

**WASHINGTON TOWNSHIP PLANNING BOARD MEETING
TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NJ
WEDNESDAY, APRIL 23, 2008 7:00 P.M.**

MINUTES

Present: *Chair McGowan, Ms. Caffrey, Mr. Lasky, Ms. Burns, Mr. Cettina, Ms. Breyta, Mr. Lesniak, Ms. Ward, Mrs. Van Nest*

Absent: *Mr. Calcagno and Ms. Fett*

Also Present: *John West, Township Engineer; Mr. Dasti, Board Attorney; Ms. Post, Board Secretary; Ms. Kooper, Planning Consultant; Ms. Persicketti, Recording Secretary*

Roll call for the above Board members was called and the Flag Salute took place.

“Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice as being set to the *Times of Trenton* and the *Messenger Press* and posted in the Municipal Building Public notice meeting bulletin board.”

CORRESPONDENCE

A letter was submitted from a resident, who was in favor of the proposed Highway Commercial Ordinance being considered by the Township Council.

BOARD COMMENTS

It was suggested that at the next Council Meeting, which is scheduled for April 24th that any Planning Board members, who are able to attend, do because of the ordinance before Council. The question arose as what to do if there is a quorum of the Planning Board. Mr. Dasti replied that if there is a quorum, there is an issue. Mr. Lesniak should not be considered part of the Planning Board for purposes of a quorum because he represents Council. Five members pose a quorum. Chair McGowan will be present to represent the Planning Board. Only four (4) members of the Planning Board should be in the room at the same time.

PLANNING UPDATE

No update was given.

PUBLIC COMMENT

A motion was made at 7:10 p.m. by Mr. Lasky to open the meeting for public comment and seconded by Mrs. Van Nest. All Board members were in favor. No public came forward; therefore, a motion was made to close the public portion by Ms. Burns and second by Mr. Cettina. All in favor.

BUSINESS TO DISCUSS*(1) Resolution – PB2008-03 – Timothy M. Cunha – Approval of a Minor Subdivision*

Eligible to Vote: Caffrey, Lasky, Cettina, Van Nest, Calcagno and McGowan

A motion was made to adopt *PB2008-03 – Timothy M. Cunha* by Mr. Cettina and seconded by Ms. Caffrey.

ROLL CALL:

AYES: Caffrey, Lasky, Cettina, Van Nest and McGowan

NAYS: None

There being five (5) “AYE” votes, *PB2008-03 Timothy M. Cunha* was adopted as read.

(2) PB05-11-04 – Central Jersey Sikh Association, Block 14, Lot 41, 116 North Main Street, Windsor, Zoning: OW, Request for Extension of Final Site Plan Approval

The applicant is requesting two one (1) year extensions of a final site plan approval for a Sikh Temple. Amended preliminary and final site plan approval for the project was memorialized by Resolution PB2006-08 by the Planning Board on April 26, 2008.

Kevin Moore, Esq., from the firm of Sills, Cummis & Gross, represented the applicant in the above matter. The applicant had to wait until 7:30 p.m. to begin their application due to their notice in the newspaper. At this time, due to the fact it was 7:10 p.m., a brief discussion took place regarding Gateway South and the Gateway into Allentown.

(3) Discussion regarding Gateway South and the Gateway into Allentown – Mrs. Van Nest made a comment to “green building” and would like to have a discussion with the developers to make the buildings more environmentally sound. Mr. West replied that there is a recommendation in the Master Plan to encourage developers to do “green buildings”, but the issue can not be enforced. Ms. Caffrey would like to have the architect incorporate these elements into the building design because utility bills would be lower for the occupants and this would be beneficial to COAH. COAH could provide more incentive to provide units with “green building”. Possibly, a resolution could be implemented to state such. Ms. Caffrey mentioned that she has directed the architect, who will be designing the new police and court building, to incorporate “green building” into the design.

Alan Frank suggested to the Board to consider adding a paragraph in the Board’s criteria for the Environmental Impact Statement. A section could be added to request that the applicant discuss the word “global” (what is the applicant doing in their development to be energy efficient).

(At 7:30 p.m., Central Jersey Sikh Association hearing took place)

The applicant is seeking an extension for their 2006 amended preliminary/final site plan approval. The project involved a 24,000 s.f. temple and a 4,800 s.f. accessory residential building. The applicant is seeking a two (2) year extension because the revised LOI for the wetlands, which the applicant applied for, has not received any comment back from NJDEP. The applicant also needs approval from the Mercer County Planning Board. Also, the organization is non-profit and depends on donations. The applicant hopes to begin construction soon. The completion of the project is expected in 2009.

Wayne Lippincott, Professional Engineer, was sworn in by Mr. Dasti. He stated that his firm did not obtain the original LOI. However, his firm is in the process of obtaining an LOI. There is a five-year

clock on the wetlands and the applicant is applying for a renewal. The original LOI showed more wetlands than there are currently; therefore, another LOI is being sought.

Amar Gill, Chairman of the Board for the Temple, was sworn in by Mr. Dasti. Mr. Gill said that access to the buffer along the wetlands was approved in 2000. Mr. West said that when the application was originally approved in 2000, one of the conditions was access to the wetlands. There was a question as to interpretation. At that time, the town wanted a linear easement along the stream.

The 4,800 accessory building is for the pastor, per Mr. Moore.

A motion was made to open the meeting to the public by Mr. Cettina and seconded by Ms. Breyta. All in favor. No public came forward, therefore, a motion was made to close the public portion by Mr. Lesniak and seconded by Mr. Cettina. All in favor.

A motion was made to approve PB05-11-04 – Central Jersey Sikh Association for two one (1) year extensions of the previously approved preliminary and final site plan approval until August 26, 2010 by Ms. Caffrey and seconded by Mr. Cettina.

ROLL CALL:

AYES: Caffrey, Breyta, Lasky, Lesniak, Van Nest, Burns, Ward, Cettina and McGowan

NAYS: None

There being nine (9) "AYE" votes, PB05-11-04- Central Jersey Sikh Association was approved.

(4) PB06-12-01 – Washington Woods, LLC, "Edinburg Village", Block 9, Lots 1, 25.01 & 55, Robbinsville-Edinburg Road, Zoning: RR, Continued Public Hearing for Preliminary Major Subdivision

The applicant is seeking approval to subdivide a ±220 acre site into forty-nine (49) clustered single-family detached building lots and various open space lots.

Alan Frank, Esq., represented the applicant in the above matter. There were two prior hearings addressing the above application and this was the 3rd hearing.

With respect to the COAH obligation, the applicant owns the property in question. This property would give the applicant the option to do COAH housing on site. The applicant is obligated to provide 6 to 9 units and will meet their COAH obligation on site. The applicant met with three parties: Project Freedom located in Robbinsville, Family Services stationed in Mount Holly, and Jewish Family and Child Services located in Princeton. The applicant would like to create a group home or multiple townhouses for the developmental disabled, which would be congregational in nature. Project Freedom and Family Services did not feel that kind of living arrangement would be something DDD would approve for funding. Jewish Family and Child Services were in favor of a congregational type of facility, and they feel they could design a program that could incorporate what DDD could provide. At final, the issue resolved would be the lot line, design of the septic with the bedrooms, and the COAH obligation. COAH will adopt its rules in June, and the Board can only vote as to where the Growth Share Ordinance is now.

Dan Fisher, P.E., P.P., stated the site could be balanced by digging two ponds on site. It would take 95,000 cubic yards to balance the site, and 18,000 cubic yards of it would be needed for structural material and 145,000 cubic yards would be available and 64,000 cubic yards could be used for

structural. The three basins would give the applicant 53,000 cubic yards, which would leave 42,000 cubic yards short. The 42,000 cubic yards would be obtained from the ponds.

Mr. West indicated that there are several options available: build the 58,000 cubic yard lake off Meadowbrook Road to have a balanced site, or allow the applicant to import 42,000 cubic yards and not have a balanced site and import fill. They can do it on site, but would require a fourth lake. Three lakes would serve as detention basins, and the fourth would be a lake for the purposes of generating fill. Mr. Frank stated that it would be ponds or reforestation. Mr. West replied that the applicant would need a waiver for changing the natural grade more than three (3) feet. The amount of trucks needed for the fill would be 2,500 truckloads. (On lake three, the soil borings were not completed).

Chair McGowan took a straw poll as to whether the Board would like: take from both; leave both and reforest and allow the trucks, or do one and reforest the other. The town has a concern on the quality of soil, the impact on the residents, and wear and tear on the roads. The Board gave their thoughts regarding the fill and the consensus was as follows: Ms. Caffrey said there is a good workable solution to get the fill onsite, and there is an ordinance, which discourages off-site trucking and fill. Ms. Breyta prefers to pull from the 58,000 and reforest. Mr. Lasky agrees. Mr. Lesniak would like to look at the soil ordinance. Ms. Burns agrees with Ms. Caffrey. Chair McGowan prefers one pond over two and reforest one pond (10 feet).

As per the minutes of the last meeting, the applicant will meet with the fire chief and police department prior to final approval to discuss the emergency vehicle access. The applicant will provide sidewalks from the entrance road to the high school. The sidewalk will connect all three developments. The questions arose as to whether the road should be a full road or a 12 foot wide emergency access road. Mr. West replied that the issues are the road, the 12 foot paved road or nothing. Mrs. Van Nest stated the Board took a vote and wanted the emergency access provided. Chair McGowan said the approval would be based upon what the emergency people require. Mr. West said that if it is going to be an emergency access road, he wants it to be a paved road and not gravel. **Exhibit A-5, Earthwork Balancing Plan** was marked into evidence. Ms. Caffrey indicated that unless the fire chief strongly objects and want a full road, the Board recommends paved emergency access only.

The public hearing was re-opened for PB06-12-01 (continued public hearing for major subdivision). A motion was made to reopen the meeting by Ms. Burns and seconded by Mr. Lasky. All Board members were in favor.

Todd Cohen, Esq., representing the property owner of Block 9, Lot 35, Sandra Schulman, stated that his client preferred the emergency access to be landscaped (on sides).

No other public came forward. Therefore, a motion was made to close the public portion by Mr. Lasky and seconded by Mr. Cettina. All Board members were in favor.

Ms. Breyta said that Ms. Kooper's letter dated March 19th, page 11 comment 3 refers to "pesticides", and asked if testing would be done. Mr. West responded that testing would not be required. The area is currently being farmed. Between Lots 4 and 5, there is a small sliver of property between the lot lines which will be closed up.

Conditions outlined by Mr. Dasti:

- ▶ Forty-nine lot preliminary subdivision;
- ▶ Applicant acquired a lot and will meet their Affordable Housing obligation on the lot;
- ▶ The entire project will be serviced by public water and septic;
- ▶ The applicant agrees to comply with the Affordable Housing requirements in place in the township at the time of final approval (9 units), and construct houses for the mentally challenged. Three different service providers can do this by means of townhouses; group home, etc, which can be deferred to final, pending the COAH regulations being finalized at the time of final;
- ▶ There will be bike paths throughout the development, which will connect with three other developments;
- ▶ The applicant has agreed to construct sidewalks along the west side of County Road 526 to the high school. The applicant will construct the sidewalks and acquire the right-of-way or reimburse the town for acquiring the right-of-way.
- ▶ The import fill issue was discussed and the straw poll of the Planning Board was to see one (1) pond built in the north side of the site (8 feet deep) to take care of the on-site fill so there will be no need for import fill (the trucks bringing the fill will use Route 526);
- ▶ The application totals 152 acres and 71 percent will be open space and 68 percent is wetlands to include the ponds;
- ▶ The second access issue was discussed – Road B (corner lot) and subject to the approval of the fire chief would prefer a 12 foot wide emergency access only with bollards and pavers to have the grass grow through;
- ▶ The ponds and open space will be owned and controlled by the Homeowner's Association;
- ▶ Parking will be located on both sides of the street and the road will be 28 foot wide (north side);
- ▶ Comment in Ms. Kooper's memorandum, page 9, paragraph 2 – grant a waiver so that the lot line on the lots will be moved to make the lots look more square;
- ▶ Split rail fences will be around the detention basins with pressure treated wood and black welded wire between the rails;
- ▶ Pictures will be sent as to what the new pond will look like prior to final and will be addressed at final;
- ▶ Applicant will provide sufficient monies at the time of final approval and donate it to the town for traffic improvements at the far corner;
- ▶ Mr. Cohen's client indicated that they did not want a road, but would be satisfied with a 12 foot wide emergency access roadway adjoining the client's property.

Mr. Frank indicated that there is an open space lot, which the bike path goes through, and a waiver or variance will be needed.

Chair McGowan stated that a lot of items will be deferred to final. A motion was made to approve PB06-12-01 for a preliminary major subdivision for Edinburg Village with the afore-mentioned conditions outlined by Mr. Dasti by Mr. Cettina and seconded by Ms. Caffrey.

ROLL CALL:

AYES: Caffrey, Brea, Lasky, Van Nest, Burns, Ward, Cettina and McGowan

NAYS: None

There being eight (8) AYE" votes, PB06-12-01 was approved.

A brief recess was taken by the Board at 8:48 p.m. to 8:58 p.m.

The Board resumed the discussion regarding Gateway South and Gateway into Allentown.

Mr. West said that since the Re-Examination of the Master Plan, a few things occurred, which indicated that the town take another look at it. One item was the Gateway South (Tamarro piece). At one point in time, this piece of land was looked at to be rezoned highway commercial. The property was in an area of redevelopment, therefore, the zone was not changed. The question remains as to the Tamarro piece: change to highway commercial; leave as Town Center and not change it. The Board may decide not to change it and leave it alone. The other area being looked at is the Wittenborn gateway.

At a previous Zoning Board Meeting, there was a great deal of discussion on the Wittenberg Gateway (are the properties in/out of the gateway). The Wittenborn and Allentown Gateways need to be re-examined and defined as to the limits, and if changes need to be made. The Master Plan Re-Examination will only focus on the above-referenced two (2) areas. The Zoning Board would like both boards to be on the same page with respect to architecture. The Zoning Board offered to send a representative if a subcommittee is created. Chair McGowan feels that it is easier to address the above issues as a subcommittee than bring the issue to the full board. Ms. Caffrey likes the idea of a subcommittee and suggested that a member of the Economic Development be present. The next step would be to draft an ordinance with respect to the Wittenborn and Allentown Gateways. The view shed to the Wittenborn house is a historic site for the town because it was built in the 1700's, which was discussed at length during the Master Plan Re-Examination. The purpose to look at the Wittenborn gateway is to see how far to extend the area. Chair McGowan would like to have a member of Economic Development and the Zoning Board to sit on the subcommittee and two/three members from the Planning Board for a total of five members. The Planning Board will appoint several members and submit them in e-mail to Mr. West. Mrs. Van Nest volunteered to be on the subcommittee. Mr. Calcagno and Ms. Fett will be notified because they were absent.

No other business came before the Board. A motion was made to adjourn the meeting by Ms. Burns and seconded by Mr. Cettina. All Board members were in favor. Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Phyllis Persicketti
Recording Secretary

ADOPTED: MAY 28, 2008