

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF August 15, 2016**

The meeting of the East Windsor Township Planning Board was held on Monday, August 15, 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 7:34 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. Clark, Mayor Mironov, Ms. Patel (arrived at 7:38 PM), Mr. Mr. Shapiro, Mr. Theokas, Mr. Kelley

Members Absent: Mr. Catana, Mr. Schmidlin

Professionals and Staff Present: Allison Quigley, Planning Board Secretary
Karen Cayci, Board Attorney
Richard Preiss, Township Planner
A. Maxwell Peters, Township Engineer
Daniel Dobromilsky, Township Landscape Architect

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

Chairperson Kelley announced that alternate member Mr. Theokas would be eligible to vote tonight as regular member Mr. Catana was absent this evening.

Chairperson Kelley thanked the Board for attending the Township Council meeting on August 2 for the New Jersey Turnpike Authority presentation. Mayor Mironov stated that she did get messages from one of the presenters last week and they assured her that they would be following up on all the questions that were raised at the meeting.

PUBLIC FORUM

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

MINUTES

DISCUSSION ITEMS

- 1. Ordinance No. 2016-09** An Ordinance Amending and Supplementing Chapter XX, "Zoning", Subsection 20-5.1604b., "Prohibited Signs" and Subsection 20-5.1607a.5., Under Subsection 20-5.1607, "Sign Regulations for Each

Zoning District”, of the Revised General Ordinances of the Township of East Windsor

Mayor Mironov stated that the proposed ordinance was amending the existing sign ordinance with respect to LED signs for gas stations in town. She stated that this would allow gas stations to utilize LED for their pricing signs, allowing them to change the prices remotely and to ensure visibility. The ordinance also provides restrictions on the size and illumination levels permitted. She stated that she met several times to discuss this and that it gives the Township the ability to request the signs be dimmed if they feel they become a distraction or if they are not in compliance with the standards. She stated that the town had received several requests from gas stations in the area for LED signage. She added that one gas station did go in front of the Zoning Board of Adjustment in the past for LED signage and it resulted in several large issues. She stated that they learned from those issues and they did a lot of research on the subject and they decided to put a structure in place with protective measures. She stated that the ordinance had been introduced by Council and was scheduled for public hearing tomorrow evening.

Chairperson Kelley stated that the limitations would be good, as he has seen some signs in other towns that are very bright, so it was good to ensure they would not be distracting. Mr. Berman agreed that it was a good idea.

Chairperson Kelley asked if a letter of recommendation should be provided to Council. Mayor Mironov agreed.

MOTION TO RECOMMEND ORDINANCE 2016-09 FOR ADOPTION BY TOWNSHIP COUNCIL MADE BY: Mr. Theokas

MOTION SECONDED BY: Mr. Berman

ROLL CALL

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

NAYES: None

ABSTAINS: None

2. Planning Board File #PB03-023

Galleria at Twin Rivers

Block 20.08, Lots 280 & 282

Waiver of Site Plan Request

(Carried from August 1, 2016)

Chairperson Kelley asked Karen Cayci, Board Attorney, to swear in the Board’s professionals: Richard Preiss, Township Planner; A. Maxwell Peters, Township Engineer; and Daniel Dobromilsky, Township Landscape Architect. Ms. Cayci swore the professionals in.

James Mitchell of Hambro and Mitchell is representing the developer South Brunswick Enterprises this evening as they present a waiver of site plan request relating to the approved shopping center currently being constructed on Route 33 East in East Windsor. The request is for a patio paver area of the building that has already been constructed due to confusion on the plans the contractors were working from. Mr. Mitchell stated that the applicant realized it was not approved so they are appearing tonight to see approval. He stated that the patio was to be used as a general waiting area for the attached restaurant going into the center.

Mr. Mitchell introduced his first witness Ernie Vitore, the construction manager for South Brunswick Enterprises. Ms. Cayci swore in Mr. Vitore.

Mr. Mitchell asked Mr. Vitore to go over what was constructed and what the applicant is seeking approval for. Mr. Vitore stated that the patio is on the east end of the building and that it was originally shown on the architectural plans but was not included on the engineering plans. He stated that it was constructed of the same materials as the building and has three carriage lights on the fencing utilizing low wattage bulbs. He stated that the patio would be primarily lit from overhanging lights mounted on the canopy extending over the patio. He stated that the patio was constructed to be a waiting area for patrons of the restaurant as well as to serve as a buffer for patrons eating in the restaurant.

Mayor Mironov asked if the applicant had a photograph of the whole building including the patio. Mr. Vitore stated that they submitted photos showing the patio and the area of the building it is connected to. Mr. Berman asked if the canopy was part of the approved design. Mr. Vitore stated that it was.

Mr. Mitchell asked Mr. Vitore when the applicant became aware that the patio was not approved. Mr. Vitore stated that it came to their attention during a site inspection. Chairperson Kelley asked for the applicant to explain why this happened as there is no excuse to install something like this without the proper approval. Mr. Mitchell explained that the applicant is testifying that they worked off the architectural plans rather than the engineering plans, but agreed that was their mistake.

Chairperson Kelley asked for details on the light intensity. Mayor Mironov asked how the carriage lights would be visible from the nearby residences. Mr. Vitore stated that they use 25 watt bulbs with frosted glass. Mr. Preiss asked if the project landscape architect or project engineer would be testifying. Mr. Mitchell stated that they were not present this evening. Mr. Preiss stated that some important information was missing such as the zoning compliance, impervious coverage details, and landscaping and lighting details.

Mayor Mironov asked what the size of the patio is. Mr. Vitore stated that it measures 16 feet by 35 feet. Mayor Mironov asked what was originally supposed to go there. Mr. Vitore stated it was to be a landscaped area. Mr. Preiss stated that it seemed like a large area for a waiting area and asked if the intent was to have tables out there for the restaurant. Mr. Vitore stated that there would be no outdoor seating for the restaurant outside and that he built it so large to help screen the restaurant. Mr. Preiss stated that the windows could have been moved higher or the wall could

have been built closer to the building to achieve the same screening effect. Mayor Mironov asked what would go out on the patio. Mr. Vitore stated that some benches would be out there for guests.

Mr. Mitchell introduced his next witness Tobias Daniello, the principal of South Brunswick Enterprises. Ms. Cayci swore in Mr. Daniello.

Mr. Daniello stated that the intent was to put benches, statues, and large planters in the patio area to make an attractive waiting area for guests of the restaurant. He stated that they never intended to have outdoor seating for the restaurant and the patio would not be used for that. He added that it is his restaurant that will be occupying that space and that the restaurant would be called La Terrazza which means The Terrace. He wanted to give the restaurant a very authentic Italian feel.

Mr. Dobromilsky stated that he would have concerns about the drainage and asked Mr. Daniello if there were drainage holes in the wall. Mr. Daniello stated that there were.

Mayor Mironov asked what the process would be to have accurate plans provided and to ensure that everything is in compliance with the zoning ordinances. She stated that they did not have all the information required to make a decision tonight and suggested a site visit as well to evaluate the addition. Mr. Dobromilsky agreed and stated that he would like to see the spot elevations and the lighting specifications. He also asked for the applicant to provide picture examples of the statues and planters to be put in. Mr. Daniello agreed to provide that information. Mr. Theokas stated that the applicant should also confirm the use of the patio, as the submitted letter from the project architect mentions outdoor seating for dinner patrons.

Chairperson Kelley stated that the application would be carried to September 12th without any further notice required. Mr. Mitchell stated that they may have a conflict with September 12th but that they would determine that and call next week.

3. Planning Board File #PB16-003

Americana RD Inc.
Block 57, Lot 11
Waiver of Site Plan

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

Mark Shane of Shane and White is representing the developer Americana RD Inc. this evening as they present a waiver of site plan request relating to the existing Americana Diner located on Route 130 North in East Windsor.

Mr. Shane stated that the owner of the property, Constantine Katsifis of Americana RD Inc., is present tonight to testify. Ms. Cayci swore in Mr. Katsifis.

Mr. Katsifis entered into evidence Exhibit A-1, titled "Colorized Front Façade Rendering – Day," dated August 15, 2016. Mr. Katsifis entered into evidence Exhibit A-2, titled "Colorized Front Façade Rendering – Night," dated August 15, 2016.

Mr. Katsifis stated that they are looking for approval for some interior and exterior modifications to the existing Americana Diner. He stated that their goal is to modernize the building while preserving the iconic clock tower imagery. He stated that they would exchange the existing Mediterranean stone façade with a more modern style of architecture as depicted. The canopy would be extended on all three sides of the building to cover all of the sidewalks during inclement weather. He stated that they are also proposing alterations to the sidewalks and entrance to make them ADA compliant. The applicant is proposing to build out the existing 460 square foot outdoor patio to square off the building footprint and to create a private party dining room. They are also proposing an additional colonnade patio area on the north side of the building for additional outdoor seating and outdoor waiting area. Mr. Shane asked Mr. Katsifis if the signage would be changed and Mr. Katsifis stated that it would not. Mr. Shane asked if Exhibit A-2 was an accurate depiction of the light and Mr. Katsifis stated that it was.

Mayor Mironov asked if the 460 square foot addition was the colonnade on the north side. Mr. Katsifis stated that the 460 square foot addition would take place of the existing outdoor patio on the south side of the building. The colonnade would be additional. He stated that the colonnade would be part of a full site plan application they are hoping file for the diner and the adjacent three lots in a few weeks. He stated that the Board might recall he filed a similar application in the past for the three lots, but was pushed back due to Hurricane Sandy. He stated that are in a position where they are ready to move forward.

Mr. Katsifis entered into evidence Exhibit A-3, titled "Proposed Interior Changes," dated August 15, 2016.

Mr. Katsifis stated that the restaurant currently has 345 seats but they do not have any space for private functions. The rear addition would serve as a private event room for 40 to 50 people. He stated that after the renovations are done the restaurant will be down to 320 seats, even with the addition of the private event room. He stated that because they are adding less than 500 square feet to the building they are hoping to receive a waiver of site plan approval so they can begin the renovation work. Chairperson Kelley stated that while the rear addition may be less than 500 square feet, with the colonnade addition the overall improvements would be well over 500 feet. He asked why this was not a site plan application. Mr. Katsifis stated that he will be submitting a full site plan application in the future that will include the colonnade addition. He stated that he would be fine to hold off on the colonnade addition from this request and wait for the Board to consider that area until the full site plan application has been filed. Mr. Preiss suggested that if the Board grant the waiver of site plan request for the rear addition that a condition of approval include that a full site plan application will be filed within a certain time period.

Mr. Preiss asked Mr. Katsifis if the outdoor seating proposed for the colonnade would be additional to the 320 seats in the restaurant or if they were included in that figure. Mr. Katsifis stated that they would be additional. Mr. Preiss stated that in some townships the outdoor seating will count toward the parking requirement and in others it won't affect the parking requirement. He stated that would be something for the Board to consider when they make a decision regarding the colonnade. Mr. Katsifis stated that he would be happy to provide whatever parking the Board desired.

Chairperson Kelley asked Ms. Cayci if they only have jurisdiction regarding the rear addition request as anything over 500 square feet would require a full site plan application. Ms. Cayci agreed. Mr. Shane asked if the applicant could also make the improvements to the sidewalk and the entrance as well. Chairperson Kelley stated that would be fine.

Mr. Dobromilsky asked Mr. Katsifis if the parking stalls in the front would have sufficient room for circulation even with the expanded sidewalks. Mr. Katsifis stated that was an issue they considered and they made sure there would be adequate space for the parking stalls and traffic. Mr. Preiss asked if they would be open during renovations. Mr. Katsifis stated that they would be, as the restaurant currently has two entrances, which allows them to close down one half at a time and phase the work. Mr. Berman asked if the improvements would have any impact on landscaping. Mr. Katsifis stated that they have additional landscaping they will be providing but that will be presented as part of the overall site plan application.

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. Theokas

MOTION SECONDED BY: Mr. Berman

ROLL CALL

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

NAYES: None

ABSTAINS: None

4. Planning Board File #PB16-004

SAFTB, LLC

Block 18, Lot 2

Waiver of Site Plan Request

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

Mark Shane of Shane and White is representing the developer SATFB, LLC this evening as they present a waiver of site plan request relating to the property located on Route 33 West that originally housed the Mom's Peppermill Restaurant. Mr. Shane stated that the site was currently in disrepair and needed major renovations. He stated that in the Municipal Land Use Law, under section 40:55C-70, a Board has the power to grant a variance "whereby reason of the exceptional narrowness, shallowness, or shape of a piece of property or by reason of exceptional topographic conditions or physical features unique affecting a specific piece of property or by reason of exceptional or extraordinary circumstances uniquely affecting a certain piece of property." Mr. Shane stated that the subject property fit all those criteria in his opinion.

Mr. Katsifis stated that the original uses for the site included the Mom's Peppermill Restaurant and an Avis Car Rental office. Mr. Katsifis entered into evidence Exhibit A-1, titled "Colorized Proposed Rendering," dated August 15, 2016. Mr. Katsifis stated that the previous tenant abandoned the site a while ago and that securing another tenant was challenging when the New Jersey Turnpike exit was being relocated as tenants didn't understand how the relocation was going to affect traffic to the site. He stated that when he approached the Delaware and Raritan Canal Commission with a potential site plan application they told him they would not look at any applications within 150 linear feet of any waterway that leads to the Delaware and Raritan Canal. He added that the property is bordered by a stream to the north that flows to the Delaware and Raritan Canal. He said that after evaluating what they could do with this site, they determined that they can strip it down to the existing foundation, and if they maintain the exact footprint of the existing building the application would not require Delaware and Raritan Canal Commission approval. He stated that he would keep the footprint the same but construct a retail center with five small spaces to tenants.

Mr. Katsifis entered into evidence Exhibit A-2, titled "Proposed Interior Changes," dated August 15, 2016. Mr. Katsifis stated that they would use stucco material, gooseneck lighting, and awnings to revamp the exterior of the site. They would also provide new HVAC equipment, new walls and ceilings, ADA compliant bathrooms and entrances and additional landscaping. Mr. Katsifis stated that because the property is so close to the Holiday Inn and the Windsor Ballroom, he would hope to find complimentary uses for the site such as a florist or tuxedo rental company.

Chairperson Kelley asked Mr. Katsifis to go over the site circulation. Mr. Shane stated that there are two entrances and two exits on the site along Route 33 but stated that a guardrail has been put up by the New Jersey Turnpike Authority along one of the entrance and exit driveways. Mr. Katsifis stated that he would be looking into getting it removed.

Mayor Mironov stated that she thought it would be great to see that site improved but asked how the Board would evaluate all aspects of the project such as the uses, circulation, and parking. She added that the site hasn't been utilized in so long that there have been several changes to the zoning ordinances. Mr. Preiss stated that his understanding would be that the Delaware and Raritan Canal Commission might not approve any applications that increase the impervious coverage of the site but if they remain within the existing impervious coverage area they could file a full site plan application with all those necessary details regarding lighting, drainage, landscaping and circulation. Mr. Katsifis stated that the site would not be able to meet the requirements of the Delaware and Raritan Canal Commission. Mr. Preiss stated that the Board should be provided with all of these details prior and suggested that the applicant file a full site plan application, as this was not a waiver of site plan request. Mr. Katsifis stated that he would like to think about it as his understanding is that the Delaware and Raritan Canal Commission will not even review the application if it becomes a full site plan. Chairperson Kelley stated that they would need documentation from the Delaware and Raritan Canal Commission stating that they would not review it if that is the case. Mayor Mironov agreed with Mr. Preiss' suggestion and stated that if they had any further questions they could contact the Board Secretary for assistance.

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 August 15, 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 26th day of September, 2016.

Allison Quigley, Board Administrative Secretary
East Windsor Township