

**EAST WINDSOR TOWNSHIP PLANNING BOARD  
MINUTES OF May 15, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, May 15, 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**

**PUBLIC FORUM**

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

**MINUTES**

**RESOLUTIONS**

**Resolution 2017-12**                      **Eastbell Inc. (Taco Bell)**  
25 Princeton Hightstown Road  
Block 63.01, Lot 8  
Waiver of Site Plan Request

Chairperson Kelley asked Ms. Maziarz to go over the changes to the resolution. Ms. Maziarz stated that on page one, first paragraph, the word *relief* had been changed to *waiver*. On page three, first and fourth paragraphs comments from Mr. Preiss and Mr. Dobromilsky were added. Ms. Maziarz stated that she also received two comments from the applicant's attorney that were not incorporated into the resolution because she would not suggest making those changes. She stated that the applicant had requested that on page one, the phrase *public hearing* be removed, but Ms. Maziarz stated that because the Board is a public body, all of their hearings are public hearings.

The second change requested by the applicant was the removal of the mention of complying with noticing requirements on page one. Ms. Maziarz stated that while the applicant was not required to offer public notice because they had applied for a waiver of site plan, they still complied with the noting requirements for their application.

MOTION TO APPROVE RESOLUTION 2017-12 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

### **APPLICATIONS/PUBLIC HEARING**

**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 members Mr. Clark and Mr. Catana, who were absent at the application's last hearing on October 24, 2016, had listened to the meeting tapes and signed affidavits stating so, so they were eligible to participate in any discussion tonight.

Chairperson Kelley asked Jolanta Maziarz, 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. Maziarz swore the professionals in.

Don Driggers, Esq. of Turp, Coates, Driggers, & White, is representing the applicant, Parec Construction. Mr. Driggers stated that the applicant is coming back before the Board with an amended application for preliminary approval for a mixed use commercial development located at 671 Route 33 East, also known as Block 14, Lots 977 and 979 in East Windsor. Mr. Driggers stated that the application had been previously approved by the Board, but the applicant is proposing several modifications to the original approval.

Mr. Driggers stated that he has several witness present to testify tonight: Tino Papaleo of Parec Construction, the owner of the subject property will testify regarding the history of the site and the proposed modifications; Sharif Aly of Amertech Engineering, the project engineer, will testify regarding the modified site plan; John Chadwick of Business Planning Consulting, the project planner, will testify regarding the requested variances; Steve Lane of Construction Design Technologies, project architect, will testify regarding the site's architecture; and John Rea of McDonough & Rea Associates, project traffic engineer, will testify regarding the traffic impact of the site and the site circulation.

Chairperson Kelley stated that at 10:30 PM, or at an appropriate time prior, the meeting would be opened to the public for questions or comments.

Chairperson Kelley stated for the record the following reports have been received from East Windsor Professionals and Supervisors: Phillips Preiss Grygiel, dated May 5, 2017, Exhibit B-1; T & M Associates, dated May 5, 2017, Exhibit B-2; Dan Dobromilsky, LLA, dated May 3, 2017, Exhibit B-3; Fire Official Kevin Brink, dated March 31, 2017, B-4; Chief of Police James A. Geary, dated April 12, 2017, B-5; and East Windsor Township Environmental Commission, dated April 19, 2017, B-6. The applicant is in receipt of all the reports.

Chairperson Kelley stated that while marking exhibits tonight, the applicant should start again at Exhibit A-1 and indicate to the Board if the exhibit was previously entered.

Mr. Driggers introduced the owner of the subject property Tino Papaleo of Parec Construction as his first witness. Ms. Maziarz swore in Mr. Papaleo.

Mr. Driggers asked Mr. Papaleo how the development was scaled down from the previously approved site plan. Mr. Papaleo stated that the original site plan had six buildings, but they have eliminated one building to make the entire development smaller. Mr. Driggers asked Mr. Papaleo if site access from Avon Drive East and Avon Drive West had been eliminated. Mr. Papaleo stated that it had been. Mr. Driggers asked Mr. Papaleo if the proposal still included 19 parking stalls behind the daycare building for local residents to park and access the adjacent swimming pool and tennis courts. Mr. Papaleo stated that those parking stalls were still on the plans.

Mr. Driggers introduced the project engineer Sharif Aly of Ameritech Engineering as his next witness. Ms. Maziarz swore in Mr. Aly.

Mr. Driggers asked Mr. Aly to go over his licensure and experience for the Board. Mr. Aly stated that he is a licensed professional engineer in New Jersey and has been since 1985. He stated that he had also been before this Board previously as the project engineer for the original application for this subject property. He also stated that he has a degree in civil engineering from NJIT and has testified as an expert witness in front of several planning boards in New Jersey. Chairperson Kelley accepted his credentials.

Mr. Aly entered into evidence Exhibit A-1, titled "Colorized Rendering of Site Plan," dated May 15, 2017. Mr. Aly stated that the site layout is the same as previously proposed, with five buildings on site. Mr. Aly stated that the plans were revised to show the square footage of the bank building, which is approximately 2,792 square feet. Mr. Aly stated that there are five buildings on site; Building #1 is a one story building measuring 9,780 square feet and will be a daycare; Building #2 is a two story office building with each floor measuring 17,561 square feet; Building #3 is a one story retail building measuring 18,069 square feet; Building #4 is a two story mixed use building, with 11,601 square feet of retail space and 13,672 square feet of office space; Building #5 is the bank building and will measure 2,792 square feet. Mr. Aly stated that as requested, the applicant eliminated site access from Avon Drive and instead all site traffic will enter from Route 33 and exit back onto Route 33. Mr. Aly stated that there are 19 spaces proposed behind the

daycare center to serve local residents who are visiting the adjacent swimming pool and tennis court facilities. The applicant has also added a post and chain barrier by those parking spaces behind the daycare center to deter any through traffic coming from the site onto Avon Drive. The chain can easily be moved out of the way for emergency vehicles to access the site. Mr. Aly stated that the applicant added sidewalks by Avon Drive East as requested. They also eliminated some parking stalls by the entrance of Building #3, the retail building along Route 33, and they reversed the direction of the one way drive aisle on the west side of Building #3.

Mr. Driggers asked Mr. Aly to review the lighting plan. Mr. Aly stated that the applicant is proposing 14 foot high freestanding pole mounted lights in the parking areas that will be operated by timers to come on at dusk and turn off at dawn. There are also building mounted lights that will remain on for one hour after closing. Mr. Aly stated that the lighting by the ATM and bank building will remain on 24 hours a day for safety purposes. Mr. Driggers asked Mr. Aly what steps were taken to prevent any light spilling onto the neighboring residences. Mr. Aly stated that all of the lights have back shields added to them to stop any light pilling over the property line.

Mr. Driggers asked Mr. Aly to go over the proposed site signage. Mr. Aly stated that there will be two monument signs on Route 33 with one on either side of the ingress and egress driveways. There will also be a freestanding sign that will display some of the store names. Mr. Aly stated that none of the signs in this area were changed from the last hearing. Mr. Aly stated that the monument signs originally proposed on Avon Drive East and the daycare directional signage had been eliminated. He did add that the daycare sign had been relocated onto the property in order to make the building easy to identify. Mr. Aly stated that the applicant also added directional signage on site by the entrance area and Building #2 as requested.

Mr. Driggers asked Mr. Aly to review the banked parking proposal. Mr. Aly stated that the applicant is proposing to land bank 74 parking stalls. Some of the banked stalls would be located near the residences located to the north of the site, some would be east of Building #2, and some would be behind Building #4. Mr. Aly stated that the applicant is proposing 385 parking stalls to be constructed, and with the addition of the 74 land banked spaces, the applicant is providing a total of 459 parking stalls, two more stalls than required by the local ordinances. Mr. Aly stated that he did not include the 19 spaces behind the daycare when he made his parking calculations.

Mr. Driggers asked Mr. Aly to review the site circulation and pedestrian circulation. Mr. Aly stated that any traffic entering the site would enter from Route 33 and could turn right to access the bank or turn left to access the retail building, or they could continue north to the other half of the site with the office or daycare buildings. Mr. Aly stated that for pedestrian circulation, a connection to the Avon Drive East sidewalk had been added by the office building. Mr. Aly stated that sidewalks were present throughout the site as well.

Mr. Driggers asked Mr. Aly to review the drainage on site. Mr. Aly stated that the site currently drains from south to north, and they will maintain that pattern. There is an existing storm line on site with existing drainage facilities that travel north. Mr. Aly stated that to meet the state and ordinance standards, they had to meet the drainage reduction requirements, as well as water quality and recharge standards. Mr. Aly stated that there will be filters for water quality standards and

pipes will be added underground for recharge purposes. In regards to reduction, Mr. Aly stated that they met the standard reduction requirements. For a two year storm, the existing run off measures approximately 1.45 cubic feet per second and they were required to reduce that by 50%. Mr. Aly stated that they have reduced the run off by 76% to .35 cubic feet per second. For a ten year storm, the site currently has 5.22 cubic feet per second of run off and they were required to reduce that by 30%. Mr. Aly stated that they reduced that figure by 73% to 1.39 cubic feet per second. For a 100 year storm, the site currently measures 15.25 cubic feet per second of run off and the applicant was required to reduce that by 20%. Mr. Aly stated that they reduced it by 56% to 6.78 cubic feet per second.

Mr. Aly entered into evidence Exhibit A-2, titled "Existing Site Conditions," dated March 21, 2016. Mr. Aly stated that Exhibit A-2 was previously entered as Exhibit A-5 on March 21, 2016.

Mr. Driggers asked Mr. Aly what existing facilities the site currently utilizes for drainage. Mr. Aly stated that there are existing drainage facilities on site. He stated that to the east of the site is a storm line that connects to inlets and pipes travelling north through the Twin Rivers Community. He stated that there is also a branch to the west that drains to the parking lot from one of the community buildings. He stated that the site currently utilizes these facilities for drainage and the applicant is proposing to maintain that.

Mr. Driggers asked Mr. Aly to go over the trash collection plan. Mr. Aly referred back to Exhibit A-1 and stated that Buildings #3 and #4 will have three trash areas in the rear. Buildings #2 and #1 will have one trash enclosure each that will be standard front loading dumpster enclosures. Mr. Aly stated that a private waste management company will come in the early morning to collect the trash. Mr. Aly stated that the trash enclosures for Buildings #3 and #4 will have to be opened and employees will have to roll the dumpsters out to allow the trucks to collect the trash. The trash enclosures would be made with the same materials as the buildings so they blend in. He added that the dumpsters will be rolled back into their enclosures once they have been emptied to keep them out of sight. Chairperson Kelley asked for the specific hours for trash pickup. Mr. Papaleo stated that he is still discussing potential contracts with private hauling companies, so that hasn't been established yet. Chairperson Kelley stated that the hours of trash collection would have to be specified. Mr. Driggers stated that they are aiming to have it done in the morning in order to be sensitive to the neighboring residences, but they would amend the trash collection hours to whatever the Board felt was appropriate.

Mr. Driggers asked Mr. Aly if construction was going to be done in phases. Mr. Aly stated that the project would be built in two phases. Phase I would include all of the site improvements including all lighting, landscaping, drainage, signage, and the construction of Buildings #1, #3, and #4. Phase I would also include the roughing out of the pads for Buildings #2 and #5. Phase II would include the footing and foundation and construction for Buildings #2 and #5.

Mr. Driggers asked Mr. Aly if the site had adequate access and circulation for emergency vehicles. Mr. Aly stated that he did analyze the turn radius and maneuvering for trucks and emergency vehicles to access the site from both Avon Drive East and Route 33, and he stated they would have no issue traveling around the site.

Mayor Mironov asked Mr. Aly to go over the lighting calculations in regarding to lighting intensity. She also asked Mr. Aly to review the lighting shields and what calculations were made to determine that they would offer adequate protection from light spillage to the nearby residences. Mr. Aly stated that all the lights on site meet the ordinance requirements and stated that there would be no spillage past the property line. Mayor Mironov asked Mr. Peters for his thoughts. Mr. Peters stated that the parking lot average intensity appeared to be 1.75 foot candles, and the ordinance requires a maximum site intensity of 1.0 foot candle. He stated that there was some light spillage over the property lines. Mr. Aly stated that there were some areas past the property line that measured about 0.1 foot candles, so the back shields were added to deflect that. Mayor Mironov asked Mr. Aly how the lighting intensity was calculated along the property line. Mr. Peters stated that the applicant submitted a point by point analysis. He stated that the overall site average seems high. Mayor Mironov asked Mr. Aly to go back and reduce the lighting intensity on site and to show the Board the calculations that were used to ensure that the property line areas would really be 0.1 foot candles. Mr. Aly stated that the lighting plan is completely digital. He also added that the ATM and bank area has a lighting level that is regulated by the state, and that had driven up the average site lighting intensity to 1.75. Mr. Aly stated that they would revisit the lighting plan and reevaluate. Mayor Mironov stated that she understood the need for additional lighting in the ATM area and she asked Mr. Aly to isolate that area and indicate the intensity for the remainder of the site. Mayor Mironov asked Mr. Aly if all the lights on site would be on timers and asked what hours they would be on. Mr. Aly stated that they would all be on timers. Mr. Peters stated that there are light sensitive photo cells that can be added to the lights that would sense daylight and would automatically turn the lights on at dusk and turn them off at dawn. Mayor Mironov asked Mr. Peters if that was an accurate representation of the proposed lighting system. Mr. Peters stated that normally these types of applications will have a set number of lights that will be on all night for security purposes whereas others will be turned off. He stated that was not indicated on the lighting plan and they would need that information. Mayor Mironov asked Mr. Peters if the proposed shields would be adequate for reducing light spilling onto the neighboring residences. Mr. Peters stated that shields are typically very effective for that purpose, but that he would double check the exact shields the applicant is proposing to use.

Mr. Peters stated that the Township ordinances requires parking stall width to be 10 feet for retail use but the applicant is proposing parking stalls 9 feet wide. Mr. Aly stated that his understanding was that the requirement was for larger retail uses such as grocery stores that would utilize shopping carts and large packages. Mr. Peters stated that his understanding was that the standard applied to all retail uses. Mr. Aly stated that it was not necessary for this use, as they would be smaller retail uses that would not use large packages or shopping carts.

Mr. Berman asked Mr. Peters if the calculations for the average site lighting intensity included the roofs of the proposed buildings or just the lit areas. Mr. Berman stated that looking at the plans, the average seemed low, even when taking the ATM and bank area into account. Mr. Aly stated that the average calculation was done with just the ground areas. Mr. Catana asked if the points that were included outside of the property lines were included in the lighting calculations. Mr. Aly stated that they were not. Mr. Catana requested that the lighting calculations be added to the plans, because it wasn't clear what points were being utilized in the calculations. Chairperson Kelley

also stated that the lighting plan should show which lights would be left on all night as security lights. The plan should also indicate when the other lights would turn on and off.

Mr. Preiss asked Mr. Aly if the submitted plans had any details on the directional signage that was mentioned earlier. Mr. Aly stated that the directional signage would be shown on the architectural plans. Mr. Preiss stated that the sign details were not included in the submitted architectural drawings. Mr. Aly stated that they would make sure that was provided. Mr. Preiss asked Mr. Aly if any directional signage would be added toward the entrance by Route 33 that would direct traffic to the buildings in the rear of the site. Mr. Aly stated that they did not think that was necessary.

Mr. Preiss asked Mr. Aly if he could explain how the circulation on site was affected by reversing the traffic direction for the one way driveway to the west of Building #3. Mr. Aly stated that the one way driveway was reversed so if the parking area in front of Building #3 was full, traffic could proceed through that driveway to the rear of Building #3 to look for more parking areas. Mr. Preiss asked Mr. Aly if the applicant would be providing any signage to indicate the one way traffic flow. Mr. Aly stated that they will be providing one way directional signs as well as do not enter signs.

Mr. Preiss asked Mr. Aly what would happen to the existing paved area by Avon Drive West. Mr. Aly stated that they are proposing to remove the existing pavement and turn that area into a grassed area.

Mr. Aly entered into evidence Exhibit A-3, titled "Photographs of Existing Site Conditions," dated May 15, 2017.

Mr. Preiss stated that based on tonight's testimony, the dumpsters in the trash enclosures behind Buildings #3 and #4 would have to be rolled outside of the enclosures to allow for trash pickup. He stated that this might become problematic if cars are parked in the parking areas behind those buildings, effectively blocking the trash enclosures. Mr. Preiss asked if the applicant knew what the store hours would be. Mr. Papaleo stated that would be tentative based on who occupied the spaces, as they would set their own hours.

Mr. Preiss stated that while the applicant had provided testimony in regards to construction phasing, the Board would need a formal phasing plan submitted to show the specific improvements being undertaken during each phase. Mr. Driggers stated that they would provide a more detailed plan.

Mr. Peters stated that the site had a number of environmental issues that would require remediation and testing. He asked Mr. Aly if that information could be provided to the Board. Mr. Aly stated that Mr. Papaleo would hire an individual consultant to provide those details. Mayor Mironov asked Mr. Peters if the monitoring wells on site were identified on the submitted plans. Mr. Peters stated that the locations were identified but the wells should be tested. He also added that the site's previous pesticide testing should be referenced against the new site remediation standards.

Chairperson Kelley asked Mr. Aly to review the landscaping plan. Mr. Aly stated that the landscaping plan has not really change from previous submissions. The applicant is providing shade trees and varying shrubs throughout the site. Berms were added as requested by Buildings #3 and #4. The site will also be buffered by berms and landscaping on the east, west, and north

sides of the sites. Mr. Aly stated that islands in the parking areas will be enhanced with shade trees. He also added that an existing sycamore tree along Route 33 would be preserved. Mayor Mironov asked Mr. Aly for a quantification of the trees being removed from the site. Mr. Aly referenced Exhibit A-2 and stated that there are only a few trees on site currently. There are about five trees on the center of the site that would be removed and some varying clusters of vegetation that would be removed as well. Mayor Mironov asked Mr. Dobromilsky for his comments. Mr. Dobromilsky stated that the applicant would have to provide 28 more trees in the parking areas to meet the ordinance requirements. He stated that his analysis does not include the proposed banked parking. He stated that the ordinance also requires that larger trees are placed around larger buildings for more scale, and the applicant would have to increase 50 trees from 3 inch caliper as proposed to 4 inch caliper to be compliant. Mr. Dobromilsky stated that two islands in the parking areas behind Building #5 are undersized and would have to be modified to be in compliance. He also stated that he would suggest increasing the size of the trees and shrubs in front of the retail buildings, as they are so small they would be easily damaged or destroyed. Mr. Dobromilsky pointed out that no plantings had been proposed by the front façade of Building #1 and he wasn't sure if there was a reason for that. He stated that the landscaping plan should include the details and controls for the irrigation system. He stated that a number of proposed planting species are difficult for this area or are prone to disease and he would suggest the applicant consider changing those. Mayor Mironov asked Mr. Dobromilsky if he believed the landscaping plan was adequate. Mr. Dobromilsky stated that the applicant did increase and supplement the buffering on all sides of the site, but he would suggest more landscaping in the parking lot areas.

Mr. Driggers introduced the project architect Steven Lane of Construction Design Technologies as his next witness. Ms. Maziarz swore in Mr. Lane.

Mr. Driggers asked Mr. Lane to go over his experience and licensure for the Board. Mr. Lane stated that he has been a licensed architect in New Jersey since 1999 and has his bachelor's degree in architecture. He added that he has appeared before several other boards in New Jersey and has testified as a professional witness. Chairperson Kelley accepted his credentials.

Mr. Lane entered into evidence Exhibit A-4, previously entered as Exhibit A-7 on March 21, 2016, titled "Building #1: East (Front) Elevation," dated March 21, 2016. Mr. Lane stated that this is a colorized rendering of the front elevation for the daycare building. Mr. Lane entered into evidence Exhibit A-5, previously entered as Exhibit A-8 on March 21, 2016, titled "Building #1: West (Rear) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-6, previously entered as Exhibit A-9 on March 21, 2016, titled "Building #1: North (Right) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-7, previously entered as Exhibit A-10 on March 21, 2016, titled "Building #1: South (Left) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-8, previously entered as Exhibit A-11 on March 21, 2016, titled "Building #2: West (Front) and East (Rear) Elevations," dated March 21, 2016. Mr. Lane stated that the HVAC units would be located in the center of the roof with parapets around the entire perimeter on every building to screen them from view. He added that the daycare and bank buildings would have internal HVAC systems.



Mr. Lane entered into evidence Exhibit A-9, previously entered as Exhibit A-12 on March 21, 2016, titled "Building #2: South (Side) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-10, previously entered as Exhibit A-13 on March 21, 2016, titled "Building #2: North (Side) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-11, previously entered as Exhibit A-14 on March 21, 2016, titled "Building #3: South (Front) Elevation, East (Right) Elevation, and Front (East) Elevations," dated March 21, 2016. Mr. Lane stated that the front entry tower is 40 feet in height. He stated that the buildings would be made of red brick and stucco with cloth canopies for a traditional main street look. Mayor Mironov asked what colors would be used throughout the site. Mr. Lane stated that they would be using earth tones, such as red brick, beige stucco, and a mix of brown cultured stone.

Mr. Lane entered into evidence Exhibit A-12, previously entered as Exhibit A-15 on March 21, 2016, titled "Building #3: Left (West) Elevation, Building #4 Left (South) Elevation and Right (North) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-13, previously entered as Exhibit A-16 on March 21, 2016, titled "Building #4: Rear (West) Elevation and Building #3" Rear (North) Elevation," dated March 21, 2016. Mr. Lane entered into evidence Exhibit A-14, previously entered as Exhibit A-17 on March 21, 2016, titled "Free Standing Sign A and Free Standing Sign B," dated March 21, 2016. Mr. Lane stated that the freestanding sign would measure 25 feet in height and would have room for ten store names. The freestanding sign would match the buildings with a raised seamed metal roof, cultured stone and red brick.

Mr. Lane entered into evidence Exhibit A-15, previously entered as Exhibit A-18 on March 21, 2016, titled "Entry Monument Sign," dated March 21, 2016. Mr. Lane stated that these monument signs would be curved and would be on either side of the ingress and egress driveways. They would be made of the same materials as the buildings with cultured stone, red brick, and beige stucco.

Mr. Lane entered into evidence Exhibit A-16, titled "Building #5," dated May 15, 2017. He stated that the bank building would feature the red brick, stucco, and cultured stone. There would also be a canopy covering the drive up and ATM areas. Mr. Lane entered into evidence Exhibit A-17, titled "Building #5 Floor Plan," dated May 15, 2017. Mr. Lane stated that while they do not know what bank will occupy this building, the building's architectural features will remain as designed to match the site. Mr. Lane entered into evidence Exhibit A-18, titled "Building #5 Side Elevations," dated May 15, 2017.

Mayor Mironov asked Mr. Lane if any of the mechanical systems would be visible. Mr. Lane stated that the bank and daycare buildings would have internal HVAC systems that would not be visible. As for the rest of the buildings on site, the HVAC systems would be located in the center of the building's roof and a series of parapets along the building perimeter and ornamental cornices would present any visibility. Mayor Mironov asked if any noise would be generated by the HVAC systems. Mr. Lane stated that they did not anticipate any noise from the mechanical systems. Mr. Dobromilsky asked Mr. Lane if the office buildings would have one large HVAC unit or several smaller units. Mr. Lane stated that they would utilize maybe two or three smaller units. Mr. Dobromilsky asked how tall the units would be and Mr. Lane stated that they would be about 5 feet tall. Chairperson Kelley asked Mr. Peters if he had any comments on the mechanical systems

and any potential noise. Mr. Peters stated that while the parapet walls will provide visual screen, they do not typically provide any noise buffering. He stated that it would be appropriate for the applicant to provide some type of acoustic absorbing panels around the units to dampen the noise. Mr. Berman asked Mr. Lane what the distance was from the HVAC unit on the rear building to the closest residence. Mr. Lane stated that the HVAC system on the rear building would be approximately 142 feet from the closest residence. Mr. Berman asked Mr. Lane what the roof elevation on the rear building would be. Mr. Lane stated that the building would measure 36 feet in height to the top of the parapet wall and 40 feet in height to the top of the central cornices.

Mr. Driggers asked Chairperson Kelley for a five minute recess. Chairperson Kelley agreed and called for a recess at 9:35 p.m.

At 9:45 p.m. Chairperson Kelley called the meeting back to order.

Chairperson Kelley opened the meeting to the public.

Mark Shane of Shane and White stated that he is here tonight as the attorney representing the Twin Rivers Trust. He stated that he had a few questions for the applicant. Mr. Shane stated that regarding authorization for the applicant to utilize Avon Drive for emergency access to the site, Twin Rivers Trust has not given the applicant approval to use Avon Drive. Mr. Shane stated that the existing storm water drainage systems are owned by Twin Rivers Trust and they have not authorized the applicant to utilize those systems for the site either. Mr. Shane stated that for some context, the applicant and the Trust had tried to come to an agreement on these issues back in 2003 but an agreement was never signed or executed, so the Twin Rivers Trust has never granted the applicant approval to use their roads or systems.

John Palmary of 878 Jamestown Road asked to speak. Mr. Palmary stated that the drawings show the parapet wall that is meant to screen the HVAC systems from view is only four feet tall, but the applicant has testified that the mechanical units will be five feet tall. Mr. Palmary also stated that if a restaurant were to enter the site, the trash generated by a restaurant would attract rodents and would smell.

Sharon O'Brien of B23 Avon Drive asked to speak. Ms. O'Brien stated that the backs of the retail buildings have windows. She wanted to know if there would be guaranteed closing time for the tenants occupying the retail buildings, as anyone living on Avon Drive West would be able to see any lights left on in the building at night through the windows.

Ronnie Leonard of J24 Avon Drive asked to speak. Ms. Leonard stated that she has a big concern about traffic exiting the site onto Route 33 and heading toward the jug handle on Probasco Road. She stated that the off ramp is very short in that area and the light has a very short timer. She stated that she was concerned that traffic would back up along the off ramp. Mr. Driggers stated that their traffic engineer would testify with information relating to those concerns.

Scott Pohl of 662 Ithaca Place asked to speak. Mr. Pohl stated that the existing paved area by Avon Drive West was owned by someone, but no one had determined yet who owns that area. He stated that should be figured out before it is converted to grass. Mr. Driggers stated that they would have the title company look into it.

There being no other members of the public who wished to speak, the public forum was closed.

Mr. Driggers introduced the project traffic engineer John Rea of McDonough and Rea Associates as his next witness. Ms. Maziarz swore in Mr. Rea.

Mr. Driggers asked Mr. Rea to go over his licensure and experience for the Board. Mr. Rea stated that he is a licensed professional engineer with McDonough & Rea Associates and his specialty is traffic engineering. He stated that he has been licensed since 1979 and has 40 years of experience in traffic engineering. He added that he has a bachelor's degree in civil engineering and a master's degree in traffic engineering, and has testified as a professional witness in front of several boards in New Jersey. Mr. Rea added that he testified before this Board when the original application was previously heard. Chairperson Kelley accepted his credentials.

Mr. Rea stated that the applicant has revised their traffic impact study and that they have updated the report to include all the current existing traffic conditions as well as an analysis of any new projects recently approved or under construction along Route 33 in Monroe Township. Mr. Rea stated that they studied three different peak times for the site, as it is a mixed used development. Mr. Rea stated that they studied the weekday morning peak commuter hour, the weekday afternoon commuter peak hour and then the Saturday midday peak hour. Mr. Rea stated that he used the Institute of Transportation Engineering's trip generation manual for traffic projections during those peak hours and distributed the counts based on population density to the east and west of the site to obtain traffic projections for design year 2020. Mr. Rea stated that he examined how to project traffic impact would affect the nearby light signals. He stated that the intersection of Route 33 and Probasco Road would operate at a D level of service for the weekday morning and afternoon peak hours. The intersection would operate at a C level of service during the Saturday midday peak hour. Mr. Rea stated that while it does not sound ideal, the New Jersey Department of Transportation (NJDOT) finds a D level of service as acceptable and often uses it as a design parameter. Mr. Rea stated that at the intersection of Route 33 and Twin Rivers Drive, the intersection would operate at a C level of service for the weekday morning and afternoon peak hours. The intersection would operate at a B level of service during the Saturday midday peak hour. Mr. Rea stated that in his traffic analysis, while the site will generate extra traffic in the area, it will not degrade the level of service in any adjacent intersection.

Mr. Rea stated that the egress driveway existing the site onto Route 33 would operate at a D level of service for the weekday morning and afternoon peak hours and the Saturday midday peak hour. He stated that the average delay would be about 30 seconds to enter the left lane on Route 33.

Mr. Rea stated that during his analysis, he noticed that the NJDOT official signal timing plan for the intersection at Twin Rivers Drive and Route 33 shows a three lane approach on the south bound side of Twin Rivers Drive, with a dedicated left turn lane, a through lane, and a right turn only lane. Mr. Rea stated that currently the street is only striped for two lanes, one left turn lane and a right turn and trough traffic lane. He stated that when the applicant submits their access application to NJDOT they will be bringing this to their attention and that they expect that NJDOT will restripe the road to provide three lanes to mitigate some traffic.

Mayor Mironov asked Mr. Peters if he knew how wide the parking stalls are at the Galleria shopping center. Mr. Peters stated that he was unsure but that he would look into it. Mayor Mironov stated that he should look into that and also asked the applicant to look into and determine what the affect would be on their parking if they did enforce the ten foot width requirement. Mr. Rea stated that they could look into that but he would estimate they would lose about 10% of the provided parking. Mayor Mironov asked the applicant to look into that and show the Board the affect.

Mayor Mironov asked Mr. Rea if he was indicating during his testimony that the intersection of Route 33 and Probasco Road currently operates at a D level of service. Mr. Rea stated that was correct. Mayor Mironov stated that she had difficulty with his characterization of the level of service scale and his comments that a D level of service is not only acceptable, but it is used a design parameter for the NJDOT. Mr. Rea stated that he believed he was correct in saying that. Mayor Mironov stated that someone would have to follow up with the NJDOT to determine if that was accurate. Mayor Mironov asked Mr. Rea what nature of traffic study will they have to submit to the NJDOT for their access permit. Mr. Rea stated that the traffic study they will be submitting to NJDOT will include all of the information provided in the submitted traffic impact study as well as some additional information. Mayor Mironov asked Mr. Rea what he would suggest be done if they wanted to improve the level of service at the intersection of Route 33 and Probasco Road. Mr. Rea stated that according to the NJDOT official signal plan at that intersection, there is a cross hatched area on the south bound side of Probasco Road that hasn't been striped for a double left turn lane. He stated that he believed it could be restriped to add an additional lane to improve traffic flow.

Mr. Catana stated that when the applicant previously came before the Board in 2016, he raised this issue and he wanted to raise it again. He stated that the property was built 25 years ago with Avon Drive East and Avon Drive West ending into the site, as well as drainage systems were built on the property that feed into the Twin Rivers system. Mr. Catana stated that Exhibit A-2, previously entered as Exhibit A-5 on March 21, 2016, was supposed to be identical to the site survey and the site survey has a note on it that states that the deed has a land agreement between Lots 971 and 977 for a cross access agreement. He stated that obviously there was a cross access agreement at some point, and he is surprised that no one has addressed this issue yet or found the agreement. Mr. Driggers stated that he was aware that an agreement had to have been executed at one point, but so far the title company had not been able to locate the agreement. He stated that they would continue to try and locate it.

Chairperson Kelley opened the meeting to the public.

Mark Shane of Shane and White, representing the Twin Rivers Trust as their attorney, asked to speak. He asked if any tractor trailers would coming onto the site. Mr. Rea stated that while the site circulation could accommodate a tractor trailer, he doubted any would come onto the site, as the retail and office uses are designed to be small, neighborhood oriented stores and would not require large deliveries. Mr. Shane stated that the ingress and egress driveways to the site are very close to the neighboring Speedway Gas Station driveway. Mr. Rea stated that the ingress and egress driveways are located at the center of the site and that they exceed the NJDOT requirement

for space between driveways by a multiple of ten. Mr. Shane stated that he would be concerned that traffic slowing down to enter the gas station would cause confusion for traffic trying to exit the site. Mr. Shane asked Mr. Rea if his traffic report had included the traffic projections for the three new projects currently under construction or soon to be approved in Monroe Township along Route 33. Mr. Rea stated that he analyzed those projects and included their traffic analysis in his report. Mr. Shane stated that the NJDOT has recently received an application to add a traffic signal on Route 33 by the entrance of the Renaissance at Monroe living complex. Mr. Shane asked Mr. Rea if he included that light in his traffic report. Mr. Rea stated that he did, as his firm is involved with that project as well. He stated that the traffic light would actually deter traffic generated by the Renaissance at Monroe from having to use the intersection at Twin Rivers Drive and Route 33 to make a U-turn to enter that site.

John Palmary of 838 Jamestown Road asked to speak. He stated that he goes to the Speedway gas station every morning and he finds that it is hard to exit the gas station and enter traffic on Route 33. He stated that he would think this project would only increase traffic in that area.

There being no other members of the public who wished to speak, the public forum was closed.

Mr. Driggers asked that the matter be carried to the July 24, 2017 meeting of the Planning Board so the applicant could revise their plans to address the issues raised tonight. Chairperson Kelley stated that they would do that, so long as the applicant provided any new materials 30 days ahead of the meeting for review. He also asked Mr. Driggers for an extension of time on the application through August of this year. Mr. Driggers agreed.

Chairperson Kelley announced that the application would be carried to July 24, 2017 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 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 10<sup>th</sup> day of July, 2017.

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Allison Quigley, Board Administrative Secretary  
East Windsor Township