

**TOWNSHIP OF ROBBINSVILLE PLANNING BOARD MEETING
TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NJ
WEDNESDAY, MAY 21, 2008 AT 7:00 P.M.**

MINUTES

Present: *Chair McGowan, Mr. Cettina, Ms. Breyta, Mr. Lesniak, Ms. Ward,
Mr. Calcagno (arrived at 7:05 p.m.)*

Absent: *Ms. Caffrey, Mrs. Van Nest, Ms. Fett, Mr. Lasky, Ms. Burns*

Also Present: *John West, Township Engineer; Mr. Dasti, Board Attorney; Ms. Post, Board
Secretary; 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

Ms. Post said that the Board received the “Annual Zoning Report” in their packets.

Board Comments

Mr. Lesniak wanted to know if the new COAH regulations have been released. Mr. West said the new amendments will be released during the second week in June.

Minutes

April 16, 2008 - Eligible to vote: Cettina, Breyta, Lesniak, Ward and McGowan. A motion was made to approve the minutes by Mr. Lesniak and seconded by Ms. Ward. The Board took a general “AYE” vote. All eligible members voted in the affirmative. Therefore, the minutes were approved as read.

Planning Update

Mr. West indicated that the first meeting took place regarding the Re-Examination subcommittee. A second meeting has not been scheduled. The Plan Endorsement is 95 percent complete. The 208 Amendment for Gordon Simpson’s public hearing is scheduled for July 9, 2008.

Public Comment

A motion was made to open the meeting to the public by Ms. Ward and second by Mr. Cettina. All Board members were in favor. No public came forward. Therefore, a motion was made to close the public comment portion by Ms. Ward and seconded by Mr. Cettina. All Board members were in favor.

Resolutions

Resolution PB2008-04 – Central Jersey Sikh Association – Approval of Two One-Year Extensions of Site Plan Approval. Eligible to Vote: Breyta, Lesniak, Ward, Cettina and McGowan. A motion was made by Mr. Cettina and seconded by Ms. Breyta to adopt the resolution.

ROLL CALL: *PB2008-04 – Central Jersey Sikh Association*

AYES: Breyta, Lesniak, Ward, Cettina and McGowan

NAYS: None

There being five (5) “AYE” votes, *PB2008-04 – Central Jersey Sikh Association* was adopted.

Resolution PB2008-05 – Washington Woods, LLC – Approval of Preliminary Major Subdivision for “Edinburg Village”. Eligible to Vote: Breyta, Ward, Cettina and McGowan. A motion was made by Mr. Cettina and seconded by Ms. Breyta to adopt the resolution.

ROLL CALL:

AYES: Breyta, Ward, Cettina and McGowan

NAYS: None

There being four “AYE” votes, *PB2008-05 – Washington Woods, LLC*, was adopted.

***Application ZB08-01-01 – Thompson Realty Co., of Princeton, Inc.
“Mercer Corporate Park”***

Block 41.01, Lot 31

750 Robbinsville-Allentown Road

Zoning: ORH

Public Hearing for Minor Subdivision and Preliminary/Final Site Plan with Variances

Archibald Reid, Esq., represented the above applicant (Thompson Realty Co., of Princeton, Inc).

The application is for a hotel/office complex at the Mercer Corporate Park. The applicant purchased the property from Trafalgar many years ago. An existing 60,000 s.f. office building was located at the rear of the site. The applicant discovered a living site plan approval for office and hotel, which has been extended several times. The applicant went through 5 to 6 one year-extensions on the property. The wetlands permit has been received. **Exhibit A-1 – Overall Amended Preliminary Site Plan** with a revision date of 12/19/07 was marked into evidence. There are two applications before the Board regarding the above-captioned application. The only offer made for the property was for a flex/warehouse office. The property was rezoned to permit the warehouse use by the township.

The minor subdivision application was addressed first. The applicant is attempting to subdivide approximately 19.78 acres off the entire site and construct approximately 170,880 s.f. office/flex building on the property. Variances are being sought for the project. Wet ponds are considered impervious coverage under the township ordinance. The applicant is looking to amend the original preliminary site plan to continue the buildings. Due to the dynamics of constructing the flex office space, the square footage of the site has been dropped by 100,000. There is a request for a variance on the impervious coverage of the building.

This application is requesting a 19.78 acre lot and the construction of a 175,880 s.f. warehouse built on the lot, which is located near the I-95 exit.

Alan J. Ippolito, P.E., P.P., of Pennoni Associates, Inc. cited his credentials to the Board and was accepted by the Board as an expert witness. Mr. Ippolito testified that the lot fronts on the existing interior access road. There are three access points to the building (back for loading area). The site drains into the storm water basin located to the west.

Drainage systems (basins) are considered impervious coverage. The variance for impervious coverage being requested is 72.6% to include the basin. The applicant would be at 54.7% (whole project) impervious coverage because all of the basins on the site got larger by five acres. The impervious coverage request will have no negative effect on the drainage provided for the project. There will be 4 basins in total. The total acreage of the site is 92.7 acres.

The second variance requested was for the entrance of the building facing the frontage of the property. The proposed building is approximately 700 feet from Route 526. There will be substantial landscaping in front of the proposed building.

The applicant disagrees with the following issues with respect to the Remington & Vernick Engineers, memorandum dealing with the minor subdivision and preliminary/final site plan dated May 13, 2008, prepared by Ms. Abbe Kooper:

- a. Site Circulation and Parking - Page 5, number 4 – indicates the applicant should provide 18 loading spaces whereas the applicant is only proposing 13 spaces to service the warehouse. The applicant feels this is sufficient because with office use there is no need for a formal loading area because of the smaller units.
- b. Site Circulation and Parking - Page 4, Item 1 – Deals with off-street parking lots and loading areas, together with their access aisles, driveways and fire lanes shall not occupy more than 40% of the lot area. The applicant is under the 40 percent requirement.
- c. Planting Design - Page 6, number 9 - All parking areas must be screened from public view. “Public” means from Route 526. Additional trees and shrubs will be provided.
- d. Planting Design – Page 8, No. 22 – states that the applicant should provide a 6 foot high wooden privacy fence along the northern property line to adequately screen the loading area from the adjacent proposed agricultural learning center use. Reference was made to also put a set of trees in this location. Mr. West said there might be a site visit to see which choice would be best. The concern is the adjacent property, which is the rhododendron farm with an existing building. The applicant would prefer a natural barrier instead of a 6 foot high fence. The applicant agreed to work with the Township professionals to come up with a solution as a condition of final approval.
- e. Planting Design – Page 8, number 23 – Pink and Dwarf Summersweet Clethra plantings – the applicant is unfamiliar with this species.
- f. Lighting – Page 11- C - the applicant feels that they are providing too much lighting, and therefore, needs a waiver. The lighting levels and candlepower will be brought down to meet the ordinance requirement (one foot candle).

- g. General Comments - Page 12 – F (2), states that the applicant should provide testimony stating they will confirm with the Township ordinance pertaining to electronic, vibration, heat, noise, odor, etc. The applicant feels that the site proposed will not impact any of the afore-mentioned. The facility proposed will have no impact or any detriment on the community.
- h. Site Circulation & Parking – Page 5, number 6 – indicates that sidewalk should be provided along the property frontage on the loop road to improve pedestrian connectivity. Mr. West stated that in lieu of the path, sidewalk should be placed on one side of the road outside of the loop road so as to not interfere with the wetlands. The applicant responded that their concern is to possibly not being able to build the sidewalks at all due to the pond location on one side. Mr. West stated this issue could be discussed at a future date.

The applicant disagrees with the following issues with respect to Mr. West's memorandum dated April 25, 2008:

- a. Page 3 – V. Preliminary Site Plan Checklist Waivers/Variances Requested
1.16. – LOI - has expired; but the applicant indicated they received all permits required of them. Mr. West is comfortable with the permits.

There was an issue with parking and the applicant stated that banked parking spaces meet the ordinance requirement.

- b. Signage – Page 6, number 6 - signage will be provided and the applicant will comply with the ordinance requirement and provide a signage package.

Mr. West said that there is a concern with the site distance because there is existing vegetation on the curb of the road.

Mr. Reid indicated that the entire project was originally prepared as a condominium project.

Nicholas Verderese, C.E., P.E. of CMX was sworn in by Mr. Dasti and gave his credentials to the Board. Mr. Verderese discussed the traffic flow. Eighty percent of the traffic goes to the north, 20 percent to the south. The p.m. will have fifteen vehicles leaving at the peak hour time. There is an existing northbound (Robbinsville-Allentown Road), which has an existing traffic signal. The applicant would propose to provide a left turn lane to go northbound to make a left turn into the interchange and use the existing loop road currently used for southbound traffic traveling eastbound. The total traffic generation has decreased. The total trip generation for the warehouse peak hours is approximately 480 vehicles. The exiting traffic in the evening is 150 vehicles (10% is a total of 15 vehicles).

Mr. West stated that there is a problem with developers trying to get road permits. The applicant will get their CO in a year. Mr. West would like to incorporate language that the applicant can get a CO without the improvement getting done provided that they are doing diligence in obtaining the approval. The applicant responded that they are working diligently in trying to obtain the permit. The applicant will report to Mr. West on a 3 month basis on their status of obtaining the traffic/road permits. This obligation needs to be tied to the applicant's first building (not the second).

Todd Colarusso, Senior Vice President of Thompson Land, stated that he will report the aforementioned progress and bond for it and also build it. The bond for the 1-95 improvement will be a condition of the CO. Mr. West was in agreement. The driveway will be relocated approximately 100 feet and the traffic signal does not need to be built now. The traffic will be decreased by 25 percent and the traffic signals will be needed a few buildings down the road. A turning radius will have to be provided to Mr. West by the applicant to show that a WB-50 can make the maneuver in the road.

Exhibit A-2 – Concept Plan was marked into evidence.

With respect to COAH, the applicant would prefer to acquire market rate units, deed restrict them and convert them into COAH units and market them as affordable housing units. The proposed plan was presented to Township Affordable Housing Committee, which was acceptable by the town. The applicant will comply with the COAH regulations whatever they will be.

Timothy Gardner, Certified Landscape Architect, was sworn in by Mr. Dasti. He gave his credentials to the Board. The reforestation ordinance requirements will be difficult to meet. There will be screening on Route 526. (Reforestation entails 18 acres to include detention basins). There will be native type plantings on site. The applicant can comply with the reforestation in the dry basin, but not the wet basin. Ms. Kooper recommended orchid type for the basins. The applicant will work with Ms. Kooper as to what type of plantings will be located in and out of the basins. The screening will be 5 feet in height. The applicant prefers not to create a huge wall in the parking lot.

Exhibit A-3 – Architectural Renderings/Elevations, prepared by Ronald E. Rheaume, A.I.A., last revised on 5/21/07, was marked into evidence. Charles Wisher, Contract Purchaser, testified that they are looking for office uses rather than warehouse use (ordinance states 50/50, and the applicant is proposing 50.7% of office). They can provide 50% sales and service area. **Exhibit A-4 – Rendering Plan of Mercer Corporate Flex Space**, prepared by Alan J. Ippolito, P.E., P.P., dated 4/14/08 and **Exhibit A-5 – “Final Look” Elevations of Proposed Flex Buildings** were marked into evidence.

Mr. West indicated that Mr. Wilson, Township Architectural Consultant, wrote a memorandum dated January 15, 2008. The applicant agreed with the noted comments made by Mr. Wilson.

Board Comments:

Ms. Breyta asked about the location of the roof top equipment. Mr. Wisher said the HVAC system will be located in the rear or on the ground. Mr. West said that there will be a condition that the HVAC will not be visible; however, if it is on the roof, there will be screening.

A motion was made by Ms. Ward and seconded by Mr. Cettina to open the meeting to the public at 8:42 p.m. All in favor.

Christina Wittenborn said that there is an amount of traffic turning into the site because there is no shoulder on Robbinsville-Allentown Road. She asked for information concerning the anticipated backup traffic on Robbinsville-Allentown Road. Mr. West responded by stating that improvements will have to be made on Robbinsville-Allentown Road, which will address the shoulder and turn lanes.

No other public came forward, therefore, a motion was made by Ms. Ward to close the public portion and seconded by Mr. Cettina at 8:45 p.m. All in favor.

Conditions Outlined by Mr. Dasti:

- Application for a minor subdivision to subdivide approximately 20 acres from the 92.7 acres;
- Preliminary and final site plan to construct a flex building, which will have about 84,000 s.f. of warehouse and 86,700 s.f. of office space;
- The applicant agreed to comply with all of the plans and recommendations of Ms. Kooper and Mr. West;
- Variance requested for impervious coverage; 73% provided and ordinance allows 50% (if the detention basin were removed, there would only be 42% impervious coverage);
- The drainage system is installed per the current DEP requirements;
- Building fronts on a street (public road per ordinance). The applicant’s building fronts on the interior private road;
- Private road will be maintained by the Association and not by the Township;
- There is 700 feet from the west side of the building to Route 526; substantial landscaping will be provided and resolved by the professionals;
- Thirteen loading spaces will be provided as opposed to the 18 required due to the fact that they are smaller units and will not require that number of loading spaces;
- Screening next to the Rhododendrum farm will be resolved as to the type of landscaping to cover that area;
- The applicant will comply with the Affordable Housing requirements, which are in effect at the time the building permit is pulled;
- Traffic improvements – install improvements (reference made as Exhibit A-2); The applicant agrees that at the time they pull the building permit, if the permits are not received from the outside agencies to allow for the construction of the improvements, they will bond for the improvements at the time of CO; and provide quarterly reports to Mr. West to report the progress or lack thereof;
- Comply with Township signage ordinance;
- The applicant needs outside agency approvals from the County Engineer with regard to screening because Route 526 is a county road;
- The HVAC systems will be located on the ground and not on the roof; and will be adequately screened in either event;
- Both buildings will be connected to county sewer;
- The applicant will comply with the Fire Chief’s memorandum dated 1/0/08.

A motion was made to approve ZB08-01-01 – Thompson Realty of Princeton, Inc. with the conditions outlined above by Ms. Breyta and seconded by Mr. Lesniak.

ROLL CALL:

AYES: Calcagno, Breyta, Lesniak, Ward, Cettina and McGowan
 NAYS: None

There being six “AYE” votes, ZB08-01-01 – Thompson Realty of Princeton, Inc. was approved.

A brief five (5) minute recess was taken by the Board at 8:55 p.m. The Board reconvened at 9:00 p.m.

***PB-08-01-02 – Thompson Realty Co. of Princeton, Inc.
 “Mercer Corporate Park”***

Block 41.01, Lot 31
750 Robbinsville-Allentown Road
Zoning: ORH
Public Hearing for Amended Preliminary Site Plan

The applicant is seeking an amended preliminary site plan approval for the 71.4161 acre remainder of lot 31 to permit three new office buildings consisting of 80,000 s.f. 150,000 s.f. and 130,500 s.f. and 89,000 s.f. hotel in addition to the existing 61,500 s.f. office building. The site will decrease from 794,500 s.f. on a 91.2 acres to 511,000 s.f. on 71.4161 acres.

Mr. Reid said that all of the testimony previously submitted is the same with respect to the intersection 1-95. The relocation of the road will remain the at the same location. The reforestation ordinance will comply and the 8 species will be worked out with the Township Planner.

Mr. Reid stated that the applicant has now subdivided and permitted to be sold and fee simple a 19-acre lot off of the 92-acre lot. The applicant has a buyer and within a few years, a flex building will be built. The applicant lost over 100,000 s.f. on the overall site plan due to the dynamics of the building. The applicant is in for an amended preliminary site plan on the remainder of the tract. The hotel is smaller, the buildings are smaller and the impervious coverage meets the requirements.

The applicant would like to amend the prior preliminary site plan. The 5 buildings, including the existing building, will remain as the original "condominium" development for the time being. The change is the relocation of the organization of the parking lots, the building shrunk slightly, and the applicant is seeking an amendment to the proper site plan. The hotel now is 89,000 s.f. and the commercial building also shrunk in size. Mr. West's memorandum dated April 25, 2008 (Amended Preliminary Site/Plan) was reviewed. Mr. Verderese said that on page 8 of Mr. West's memorandum, it addresses "geometry" would be one left turn lane (southbound) into the project. There would be a separate left/right turn out. There would be a northbound thru and right lane. The loading spaces will be deferred to final. The bank parking spaces will be spread throughout the site. The lighting situation will meet the code. The applicant will comply with the rest of the comments in Mr. West's memo. Mr. Reid indicated that the Board is not approving buildings, but are approving a plan which may change, the details may change, and ordinances, etc. may change. The applicant will comply with the COAH regulations applicable at the time they need to be complied with.

The applicant did not receive an extension because they have a three-year approval. The applicant will notice upon return.

A motion was made to open the meeting to public comment by Mr. Lesniak and seconded by Ms. Ward at 9:15 p.m. All in favor. No public came forward. Therefore, a motion was made to close the public portion by Mr. Cettina and seconded by Ms. Ward at 9:16 p.m. All in favor.

Conditions summarized by Mr. Dasti:

- Amended site plan with five buildings, one of which is pre-existing;
- On-site issues will be addressed at the time of final;
- Applicant agrees to provide notice to all properties within 200 feet and notice via newspaper at the time of final site plan application for each of the remaining four lots (condominiums);
- The applicant will comply with the conditions set forth in Mr. West and Ms. Kooper's memorandums;

- If the applicant is not able to comply with reforestation on site, they will do the remainder off site;
- The applicant will address the detention basin areas to the reasonable satisfaction of the professional staff at the time of final or when the buildings are constructed.

A motion was made by Mr. Cettina and seconded by Mr. Lesniak to approve the application.

ROLL CALL:

AYES: Calcagno, Breyta, Lesniak, Ward, Cettina and McGowan

NAYS: None

There being six "AYE" votes, PB-08-01-02 Thompson Realty Co., of Princeton Inc. "Mercer Corporate Park" was approved.

A motion was made to adjourn the meeting by Mr. Cettina and seconded by Ms. Ward. All in favor. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Phyllis Persicketti
Recording Secretary

ADOPTED: JULY 16, 2008