

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF October 24, 2016**

The meeting of the East Windsor Township Planning Board was held on Monday, October 24, 2016, in the East Windsor Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey, 08520. Planning Board Chairperson Edward Kelley called the meeting to order at 7:35 p.m.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place, and agenda was mailed to the news media, posted on the Township bulletin board, and filed with the Municipal Clerk.

ROLL CALL

Members Present: Mr. Berman, Mr. Brady, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

Members Absent: Mr. Catana, Mr. Clark, Mr. Theokas

Professionals and Staff Present: Allison Quigley, Planning Board Secretary
Michael W. Herbert, Board Attorney
Richard Preiss, Township Planner
A. Maxwell Peters, Township Engineer
Daniel Dobromilsky, Township Landscape Architect (Arrived at 8:00 PM)

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

PUBLIC FORUM

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

MINUTES

September 26, 2016

MOTION TO APPROVE SEPTEMBER 26, 2016 MINUTES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

RESOLUTIONS

RESOLUTION 2016-19 Americana RD Inc.
Route 130 South
Block 57, Lot 11
Waiver of Site Plan Request

Mr. Schmidlin stated that on page 2, item number three says *adding 440 square feet of enclosed space to the rear of the building* and page 4, item number 5 says *the addition of 440 square feet of space in the southeast corner*. He stated that the location of the addition should be clarified. Mayor Mironov asked that the resolution be held and the resolution be revised to clearly order exactly what was requested by the applicant and what was granted. She added that in doing so, Mr. Schmidlin's comment would be addressed as well. Mr. Schmidlin stated that on page 3, third paragraph, *standards for access requirements* should be added after *ramps that meet ADA*. Mr. Berman stated that the property address on page 1, second paragraph was incorrect and should be corrected. Mayor Mironov asked that the zoning district for the property be added to the paragraph as well. Mayor Mironov stated that the applicant was granted a partial approval and that the resolution states *granting in part as detailed herein* but the specific details are not included and the approval is not in a sequential order. She suggested that exactly what is being granted should be listed in detail first, then what is not being granted in detail should be listed, then what the applicant needs to return to the Board for review should be listed. She stated then the conditions of approval should follow and should include conditions two, three and six on page 4 and condition nine on page 5. Chairperson Kelley agreed and announced that the resolution would be carried to the next meeting.

RESOLUTION 2016-20 Galleria at Twin Rivers
Route 33 and Abbington Drive
Block 20.08, Lots 280 and 282
Waiver of Site Plan Request

Chairperson Kelley stated that everyone received in their folders tonight a revised version of the resolution dated October 24, 2016. He added that a tracked changes copy dated October 21, 2016 and a tracked changes copy dated October 24, 2016 in the folders tonight detailed all the changes made from the original version of the resolution. Mayor Mironov asked that the zoning district of the property be added to page 1 after the property address.

Chairperson Kelley asked Michael Herbert, Board Attorney, to swear in the Board's professionals: Richard Preiss, Township Planner; and A. Maxwell Peters, Township Engineer. Mr. Herbert swore the professionals in.

MOTION TO APPROVE RESOLUTION 2016-20 WITH CHANGES MADE BY: Mr. Berman

MOTION SECONDED BY: Ms. Patel

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro,
Mr. Kelley

NAYES: None
ABSTAINS: None

DISCUSSION ITEMS

1. Planning Board File #PB05-018

Twin Rivers Plaza, LLC
Block 20.02, Lot 563
Waiver of Site Plan Request

Seth Kurs of Massar and Kurs is representing the principal of the property Arie Behar of Twin Rivers Plaza LLC. Mr. Kurs stated that the subject property is located at 59 Abbington Drive, Block 563, Lot 20.02 and is the site of a strip mall off of Abbington Drive featuring establishment such as Scotto's, Brooklyn Bagels, Tom Bryan's Karate and Chen Cheng restaurant. Mr. Kurs stated that the applicant appeared before the board on August 1, 2016 and the Board requested additional information regarding the applicant's request for a waiver of site plan which the applicant submitted prior to tonight's meeting.

Mr. Kurs entered into evidence Exhibit A-1, titled "SG-1, Twin Rivers Plaza LLC Sign Block Exhibit for Existing and Proposed Signs," dated October 24, 2016. Mr. Kurs entered into evidence Exhibit A-2, titled "Existing Signage Inventory," dated October 24, 2016. Mr. Kurs entered into evidence Exhibit A-3, titled "Panoramic View of Signs," dated October 24, 2016.

Mr. Kurs stated that the shopping center is a unique design that features two buildings. However, the back of Building 2 is facing Route 33 and blocks the entirety of Building 1 from view of the roadway. He stated that without any signage on Building 2 any passing traffic would not know of the existence of the businesses in Building 1. Mr. Kurs stated that there are four existing signs on the rear of Building 2 including the Twin Rivers Shopping Plaza sign, the Chen Cheng restaurant sign, the Kids Cottage daycare sign, and the Scotto's Pizza sign. He stated that the applicant is here requesting approval for three new signs which would differ from the previously approved signs for the rear of Building 2 in content and size. Mr. Kurs stated that the applicant is requesting signage of Wayne's Wash World, Nails Glamour, and Allstate to be added to the rear of Building 2. Mr. Kurs stated that the applicant had previously received approval for seven pylon signs to be added to the rear of Building 2 and the approval was memorialized by Resolution 2006-20. Mr. Kurs stated that the dimensions of the proposed signs vary from the dimensions of the previously approved signs but the style of the proposed signs will be very similar to what was previously approved and what is existing in the shopping center.

Mr. Preiss stated that in the submission from the applicant, the table showing the previously approved signs and the proposed signs showed that sign number 7 was originally approved for David's Pub and would measure 15 square feet and the proposed sign would also be for David's Pub and would measure 32 square feet. Mr. Preiss asked Mr. Kurs if that should read that the proposed sign would be for Nails Glamour, not David's Pub. Mr. Kurs stated that was correct.

Mr. Kurs presented Exhibit A-2 to the Board and stated that at the previous hearing, the Board requested to see all the existing signage on site. He stated that the applicant took inventory of all the existing signs on site and found that Building 1 has 13 box signs with one sign above each tenant. He stated that these signs are only visible from the internal parking lot of the Shopping

Center and are not visible from Route 33. Mr. Kurs stated that Building 2 also has 13 box signs above each tenant and they are also visible from the internal parking lot only. He stated that the shopping center also has a freestanding sign along Route 33 that identifies that shopping center and the tenants.

Mr. Kurs presented Exhibit A-3 to the Board and stated that this exhibit shows the dimensions and details of the three proposed signs. He stated that the Allstate sign would measure 2 feet by 9 feet and 4 inches, the Nails Glamour sign would measure 2 feet by 16 feet and the Wayne's Wash World sign would measure 2 feet by 16 feet. Mr. Kurs stated that the manufacturing details and specifications for each sign were submitted and shown on A-3.

Mr. Berman asked which sign was the Twin Rivers Plaza sign that was reduced from 200 square feet to 75 square feet. Mr. Kurs stated that was Sign Number 1 on Exhibit A-1.

Chairperson Kelley asked Mr. Herbert how the resolution could be done to make sure a precedent wouldn't be set for any other shopping centers in the future. Mr. Herbert stated that the resolution could clearly explain why the Board was granting each sign as to justify the Board's decision and avoid setting any precedent. Mr. Preiss stated that the applicant did receive approval in the past for similar signage and suggested that language be taken from the original resolution to ensure that the decision was clear.

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

MOTION TO APPROVE WAIVER OF SITE PLAN REQUEST MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

APPLICATIONS

EWT File #PB15-001 Promenade at East Windsor (Parec Construction)
671 Route 33
Block 14, Lots 977, 979, and 980
Amended Preliminary Site Plan with Variances

Chairperson Kelley asked Michael Herbert, Board Attorney, to swear in the Board's professionals: Richard Preiss, Township Planner; and A. Maxwell Peters, Township Engineer. Mr. Herbert swore the professionals in.

Chairperson Kelley announced that members Ms. Patel and Mr. Schmidlin, who were absent at the application's first hearing on March 21, 2016, had listened to the meeting tapes and signed affidavits stating so, so they were eligible to participate in any discussion tonight.

Don Driggers, Esq. of Turp, Coates, Driggers & White, is representing the applicant, Parec Construction. Mr. Driggers stated that the applicant is coming back before the Board with additional information as requested by the Board at the previous hearing on March 21, 2016. Mr. Driggers stated that he had several witnesses present tonight to provide testimony as well.

Chairperson Kelley asked Michael Herbert, Board Attorney, to swear in the Township Landscape Architect, Daniel Dobromilsky who subsequently arrived to the meeting. Mr. Herbert swore Mr. Dobromilsky in.

Mayor Mironov asked Mr. Driggers to introduce each of his witnesses and explain what testimony they would be providing. Mr. Driggers stated that his first witness is Tino Papaleo of Parec Construction, who is the principal of the property. His next witness is project engineer Sharif Aly of Ameritech Engineering who will be presenting the revised site plan. His third witness is project planner John Chadwick of Business Planning Consulting, who will be discussing the requested variances. His fourth witness is project traffic engineer John Rea of McDonough & Rea Associates who will discuss the traffic reports for the site. His fifth witness is project architect Steven Lane of Construction Design Technologies who will discuss the architectural elevations for the proposed bank building. Mayor Mironov stated that she would let the Board and Chairman proceed however they saw fit but that her understanding was that the applicant had not identified all the outstanding items that were to be addressed after the first hearing in their recent submissions. She stated that if that is the case, she would suggest identifying the items that need to be addressed and make a plan for the presentation. She stated that part of the purpose of tonight was to go through the items the applicant had not addressed yet or submitted and identify the best and most efficient way for the Board and the applicant to proceed.

Chairperson Kelley agreed and began to identify the outstanding issues that were left open as a result of the first hearing. Chairperson Kelley stated that questions regarding the lighting plan had been brought up, including: what hours the lights would be on; details on any light spillover to the adjacent properties; details regarding light cut off shields bring provided where needed; clarification regarding the applicant's decision to either use LED fixtures or traditional light fixtures; and an updated lighting plan was to be provided showing conformance to the Township's lighting standards. Regarding signage on site, details were requested regarding the final location of the proposed monument signs and any directional signage throughout the site. Regarding parking and circulation, details were requested regarding: the total number of parking spaces to be provided; any proposed banked parking as discussed at the previous hearing; a revised parking allocation plan near Building #4; the reconsideration of the direction of travel along Building #3; how car access to the site from Avon Drive East and West were going to be blocked; the replacement of the first 4 way intersection with landscaping to eliminate traffic issues; and the reconsideration of the direction of one way traffic on the west side of the site. Regarding pedestrian circulation, details were requested regarding: a revised pedestrian circulation plan to be presented; pedestrian access to the site from the south and from the pedestrian underpass below Route 33; and pedestrian circulation between the buildings in the retail areas of the site. Regarding the architectural plans for the site, details were requested regarding: the architectural plans for the proposed bank building; architectural treatments for the rear of the buildings where parking is located in the rear; how landscaping and walkways would make the rear entrance to the proposed office building would provide visual interest; and if the roof mounted HVAC units would be visible from the internal parking lots or adjacent properties or roadways. Regarding construction phasing, details were requested regarding a full phasing plan for construction. Details were also requested

on the trash collection operations and schedule and comments provided to the applicant from the Township Environmental Commission and the Township Fire Official had not been addressed by the applicant. Chairperson Kelley also stated that a full Traffic Impact Study had not yet been submitted to the Board and requested that be addressed by the applicant.

Chairperson Kelley asked the Board's professionals if they had identified any other issues. Mr. Preiss stated that he did not have any other issues. Mr. Peters stated that the Board did receive a revised overall layout plan for the site but they were unable to determine how the changes would affect the other drawings in a plan set such as the grading, draining, lighting, and landscaping plans as those had not been provided. He suggested a revised set of the full plans be provided to the Board. Chairperson Kelley added that the Board would like to see a traffic study for the site.

Mr. Driggers asked to have a minute to confer with his client and his witnesses. Chairperson Kelley agreed.

Mayor Mironov stated that there was information that would need to be provided to the Board for review and thought that it would be helpful to make it clear exactly which issues were still outstanding as to use the Board's and the applicant's time efficiently so they could address all the issues at once by submission and then present everything at a hearing for the Board. Chairperson Kelley and the Board's professionals agreed.

Mr. Driggers stated that after speaking with his client, he would ask that the matter be carried to the first meeting in December as to let the applicant address the open issues and present everything together. He also asked that he can get a copy of the listing of all the open issues. Chairperson Kelley stated that the Board Secretary would provide a copy of the minutes to him. Chairperson Kelley stated that ideally they would like the information 40 days ahead of any meeting to allow the professionals 30 days for review. He suggested carrying the application to December 19th with no further notice and if the applicant decides they need more time, the application could be carried at that time to January. Mr. Driggers agreed.

Chairperson Kelley announced that the application would be carried to December 19th with no further notice required.

ADJOURNMENT OF MEETING

There being no further business, the meeting was adjourned.

CERTIFICATION OF SECRETARY

I, undersigned, do hereby certify;

That I am the Planning Board Secretary of the Township of East Windsor Planning Board and that the foregoing minutes of the Planning Board, held on October 24, 2016, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Planning Board this 7th day of November, 2016.

Allison Quigley, Board Administrative Secretary

East Windsor Township