

**EAST WINDSOR TOWNSHIP PLANNING BOARD  
MINUTES OF September 25, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, September 25, 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, Mayor Mironov, Ms. Patel (arrived at 7:43 PM), Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

Members Absent: Mr. Clark

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

**REPORTS/CORRESPONDENCE/ANNOUNCEMENTS**

**PUBLIC FORUM**

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

**MINUTES**

**July 24, 2017**

Mr. Schmidlin stated that on page six, in the second paragraph, about a level of service should be changed to above a level of service. Mayor Mironov asked that the minutes be printed double sided moving forward.

MOTION TO APPROVE THE JULY 24, 2017 MINUTES WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Schmidlin

**ROLL CALL**

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

NAYES: None  
ABSTAINS: Mr. Berman

**August 7, 2017**

MOTION TO APPROVE THE AUGUST 7, 2017 MINUTES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

ROLL CALL

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

**RESOLUTIONS**

**RESOLUTION 2017-16 Promenade at East Windsor (Parec Construction)**  
671 Route 33  
Block 14, Lots 977, 979, and 980  
Amended Preliminary Site Plan with Variances

Mayor Mironov stated that on page twelve, item number 2, the purpose of the condition was to allow the Board to revisit any impacts caused by the site as a result of the revised traffic impact study the applicant was asked to provide. She stated that while the condition seems to cover that, she would ask the Board attorney to just double check the condition. Ms. Maziarz suggested that the last phrase of the condition be changed from *to the satisfaction of the Board* to *subject to Board review and approval*. Mayor Mironov agreed with Ms. Maziarz's suggestion. Mayor Mironov stated that on page thirteen, items numbered four, five, six, nine, and ten, she would like to make a general comment, that this application was for preliminary approval and all further matters are subject solely to the Board's approval. She suggested that the language be removed from those conditions that states the items are to be reviewed by the Board's professionals to their satisfaction, and instead add that these items are *subject to final Board review and approval*. Mayor Mironov stated that on page thirteen, item number ten, the phrase *Township Landscaping Fund* should be changed to *Township Tree Fund*.

Chairperson Kelley stated that two comments were received from the applicant's attorney, Donald S. Driggers of Turp, Coates, Driggers and White on the resolution. The first comment was on page one, in the first paragraph, the correct block and lot for the subject property was Block 14, Lot 977, whereas the resolution lists the subject property as Block 14, Lots 977 and 979. The second comment was on page nine, the subject property acreage was listed at 9.77 acres, and it should be corrected to 9.66 acres. Ms. Maziarz stated that, when the applicant originally appeared before the Board in 2008, the application was for Block 14, Lots 977 and 979, but this application was amended to only include Lot 977, so that comment was accurate. Ms. Maziarz stated that regarding the acreage, the memorandum from the Mr. Peters, the Board engineer, dated May 5, 2017, lists the property acreage as  $\pm 9.77$  acres. She added that she checked the tax maps that indicate the lot is 9.66 acres. She stated that the Board would have to make a decision as to how to address this

in the resolution. Mayor Mironov suggested adding the word *approximate* just to be clear. Ms. Maziarz agreed with her suggestion.

MOTION TO APPROVE RESOLUTION 2017-16 WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Ms. Patel

ROLL CALL

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

NAYES: None

ABSTAINS: Mr. Berman

**RESOLUTION 2017-17      Aurobindo Pharma USA**  
203 Windsor Center Drive  
Block 4, Lot 2  
Waiver of Site Plan Request

Mayor Mironov stated that on page one, third paragraph, the phrase *the Applicant made the following changes* should be changed to *the Applicant has requested to make the following changes*. Mayor Mironov stated that she also saw some comments on the resolution from the applicant's attorney, W. Lane Miller of his own firm, regarding conditions nine, ten, and eleven. She stated that none of the approved changes were impacting the building area and the applicant has already entered into a Developer's Agreement with the Township that covers those conditions. She stated that it might be appropriate to remove those three paragraphs so there are no further issues. Ms. Maziarz stated that the applicant's attorney also requested to add to the requested changes a new paragraph that states "*modifications to the previously approved landscaping plan along Old Trenton Road and Princeton Hightstown Road.*" Ms. Maziarz stated that this issue was brought up during testimony, and although it wasn't addressed in the original submission to the Board, the Board did consider the issue during the public hearing, so she believed it should be added. She also stated that on page two, in the list of exhibits entered into evidence, *Exhibit A-1 – Sheet AX-1* should be revised to *Exhibit A-1 – Sheet EX-1*, as requested by the applicant. Also, on page four in the second paragraph, the applicant's attorney requested that the referenced northwest corner be corrected to the southwest corner in regards to the revised parking layout. Ms. Maziarz stated that she checked with the Board Secretary Ms. Quigley and the Board Engineer Mr. Peters to verify that was accurate, and it was found to be northwest on the plans.

MOTION TO APPROVE RESOLUTION 2017-17 WITH CHANGES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Catana

ROLL CALL

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

NAYES: None

ABSTAINS: Mr. Schmidlin

**DISCUSSION ITEMS**

1. EWT File #PB17-003  
Gopi Corporation  
Block 58.12, Lot 27  
Waiver of Site Plan Request

Mr. Peters stated this project was the building addition next to the Wawa store on Hickory Corner Road. He stated that project was built and completed about ten years ago. The project was inspected as construction was being completed, but an issue with the approved trash enclosure came up. When the ground was being dug up to add the foundation for the trash enclosure, a sewer sanitary pipeline was discovered directly underneath where the trash enclosure was to be constructed. Mr. Peters stated that enclosure was never constructed. The applicant has since requested a bond release, but Mr. Peters and T&M Associates recommended that the bond be held until all the conditions of the approval were met. He stated that the trash enclosure is the only outstanding condition for this project. Mr. Peters stated that the Board received a letter and submission materials from the applicant requesting that this condition regarding the trash enclosure be waived.

Mr. Peters stated that he conducted a site visit and noted that there are small size dumpsters located behind the building. He stated that they are well screened by the adjacent Haldeman Ford Dealership building. Mayor Mironov asked if the dumpsters can be seen from the road at all. Mr. Peters stated that the smaller dumpsters cannot be seen from Hickory Corner Road, but there is a dumpster that is used by the Wawa Store that is visible from Hickory Corner Road. He added that dumpster in particular was existing prior to the application that was submitted to the Board about ten years ago. Mayor Mironov asked if that dumpster in particular was visible in the submitted pictures of the site. Mr. Peters pointed out which dumpster was visible from Hickory Corner Road. He stated that, although it is visible, someone would have to be looking directly up the drive aisle to see it, as there is landscaping on either side that helps to block it from view somewhat.

Mayor Mironov stated that she was supportive of the request, but wanted to make a few general comments. She stated that because the process allowed this outstanding issue to sit unaddressed for so long, the process would have to be revisited to ensure this did not happen again. She also stated that she would assume and expect of the owner of the site that because there is no trash enclosure the trash areas would be well maintained. She stated that if that area was more visible, she would think the Board and the applicant would discuss different options to screen that area from view. She stated that these items should be taken into account for this project and moving forward. She also added that it should be part of the record that this is not the manner in which the Board would typically want a trash enclosure to look like, and if any issues, changes, or change of ownership for the site come up, the Board reserves the right to revisit this issue.

MOTION TO APPROVE THE WAVER OF SITE PLAN REQUEST MADE BY: Mr. Catana

MOTION SECONDED BY: Ms. Patel

ROLL CALL

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

NAYES: None

ABSTAINS: None

2. EWT File #PB16-002  
Gateway Twin Rivers  
Block 20.06, Lot 4  
Waiver of Site Plan Request

Robert Ridolfi, Esq. of his own firm is representing the applicant tonight, Gateway Twin Rivers LLC. Mr. Ridolfi stated that the applicant received preliminary and final site plan approval in May of 2016 for the subject site at 159 Milford Road to construct a 478,390 square foot warehouse and office facility. Mr. Ridolfi stated the building is nearing completion, and one of the conditions of the approval was the installation of a water main line by the East Windsor Municipal Utilities Authority (EWMUA) on the property. He stated that it was brought to the applicant's attention by the EWMUA that there are 29 trees that need to be removed in order to complete the water line installation. Mr. Ridolfi stated that a letter from Richard Brand of the EWMUA dated September 12, 2017 detailing the issue and why the trees need to be removed for the installation. A color map was also submitted showing which trees need to be removed. Mr. Ridolfi stated that the applicant is requesting a waiver of site plan to remove the trees and comply with the request made by the EWMUA.

Chairperson Kelley asked Mr. Dobromilsky if the trees could be added after the water line is installed. Mr. Dobromilsky stated that he would think that wouldn't be possible. Mayor Mironov stated that the application was reviewed thoroughly when it came before the Board in 2016, so she would assume that there is no other location on the site these trees could be relocated to. She stated that the Board would probably like the trees to be relocated on site, or have the applicant contribute to the Township Tree Fund to compensate for the trees that would be removed. Mayor Mironov asked Mr. Ridolfi if that would be agreeable to the applicant and he stated that it would be. Chairperson Kelley agreed with Mayor Mironov's suggestion. Mr. Berman asked if there were any spots along Milford Road the Board would have jurisdiction to add trees.

Mr. Ridolfi entered into evidence Exhibit A-1, "Colored Aerial Map" dated September 25, 2017. The blue area shows which trees would have to be removed for the water line installation. He pointed out that the area is heavily wooded already, as natural vegetation exists on the adjacent property in that area. Mr. Dobromilsky stated that they are deciduous woods in that area, so the trees will lose their leaves in the winter, and they might not offer much screening. Mayor Mironov asked Mr. Dobromilsky if there was another area on site the trees could be planted to provide some screening in that area. Mr. Dobromilsky stated that the adjacent site is owned by the Twin Rivers Homeowner's Association, so he was not sure where they could be relocated to. Mayor Mironov and Chairperson Kelley agreed that, if the applicant was agreeable, a contribution to the tree fund in lieu of relocating the 29 affected trees would be appropriate for this request. Mr. Ridolfi stated the applicant would agree to that.

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

MOTION SECONDED BY: Mr. Catana

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mayor Mironov, Ms. Patel, Mr. Shapiro, Mr. Schmidlin, 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 September 25, 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 6<sup>th</sup> day of November, 2017.

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Allison Quigley, Board Administrative Secretary  
East Windsor Township