

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF June 6, 2016**

The meeting of the East Windsor Township Planning Board was held on Monday, June 6, 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, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Theokas, Mr. Kelley

Members Absent: None

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

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

PUBLIC FORUM

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

MINUTES

May 2, 2016

MOTION TO APPROVE MAY 2, 2016 MINUTES MADE BY: Mr. Clark

MOTION SECONDED BY: Ms. Patel

ROLL CALL

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

NAYES: None

ABSTAINS: None

RESOLUTIONS

RESOLUTION 2016-13 **C&D Corporation**
19 Evan Avenue
Block 48, Lot 32
Minor Subdivision

Mayor Mironov stated that she is unable to vote on the resolution because she abstained from the vote on the application. She stated that she abstained from the previous vote because at the public hearing she had asked a question about the affordable housing applicability and at the meeting she was told it was not applicable. She stated that she did not understand the answer given at the public hearing, but that condition number six in the resolution addresses her original question, and added that she might have voted differently at the previous meeting if she had been given a different explanation to her question.

MOTION TO APPROVE RESOLUTION 2016-13 MADE BY: Mr. Schmidlin

MOTION SECONDED BY: Mr. Catana

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: Mayor Mironov

DISCUSSION ITEMS

Ordinance No. 2016-06 An Ordinance Amending and Supplementing Chapter XX, “Zoning” Section 20-18 “R-O Research Office” of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey and Specifically Subsections 20-17 and 20-35 Regarding Principal Uses in the Turnpike Commercial Zoning District and the Planned Unit Development Zoning Districts

Chairperson Kelley stated that in the memorandum distributed to the board members regarding the ordinance any language denoted by brackets will be removed and any language underlined will be added.

Mayor Mironov stated that the proposed ordinance change focuses on the Turnpike Commercial and Planned Unit Development Zones. The only proposed change to the PUD-7 zone was the removal of drive through restaurants and public transportation passenger facilities as permitted uses. Regarding the PUD-5 zone and PUD-6 zone, Mayor Mironov stated that the zoning ordinances date back almost 45 years and they limit what building owners can do in terms of permitted uses in those zoning districts. The proposed changes to the PUD-5 and PUD-6 zones were an effort to expand the permitted uses and a series of retail options were added. Mayor Mironov stated that these changes were discussed at previous Township Council meetings and

discussions were had with the Twin Rivers board, who were supportive of the proposed changes. Regarding the Turnpike Commercial zone, gas stations and drive through restaurants were removed as permitted uses due to circulation issues in those areas, and several retail options were added as permitted uses.

Mr. Catana asked Mayor Mironov if the Township had received any feedback from any residents regarding the proposed zoning ordinance change. Mayor Mironov stated that the only feedback that had been received was due to a misunderstanding of the term public transportation passenger facilities and that some residents thought that meant that the bus shelters in Twin Rivers would be removed. She stated that the removal of public transportation passenger facilities as a permitted use from the PUD and Turnpike Commercial Zones was done at the request of the Twin Rivers board as it is a very old term that means larger bus depots or train stations. Mayor Mironov stated that they have addressed the misunderstanding, as the Twin Rivers board distributed a flyer clarifying that bus shelters would not be removed and bus service would not be affected in the area. Since that had been resolved last week, they had not received any more feedback on the proposed changes. Mr. Preiss stated that a bus shelter is not subject to zoning as it is considered an accessory structure in a right of way. He added that after reviewing the proposed ordinance change, he believed it was consistent with the Master Plan.

Chairperson Kelley asked Mayor Mironov if a memorandum from the Board should be provided to Council indicating tonight's vote. Mayor Mironov answered yes.

MOTION TO RECOMMEND ORDINANCE 2016-06 FOR ADOPTION BY TOWNSHIP COUNCIL MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

ROLL CALL

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

NAYES: None

ABSTAINS: None

APPLICATIONS

EWT File #PB09-007 The Seasons at East Windsor
359 Princeton Hightstown Road
Block 3, Lot 3.01
Request for Extension of Approval

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

Daniel Madrid, Esq. of Fox Rothschild LP is representing the applicant, EW Acquisitions LLC. Mr. Madrid stated that the applicant is requesting a two year extension of the preliminary and final site plan approval and conditional use approval granted to the applicant's project The Seasons at East Windsor. Mr. Madrid stated that The Seasons received approval for an 89,000 square foot assisted living facility, however the project had been delayed for several reasons.

Mr. Madrid stated that under the Permit Extension Act the approval was tolled until the end of June 2016, when it will then expire. Mr. Madrid stated that the financial crisis in 2007 and 2008 made it difficult to obtain financing for construction for this type of project until 2013. Mr. Madrid stated that additionally, the applicant had found a substantial amount of off tract improvements required for the sewer and water systems. The applicant found that they have to extend the existing sewer and water lines east of the property across Old Trenton Road and along two properties that are currently owned by Aurobindo. Mr. Madrid stated that the applicant has met with the East Windsor Municipal Utilities Authority and Aurobindo and they have an agreement in place for cost allocation for these improvements. He stated that the applicant is submitting plans to the New Jersey Department of Environmental Protection for approval of the sewer and water allocation, and they are working with the East Windsor Municipal Utilities Authority to get a capacity agreement in place. Mr. Madrid stated that the applicant is confident that they will be able to proceed with construction by next summer, so they are requesting a two year extension to allow the project to move forward.

Chairperson Kelley asked Mr. Herbert what the best way to proceed would be. Mr. Herbert stated that if the Board chooses to grant the extension, another resolution would be done memorializing the Board's decision to grant the extension. Mr. Herbert stated that the statute requires the applicant must show that there were matters beyond their control that caused the delay in the project, and the applicant has provided their explanation. Mayor Mironov asked that a condition be placed on any approval that the Board be kept up on progress regularly, and suggested a phone call monthly beginning in August. Chairperson Kelley was supportive of the condition. Mr. Madrid agreed to the condition and stated that a phone call would be made during the first week of every month to report on the project's progress.

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

MOTION TO APPROVE THE APPLICATION MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Clark

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley
NAYES: None
ABSTAINS: None

EWT File #PB15-007

One Mile Storage

79 One Mile Road

Block 5.01, Lot 11

Preliminary and Final Site Plan with Variances

Continued from April 18, 2016 hearing

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

Chairperson Kelley announced that Mr. Berman, Mr. Clark, Mr. Catana and Mr. Theokas reviewed the recording and exhibits for this project from the April 18, 2016 meeting and have signed an affidavit stating that they have done so, so they are eligible to vote on the application tonight. Chairperson Kelley stated that Mr. Theokas would not be eligible however, as he is an alternate member and there are no regular members of the Board absent this evening.

William Mehr, Esq. of Mehr, LaFrance, & Williams is representing One Mile Storage LLC, the contract purchaser of the subject property located at 79 One Mile Road, also known as Block 5.01, Lot 11. Mr. Mehr stated that applicant has returned this evening to answer some questions raised by the Board at the last hearing.

Mr. Mehr introduced the project engineer Michael Intile of Crest Engineering as the first witness. Mr. Mehr stated that Mr. Intile is a licensed engineer and has been previously sworn in conjunction with this application at the last hearing. Mr. Herbert swore in Mr. Intile.

Mr. Mehr asked Mr. Intile to go through the revisions made to the site plans. Mr. Intile entered Exhibit A-11 titled "Revised Colorized Landscaping Plan," dated May 13, 2016 into evidence. Mr. Intile stated that on Sheet 5 of 9 there was a typographical error on the basin contours that made it seem like the monument sign would be positioned inside the basin. He stated that had been revised with the proper contours and clarified that the sign would not be within the basin edge. Mr. Intile stated that they also added an AC compressor to the rear of Building B that would be screened by fencing.

Mr. Intile entered Exhibit A-12 titled "Revised Lighting Plan," dated May 13, 2016 into evidence. Mr. Intile stated that a change was made to the notations on the plan to indicate which lights would remain on overnight for security purposes. He also stated that the average foot candle for the site was 2.5 and the site minimum was .3 foot candles. Mr. Peters stated that the ordinance requires that the average foot candle not exceed 1.0. Mr. Intile stated that the project landscape architect had prepared the lighting plan for tonight's hearing but added that they would address that to conform to the ordinance requirements. Mayor Mironov asked the applicant to come back with a revised lighting plan showing that the average foot candle for the site had been reduced to 1.0.

Mr. Mehr introduced the principal of the project Michael McCloskey of One Mile Storage LLC as the next witness. Mr. Mehr stated that Mr. McCloskey had been previously sworn in conjunction with this application at the last hearing. Mr. Herbert swore in Mr. McCloskey.

Mr. McCloskey stated that regarding the lighting, the plan would be revised to bring the site illumination levels down to conform to the ordinance requirements. He added that the project

landscape architect was under the impression that the average site illumination of 2.5 foot candles was within the ordinance requirements, but that would be revised.

Mr. Mehr asked Mr. McCloskey what the hours of operation would be for the business. Mr. McCloskey stated that the hours would be from 7 AM to 7 PM, seven days a week. He stated that no one would have access to the site after 7 PM as the gate would be locked.

Mayor Mironov asked Mr. McCloskey to indicate which lights would remain on for security lighting. Mr. McCloskey stated that general lighting would only come on at 7 AM if it was dark out and would only be on before 7 PM if it was dark out. He stated that all lights would go out at 8 PM except for two security lights in the parking area. These lights were chosen to remain on to illuminate that parking and gate area in order to allow some visibility on site for passing patrol officers and to assist the security cameras in monitoring the site.

Mr. Mehr asked Mr. McCloskey to go over the permitted and non-permitted vehicles for the vehicle storage building. Mr. McCloskey stated that permitted vehicles would include boats on trailers, recreational vehicles, trailer equipment and private motor vehicles. He stated that the non-permitted vehicles would include vehicles with steel treads or tracks such as construction vehicles and daily use business vehicles. Mr. Mehr asked Mr. McCloskey if this would prevent anyone from running a business and keeping their business vehicles at the site. Mr. McCloskey stated that it would.

Mr. Mehr asked Mr. McCloskey what type of gate was being proposed. Mr. McCloskey stated that they are proposing a rolling gate that would roll into itself when opened. He stated that pictures of the gate style had been submitted to the Board. Mr. McCloskey entered Exhibit A-13 titled "Pictures of Proposed Gate," dated June 6, 2016 into evidence. Mr. McCloskey stated that the gate would only open through keypad access. He added that the gate would be black metal to match the fencing around the site.

Mr. Mehr asked Mr. McCloskey to address the onsite dumpster enclosure. Mr. McCloskey entered Exhibit A-14 titled "Dumpster Enclosure Pictures," dated June 6, 2016 into evidence. Mr. McCloskey stated that the enclosure would be made of steel and wood to keep with the farm aspect of the site design. Mayor Mironov asked Mr. McCloskey if they had colorized renderings of the trash enclosure. Mr. McCloskey stated that they would provide those to the Board. Mr. Shapiro asked Mr. McCloskey how the wood on the enclosure would appear after a few years. Mr. McCloskey stated that the wood would be treated to be weather resistant and would have a clear stain. He stated that the colors and style could be altered to the Board's desire. Mayor Mironov stated that the natural wood looked unfinished. Mr. Catana stated that he believed it should be the same color as the rest of the building. Mayor Mironov agreed with Mr. Catana.

Mr. Mehr asked Mr. McCloskey how the HVAC unit would be screened. Mr. McCloskey stated that it would be screened on three sides with fencing and landscaping.

Mr. Mehr asked Mr. McCloskey where the courtesy vehicle for rental customers would be stored. Mr. McCloskey stated that it would be stored within the vehicle storage building.

Mr. Mehr asked Mr. McCloskey if he had provided the Board with the estimate of the assessed value of the property as requested at the last meeting. Mr. McCloskey stated that it had been submitted to the Board, and the valuation based on total construction out with no adjustments would be approximately 2.7 million dollars.

Mr. Mehr asked Mr. McCloskey if any changes had been made to the landscaping plan. Mr. McCloskey stated that the landscaping plan does have a deficiency in the number of required trees. He stated that they had looked into reconfiguring the plan to add more trees but after reviewing the plan they believe it would be best to leave it as submitted and make a contribution to the Township's landscape fund to offset the lack of landscaping. Mr. Mehr asked Mr. McCloskey if the applicant would either make a contribution or add landscaping to the site, whichever was requested by the Board. Mr. McCloskey stated that was correct.

Mayor Mironov asked Mr. McCloskey why the HVAC unit would be screened on only three sides. Mr. McCloskey stated that was done so a contractor could access the unit without having to go through any landscaping. He added that the unit would be screened from the public by the buildings and fencing. Mayor Mironov asked if the HVAC unit would produce a lot of noise and Mr. McCloskey stated that it would not. Mr. Peters stated that the proposed metal picket fence in that area would not fully screen the HVAC unit. Mr. Catana asked Mr. McCloskey if slats could be put in the fence in that area to further screen the unit. Mr. McCloskey stated that slats couldn't be added to the metal picket fencing but they would be willing to put a different kind of fence in that area that would fully screen the unit. Mr. Catana suggested constructing the same material as the buildings in that area in lieu of the fencing. Mr. McCloskey stated that they would add screening in that area.

Mr. Dobromilsky stated that in term of landscaping, the applicant is deficient in the number of trees around each basin. The deficit is 70 trees for both basins combined. He stated that after the last hearing there was a condition that 27 trees on site were to be increased from two inch caliper to four inch caliper. Mr. Dobromilsky added that the evergreen trees proposed are 5 to 6 feet and should be increased to 8 to 10 feet to meet the ordinance requirements and add some additional landscaping to the site. Mr. Mehr stated that would be done. Mr. Dobromilsky stated that the applicant should consider installing water spigots to allow for irrigation on site. Mr. McCloskey stated that they intend to have a water spigot.

Mr. Peters asked Mr. McCloskey if he had considered motion sensor security lighting in the rear of the site that would come on when motion is detected on site. Mr. McCloskey stated that security cameras will be installed throughout the site and will have infrared and night vision capabilities. He stated that they had not considered lights in order to keep the site illumination levels down, but added that the cameras could have motion sensors to alert the property owners of any activity on the site after hours.

Mr. Peters asked Mr. Intile if soil permeability testing had been done in the area for the rear basin. Mr. Intile stated that they had done testing in that area. Mr. Peters requested that copies be provided to the Board.

Mayor Mironov asked Mr. McCloskey to revisit the views of the site from the entrance on One Mile Road and from Route 133. Mr. McCloskey referred to previously entered Exhibit A-8, titled "View from One Mile Road," dated April 18, 2016. Mayor Mironov asked if any storage buildings would be visible from One Mile Road. Mr. McCloskey stated that Building B, the climate controlled storage building designed to look like a barn building, would be visible from One Mile Road. Mayor Mironov asked which buildings would be visible from the entrance driveway. Mr. McCloskey stated that only the office building and Building B would be visible. Mr. McCloskey clarified that while Building B is a storage building, it will not appear as a typical storage building. It will have all the units internal to the building and will appear as a typical barn building from the

outside. Mr. Dobromilsky asked if the applicant could extend the views on the submitted north architectural elevation of the office building to include the full façade of Building B. Mr. McCloskey stated that they would provide that to the Board.

Mr. Preiss stated that the language the applicant provided for the permitted vehicles in vehicle storage is sufficient but suggested that the non-permitted vehicles be expanded to include trucks. He also stated that the language for daily use business vehicles should be clarified, and suggested using the following language; “Vehicles used on a daily or weekly basis in connection with the conduct of a business, including but not limited to construction, landscaping, snow removal, towing, repair or service, new or used car, boat or RV sales, limousine or taxi service or a car rental business.” Mr. McCloskey asked for clarification on the type of trucks that shouldn’t be permitted. Mr. Preiss suggested anything with a wheel base beyond 30 feet and asked Mr. McCloskey if they intended on storing trucks on site. Mr. McCloskey stated the vehicle storage building was designed to accommodate the newest recreational vehicles, which measure up to 42 feet in length. He stated that they have no intention to house any semi-tractor trailer trucks in that area. Mr. Preiss stated that trucks can be removed from the list of non-permitted vehicles but the daily use vehicle language should be refined. Mayor Mironov asked if that was agreeable to the applicant and Mr. McCloskey indicated that it was. Mayor Mironov stated that any vehicles that can’t fit fully inside the vehicle storage building should be excluded as well and there should be no outdoor storage of vehicles.

Mr. Mehr stated that the applicant would come back with the requested views into the site and with a revised lighting plan. Chairperson Kelley stated that, if approved, the resolution would be tentatively scheduled for July 11th, so any new materials would have to be submitted by July 1st.

MOTION TO APPROVE THE APPLICATION MADE BY: Mr. Catana

MOTION SECONDED BY: Ms. Patel

ROLL CALL

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

NAYES: None

ABSTAINS: None

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 June 6, 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 11th day of July, 2016.

Allison Quigley, Board Administrative Secretary
East Windsor Township