obtain any required outside State Agency Approvals with jurisdiction over the proposed development.
2. Testimony should be provided to indicate the style, materials and colors proposed for the building.
 3. The Applicant and its professionals should provide testimony to describe the proposed improvements including the intended uses of the space and operations of the proposed project as follows:
 - a. Description of the proposed uses.
 - b. Hours of operation for the commercial spaces.
 - c. Number of employees and employee parking.
 - d. Any outside storage of equipment, materials, etc.
 - e. Deliveries – types and frequencies.
 - f. Architectural design for the building.
 - g. Building height.
 - h. Anticipated traffic volumes.
 4. The Applicant’s Engineer should clarify whether there are any environmental constraints that would impact the current proposal?
 5. If approved, the Board should discuss whether a Developer’s Agreement, performance bond, maintenance bond and inspection escrow should be required. A preconstruction meeting should also be required prior to the start of any construction.
 6. The Applicant will be responsible for obtaining any and all required outside agency permits and approvals, including, but not limited to: Hunterdon County Planning Board, Hunterdon County Soil Conservation District, Hunterdon County Health Department, D&R Canal Commission, NJDEP, NJDOT, etc. Testimony should be provided regarding the status of these approvals.

TECHNICAL REVIEW:

Site Layout/Parking/Traffic

1. The “Parking Requirements” on Plan Sheet 1 of 8 indicates 1 space/150 S.F. of retail/commercial space and 1.8 spaces/apartment which equates to a total of 20 parking spaces being required (16 for retail/commercial and 4 for apartments). The plans only show a total of 18 parking spaces; therefore, a parking variance is required. Testimony shall be provided in support of this variance request.

2. Testimony shall be provided regarding general site circulation and the ability for delivery trucks, garbage trucks and emergency vehicles to maneuver throughout the site without obstruction. Will these types of vehicles still be able to navigate the site if vehicles are parked throughout the parking lot?
3. Will there be designated parking spaces for the occupants of the apartments?
4. The Applicant's Engineer should clarify the extent of NJDOT approval that is required for the proposed improvements and whether a permit has been obtained yet?
5. The Applicant is proposing a designated refuse area located along the southerly side of the proposed building between the building and County Route 518. I have the following questions:
 - a. Confirmation that the refuse area includes solid waste and recyclables disposal.
 - b. Adequate access shall be provided to all solid waste and recycling storage facilities. The plans shall be revised to provide vehicle turning templates for refuse vehicles.
 - c. The Applicant should provide testimony regarding the process of refuse/recycling pickup.
 - d. How will the dumpster pad be screened – i.e. fencing, landscaping, etc?
6. The Applicant's Engineer shall provide testimony relative to emergency vehicle access. We defer further review to the Fire Official regarding site accessibility.
7. The Applicant should provide testimony on loading operations and how this will function? There does not appear to be a loading space provided for on the plans.
8. Testimony shall be provided on any potential traffic impacts and/or traffic safety concerns. Has a Traffic Impact Statement been prepared for this development?
9. We defer further review and approval to and NJDOT for the proposed driveways from County Route 518 and Route 31, respectively.

Grading, Drainage and Utilities

1. Testimony shall be provided on the overall grading and drainage proposal for this project.
2. Additional design details and spot elevations are needed to confirm ADA compliance relative to the proposed handicapped space.
3. Additional spot elevations should be provided at the proposed sidewalks and within the parking lot to confirm adequate drainage.

4. Testimony should be provided by the applicant's engineer to describe the proposed stormwater management system and how it will function.
5. The Applicant's Engineer states that there is a large expanse of gravel existing on the site. Confirmation shall be provided to confirm the existence of gravel on the site. Since 2013, aerial imagery shows mainly grass areas – does the gravel exist below the grass?
6. I would recommend the plans be revised to include the applicable Construction Requirements for small-scale sand filter systems pursuant to the NJDEP BMP Manual.
7. A Stormwater Operations and Maintenance Manual shall be provided in accordance with NJDEP Best Management Practices as a condition of any Board approval.
8. Outlet control structure details for the orifice information shall be added to the OCS label on the Grading, Utilities & SEC Plan (Sheet 3).
9. We recommend that pipe calculations be provided as part of the Drainage Report for on-site drainage network.
10. The Applicant's Engineer should confirm that the existing ditch along County Route 518 is in good condition to convey any runoff along the frontage of the property.
11. The plans reflect a proposed septic system including a disposal field in the southerly portion of the site (along County Route 518) and a reserve disposal area adjacent to Route 31. The Applicant's Engineer shall confirm that the disposal areas are drawn to scale based on an up-to-date septic system design. In other words, confirmation is needed that the septic system(s) will fit on the subject property as currently shown.
12. The plans appear to show an existing well at the easterly portion of the site near the intersection with County Route 518 and Route 31. When was this well installed? Confirmation should be provided that the well is in good condition and has the capacity to provide water to the proposed development.
13. Hunterdon County Health Dept. approval is required for the septic system and possibly the well. Have application been filed with the County yet?
14. The Applicant shall indicate how firewater will be supplied for the project.

Landscaping and Lighting

1. I defer to Board Planner for specific comments on the proposed landscaping and lighting.

2. The applicant should describe the proposed site lighting and confirm that the lights will be full cut-off style with no light pollution to adjacent roadways or properties.
3. When will the site lights be shut-off? Will there be any security lighting necessary?

General/Miscellaneous

1. I defer to Planner Gable for comments regarding site signage. Is all proposed site signage conforming to the ordinance requirements?
2. The following construction details shall be provided on the plans:
 - a. Signage
 - b. Type B Inlet
 - c. Gate/Fence around Dumpster Enclosure
3. The plans show an existing split rail fence near the proposed driveway entrance off Route 31. This fence appears to be in poor condition – will it be removed and/or replaced as part of this proposal?
4. The construction detail for the proposed sidewalk should be revised to reflect a maximum cross slope of 2%.
5. The construction detail for the regulatory signs shall include a breakaway sign post.
6. Sheet 7 of the plans provides for a Perennial Bed Planting Detail. Where is this proposed?

If you should have any questions regarding this correspondence, please feel free to contact this office at your earliest convenience.

Sincerely,

Colliers Engineering & Design



William H. Burr, IV, P.E.
Senior Project Manager

Cc: Jolanta Maziarz, Esq., Board Attorney
Elena Gable, P.P., Board Planner
C&E Route 31, LLC, Applicant
George Folk, P.E., Applicant's Engineer
Anthony Rotunno, Esq., Applicant's Attorney

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TO: Township of East Amwell Planning Board

CC: Jolanta Maziarz, Board Attorney
Bill Burr, Board Engineer

FROM: Elena Gable, PP, AICP, CFM

RE: C&E Route 31 LLC
Block 42 Lot 12.01
*Bifurcated Application: D(1) Use Variance, D(4) Floor Area Ratio
Preliminary and Final Major Site Plan*

DATE: May 11, 2022

As requested, we have reviewed the following application materials:

- Cover letter from applicant's attorney, Anthony M Rotunno, Esq, dated August 20, 2020, received by the Township on September 21, 2020
- Application for Development, dated August 20, 2020
- Request for Bulk Variance, no date
- Township of East Amwell Consent to Entry, dated August 20, 2020
- Applicant's Affidavit, dated August 20, 2020
- Fee/Escrow Receipt, dated September 21, 2020
- W-9 Request for Taxpayer Identification Number and Certification, dated August 20, 2020
- Escrow Agreement, dated August 21, 2020
- Land Development Application Checklist
- Certified Property Owner List for East Amwell, dated March 15, 2020
- Certified Property Owner List for Hopewell Township, dated March 16, 2020
- East Amwell Township Account Balance
- Application for Soil Erosion and Sediment Control Plan Certification with attachments, no date
- Draft Notice, no date
- East Amwell Planning Board Resolution 2018-AJ-18-05
- Freshwater Wetlands Evaluation, prepared by David A. Stires Associates, LLC, dated July 14, 2020
- Request for waivers, prepared by David A. Stires Associates, LLC, dated July 17, 2020
- Hunterdon County Planning Board Development Review Committee disapprove letter, dated May 3, 2021
- Septic System Design for Doug Stryker, dated September 13, 2018
- 8-sheet set of engineering plans entitled, "Lands of Douglas G. Stryker," prepared by David A. Stires Associates, LLC, dated July 14, 2020, revised through November 30, 2021

- 2-sheet set of architectural plans, entitled, “Stores and Apartments by Doug Stryker,” prepared by R. S. Design, dated February 2020
- East Amwell Planning Board Resolution #2018-AJ-18-05, dated August 8, 2018

Property and Project Description

The subject property is located at the northwestern intersection of County Route 518 (Lambertville Hopewell Road) and NJ Highway Route 31 along the Township’s municipal border with Hopewell Township. The property is a triangular shaped lot consisting of approximately 1 acre. The property is currently undeveloped; a portion of the lot consists of an open field, and the remainder consists of shrubs and trees. Adjacent to the property along Route 31 is Orlando’s Café, across Route 31 is an undeveloped lot, and across Lambertville Hopewell Road are single-family residences and a bank.

The applicant previously received d(1) use variance and d(4) floor area ratio variance to construct a two-story building with retail/commercial/office space on the first floor and two residential apartments on the second floor. The applicant is currently before the board seeking preliminary and final site plan approval for the project.

The applicant is proposing to build a 2-story building that has a footprint of approximately 2,760 square feet, install 18 parking spaces which is accessible from a one-way entrance driveway from Route 31 and a two-way driveway to Lambertville Hopewell Road. Landscaping, stormwater management, parking, and site lighting are proposed.

Zoning

The property is located in the Sourland Mountain Zone where the proposed residential/commercial mixed use is not permitted. The applicant previously received d(1) use variance and d(4) floor area ratio variance as part of its bifurcated application. The following table shows the bulk standards for the Sourland Mountain Zone:

Sourland Mountain District - Bulk Chart				
	Required	Existing	Proposed	Variance
Minimum Lot Area*	15 acres	1.052 acres	1.0387 acres	ENC
Minimum Lot Width	500 feet	-	228.66 feet	ENC
Minimum Lot Depth	500 feet	approx. 290 feet	approx. 290 feet	ENC
Principal Building				
Minimum Front Yard (Route 31)	100 feet	-	60.03 feet	V
Minimum Front Yard (Route 518)	100 feet	-	62.9 feet	V
Minimum Front Yard (closest to intersection)	100 feet	-	Approx. 197 feet	-
Minimum Rear Yard	100 feet	-	51.67 feet	V
Maximum Building Height	35 feet	-	25.75 feet	-

	Required	Existing	Proposed	Variance
Maximum Gross Floor Area 2,178 sq. ft. plus 1 sq. ft. per 100 sq. ft. over 1 acre	2,194.8 sq. ft.	-	Unk.	?
Maximum Gross Floor Area Ratio	4.85%	-	10.7%	V
Maximum Lot Coverage 5% for 1st 5 acres; 3% for additional area up to 15 acres; 1% for additional lot area over 15 acres	5%	51.9%	24.5%	V
Parking (per §92-98)				
Residential: 2 spaces/unit	4 spaces	-	18 spaces	V
Retail: 1 space/150 sq. ft. / 2400/150=	18 spaces	-		
Total Parking Requirement	20 spaces	-		

ENC: Existing Nonconforming Condition

V: Variance

Unk.: Unknown

Variances Required

The application has the following existing nonconforming conditions:

- Minimum Lot Area- Where the minimum lot area in the Sourland Mountain Zone is 15 acres, where 1.052 acres is existing, and after right-of-way dedications, 1.0387 acres is proposed.
- Minimum Lot Width- Where the minimum lot width in the Sourland Mountain Zone is 500 feet, where 228.66 feet is existing and proposed.
- Minimum Lot Depth- Where the minimum lot depth in the Sourland Mountain Zone is 500 feet, where approximately 290 feet is existing and proposed.

A review of the application indicates the following variances are required:

- Maximum Gross Floor Area Ratio: Where the maximum gross floor area is 4.85%, where 10.7% is proposed. The applicant previously received FAR variance relief to permit 10.5%. See planning comment below.
- Minimum Front Yard Setback (Route 31)- Where the minimum front yard setback is 100 feet, where 60.03 feet is proposed from Route 31.
- Minimum Front Yard Setback (Route 518)- Where the minimum front yard setback is 100 feet, where 62.9 feet is proposed from Route 518.

- Minimum Rear Yard Setback- Where the minimum rear yard setback is 100 feet, where 51.67 feet is proposed.
- Maximum Lot Coverage- Where the maximum lot coverage is 5%, where 51.9% is existing, and 24.5% is proposed.
- Parking- Where the applicant is required to be provide 20 parking spaces, and 18 spaces are proposed.
- Loading- Where the applicant is required to provide 1 loading spaces for retail use, where no loading spaces are proposed.
- §92-89H & §92-46F(2)(a) Buffering- Where a buffer strip of 100 feet in width is required when any development abuts or fronts on Route 31, where approximately 15 feet is provided along the Route 31 frontage.

A review of the application indicates that following design waivers are required:

- §92-57C(2)(a) Mounting height of an outdoor lighting fixture- Where the mounting height of an outdoor lighting fixture is required to be 25 feet or the height of the building roofline, whichever is less, and a mounting height of 18 feet is proposed where the roofline is approximately 10 feet.
- §92-57C(3)(b) Lighting off the property- Where lighting shall not project off the property and illumination from light fixtures shall not exceed 0.1 foot candles in a vertical plane, measured at three feet above the ground surface, where the applicant is proposing greater than 0.1 foot candles (maximum of 1.6 foot candles) off the property line in the vicinity of the driveways.
- §92-58C Access to lots- Where lots with frontage on two streets shall have access to the street with the lower traffic function, where the applicant is proposing access to the site from Route 31 and County Route 518.

Planning Comments

1. *C/Bulk Variances*: The applicant requires c-variance relief for several aspects of this application. The applicant shall provide variance testimony that demonstrates how the request for relief may be granted based on one of the standards provided in the MLUL at N.J.S.A. 40:55D-70.c:
 - a. Positive criteria: There are two types of c variances – the **c(1) hardship** and the **c(2) flexible variance**.
 - i. The c(1) “hardship” criteria states that a “hardship” will occur if the variance is not granted. The hardship relates to the physical or topographical features of the

property and cannot relate to financial or personal hardship. Hardship relating to the property can include:

1. Narrowness, shallowness, or irregular shape
 2. An exceptional topographic condition
 3. Other unique conditions or features affecting the property
- ii. The c(2) flexible variance, or “broad c,” requires a finding that the proposed variance relief furthers the purposes of the MLUL and that the benefits of granting the variance substantially outweigh the detriments.
- b. Negative Criteria: The applicant must satisfy the two-prong test of the negative criteria:
- i. The variance can be granted without substantial detriment to the public good; and
 - ii. The variance can be granted without causing substantial detriment to the zone plan.

The applicant’s testimony regarding the negative criteria should address any potential impacts that the proposed variances may have on the surrounding area, as well as how the proposed development is consistent with, or in potential conflict with, both the zoning ordinance and the Township’s Master Plan.

2. *Master Plan*- The Township last adopted a Master Plan Reexamination Report in 2013, with previous Reexamination Reports completed in 2003 and 1999. A Land Use Plan Element was adopted in 2005, A Vision Statement and Goals and Objectives Element was adopted in 2006, Open Space and Recreation Plan Element adopted in 2017, and a Housing Element and Fair Share Plan adopted in 2019. These planning documents set forth policies to guide development in the Township.

The 2013 Master Plan Reexamination Report notes that the Sourland Mountain Region “has long been a key area of concern for the Township” and that the land development ordinances and Master Plan should be consistent with the Township’s desire to protect the fragile ecosystem and water resources.

Operations

3. The applicant shall provide testimony pertaining to the uses that are proposed to be located on the first-floor space. Is the applicant anticipating that both spaces will be used for retail? Or will there be a different use in one of the spaces?
- a. We note that the applicant has applied the retail standard for its parking requirement.

- b. The applicant shall confirm that the commercial uses will be limited to retail, office, financial institutions, personal service and fast-food restaurants (eg. pizzeria or deli). Further, the applicant shall confirm that the space will not be used as convenience store or drive-thru, as required by Conditions 4 and 5 of Resolution 2018-AJ-18-05.
4. The applicant shall also provide testimony pertaining to the number of employees, hours of operation and how deliveries will be handled.
 - a. We note the applicant is not providing a loading space.
5. The applicant shall provide testimony pertaining to how snow removal will be handled.
6. The applicant shall provide testimony pertaining to how trash/recycling removal will be handled, its frequency, and whether the proposed container is adequate for the proposed uses.
7. The applicant shall provide testimony pertaining to the anticipated traffic arriving/leaving the site.
 - a. We note that the applicant has not submitted a traffic impact report.

General Site Plan

8. The applicant shall provide testimony pertaining to the previous conditions of approval granted from Resolution #2018-AJ-18-05.
9. The applicant shall provide testimony confirming that all calculations included in the bulk chart are calculated in accordance with Ordinance definitions.
10. The applicant's survey shows an area of gravel, which appears to have been revegetated at some point. The applicant shall provide testimony pertaining to this condition.
 - a. Is this gravel/grass area included in the applicant's calculation of impervious coverage?
11. The applicant's lot area appears to be reduced due to right-of-way dedications. The applicant shall provide testimony to confirm.
12. It is our opinion that the proposed lot has 3 front yards and 1 rear yard. The applicant shall update the bulk schedule submitted on the engineering plans accordingly, along with the lot width and lot depth.
13. The applicant shall provide testimony pertaining to the discrepancy in the FAR variance that was previously granted by the Board. As stated in the 2018 Resolution, the applicant received FAR relief for 10.5% and the applicant currently requires 10.7%.

- a. Is the increase in the FAR due to the right-of-way dedication? Is it a result of an expanded building?
14. The applicant submitted information stating that there are no wetlands on the property. The applicant shall confirm.
 - a. Are there any additional environmental constraints on the property? Is the property located within a floodplain?

Lighting

15. The applicant shall provide testimony pertaining to whether the site lighting will be dimmed or turned off after hours.
16. Is any lighting proposed on the building? If so, the applicant shall submit the detail and add the lighting levels to the lighting plan.
17. The applicant is proposing three light poles within the parking lot. The detail show a decorative fixture that is pointed downwards. The applicant shall confirm that the fixtures are shielded in accordance with the ordinance (§92-57C(1)(a)).
18. Applicant shall also provide testimony and confirm that the poles are anodized, coated, or made of material that minimizes glare from the light source in accordance with §92-57C(2)(b).
19. The note on plans indicates night-time lighting inspection shall be conducted by the Township Engineer or building inspector to confirm that the new lighting is in conformance with the lighting ordinance and board approvals prior to a certification of occupancy being issued.
 - a. However, the lighting plan, as submitted, requires waiver relief. Has the applicant considered reducing the illumination levels within the driveways that spill onto the street?
20. Has the applicant considered reducing the height of the light poles to meet the roof line as a means to eliminate the required waiver?
21. Are the proposed standalone signs going to be illuminated? If so, the applicant shall add the lumens level to the plans to ensure the lighting will not spill off the property.
 - a. If the sign is proposed to be illuminated, the applicant shall provide testimony pertaining to whether the lighting conforms with the ordinance standards (§92-57E).

Landscaping

22. The applicant is proposing to remove approximately 21 trees and retain approximately 6 trees that are located closest to Block 42 Lot 12, within the rear yard.
 - a. The applicant shall provide testimony pertaining to §92-89I(1) Forest management and forest preservation. Specifically, the applicant shall address whether or not more than 30,000 sq. ft. are proposed to be cleared as part of this application. If 30,000 square feet or more is required to be cleared, additional waiver relief may be required.
23. The applicant shall provide testimony pertaining to the species selected for landscaping.
 - a. Are the proposed species native to the area and/or New Jersey?
24. The applicant shall provide testimony pertaining to whether the proposed landscaping adequately shields the parking areas from the streets and adjoining properties throughout the year, in accordance with §92-46G Landscaping in parking and loading areas.

Parking/Circulation

25. The applicant requires a parking variance. The applicant shall provide testimony pertaining to the positive and negative criteria.
26. Is the applicant proposing to assign specific parking spaces to the residential tenants?
27. The applicant has applied the retail standard to the application. Is it anticipated both storefronts will be used as retail? Or was this standard applied as it is the highest requirement?
28. The applicant requires waiver relief for providing access to the site from two roadways, as opposed to the roadway with the lower classification. The applicant shall provide testimony pertaining to this condition.
29. The applicant is not proposing a loading space on the property. The applicant shall provide testimony in support of this variance.

Architectural

30. The architectural plans we received do not include appropriate scale for the elevation or the floorplans. It is difficult to determine whether the gross floor area is calculated appropriately. Gross floor area is defined as, "The total floor area in a structure measured around the outside of the building at each story. If sharing a common wall, the area shall be measured from the center of interior walls and the outside of exterior walls. In residential uses the gross floor area shall exclude the areas of the garage, attic, open porch or patio, cellar, utility areas, heating and cooling rooms

and all portions of floor areas which have a ceiling height above them of less than 7.5 feet. In nonresidential structures, the gross floor area shall exclude areas used for utility, heating, cooling and other mechanical equipment but shall include all other areas including cellars, mezzanines, warehousing and storage areas, regardless of ceiling height.”

- a. Does the applicant’s calculation of GFA include the basement?
 - b. We recommend the applicant provide details pertaining to the gross floor area calculation.
31. The applicant shall provide testimony pertaining to the use of the basement. Is the basement proposed to be used by the residential tenants, commercial tenants, or both?
32. The applicant has not submitted elevations of each of side or the rear of the proposed building. The applicant shall provide these elevations for review and approval by the Board.
- a. We recommend the exterior sides of the building incorporate architectural enhancements, since both sides of the building face public roadways.
33. The applicant shall provide testimony pertaining to the materials and colors of the proposed building.
34. Are there any amenities proposed for the for residential units?
35. The applicant shall provide testimony pertaining to climate control for the units.
36. Are any green design or sustainable elements incorporated into the design of the buildings, such as water saving fixtures, energy saving appliances, etc.?
37. Each of the units proposed for the building are 1-bedroom units, consisting of 2 bathrooms, a kitchen, living room, and closet space. The applicant shall confirm that the units meet applicable building code requirements.
38. See Affordable Housing section of this report for more information pertaining to the affordable unit.

Signs

39. The engineering plans show a location for a 32 sq. ft. freestanding sign along Route 31 and County Route 518 and refer to the architectural plans regarding signs. However, no details have been submitted. The applicant shall submit the details to confirm compliance.
40. The applicant shall confirm that the freestanding signs are setback 10 feet from the property line, otherwise, additional waiver relief may be required (§92-72(7)).

41. The applicant shall confirm that the attached signs on the front façade of the building comply with the requirements of §92-72(8), otherwise, additional waiver relief may be required.

Affordable Housing

42. A condition of the use variance approval indicates that one of the rental apartments will be an affordable housing unit meeting the requirements of the former COAH regulations and current Uniform Housing Affordable Controls (UHAC) regulations. The applicant shall provide testimony pertaining to whether or not the affordable unit complies.
 - a. The applicant shall further provide testimony pertaining to whether the units comply with the Township's affordable housing ordinance.
43. In accordance with UHAC and the Township's Affordable Housing Ordinance (Chapter 43 of the Township's Code), it does not appear as though the 1-bedroom affordable unit complies with the required bedroom distribution. As stated by UHAC and the Township's ordinance:
 - a. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units
 - b. At least 30% of all low- and moderate-income units shall be two-bedroom units
 - c. At least 20% of all low- and moderate-income units shall be three-bedroom units
 - d. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer
44. We have reached out to the Township's Affordable Housing Attorney and the Court Master to determine whether a waiver can be granted to permit a 1-bedroom unit.
 - a. The applicant shall provide testimony pertaining to whether or not there is space in the unit to convert the affordable unit to a two- or three-bedroom unit.
45. The applicant shall provide testimony and documentation confirming compliance with the income distribution in accordance UHAC 5:80-26.3(1) and §42-6A(1) of the Township code to confirm that the affordable unit will be reserved for a low-income or very-low income unit.
46. The applicant shall coordinate deed restricting the affordable unit with the Township's Municipal Housing Liaison and Administrative Agent.

Misc.

47. The applicant's site plan shows a dumpster enclosure, but details pertaining to the enclosure have not been provided. We recommend the applicant use a decorative gate and fence for the enclosure.
48. The applicant shall submit the plans for approval by the fire/police/emergency services.
49. The applicant shall provide testimony confirming that the site is not located in a historic district.
50. Has the applicant received approval from the East Amwell Board of Health and/or Hunterdon County Board of Health?
51. The applicant shall provide testimony pertaining to the Hunterdon County Planning Board Development Review Committee's letter, dated May 3, 2021. Have the DRC's comments been satisfied?
52. The applicant shall provide testimony pertaining to the status of outside agency approval, including Soil Conservation District, D&R Canal Commission, NJDEP, Hunterdon County, DOT, etc.
53. We defer comment to the Board Engineer regarding utilities, grading, and stormwater management.
54. Additional comments may be added as a result of receiving revised plans.

Aerial Map (2021)

