

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF May 1, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, May 1, 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 7:37 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, Mr. Shapiro, Mr. Schmidlin, Mr. Kelley

Members Absent: Mr. Clark, Mr. Katawick,

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

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

The previous Planning Board meeting scheduled for April 17, 2017 was cancelled and all agenda items were carried to the regularly scheduled meeting of May 1, 2017 without further notice required.

Mayor Mironov announced that the annual East Windsor Township Stream Cleanup event took place on Earth Day, which was April 22, 2017. She stated that the East Windsor Township Community Gardens also opened on the same day.

Mayor Mironov stated that the New Jersey Turnpike Authority had gotten back to the Township with some answers to questions that had been raised about the Route 33 maintenance yard area. She stated that the item was on the agenda for the Township Council meeting scheduled for May 2, 2017 and would be discussed further.

Chairperson Kelley stated that all Board members received copies of the training materials he received from the New Jersey Planning Officials training course he attended on April 22, 2017 in their meeting packets.

PUBLIC FORUM

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

MINUTES

March 20, 2017

MOTION TO APPROVE MARCH 20, 2017 MINUTES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Schmidlin

ROLL CALL

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

NAYES: None

ABSTAINS: None

RESOLUTIONS

Resolution 2017-11

One Mile Storage

79 One Mile Road

Block 5.01, Lot 11

Amended Preliminary and Final Site Plan with Variances

Mr. Berman stated that he recalled several outstanding items from the public hearing on this application, including pesticide testing, infiltration testing, and a revised Environmental Impact Statement. He stated that he did not see these items reflected in the resolution. Ms. Maziarz stated that on page five, item number three addresses these issues. Mayor Mironov stated that while the current resolution states that these items would be reviewed to the satisfaction of the Township Engineer, she feels that the Board needs a process by which these items would be filed with the Board and the condition should state that these items would be subject to the Board's review and approval. Ms. Maziarz asked Mayor Mironov if the internal process should include the Township Engineer reviewing the submitted items and then providing a written report to the Board evaluating the submitted materials. Mayor Mironov agreed and stated that ultimately the Board should be the one to receive the materials to address the outstanding issues and to decide that they satisfy the conditions. Ms. Maziarz stated that she would revise the resolution to include that. Mr. Berman asked if the outstanding items should be addressed within a certain timeframe. Mayor Mironov stated that she did not think that was necessary, as the applicants would be required to address these issues before moving forward with the project. Mr. Preiss stated that all applicants have to go through a resolution compliance review after the resolution is finalized to ensure that the applicant has satisfied all conditions in the resolution. Mayor Mironov stated that she believed these outstanding issues were separate from the resolution compliance review and should be handled by a separate review process.

Mayor Mironov stated that there was a typo on page one, third paragraph and *public hearings* should be changed to *public hearing*. She also asked that on page one, fifth paragraph, the word *entertained* be replaced with *accepted*.

MOTION TO APPROVE RESOLUTION 2017-11 WITH CHANGES MADE BY: Mr. Berman

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

DISCUSSION ITEMS

Planning Board File #PB17-002

Eastbell Inc. (Taco Bell)
25 Princeton Hightstown Road
Block 63.01, Lot 8
Waiver of Site Plan Request

Arnold Lakind, Esq. of Szaferman Lakind is representing the applicant this evening, Eastbell Inc. Mr. Lakind stated that the subject property is located at 25 Princeton-Hightstown Road and consists of a 2,411 square foot Taco Bell restaurant that currently seats 78 people. Mr. Lakind stated that his client is considering several interior and exterior renovations to the restaurant and that they believe they meet the criteria for a waiver of site plan review for these proposed changes, as the changes are less than a 5,000 square feet expansion and is meant to improve the look of the site. Mr. Lakind stated that the proposed changes also include new signage. Mr. Lakind stated that there are currently three signs on the building that measure 57 square feet collectively, and that the new signs would measure an additional five or six square feet collectively. Mr. Lakind stated that the newly proposed signs are in compliance with the Township ordinances.

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

Mr. Lakind introduced the applicant John Tomasulo of Eastbell Inc. as the first witness. Ms. Maziarz swore in Mr. Tomasulo.

Mr. Lakind entered Exhibit A-1, titled "Drawing A4-01," dated May 1, 2017 into evidence. Mr. Tomasulo stated that Exhibit A-1 shows the drive through side elevation, the front elevation facing Princeton Hightstown Road, and the rear elevation facing the Windsor Shopping Center. Mr. Tomasulo stated that there are architectural elements called towers on several sides of the building which feature the Taco Bell Logo. Mr. Tomasulo stated that the tower on the drive through elevation would be removed and would be replaced with an overhang to cover the cars that come through the drive through aisle. The top of the building would be lined with wooden slats that would be illuminated from behind with LED lights to provide a low glow at night. The stucco would be resurfaced and redone in muted colors. Mr. Tomasulo stated that new stone tower would be built on the corner of the building between the drive through and the front of the building and would feature two new Taco Bell signs, one facing Princeton Hightstown Road and the other facing Route 130. Mr. Tomasulo stated that the existing Taco Bell signs located over the drive through

window and the front doors would be removed. Mr. Tomasulo stated that the rear of the building would be resurfaced with new stucco.

Mr. Lakind entered Exhibit A-2, titled "Drawing A5-01," dated May 1, 2017 into evidence. Mr. Tomasulo stated Exhibit A-2 shows the west elevation that faces the restaurant and shopping center parking lot. He stated that slats will line the top of the building and the existing Taco Bell signage would be removed and replaced with new signage that reads "Taco Bell" but does not feature a logo. Mr. Tomasulo clarified that the building currently has three signs, each featuring the bell logo and the name Taco Bell underneath it. He stated that the proposed changes would feature three signs, two including the bell logo and the words Taco Bell and one sign just with the words Taco Bell.

Mr. Tomasulo stated that the interior of the restaurant would also be updated. He stated that currently the restaurant seats 78 people. He stated that the new layout would seat 66 people. He stated that an outdoor seating area would be added to the front of the building to make up for the loss in seats. The seating area would be covered by an overhang to protect patrons from the elements and a railing would run along three sides to deter anyone from walking into the drive through aisle. Mr. Tomasulo stated that the interior would be completely changed with all new furniture and décor, and the bathrooms would be remodeled into two single user bathrooms that would be ADA compliant. The kitchen area would remain largely the same, with the addition of a new walk in cooler in the rear.

Mr. Lakind entered Exhibit A-3, titled "Drawing A1.1," dated May 1, 2017 into evidence. Mr. Tomasulo stated that the only changes to the parking on site would be the relocation of two handicap parking stalls closer to the new entrance along the west side of the building.

Mr. Lakind asked Mr. Tomasulo to explain why the new signage would be larger than the existing signage on site. Mr. Tomasulo stated that the Taco Bell Corporation recently revised their logo to a newer, larger bell logo and therefore the signs needed to be updated as well. Mr. Tomasulo stated that the signs featuring the bell logo and the words together measure approximately 26 square feet and they are proposing two of those signs. He stated that the sign featuring just the words Taco Bell would measure approximately 10 square feet. He stated that due to the new logos, the signs were increased slightly and would add approximately six square feet of signage to the site.

Mr. Lakind entered Exhibit A-4, titled "Photographs of Existing Conditions – West Elevation," dated May 1, 2017 into evidence. Mr. Lakind entered Exhibit A-5, titled "Photographs of Existing Conditions – East Elevation," dated May 1, 2017 into evidence. Mr. Lakind entered Exhibit A-6, titled "Photographs of Existing Conditions – North Elevation," dated May 1, 2017 into evidence. Mr. Lakind entered Exhibit A-7, titled "Landscaping Plan," dated May 1, 2017 into evidence. Mr. Lakind distributed copies of Exhibit A-7 to the Board. Mr. Tomasulo stated that the green areas on the plan would be the areas that plants would be added to replace the ones that are being removed due to the renovations. Mr. Tomasulo stated that the planting beds that are currently filled with mulch would be redone and filled with river rocks for fire protection. Mr. Berman asked Mr. Tomasulo if the plants would be irrigated. Mr. Tomasulo stated that they would be irrigated manually.

Chairperson Kelley asked Mr. Tomasulo to indicate where the bollard would be located along the outdoor seating area. Mr. Tomasulo stated that a railing would run along three sides of the outdoor seating area and there are currently two bollards along the side with the drive through aisle. Mr. Catana asked Mr. Tomasulo if the proposed single user bathrooms would be sufficient to serve the entire restaurant. Mr. Tomasulo stated that their architect had looked into that and had determined that the two bathrooms would be up to code and would properly serve the restaurant. Chairperson Kelley asked Mr. Tomasulo regarding the note on Sheet SP1.10 regarding existing site remediation. Mr. Tomasulo stated that there are existing monitoring wells on site with the shopping center due to the gas station located on the corner but the proposal would not affect the wells, as that is common area for the shopping center.

Mr. Berman asked Mr. Tomasulo why they were removing the bike rack. Mr. Tomasulo stated that the outdoor seating area would be going in that area. Chairperson Kelley asked if they would be replacing the bike rack and Mr. Tomasulo stated that they were not. Mr. Catana stated that the submitted plans show a new bike rack detail. Mr. Dobromilsky stated that the plans indicate the new bike rack would be placed near the new entrance. Mr. Tomasulo stated that they would construct a new bike rack in that area.

Mr. Dobromilsky asked Mr. Tomasulo if there were any proposed changes to the HVAC units. Mr. Tomasulo stated that there were no changes proposed. Mr. Dobromilsky asked Mr. Tomasulo if there were any proposed changes to the exterior lighting. Mr. Tomasulo stated that they were not proposing any changes to the exterior lighting on the building. Mr. Dobromilsky asked Mr. Tomasulo if he had considered replacing the doors to the dumpster enclosure. Mr. Tomasulo stated that they had looked at the enclosure when considering these improvements but because the existing doors are metal and are in good condition, they did not consider changing them at this time. Mr. Dobromilsky asked for clarification regarding the pruning of the existing trees and shrubs that is suggested on the plans. Mr. Tomasulo stated that those plantings are not in his control, but are maintained by the owner of the shopping center and it was his intention to discuss the pruning with the owner of the center as it has become overgrown over the years.

MOTION TO APPROVE WAIVER 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

Ordinance 2017-09

An Ordinance Amending and Supplementing Chapter XX, "Zoning," Subsection 20-11, "R-M Residential Multifamily," and Subsection 20-20, "Affordable Housing," of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey

Mayor Mironov stated that Ordinance 2017-09 had been introduced at the Township Council meeting on April 18, 2017 and was formulated in connection with the Township's affordable housing program. She stated that one of the components of this plan is to provide 28 affordable family rental units in an existing apartment complex. There is an arrangement with the owner that for every unit he deed restricts to satisfy the affordable housing component, he can build one additional market unit. She stated that they have met several times and based on conceptual plans and preliminary engineering, the owner can accommodate 28 family units that would be deed restricted under the Council and affordable housing guidelines. Mayor Mironov stated that this ordinance addresses this agreement in a simple way that also ensures the Township maintains all decision making authority for this project. She stated that under "Bulk and Area Requirements" Section C, the ordinance indicates the gross residential density in the Residential Multifamily (RM-1) Zone can be exceeded as determined by the Township at its sole discretion, where the affordable units are provided as a component of a Township approved Master Plan housing element. Mayor Mironov stated that this was the simplest way to address the density issue on the site. She stated that this is a beneficial use for the Township. She stated that the affordable units will be consistent in appearance with the other units, and added that the owner will maintain the right to decide which units will be deed restricted.

Mayor Mironov stated that she thinks this is a great way to provide more affordable housing units in the Township and it also allows the owner the opportunity to make some upgrades to the site. She stated that the owner of the site would probably come back before the Board with the project in the next 30 to 40 days.

Mr. Catana asked if there were any provisions to prevent clustering of affordable units on site. Mayor Mironov stated that they have an MOU on this particular project and that the owner has agreed to this project as part of the affordable housing plan element, which addresses that issue. She stated that the owner has already agreed to disperse the affordable housing units. Mr. Schmidlin stated that he was unsure what types of units 20-11.4b was referring to, as the ordinance states "the gross residential density and developments which contain a mix of housing types shall be based on ten units per acre for multi-family dwellings other than attached dwellings, six units per acre for attached dwellings and five units per acre for detached dwellings." Mayor Mironov stated that that section had not been revised and stated that the section was referring to mixed typed developments and she was unaware of any within the Township. Mr. Catana stated that he believes they are referring to apartments, townhouses, and homes, in that order.

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

MOTION TO RECOMMEND ORDINANCE 2017-09 FOR ADOPTION BY TOWNSHIP COUNCIL MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

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 May 1, 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 5th day of June, 2017.

Allison Quigley, Board Administrative Secretary
East Windsor Township