

**WASHINGTON TOWNSHIP PLANNING BOARD MEETING
TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NJ
WEDNESDAY, MAY 28, 2008 7:00 P.M.
MINUTES**

Present: Chair McGowan, Ms. Caffrey, Mr. Cettina, Ms. Breyta, Ms. Ward, Mr. Calcagno,
Mrs. Van Nest

Absent: Mr. Lesniak, 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

No correspondence was given.

Board Comments

No Board comments were given.

Minutes

April 23 2008 - Eligible to Vote: Ms. Caffrey, Mr. Cettina, Ms. Breyta, Ms. Ward, Mrs. Van Nest and Chair McGowan. A motion was made by Mr. Cettina to approve the April 23, 2008 minutes as read and seconded by Ms. Breyta. All Board members were in favor.

Planning Update

At the last Council meeting, the VC zone was looked at to be possibly eliminated and making the area all highway commercial. Council did not take any action on this matter. The concern is that there are restrictions such as no drive-thru, no gas stations and no hotels, etc., which some of the things are allowed in highway commercial and not permissible in the VC zone.

Public Comment

A motion was made to open the meeting to the public by Ms. Ward and seconded by Mrs. Van Nest. All in favor. A motion was made to close the public portion by Mrs. Van Nest and seconded by Ms. Ward. All in favor.

Application PB05-10-01PF – KTR Capital Partners, LLC
Block 40, Lots 2, 3 & 5
West Manor Way
Zoning: PCD

Request for an Extension of the Approval for an Amended General Development Plan (GDP), Preliminary/Final Site Plan and Design Waiver

The applicant is requesting a one-year extension of the amended GDP, preliminary/final site plan and design waiver approval, which was previously granted by the Board on 4/26/08.

Mr. Dasti said this application was approved two years ago. The applicant's attorney, David Roskos sent a letter requesting a one year extension of the prior approval based upon the economy and permit issues. The Board would need to take a vote on the extension. There was no change in the zone and the extension was a permitted extension. Ms. Caffrey noted that since the time of approval there was activity on the (3rd round) COAH Rules. In some towns the warehouse extensions have not been granted because of the developer's reluctance to comply with the retroactive nature of the new rules. Mr. Dasti urged the Board to approve a one year extension.

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

ROLL CALL:

AYES: Caffrey, Breyta, Ward, Van Nest, Cettina and McGowan

NAYS: None

There being six (6) "AYE" votes, the application was approved.

Application PB08-03-01 – Matrix 7A Land Development Venture, LLC
Block 41, Lot 14
Intersection of Old York Road/Gordon Road/Montgomery Way/New Canton Way
Zoning: PCD

Public Hearing for Preliminary/Final Site Plan and Bulk Variance

The applicant is seeking approval of a preliminary/final site plan to construct a 1,039,500 square foot warehouse distribution building (MWT 800) on a 64.149 acre site located within the Matrix Business Park @ 7A.

Application PB07-04-11A – Matrix 7A Land Development Venture, LLC
Block 41, Lots 36, 37 & 14
Intersection of Montgomery Way/Old York Road/Gordon Road
Zoning: PCD

Public Hearing for Amended Preliminary/Final Major Subdivision

The application is proposing to amend the previously granted amended preliminary/final major subdivision, which was granted pursuant to Resolution PB2007-11, for the revised location of the GDP Connector Road to accommodate Block 41, Lot 15.01 and Block 41, Lot 14. Lot 14 will be reduced from 64.15 acres to 62.94 acres and Lot 36 will increase from 14.59 acres to 14.72 acres.

Chair McGowan said that both above applications will be combined.

Glen Pantel, Esq., appeared on behalf of the above applicant. The application seeks preliminary/final site plan approval for approximately 1,039,500 warehouse and office buildings, which will be similar

to the other buildings that have received site plan approval. The application conforms and one variance was sought with respect to lot coverage. The applicant will comply with the right-of-way request on Gordon Road. Several waivers are being requested.

Witnesses for the above application were listed as follows: Kenneth Griffin (Matrix); Edward Klimek, Architect; Richard Burrow, Engineer; Christine Cofone, Planner. The afore-mentioned witnesses were sworn in by Mr. Dasti.

Mr. Dasti said that the Board needs to formally accept as being deemed complete, the second of the two applications (amended preliminary/final major subdivision approval) due to the fact that the application came to the Board after the May 1, 2008 TRC meeting. A motion was made to deem the above application complete by Ms. Breyta and seconded by Mr. Cettina.

ROLL CALL:

AYES: Calcagno, Caffrey, Breyta, Ward, Van Nest, Cettina and McGowan

NAYS: None

There being seven (7) "AYE" votes, the above application was deemed complete.

Mr. Griffin testified that the building up for approval is similar to a previous building (MWT 700). **Exhibit A-1 Land Use Plan** in the Northeast Business Park, dated December 7, 2001, and revised on July 30, 2002, prepared by Michael McKenna was marked as an exhibit. Last year, the applicant received approval for a previous building, and as a result, a new private road was extended through the end of the property with anticipation for the current site plan. The subdivision reflects the extension of New Canton Road. The applicant is obligated to do improvements to Old York Road and the park entrance (which has been completed); improvements on Gordon Road have been completed; and a new traffic signal has been completed on Exit 7. Two residents are concerned with the noise factor and the applicant has signed an agreement with them whereby Matrix has agreed to do substantial landscaping to their properties. The time frame to complete the landscaping is six weeks and Mr. Griffin spoke to Stan Pierzhanowski (one of the residents) suggested that Matrix wait until late August/early September to provide the plantings. Matrix will be using a subcontractor landscaper for this project. The applicant will take care of the dead landscaping on the road. Signage will in place for trucks to make a "right" turn; a "no engine" breaking sign has also been installed. **Exhibit A-2 – Rendered Site Plan MWT 800** prepared by Langan Engineering on May 28, 2008 was marked.

Mr. Klimek, Architect, presented **Exhibit A-3 - Colored Elevations**, which was marked into evidence. The loading dock on Gordon Road was shown to be hidden with berming. Scale, focus and texture were introduced with respect to the architecture of the building. Textured panels and protruding elements (shadows) were introduced. **Exhibit A-4 – Colored Rendering** – dated May 24, 2008 was marked into evidence.

Richard Burrow, P.E., gave an overview of the site plan layout as well as the minor modification to the subdivision plan. **Exhibit A-5 – Overview of the Subdivision** dated 05/13/07 and revised 02/20/08 prepared by Martin Trella, P.E., was marked into evidence. **Exhibit A-6 – Proposed Subdivision Plan** was marked into evidence. Thirty-three percent of the parking will be banked. Lot coverage is proposed to be 67.43 percent (Lot 14). Access will be provided on John Henry Drive. There will 205 trailer parking spaces provided on site and 156 spaces will be on the north and south sides and 49 spaces on the northeast corner. Three directional signs will be provided. A waiver is being sought for

a six foot high fence to be located on the edge of the truck courts. The ordinance only allows a three foot high fence. The reason for the fence is that more tenants are requesting it as part of security (two front yards - Gordon & Old York Road). The applicant would only build a fence if a specific tenant required it. A berm will be constructed on Old York Road to be 10 to 15 ft. high on the entire frontage of Gordon Road (1,384 ft.) and Old York Road (719 ft.). **Exhibit A-7 – MWT 800 Berm Landscape Design**, prepared by Langan Engineering, **Exhibit A-8 – Landscaping Plan**, prepared by Langan Engineering, dated March 14, 2008 (eastern portion of the site) and **Exhibit A-9 – Landscaping Plan**, prepared by Langan Engineering, dated March 14, 2008 (western portion of the site) were marked into evidence. Street trees will be planted on Gordon Road. The planting on top of the berm will be 5 to 6 feet high.

The storm water is draining to the east of the site. Utilities will be provided on new Canton Way. Sixteen and a half feet of right-of-way will be dedicated toward Gordon Road. A waiver is being sought for parking and lighting. The waiver for the lights is based upon the spacing of the light poles (96 feet allowed – 117 feet requested). This spacing would decrease any adverse impact of lighting to the neighborhood. The lights on the building will be directed down with shoebox fixtures. The perimeter lights are 25 feet high. The truck circulation will come in on Montgomery Way and go up John Henry Drive and New Canton Way. A de minimus waiver was sought for the parking islands (9 feet wide).

Christine Cofone, PP, cited her credentials to the Board and addressed the coverage variance and technical waivers.

Ms. Cofone stated that a variance is needed for lot coverage and “C-1” and C-2” variances. The alignment of New Canton Road has caused the lot to be reduced in size. Waivers are needed for the loading spaces, fence height, parking (banked), signs (three), lighting fixtures, landscape islands and landscape buffer, and setbacks. The reason for the design waiver is to have less light fixtures (96 feet apart).

The applicant has no desire to build a fence. The wet pond area will be left open. Per Mr. Griffin, the truck areas will be fully enclosed, but the car parking area and the access road to the east will not be within the fence.

The applicant agreed with all of the conditions outlined in Mr. West’s review memorandum. There were still a few open conditions remaining in Ms. Kooper’s memorandum. Page 6- Item 5 – no changes will be made with respect to the architecture; Page 7 – Item E2 – 3 foot concrete protector will be installed. The Fire Department letter dated March 27, 2008 – Paragraph 2 – connection loop does not have to be provided at this time for fire protection. The applicant is working with SK development and will have an agreement with SK. However, if SK does not develop their project, then the applicant will build it before the last CO is obtained. As to the Roberts & Reymann letter dated April 23, 2008, the applicant agrees to comply. The applicant will agree with the water flow per person for the buildings. DEP base flow on square footage.

The Board took a brief five minute recess and reconvened at 9:00 p.m.

Mr. West indicated that one of the open issues is COAH, and whether the applicant complies with the current regulations or whether they comply with the 2% assessed value. Currently, an ordinance is

being drafted to amend the 2% to 3%, which should be introduced by Council at the June 12, 2008 meeting. Mr. West suggested that the applicant comply with the new ordinance at 3%. Mr. Pantel stated that the applicant would agree to pay up to 2½% and not more than that, based upon legislation. The applicant would be grandfathered in that their rights would be vested if the Board agrees. The applicant applied for preliminary and final approval. The State should be 2% and the local ordinance will be 3%; however, if the legislation passes at 2½%, that will settle the issue. If the legislation does not happen, then litigation will occur per Mr. Pantel. Mr. West commented that the above is a reasonable compromise, if the legislation will be 2½%.

Board Comments:

The perimeter light standards could be adjusted and 8-10 spikes will be in place.

A motion was made to open to the public by Mrs. Van Nest and seconded by Ms. Ward. All in favor.

Frank D'Amico, 50 Walters Road, operates the nursery across the street. His concern was the berm along Route 539. There are insects in the berm and he cannot sell some of products because of them. There is also a weed problem. Mr. West said that the landscape buffers are not maintained; however, dead trees and shrubs will be removed and replaced.

Tim Lynch, 435 Gordon Road, is concerned with potential noise decibel Level (.65 decibel is acceptable in the yard and house area) with trucks entering the site. The fence and berm is also an issue. Mr. West commented that the berm will address many of the noise issues.

A motion was made by Ms. Ward and seconded by Mr. Cettina to close to the public. All in favor.

Mr. Griffin said that along Old York Road the dead plantings will be removed and replaced and will be completed before the Board memorializes the resolution. Damaged landscaping creates bugs.

Conditions Outlined by Mr. Dasti:

- Applications for preliminary/final site and amended subdivision approval with variances and design waivers;
- Nine exhibits were submitted;
- Variance is the lot coverage issue (67.43% impervious coverage); It would be down to 64% if it were not for the 16½ foot dedication off Gordon Road and the realignment of New Canton Way; below 62% threshold, if the bank parking areas were not included (which will stay green and not paved); C-1 hardship due to the township requirement and lot coverage will not exceed 48% in terms of the entire park;
- Design waiver requests – size of the loading section; fence height (3 foot vs. 6 foot); applicant agreed to move the proposed red line fence so it connects to the northeast and southeast corner of the building so that the parking area to the east of the building will not be in the fenced in area; parking setback – closer than allowed; setback is a deviation from a private/nonpublic roadway; the applicant agreed to work with Mr. West regarding guard rails for wheel stops (safety issue); percentage of the banked parking area is more than normally allowed by the ordinance (a natural cut-off as to where it can be banked);
- Signs – one is permitted and three are proposed due to the size of the building and various streets coming into the parking lot;

- Landscaping island – 10 foot is required and 9 feet is proposed (9 feet is sufficient for the plantings to grow and more in line with the 9 foot wide parking space);
- Distance of light poles – 117 foot distance and the ordinance allows for 96 feet – to allow for less lights and less light issues; the lighting on the building will be about 32 feet high (shoebox) so that lighting points downward and the lighting on the poles in the parking lot will shoot towards the building;
- Testimony was provided that the applicant entered into a landscaping agreement with the neighbor across the street, and that landscaping will be taken care of on his property by the end of the summer;
- The applicant will comply with the requirements set forth in the Fire Department’s letter dated March 27, 2008, with the exception of the water main (paragraph 2). The water main will be looped and connected by Matrix or the adjoining developer; and Matrix will complete the look before the last CO is issued on the last building of the project;
- The applicant has agreed to the April 23, 2008 letter from the engineer for the township Division of Utilities, except for the manner in which the flow has been estimated (The applicant, town and Planning Board agree that the flow would be as per DEP regulations);
- The applicant has agreed to provide a 2% of assessed value payment to meet its Affordable Housing obligation. The payment would be issued at the time that the building permit is issued; the applicant will comply with the current ordinance at 2%, but if at the time of the building permit, either the local ordinance is controlled at higher than 2%, or the state legislation controls are higher than 2%, the applicant will go with the higher, but no more than 2½%;
- The applicant agrees to provide 8 to 10 foot trees in front of the two houses that are across the street on Gordon Road (in terms of the two houses – front porches) so that the impact will be lessened because in that area of the berm, the trees will start at 10 feet;
- The applicant agrees with all of the conditions outlined in Mr. West’s memorandum and Ms. Kooper’s memorandums;
- Waiver of the sign setback is because the setback applies to a private street;
- A request for the waiver in terms of the encroachment into the front setback is because the waiver is needed (16½ feet from Gordon Road).

A motion was made by Ms. Caffrey and seconded by Ms. Breyta to approve both applications with the conditions outlined by Mr. Dasti.

ROLL CALL:

AYES: Calcagno, Caffrey, Breyta, Ward, Van Nest, Cettina and McGowan

NAYS: None

There being seven (7) “AYE” votes, both applications were approved

With no other business before the Board, a motion was made by Mr. Cettina and seconded by Ms. Ward to adjourn the meeting at 9:40 p.m. All in favor. Meeting adjourned.

Respectfully submitted,

Phyllis Persicketti
Recording Secretary

ADOPTED: JULY 16, 2008