

**EAST WINDSOR TOWNSHIP PLANNING BOARD  
MINUTES OF December 4, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, December 4, 2017, 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 7:36 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. Kelley

Members Absent: Ms. Patel

Professionals and Staff Present: Allison Quigley, Planning Board Secretary  
Jolanta Maziarz, 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**

November 6, 2017

Chairperson Kelley asked on page three the date of the memorandum should be October 12, 2017.

MOTION TO APPROVE THE NOVEMBER 6, 2017 MINUTES WITH CHANGES MADE BY:  
Mr. Schmidlin

MOTION SECONDED BY: Mr. Berman

**ROLL CALL**

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

NAYES: None

## **PUBLIC HEARING**

### Master Plan – Housing Element and Fair Share Plan

Ms. Maziarz stated that the Township’s Housing and Fair Share Element of the Master Plan has been amended in accordance with the affordable housing agreement the Township has entered into. Mary Beth Lonergan of the planning firm Clarke Caton Hintz has prepared the amended housing element the Board received prior to tonight’s hearing. Ms. Maziarz stated that all required notices were provided by the Administrative Secretary for the Board.

Mayor Mironov stated the first several sections of the plan go through historical information and statistical information that is pertinent to the preparation of this element, and specifics of the proposed housing plan began on page 29 of the document. She stated that this is in accordance with the agreement the Township entered into and has received preliminary court approval. The document goes on to describe the mechanisms of compliance the Township intends to undertake, including the rehabilitation component, the prior round, and the third round. On page 49 of the housing element is the third round compliance mechanisms, setting out the programs and credits the Township would expect to receive. Mayor Mironov stated this document would satisfy the Township’s need to demonstrate to the court the Township’s compliance with the agreement that was initially approved on July 19. She stated that if there were any questions by the Board or public that they would be addressed tonight. Mayor Mironov stated that the report would be revised to include Mr. Catana in the list of Planning Board members on the first page. Chairperson Kelley asked if in the event one of the proposed developments in the element doesn’t move forward, what would happen. Mayor Mironov stated that this is a proposed compliance plan, so it would depend on the reason the project wasn’t moving forward. She stated that as long as the land was suitable for development and the zoning was suitable for the development and the issue was with the developer that would not affect the compliance plan. She also stated that nothing precludes the Township from altering part of the plan as long as the Township was providing reasonable opportunity for the units to be produced. Mayor Mironov asked if there was anyone in the public that had any comments or questions. There being no public comment, the public forum was closed.

## **RESOLUTIONS**

### **RESOLUTION 2017-20** Master Plan – Housing Element and Fair Share Plan

Chairperson Kelley stated the Board members received Resolution 2017-20 adopting this element to the Master Plan.

**MOTION TO APPROVE RESOLUTION 2017-20 MADE BY: Mr. Clark**

**MOTION SECONDED BY: Mr. Berman**

### **ROLL CALL**

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

**NAYES:** None

**RESOLUTION 2017-21** Gateway Twin Rivers LLC  
159 Milford Road  
Block 20.06, Lot 4  
Minor Site Plan

Bob Ridolfi, Esq. is present tonight on behalf of the applicant. He stated that he reviewed the resolution prior to tonight's meeting and he has some minor comments, including the correction of the title of one of the exhibits and some minor grammatical comments. He stated that was unsure if conditions nine and ten at the end of the resolution should be included, as the applicant has already entered into a Developer's Agreement with the Township. Mayor Mironov and Chairperson Kelley agreed that they should be removed.

MOTION TO APPROVE RESOLUTION 2017-21 WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

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

NAYES: None

**RESOLUTION 2017-22** Establishing the First Meeting Date of 2018

MOTION TO APPROVE RESOLUTION 2017-22 MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Catana

ROLL CALL

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

NAYES: None

**RESOLUTION 2017-23** Appointment of Planning Board Attorney for 2018

MOTION TO APPROVE RESOLUTION 2017-23 MADE BY: Mr. Clark

MOTION SECONDED BY: Mr. Catana

ROLL CALL

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

NAYES: None

**DISCUSSION ITEMS**

**Ordinance No. 2017-16** An Ordinance Amending and Supplementing Chapter XX, “Zoning,” Section 20-20 "Affordable Housing," Section 20-21 “Development Fees for Affordable Housing,” and Chapter II, “Administrative Code,” Section 2-37 “Municipal Housing Liaison” of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey.

Mayor Mironov stated that this was an update of the existing affordable housing ordinances to make them consistent with any new laws and declarations. Chairperson Kelley asked how the income standards were calculated that are referenced throughout the ordinance. Mayor Mironov stated that these standards are set by the county based on demographics and eligibility as very low, low, and moderate income households.

MOTION TO RECOMMEND ORDINANCE 2017-16 FOR ADOPTION MADE BY: Mr. Clark

MOTION SECONDED BY: Mayor Mironov

**ROLL CALL**

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

NAYES: None

**APPLICATIONS/PUBLIC HEARING**

**EWT File #PB17-003 269 Wyckoff Mills Road EW3 LLC**  
269 Wyckoff Mills Road  
Block 12, Lot 2  
Preliminary and Final Major Site Plan  
**FOR SCHEDULING PURPOSES ONLY**

Chairperson Kelley announced the application would be carried until the meeting of January 22, 2018 with no further notice required.

**EWT File #PB17-004 Windsor Castle Associates**  
226 Dorchester Drive  
Block 87, Lot 11  
Preliminary and Final Site Plan

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

Mayor Mironov stated that this application is before the Board as a potential part of the Township's affordable housing plan and is included in the adopted Housing Element. She stated that the Township Council passed an ordinance earlier this year allowing the Township to increase the density of a zone beyond the 10 units per acre under two conditions: one being the Township at its sole discretion decides to make the project part of its Affordable Housing Plan, and two being that the Township agrees to the increase in the density. She stated that the process is different in this case and that whatever is determined by the Board is subject to the governing body's final sign off for the final density and the inclusion of this project as part of the Housing Element. This would necessitate an agreement between the governing body and the applicant to fully address the details of the project.

Kenneth Pape Esq., of Heilbrunn Pape is representing the applicant tonight, Windsor Castle Associates LLC. Mr. Pape stated that the Windsor Castle Apartment complex has been a part of the East Windsor community for the last 50 years. In the last ten years, the ownership of the facility has put a lot of effort into sprucing up the site with new architectural, landscaping, and aesthetic investments. Mr. Pape stated that this request includes a new clubhouse, landscaping features, a gazebo, a storage shed, and 28 residential units. He stated that the complex currently has 220 units at market rate, and these 28 units would be affordable units. Mr. Pape stated that 28 existing units will be completely refurbished and renovated and will be put under a restrictive covenant for 30 years as affordable units, and the newly constructed 28 units would be market rate. Chairperson Kelley stated for the record the following reports have been received from East Windsor Professionals and Supervisors: Philips Preiss Grygiel, dated November 28, 2017, Exhibit B-1; T&M Associates, dated November 15, 2017, Exhibit B-2; and Daniel Dobromilsky and Associates, dated November 20, Exhibit B-3. Mr. Pape stated that the applicant was in receipt of these reports.

Mr. Catana asked if the 28 units that will be made affordable units were currently occupied. Mr. Pape stated that at this moment the complex is at 100% occupancy, so yes the units are occupied at the moment, but leases are coming up for renewal all the time at a rate of 18% a year. As units become available, they will mark them to be affordable units. Mr. Catana asked how long that would take to have 28 units available as affordable housing. Mr. Pape stated that they have a guideline to finish it within four years but they believe it will be done much sooner.

Mr. Pape introduced the project engineer Kurt Otto of Maser Consulting as his first witness. Ms. Maziarz swore in Mr. Otto. Mr. Pape asked Mr. Otto to go over his licensure and experience for the Board. Mr. Otto stated that he earned his bachelor's degree in civil engineering from Rutgers University in 1993 and he became a licensed engineer in New Jersey in 1998. He has also been accepted as a professional witness in front of land use boards throughout the state. Chairperson Kelley accepted his credentials.

Mr. Otto entered into evidence Exhibit A-1 titled "Proposed Conceptual Site Plan," dated December 4, 2017. Mr. Otto stated that the project is located at Block 87, Lots 11, 12, and 13 and the address is 226 Dorchester Drive. The site presently consists of 220 apartment units spread out in thirteen buildings. The site was constructed in the 1960's and there have been various landscaping improvements over the years, as well as the replacement of one building in the last few years after a fire on site. The applicant is requesting to build 28 apartment units in three new

buildings, known as Buildings N, O, and P. Building N will be connected to the existing Building M. Building O will contain 16 units, and Building P will contain 4 units. The applicant is also proposing a new clubhouse building with laundry facilities, office space, gym area, and a common recreation area for residents.

Mr. Otto stated that the site is relatively flat, but naturally slopes from the east to the west. He stated the grading won't be changed except for in new construction areas, and they will be maintain existing draining patterns. There is an existing storm water management system that has been there since the original construction, and the applicant is looking to maintain the system as it has operated well since construction. Regarding landscaping, the applicant is adding decorative foundation plantings to every building throughout the site, including decorative shrubs along the street frontages. The existing lighting plan includes façade mounted fixtures on all buildings at entrances and on the sides of each building. Mr. Otto stated that two of the proposed new buildings will have the same wall mounted fixtures added, but the third building will be facing existing cobra head lighting fixtures, which the applicant believes would be adequate to light that area and additional fixtures aren't necessary. Mr. Otto stated that no new signage is being requested with this application. He stated that for utilities, they will be connecting into the existing sewer and water systems maintained by the East Windsor Municipal Utilities Authority. Mr. Otto stated that the existing trash storage plan includes two or three delineated trash storage areas that serve the site. Mr. Otto stated that they believed that would adequately serve the site with the new units added. Mr. Catana asked Mr. Otto if the new buildings would have any signage with their letter labels. Mr. Otto stated that they would add letter designations to the new buildings, each measuring about one square foot in size.

Mr. Pape introduced the project architect Steven Radosti of Perez and Radosti as his next witness. Ms. Maziarz swore in Mr. Radosti. Mr. Pape asked Mr. Radosti to go over his licensure and experience for the Board. Mr. Radosti stated that he is a licensed architect in New Jersey and he has been practicing for over 20 years. He is a partner at Perez and Radosti Associates in East Windsor and he has been accepted as a professional witness for several land use boards throughout the state. Chairperson Kelley accepted his credentials.

Mr. Radosti entered into evidence Exhibit A-2 titled "Sheet SK-6," dated August 8, 2017. Mr. Radosti entered into evidence Exhibit A-3 titled "Windsor Castle Photographs Building A," dated August 8, 2017. Mr. Radosti stated that the idea of the architectural was to revitalize the streetscape along Devonshire Drive and to match the new buildings to the existing buildings. Mr. Radosti stated that the photo of building A shows the newly constructed building with horizontal siding in a tan color. The building also has a series of gables and the signature green color of the development along the roofline. Mr. Radosti stated that Building P would be two stories with two units, each one bedroom units with a den. Building P would have the same gable elements and colonial style architecture as the existing buildings. The building would be of the same brick as Building A to be cohesive. Mr. Radosti entered into evidence Exhibit A-4 titled "Sheet SK-5," dated August 8, 2017. Mr. Radosti stated that Building O would be two stories with sixteen units. Building O would be stepped back from Building P to create an interesting façade. The building would include the same materials and colonial styling as Building P. The rear of the building would have patios at the lower units and balconies at the upper units. Mr. Radosti entered into evidence Exhibit A-5 titled "Sheet SK-3," dated August 8, 2017. Mr. Radosti stated that Building

N would be attached to Building M and would have eight units. Building N would have balconies in the rear and patios for lower units. This building would also have brick material, gable treatment and decorative shades, and a green and tan stone throughout.

Mr. Radosti entered into evidence Exhibit A-6 titled "Sheet SK-1," dated August 8, 2017. Mr. Radosti stated that this exhibit shows the new clubhouse building. The clubhouse will be visible from the abutting streets. There will be a covered patio area, a fountain, decorative trellis work and Tuscan style columns for a decorative look. The clubhouse would be made of brick with gable styles to match the apartment buildings. Inside of the building would be rental offices, a multi-purpose space, and laundry and gym facilities. Mr. Radosti stated that the building would be completely accessible and ADA compliant. Mr. Shapiro asked if the laundry facilities would be in addition to the existing facilities on site. Mr. Radosti stated that the existing facilities would be closed down and all the on-site laundry facilities would be in the clubhouse. Mr. Radosti entered into evidence Exhibit A-7 titled "Sheet SK-7," dated August 8, 2017. Mr. Radosti stated that this exhibit shows the new storage shed in the rear of the site. The building would measure 20 feet by 30 feet and would be made to match the look and style of the existing buildings. Mr. Radosti entered into evidence Exhibit A-8 titled "Material Samples," dated December 4, 2017. Mr. Radosti stated that these samples include the horizontal siding, the metal roof, the asphalt roofing, and other colors and materials they will be using throughout the site. Mr. Clark asked if the bearing walls between units would have any means to prevent noise travelling. Mr. Radosti stated that there would be two layers of sound insulation and gypsum to prevent noise. Mr. Peters asked if each unit would have controlled heating and air conditioning units and Mr. Radosti stated that they would.

Mr. Pape introduced the project traffic engineer Betsey Dolan as his next witness. Ms. Maziarz swore in Ms. Dolan. Mr. Pape asked Ms. Dolan to go over her licensure and experience for the Board. Ms. Dolan stated that she has a bachelor's degree in civil engineer and she is a licensed engineer in New Jersey with a focus on transportation for the last 20 years. She stated that she has appeared before 200 or more boards in New Jersey as an expert witness. Chairperson Kelley accepted her credentials.

Ms. Dolan stated that this an existing campus with existing parking and circulation. She stated that overall circulation is not changing on site. At the ends of some existing parking areas additional spaces will be added. There are no existing parking issues on the site currently even though the site is fully occupied. The proposal requires an additional 52 parking spaces be added to meet the Township's requirements, but the applicant is proposing 49 for a total of 449 spaces throughout the site. Ms. Dolan stated that they believed that would be more than adequate to serve the site with the additional units. She stated that there are existing double loaded parking aisles throughout the site and a single loaded aisle on the north end of the site. The 49 additional spaces will be added throughout the site to make for a good distribution. Mayor Mironov asked for more details regarding the existing adequacy of the parking. Ms. Dolan stated that she had conducted site visits and at night time, when parking lot occupancy is at its highest, she found multiple empty spaces throughout the site. She stated that multiple site visits were conducted at different times throughout the day. She stated that if needed, they can provide a data summary of that with specifics. Ms. Dolan suggested another site visit be conducted where counts are taken after 8:00

PM on a weekday and a weekend to determine the amount of spaces that are vacant at those times. Mr. Dobromilsky stated that sounded appropriate.

Mr. Pape introduced the applicant Eli Kramer as his next witness. Ms. Maziarz swore in Mr. Kramer. Chairperson Kelley asked Mr. Kramer how the apartment complex handles recycling. Mr. Pape stated that they would provide that information to the Board, as they did not have that information with them tonight. Mr. Pape asked Mr. Kramer how they keep the parking lots free of abandoned vehicles. Mr. Kramer stated that they keep a list of cars and license plates and if an unlisted car is parked overnight, it is towed. Mr. Kramer stated that they currently have more than enough parking for their complex. Mr. Pape asked Mr. Kramer about the lighting. Mr. Kramer stated that site lighting comes on at dusk and stays on all night. Mr. Shapiro asked if overnight guests would have their cars towed. Mr. Kramer stated that they make an effort to find and contact the owner before they tow and they haven't had an issue.

Mr. Pape introduced the project planner Donald Meisel as his next witness. Ms. Maziarz swore in Mr. Meisel. Mr. Pape asked Mr. Meisel to go over his licensure and experience for the Board. Mr. Meisel stated that he became a licensed planner in New Jersey in 2001 and he has served as the principal planner for the City of Orange in New Jersey and he has testified in front of over a dozen boards as a professional witness in New Jersey. Chairperson Kelley accepted his credentials.

Mr. Meisel stated that there are four elements of relief they are requesting with this application. He stated that they are request a front yard variance setback, as one of the new buildings is at the property line. They are required to have a 75 foot setback in this zone but they are proposing less than a foot at the most extreme condition. They are also requesting a side yard setback variance, where 75 feet is required and they are proposing 38 feet. They are also below the required parking requirement by three spaces. Mr. Meisel stated that density is 25% higher than what is permitted, but the recent ordinance that was discussed earlier, the affordable housing units makes the variances justified.

Mayor Mironov asked for more details on the landscaping plan. Mr. Pape stated that they would be willing to add any landscaping the Board wishes. Mayor Mironov stated that shade trees might be considered along the new buildings and the streetscapes. Mr. Dobromilsky stated that he highlighted a number of areas that are deficient, but his concerns with shade trees are the overhead wires so the locations would have to be carefully chosen. He stated that additional landscaping in those areas would be appropriate to soften the look of the site.

Mr. Pape asked that the Board consider waiver requirements regarding different monetary contributions under the ordinance requirements as the number of market value units will not be increasing under this application. Mayor Mironov stated that would be considered. Chairperson Kelley stated that the open issues needed to be addressed by the applicant prior to any action taken. Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

Chairperson Kelley announced the application would be carried to January 22, 2018 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 December 4, 2017, 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 22<sup>nd</sup> day of January, 2018.

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Allison Quigley, Board Administrative Secretary  
East Windsor Township