

## **EAST WINDSOR TOWNSHIP COUNCIL**

July 15, 2014

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on July 15, 2014.

Acting Municipal Clerk, Kelly Lettera certified that the meeting was noticed in the Annual Meeting Notice. Notice was sent to the Trenton Times, filed with the Municipal Clerk and posted in the East Windsor Township Municipal Building, on January 3, 2014. All requirements of the "Open Public Meetings Act" were satisfied.

It was **MOVED** by ROSENBERG and seconded by DUKE that Kelly Lettera be appointed Acting Municipal Clerk for the July 15, 2014 Council Board Meeting.

**ROLL CALL:** Ayes – Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

Martin Sacharoff led the flag salute.

Present were: Mayor Janice S. Mironov and Council Members Hector Duke, Marc Lippman, Alan Rosenberg, Perry Shapiro, Peter Yeager and John Zoller. Also present were Township Manager James P. Brady and Acting Municipal Clerk Kelly Lettera.

**PRESENTATIONS & PROCLAMATIONS:** None

**INTERVIEWS FOR BOARDS AND COMMISSIONS:**

Martin Sacharoff, 123 Einstein Way, initially interested in a website committee stated he is also interested in serving on Planning Board.

Patrick Condon, 33 Goddard Drive, was interested in being on a website committee, but also interested in serving on Environmental Commission.

**PUBLIC COMMENT:** None

**MINUTES:**

Mayor Mironov held and is carrying the April 1, 2014, April 22, 2014 and May 6, 2014 minutes due to some of the Council Members not receiving their minutes to review.

Mayor Mironov rescheduled and requested an update for the minutes of May 20, 2014, June 3, 2014, June 24, 2014 and July 1, 2014.

**ORDINANCE – PUBLIC HEARING:**

**Ordinance No. 2014-05** An Ordinance Amending and Supplementing Chapter XX, “Zoning”, of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey and Specifically Subsection 20-19.1 Regarding Principal Uses in the “I-O” Industrial Office Zoning District and a New Subsection 20-19.5 Regarding Zoning Provisions Governing “Continuing Care Developments” in the “I-O” District

The Acting Municipal Clerk read by title Ordinance 2014-05.

Mayor Mironov stated that this was properly noticed and asked for the certification notice.

Acting Municipal Clerk, Kelly Lettera certified that Ordinance 2014-05 was approved on introduction on June 24, 2014. The Publication of Notice of Introduction and the Ordinance in its entirety was published in the Trenton Times on June 30, 2014 in compliance with N.J.S.A. 40:49-2a as evidence in attached certification. A copy of the Ordinance in its entirety and Notice of Introduction were mailed out by regular and certified, returned receipt mail on June 30, 2014 to the attached 200’ list in compliance with proof of service requirement of N.J.S.A. 40:55D-62.1 as evidence in attached certification.

Mayor Mironov described the background of Francis E. Parker Memorial Homes and the process of how they went before the Planning Board, and made a concept presentation regarding the development of a senior facility on the purposed site.

Mayor Mironov stated the following are to be marked as Exhibits for the meeting record:

- Exhibit A: The Trenton Times Affidavit of Publication Adoption Notice dated June 30, 2014
- Exhibit B: Signed and Certified Affidavit of Service Notice
- Exhibit C: East Windsor Township Master Plan Modification No. 7 from Coppola & Coppola Associates dated May 5, 2014
- Exhibit D: Planning Board Memo dated July 9, 2014 with Resolution R2014-12, Modification No. 7 and Alternative Land Use attached and forwarded to Mayor and Council.
- Exhibit E: Planning Board Memo regarding Referral of Ordinance No. 2014-05 to Planning Board for Review and Comment dated July 9, 2014

Mayor Mironov introduced Richard Coppola, Township Planner from Coppola & Coppola Associates.

Richard Coppola stated the importance is that the proposed zoning change focused on a property within the IO zoning district. There are no recommendations to eliminate the IO district or rezone the property. Mr. Coppola stated the property is adjacent to Enchantment at Hightstown, an age restricted development, and the Planning Board had previously made a determination that an age restricted development would be an appropriate land use on the property. At the July 2 Planning Board meeting, it was recommended that a continuing care development be permitted on that subject tract as proposed specifically by Francis E. Parker Memorial Homes. He stated if the Ordinance is adopted, it will become an alternative plan use on that particular property in the IO district. Mr. Coppola stated the concept plan that was prepared by Maser Consulting is included in the proposed Land Use Plan Element Amendment so that everyone could see what the product will be and as stated in the Land Use Plan Amendment it is recognized that the plan is subject to change and to be refined with consultation between the Township and the developer. Mr. Coppola stated it was emphasized in writing in the Land Use Plan Element Amendment and during the public hearing that the concept plan does illustrate the desires and expectations of East Windsor Township for the type and character of the continuing care development to be constructed on the tract. The Land Use Plan Element Amendment went on to indicate some preliminary guidelines for zoning provisions and during the comment period at the public hearing three individuals stood up and made some very constructive comments. He stated those comments pertained to the height of the buildings, the other the extent of the perimeter buffer and landscaping within the distance of the buffer. Mr. Coppola stated the preliminary recommendations that were included in the Land Use Plan Element Amendment was for a twenty-five foot landscape buffer, which is what is required for the Industrial Zone in its current form, and for the height of a three story building at fifty-five feet. The comments from those at the Planning Board public hearing thought that those might be to imposing and that the buffer wasn't significant enough and asked for at least a 100+ foot buffer. The Planning Board considered those comments and in the context of the goals and purposes of the Land Use Plan Element Amendment reached the conclusion that those changes are really up to the Governing Body since the Planning Board does not adopt Ordinance provisions. The intent of allowing a continuing care facility on that tract of land made sense at any point so the Board decided to adopt it, endorse it and adopted it unanimously but they wanted to convey in their resolution of adoption the idea of looking at the buffer and at the height. He stated, the Board noted that when the Ordinance was sent to them after the first reading the Governing Body took care of these changes and what has resulted is something that is workable to the potential developer as well as the residents.

Mr. Coppola also explained that the twenty-five foot buffer has been extended to a 100-foot buffer and that would include the street right-of-way and any tract boundary line which abuts a residential zoning district or existing residential use. There are two sub-portions of the 100-foot wide landscape buffer. One is that seventy-five feet at the abutting tract boundary shall have buffer planting installed on top and along all berms as approved by the Board during site plan review. The second is that the remaining twenty-five feet of width of the landscape buffer may consist of a grass area on top of a stabilized

material suitable for emergency vehicular access. This is consistent with design and the redesign of the property. As far as the building height it is recommended that the height remains for three stories which is a necessity for the kind of use you have. There has to be vertical access, it can't be sprawled horizontally but the building height as a norm was reduced from fifty-five feet to forty-eight feet and, this is something building upon an existing exception in the adopted Ordinance generally, and what it reads is "*Ornamental Architectural features such as copulas, tower structures, and so forth, maybe provided at the top of the roof line provided that they occupy no more than 10% of the linear distance of any roof line and that in any case no portion of any building is higher than fifty-five feet*". Mr. Coppola stated the purpose is to lower the building except for architectural enhancement features which the Ordinance already mentions stairways, elevators and is very typical for Ordinances to have that and is keeping with that approach, which is zeroing in on the architectural enhancements. He stated the rest of the Ordinance permits the concept plans and is very specific with provisions for the Land Use Plan Element Amendment.

Mayor Mironov opened the Public Hearing on Ordinance 2014-05.

John Gasper, 39 Norton Avenue, Hightstown, NJ stated that he lives in Enchantment at Hightstown and is on the Board of Trustees. He wants to thank East Windsor for taking our past comments into account and working on this Ordinance. He believes that there is a good working relationship with the Township and they greatly appreciate that. He believes that he speaks for many of the residents of Enchantment at Hightstown. He has one request that they be kept informed so that they can keep their residents informed. They appreciate the change of setbacks and heights of the buildings but they are concerned as to how it will be laid out. They would like to see a nice, natural border, something that is pleasing to look at. For many of the residents this is their backyard and when they go out to their patios this is the view that they will see.

Mayor Mironov said that she appreciates their support and will do the very best to keep them informed of the process.

William Litzinger, 322 Monmouth Street, East Windsor, NJ stated he does has concerns about increase traffic, sirens and what this may do to the property values. Mr. Litzinger asked if anyone knew where the entrances and exits are going to be for the facility.

Mr. Coppola responded to Mr. Litzinger's question stating one entrance/exit will be at the curb on the municipal road and the other will be located west of the wetlands line, which is away from the Turnpike. Mr. Coppola stated that in the Land Use Amendment there was a comparison with the still existing. It is an Industrial Office zone. What the Board observed is that the proposed continuing care development on the subject property would be a much less intensive use, significantly in all areas: Building coverage less than ten percent vs. thirty percent, impervious surface coverage less than thirty percent vs. seventy-five percent and building height is sixty-three percent. He stated that there

should be a lot less traffic from this continuing care development and it will be more appealing than an industrial development.

Mayor Mironov closed the public hearing.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Ordinance No. 2014-05 be adopted and authorize publication as required by law.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays, Ordinance 2014-05 was adopted and authorize publication as required by law.

Mayor Mironov stated there are a few steps that needed to take place. The adoption needs to be published and also filed with the Mercer County Planning Board.

**RESOLUTIONS:**

**Resolution R2014-144** Approval of Purchase of Computer and Network Maintenance Services with All Covered (f/k/a United Computer Sales & Service Inc.) for the East Windsor Municipal Building

The Acting Municipal Clerk read by title Resolution R2014-144.

Mayor Mironov stated that there is a recommendation from the Township Manager. She would like the following changes to be made to the Resolution. In the first paragraph there is a conflict with the 2013 resolution notice memo. It appears that the Resolution is correct but the RFP is not correct. In the “sixth” paragraph, certification number B2014-027 needs to be inserted. In paragraph two she wants the information regarding the RFP to become a standard in all future Resolutions including the dates of when issued and posted.

It was MOVED by DUKE and seconded by ZOLLER that Resolution R2014-144 be approved with changes.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays, Resolution R2014-144 was approved with changes.

**Resolution R2014-145** Approval of Supplemental Developers Agreement for Stormwater Management at Solar Panel Array for the McGraw Hill Companies

The Acting Municipal Clerk read by title Resolution R2014-145.

Mayor Mironov stated that there is a new Resolution in the Council folders and asked Mr. Orron if there are any recommendations that he would like added to the Resolution.

Mr. Orron had a few grammatical errors which needed correction. Mayor Mironov also stated in all future resolutions she would like the verbiage to read under “Now therefore, be it resolved that a copy of this Resolution, certified to be a true copy, shall be forwarded to the Township Engineer, Township Attorney, Construction Official and Director of Finance.”

It was MOVED by ROSENBERG and seconded by YEAGER that Resolution R2014-145 be approved with changes.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays, Resolution R2014-145 was approved with changes.

**Resolution R2014-146** Action on Request for Release of Performance Guarantees for McGraw Hill Solar Array Facility

The Acting Municipal Clerk read by title Resolution R2014-146.

Mayor Mironov stated that there is a new Resolution in the Council folders and stated the changes that were incorporated. The attorney was changed to Henry Kent-Smith throughout the document. Mr. Orron also had a few changes to the Resolution.

It was MOVED by LIPPMAN and seconded by DUKE that Resolution R2014-146 be approved with changes.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays, Resolution R2014-146 was approved with changes.

**Resolution R2014-147** Authorizing Approval of Additional Repairs to Wheel Loader with Foley Caterpillar for Public Works Department

The Acting Municipal Clerk read by title Resolution R2014-147.

Mayor Mironov stated she would like the “in the amount of.” added to the Resolution and the “Notice of bids issued and posted on...” with the amount and date added.

It was MOVED by YEAGER and seconded by ZOLLER that Resolution R2014-147 be approved with changes.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays, Resolution R2014-147 was approved with changes.

**Resolution R2014-148** Approve Award of Bid for the Reconstruction and Resurfacing of Woodland Drive to Earle Asphalt Company

The Acting Municipal Clerk read by title Resolution R2014-148.

Mayor Mironov stated the Public Works Director made a recommendation. She also stated she would like to add CFO certification number and the second paragraph the “Notice of bids issued and posted/advertised on dates, 2014...” to be added here and to all future resolutions.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2014-148 be approved with changes.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays, Resolution R2014-148 was approved with the changes.

**APPLICATIONS:** None

**REPORTS BY COUNCIL AND STAFF:**

Peter Yeager, spoke regarding the East Windsor Municipal Drug/Alcohol Alliance meeting held on July 7, 2014. He stated the Mercer County Drug Alliance Grant was effective July 1, 2014 through July 1, 2015.

**CORRESPONDENCE:**

**APPOINTMENTS:**

**APPROVAL OF BILLS:**

It was MOVED by DUKE and seconded by ROSENBERG that the bills be approved.

ROLL CALL: Ayes –Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov  
Nays – None

There being seven (7) ayes, no (0) nays the bills were approved.

**MATTERS BY COUNCIL:**

Mayor Mironov stated the Tuesday August 5, 2014 Council Meeting will be at 8pm due to National Night out.

Mayor Mironov also stated the Township received a New Jersey Transit Grant for Hickory Corner Road for \$250,000.

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. East Windsor Township 2014 Business Awards Program

Mayor Mironov asked Council if anyone had any issues with moving forward on this Township program. It was a consensus that all members of Council thought it is a great Township program and would like to move ahead.

2. Open Space Projects – For Green Acres Program Funding

Mayor Mironov stated this program is a funding route announced through New Jersey Department of Environmental Protection for open space projects. The deadline for the application is July 31. Mayor Mironov said there are some potential properties that Council needs to consider. She wanted to get the Council Members recommendations on a few other properties but had a few recommendations such as 805 Old York Road, which adjoins a previously acquired property, 519 Etra Road adjacent to another previously acquired property and two properties on Conover Road.

Mr. Lippman asked if 539 Etra Road was also acquired that would allow the Township to have three adjoining properties. Mayor Mironov stated it is something to definitely to look into.



**MATTERS BY PUBLIC:** None

There being no further business Mayor Mironov adjourned the meeting at 9:01 p.m.

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Kelly Lettera  
Acting Municipal Clerk

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Janice S. Mironov  
Mayor