

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF July 9, 2018**

The meeting of the East Windsor Township Planning Board was held on Monday, July 9, 2018, 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. Brand, Mr. Catana, Mayor Mironov, Mr. Shapiro, Mr. Kelley

Members Absent: Mr. Clark, Ms. Patel, Mr. Schmidlin

Professionals and Staff Present: Allison Quigley, Planning Board Secretary
Steven Warner, Board Attorney
Edward Snieckus, Township Planner
Doug White, 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

June 4, 2018

MOTION TO APPROVE THE JUNE 4, 2018 MINUTES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Brand

ROLL CALL

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

RESOLUTIONS

RESOLUTION 2018-12 Target Corporation
70 Princeton Hightstown Road
Block 6.07, Lot 14.04
Waiver of Site Plan Request

Gregg Adelman of Kaplin and Stewart is representing the applicant tonight. He stated that the project consultants are running a few minutes late and will arrive shortly. He requested that the matter be pushed back on tonight's agenda until their arrival. Chairperson Kelley agreed.

RESOLUTION 2018-14 The Seasons at East Windsor
359 Princeton Hightstown Road
Block 3, Lot 3.01
Request for Extension of Approval

Chairperson Kelley asked Mr. Warner if the extension of time would begin on the date the Board voted on the matter or on the date the resolution was memorialized. Mr. Warner stated that typically the extension would begin on the original expiration date. Chairperson Kelley stated that the resolution would have to be updated with the proper date, as the application was set to expire on June 6, 2018. The second extension would run until June 6, 2019. Mayor Mironov asked that the original expiration date be added to the fourth paragraph on page one. Mr. Warner stated that the resolution would be revised with the proper date throughout the resolution.

MOTION TO APPROVE THE RESOLUTION WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Brand

ROLL CALL

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

DISCUSSION ITEMS

Ordinance 2018-07 An Ordinance Amending Chapter XX, Zoning, for Creation of a New Zoning District Titled AH-1 Affordable Housing District to Facilitate Development of an Inclusionary Affordable Housing Development at the Property Located at 641 North Main Street, (Block 11.01, Lot 5), of the Revised General Ordinances of the Township of East Windsor

Mayor Mironov stated that the Board received a memorandum from the Township Council regarding this ordinance that was introduced at the Council meeting on June 26, 2018. The public hearing is scheduled for Tuesday, July 10. This zoning ordinance has been sent to the Planning Board for the statutory review pursuant to the Municipal Land Use Law. This ordinance was

introduced in accordance with the Housing Element of the Township Master Plan. Mayor Mironov asked Mr. Snieckus to offer his comments.

Mr. Snieckus stated that he went through this ordinance and compared it to the 2017 Housing Element and Fair Share Plan dated November 10, 2017. Effectively, the Housing Element and Fair Share Plan identified the specific location for this affordable housing zone and in accordance with the settlement agreement the Township has entered into, it was decided to establish the Affordable Housing, AH-1 zone, wherein the mixture of types of housing, affordable housing requirements and bulk standards such as setback requirements, accessory uses, and such have been outlined. Mr. Snieckus stated he compared the ordinance to the goals and objectives of the Township Master Plan and he finds the ordinance does effectuate several of the goals and objectives of the Master Plan. The property is currently zoned R-O Research Office. Mr. Snieckus stated that he finds the ordinance to be consistent with the Township's Housing Element of the Master Plan. Mayor Mironov stated the Housing Element, after proper notice and public hearing, was adopted by the Planning Board much more recently than the initial zoning on the property, so this ordinance reflects the existing intent of Master Plan. Mr. Berman asked Mr. Snieckus to enumerate the places where the ordinance mentions the Housing Element. Mr. Snieckus stated the site is specifically identified in the Housing Element as a site for affordable housing. The density is described in the Housing Element as well as the types of housing. The ordinance is a step forward to identify the bulk standards for the zone, such as setback requirements, lot coverage and accessory uses. The ordinance also describes the recreation uses for specific developments such as this, building height, architectural features to be established with the buildings, landscape buffer requirements.

Mayor Mironov indicated that the ordinance was introduced at the Council Meeting on June 26, 2018. That action and tonight's review were required by a court order entered on June 6, 2018 by Judge Mary Jacobson, the assignment judge of the Superior Court. In that order, a paragraph four indicated that the Council was to schedule the ordinance for introduction and first reading on June 26, 2018 and paragraph five indicates the ordinance was to be transmitted to the Planning Board in accordance N.J.S.A. 40:55d-64 and placed on the Board's July 9, 2018 meeting agenda for the Board's review. Paragraph six in the order provided the East Windsor Township Council shall schedule the ordinance for a second reading and adoption on July 10, 2018. Mayor Mironov stated that the timelines that they are following are in accordance with what Judge Jacobson has required at this point and so it is necessary the Board review the ordinance tonight. Mayor Mironov stated that the Township has continued to be in contact with the developer and they have offered a date for the principals and the planning professionals meet and continue this discussion and move forward on the project. If there are modifications to the ordinance that are appropriate for the Township to consider based on those discussions, the ordinance can always be modified. Mayor Mironov indicated that the ordinance is not written in stone but at this point the Township is following the court order requirements.

Mr. Warner indicated to the Board that this is a Master Plan consistency review as outlined in the Municipal Land Use Law and it is not a public hearing. The Board has heard the comments from the Township Planner and can make a determination tonight if the proposed ordinance is consistent with the Master Plan. Mayor Mironov stated that would be done by way of a motion and a roll call vote to transmit a report to the governing body.

Anne Studholme, an attorney with Post Polak Goodsell & Strauchler asked to make a comment. Chairperson Kelley indicated this is not a public hearing. Ms. Studholme stated that she wanted to offer her comments on the proposed ordinance. Chairperson Kelley asked Ms. Studholme to continue. Ms. Studholme stated that she represents the Zaitz Trust, Ben Zaitz, and Anthony Mazzucca, the owners and contract purchasers of the Zaitz tract that the ordinance is addressed towards. Ms. Studholme stated that everyone has been working under very tight scheduling orders from the court and she has been working with the Court to extend these dates. After reaching an agreement with all parties to extend the timeline, Judge Jacobsen is expected to issue a new scheduling order in the next few days. Ms. Studholme stated that there may be a future modification of the ordinance that may require reintroduction of the ordinance and she wanted the Board to be aware. Mayor Mironov stated that in the event there were any significant amendments or changes to the ordinance, the Township would go through the same process and the ordinance would be brought back to the Planning Board for review.

Chairperson Kelley asked Mr. Warner what the motion would be if the Board wanted to make a recommendation tonight. Mr. Warner stated that the motion would be to find the propose ordinance is not inconsistent with the Township's Master Plan.

MOTION TO RECOMMEND ORDINANCE 2018-07 FOR ADOPTION MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

ROLL CALL

AYES: Mr. Berman, Mr. Brand, Mr. Catana, Mayor Mironov, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

RESOLUTIONS

RESOLUTION 2018-12 Target Corporation
70 Princeton Hightstown Road
Block 6.07, Lot 14.04
Waiver of Site Plan Request

Gregg Adelman of Kaplin and Stewart is representing the applicant tonight. Mr. Adelman stated that the project architect and engineer have arrived and they are ready to proceed. The applicant previously appeared before the Board on March 12, 2018 to present a waiver of site plan request to renovate the Target store located on Route 571 in East Windsor. Mr. Adelman stated that since they were last in front of the Board, questions have come up about the project so they have returned to address those issues.

Chairperson Kelley asked Steven Warner, Board Attorney, to swear in the Board's professionals: Edward Snieckus, Township Planner, Daniel Dobromilsky, Township Landscape Architect, and Doug White, Township Engineer. Mr. Warner swore the professionals in.

Mr. Adleman asked the Board if they would like to hear testimony from the project architect or engineer first. Mayor Mironov stated that the applicant previously appeared before the Board for

exterior improvements to the site and it later came to the Board's attention that there are a number of changes occurring in the interior of the store that had not been shared with the Board. Mayor Mironov stated that this was brought to the attention of the Target representatives multiple times and the information was not provided to the Board until recently. Mr. Adelman apologized for the delay. Mayor Mironov stated the Board wanted to know about the entire project and what other improvements were being proposed for the existing store.

Mr. Adelman introduced his first witness, project architect Douglas Brookbank of MG2 Architects. Mr. Warner swore in Mr. Brookbank. Mr. Brookbank apologized for the delay in getting the information to the Board and that the information was not provided to the Board initially. Mr. Brookbank stated that the biggest interior improvement is the renovation of the existing café. When entering the store, the café is to the left hand side of the main entrance. The café will be replaced with a Starbucks of the same square footage. Mr. Brookbank stated that Target has a licensing agreement with Starbucks and that this is not an independent Starbucks location. This will be a Starbucks branded café run by Target employees. The square footage of the café will remain the same as the existing café. The seating will be reduced slightly.

Other improvements include the renovation of the restrooms and the front offices. Mr. Brookbank stated that the improvements will be to the finishes, such as flooring, paint, and new drywall. He said all of the changes are cosmetic and are aimed to improve guest experience.

Mayor Mironov asked Mr. Brookbank to explain the Starbucks branded café in more detail. She asked if it was a form of franchise operation and how it would work. Mr. Brookbank stated that it is part of a licensing agreement between Starbucks and Target, similar to the agreement between Target and CVS to brand in store pharmacies as CVS pharmacies. The existing café will be updated with the Starbucks branding and will be run by Target employees. Mayor Mironov asked Mr. Brookbank if there would be signage changes inside of the store as a result of the new café. Mr. Brookbank stated that there will be one Starbucks logo sign inside of the store replacing the existing café sign. The sign will be completely inside of the store. He stated that none of the changes outlined in the plans submitted by his company are exterior changes and are limited to the interior of the store.

Mayor Mironov asked what other changes are being proposed to the interior of the store. Mr. Brookbank stated that the changing rooms in the clothing departments will be renovated with upgraded finishes. In the front of the store, the office areas for employees will be upgraded with new finishes. The square footage of the building will not be increased, all changes are simply cosmetic. Mayor Mironov asked if the interior changes would be done simultaneously as the exterior change previously approved. Mr. Brookbank stated that he is not sure of the timeline for the project but he knows they would like to start interior improvements as soon as possible.

Mr. Adelman introduced his next witness, project engineer Tony Diggan of Kimley Horn Associates. Mr. Warner swore in Mr. Diggan. Mr. Diggan stated that he is a professional engineer in New Jersey and has been accepted as a professional witness in several municipalities throughout the state. Chairperson Kelley accepted his credentials.

Mr. Diggan stated that Target had hired a separate professionals for the interior and exterior changes because the projects are on different timelines. He stated that is why there was some

confusion as to the entire scope of the project when they previously appeared before the Board, as his firm was not involved with the interior changes to the store and did not have the information to present to the Board. He apologized for the confusion.

Mr. Berman asked if Target would be increasing the number of employees in the store. Mr. Brookbank stated that Target would not be increasing the number of employees. Mayor Mironov asked what the project timeline is. Mr. Diggan stated that the contractor for the interior changes is hoping to begin work as soon as possible. He would imagine the timeline would be similar for the exterior changes.

MOTION TO APPROVE THE RESOLUTION MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Brand

ROLL CALL

AYES: Mr. Brand, Mr. Catana, Mayor Mironov, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: Mr. Berman

APPLICATIONS/PUBLIC HEARING

EWT File #PB18-002

330 WMR

330 Wyckoff Mills Road

Block 15, Lot 1

Preliminary and Final Site Plan with Variances

(Continued from June 4, 2018)

Chairperson Kelley announced that Mr. Berman listened to the recording of the previous hearing and reviewed the exhibits for the application, so he is eligible to vote on the application if any action is taken by the Board this evening.

Chairperson Kelley asked Steven Warner, Board Attorney, to swear in the Board's professionals: Edward Snieckus, Township Planner, Daniel Dobromilsky, Township Landscape Architect, and Doug White, Township Engineer. Mr. Warner swore the professionals in.

Ronald Shimanowitz, Esq. of Hutt and Shimanowitz is representing the applicant, 330 WMR LLC. The applicant previously appeared before the Board on June 4, 2018 and since they last appeared the application has been updated. Mr. Shimanowitz stated that when they previously appeared before the Board, they presented the application with a known user of the site but that has since changed. Revised plans were submitted to the Board and the applicant is here tonight to present those revised plans.

Mr. Shimanowitz introduced his first witness, John Kainer, the principal of the property. Mr. Kainer was previously sworn in conjunction with this application and remains under oath.

Mr. Shimanowitz asked Mr. Kainer to describe what has changed regarding the proposed development and the situation with the previous contract purchaser. Mr. Kainer stated that they

had been working with Bedding Industries of America as a potential user of the facility. The company decided not to move forward with purchasing the site due to concerns regarding moving their operations from their existing facility and potential costs and impacts to the operation. Mr. Kainer stated they are now proposing a spec high cube warehouse.

Mr. Shimanowitz introduced his next witness, project engineer Julia Algeo of Maser Consulting. Ms. Algeo was previously sworn in conjunction with this application and remains under oath.

Mr. Shimanowitz asked Ms. Algeo to go over the changes made to the plan since the last hearing. Ms. Algeo entered into evidence Exhibit A-11 titled "330 WMR Site Plan Exhibit," dated July 9, 2018. Ms. Algeo also displayed Exhibit A-3, dated June 4, 2018 that shows the original site plan proposed. The prior plan proposed four entrance driveways off Wyckoff Mills Road. The revised layout proposes three access driveways. The two truck driveways on either end of the property remain in the same location as previously proposed. The central driveway is designed for passenger vehicles and is aligned with the access driveway for the property across the street that is occupied by the Modway warehouse project. Employee parking has been connected to the parking areas on both sides of the property in order to eliminate any dead ends on the property based on discussion at the last hearing. The applicant had previously requested a design waiver to allow more than 20 parking spaces in a row under the prior site plan configuration. Now the applicant has added more landscaping islands in front of the building so the parking areas conform with the ordinance requirements. Some parking stalls were eliminated and the applicant is now proposing 107 passenger vehicle stalls, where the previous plan had 111 passenger vehicle parking stalls. Ms. Algeo stated that they are still requesting a variance for the parking requirement. Under the ordinance requirements, they are required to provide 252 parking stalls on the site.

Ms. Algeo stated that a trash compactor was added on the east side of the building. An emergency access fire lane was added to the rear of the building to be constructed with grass pavers. Chairperson Kelley asked why the fire lane stops part way through the property. Ms. Algeo stated that there are wetlands and buffers in the rear portion of the site so the fire lane was designed with a turnaround area in the end so there would be the ability for a fire truck to come in from either end to access the rear of the building. Ms. Algeo stated that they are adding an additional fire hydrant along the south side of the building. The storm water detention facility has also been revised. Originally the applicant proposed a linear sand bottom infiltration basin. The design has been modified to a liner bio-retention basin. There is a filtered medium and plants on top of a meadow mix.

Ms. Algeo stated that with these revisions they have eliminated some of the requested design waivers. The applicant originally requested a design waiver for the constant side slope basin edge, whereas the plans now have a linear shaped basin. The design waiver for the parking stalls along the frontage has also been eliminated. The applicant reduced the non-conforming condition for the number of driveways, where one is permitted, they are now proposing three driveways instead of four. The applicant also reduced the number of signs being requested. The original plan had six directional signs across the frontage, now they are only proposing five directional signs. The design waiver was for the size of the signs in order to accommodate the trucks.

Ms. Algeo entered into evidence Exhibit A-12 titled "330 WMR Cross Sections A and B," dated July 9, 2018. Ms. Algeo stated they have created four cross sections of the property. Cross Section

A is from Wyckoff mills Road and Route 133. Ms. Algeo stated that the section shows the vegetation at maturity and at planting height. Section B depicts the views from Wyckoff Mills Road and Route 133. These sections show the mechanical equipment on the roof would not be visible to the motoring public.

Ms. Algeo entered into evidence Exhibit A-13 titled “330 WMR Cross Sections C and D,” dated July 9, 2018. Ms. Algeo stated Section C shows the view of the west side of the building. Section D shows the view of the building by the retention basin in the front of the property. The basin would not be visible with the landscaping being provided. Mr. Dobromilsky asked Ms. Algeo to confirm the horizontal and vertical scales are the same for the cross sections. Ms. Algeo stated that they are. Chairperson Kelley asked if the landscaping shown is at maturity. Mr. Dobromilsky stated that they show height at installation and at maturity. Ms. Algeo stated that it depicts installation height and height at ten years.

Mayor Mironov asked Ms. Algeo to review the retention basin and what it would look like. Ms. Algeo stated that from an aerial view at maturity, it will look like a planted area with trees. At initial construction the basin will be a planted sand bed. The applicant followed New Jersey’s best practices guidelines for bio-retention basins when designing the revised basin. At the surface, there will be a meadow seed mix so the basin will become fully vegetated. The meadow mix is a low maintenance grassy mixture that will only need to be mowed a few times a year. Ms. Algeo stated the basin will be dry expect during a rain event. The basin will fully drain within 72 hours after a rain event. The sand bed will allow water to infiltrate into the ground while also filtrating it for water quality management purposes.

Ms. Algeo entered into evidence Exhibit A-14 titled “Storm Water Maintenance Plan,” dated June 27, 2018. Ms. Algeo stated that this plan was submitted as part of the storm water management operation and maintenance manual. Side slopes would vary throughout the basin between two and three percent. A berm was added in front of the retention basin to further screen the basin from view. Mr. Dobromilsky stated that he thinks the applicant has done a good job addressing the Board’s concerns on the basin from the last hearing. Mr. White stated that the grading variation has been added to the basin, which was also a concern of the Board at the last hearing.

Ms. Algeo continued through the remainder of the storm water management plan. Ms. Algeo stated that the applicant did not change the other basins on site. In the front of the site, under the parking lot there will be a subsurface infiltration basin to collect rooftop runoff from the building consisting of a 42 inches perforated pipe in a stone bed. Both basins are designed to drain into a subsurface basin below the loading area. This is a closed basin storm trap made of a concrete chamber to hold the storm water with an outlet structure with a manufactured treatment device. The discharge point is in the existing wetlands in the rear of the property. Mr. Shapiro asked how the water would be treated. Ms. Algeo stated that it is a hydraulic system with cartridges that would have to be replaced every few years. Mr. White stated that they would remove sediments from the water as it passes through the device. Mr. Brand asked how much water the chamber can hold. Ms. Algeo stated that the chamber is three feet high but she did not have the volume calculations. Mr. Dobromilsky asked if there would be a pump station and if so, where would it be located. Ms. Algeo stated that there would be a pump station and it had not been relocated since the initial submission.

Mr. Snieckus asked Ms. Algeo to review the variances and design waivers being requested by the applicant. Mr. Shimanowitz stated that the project planner is present tonight to testify to that.

Mr. Shimanowitz introduced his next witness, project traffic engineer Maurice Rached of Maser Consulting. Mr. Warner swore in Mr. Rached. Mr. Shimanowitz asked Mr. Rached to go over his licensure and experience for the Board. Mr. Rached stated that he is licensed in New Jersey and he has a national certification as a traffic operations engineer. Chairperson Kelley accepted Mr. Rached's credentials.

Mr. Rached stated that there are several types of warehouses, such a traditional warehouse, a high cube warehouse, a fulfillment center and storage. A traditional warehouse is not highly automated and has a large number of employees. A traditional warehouse of this size would employ about 50 to 100 employees. A high cube warehouse of this size is expected to have 25 to 50 employees. A fulfillment center would have 150 to 300 employees. The applicant is proposing a high cube warehouse and anticipating an operation with about 40 employees. Based on those figures, Mr. Rached prepared a traffic impact study of the project. This facility is expected to generate about 15 trips in the morning and 19 trips in the afternoon. For a high cube facility, truck traffic generally accounts for about 20 to 30 percent of the total traffic generated by the site. Mr. Rached stated that based on the ordinance requirements, the applicant should provide 252 parking stalls. However, Mr. Rached stated that if they do parking requirement calculations based on current standards as published by the Institute of Transportation Engineers (ITE), the anticipated parking demand for this site is 76 parking stalls. The applicant is proposing 107 parking stalls.

Mr. Rached stated that he also evaluated the three proposed driveways for the property and the impact at intersections in the area. Mr. Rached stated that they evaluated the traffic impact for this development based on the high cube warehouse usage and generally speaking, the number of trucks is between 20 and 30 percent of the total traffic generation for the facility. In terms of parking, the applicant is providing 107 parking stalls where 252 parking stalls are required under the Township ordinances. Mr. Rached stated that if he calculated the projected parking demand using the Institute of Transportation Engineers (ITE) published standards, the anticipated parking demand would only be 76 parking stalls.

Mr. Rached stated that he also conducted traffic studies for the three proposed driveways and capacity analyses at the intersections of Probasco Road and Wyckoff Mills Road, Probasco Road and Bolton Road, Probasco Road and Avon Drive, and Probasco Road and Route 33. Mr. Rached stated that after reviewing and comparing the no build and build conditions at each of these intersections, he found the development would add a one second or two second delay to each intersection. Mr. Rached added that the site would generate about 0.28% of the total traffic travelling on Route 33 from Probasco Road in the AM peak hour and 0.36% of the total traffic travelling on Route 33 from Probasco Road in the PM peak hour. The site was also designed for full circulation for larger trucks and emergency vehicles.

Mayor Mironov asked Mr. Rached to compare a traditional warehouse versus a high cube warehouse. Mr. Rached stated that a traditional warehouse would generate 51 trips in the AM peak hour whereas a high cube warehouse would generate 15 trips in the AM peak hour. In the PM peak, the traditional warehouse would generate 41 trips. Mr. Rached stated that generally, a traditional warehouse will generate three times as many trips as a high cube warehouse. Mayor

Mironov asked Mr. Rached what types of users would occupy a high cube warehouse. Mr. Kainer stated in central New Jersey, these types of facilities are occupied by users who deal in furniture, apparel, and other goods that have a higher storage time and lower turnaround time. Mr. Kainer stated that because the turnover is not as fast as a traditional warehouse, the truck traffic is much lower for these types of operations. Mayor Mironov asked Mr. Kainer who might be potential users for this facility. Mr. Kainer stated apparel companies, furniture companies, bicycle companies, tire companies, medical accessories, and other consumer goods tend to occupy these high cube warehouses.

Mayor Mironov asked Mr. Rached and Mr. Kainer if the amount of parking stalls they are providing will dictate the number of employees at the facility. Mr. Rached stated that they anticipate this facility having between 25 and 50 employees. Mayor Mironov asked Mr. Rached where employees would parking on the site if the facility has more employees than they are anticipating. Mr. Rached stated that they are providing 107 parking stalls so they did not believe that would be the case. Mr. Rached stated that he would think Mr. Kainer wouldn't enter into an agreement for the facility with any user who would have more employees than the parking on site could accommodate. Mayor Mironov stated that the applicant is requesting a variance from the required number of parking stalls for the site under the Township ordinances. She asked Mr. Rached, in the event their parking demand projections are incorrect, where would employees park. Mr. Kainer stated that one thought they had was to stripe some of the truck stalls for passenger vehicles if necessary, but it wasn't ideal to mix the two types of vehicles in a parking area for safety reasons. He stated that there are a lot of wetlands and buffer areas on the site that they cannot develop on. Another thought was to add parking stalls in the front yard setback. Mr. Kainer stated those areas were the only areas they could utilize on the site. Mayor Mironov asked if they would be leasing the building or selling the building. Mr. Kainer stated that they were looking to sell. Mayor Mironov stated that she would have suggested having a condition on the maximum number of employees as part of any lease agreement for the building if they were going to move in that direction. She stated that they would have to come up with a way to ensure the parking would be adequate because there are no alternatives on the property in such a way that the Board could incorporate it as part of the approval. Mr. Kainer asked if a condition of any approval be that the applicant return to the Board and provide a management plan for the Board's review and approval. Mayor Mironov stated that the plan should be provided prior to the variance being granted. Mr. Shimanowitz suggested having the Planning Board resolution recorded with the County so the requirement would be of record. Mayor Mironov asked them to put a proposal together for the Board's consideration.

Mr. Snieckus asked Mr. Rached if his parking demand projections would change if the building were to be occupied by two tenants. Mr. Rached stated that there wouldn't be a large change in parking demand and estimated the parking demand would rise from 50 parking spaces to 60 parking spaces due to the duplication of office space. Mr. Snieckus asked Mr. Rached had any flexibility regarding the 13,000 square feet of office space proposed in the warehouse. Mr. Rached stated that could be adjusted. Mayor Mironov asked Mr. Rached how many loading bays there would be. Mr. Rached stated that they are proposing 21 loading docks. He stated that two of the loading docks will have trash compactors stored in front of them, but they would still have the loading bay doors. It will look like a bay but trucks accessing those spots would only be for trash collection. Only 19 loading bays would be used by the tenant. Mayor Mironov asked if a traditional warehouse would require a different amount of loading bays. Mr. Rached stated that

they would have the same number of loading bays, but the frequency of trucks coming into the site would be higher for a traditional warehouse. Mayor Mironov asked Mr. Rached if the frequency is less for a high cube warehouse, why would the number of loading docks remain the same. Mr. Kainer stated that potential users always want as many loading bays as possible to make the operation as efficient as possible.

Mayor Mironov stated that after reviewing the traffic report, it appeared the applicant's conclusion is that the build condition versus the no build condition is almost the same. Mr. Rached stated that there is an increase in delay at the local intersections but it was a very small delay. Mayor Mironov stated that she understood this is a single application being considered before the Board, but coupled with the other developments in the area there must be some impact in the nearby intersections. She stated that the traffic report didn't have any serious analysis of the area or any recommendations to improve circulation in the area. She stated that there have been discussions with Mr. Kainer regarding different solutions for the area and she wanted to commend him for being a good citizen. However, the traffic analysis needs to be reviewed more closely for the impact on the nearby intersections and any possible solutions that could be implemented to improve the area. Mr. Rached stated that he agreed with Mayor Mironov and stated that of course this development would have an impact on the nearby roadways but ultimately it would have a de minimus impact. He stated that it becomes a question of fairness in terms of how much of a burden to should be put on this application and what type of investment the applicant should make for infrastructure. He asked for guidance and input and he could return with potential solutions. Mayor Mironov stated that she understood and this would in realty the developments in the area will have some impact on the nearby roadways and intersections. She was looking for his input on how to make this application more efficient in terms so traffic impact. Mr. Rached stated if the Board could provide guidance on any specific areas he should look at. Mayor Mironov stated that the Wyckoff Mills Road and Probasco Road intersection and the Probasco Road and Route 33 intersection should be reviewed. Mr. Berman stated that maybe those intersections should be widened. Mayor Mironov stated that there have been discussions with the governing body and other developers regarding possible alternatives for routing trucks from this area to the New Jersey Turnpike. While that is a bigger project and wouldn't be a condition of this application, it is in everyone's best interests to partner together and look for all types of solutions. In looking at these areas, the reality is that there are impacts, such as an issue with the truck turning radius at the intersection of Probasco Road and Wyckoff Mills Road. Mayor Mironov asked if there are any improvements they can make to the area, such as widening lanes, changing traffic signals, or anything else. Mr. Rached stated that one way to resolve these issues is to put a condition on any approval for this application that states the applicant will have to analyze these intersections for solutions regarding truck traffic at full build condition of the area. Mr. Kainer stated that there have been conceptual discussions for potential solutions to improve the right turn condition from Wyckoff Mills Road onto Probasco Road, such as adding a lane and other ideas. Mr. Kainer stated that he would agree to such a condition as proposed by Mr. Rached.

Mr. Shimanowitz introduced his next witness, project architect Rick Pratt of OGP Architects. Mr. Pratt was previously sworn in conjunction with this application and remains under oath.

Mr. Pratt entered into evidence Exhibit A-15 titled "Revised Signage Types," dated July 9, 2018. Mr. Pratt stated that the original proposed signs were specific to the previous tenant for the site. The signs have been revised and eventually when a tenant is identified, their business name will

be added to the signs. Mr. Pratt stated that one of the directional signs had been eliminated. The previous plan had two entrance driveways, but with the elimination of one of the entrance driveways, one sign had been eliminated. Now, there will be one sign at the entrance driveway that reads "Main Entrance".

Mr. Pratt entered into evidence Exhibit A-16 titled "3D View at Main Entrance," dated July 9, 2018. He stated that this exhibit shows a larger perspective of the building entrance. Mr. Pratt stated that this exhibit is the same as previous elevations presented to the Board, but at the last hearing the Board had requested a larger exhibit. Mr. Pratt entered into evidence Exhibit A-17 titled "Colored Elevations," dated July 9, 2018. Mr. Pratt stated that these elevations are the same as Exhibit A-6, only larger. Mayor Mironov clarified that the previous exhibits only showed a portion of the building and the Board wanted to see a rendering of the full building. Mr. Shimanowitz asked if the Board was looking to see a prospective view of the building. Chairperson Kelley stated that they are looking for a similar idea as the cross sections, a rendering showing the view of the building with landscaping and the proposed parking from Wyckoff Mills Road. Mayor Mironov stated that the exhibit should show the entire building. Mr. Pratt referenced Exhibits A-12 and A-13 which showed the cross sections. Mr. Pratt stated that it would be very similar to the Project Terra warehouse across the street with glass elements, colored panels, shadow line accents and windows to break up the façade. Mr. Dobromilsky stated that the concern is that this building is set closer to the road than the Project Terra warehouse and the previous renderings do not show the entire building façade, only a portion. Mr. Pratt stated that Exhibits A-12 and A-13 show the entire facades in the cross sections. Mayor Mironov stated that the views as depicted in those exhibits were not very appealing. Mr. Kainer stated that they could provide a rendering that shows the building with the proposed landscaping, screening and other elements and they could make it more appealing. Mr. White stated that between columns 13 and 14 there is a lot of blank space on the front façade without any architectural treatments. Mr. Catana suggested adding more color to the building. Mayor Mironov agreed. Mr. Pratt stated that there are blue accents on the building similar to Project Terra. Mr. Catana stated that the colors on the exhibit are not very apparent. He stated that they should add more colors, depth and dimensions to the building. Mayor Mironov mentioned that Gateway Twin Rivers added additional materials and Aurobindo added colored stripes at the top of the building and those elements were attractive. Mr. Shimanowitz stated that they will come back to the Board with a revised design based on the Board's comments this evening.

Mr. Shimanowitz introduced the project landscape architect Raymond Liotta of Maser Consulting as his next witness. Mr. Warner swore in Mr. Liotta. Mr. Shimanowitz asked Mr. Liotta to go over his licensure and experience for the Board. Mr. Liotta stated that he earned his bachelor's degree for landscape architecture from Rutgers and he has been a licensed landscape architect in New Jersey since 1985. He stated that he has been accepted as a professional witness by over 75 boards in New Jersey. Chairperson Kelley accepted his credentials.

Mr. Liotta stated that he would be reviewing the landscaping and lighting plans for the application. He referred back to Exhibit A-11. He stated that under the Township ordinances, they are required to provide 28 shade trees in the parking areas and they are complying with that requirement. Regarding green space areas within 75 feet of the building, the ordinance requires that larger trees at a bigger caliber are installed. The requirements are one tree for every forty linear feet of building perimeter. 57 shade trees at 4 to 4.5 inch caliber are required for the building and the applicant is

complying with that standard. Regarding storm water bio-retention basin has changed from an unvegetated sand infiltration basin to a bio-retention basin that conforms to the Township's reforestation storm water section of the ordinance. The ordinance requires a whole series of different sized plantings throughout the basin and its perimeter. Based on the size of the basin, 145 trees are required for the basin area and 145 trees are provided. Mr. Liotta stated that they are using a naturalization seed mixture for the basin which is capable of being inundated by water periodically. The basin has a meandering edge so it is a nonlinear space and will be fully vegetated in accordance with the ordinance requirements. The applicant is also providing the filtered landscape buffer treatment along Wyckoff Mills Road. Mr. Liotta stated that the buffer area complies with the ordinance requirement in terms of quantity of trees. The applicant is also providing the required number of shade trees along the street. Mr. Liotta stated that there is a percentage of frontage just to the west of the western most truck entry to a point where there is an easement the applicant cannot plant shade trees in. Mr. Liotta stated that they provided the required number of shade trees throughout the remainder of the frontage.

Mr. Liotta moved on to the submitted tree inventory and tree replacement plan for the site. He stated that a licensed tree expert from Maser Consulting visit the site multiple times and a majority of the trees on site are in the northeast corner of the property. The tree inventory shows 13 specimen trees which are 36 inch caliper or larger. Of those 13 trees, 10 are required to be removed based on the plans. All of the trees that are going to be removed are in poor or extremely poor condition. Mr. Liotta stated that the removal of those trees will require approval from the Governing Body. The replacement requirement for the site is 124 trees at various sizes between two and three inch caliper, essentially totaling 324 caliper inches of new trees. The plan includes 244 trees at various sizes with a total of 674 caliper inches. The applicant has also included 87 smaller whip trees roughly one inches caliper or smaller in the retention basin area. The applicant is also providing 102 evergreen trees planted at eight to ten foot height, and 27 ornamental trees. Mr. Liotta stated that the ornamental trees are not sized to a point where they would count towards the tree replacement requirements, so they are not included in the figures he testified to earlier regarding tree replacement. Mr. Dobromilsky asked Mr. Liotta if landscaping could be added in the areas along the building that are currently shown as stone. Mr. Liotta stated that those areas have been revised and all stone areas are replaced with shrubs. Mr. Dobromilsky stated that he would ask the applicant to ensure that the landscaping being provided to buffer the loading areas from view is full enough to close those areas out of view as much as possible. Mr. Liotta stated that there is a screen wall being built to shield those areas from view with landscaping in front of the walls on both sides of the building. He added that with respect to irrigation of the landscaping, hose bibs have been added along the perimeter of the building.

Mr. Liotta moved onto the lighting plan. He stated that all lights on the site will be LED D series size one fixtures provided by Lithonia Lighting. All of the fixtures are full cut off, meaning no light would be emitted over the light fixture. The fixtures of 4000K color temperature producing a clear white light and the wattage ranges from 50 to 70 watts. The fixtures will be either pole or wall mounted at 25 foot maximum, which meets the ordinance requirements. Mr. Liotta stated that all of the fixtures and poles will be black color finished. The average light intensity for the site is 0.8 foot candles, which is below the 1.0 maximum permitted under the Township ordinances. The employee drive aisles, parking areas, and walking paths average 0.9 foot candles with a maximum of 1.7 and a minimum of 0.5. There is no light spillage onto the neighboring lots or streetways. Mr. Liotta stated that there is minimum light spillage along Wyckoff Mills Road but

only at the intersections for the drive aisles. The applicant does not anticipate a 24 hour operation, so the submitted plans include a dimming plan where at the end of the business day, all lights on the site will be dimmed to 30% of their full intensity for the evening hours for security purposes. Mayor Mironov asked Mr. White to review the lighting intensity figures from the plan and indicate if they were within the Township's requirements. Mr. White stated that he could conduct a review. Mr. Liotta stated that the average site lighting intensity is 0.8 foot candles, which complies with the 1.0 foot candle maximum under the ordinances. The employee drive aisles, parking areas, and walking paths average 0.9 foot candles with a maximum of 1.7 and a minimum of 0.5. Mr. Liotta stated that they are meeting the ordinance requirements. Mayor Mironov asked Mr. Dobromilsky if those figures comply with the Township's standards. Mr. Dobromilsky stated that the average meets the code requirements. Mayor Mironov asked the Board's professionals if they have any concerns with the presented lighting plan. Mr. Liotta stated that they did pay attention to areas which require more light, such as entrances and walkways, but the other areas on the site are quite low. Mr. White stated that the review letter from T&M Associates did not indicate any issues with the lighting intensities on the site. Mr. White asked Mr. Liotta if the illumination levels had change on site from the initial plans. Mr. Liotta stated that they did not change.

Chairperson Kelley asked if the entrances would have access for emergency vehicles even after business hours. Mr. Kainer stated that the proposed entrance gates would be spec design for the tenant. Chairperson Kelley stated that the resolution should reflect the requirement that any gates would not impeded emergency access to the site.

Mr. Liotta went on to discuss the different variances and waivers being requested by the applicant. He stated the property is located in the R-O Research Office zone and the proposed use is permitted within this zone. Mr. Liotta stated that previous testimony by the traffic expert reviewed the requested variance regarding parking and stated if the Board had any questions on that in particular he could address those. Mr. Liotta stated that they are requesting seven different variances. They are requesting a variance for lot width at the Turnpike frontage on the western end of the site where 350 feet is required and the existing frontage is 197.5 feet. The minimum front yard setback to the building from Wyckoff Mills Road is required to be 150 feet whereas the applicant is proposing 92 feet. Mayor Mironov asked Mr. Liotta to indicate why they were requesting the variance for front yard setback. Mr. Liotta stated that he would get to that in his testimony. A similar front yard setback variance is being requested along the Route 133 frontage where 150 feet is required and 51 feet is proposed. There is a minimum 100 foot landscape strip requirement along Wyckoff Mills Road as well as Route 133. The applicant is proposing 39 feet along the majority of the Wyckoff Mills Road frontage and adjacent to the fire land behind the building there is a five foot strip in addition to 82 feet of existing vegetation from the site property lien to the edge of the pavement. The applicant is requesting a variance for the directional sign area where the ordinance allows for three square feet, the applicant is proposing 7.3 feet. They are also requesting a waiver for the directional sign height, where the ordinance permits 30 inches, the applicant is proposing 42 inches.

Mr. Liotta stated building mounted lights are not permitted under the ordinances, but the applicant is proposing several in loading areas, so they are requesting a design waiver. They are also requesting a design waiver regarding the number of entrance and exit driveways, where one is permitted, they are proposing three. The curb line opening at two of the entry points exceed 50 feet where 24 to 50 feet is required under the design guidelines. Mr. Snieckus stated that Mr.

Liotta touched on the five foot minimum buffer requirement near the emergency access drive. He asked what the minimum setback to the Route 133 is. Mr. Liotta stated that it is 100 feet and they are proposing 51 feet.

Mr. Liotta stated that they are proposing all of the variances as both c-1 hardship variances and c-2 flexible c variances. With the c-1 hardship variance, the applicant has to demonstrate there is exceptional difficulty to conform or there is an exceptional hardship on the application due to the nature of the property. Mr. Liotta stated that the lot depth from the western end to the middle of the site is very shallow but then widens out. Mr. Liotta referenced Exhibit A-5. He also entered into evidence Exhibit A-18 titled "330 WMR Setback and Buffer Exhibit," dated July 9, 2018. Mr. Liotta stated that Exhibit A-5 was updated to reflect the changes in the plan that are being proposed. He stated that the lot is very narrow. On Exhibit A-18, the green dashed line that runs along the frontages of Wyckoff Mills Road and Route 133 represents the landscape strip buffer requirements, which is 100 feet from the right of ways. The red dashed lines are the 150 foot front yard setback requirement north from Wyckoff Mills Road and Route 133. Mr. Liotta stated that the building envelope is contained in the eastern end of the property and a large portion of the building envelope where improvements can occur is within wetlands and wetlands buffer areas, which are indicated in blue on the exhibit. He stated that the property is very constrained with respect to both shallowness in depth, shape, and topographic conditions relating to the existing wetlands areas.

Mr. Liotta stated that regarding the c-2 flexible c variance criteria, the variance has to relate to a specific property where the objectives of the Municipal Land Use Law would be advanced if the variance is approved, the variance can be granted without substantial detriment to the neighboring properties, the benefits of the proposal would outweigh any detriments and the variance would not substantially impair the intent and purpose of the zoning ordinances. Mr. Liotta stated that regarding waivers, the Board can grant waivers if they follow the analysis set forth in the case Garofalo vs. Burlington Township from 1985. Mr. Liotta stated that the court stated that the waivers just have to be reasonable under the circumstances being presented and they have to meet the intent of the Township ordinances.

Mr. Liotta stated that the positive criteria is met because the development serves the general welfare with a use permitted in the zone and that is suited for the property. The site is extremely constrained by lot shape, depth, and constraints of buildable area due to wetlands. Mr. Liotta stated that the lot width at the Turnpike on the western end of the property is not important to the application, as the site won't be accessible from the Turnpike. He stated that the deviation from the ordinance requirements in that area has no detriment. Regarding front yard setback, due to the very unusual shape of the property, the required setbacks and constraints on the site from wetlands and wetlands buffer areas cause an envelope of developable land that is so small, the lot would be severely underutilized and wouldn't provide the benefits to the Township as being provided by the proposed development. Mr. Liotta stated that regarding other design standards such as building coverage and floor area ratio, they are well under those requirements. Regarding landscape strips along Wyckoff Mills Road and Route 133, the applicant is proposing a 39 foot wide landscape strip along Wyckoff Mills Road. Mr. Liotta referenced Exhibit A-11. He stated that even though the landscape strip is thinner than required, the applicant is complying with the number of plantings required for the filtered screening along the frontage. Along Route 133, the applicant is proposing a five foot wide landscaping strip adjacent to an existing area with a width of 82 feet to the property

line full of existing vegetation. Mr. Liotta stated that there is significant landscaping in that area that buffers the site from view. The applicant is also installing large shade trees along the southern portion of the building to soften the view of the building from Route 133. Mr. Liotta stated that it is his opinion that with all of these factors combined, the deviation is mitigated. Regarding directional signage area and height, Mr. Liotta stated that there are two loading areas on the site each serving a different purpose, so it is important that the trucks enter at the correct driveway on the site. If a truck goes into the wrong loading area, they have to turn around, exit the site onto Wyckoff Mills Road again and the reenter through the correct driveway. Mr. Liotta stated that the directional signs have to be large enough to allow the truck drivers to see them from an appropriate distance in order to safely make their turns into the correct driveway.

Mr. Liotta moved onto design waivers. With respect to parking, the applicant is requesting a variance for the number of parking stalls being provided on site. He stated the applicant is proposing 107 spaces where 252 are required. Mr. Liotta stated that he would concur with previous testimony from the traffic engineer, that parking demand is based on the employee counts and for this type of operation, the parking will be adequate. Mr. Liotta asked the Board if they would like him to review information he compiled from reviewing other municipalities ordinances in regards to parking. Chairperson Kelley stated that may tie into the applicant's plan to ensure parking will be adequate as discussed earlier. Mayor Mironov stated that the information wouldn't address the enforcement aspect for the parking plan.

Mr. Liotta stated that regarding the design waiver for building mounted lights, it was his opinion that generally it is a better design to having building mounted lights along car parking areas so that the sidewalk area and parking stalls and drive aisles are better illuminated. Regarding the number of entrance and exit drive aisles, the applicant is proposing to have three aisles to separate passenger vehicles from truck traffic. For the curb line opening, Mr. Liotta stated that the design waiver was required to allow for the proper turning radius for the trucks entering and exiting the site.

Mr. Liotta went onto the negative criteria for these requests. He stated that the project doesn't abut any residential areas that would be affected by this development. The plan also includes a large amount of landscape buffering and tree replacement. Mr. Liotta stated in his opinion, these variances advance the intent of the Township's Master Plan and zoning ordinances and have no major detriments.

Mr. Snieckus asked Mr. Liotta if the setbacks proposed along Wyckoff Mills Road are consistent with the intended purposes of those existing standards. Mr. Liotta stated that the intent is to develop a certain streetscape appeal and in this case, in an effort to produce a project that makes sense with the intended use of the zone the applicant mitigated the detriment with additional landscaping and berming. Mr. Snieckus stated that the Board should consider the architectural design of the building as it is set much closer to the road than other developments in the area. Mr. Snieckus asked Mr. Liotta why the size of the directional signage would be appropriate for this development. Mr. Liotta stated that the larger signs would allow truckers to see the signs and appropriately identify the entrance driveways with enough time to safely turn into the site. The larger area of the sign allows for larger lettering on the sign. Mr. Liotta referenced Exhibit A-15 and stated that the lettering will be six inches tall and allows for recognition from about 200 feet. Mr. Snieckus noted that a property zoned ARH Age Restricted Housing is across the street from

the subject site and asked Mr. Liotta how the property would be impacted by this development. Mr. Liotta stated that the amount of landscaping being proposed would screen the property from site so it would not have a large impact on the adjacent properties.

Mr. Shimanowitz stated that concludes their testimony from tonight. He stated that the applicant still has to address the parking issue and the architectural exhibits as discussed by the Board. Mayor Mironov added that the applicant has to revisit the traffic analysis as previously discussed. Mr. Shimanowitz stated that they would address that as well. Mr. Shapiro stated that due to the size of the property, what size building would be possible on the site if they did comply to all of the ordinance requirements. Mr. Kainer stated that they might be able to build a 40,000 square foot building but the shape would be so odd it wouldn't be marketable. Mr. Shapiro asked how large the proposed building is. Mr. Kainer stated that the building is 191,470 square feet. Mr. Shapiro stated that it seemed the large size of the building was the main cause for all of the requested variances. Mr. White stated that in the review letter from T&M Associates, they raised the question about adding sidewalks along the Wyckoff Mills Road frontage for the property. Chairperson Kelley stated that he did not see a need for a sidewalk in that area. Mr. Berman stated that there didn't seem to be room for one. Mayor Mironov agreed with Mr. Berman.

Chairperson Kelley stated that he would like to see the requested information prior to any vote. Mr. Berman stated that the issue regarding the enforcement plan for parking was too large to not finalize before any action. Mr. Shimanowitz stated that it sounds like they should return with the information for another hearing. Chairperson Kelley announced this application would be carried to the meeting of August 6, 2018 without 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 July 9, 2018, 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 24th day of September, 2018.

Allison Quigley, Board Administrative Secretary
East Windsor Township