

**EAST WINDSOR TOWNSHIP PLANNING BOARD  
MINUTES OF September 26, 2016**

The meeting of the East Windsor Township Planning Board was held on Monday, September 26, 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. Catana, Mr. Clark, Mayor Mironov, Ms. Patel (arrived at 7:40 PM), Mr. Schmidlin, Mr. Shapiro, Mr. Theokas, Mr. Kelley

Members Absent: None

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

**REPORTS/CORRESPONDENCE/ANNOUNCEMENTS**

Chairperson Kelley announced that Recycling Day would be taking place at the East Windsor Township Senior Center on Saturday, October 8<sup>th</sup> from 10 AM to 2 PM.

Chairperson Kelley announced that the new East Windsor Township website had been put up and commented that it was looked great. He encouraged the board members to take the time to check out the new website.

**PUBLIC FORUM**

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

**MINUTES**

**August 1, 2016**

Mayor Mironov stated that she had a comment on the minutes. She stated that on page six, paragraph two, she wanted to address that the open issues that were brought up from the solar project presentation were currently being followed up on.

MOTION TO APPROVE AUGUST 1, 2016 MINUTES MADE BY: Mr. Theokas

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

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

NAYES: None

ABSTAINS: Mr. Catana

**August 15, 2016**

MOTION TO APPROVE AUGUST 15, 2016 MINUTES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Clark

ROLL CALL

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

NAYES: None

ABSTAINS: Mr. Catana, Mr. Schmidlin

**RESOLUTIONS**

**RESOLUTION 2016-18**      **Nijjar Realty**  
Route 130 South  
Block 58, Lot 14.02  
Waiver of Site Plan Request

Mr. Schmidlin stated that on page 3, the final paragraph should have the date changed from September 12 to September 26. Chairperson Kelley stated that the date should be changed on page 5 as well. Mayor Mironov stated that on page 1, second paragraph, the application number should be provided before the approval date. The word *and* should be deleted after *June 2, 2008* and the word *by* should be added after *August 18, 2008* and *May 2, 2016*. The end of the sentence should also be changed from *copies of which is attached hereto;* to *copies of which are attached;*. Mayor Mironov stated that on page 2, first line, the word *including* should be replaced with a semicolon. She stated that the second paragraph regarding the notice requirement was incorrect as the applicant was not required to provide notice, so the sentence should end after *being invoked*. Mayor Mironov stated that on page 4, item number 4, the date should be changed from *March 21, 2016* to *May 2, 2016*. On page 5, first line, the sentence *A copy of Resolution 2018-17 and Resolution 2016-12 are attached hereto* should be deleted as it was already stated on page 1.

MOTION TO APPROVE RESOLUTION 2016-18 WITH CHANGES MADE BY: Mr. Clark

MOTION SECONDED BY: Mr. Theokas

ROLL CALL

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

NAYES: None

ABSTAINS: Mr. Catana

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

Mayor Mironov stated that she had several comments on the resolution and stated that the largest issue seemed to be that the resolution did not make clear what exactly was requested by the applicant and what exactly had been approved. She stated that on page 1, line 5 should be changed from *known as Block 7, Lot 40.02* to *for the property identified as Block 7, Lot 40.02* and the property address should be included after *Tax Map of the Township of East Windsor*. She stated that on page 1, paragraph 4 the sentence should end after *properly invoked* as the applicant was not required to provide notice. On page 2, item number 2, the word *daylight* should be corrected to *day light*. Item number 3 should have the word *performing* added before *ADA-related improvements*. She stated that on page 2, item number 3, the last sentence should be rewritten for clarity. On page 2, item number 6, the phrase *in the* was repeated twice as a typographical error and should be corrected. Mayor Mironov stated that on page 3, paragraph 2, the words *granting in part as detailed herein* should be added between *granting* and *Application No. PB16-003*. Mayor Mironov stated that on page 4, item number 6 should be removed as no changes to the traffic signal were discussed.

Mayor Mironov stated that while she has no issue with the applicant moving forward on the agreed renovations, the resolution needed to provide more clarity on what was approved and what was requested and that as it stands she cannot vote on the resolution this evening. Chairperson Kelley agreed and stated the resolution would be carried to the next meeting.

## **DISCUSSION ITEMS**

- 1. Ordinance No. 2016-11** An Ordinance Rescinding Ordinance 2016-09, entitled “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 everyone received a copy of Ordinance 2016-11 in their meeting folders this evening and stated that she wanted to discuss it this evening with the Board. She stated that on August 15<sup>th</sup> the Board discussed and ultimately recommended Ordinance 2016-09 regarding some adjustments to the existing sign ordinance, specifically regarding LED pricing signs for gasoline stations. She stated that Ordinance 2016-09 was part of a larger workout with one location in the Township and that part of that agreement including the removal of two signs along Route 33 that have the Shell Gas Station logo. She stated that one of the signs is directly

across the street from the station and the other was until very recently blocking the traffic signal along the nearby jughandle. She stated that the Township does not have those signs at the request of the Township and that the agreement had always been honored by the New Jersey Department of Transportation. However, these two signs were inadvertently put up and they were supposed to be removed as part of the agreement. Since then, the other party has not removed the signs, so until that is resolved the process has been started to rescind Ordinance 2016-09. Mayor Mironov stated that they are currently working toward an agreement but until that is finalized they have begun this process and are asking the Board to review the proposed ordinance. Mr. Catana stated that he would vote to recommend the ordinance.

MOTION TO RECOMMEND ORDINANCE 2016-11 FOR ADOPTION BY TOWNSHIP COUNCIL MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Theokas

ROLL CALL

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

NAYES: None

ABSTAINS: None

**2. Planning Board File #PB05-018**

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

Chairperson Kelley announced that the application would be carried to October 24<sup>th</sup> with no further notice required by the applicant.

**3. 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; and A. Maxwell Peters, Township Engineer. Ms. Cayci swore the professionals in.

James Mitchell of Hambro and Mitchell is representing the developer South Brunswick Enterprises this evening as they return to present additional information regarding the applicant's waiver of site plan request relating to the approved shopping center currently being constructed on Route 33 East in East Windsor. Mr. Mitchell stated that after the first hearing on August 15, 2016, the applicant submitted revised plans to the Board including spot elevations, draining calculations,

lighting details, and a zoning compliance table. The applicant also submitted details on the proposed sculptures for the patio area.

Mr. Mitchell introduced his first witness, project engineer Chester DiLorenzo of Midstate Engineering. Ms. Cayci swore in Mr. DiLorenzo.

Mr. DiLorenzo stated that he is a principal of Midstate Engineering and is a licensed engineer, planner, and landscape architect in New Jersey. He obtained his engineering license in 1982, his planning license in 1983, and his landscape architect license in 1985. He added that he has appeared before planning and zoning board throughout the state and has appeared before this board in the past. Chairperson Kelley accepted his credentials.

Mr. DiLorenzo stated that he reviewed the patio that was inadvertently constructed by the applicant. He stated that the paver patio measures 35 feet by 16 feet and is located on the easterly side of the building. The patio has a 3 foot wall around the perimeter with 3 colonial lighting units on top of the wall. Each lighting unit is a 50 watt unit that discharges a .5 foot candle contour and is boxed so light is directed down. The patio wall was constructed of the same material as the rest of the building so the materials match exactly.

Mr. DiLorenzo entered Exhibit A-1 titled "As Built Site Plans with Patio Improvements," dated September 13, 2016 into evidence. Mr. DiLorenzo entered Exhibit A-2 titled "Photographs of Existing Site Conditions," dated September 26, 2016 into evidence.

Presenting Exhibit A-2, Mr. DiLorenzo stated that he took the submitted photographs earlier today of the site to show the Board. Mr. DiLorenzo stated that the first photograph shows the patio and wall and surrounding landscaping. The second photograph shows a southeast point of view to demonstrate the view of the patio from the neighboring residences. The third photograph is a closer view of the landscaping installed near the patio. The fourth photograph was taken from inside the patio area to demonstrate the materials and to show the weep holes installed for drainage purposes. The fifth photograph was taken from the intersection of the exit ramp and Abbington Drive and shows the patio in relation to the entire building.

Mr. DiLorenzo stated that in regards to zoning compliance, the maximum lot coverage permitted on site by the zoning ordinances is 80%. The application was approved with 65.5% lot coverage. With the addition of the patio, the lot coverage was increased to 65.9%, which is below the maximum permitted lot coverage. Regarding drainage, Mr. DiLorenzo stated that he evaluated the site with the patio and considered a 100 year storm event which sees approximately 7.5 inches of rainfall per hour. Mr. DiLorenzo stated that the rainfall retention was increased by .05 cubic feet which he found to be a de minimis impact.

Mr. DiLorenzo stated that in terms of landscaping, the applicant installed more landscaping than what was required by the approval. Mr. DiLorenzo stated that the applicant was required to install 46 shade trees and 9 ornamental trees and upon a site visit he found 49 shade trees and 11 ornamental trees installed. He also found that 681 shrubs and conifers had been installed when only 629 units were required by the approval.

Chairperson Kelley asked Mr. Peters if he had any comments. Mr. Peters stated that he conducted a site visit and conferred with Mr. Dobromilsky who also conducted a site visit. Mr. Peters stated that the patio matches the building very well and allows for proper drainage with weep holes in the surrounding wall. He stated that he did not do a nighttime inspection to evaluate the lighting

units but the units are shown to be low wattage. He stated that Mr. Dobromilsky found that all the landscaping required by the approval was installed but he did not comment on any excess landscaping. Mr. Peter's stated that Mr. Dobromilsky's only comment was that there is gravel stone in an area along the patio that would typically be grass but that the change did not affect the site negatively and was a choice of preference by the Board.

**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 announced that the application would be carried to October 24<sup>th</sup> with no further notice required by the applicant.

**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 24<sup>th</sup> day of October, 2016.

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Allison Quigley, Board Administrative Secretary  
East Windsor Township